

TITLE III : PUBLIC HEALTH AND SAFETY

CHAPTER I: TRAFFIC SAFETY

ARTICLE I: ~~TRAFFIC ORDINANCE~~

~~Traffic Ordinance, 1963, the same being a Traffic Ordinance of North Manchester, as now amended and separately bound, is incorporated herein by reference as fully as if the same were fully set forth herein.~~ DELETED March 7, 2001 SEE TITLE VII.

ARTICLE II: ABANDONED VEHICLES AND IMPOUNDMENT

SECTION 1. PURPOSE. Indiana Code 9-9-1.1-16 authorizes the Town of North Manchester to enact provisions concerning the disposition of abandoned vehicles. For the purposes of this chapter, the term "abandoned vehicles" shall be defined as set forth by Indiana Code 9-9-1.1-2.

1.1 "Abandoned" when used in conjunction with the term vehicle, means:

1.1.1 Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate ~~and inspection sticker~~ permitting its operation upon the highways of the State of Indiana. *Amended December 1, 2004.*

1.1.2 Any vehicle which is left on public premises continuously without being moved for a period of seven (7) days.

1.1.3 Any vehicle located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

1.1.4 Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises, for more than forty-eight (48) hours.

1.1.5 Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises.

1.1.6 Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this chapter the violation of which may require the removal and impoundment of said motor vehicle and which motor once impounded within thirty (30) days of its removal.

SECTION 2. DESIGNATION-REMOVAL. Whenever a police officer of the Town of North Manchester finds a vehicle to be an abandoned vehicle, he shall attach to it a notice to remove pursuant to Indiana Code 9-9-1.1-5. The Police Department is authorized to order the removal of any abandoned vehicle left at any place within the Town of North Manchester which has not been removed by the Police Department or by a commercial towing firm. The Town may enter into contracts with commercial towing firms or with garages for necessary removal and storage services.

SECTION 3. STORAGE. Any vehicle removed pursuant to this chapter shall be impounded until lawfully claimed or disposed of in accordance with the Indiana Code. The impounded vehicle shall be stored at a garage of the Town, or in a privately owned garage as designated by the Town. Notice of the impoundment shall be given in accordance with Indiana Code 9-9-1.1-6.

SECTION 4. TOWING AND STORAGE FEES. The owner or lienholder, or the authorized representative of an owner or lienholder, of any abandoned vehicle which has been removed and impounded pursuant to this chapter may appear and claim said vehicle within fifteen days of the mailing of notice pursuant to Indiana Code 9-9-1.1-7. The removal and storage fees for an impounded vehicle shall be in accordance with schedule from time to time approved by the Town Council and filed in the office of the Marshal.

4.1 Upon payment of the above fees and proof of entitlement the vehicle shall be released to the claimant.

~~4.2 The above schedule of fees shall be filed with the Bureau of Motor Vehicles as required by statute. Repealed December 1, 2004.~~

~~SECTION 5. IMMEDIATE IMPOUNDMENT. Whenever the presence of a vehicle in a public place constitutes an immediate hazard to the public safety, a police officer of the Town of North Manchester may cause such vehicle to be impounded immediately and within twenty-four (24) hours shall send notice of the impoundment by certified mail to the owner of such vehicle, if known, stating the fact that the vehicle has been impounded, the location thereof and the right of the owner to secure possession of such vehicle upon payment of the fees as set forth in Section 10-48-040 of this chapter. {Repealed September 4, 1996.} Repealed December 1, 2004.~~

SECTION 5. ABANDONED VEHICLES DECLARED NUISANCE. The Town Council finds that abandoned vehicles are a public nuisance and a safety, health and environmental hazard.

SECTION 6. ADOPTION OF STATE LAW BY REFERENCE. I.C. 9-22-1-1 through 9-22-1-32 as it presently exists and is hereafter amended, is hereby adopted by reference, as if set forth in full herein.

SECTION 7. ENFORCEMENT BY POLICE DEPARTMENT. The Police Department is designated as the local agency given the responsibility for removal, storage and disposal of abandoned vehicles to the extent permitted under I.C. 9-22-1-1 through 9-22-1-16 as it presently exists and is hereafter amended.

~~SECTION 8. MAXIMUM TOWING AND STORAGE CHARGES. The maximum allowed charge for towing of an abandoned vehicle under this Chapter shall be \$35.00. The maximum allowed charge for storage of an abandoned vehicle shall be \$10.00 per day. Repealed December 1, 2004.~~

~~SECTION 9. IMMEDIATE IMPOUNDMENT. Whenever the presence of a vehicle in a public place constitutes an immediate hazard to the public safety, a police officer of the Town of North Manchester may cause such vehicle to be impounded immediately and within twenty-four (24) hours shall send notice of the impoundment by certified mail to the owner of such vehicle, if known, stating the fact that the vehicle has been impounded, the location thereof and the right of the owner to secure possession of such vehicle upon payment of the towing and storage charges. {Adopted September 4, 1996.} Repealed December 1, 2004.~~

SECTION 7. COSTS AND PENALTY. A person or persons who violate the provisions of this Article II shall be fined in an amount not less than the actual costs incurred by the Town in towing, storing and disposition of the abandoned vehicle plus a civil penalty in addition not exceeding One Thousand Dollars (\$1,000.00) *Adopted December 1, 2004.*

ARTICLE III: REGULATING JUNK MOTOR VEHICLES

SECTION 1. JUNK VEHICLES DECLARED A NUISANCE. Because of the danger to health from vermin and insects, the danger to children attracted by them and the environmental pollution created by their presence, junk motor vehicles are declared to be a nuisance except in lawfully operated salvage yards or yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles.

SECTION 2. DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

2.1 "Junk Motor Vehicle." A car which is partially dismantled or wrecked ~~and or~~ which cannot safely or legally be operated *on a public way.* *Amended December 1, 2004.*

2.2 "Motor Vehicle." Any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, tractors, dune buggies and other off the road vehicles.

SECTION 3. PROHIBITED STORAGE. It shall be unlawful for any person owning or having custody of any junked motor vehicle to store or permit any such vehicle to remain on any private property within the town for a period of more than ten days after the receipt of notice requiring such removal and it shall be further unlawful for any person owning any private property in the town to store or to permit any such vehicle to remain on his property for more than ten days after the receipt of notice requiring its removal.

SECTION 4. PERMITTED STORAGE. This ~~section~~ Article shall not apply to any motor vehicle stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise *where the vehicle is located.* ~~Such~~ Examples of business enterprises ~~shall~~ may include auto salvage yards, auto repair, ~~and~~ auto body ~~shops,~~ ~~and~~ automobile service stations *and auto sales lots.* *Amended December 1, 2004.*

SECTION 5. REMOVAL. Any member of the Police Department may order a junk motor vehicle removed within ten days.

SECTION 6. PROCEDURE FOR REMOVAL.

6.1 Notice of the order of removal shall be placed on the junk motor vehicle and a copy of such notice shall be served on any adult occupying the real estate on which the junk motor vehicle is located and on the owner of the junk motor vehicle if known. If no occupant of the real estate or owner of the junk motor vehicle can be found, a notice affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate and to the owner of the junk motor vehicle. If there is no building on the real estate, the notice shall be affixed elsewhere on the real estate.

6.2 If the junk motor vehicle is not removed within the time fixed by the notice, the Police Department may cause the motor vehicle to be removed at the expense of the owner of the real estate and/or at the expense of the owner of the motor vehicle.

