

**TITLE 6**

**HEALTH, PEACE, SAFETY AND SANITATION**

## TITLE 6

### HEALTH, PEACE, SAFETY AND SANITATION

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## Chapter 6.01

### LITTER

#### Sections:

<b>6.01.010</b>	<b>Definition</b>
<b>6.01.020</b>	<b>Acts and conditions prohibited</b>
<b>6.01.030</b>	<b>Enforcement</b>

**6.01.010 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, carcasses of dead animals, or any other waste material of an unsightly, unsanitary, nauseous, or offensive nature. (Ord. 1995-2, Chapter I, S1, Apr. 24, 1995)

#### **6.01.020 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. (Ord. 1995-2, Chapter I, S2A, Apr. 24, 1995)
- (2) The placing, causing or allowing to be thrown or disposed of, or the accumulation of, litter on private premises, such that the litter is capable of being carried or deposited by the elements upon any public place or other private premises. (Ord. 1995-2, Chapter I, S2B, Apr. 24, 1995)
- (3) The Town of Winslow shall have the power to abate the nuisance described in Section 6.01.010, under Code 36-1-6-4, by notifying all persons who have a substantial interest in the property and giving them thirty (30) days to abate the nuisance; and if they do not do so, the Town of Winslow shall have the power to enter upon the offending property, and remove the litter constituting the nuisance, and cause the cost of such abatement to be made a lien on the real estate. (Ord. 2017-01, S6.01.020, 2017) (Ord. 1995-2, Chapter II, S2, Apr. 24, 1995)

**6.01.030 Enforcement.** Any person who creates or maintains any nuisance prohibited by Section 6.01.020, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.12 of this Title, 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 Town of Winslow shall also have the power, instead of or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 2017-01, S6.01.030, 2017) (Ord. 1995-4, S1, Oct. 23, 1995) (Ord. 1995-2, Chapter I, S3, Apr. 24, 1995)

## Chapter 6.02

### DANGEROUS TREES, WALLS, POLES

#### Sections:

- 6.02.010 Acts and conditions prohibited
- 6.02.020 Enforcement

**6.02.010 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 persons or property, upon the public streets, or public ways, adjacent thereto, by the falling thereof, or of any parts thereof. (Ord. 1995-2, Chapter II, S1, Apr. 24, 1995)

**6.02.020 Enforcement.** The Town of Winslow shall have the power to abate the nuisance described in Section 6.02.010, under Ind. 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 Town 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 a lien on the real estate. (Ord. 1995-2, Chapter II, S2, Apr. 24, 1995)

## Chapter 6.03

### UNREASONABLE NOISE

#### Sections:

- 6.03.010 Acts prohibited
- 6.03.020 Enforcement

#### 6.03.010 Acts prohibited.

- (1) 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:
  - A. Unnecessary sounding of horns;
  - B. Racing the motor or causing the screeching or squealing of tires on a vehicle;
  - C. Operating vehicles with noise-making apparatus;
  - D. Operating sound tracks or public address systems;
  - E. Playing radios, phonographs, disc or tape players, or televisions unnecessarily loudly. (Ord. 2021-05, S6.03.010, May 24, 2021) (Ord. 1995-2, Chapter III, S1, Apr. 24, 1995)
- (2) Maximum permissible sound levels.
  - A. No person shall cause, suffer, allow, or permit the operation of any source of sound in such a manner as to create a sound level that equals or exceeds the sound level limits set forth, that being 75 dB, when measured at or within the real property line of any receiving property.
  - B. Television or music amplification shall not be operated in such a manner that is plainly audible at a distance of 25 feet in any direction from the operator between the hours of 10:00 pm and 8:00 am.
  - C. No person shall operate, cause to operate, or use a motor vehicle so as to cause noise levels above 80 dB as a result of a defective or modified exhaust system, acceleration, deceleration, revving or tire squeal.
  - D. The provisions of this chapter shall not apply to the following:
    1. Sound emitted by required emergency work, safety signals, or safety devices.
    2. Sound emitted by authorized emergency vehicles.
    3. Burglar alarms of motor vehicles.

4. Bells or chimes, including electronic devices that imitate the sound of bells or chimes while being used in conjunction with religious services.
  5. National Weather Services systems used to warn the community of weather events or public danger.
  6. Public celebrations, parades, events, and concerts which are school sponsored, government sponsored, or permitted by an authorized government entity, including, but not limited to, school marching bands and festivals.
  7. Use of fireworks or explosive devices on approved dates and times.
  8. Temporary construction and demolition activity.
  9. Lawn and garden equipment which is being operated between dawn and dusk, except that such equipment may not be operated prior to 7:00 am on Sunday.
  10. Sound emitted by trash and solid waste hauler.
  11. Sound emitted by authorized municipal vehicles while in performance of official municipal functions.
  12. Sound emitted by cats, dogs, and any other common pets, except for repeated and prolonged sound by such animals between 9:00 pm and 6:00 am. (Ord. 2021-05, S6.03.010, May 24, 2021)
- (3) Measurement protocols.
- A. Measurement shall be taken at or within the real property line of the affected person or entity.
  - B. Measurements shall, to the extent practicable, be taken without interfering noise sources from the affected residence.
  - C. The investigator shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
  - D. The sound level meter shall be recalibrated at least once per year and a copy of written documentation of such recalibration shall be kept on file. (Ord. 2021-05, S6.03.010, May 24, 2021)

**6.03.020 Enforcement.** Any person who creates or maintains a nuisance prohibited by Section 6.03.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.12 of this Title, 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 Town of Winslow shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1995-4, S2, Oct. 23, 1995) (Ord. 1995-2, Chapter III, S2, Apr. 24, 1995)

## Chapter 6.04

### OPEN HOLES

#### Sections:

- 6.04.010**      **Acts and conditions prohibited**
- 6.04.020**      **Enforcement**

**6.04.010 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. 1995-2, Chapter IV, S1, Apr. 24, 1995)

**6.04.020 Enforcement.** Any person who creates or maintains a nuisance prohibited by Section 6.04.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.12 of this Title, 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 Town of Winslow shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1995-4, S3, Oct. 23, 1995) (Ord. 1995-2, Chapter IV, S2, Apr. 24, 1995)

## Chapter 6.06

### REMOVAL OF WEEDS AND RANK VEGETATION

#### Sections:

6.06.010	Unlawful to permit weeds and rank vegetation
6.06.020	Weeds and rank vegetation defined
6.06.030	Enforcement procedure
6.06.040	Penalty for violation
6.06.050	Payment of costs and fees
6.06.060	Rights of appeal
6.06.070	Reservation of all other rights
6.06.080	Provisions severable
6.06.090	Effective Date

**6.06.010 Unlawful to permit weeds and rank vegetation.** All owners of real property located within the Town of Winslow shall cut and remove weeds and other rank vegetation growing on their property, with such frequency as required to at all times comply with this Chapter. (Ord. 02-06, S6.06.010, May 13, 2002)

**6.06.020 Weeds and rank vegetation defined.** For purposes of this Chapter, weeds and rank vegetation are defined as thistles, burdock, jimson, weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, regardless of their height, grass or other weeds exceeding a height of twelve inches (12”), shrubs or any growth of any height where such shrub’s or growth’s height and location creates an unreasonable unsafe obstruction of the sight lines of vehicles at any intersection. Weeds and rank vegetation does not include agricultural crops, including hay and pasture, unless such growing crops create an unreasonable unsafe obstruction of the sight lines of vehicles at an intersection. (Ord. 02-06, S6.06.020, May 13, 2002)

