

Chapter 22

ENVIRONMENT

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ARTICLE I. IN GENERAL

Secs. 22-1—22-18. Reserved.

ARTICLE II. NUISANCES**Sec. 22-19. Creating or maintaining a public nuisance; penalty.**

(a) It shall be unlawful for anyone to erect, construct, continue, cause, suffer, permit, keep, or maintain, within the corporate limits of the Town, anything or any condition which may generate or promote disease, or is a breeding ground for insects or vermin, is an unattractive nuisance, or is in any way injurious to the health and safety of the citizens of the Town.

(b) It shall be unlawful for any person to own, maintain, or control any real estate within the corporate limits of the Town upon which garbage, refuse, solid wastes, debris, abandoned or dilapidated vehicles, refrigerators, furniture, farm machinery, washing machines, any other type of machines or machinery, or any other type of discarded material is dumped, parked, stored, kept, or maintained.

(c) It shall be unlawful for any firewood, scrap wood, limbs, branches, compost, composters, papers, bottles, tires or similar substances, offal, filth, rubbish, trash or noxious substances to be collected or remain in any place within the corporate limits of the Town, to the damage, prejudice, or discomfort of others and/or the public or to create a breeding ground for insects or vermin.

(d) In a residential district, no materials, including, but not limited to scrap wood, limbs, branches, compost, composters, papers, bottles, tires or similar substances, shall be stacked, piled, or stored beyond the nearest portion of the building's foundation/footing to a street. Any such material being stored shall be stacked, piled or stored at least six inches off the ground.

(e) Any person found to be in violation of this article shall be declared creating and/or maintaining a public nuisance and given notice to remove, clean up, and properly dispose of any and all material within 30 days of the notice. Any violator refusing or neglecting to completely remove and properly dispose of such matter as described in this article shall be fined an amount according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office. It shall be deemed a separate offense upon each day during or on which a violation occurs or continues and an additional fine will be imposed according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office.

(Ord. No. 2006-05, §§ 1—5, 5-1-2006)

Secs. 22-20—22-40. Reserved.

ARTICLE III. VEHICLE ABANDONMENT**Sec. 22-41. Penalties.**

Any person violating a provision of this article shall, upon conviction, be deemed guilty of an offense and fined not less than according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office, for the first offense, not less than according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office, for a second offense, and not less than according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office for all subsequent offenses, but no fine shall exceed according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office.

(Ord. No. 10-1992, art. II, § N, 9-8-1992)

Sec. 22-42. Abandoned vehicles.

No person shall abandon a vehicle or parts on any public or private property.

- (1) The Town Police Department is hereby assigned the responsibility for removal, storage and disposal of abandoned vehicles, and shall be the designated "Public Agency" pursuant to IC 9-22-1-3 and this article.
- (2) The owner of an abandoned vehicle or parts is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage, and disposal of the vehicle or its parts. The total cost for storage of an abandoned vehicle may not exceed \$1,500.00.
- (3) An officer who finds a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:
 - a. The date, time, officer's name, public agency, address, and telephone number to contact for information.
 - b. That the vehicle or 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 removal, storage, and disposal, and if the costs are not paid, the person's registration privileges will be suspended on the vehicle.
 - e. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.
- (4) Prior to tagging of any abandoned vehicle that, in the opinion of the officer, has a market value of more than \$500.00, the officer shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

- (5) If a vehicle or part tagged by an officer is not removed within the 72-hour period, 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. Photographs shall be taken to describe the condition of the vehicle or parts. The abandoned vehicle report shall also include the make, model, VIN number, and the number of the license plate and request that the bureau advise the Code Enforcement Officer of the name and most recent mailing address of the owner and of any lienholder.
- (6) In the event that the vehicle or parts were valued at more than \$500.00 by the officer, the abandoned vehicle report shall also set forth the actions taken by the officer pursuant to the duty of inquiry set forth above.
- (7) If the market value of an abandoned vehicle or parts as determined by the opinion of the officer set forth in the written abandoned vehicle report is \$500.00 or less, the officer shall immediately dispose of the vehicle to an automobile scrap yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. The Police Department (the "Public Agency disposing of the vehicle") shall retain the original records and photographs for at least two years.
- (8) If the market value of an abandoned vehicle or parts as determined by the opinion of the officer set forth in the written abandoned vehicle report is \$500.00 or more, and after the officer has fulfilled his duty of inquiry pursuant to this section and after the vehicle has been duly tagged and the 72-hour period for removal by the person who owns the vehicle has elapsed, the officer shall require the vehicle or parts to be towed to a storage area.
- (9) Upon receipt of the requested information from the Bureau, the Code Enforcement Officer shall advise the owner or any lienholder that the vehicle or parts has been impounded at a certain location, that the vehicle or parts must be claimed within 20 days of the date of mailing the notice, and that the vehicle or parts will be disposed of after that time. The notice shall also advise the owner that all costs incurred in removing and storing the vehicle or parts are the owner's legal responsibility.
- (10) If the owner or lienholder appears to claim the vehicle before the 20-day time period has elapsed, he shall be entitled to claim the impounded vehicle. The costs of towing, storing, and keeping of the impounded vehicle must be paid to the service holding the vehicle before the vehicle may be released. If the owner or lienholder does not appear in 20 days to claim the impounded vehicle, the service holding or storing the vehicle will become the record holder of the vehicle. If the service holding or storing the impounded vehicle does not wish to retain the impounded vehicle, and the 20-day holding period has elapsed without response from the owner or lienholder, the service may sell the vehicle to the highest bidder at a public sale conducted after notice under the Indiana Code, except only one newspaper insertion one week before the public sale is required. In the alternative, the unit may sell the vehicle or part as unclaimed property under the Indiana Code. The 20-day period for the property to remain unclaimed is sufficient for a sale under this subsection.