6.3 After removal of the junk motor vehicle, the Police Department may elect to proceed as follows:

6.3.1 Within a reasonable time after removal of a junk motor vehicle to a storage area, the Police Department shall prepare and forward to the Bureau of Motor Vehicles a vehicle report containing a description of the vehicle including the make, model, engine number, if any, identification number and the number of the license plate and request that the Bureau of Motor Vehicles advise the Police Department of the name and most recent mailing address of the owner and any lienholder. If the Bureau of Motor Vehicles provides a response to the inquiry made by the Police Department, the Police Department shall mail a copy of the notice and a copy of this section to each individual listed as an owner of the motor vehicle and as a lienholder on the motor vehicle.

6.3.2 If the junk motor vehicle remains unclaimed a period of 30 days after being placed in storage, the town will sell the vehicle to the highest bidder at a public sale conducted after notice under I.C. 5-3-1 or the town may elect to sell the motor vehicle as unclaimed property in accordance with I.C. 36-1-11 et. seq.

6.3.3 If the town elects to sell the motor vehicle the purchaser shall be furnished a bill of sale for the motor vehicle.

6.3.4 The proceeds of the sale of any motor vehicle shall be applied towards the costs incident to the removal, storage and disposal of the motor vehicle. Any excess funds shall be returned to the owner, if known, and if unknown deposited with the Clerk-Treasurer of the Town.

6.3.5 If the town has entered into an agreement with any business for the purpose of towing, storing and disposing of junk motor vehicles, then the business may be empowered to dispose of the junk motor vehicle as allowed by state law. {Adopted September 4, 1996.}

SECTION 7. COSTS AND PENALTY. A person or persons who violate the provisions of this Article III shall be fined in an amount not less than the actual costs incurred by the Town in towing, storing and disposition of the junk vehicle plus a civil penalty in addition not exceeding One Thousand Dollars (\$1,000.00).

ARTICLE IV: TREE LAWN PARKING PROCEDURE

SECTION 1. DEFINITIONS. The following words and phrases shall for the purpose of this ordinance have the meanings respectively ascribed to them in this section.

1.1 TREE LAWN. The unimproved and untraveled portion of a street paralleling the roadway, which lies between the abutting property line and the traveled portion of the street.

1.2 PUBLIC PARKING AREA. An area paved with a hard surface in accordance with the Town of North Manchester, Indiana specifications, formerly a tree lawn which has been converted to a parking area, designed for use or used for the temporary parking of motor vehicles and available for public use.

1.3 PARKING SPACE. A space designed for use or used for the temporary parking of a motor vehicle, and being not less than eight (8) feet wide and twenty (20) feet long exclusive of passageways.

SECTION 2. CONVERTING TREE LAWN. Tree lawns may be converted to public parking area by permit issued by the Clerk-Treasurer of the Town of North Manchester, Indiana, if authorized in accordance with the provisions of this ordinance.

SECTION 3. PROCEDURE. Owners of property abutting a tree lawn may petition the Plan Commission of the Town of North Manchester, Indiana, for the issuance of a permit to convert a tree lawn to public parking area. Upon receipt of a petition to convert a tree lawn to parking area, the Plan Commission shall, without notice, determine whether or not the issuance of such permit is consistent with the spirit, purpose and intent of the Zoning Ordinance of the Town of North Manchester, Indiana, and that the issuance of such permit will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare. If such determination is favorable to the issuance of the permit as requested or as modified by the Plan Commission, the Plan Commission shall certify such findings to the Traffic Commission of the Town of North Manchester, Indiana. Upon receipt of such application and certification from the Plan Commission, the Traffic Commission shall consider such petition and any modifications made by the Plan Commission and make a determination that the granting of such permit will or will not (a) create vehicular or pedestrian traffic hazard, (b) interfere with the flow of vehicular or pedestrian traffic and (c) diminish or detract from the appearance, value or access to any adjacent property. If the Traffic Commission determination is favorable in all particulars to the granting of such permit, the Traffic Commission shall certify the application, the approval of the Plan Commission and its findings to the Town Council of the Town of North Manchester, Indiana, which said Council shall direct the issuance of such permit by the Clerk-Treasurer, subject to such applicant furnishing to the Clerk-Treasurer a cash or performance bond, with acceptable surety, in such amount as the Town Council may determine to insure that:

3.1 Existing public improvements shall be removed as specified in the petition or as modified by the Plan Commission, and

3.2 The public parking area will be paved with a hard surface in accordance with Town specifications, and

3.3 The improvements shall be made under the supervision of the Traffic Engineer.

SECTION 4. TERMS OF BOND. The bond for the completion of such improvements shall run to the Town of North Manchester, Indiana, in an amount sufficient to cover the estimated cost of removing the existing improvements, installing hard surfacing and repairing the street and sidewalk, to be released promptly upon the acceptance of such improvements by the Traffic Engineer; otherwise to be forfeited, the proceeds to be used or applied for the restoration of the area or for the completion of the improvement, as the Town Council may determine. Following the acceptance of such improvements, the same shall thereafter be maintained as a part of the improved public streets of the Town of North Manchester, Indiana.

SECTION 5. RENEWAL OF PERMIT AFTER 1 YEAR. The Clerk-Treasurer shall retain as a permanent record duplicate copies of all permits issued under this ordinance. If improvements authorized under a permit have not been commenced within one year after date of the permit, such improvements shall not thereafter be commenced without a new permit, and the original permit shall be voided on its face by the Traffic Engineer in the Clerk-Treasurer's Office.

ARTICLE V: SCHOOL CROSSING GUARD

SECTION 1. In the interest of the safety and well being of school children, a school guard is hereby established in the Town of North Manchester, Indiana.

SECTION 2. The Town Marshal is hereby authorized to appoint two (2) persons, male or female to the position of school guard. Each person appointed shall be of good moral character and acceptable personality and should be sworn to the faithful performance of his duties as hereinafter set forth.

SECTION 3. The Town Marshal shall assign the school guards to such locations as shall, in his judgment, afford the greatest protection to school children, and the hours of service shall be fixed by the Town Marshal.

SECTION 4. The Town Marshal shall define the duties of school guards and shall supervise the performance of such duties. School guards shall be responsible to the Town Marshal and shall serve as school guards for as long as they perform their duties satisfactorily, in the sole judgment of the Town Marshal. Vacancies shall be filled by the Town Marshal.

SECTION 5. School guards shall be furnished suitable badges and such other equipment and supplies as shall be prescribed by the Town Marshal and Town Council.

SECTION 6. The Town Council shall fix the compensation to be paid school guards and shall designate the manner of payment.

SECTION 7. School guards shall have such limited police power in the matter of traffic control as may be delegated to them by the Town Marshal.

ARTICLE VI: CONTROL OF BICYCLE TRAFFIC AND SKATING DEVICE TRAFFIC ***Amended December 1, 2004.***

SECTION 1. EFFECT OF REGULATIONS.

1.1 It is a civil violation for any person to do any act forbidden or fail to perform any act required in this article.

1.2 The parent of any child and guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.

1.3 These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any public street, public way or public location. For purposes of this ordinance, the term "bicycle" shall include three-wheel pedal or motor propelled riding devices.

SECTION 2. UNSAFE BICYCLES. It is a civil violation to operate an unsafe bicycle in the Town of North Manchester. An "unsafe bicycle" is one which does not have a firmly attached seat or seats, a tire on each wheel, an operable steering mechanism, and a functioning breaking mechanism, or, if operating during nighttime, is not equipped with lamps and other equipment as required by Section 49 13. *Amended December 1, 2004.*

SECTION 3. INSPECTION OF BICYCLES. A police officer who observes a bicycle which he or she has cause to believe is an "unsafe bicycle" may stop the operator and inspect the bicycle to determine if the same is unsafe within the terms of this ordinance. If the officer finds the bicycle to be an "unsafe bicycle", the officer shall issue a warning citation to the

operator for a first offense, requiring the deficiencies found to be repaired before the bicycle is again operated on or at a public street, public way or public location.