**6.06.030 Enforcement procedure.** The Clerk-Treasurer or her designated representative shall send a written notice of violation of this Chapter along with a copy of the Chapter. Such notice shall be sent to the owners and addresses as listed in the office of the County Treasurer and may also be mailed or delivered as the Clerk-Treasurer determines, including service by the Town Marshall or other Town employee upon owners of other parties with an interest in the property. If the owners do not correct the violation within ten (10) days or notice being issued, the Clerk-Treasurer may cause Town employees or contractors to enter upon the property and correct the violation. (Ord. 02-06, S6.06.030, May 13, 2002)

**6.06.040 Penalty for violation.** Upon noted violation, the resident, if applicable, and property owner will be notified of such violation. The above mentioned will have (30) thirty days to comply with the ordinance. After the (30) thirty days, the Town of Winslow, will then perform the service required per the ordinance, Once the decision has been made to complete the service, a lien will be placed on the said property at the Pike County Recorder’s office.

The cost set forth for such services conducted by the Town of Winslow will be determined by the town council. Fees will include but not limited to recording fee, release fee, and charges for labor and materials.

Per occurrence	\$ 300.00
Recording fee	\$ 12.00
Release fee	\$ 12.00

All mentioned fees shall be paid at the Recorders office, located in Petersburg, Indiana. (Ord. 2014-6.07, Aug. 11, 2014) (Ord. 2014-6.06, Mar. 10, 2014) (Ord. 02-06, S6.06.040, May 13, 2002)

**6.06.050 Payment of costs and fees.** The Clerk-Treasurer may issue a bill for all costs incurred in correcting a violation of this Chapter, including removal costs and administrative costs. Issuance of such a bill shall be to property owners in the same manner as notice of violation. If such bill is not paid within ten (10) days of issuance, the Clerk-Treasurer may certify to the County Auditor the amount of the bill, plus any administrative costs incurred in the certification and may file a lien against the property for the costs of removal. (Ord. 02-06, S6.06.050, May 13, 2002)

**6.06.060 Rights of appeal.** Property owners or other responsible parties shall have the right to appeal the issuance of a notice of violation, penalty, or issuance of a bill, provided they file a written appeal with the Clerk-Treasurer within ten (10) days of the issuance of a notice or bill. All appeals will be scheduled and heard by the Town Council. The Town Council may modify, condition or withdraw the notice of violation, penalty, or bill in any manner they deem appropriate. (Ord. 02-06, S6.06.060, May 13, 2002)

**6.06.070 Reservation of all other rights.** Nothing in this Chapter shall be construed to limit the Town's enforcement of this Chapter, including the Town's right to seek immediate injunctive relief in emergencies or to respond to repeated violations. The Town may pursue all or some of its remedies as allowed by law, and no failure on the part of the Town to pursue some or all of its remedies for any particular violation shall affect its rights or remedies as to any future violation related to the same or different owners or the same or different property. The Town may recover its attorney fees and costs expended to enforce or defend its enforcement activities. (Ord. 02-06, S6.06.070, May 13, 2002)

**6.06.080 Provisions severable.** If any section or part of this Chapter is declared invalid or unconstitutional by any court of competent jurisdiction, such section or part shall be deemed separate, distinct and independent and such holding shall not affect the validity of any remaining sections or parts which can be given full force and effect. (Ord. 02-06, S6.06.080, May 13, 2002)

**6.06.090 Effective Date.** This Chapter shall be in full force and effect upon its passage and thirty (30) days after its publication as provided by law. (Ord. 02-06, S6.06.090, May 13, 2002)

## Chapter 6.08

### BURNING ON PUBLIC RIGHTS OF WAY

#### Sections:

- 6.08.010 Acts prohibited
- 6.08.020 Enforcement

**6.08.010 Acts prohibited.** The burning of any trash, leaves or other matter, upon any street or alley in the Town. (Ord. 1995-2, Chapter VIII, S1, Apr. 24, 1995)

**6.08.020 Enforcement.** Any person who creates or maintains a nuisance prohibited by Section 6.08.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.12 of this Title, 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 Town of Winslow shall also have the power, instead of, or in addition to, the \$50.00 fine, to abate such a nuisance, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation. (Ord. 1995-4, S6, Oct. 23, 1995) (Ord. 1995-2, Chapter VIII, S2, Apr. 24, 1995)

## Chapter 6.09

### BURNING ON PRIVATE PROPERTY

#### Sections:

6.09.010	Comply with state law
6.09.020	Open Burning for Maintenance Purposes
6.09.030	Permissible of Open Burning without Permit
6.09.040	Conditions of Open Burning
6.09.050	Enforcement
6.09.060	Abatement
6.09.070	Penalties, Fees
6.09.080	Authority
6.09.090	Construction of Clause Headings
6.09.100	Repeal of Conflicting Ordinances
6.09.110	Severability
6.09.120	Duration and Effective Date

**6.09.010 Comply with state law.** The purpose of this Chapter is to incorporate Indiana statutes and regulations concerning open burning and is specifically addressed to clarify 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 shall be deemed amended, to comply with Indiana statutes and regulations, as those statutes and regulations may subsequently be amended. (Ord. 2021-04, S6.09.060, May 24, 2021) (Ord. 2021-03, S6.09.060, May 24, 2021) (Ord. 1995-2, Chapter IX, S1, Apr. 24, 1995)

**6.09.020 Open Burning for Maintenance Purposes.** A person may open burn the following for maintenance purposes:

- (1) Vegetation from:
  - A. a farm;
  - B. an orchard;
  - C. a nursery;
  - D. a tree farm;
  - E. a cemetery; or
  - F. a drainage ditch.
- (2) Vegetation from agricultural land if the open burn occurs in an unincorporated area.
- (3) Wood products derived from pruning or clearing a roadside by a county highway department.

- (4) Wood products derived from the initial clearing of a public utility right-of-way if the open burn occurs in an unincorporated area.
- (5) Undesirable:
  - A. wood structure on real property; or
  - B. wood remnants of the demolition of a predominantly wooden structure originally located on real property; located in an unincorporated area.
- (6) Permit authorization in writing that is approved by the Fire Chief or their designee shall be on site at the time of the permitted fire and a copy is given to the Town of Winslow at least 24 hrs before conducting the open burning, may open burn with exemption.
- (7) All exemptions shall be subject to the following:
  - A. A garden hose connected to a water supply, buckets, shovel, fire extinguisher or other approved fire-extinguishing equipment shall be readily available at the burn site.
  - B. Only wood or other material deemed appropriate by the Fire Chief shall be burned in accordance with IAC 4-1-3.
  - C. A fire shall be attended by a responsible party as listed on the burn permit at all times until completely extinguished.
  - D. If open burning creates a smoke nuisance, or a hazardous condition exists, the open burning shall be immediately extinguished.
  - E. A fire shall be located at least 25 feet away from any structure, fence or right of way. (Ord. 2022-02, S1, Mar. 14, 2022)

**6.09.030 Permissible of Open Burning without Permit.** Open burning on private residential property is allowed without permit for the following purpose and materials:

- (1) Open-flaming cooking devices, charcoal burners and other open-flame cooking devices shall be
  - A. fuel by clean untreated wood or;
  - B. fuel by propane gas and;
  - C. shall not operate on combustible balconies
  - D. shall not operate within 10 feet (3049 mm) of combustible construction
  - E. Exemptions
    1. One and two-family dwellings.
    2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
- (2) Fire Pits and Outdoor Fireplace

- A. Fire Pits: are either a permanently affixed outdoor fire receptacle or a portable fire receptacle.
- B. Outdoor Fireplace: An enclosed and permanently affixed outdoor fire receptacle, which incorporates affixed chimney or flue, and is constructed of brick, rock, or other masonry.
  - 1. Regulations governing the use of fire pits and outdoor fireplaces to insure safety, prevent fires and minimize nuisance to neighbors.
  - 2. The use of fire pits and outdoor fireplaces (collectively “fire pits” hereafter) are to conform to the following regulations:
    - (a) Burning shall be contained in a non-combustible receptacle that is sufficiently vented to induce adequate combustion and have enclosed sides and a bottom. Receptacle shall be made of cement, brick, clay or sheet metal with a minimum 18-gauge thickness.
    - (b) The fire box must be covered with heavy gauge metal screen with openings not larger than ½ inch to contain sparks.
    - (c) The size of the box shall not exceed 40 inches in any dimension.
    - (d) The fire pit must be located a minimum of 20 feet from any combustible material, such as buildings, porches and decks.
    - (e) The use of the fire pit shall not cause any building fire alarm system to activate.
    - (f) Fire pits cannot be placed on combustible decks or apartment balconies.
    - (g) Fire pits must be situated on a non-combustible surface.
    - (h) Fire pits shall be clear of overhangs, such as tree branches, utility lines and structures, including tents and canopies.
    - (i) Fire pits must be attended and supervised by a competent adult property owner/resident/tenant until the fire has been completely extinguished. A legal resident/tenant of a property may use a fire pit in accordance with this section as long as the property owner or assigned management company grants written permission to the legal resident/tenant.
    - (j) Any person who uses a fire pit shall have means of extinguishing the fire readily accessible at all times.

- (k) The only permitted fuels are charcoal, clean fire wood or manufactured logs.
- (l) Materials that cannot be burned include, but are not limited to:
  - i. waste including rubbish or scrap,
  - ii. slimes,
  - iii. manure,
  - iv. treated or painted lumber,
  - v. livestock or animal carcasses,
  - vi. tailings,
  - vii. garbage,
  - viii. garden refuse or scrap,
  - ix. any hazardous material or dangerous good, or
  - x. any material that generates black smoke or an offensive odor, including
    - I. insulation from electrical wiring,
    - II. rubber tires,
    - III. asphalt shingles,
    - IV. hydrocarbons,
    - V. plastics, and
    - VI. lumber treated with wood preservatives.
- (m) Fire pits must be extinguished if smoke causes an unreasonable interference with the use and enjoyment of another person's property.
- (n) Fire pits shall not be used in windy conditions where wind speed exceeds 15 miles per hour.
- (o) In the event the Fire Chief, County Commissioners, or State Fire Marshal issues a burn ban, the use of the fire pits will be prohibited.
- (p) Paper or petroleum products can be used for ignition purposes only.
- (q) The fire shall be extinguished upon the conclusion of the activity. (Ord. 2022-02, S2, Mar. 14, 2022) (Ord. 2021-04, S6.09.060, May 24, 2021) (Ord. 2021-03, S6.09.060, May 24, 2021)

**6.09.040 Conditions of Open Burning.** All open burning that is allowed under this chapter must comply with the following conditions:

- (1) A person who open burns any material shall extinguish the fire if the fire creates a nuisance or fire hazard.
- (2) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions, or air stagnation.
- (3) All fires must be attended at all times during burning until completely extinguished.
- (4) All asbestos containing materials must be removed before the burning of a structure.
- (5) Asbestos containing materials may not be burned.
- (6) Burning shall be done during the hours of 8:00 am – 10:00 pm.
- (7) Except as provided under section 6.09.020 and section 6.09.030 of this chapter, all burning must comply with state and federal laws. (Ord. 2022-02, S3, Mar. 14, 2022) (Ord. 2021-04, S6.06.060, May 24, 2021) (Ord. 2021-03, S6.09.060, May 24, 2021)

**6.09.050 Enforcement.** The Police Department or Fire Chief shall be charged with the duty of enforcing the terms of this chapter by the issuance of a citation. (Ord. 2022-02, S3, Mar. 14, 2022) (Ord. 1995-4, S7, Oct. 23, 1995) (Ord. 1995-2, Chapter IX, S2, Apr. 24, 1995)

**6.09.060 Abatement.**

- (1) Upon recommendation of the Fire Chief may require the abatement of the nuisance by ordering the building closed to the public and evacuated, which order shall be enforced by the police department.
- (2) Upon recommendation of the Fire Chief the violator may extinguish the fire at their own cost to prevent a fee.
- (3) Upon recommendation of the Fire Chief the violation may be extinguished by the fire department and any fees within the Town may be applied. (Ord. 2022-02, S4, Mar. 14, 2022)

**6.09.070 Penalties, Fees.**

- (1) Any person who maintains burning of combustible materials out of doors or open burning not permitted in ordinance shall be in violation of this chapter. The penalty shall be \$50. If the violator does not appear in response to a notice issued to them or placed in a noticeable location at the place of residence, business, or burn site within a period of 30 calendar days from date and time shown on said notice, the penalty shall be \$75.
- (2) Any person who recklessly, knowingly or intentionally kindles, or maintains any open burning consisting of a trash fire, leaf fire, bonfire, refuse fire, or

other open burning that damages property of another person or spreads to property of another person may be liable for criminal mischief.

- (3) Burning other than mentioned in this article may be permitted provided a variance pursuant to 326 IAC 4-1-1 has been approved and received from the Indiana Department of Environmental Management. Burning must meet the restrictions of the variance. The variance must be registered with the Fire Department and on the burn site for verification.
- (4) Penalties for violations of this chapter do not preclude the Department of Environmental Management from seeking legal action for violations of 326 IAC 4-1.
- (5) Liability for fire. Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire may not refute liability for violation of this chapter on the basis that said fire was set by vandals, accidental or an act of God.
  - A. There is hereby established the following citation schedule of penalties for violations of the provisions of this chapter. Penalties shall be paid to the Town of Winslow Ordinance Violations Bureau who shall deposit the funds in the Public Safety Fund of the Town of Winslow. (Ord. 2022-02, S5, Mar. 14, 2022)

**6.09.080 Authority.** Nothing contained in this chapter is intended to grant any power to any local government unit, agency, department, or commission, or to regulate any activity, which grant of power or regulation of activity is not authorized or permitted by state law. (Ord. 2022-02, S7, Mar. 14, 2022)

**6.09.090 Construction of Clause Headings.** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit, or extend the scope or intent of the clause to which they pertain. (Ord. 2022-02, S8, Mar. 14, 2022)

**6.09.100 Repeal of Conflicting Ordinances.** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed. (Ord. 2022-02, S9, Mar. 14, 2022)

**6.09.110 Severability.** If any part of this Chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Chapter. (Ord. 2022-02, S10, Mar. 14, 2022)

**6.09.120 Duration and Effective Date.** The provisions of this Chapter shall become effective immediately and remain in full force and effect until repeal by the ordinance. (Ord. 2022-02, S11, Mar. 14, 2022)