- (11) If the vehicle is in such condition that the vehicle identification numbers or other means of identification are not available to determine the owner of record with the bureau, the vehicle may be disposed of without notice as permitted by the Indiana Code.
- (12) Upon complaint of a private property owner or persons in control of the property upon which a vehicle has been left for at least 48 hours without the consent of the owner or persons in control, an officer shall follow the procedures set forth in this article for removal of the vehicle.
- (13) 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 section:
 - a. A person who owns, leases or occupies property from which an abandoned vehicle or parts are removed.
 - b. A public agency, including without limitation, the Town Marshal or Marshal's deputy.
 - c. A towing service.
 - d. An automobile scrap yard.
 - e. A storage yard.
- (14) This section does not apply to the following vehicles:
 - a. A vehicle in operable condition specifically adapted or constructed for operation on privately-owned raceways.
 - b. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
 - c. A vehicle located on a designated vehicle sales lot or at a commercial vehicle servicing facility.
 - d. A vehicle located upon property licensed or zoned as an automobile scrap yard.
 - e. A vehicle registered and licensed under IC 9-18-12 et seq. as an antique motor vehicle.

(Ord. No. 10-1992, 9-8-1992)

State law reference—Abandoned motor vehicles, IC 9-22-1-1 et seq.

Secs. 22-43—22-60. Reserved.

ARTICLE IV. AIR POLLUTION

Sec. 22-61. Open burning prohibited; barbequing allowed.

- (a) It shall be unlawful to burn any materials, including but not limited to garbage, rubbish, or noxious materials within the incorporated Town limits.
- (b) Leaves, wood and yard waste may be burned if attended regularly by an adult.

(c) It shall be legal to burn barbeque materials, not normally of a noxious nature, and contained by a fireproof container, within the incorporated Town limits, strictly for the purpose of outdoor grilling of food.

State law reference—Local air pollution ordinances, IC 13-17-12-1.

Secs. 22-62—22-80. Reserved.

ARTICLE V. NOISE

Sec. 22-81. Unlawful acts; specific noises.

(a) It shall be unlawful to create continuing loud, unnecessary, or unusual noise, which interferes with the comfort, repose, health or safety of others, except for that noise which is necessary for the protection or preservation of property or the health or safety of a person.

(b) Said noises include, but are not limited to, noises created by one or more automobiles, musical instruments, animals, public address systems or sound-amplifying equipment, or other electronic devices, except for those for which a permit has been issued for purposes of a public gathering.

(Code 1959, ch. 14, art. I, §§ 14-1, 14-2)

Secs. 22-82—22-99. Reserved.

ARTICLE VI. MATERIAL DISCARDED BY CONTRACTORS

Sec. 22-100. Clean up and removal required.

Any contractor performing work within the corporate limits of the Town shall be required to clean up and properly remove any discarded material related to the project upon completion. (Ord. No. 2006-08, § 1, 5-1-2006)

Sec. 22-101. Description of discarded material.

Discarded material shall include but not be limited to trash, debris, siding, wood, windows, shingles, leaves, grass clippings, mulch, brush, and tree limbs.

(Ord. No. 2006-08, § 2, 5-1-2006)

Sec. 22-102. Penalties.

Any contractor found to be in violation of this article shall be given notice to properly remove the materials within ten days. If the ten-day requirement is not met, then said contractor shall be assessed a fine according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office, for each day which exceeds the ten-day limitation, and their contractor's permit will be revoked until the end of the year, after the third day of noncompliance.

(Ord. No. 2006-08, § 3, 5-1-2006)

Chapters 23—25

RESERVED