SECTION 4. TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES. All rules and laws of the State of Indiana, pertaining to bicycle shall apply to the riding of bicycles.

SECTION 5. OBEDIENCE TO TRAFFIC-CONTROL DEVICES

5.1 Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

5.2 Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

SECTION 6.

SECTION 7. RIDING ON ROADWAYS AND BICYCLE PATHS

7.1 Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

7.2. It is a violation to ride a bicycle two or more abreast except on *those pathways* set aside for the exclusive use of bicycles~~-traffic~~.

7.3 Whenever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such paths and shall not use the roadway.

7.4 Persons riding bicycles and skating devices on public sidewalks and pedestrian pathways shall yield the right-of-way to pedestrians, and a person riding a bicycle or skating device shall give an audible signal before overtaking and passing a pedestrian on such public sidewalk or pedestrian pathway. *Added December 1, 2004.*

SECTION 8. SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 9. EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway of building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

SECTION 10. CARRYING ARTICLES. No package or article shall be carried on a bicycle that prevents the operator from keeping both hands on the handlebars at all times.

SECTION 11. PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

~~SECTION 12. RIDING ON SIDEWALKS. No person shall ride a bicycle or skating device on the public sidewalk of any street where the abutting properties are zoned as being a part of the Business District under the Zoning Ordinance of the Town of North Manchester, and no person who is older than fifteen (15) years of age shall ride a bicycle or skating device upon any public sidewalk in the Town of North Manchester, provided, however, it shall be a violation to fail to yield the right of way to a pedestrian and to fail to give an audible signal before overtaking and passing a pedestrian on a public sidewalk, unless accompanying a child who is under age fifteen (15). Amended December 1, 2004. Repealed 12/7/05.~~

SECTION 12. RIDING ON SIDEWALKS. No person shall ride a bicycle or skating device on the public sidewalk of any street where the abutting properties are zoned as being a part of the Business District under the Zoning Ordinance of the Town of North Manchester. Adopted 12/7/05.

SECTION 13. LAMPS AND OTHER EQUIPMENT ON BICYCLES.

13.1 Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

13.2 Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SECTION 14. In the event of flagrant or repeated violations, involving persons under the age of sixteen years, the police department shall cause the bicycle, operated by the minor violator, to be brought to the police department where a parent or guardian of the child will be contacted to recover the bicycle. In the event the violator is over the age of sixteen years, a summons may be issued for said violation causing the violator to appear in the Town Court of North Manchester. In either event, a record of the violation shall be kept by the police department.

ADOPTED July 12, 2000.

ARTICLE VII: MISCELLANEOUS TRAFFIC RESTRICTIONS

SECTION 1. It shall be unlawful to drive, operate or pull any tractor, other vehicle, or equipment in, over or upon any street in the Town of North Manchester, while said vehicle or equipment has a wheel or wheels with lug or lugs or otherwise is designed to be injurious to the surface of a street or public way. Nothing in this article shall be construed to prevent the taking of any tractor or equipment through the Town if said tractor or equipment is equipped with rubber tires or flat steel rims, or other devices to prevent doing injury to the surface of the street or public way.

SECTION 2. It shall be unlawful to haul or transport upon the streets or alleys of the Town of North Manchester, ashes, paper, corn cobs, rubbish or other materials in such manner that the same may blow or be spilled upon the streets, alleys or private property in said Town.

SECTION 3. It shall be unlawful to let stand in any alley in the Town of North Manchester, Indiana, any vehicle, object or property except while loading or unloading or moving said object or property from one conveyance to another, or from one building to another building.

SECTION 4. It shall be unlawful to move any building or buildings on, over or upon any of the streets and alleys in the Town of North Manchester, Indiana, without first having obtained a permit from said Town prescribing the route over which said building or buildings are to be moved, and furnishing a bond to said Town with sufficient surety approved by the Town Council members of said Town and agreeing therein to save the Town harmless from any and all damage that might accrue by reason of the moving of such building or buildings and to further agree to notify all companies having wires crossing any street or alley over which building or buildings are to be moved.

SECTION 5. It shall be unlawful for any person to walk upon any of the streets in the Town of North Manchester, Indiana, so as to obstruct motor traffic and endanger their own lives, and shall not walk singly or in groups so that any person is more than three feet from the curb line.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER II: SIDEWALKS, STREETS AND PUBLIC WAYS

ARTICLE I: OCCUPANTS AND OWNERS TO CLEAN

SECTION 1. It shall be unlawful for the occupant or owner, if there be no occupant, of each and every building within the Town fronting or bordering upon any sidewalk of brick, cement, or stone, to permit said sidewalk to become covered with trash or debris or when and if said sidewalk becomes covered with snow, to permit said snow to remain on said sidewalk longer than is reasonable, taking into consideration the physical condition of the owner or occupant, his or her time of employment, provided further that in any event no snow shall be permitted to remain on said sidewalk after it has accumulated and after 6 p.m. on any one day.

SECTION 2. The Town Marshal is hereby authorized to notify such occupant or owner of such building or lot, failing to comply with the provisions of this ordinance and if such owner or occupant shall fail or refuse to commence the removal of said snow or debris within two hours after being so notified the Town Marshal shall forthwith employ some competent person to remove said snow or debris and the cost thereof shall be taxed against the owner or occupant as a part of the penalty provided herein.

ARTICLE II: OBSTRUCTION PROHIBITED

~~SECTION 1. It shall be unlawful to place on, and/or over and/or upon any sidewalk within the corporate limits of the Town of North Manchester, Indiana, any obstruction whatsoever.~~

~~SECTION 2. An obstruction for the purpose of this ordinance shall be defined as machinery of any kind, vending machines, devices making or producing edibles for sale and all merchandise placed over and/or upon aforesaid sidewalks. These definitions are to clarify Section One but not in limitation thereof. Permanent signs or parts of building protruding out over sidewalk more than fifteen (15) feet above the same and extending not more than two (2) feet thereover and canopies and awnings are excepted.~~

~~SECTION 3. It shall be unlawful to display, put, place, cause to be displayed, put or placed on any public sidewalk within the corporate limits of the Town of North Manchester, if and in the event that said goods, merchandise, wares and food stuffs occupy a space extending out from the abutting front of the mercantile establishment where said items are so displayed, more~~

~~than two and one-half (2-1/2) feet therefrom and unless said items are displayed, put, or placed upon a removable platform hinged to the building from which said items are put, placed or displayed, and said platform to be supported by chains of sufficient strength as to not become a hazard to the pedestrians using said sidewalk, or said items shall be put, placed or displayed upon a movable bench which bench shall be built substantially enough that its occupancy of the public sidewalk shall not be a hazard to the pedestrians using said sidewalk.~~

~~SECTION 4. A removable platform or bench shall be at least two (2) feet high, or of sufficient height that any foodstuffs displayed thereon are not likely to be contaminated by animals.~~

~~SECTION 5. It shall be unlawful to put, place or display any item or items after the closing time of the establishment so putting, placing or displaying said item or items whether or not the item is for sale.—Repealed December 3, 1997.~~

ARTICLE II: OBSTRUCTION OF PUBLIC PEDESTRIAN WAYS PROHIBITED AND AUTHORIZING AN EXCEPTION

SECTION 1. No person shall obstruct any public sidewalk or other public pedestrian passage way, or any part thereof, and no person shall interfere with the unimpeded passage of pedestrians within a public pedestrian way by placing or causing any object to be placed thereon except as specifically authorized herein.