## Chapter 6.10

### NUISANCES CREATED BY OTHERS

#### Sections:

#### **6.10.010**      **Liabe parties**

**6.10.010 Liabe parties.** For the purposes of this ordinance, the owner or operator of the affected property shall be liable for the conduct or conditions created or contributed to by their agents, representatives, licensees, invitees, guests or other public who enter upon the property. (Ord. 1995-2, Chapter X, S1, Apr. 24, 1995)

## Chapter 6.11

### INSPECTION OF PREMISES

#### Sections:

#### 6.11.010 Reporting violations

**6.11.010 Reporting violations.** For the purpose of carrying out the provisions of Ordinance 1995-2, it is hereby made the duty of all officers and employees of the Town of Winslow, to report the existence of nuisances to the Winslow Town Council, or the Winslow Town Marshall, and for this purpose, the Winslow Town Marshall, or other employees designated by the Town Board, 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 Town, to ascertain and discover any such nuisances and make examination thereof. (Ord. 1995-2, Chapter XI, S1, Apr. 24, 1995)

## Chapter 6.12

### ABATEMENT OF NUISANCES

#### Sections:

- 6.12.010 Notice
- 6.12.020 Refusal or neglect to abate
- 6.12.030 Manner of notification

**6.12.010 Notice.** In any case where any nuisance may be found to exist, the Town Marshall 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. In determining the specified date in the notice, the Town Marshall shall consult with the Town Executive, 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 Town Marshall to designate in said notice the manner in which any nuisance shall be abated, unless the Town Executive deems it advisable to do so. (Ord. 1995-2, Chapter XII, Apr. 24, 1995)

**6.12.020 Refusal or neglect to abate.** 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 Town shall proceed to enforce this ordinance as provided by the applicable enforcement Section for that violation. If the nuisance is abated within the time designated in said notice, then the Town shall not seek further penalty for that specific incident of violation. (Ord. 1995-2, Chapter XII, Apr. 24, 1995)

**6.12.030 Manner of notification.** The requirement for service of notice under the provisions of Section 6.12.010 of this Chapter 6.12, shall be complied with by first attempting personal service of a written notice by the Town Marshall 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. 1995-2, Chapter XII, Apr. 24, 1995)

## Chapter 6.14

### ENGINE BRAKES

#### Section:

- 6.14.010      **Operation of Engine Brakes Declared a Nuisance**
- 6.14.020      **Prohibition**
- 6.14.030      **Use Permitted in Emergency Situations**
- 6.14.040      **Penalties**

**6.14.010 Operation of Engine Brakes Declared a Nuisance.** The Town of Winslow, Pike County, Indiana, finds as a fact that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with adequate exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely affects the public health, peace, safety and welfare of the residents of the Town of Winslow, and therefore, is a nuisance in fact. (Ord. 2012-06, S1, undated)

**6.14.020 Prohibition.** No gasoline powered or diesel powered motor vehicle shall be operated within the Town of Winslow, Pike County, Indiana, utilizing, in said operation, an engine brake, permitting excessive noise to be created by said motor vehicle. (Ord. 2012-06, S2, undated)

**6.14.030 Use Permitted in Emergency Situations.** This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Town of Winslow, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation. (Ord. 2012-06, S3, undated)

**6.14.040 Penalties.** Any driver and/or the firm or corporation for whom the driver is employed who shall violate any provision of this Chapter, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$50.00 1<sup>st</sup> offense, \$75.00 2<sup>nd</sup> and \$100.00 3<sup>rd</sup>. (Ord. 2012-06, S4, undated)

## Chapter 6.19

### PRIVIES UNLAWFUL/SANITARY FACILITIES

#### Sections:

6.19.010	Depositing human excrement upon premises unlawful
6.19.020	Sanitary facilities
6.19.030	Official notice to provide sanitary facilities
6.19.040	Installation and maintenance of facilities
6.19.050	Penalty for violation
6.19.060	Failure to comply

**6.19.010 Depositing human excrement upon premises unlawful.** Be it ordained by the Board of Trustees of the Incorporated Town of Trustees of the Incorporated Town of Winslow, Indiana, that it shall be unlawful for any person, persons, firm or corporation, to place or deposit any human excrement upon the premises in an unsanitary manner, or to elect, construct, maintain, or permit, upon their premises, privies, vaults, cesspools, pits, or like places, which are unsanitary, or which are foul or malodorous; and that such conditions constitute a public nuisance. (Ord. unnumbered, S1, Feb. 6, 1939)

**6.19.020 Sanitary facilities.** Every inhabitable dwelling, business house, boarding house, lodging house, eating place, tenement, shop, factory, public hall, place of amusement, and public buildings, in the Town of Winslow, Indiana, shall be provided with a sanitary toilet. Where sanitary sewers are within 150 feet of said property, sanitary inside or outside water flushed toilets shall be installed and connected to the sewer system, where sewerage facilities are not this available a sanitary privy, or privies, shall be provided. For the purpose of this Ordinance, a sanitary privy shall be deemed to be a privy so constructed and maintained:

- (1) That flies, insects, rats or small domestic animals cannot gain access to the waste material;
- (2) That the surface or ground water cannot enter the pit or vault;
- (3) So located that waste material in the privy cannot contaminate a water supply by underground or surface drainage. (Ord. unnumbered, S2, Feb. 6, 1939)

**6.19.030 Official notice to provide sanitary facilities.** Within a period of thirty days after receiving an official order in writing from the Secretary of the Board of Health, it shall be the duty of the owner of the premises to provide said sanitary inside or outside water flushed toilets or sanitary privies as may be needed. Such official notice shall be served upon the tenant and owner, or upon the owner's rental agent for the premises, but may served upon any person who may have by contract with the owner assumed the duty of doing those things which the order may specify. (Ord. unnumbered, S3, Feb. 6, 1939)

**6.19.040 Installation and maintenance of facilities.** It shall be the duty of the occupant or owner of the premises to install and maintain water-flushed toilets or privies in accordance with the attached rules and regulations prescribed by the Indiana State Board of Health and the Administrative Building Council of Indiana. (Ord. unnumbered, S4, Feb. 6, 1939)

**6.19.050 Penalty for violation.** Any person, persons, firm or corporation who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than ten dollars (\$10.00) nor more than thirty dollars (\$30.00), and each day's violation of any such provisions may constitute a separate and distinct offense. (Ord. unnumbered, S5, Feb. 6, 1939)

**6.19.060 Failure to comply.** Upon refusal or neglect of any owner, agent, person, firm or corporation having ownership, lease, rental or control over any property, either in full, or part, to obey said order then the Department of Law in the Town of Winslow upon receiving the information from said Secretary of Board of Health shall attend to all legal proceedings for enforcement pursuant to the terms of this Ordinance. (Ord. unnumbered, S6, Feb. 6, 1939)

## Chapter 6.22

### FIREWORKS

#### Sections:

- 6.22.010 Zone where discharging fireworks is prohibited**
- 6.22.020 Fireworks discharged between 9:00 p.m. and 7:00 a.m. unlawful**
- 6.22.030 Penalty for violation**