SECTION 2. On public pedestrian ways having a width exceeding six (6) feet, and located within areas zoned for business use under the North Manchester Zoning Ordinance, the owner or other lawful occupant of the premises abutting the public pedestrian way may use or permit the use of that portion of the public pedestrian way in excess of the six (6) feet abutting the roadway for the display, preparation, sale and consumption of merchandise and consumables for periods not exceeding 16 hours each day, between the hours of 6:00 a.m. and 10:00 p.m.

SECTION 3. This Ordinance does not authorize the use of tree lawns or the display, sale or consumption of merchandise or consumables not otherwise lawful under the laws of the State of Indiana and does not regulate permanent signs or parts of buildings, including canopies and awnings, lawfully protruding over public pedestrian ways.

SECTION 4. Violations of this ordinance shall be subject to imposition of a civil penalty of not less than Ten Dollars (\$10.00) nor more than the maximum penalty authorized by the North Manchester Municipal Code. Adopted December 3, 1997.

ARTICLE III: EXCAVATION, PERMITS, BOND

SECTION 1. It shall be unlawful for any person, firm or corporation to excavate in any part of the street, alley or public way in the Town of North Manchester without first having completed and application and obtaining a permit from the Clerk-Treasurer.

SECTION 2. The application shall be signed by the owner of the lot or part of lot on which such building is to be erected, from which lot said work is to commence or said lot in connection with which said work is being done and/or to be done, which application shall state the proposed location, and state fully and minutely the kind of building to be erected or excavation to be made, the principal materials to be used in the construction of said building and the kind and size of tile and/or drainage material to be used and when and where proposed to be connected, and said Town Council shall thereupon order the Clerk-Treasurer to issue a permit to said applicant allowing him to make such proposed improvements, excavations, changes,

structure, work, drain, and/or sewer and designate what portion of the street, alley or sidewalk may be cut, dug into, broken and/or excavated, and where thereon building material may be placed; provided the same does not violate any sections of this ordinance, any state law and/or does not interfere with any public works being done by the Town in pursuance of law and does not interfere with the rights of other people, unduly obstruct traffic and/or is not otherwise dangerous to the public. The Council shall not issue a permit to any person to connect or tap into any sewer with a larger size drain and/or sewer than is provided by the plans and specifications for said sewer, in event said sewer is in process of construction and/or if the same would in the opinion of the Town Engineer, carry material injurious to the proper use of said sewer for the purpose for which the same was built and/or intended or for the purpose for which said sewer is being constructed. Provided further that said applicant shall sign an agreement with sufficient surety thereon, to the approval of the Council, guaranteeing that any building, buildings, excavations, diggings, repairing, changes, sewer connections, places where material is deposited and any injuries to public property and/or land, streets, alleys, sidewalks, sewers, and/or surfaces thereof, so injured or damaged in connection with said work shall be put in as good a condition as they were before said work was done and within thirty (30) days after the completion thereof and that all materials so deposited shall be removed therefrom within thirty (30) days after the completion of the work for which said permit is granted. Said applicant and his surety shall not be released from their bond unless and until the Street Commissioner and/or the Engineer has accepted the condition of said property and/or abutting public property, streets, alleys, sidewalks and surfaces thereof and/or sewers connected with has been properly replaced and/or repaired where injury or damage has been done and that this ordinance has been fully complied with and that no other ordinance and/or statute has been violated in connection with said work. Said agreement and bond of the applicant shall further provide that the property owner will properly safeguard all work done in connection with said permit and that the Town will be save harmless from all loss or payment of damages or costs in defending any suits by reason of the negligent acts and/or alleged negligent acts of said applicant or person or persons, corporation, associations, firm, partnership, or other entity or employer contracted with in connection with the work provided for in said permit.

ARTICLE IV: MOVING OF BUILDINGS UPON OR ACROSS PUBLIC WAYS

SECTION 1. It shall be unlawful for any person, firm or corporation to move any building or buildings on, over and/or upon any street or alley within the corporate limits of the Town of North Manchester, without meeting the requirements of this ordinance and obtaining a permit from the Town Council of said Town to move said building or buildings.

SECTION 2. Before said permit shall be granted to any person, firm or corporation, said applicant shall furnish a bond to the Town with sufficient surety to the approval of the Town Council thereof and agreeing therein to save the Town harmless from any and all damages that might accrue therein to notify all companies having wires crossing any street or alley over which said building or buildings are to be moved.

SECTION 3. The permit issued as herein provided shall describe the route over which said building or buildings are to be moved and it shall be unlawful for any person, firm or corporation to move said buildings or buildings over any other street or alley within the corporate limits of said Town not set out in said permit.

ARTICLE V: REPAIR, REPLACEMENT AND MAINTENANCE OF SIDEWALKS, CURBS AND TREELAWNS

SECTION 1. Streets, curbs, sidewalks and treelawns are held for and devoted to public use, subject to the recognition of the peculiar rights of abutting property owners therein, and it is

the purpose, spirit and language of Indiana Law to enable a municipality to require improvements, to determine the character of the improvements, and to enforce the payment of benefits of improvements against the owners of the properties abutting such improvements.

SECTION 2. Without relinquishing the power and authority of the municipality to require general improvements to streets, curbs, treelawns and sidewalks now available under Indiana Law, it is necessary in the interests of safety to establish standards for replacement, maintenance and repair of curbs, treelawns and sidewalks at specific properties in order to preserve and protect the interest of the public generally and abutting property owners.

SECTION 3. The Street Commissioner shall establish, maintain on file in his office and shall make available to owners of property in the Town of North Manchester specifications for the construction of curbs, sidewalks and maintenance of treelawns, including any requirements for the trimming of trees located within treelawns or overhanging any portion of the public streets, alleys and ways in the Town of North Manchester.

SECTION 4. Each owner of property abutting a public street, alley or way in the Town of North Manchester shall bear responsibility for proper and safe condition of abutting curbs, treelawns, trees and sidewalks and, shall if requested in writing in accordance with the terms of this ordinance, replace, repair and maintain curbs, treelawns, sidewalks and trees overhanging any portion of the public places of the Town of North Manchester in compliance with the specifications described in the preceding section, so as to afford users of the public streets, treelawns and sidewalks reasonable safety.

SECTION 5. If the Street Commissioner determines in writing that a curb, treelawn or sidewalk is defective and that the defective condition creates a foreseeable risk of harm to persons using the street, curb, treelawn or sidewalk, then the Street Commissioner shall serve notice upon the owner of the property which abuts upon such defective condition describing the defect and the specific requirements for elimination of the defect. The Street Commissioner shall also determine and advise the property owner of the time within which the corrective measures shall be commenced and completed. The notice shall include a copy of any specifications prescribed by the Street Commissioner for the correction of the defect. If the property owner resides within the Town of North Manchester, the notice shall be served upon the property owner by the Town Marshal. If the property owner is not a resident within the corporate limits of the Town of North Manchester, notice shall be served upon the property owner by certified mail, return receipt requested. If a property owner notified in accordance with this section does not agree with any part of the determination made by the Street Commission, the property owner shall have the right to appeal the Street Commissioner's determination to the Town Manager, provided that the property owner shall notify the Town Manager in writing of the reason or reasons for the objection within thirty (30) days after the Street Commissioner's notice is served upon the property owner. The Town Manager shall fix a date, time and place to hear the objection of the property owner and shall, within five (5) days after the hearing, notify the property owner of the decision, in writing, which determination shall be served upon the property owner by certified mail, return receipt requested. All decisions of the Town Manager shall be forwarded by the Town Manager to the Clerk-Treasurer, who shall place the matter on the agenda of the next regularly scheduled meeting of the Town Council; provided, however, if the Town Manager's decision on the appeal shall have been served on the property owner within seven (7) days of the next regularly scheduled meeting of the Town Council, the matter shall be placed on the agenda of the immediately succeeding regularly scheduled meeting of the Town Council. If the property owner objects to the decision of the Town Manager, then the property owner shall have the right to appear before the Town Council when the matter is scheduled on its agenda and to be heard. The decision of the Town Council in the matter shall be final, subject to only any rights of the property owner to enjoin the action of the Town in a court of competent jurisdiction. When the positions of Street Commissioner and Town Manager are occupied by the

same person, an appeal from a decision of the Street Commissioner shall be directed to the Town Council, and the Clerk-Treasurer shall place the matter on the Town Council's agenda and give the notices required hereunder.

SECTION 6. In the event a property owner shall not comply with a final order to repair a defective condition, and such failure shall have continued for more than one hundred twenty (120) days from the date of the order, the Street Commissioner, with the approval of the Town manager, may contract for the repair, to be paid from appropriated funds. The costs of such repair, plus 20% thereof for the contracting and supervisory services along with interest at the statutory rate, shall be a lien upon the property benefited by the repair, under the same requirements and procedures prescribed by I.C. 31-8-3 et seq. for mechanics' liens, enforceable by the person performing the repair or the Town of North Manchester. In addition to the right of the Town to contract for the complete repairs ordered hereunder, the failure of a property owner to complete a repair within one hundred twenty (120) days of the final order therefore, shall constitute a violation of the penal code of the Town of North Manchester.

SECTION 7. In the event the correction of a defective condition necessitates the establishment of grades or elevations or requires the services of a licensed engineer for the purpose of defining the scope of the work, then the costs of the services described in this section shall be borne by the Town of North Manchester.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER III: DEMOLITION OF STRUCTURES

ARTICLE I. DEMOLITION PERMITS

SECTION 1. The Owner of property to be demolished shall apply to the North Manchester Building Inspector for a Demolition Permit before commencing the demolition on site. A uniform application shall be designed and made available to an applicant by the Building Inspector. The application shall be accompanied by an acknowledgment from the entities which provide natural gas, electricity, telephone, telecable, water and sanitary sewer services to the site that arrangement for the termination of services to the site have been completed. Prior to issuing a demolition permit the Building Inspector shall certify that the structure to be demolished is free of toxic and/or hazardous materials or, in the alternative, that the Indiana Department of Environmental Management has approved removal and disposal of toxic and/or hazardous materials on the site.

SECTION 2. As used in this ordinance the term "demolition" means and includes the razing and removal from site of a structure or a designated portion of a structure. "Demolition" does not include incidental removal of building or construction materials from a site for which a valid building permit is issued unless the demolition phase is a pre-requisite to the construction for which the building permit was issued, in which case a separate demolition permit is required.

SECTION 3. The Building Inspector shall impose and collect fees for demolition permits as follows:

- 3.1 Complete or partial demolition of a structure appurtenant to a residential use, \$25.00
- 3.2 Partial demolition of a residence structure, \$50.00
- 3.3 Demolition of a residence structure, \$100.00
- 3.4 Demolition of all or part of a commercial structure, \$200.00
- 3.5 Demolition of multiple commercial or industrial structures on the same site, \$125.00 per structure.

SECTION 4. The Building Inspector shall familiarize himself with the demolition site prior to issuing a demolition permit. In the course of the demolition, the Building Inspector shall make two inspections of the demolition site, the first within seventy-two hours of receiving notification from the owner or contractor that demolition has progressed to the point of sub-surface removal, and a final inspection when the owner or contractor provides notification that the demolition is complete. The owner or applicant for permit shall be present for the final inspection when the Building Inspector makes a determination that the final condition of the site does or does not satisfy the provisions of this ordinance. If the final inspection does not show full compliance with the provisions of this ordinance, the Building Inspector shall give written instructions specifying the additional work necessary to complete the demolition and assure compliance with this ordinance. To be followed by another final inspection. The notice required by this section may be by telephone, but shall be documented by a memo showing the time of contact and identity of person contacted.

SECTION 5. The following specifications for demolition shall be observed:

- 5.1 Permitted demolition shall be completed within one hundred eighty (180) days from the issuance of the permit unless, for good cause shown, the owner shall request a longer time and the Plan Commission shall have reviewed and approved the request.
- 5.2 The owner or entity contracted with by the owner for demolition shall eliminate hazards of bodily injury and property damage to abutting owners and occupants of property, pedestrians and operators of vehicles on and around the site, on the public ways of the Town and agree to indemnify and hold the Town of North Manchester harmless from all claims of and for bodily injury and property damage occasioned by the demolition. At the time of application the owner or other entity contracted by the owner to complete the demolition shall file a certificate of insurance evidencing current commercial insurance coverage for bodily injury and property damage liability.
- 5.3 Basement walls, concrete slabs, footing, chimneys, steps, sidewalks and underground structures shall be removed to a depth of three (3) feet below finish grade. Concrete slab(s) below three (3) foot depth shall be broken to allow the penetration of water.
- 5.4 Backfill materials shall consist of non-organic granular materials only.
- 5.5 Utility service lines shall be cut and plugged under the supervision of the service provider to whom notice of severance shall be given. Water and sewer lines shall be cut and plugged at or near the main under the supervision of the Department of Public Works.
- 5.6 Plant life on the tree lawn of the site shall be protected against damage and preserved unless prior authorization is given for its removal or destruction by the Tree Advisory Commission of the Town of North Manchester.
- 5.7 No fire will be ignited on a permitted demolition site except in accordance with a duly issued and valid burn permit under applicable law.
- 5.8 When demolition is complete the top four (4) inches of the site shall be backfilled with soil suitable to support vegetation and the site shall be seeded or sodded within thirty (30) days or, if not within the growing season, within such time as the Building

Inspector shall specify in the demolition permit. The site shall be re-seeded or re-sodded as often as may be necessary to produce a covering of growing and thriving grass. The requirements of this sub-section shall not apply to that portion of a demolition site, and necessary access thereto, upon which a valid building permit has been issued for construction of surface improvements under the North Manchester Zoning Ordinance.

5.9 Demolition work shall comply with all requirements of the Uniform Building Code in force and effect in the State of Indiana.

SECTION 6. It shall be a violation of this ordinance to commence demolition without a demolition permit or to fail to observe the requirements of this ordinance in connection with the execution of a permitted demolition, for which a civil penalty shall be imposed in an amount not exceeding the maximum amount permitted by the North Manchester Municipal Code. Each day a violation continues may be considered a separate violation.

ADOPTED June 6, 2002.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER IV: PREVENTION OF FIRE HAZARDS

ARTICLE I: FIRE LIMITS ESTABLISHED: BUILDING RESTRICTIONS

SECTION 1. All that part of the Town of North Manchester embraced within the following described boundaries, shall be known as the fire limits of said Town, to wit: Beginning at the northwest corner of Lot Number 17 O.P., thence south on the west line thereof to Eel River, thence along Eel River to the southwest corner Lot Number 150 O.P., thence east to Mill Street, thence north to Main Street, thence east to a point opposite east line of Lot Number 138 O.P., thence north to Second Street, thence west to a point opposite the east line of Lot Number 118 O.P., thence north to the northeast corner of said lot, thence west to the northwest corner of Lot Number 47, thence south to Second Street, thence west to Market Street, thence south to a point opposite south line of Lot Number 29 O.P., thence west to place of beginning.