**6.22.010 Zone where discharging fireworks is prohibited.** Be it ordained by the Board of Trustees of the Town of Winslow, Pike County, Indiana, that it shall be unlawful for any person, firm, corporation or group of persons, to shoot or in any manner discharge any fireworks in the Town of Winslow in a certain zone bounded on the north by North Street, on the south by Union Street, on the east by Walnut Street and on the west by Mill Street at any time; that fireworks under this Ordinance shall be defined as any gun, fire cracker, Roman candle or any other explosive that makes a noise or possesses any fire that might in any manner cause a fire to be started therefrom or any other explosive that makes a noise. (Ord. unnumbered, part, Dec. 7, 1936)

**6.22.020 Fireworks discharged between 9:00 p.m. and 7:00 a.m. unlawful.** Any be it further ordained that it shall be a violation of this Ordinance for any person, firm, corporation or any group of persons to explode any fireworks in the corporate limits of the said Town, fireworks being defined as above set out, between the hours of nine (9) o'clock, P.M. and seven (7) o'clock, A.M. (Ord. unnumbered, part, Dec. 7, 1936)

**6.22.030 Penalty for violation.** And be it further Ordained, that any person convicted under this Ordinance shall be fined in any sum not less than (\$1.00) dollar nor more than ten (\$10.00) dollars for each and every offense. (Ord. unnumbered, part, Dec. 7, 1936)

## Chapter 6.26

### CURFEW

#### Sections:

#### 6.26.010 Curfew times declared

**6.26.010 Curfew times declared.** The Town of Winslow declares that the established curfew times are not reasonable for the public safety under the conditions found to exist in the Town and hereby advance the curfew times within the jurisdiction of the Town to the following in accordance with Subdivision (d), I.C. 31-6-4-2.

- (1) It is a curfew violation for a child thirteen (13), fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:
  - A. Between 12:00 PM and 5:00 AM on Friday and Saturday or Saturday and Sunday;
  - B. After 10:00 PM on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
  - C. Before 5:00 AM on Monday, Tuesday, Wednesday, Thursday, or Friday.
- (2) It is a curfew violation for a child under thirteen (13) years of age to be in a public place after 10:00 PM or before 5:00 AM on any day.
- (3) This section does not apply to a child who is:
  - A. Accompanied by his parents, guardian or custodian;
  - B. Accompanied by an adult specified by his parents, guardian or custodian; or
  - C. Participating in or returning from lawful employment or a lawful athletic, educational, entertainment, religious, or social event. (Ord. 80-001, Aug. 4, 1980)

## Chapter 6.28

### LOITERING

#### Sections:

6.28.010	Loitering
6.28.020	Unlawful assembly
6.28.030	Permitting minors to become loiterers
6.28.040	Failure of police officer to comply with proper procedure
6.28.050	Person's explanation deemed true at trial
6.28.060	Probable cause to assume violation
6.28.070	Penalty for violation
6.28.080	Exception
6.28.090	Effective date

**6.28.010 Loitering.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public way, street, highway, place or alley and refuse to obey the lawful command of a police officer to move on or provide to such police officer a lawful reason for remaining on such public way, street, highway, place or alley if the alleged loitering by such person would create or cause to be created any of the following:

- (1) Danger of a breach of the peace;
- (2) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
- (3) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
- (4) The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety. (Ord. 1998-4, S(a), Nov. 23, 1998) (Ord. 1980-002, S1, S2, Aug. 30, 1980)

**6.28.020 Unlawful assembly.** No person who is a member of a group of three (3) or more persons who are loitering or prowling in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in a public way, street, highway, place or alley, shall refuse the lawful command of a police officer to move or provide to the police officer a lawful reason for remaining in a public way, street, highway, place or alley, whether such group is stationary or in transit, if the alleged loitering would create or cause to be created any of the following:

- (1) Danger of a breach of the peace;
- (2) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
- (3) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
- (4) The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety. (Ord. 1998-4, S(b), Nov. 23, 1998)

**6.28.030 Permitting minors to become loiterers.** It shall be unlawful for any parent, guardian or other person having the custody or control of any minor to permit, allow or encourage such minor to become a common loiterer on any street, alley or other public place, or in any business or commercial establishment, or in any place of public resort. (Ord. 1998-4, S(c), Nov. 23, 1998)

**6.28.040 Failure of police officer to comply with proper procedure.** No person shall be convicted under this ordinance if the police officer fails to comply with the procedure outlined herein. (Ord. 1998-4, S(d), Nov. 23, 1998)

**6.28.050 Person's explanation deemed true at trial.** No person shall be convicted under this ordinance if it appears at trial that the explanation given by the person is true and, if believed by the police, would:

- (1) Have dispelled the fear for human safety;
- (2) Have dispelled the concern for safety of property;
- (3) Have dispelled the fear of a breach of the peace;
- (4) Have provided a justifiable reason for obstructing vehicular or pedestrian traffic, subject to the discretion of the hearing body. (Ord. 1998-4, S(e), Nov. 23, 1998)

**6.28.060 Probable cause to assume violation.** If a person takes flight upon appearance of a police officer who identifies himself as such, or if a person refuses to identify himself, or attempts to conceal himself, such police officer has probable cause to believe a violation of this ordinance has occurred. (Ord. 1998-4, S(f), Nov. 23, 1998)

**6.28.070 Penalty for violation.** The first violation of this ordinance in any calendar year shall be subject to admission of violation and payment of a civil penalty of \$100.00 through the Winslow Ordinance Violations Bureau, created by Town of Winslow Ordinance #1995-3. The first violation, if not admitted, and all second and subsequent violations in the calendar year, shall be prosecuted pursuant to Indiana Code §34-28-5-1 et. seq. Any person

who is found to have violated this ordinance shall be subject to a fine as determined by the court, not to exceed \$2,500.00 per violation. (Ord. 1998-4, S(g), Nov. 23, 1998) (Ord. 1980-002, S3, Aug. 30, 1980)

**6.28.080 Exception.** The provisions of this Ordinance shall not apply to solicitation for any lawful business or any lawful charity. (Ord. 1998-4, S(h), Nov. 23, 1998)

**6.28.090 Effective date.** This ordinance shall be in full force and effect from and after its publication, as provided by law.

Duly passed and adopted by the Town Council of the Town of Winslow, Indiana, on the 23<sup>rd</sup> day of November, 1998. (Ord. 1998-4, S(i), Nov. 23, 1998)

## Chapter 6.38

### ABANDONED VEHICLES

#### Sections:

6.38.010	Compliance with state laws and regulations
6.38.020	Establishment of Abandoned Vehicle Department
6.38.030	Definitions
6.38.040	Exempt vehicles
6.38.050	Responsibility of owner
6.38.060	Vehicle in possession of a non-owner
6.38.070	Tagging abandoned vehicle or parts
6.38.080	Self-help by owner of rental property
6.38.090	Abandoned vehicle report
6.38.100	Duties of the Bureau of Motor Vehicles
6.38.110	Sales by the Bureau of Motor Vehicles or the Department
6.38.120	Bill of sale
6.38.130	Removal and storage costs
6.38.140	Proceeds of sale
6.38.150	Abandoned Vehicle Fund
6.38.160	Allowable charges for towing and storage
6.38.170	Power to facilitate Ordinance
6.38.180	Immunity from liability
6.38.190	Approved towing service and storage facility

**6.38.010 Compliance with state laws and regulations.** The Town of Winslow intends that this Ordinance shall not conflict with any provision of Indiana law or regulation, and if Indiana statutes or regulations are amended, to conflict with any provision in this ordinance, then this Ordinance shall be considered amended, to comply with the amendments to statutes or regulations. (Ord. 2000-01, SI, Mar. 27, 2000)