SECTION 2. No person shall erect or cause to be erected on any lot or part of lot in said Town of North Manchester, Indiana, lying within the fire limits as described in Section 1, any building or addition to any building heretofore erected, unless the outer wall thereof be composed of brick or stone, laid up with mortar, or composed of other fireproof material, not less than nine (9) inches in thickness, unless the roofs thereof be covered with slate, tin, iron, or other fireproof materials, and any person violating any of the provisions of this section shall, upon conviction before any court of competent jurisdiction, be fined in any sum not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00), and each day's continuance of such violation shall be deemed a separate offense.

SECTION 3. Whenever any frame or wooden buildings heretofore erected within the fire limits, defined in Section 1, shall be removed from its foundation and location, the same shall not be relocated within the said fire limits, but shall not be removed without the same, and any person convicted before any court of competent jurisdiction of having relocated such building within the said fire limits, shall be fined for the use of said Town, not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00), and every day's continuance of such building on such relocation shall be deemed to be a separate offense.

SECTION 4. No frame or wooden building, whether partially or fully completed, shall be located and moved within the fire limits described in Section 1 of this ordinance, and any person convicted before any court of competent jurisdiction of having moved and located any such building within the fire limits aforesaid, shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).

SECTION 5. No wooden building within said fire limits which may hereafter be damaged to the extent of fifty percent (50%) of the value thereof, shall be repaired or rebuilt, and whenever any wooden building within said fire limits is damaged thereafter the extent of such damage shall be ascertained in the manner provided by Section VI of this ordinance before it is repaired or commenced to repair any wooden building situated within said fire limits, which has been damaged, before the extent of the damages have been ascertained, as provided in Section VI of this ordinance, shall be fined in any sum not exceeding twenty-five dollars (\$25.00).

SECTION 6. The amount or extent of damage that may be done to any building shall be determined by three disinterested persons, residents of the Town, one of whom shall be selected by the owner of the building, the second by the Town Council and the two so chosen shall select the third, and the decision of the persons so appointed shall be final and conclusive, and it shall be the duty of the owner of the building, before said reference, to deposit with the Clerk-Treasurer the sum of five dollars (\$5.00), which shall be applied to the payment of the reference expenses, and the remainder, if any, shall be returned to such owner.

SECTION 7. No building lying within said fire limits shall be reroofed unless the same is done with slate, tin, iron or other fireproof materials. Any person violation the provisions of this section shall upon conviction before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five dollars (\$25.00), and each day's continuance of the same shall constitute a separate offense.

SECTION 8. It shall be the duty of the Marshal, whenever any wooden building is erected or commenced to be erected in said fire limits, contrary to the provisions of Section II or IV or any wooden building is commenced to be repaired contrary to the provisions of Section III, to report the same immediately to the Town Council showing the location and description of such building, and the Town Council shall thereupon issue their warrant to the said Marshal to take down or remove such building beyond the fire limits, defined in Section I of this ordinance, and the cost thereof shall be collected from such offender.

SECTION 9. Before any person or persons, corporation or association shall commence to erect, alter or repair any house, structure or other building, lying within the corporate limits of the Town of North Manchester, or shall commence to make an excavation in any sidewalk or street or part of the same, or place any building material in any street within said corporate limits, such person or persons, or if a corporation, its proper officers, shall make application in writing to the Town Council, signed by the owner of the lot or part of lot on which such building is to be erected, which application shall state the proposed location, and state fully and minutely the kind of building to be erected or excavations to be made, and principal materials to be used in the construction of said building, and said Town Council shall thereupon order the Clerk-Treasurer to issue a permit to said applicant allowing him to make such proposed improvements and certain defined part of the street to place building material upon; provided, the same does not violate any of the sections of this ordinance, and provided said applicant shall sign an agreement that when the building or buildings are completed he will remove all rubbish and restore the street and sidewalk in as good condition as they were before said building was placed thereon, and failing to do so, that he will pay for the removal and restoration of the street, together with five dollars (\$5.00) for the services of the officer in doing the same, and also that he will, during the progress of said work, properly protect the same by putting up safeguards along the excavation,

and by hanging out red lights at night; and, further, that he will protect and hold the Town harmless from all loss or payment of damages by reason of negligent acts of said applicant or the person or persons employed to make such improvements. Any person convicted of violating the provisions of this section shall be fined in any sum not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00), and for each day's continuance nor more than ten dollars (\$10.00).

SECTION 10. In no case shall any permit granted under Section IX of this ordinance, grant any right whatever to use in such case more than one-half of the street, measuring from the longitudinal center thereof to the immediate outer edge of the sidewalk fronting such proposed building or excavation, and no permit shall grant any right to place any material whatever in any alley, nor keep the sidewalk in front of such building or buildings obstructed so as to prevent free travel thereon.

SECTION 11. It shall be unlawful to erect, construct, or repair any kind or type of building within the corporate limits unless aid construction complies with the regulations for safe construction as set forth in the National Fire Underwriters Code of Construction.

SECTION 12. All damages recoverable from property owners by provisions of this ordinance may be enforced by a suit against said owner in the name of the Town Council members of the Town of North Manchester filed in a court of competent jurisdiction.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER IV: PREVENTION OF FIRE HAZARDS

ARTICLE II: BURNING REGULATED First Ordinance Adopted 10/3/1984

SECTION 1. For purposes of clarifying the content of this ordinance, the following terms and words shall have the indicated meanings:

GARBAGE shall mean the waste resulting from the handling, preparation, cooking and consumption of food, whether for humans or for animals, and of waste from the handling, storage and sale of food materials.

NATURAL DEBRIS shall mean leaves, twigs, trees and tree limbs accumulating from natural processes.

REFUSE shall mean all trash, combustible or not, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, furniture, bedding, mineral waste, tires, shingles, waste oil, ~~etc.~~ and like disposables.

SECTION 2. It shall be unlawful to burn any garbage or refuse outside an enclosed building within the corporate limits of the Town of North Manchester.

SECTION 3. It shall be unlawful to burn natural debris ~~except during the month of April and from October 15 through November 15, between the hours of 6:00 a.m. and 4:00 p.m. Permitted burning shall be supervised, and the supervisor shall take whatever actions are required to prevent combustion from occurring or continuing after 4:00 p.m. (Restated 3/1/95) within the corporate limits of North Manchester, without a permit.~~

- 3.1 *If the Fire Chief finds that natural debris cannot reasonably be collected for pick-up and disposal by the street department, the Chief may issue a permit to burn natural debris between the hours of 6:00 a.m. and 4:00 p.m.*
- 3.2 *Application for a burning permit shall be made to the Fire Chief on a form available from the Chief. The permit shall be holder and location specific, require the fire be supervised and extinguished by 4:00 p.m. and may be further conditioned on wind and weather conditions prevailing at the time burning occurs.*

SECTION 4. It shall be unlawful to burn natural debris on the paved portion of any sidewalk, street or alley. {Supplemented 3/1/95}

SECTION 5. Upon conviction for a violation of ~~Section 3 or Section 4~~ of this Article, the person ~~supervising~~ *who ignited or supervises* the fire, ~~or, in his absence,~~ or the occupant of the property where the burning occurred shall be assessed a civil penalty of not less than \$25.00 nor more than \$100.00 to which shall be added the cost of repairing damage to any public way caused by the violation. {Supplemented 3/1/95}

SECTION 6. Nothing in this Ordinance shall exclude the occasional use of recreational fires (such as "bonfires" or "cooking fires") conducted for a maximum of 2 hours or less and supervised by a responsible adult property owner or representative of a sponsoring community organization, in conjunction with planned activities which enhance the quality of family and community life, utilizing only natural debris as a fuel source. {Supplemented 3/1/95}

Amended April 14, 1999.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER V: TRAINS

ARTICLE I: REGULATION OF TRAFFIC

SECTION 1. That no railroad car, locomotive, engine, railroad passenger train of cars, and/or train of freight cars, shall be propelled, drawn and/or run upon or along any railroad track within the corporate limits of the Town of North Manchester at a speed of greater than thirty (30) miles per hour provided any train described aforesaid may exceed said speed while passing any crossing at which there is placed gates or signal lights.