**6.38.020 Establishment of Abandoned Vehicle Department.**

- (1) There is hereby established the Winslow Abandoned Vehicle Department pursuant to IC 9-22-1-3, which shall be authorized and responsible for the administration of the provisions of this ordinance pertaining to the removal, storage and disposal of abandoned vehicles and parts. (Ord. 2000-01, SII 1, Mar. 27, 2000)
- (2) The Winslow Abandoned Vehicle Department shall consist of the Winslow Executive, the Winslow Town Marshall and Deputy Marshall, and the Winslow Superintendent of the Street Department. (Ord. 2000-01, SII 2, Mar. 27, 2000)

### 6.38.030 Definitions.

- (1) "Vehicle" has the meaning stated in IC 9-13-2-196 (d), and refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle; and as those terms are defined in IC 9-13-2. (Ord. 2000-01, SIII 1, Mar. 27, 2000) (Ord. 9-22-80, S2(a), Nov. 3, 1980)
- (2) "Abandoned vehicle" has the meaning stated in IC 9-13-2-1, as follows:
  - A. A vehicle located on public property illegally.
  - B. A vehicle left on public property without being moved for three (3) days.
  - C. 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.
  - D. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
  - E. 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.
  - F. 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 the abandoned vehicle law, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
  - G. A vehicle that is at least three (3) 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. (Ord. 2000-01, SIII 2 a-g, Mar. 27, 2000) (Ord. 9-22-80, S2b, Nov. 3, 1980)
- (3) "Parts" has the meaning stated in IC 9-13-2-122, and refers to all components of a vehicle that, as assembled, do not constitute a complete vehicle. (Ord. 2000-01, SIII 3, Mar. 27, 2000)
- (4) "Officer" has the meaning stated in IC 9-22-1-2, as follows:
  - 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 deputy marshal.
  - D. A regular member of the county police force.
  - E. An individual of an agency designated by ordinance of the fiscal body.

Each member of the Winslow Abandoned Vehicle Department is an officer for the purpose of enforcing this ordinance. (Ord. 2000-01, SIII 4 a-e, Mar. 27, 2000)

**6.38.040 Exempt vehicles.** This ordinance does not apply to a vehicle described in IC 9-22-1-1, as follows:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways. (Ord. 2000-01, SIV 1, Mar. 27, 2000)
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment. (Ord. 2000-01, SIV 2, Mar. 27, 2000)
- (3) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility. (Ord. 2000-01, SIV 3, Mar. 27, 2000)
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard. (Ord. 2000-01, SIV 4, Mar. 27, 2000) (Ord. 9-22-80, S5, Nov. 3, 1980)
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle. (Ord. 2000-01, SIV 5, Mar. 27, 2000)

**6.38.050 Responsibility of owner.** The person who owns an abandoned vehicle or parts is responsible for the abandonment and is liable for all of the costs incidental to their removal, storage, and disposal. (Ord. 2000-01, SV, Mar. 27, 2000)

**6.38.060 Vehicle in possession of a non-owner.** When an officer discovers a vehicle in the possession of a person, other than the person who owns the vehicle, and the person cannot establish the right to possession of the vehicle, the officer shall follow the procedure provided by IC 9-22-1-5, -6, -7, -8, -9 and - 10, as follows:

- (1) The officer shall cause the vehicle to be removed and taken to a storage facility. (Ord. 2000-01, SVI 1, Mar. 27, 2000)
- (2) The officer shall notify the Bureau of Motor Vehicles, within 72 hours, of the location and description of the vehicle; the Bureau shall then cause a search to be made to determine and notify the person who owns the vehicle, as provided by IC 9-22-1-20. (Ord. 2000-01, SVI 2, Mar. 27, 2000)
- (3) If the Bureau cannot determine who owns the vehicle, the Bureau shall declare the vehicle abandoned, and provide for disposal of it, pursuant to IC 9-22-1. (Ord. 2000-01, SVI 3, Mar. 27, 2000)
- (4) If the properly identified person who owns or holds a lien on the vehicle appears at the storage site before disposal of the vehicle or parts, and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. (Ord. 2000-01, SVI 4, Mar. 27, 2000)
- (5) The towing operator shall notify the Bureau of the release, and the release shall state the name, signature and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, the costs paid and the date of release. (Ord. 2000-01, SVI 5, Mar. 27, 2000)

- (6) If the person who owns or holds a lien on the vehicle does not appear and pay all costs, the bureau shall declare the vehicle abandoned, and provide for disposal under IC 9-22-1. (Ord. 2000-01, SVI 6, Mar. 27, 2000)

**6.38.070 Tagging abandoned vehicle or parts.**

- (1) When the officer finds, or is notified of, a vehicle or parts, believed to be abandoned, the officer shall tag the vehicle or parts, in a prominent place, with the following information, as provided by IC 9-22-1-11, as follows:
  - A. The date, time, officer's name, public agency and address and telephone number to contact for information.
  - B. That the vehicle and parts are considered abandoned.
  - C. That the vehicle or parts will be removed after 72 hours.
  - D. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle.
  - E. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours. (Ord. 2000-01, SVII 1 a-e, Mar. 27, 2000) (Ord. 9-22-80, S3, 4, Nov. 3, 1980)
- (2) If the vehicle or parts tagged, is not removed within 72 hours, the officer shall prepare a written Abandoned Vehicle Report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. The officer shall also obtain a photograph of the vehicle as provided by IC 9-22-1-12. (Ord. 2000-01, SVII 2, Mar. 27, 2000)
- (3) If, in the opinion of the officer, the market value of an abandoned vehicle or parts is less than \$500.00, the officer shall immediately dispose of the vehicle to an automobile storage facility and forward a copy of the Abandoned Vehicle Report and photograph or photographs, to the Bureau of Motor Vehicles, as provided by IC 9-22-1-13. The photographs may be taken by the officer, the towing service, or the storage facility. The Winslow Abandoned Vehicle Department shall retain the original records and photographs for at least two (2) years.

A vehicle which is 10 model years or older, that has extensive deterioration to the interior or exterior, or is inoperable; or a vehicle which is 5 model years or older, which has been extensively destroyed by fire, explosion, vandalism, or other causes, excluding traffic accidents, and is inoperable; is presumptively valued at \$100 or less, as provided by 140 IAC 5-1-4. (Ord. 2000-01, SVII 3, Mar. 27, 2000)
- (4) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is at least \$500.00, the officer shall, before placing a notice tag on the vehicle or parts, 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. After 72 hours the officer shall require the vehicle or parts to be towed to a storage facility as provided by IC 9-22-1-14. (Ord. 2000-01, SVII 4, Mar. 27, 2000)