SECTION 2. It shall be unlawful for any railroad company, railway company, engineer, train conductor, brakemen, or any other person or employee of such railroad or railway company having charge of any train described as aforesaid, to permit said train to remain stopped across any intersection so as to prevent the passage of vehicles across its tracks, for any one period of more than five minutes.

SECTION 3. In event it is found necessary to stop any train within the corporate limits of the Town of North Manchester in the manner described in the last preceding section for longer than five minutes then it shall be the duty of the employee described in the preceding section and having charge of said train, to uncouple said train or otherwise remove a part of the train from said crossing intersection so that vehicles and pedestrians may cross the tracks at said intersections.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER VI: DISPOSAL OF WASTE

ARTICLE 1. ACCUMULATION, STORAGE, AND DISPOSITION PENALTIES

SECTION 1. "Disposable waste" shall mean garbage and rubbish as those terms are defined and interpreted by Section 2, sub-sections 2.1 and 2.2 or Article I (Storage, Collection and Disposal) of Chapter IV (Garbage and Rubbish Disposal) of Title V (Public Works, Facilities and Services) of the North Manchester Municipal Code. Hazardous wastes (as that phrase is defined by Indiana Law), petroleum and petroleum based by-products, construction debris, tree stumps and materials not containerized or bundled are not acceptable for disposal by pick-up.

SECTION 2. Except as permitted by this ordinance, it shall be unlawful and a civil offense to dump, place or accumulate disposable waste at, in or upon any property, public or private, within the Town of North Manchester, Indiana.

SECTION 3. Disposable waste accumulated at each pick-up location shall be stored out of public view from any street or alley and shall be screened from view by the occupants of all neighboring properties except when lawfully deposited for collection at the curb or other designated pick-up location for the property.

SECTION 4. Disposable waste shall be placed in plastic or metal containers or bundled securely in bundles. Each container or bundle shall not exceed eighty (80) pounds.

SECTION 5. Disposable waste shall not be placed in public view for pick-up earlier than noon of the day preceding the scheduled pick-up day for the property location and emptied containers and disposable waste not accepted for pick-up shall be moved and relocated so as to comply with Section 3 no later than noon of the day following the scheduled pick-up day. Disposable waste shall not be placed for pick-up in the traveled portion of any sidewalk, street, alley or other public way.

SECTION 6. The annual spring clean-up shall commence on Monday of the week in which May 1 occurs. All provisions of this ordinance apply to items placed for disposal during spring clean-up, as well as the following additional requirements. Viz:

- 6.1 The Sanitation Department shall announce through print media published in the Town of North Manchester not later than April 15, preceding each spring clean-up, and may announce through other media, the types of materials which shall not be accepted for pick-up.
- 6.2 Except for furniture and appliances, all other items placed to be picked up shall not exceed an area four (4) feet by eight (8) feet at each pick-up location. The doors shall be removed from refrigerators and freezers prior to their placement at a pick-up location. The cooling agent shall not be removed from refrigerators and freezers prior to their being placed for pick-up and disposal.
- 6.3 Items placed for disposal in the spring clean-up shall not be placed at the curb or other pick-up location earlier than ten (10) days prior to the date spring clean-up begins, and items not accepted for pick-up shall be moved and relocated so as to comply with Section 3, above, not later than fourteen (14) days after spring clean-up commences.

SECTION 7. Each adult occupant of each pick-up location shall be responsible for compliance with the requirements of this ordinance, and a failure by any adult occupant of a pick-up location to comply with this ordinance shall be a civil offense, subject to a civil penalty of ten dollars (\$10.00) for the first violation, and twenty-five dollars (\$25.00) for the second and each subsequent violation. Each day a violation of this ordinance continues shall be a second or subsequent additional violation.

SECTION 8. A notice of violation of this ordinance describing the violation shall be served upon an adult person or persons at the pick-up location where the violation occurred. The civil penalty for the violation may be paid in the same manner as traffic citations are paid. The North Manchester Town Court shall have jurisdiction to review a notice of violation at the written request made within ten (10) days of the service of the notice of violation, filed by the person served with the notice of violation. It shall not be a defense to a violation that another adult person, other than the person served with the notice of violation, who also occupies the pick-up location and could have been charged with the violation.

SECTION 9. The Town Marshal is authorized to appoint and deputize citizens, employees of the Town and employees of the contracted waste disposal agent to serve as a code compliance board for purposes of identifying violations of this ordinance and for serving notice of violations of this ordinance. The code compliance board shall be instructed and supervised by the Town Marshal.

SECTION 10. For purposed of communication with the education of the affected public, the Town Marshal may suspend the effective enforcement date of this ordinance for a determinate period of not exceeding three (3) months after publication of this ordinance and, in the interim, before the imposition of civil penalties for violations, authorize issuance of warnings of violation.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER VII: DOGS AND CATS

ARTICLE I: REGISTRATION AND RESTRICTIONS

~~SECTION 1. Any person owning or harboring a dog over the age of three months within the Town of North Manchester, Indiana, shall register the dog with the Clerk-Treasurer of the Town of North Manchester, Indiana, and shall pay to the Clerk-Treasurer a registration fee of two dollars (\$2.00) for each dog. The Clerk-Treasurer shall issue to such person for each dog registered a numbered tag. The tag shall be securely fastened to a collar, which collar shall be worn by each registered dog. Prior to the issuance of a registration tag, the applicant shall present proof for each dog of immunization for rabies by a licensed veterinarian. A registration tag shall be obtained for each dog owned or harbored and shall be issued for the ten current calendar year. Repealed December 1, 2004.~~

SECTION 1. It shall be unlawful for any person owning or harboring any dog, cat or livestock of any description to permit same to roam or run at large unattended. Any such dog, cat or livestock shall be confined by the owner or person harboring same to the premises on which the animal is kept when not under the control of such owner or harborer.

SECTION 2. Any dog, cat or livestock found off the premises of the owner or harborer may be caught and confined by the Town Marshal or by any other person. Any cat so found and detained may be humanely destroyed. Any dog so found and detained not having affixed thereto a current registration tag may be humanely destroyed. Any livestock so found and detained may be sold by the person in possession thereof. In the event livestock shall be sold under this ordinance the person selling same shall retain the proceeds thereof until proof is furnished of the ownership of same at which time the person who sold such livestock shall be entitled to retain his reasonable cost and expenses in connection with the detention and sale. Any balance shall be paid to the owner. A person who has detained a dog bearing a registration tag shall deliver custody of such dog to the Town Marshal who shall notify the owner or person to whom the registration tag was issued that such dog may be reclaimed upon payment of the reasonable cost of the apprehension and detention of the dog. If a dog bearing a registration tag is not claimed by the person who purchased the registration or by his representative, within thirty-six (36) hours after notice, the dog may be destroyed or disposed of in a humane manner by the Town Marshal.

SECTION 3. Any person or persons owning or harboring a dog which is disposed to be cross shall keep said dog chained or on a leash, whether at said person's premises or elsewhere and shall fasten said dog on said premises where he will be in full view of persons approaching said premises.