**6.38.080 Self-help by owner of rental property.**

- (1) A person who owns rental property, and who finds a vehicle believed to be abandoned on that person's rental property, shall attach, in a prominent place, on the vehicle, a notice tag containing the following information, as provided by IC 9-22-1-15:
  - A. The date, time, name and address of the person who owns the rental property, and a telephone number to contact for information.
  - B. That the vehicle is considered abandoned.
  - C. That the vehicle will be removed after 72 hours.
  - D. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle.
  - E. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours. (Ord. 2000-01, SVIII 1, Mar. 27, 2000)
- (2) If, after 72 hours, the person who owns the vehicle believed to be abandoned on rental property, has not removed the vehicle from the rental property, the person who owns the rental property may have the vehicle towed, as provided by IC 9-22-1-16. The towing operator shall do the following:
  - A. Contact the Bureau of Motor Vehicles to obtain the name and address of the person who owns the vehicle.
  - B. Deliver by Certified Mail, a copy of the information contained in the notice tag to the person who owns the vehicle, not later than five (5) business days after the vehicle is removed.
  - C. Notwithstanding the 72 hour requirement, in an emergency situation, a vehicle may be removed immediately. "Emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the owner of the rental property or poses a threat to the safety or security of persons or property, or both.
  - D. The towing operator shall give notice to the Winslow Abandoned Vehicle Department and the Bureau of Motor Vehicles that the abandoned vehicle is in the possession of the towing operator. (Ord. 2000-01, SVIII 2 a-d, Mar. 27, 2000)
- (3) If a person who owns or controls private property, complains to the Winslow Abandoned Vehicle Department that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, then the officer shall follow the same procedures as set forth above, in Section 6.38.070. (Ord. 2000-01, SVIII 3, Mar. 27, 2000)

**6.38.090 Abandoned vehicle report.** Within 72 hours after removal of an abandoned vehicle to a storage facility, under Sections 6.38.060, 6.38.070, or 6.38.080 above, either the Winslow Abandoned Vehicle Department or the storage facility, shall prepare and forward

to the Bureau of Motor Vehicles, an Abandoned Vehicle Report, containing a description of the vehicle, including the following information concerning the vehicle.

- (1) Make
- (2) Model
- (3) Identification number
- (4) Number of the license plate

The Winslow Abandoned Vehicle Department or the storage facility, whichever prepares the Abandoned Vehicle Report, shall request that the Bureau of Motor Vehicles advise the Winslow Abandoned Vehicle Department or the storage facility of the name and most recent address of the person who owns or holds a lien on the vehicle.

If the vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle or parts, they may be disposed of to an automobile storage facility and a copy of the Abandoned Vehicle Report and photograph or photographs of the vehicle or parts shall be forwarded to the Bureau of Motor Vehicles, as provided by IC 9-22-1-13. The Winslow Abandoned Vehicle Department shall retain the original records and photographs for at least two (2) years. (Ord. 2000-01, SIX, Mar. 27, 2000)

**6.38.100 Duties of the Bureau of Motor Vehicles.** Upon receipt of an abandoned vehicle report under Section 6.38.090 the Bureau shall do the following:

- (1) Conduct a reasonable search through the national automobile theft bureau and the state police department to determine whether the vehicle or parts have been reported as stolen. (Ord. 2000-01, SX 1, Mar. 27, 2000)
- (2) Conduct a reasonable search of bureau records to determine the person who owns the vehicle or parts or the person who holds the lien of record. (Ord. 2000-01, SX 2, Mar. 27, 2000)
- (3) If a reasonable search discloses the name and address of the person who owns or holds a lien on the vehicle, mail a written notice, by first class mail, to:
  - A. The person who owns the vehicle, with a copy to each person who holds a lien on the vehicle if the bureau disposes of the vehicle; or
  - B. The public agency if the public agency disposes of the vehicle;

Indicating that the vehicle or parts have been impounded at a certain location and must be removed within twenty (20) days after the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time. The notice must advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibility. (Ord. 2000-01, SX 3 1, 2, Mar. 27, 2000)

**6.38.110 Sales by the Bureau of Motor Vehicles or the Department.** 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 Section 6.38.090, the Bureau of Motor Vehicles or the Winslow Abandoned Vehicle Department shall sell the vehicle or parts.

- (1) If the bureau sells the vehicle or parts, it shall be to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.

If the department sells the vehicle or parts, it may either:

- A. Sell to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

or

- B. Sell the vehicle or parts as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision. (Ord. 2000-01, SXI 1, Mar. 27, 2000)

**6.38.120 Bill of sale.** A person who purchases a vehicle under Section 6.38.110 shall be furnished a bill of sale under IC 9-29-7. A person who purchases a vehicle under Section 6.38.110 must:

- (1) Present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and,
- (2) Pay the appropriate title fee under IC 9-29-4 to obtain a certificate of title under IC 9-17 for the vehicle. (Ord. 2000-01, SXII, 1 & 2, Mar. 27, 2000)

**6.38.130 Removal and storage costs.** The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the Abandoned Vehicle Fund established under Section 6.38.150. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing, or removing an abandoned vehicle or parts may not exceed the limits established by Section 6.38.160. (Ord. 2000-01, SXIII, Mar. 27, 2000)

**6.38.140 Proceeds of sale.** The proceeds of sale of an abandoned vehicle or parts under Section 6.38.110 shall be credited against the cost of the removal, storage, and disposal of the vehicle. (Ord. 2000-01, SXIV, Mar. 27, 2000)

**6.38.150 Abandoned Vehicle Fund.**

- (1) There is hereby established for the Town of Winslow, an Abandoned Vehicle Fund, as required by IC 9-22-1-30. (Ord. 2000-01, SXV 1, Mar. 27, 2000)
- (2) If the department sells the vehicle or parts, the proceeds from the sale of abandoned vehicles or parts, including:
  - A. Charges for bills of sale; and
  - B. Money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles; shall be deposited with the town treasurer and placed by the treasurer in the unit's Abandoned Vehicle Fund. (Ord. 2000-01, SXV 2, Mar. 27, 2000)
- (3) The costs incurred by the department in administering this ordinance shall be paid from the Abandoned Vehicle Fund. (Ord. 2000-01, SXV 3, Mar. 27, 2000)

- (4) The Town of Winslow shall annually appropriate sufficient money to the fund to carry out this ordinance. Money remaining in the fund at the end of a year remains in the fund and does not revert to the General Fund. (Ord. 2000-01, SXV 4, Mar. 27, 2000)

**6.38.160 Allowable charges for towing and storage.**

- (1) Charges for providing towing service for abandoned vehicles, shall be the reasonable value of the service rendered according to the usual and customary charges in the Winslow community, and pursuant to 140 IAC 5-1-1(b), the Town sets the maximum amount it will pay for any one towing charge at \$30.00. (Ord. 2000-01, SXVI 1, Mar. 27, 2000)
- (2) Charges for storage for abandoned vehicles and parts, shall be the reasonable value of the services rendered according to the usual and customary charges in the Winslow community; and pursuant to 140 IAC 5-1-2 (c), the Town sets the maximum amount it will pay for storage charges at \$8.00 per day. (Ord. 2000-01, SXV 2, Mar. 27, 2000)

**6.38.170 Power to facilitate Ordinance.** To facilitate the removal of abandoned vehicles or parts, the Town of Winslow may:

- (1) Employ personnel;
- (2) Acquire equipment, property, and facilities; and
- (3) Enter into towing and storage contracts. (Ord. 2000-01, SXVII 1-3, Mar. 27, 2000)

**6.38.180 Immunity from Liability.** Pursuant to IC 9-22-1-32, the following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this Ordinance:

- (1) A person who owns or leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) The Town of Winslow and the Winslow Abandoned Vehicle Department.
- (3) A towing service.
- (4) An automobile scrapyard. (Ord. 2000-01, SXVIII 1-4, Mar. 27, 2000)

**6.38.190 Approved towing service and storage facility.** Any towing service or storage facility which is used for the removal and storage of abandoned vehicles or parts by law enforcement officers, and which has not been disapproved by the Bureau of Motor Vehicles, because of violations of the Bureau's rules and regulations, may be used by the Town for towing and storage of abandoned vehicles and parts. (Ord. 2000-01, SXIX, Mar. 27, 2000)

## Chapter 6.48

### ALL-HAZARD MITIGATION PLAN

#### Sections:

<b>6.48.010</b>	<b>Development of Plan</b>
<b>6.48.020</b>	<b>Risk Assessment</b>
<b>6.48.030</b>	<b>Mitigation Strategy</b>
<b>6.48.040</b>	<b>Maintenance or Implementation Process</b>
<b>6.48.050</b>	<b>Approval</b>
<b>6.48.060</b>	<b>Requirement for Grant Funding</b>
<b>6.48.070</b>	<b>Adoption of Plan</b>

**6.48.010 Development of Plan.** The Town of Winslow 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. (Res. unnumbered, Oct. 8, 2018)

**6.48.020 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. (Res. unnumbered, Oct. 8, 2018)

**6.48.030 Mitigation Strategy.** The Pike County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs. (Res. unnumbered, Oct. 8, 2018)

**6.48.040 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. (Res. unnumbered, Oct. 8, 2018)

**6.48.050 Approval.** The Plan has been shared with the Indiana Department of Homeland Security and the Federal Emergency Management Agency for review and comment. (Res. unnumbered, Oct. 8, 2018)

**6.48.060 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. (Res. unnumbered, Oct. 8, 2018)

**6.48.070 Adoption of Plan.**

- (1) Pike County All-Hazard Mitigation Plan updates the existing Multi-Hazard Mitigation Plan adopted in 04/2018.
- (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. (Res. unnumbered, Oct. 8, 2018)

## Chapter 6.50

### FIRE LANES

#### Sections:

6.50.010	Fire Lanes Established
6.50.020	Obstruction of Fire Lanes
6.50.030	Enforcement
6.50.040	Building without Fire Lanes Declared Nuisance; Abatement; Suit
6.50.050	Lanes to be Kept Open and Marked
6.50.060	Penalties, Fees
6.50.070	Authority
6.50.080	Construction of Clause Headings
6.50.090	Repeal of Conflicting Ordinances
6.50.100	Severability
6.50.110	Duration and Effective Date

#### 6.50.010 Fire Lanes Established.

- (1) The owner, manager, or agent of retail, commercial, industrial, or public building, new or existing, having privately owned public parking lots and drives devoted to public use, shall be responsible to ensure that fire lanes are maintained and that there are no obstructions to the ingress and egress of the fire department or other emergency vehicles and personnel for the protection of persons and property.
- (2) Fire lanes shall be of hard surface concrete or asphalt and shall be established in the driving lane closest to the building. Temporary parallel or perpendicular parking may be permitted next to the building curb provided a fire lane is established in the driving lane adjacent to the parking area. A fire lane must be at least 20 feet in width.
- (3) Signs designating the fire lanes shall read, "Fire Lane No Parking" or "No Parking Fire Lane". Said signs shall be no higher than seven feet off the ground and positioned at least every 100 feet along the curb or side of the building wherein the lanes are established. Signs shall be visible upon approach from each direction. "Fire Lane No Parking" or "No Parking Fire Lane" shall be painted in yellow on the surface along the fire lane. Lettering shall be no less than 12 inches in height. (Ord. 2022-01, S1, Mar. 14, 2022)

**6.50.020 Obstruction of Fire Lanes.** No vehicle or object, whether attended or unattended, other than an emergency vehicle on emergency response or vehicles having written permission from the Fire Chief, shall park in or obstruct by any means a fire lane. Said vehicle shall be deemed an obstruction and in violation and shall be subject to the same penalties provided for such parking or otherwise obstructing fire lanes on public streets. (Ord. 2022-01, S2, Mar. 14, 2022)

**6.50.030 Enforcement.**

- (1) The Police Department shall be charged with the duty of enforcing the terms of Section 6.50.010 by the issuance of a citation.
- (2) Any firefighter or police officer, upon discovering any such vehicle so parked or stopped in violation of Section 6.50.020, may remove such vehicle, or cause the same to be removed to any place where so authorized pursuant to contract, where such vehicle shall be impounded, provided said vehicle is causing a hazard or interfering with an emergency operation. (Ord. 2022-01, S3, Mar. 14, 2022)

**6.50.040 Building without Fire Lanes Declared Nuisance; Abatement; Suit.**

- (1) It is declared that any building open to the public which does not have unobstructed access for firefighting equipment constitutes a fire hazard and a public nuisance because it endangers the lives of the public.
- (2) Upon recommendation of the Fire Chief may require the abatement of the nuisance by ordering the building closed to the public and evacuated, which order shall be enforced by the police department.
- (3) At the request of the Town Board, the Town Attorney may file suit in the name of the Town for the abatement of the nuisance. (Ord. 2022-01, S4, Mar. 14, 2022)

**6.50.050 Lanes to be Kept Open and Marked.** No building shall constitute a nuisance as defined in Section 6.50.020.

- (1) If the owner and lessee provide adequately marked fire lanes and keep them open at all times for firefighting equipment. (Ord. 2022-01, S5, Mar. 14, 2022)

**6.50.060 Penalties, Fees.**

- (1) If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Fire Chief, or shall fail, neglect or refuse to obey any lawful order given by the Fire Chief, in connection with the provisions of this code, for each such violation, failure or refusal, such person, firm or corporation shall be liable to the town for a civil forfeiture in a sum not less than \$20, not more than \$2,500. Each day of such unlawful activity as is prohibited by the first sentence of this Section shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or Sections of the ordinances of the town, the Town Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

- (2) There is hereby established the following citation schedule of penalties for violations of the provisions of this chapter. Penalties shall be paid to the Town of Winslow Ordinance Violations Bureau who shall deposit the funds in the Public Safety Fund of the Town of Winslow.
- A. If the owner, operator, manager, or agent of a commercial, industrial, or public building fails to establish and maintain open fire lanes, said owner, operator, manager, or agent shall be in violation of Section 6.50.010. The penalty shall be \$100. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to the notice issued after 30 calendar days from the date and time shown on said notice the penalty shall be \$150.
  - B. If a vehicle with or without a licensed driver is parked or obstructs a fire lane in violation of Section 6.50.020, the penalty shall be \$100. If the violator does not appear in response to a notice affixed to such vehicle within a period of 30 calendar days from the date and time shown on said notice, the penalty shall be \$150. (Ord. 2022-01, S6, Mar. 14, 2022)

**6.50.070 Authority.** Nothing contained in this chapter is intended to grant any power to any local government unit, agency, department or commission, or to regulate any activity, which grant of power or regulation of activity is not authorized or permitted by state law. (Ord. 2022-01, S7, Mar. 14, 2022)

**6.50.080 Construction of Clause Headings.** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit, or extend the scope or intent of the clause to which they pertain. (Ord. 2022-01, S8, Mar. 14, 2022)

**6.50.090 Repeal of Conflicting Ordinances.** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed. (Ord. 2022-01, S9, Mar. 14, 2022)

**6.50.100 Severability.** If any part of this Chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Chapter. (Ord. 2022-01, S10, Mar. 14, 2022)

**6.50.110 Duration and Effective Date.** The provisions of this Chapter shall become effective immediately and remain in full force and effect until repeal by the ordinance. (Ord. 2022-01, S11, Mar. 14, 2022)