SECTION 4. It shall be unlawful for any person owning or harboring any dog, cat, or animal of any description to suffer or permit a dog, cat, or other animal to engage in conduct defined as a public nuisance under Title III, Chapter XII, Article II of the Municipal Code. Whenever the Town Marshal determines that a dog, cat or other animal is a public nuisance he shall take immediate steps necessary to abate such nuisance. {Adopted July 1, 1992}

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER VIII: DISCHARGING WEAPONS AND EXPLOSIVES PROHIBITED

ARTICLE I:

SECTION 1. It shall be unlawful to shoot or discharge any gun, air rifle, sling shot or bow and arrow, or any explosive material within the corporate limits of the Town of North Manchester, except when necessary for the purpose of construction or repair work.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER IX: WEED REGULATION

ARTICLE I:

~~SECTION 1. It shall be unlawful for any person or persons, to permit weeds to grow on their premises, or on tree lawn abutting said property or properties and not keeping the same cut during the months from April to November, exclusive.~~

~~SECTION 2. Upon failure of any person or persons to so have said weeds cut, then the Town Marshal shall notify the owner of offending property by five days written notice and if said owner has not commenced the cutting of said weeds at the expiration of five days from the~~

~~receipt of said notice then the said Marshal or any complaining witness may file an affidavit charging the said property owner with violation of this ordinance.—Repealed 10-1-98.~~

SECTION 1. Owners of real property within the Town of North Manchester shall cut and remove weeds and other rank vegetation growing on their property.

SECTION 2. The phrase “weeds and other rank vegetation” means all plant life, including grasses, grown to a height of twelve (12) inches or higher, but the phrase does not include trees and shrubbery in a park, forest, nursery or greenhouse or trees and shrubs growing as an integral part of a landscaping plan, or other plant life grown for agricultural harvesting.

SECTION 3. Owners of real property found by the Town Marshal to be in violation of this ordinance shall be notified in writing of the violation, its location and the means by which the violation may be abated. The property owner shall abate the violation within ten (10) days after issuance of the notice by cutting and removing, as required by the notice, the weeds and other rank vegetation or, within such ten (10) days, appeal the existence of a violation to the Town Manager who shall, within seventy-two hours after receipt of the appeal, either confirm the violation and its requirements or dismiss the violation if the violation is found to be non-existent.

SECTION 4. Notice of the violation, as well as notice of the action taken on its appeal by the Town Manager, shall be given by:

4.1 Sending a copy of the notice of violation or decision by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

4.2 Delivering a copy of the notice or decision to the person to be notified; or

4.3 Leaving a copy of the notice or decision at the dwelling place of abode of the person to be notified;

4.4 If, after a reasonable effort, service is not obtained by a means described above, service may be made by publishing notice of the violation in accordance with I.C. 5-3-1 in a newspaper of general circulation within Wabash County, Indiana.

4.5 When service is made by any of the means described in this Section, except by mailing or by publication, the person making service must make an affidavit stating that he has made the service, the manner in which service was made, to whom the notice or statement was issued, the nature of the order or statement and the date of service. The affidavit must be placed on file with the Town Marshal.

4.6 Provided, however, for violations of this ordinance occurring on unimproved or improved real property not occupied by the person or persons who are owners thereof, notice mailed to the entity and address shown on the records of the Wabash County Auditor and Treasurer, for the tax duplicate related to such real property, shall be sufficient notice.

4.7 Provided further, however, no more than one notice of violation need be given to the same property owner during one calendar year, and repeated violations occurring during the same calendar year in which a notice of violation has been given shall be abated and billed as provided for an initial violation excepting only that the Town Marshal shall document subsequent violations and report their abatement for purpose of billing the property owner. [4.7 ADOPTED July 11, 2002.]

SECTION 5. If the owners of real property on which a violation exists do not abate the weeds and other rank vegetation within the time allowed, the Town Marshal shall notify the Superintendent of Public Works to enter the property, abate the violation and report the actual costs of labor and equipment required to abate the violation to the Clerk-Treasurer.

SECTION 6. The Clerk-Treasurer shall issue a bill to the owner of real property for the costs incurred in abating the violation, including administrative costs equal to the cost of serving notice and removal.

SECTION 7. The bill shall be mailed to the owner of the real property or served upon the owner in the same manner specified in Section 4.

SECTION 8. The bill shall be due and fully payable to the Clerk-Treasurer within ten (10) days from the date of its issuance.

SECTION 9. If the owner of real property fails to pay a bill issued under this ordinance within the time specified, the Clerk-Treasurer shall certify to the Wabash County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification, and request that the Auditor place the total amount certified on the tax duplicate for the property effected, and collect the amount certified plus interest, as delinquent taxes, and collected and disburse the amount so collected to the General Fund of North Manchester.

SECTION 10. Violation of Section 1 of this ordinance is a civil offense. A person found to be in violation of Section 1 shall be subject to a penalty for each day the violation continues in accordance with the general penalties provided for by the North Manchester Municipal Code.

SECTION 11. This ordinance shall be in full force and effect from and after its publication as required by law and shall replace the repealed portion of the North Manchester Municipal Code, existing Title III, Chapter VIII, Article I of the North Manchester Municipal Code is repealed. Adopted October 1, 1997.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER X: TREES, CUTTING AND TRIMMING

ARTICLE I: PROHIBITED CONDUCT

SECTION 1. It shall be unlawful for any person to permit any tree on their premises or on the tree lawn immediately abutting their premises to become in such a state of growth that any limb is low enough to strike or brush against any vehicle passing thereunder and/or to strike or brush against any pedestrian walking thereunder.

SECTION 2. Except for the compulsory trimming of the lower limbs of trees as provided in Section I, it shall be unlawful for any person, firm or corporation to cut, trim, prune or have performed tree surgery and/or to in any way mutilate or injure any tree growing outside of the lot line of said person, firm or corporation except upon written authority of the Town Manager.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XI: TOWN BUILDINGS AND FACILITIES

ARTICLE I: PROHIBITED CONDUCT

SECTION 1. It shall be unlawful to loiter in and about the restrooms of said Town in the Town Buildings and it shall be unlawful to write or mark on, deface or destroy the walls of said restrooms of said Town Hall and/or any property therein and/or place any material in the stools except bathroom tissue.

SECTION 2. For the purposes of this ordinance the term loitering shall be defined as remaining in said restrooms longer than is necessary to perform such functions for which such restrooms are intended or while waiting on person or persons accompanying an individual to such restrooms.

SECTION 3. It shall be unlawful to commit any filthy or unclean act while in restrooms or to be found in same or use toilets therein while said person has a venereal disease.

SECTION 1. GENERAL PURPOSES. The purposes of this chapter are to protect property, health and peace of people within the Town of North Manchester, Indiana.

SECTION 2. DEFINITIONS. For purposes of this ordinance the following definitions shall apply:

2.1 ALCOHOL. The term "alcohol" means the compound C₂H₅OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

2.2 ALCOHOLIC BEVERAGE. The term "alcoholic beverage" means a liquid or solid which is, or contains, alcohol and which is fit for human consumption and which is reasonable likely, or intended, to be used as a beverage.

2.3 LOITER. The term "loitering" as used in this ordinance shall have application only to toilet facilities located on municipal premises and shall mean the presence of a person within a toilet on municipal premises for longer than a reasonable period of time necessary to perform bodily toilet functions or for a time exceeding fifteen (15) minutes in any continuous period of two (2) hours' duration.

2.4 MOTOR VEHICLE. Every self-propelled device in, upon or by which a person or property may be transported.

2.5 MUNICIPAL PREMISES. Municipal premises shall mean and include all premises owned by and under the possession and control of the Town of North Manchester, Indiana.

2.6 PET. The term "pet" shall mean and include cats, dogs and other animals subjected to possession or ownership by any person.

2.7 REFUSE. Refuse means and includes solid and semi-solid wastes, dead animals and offal.

SECTION 3. The following conduct upon or within municipal premises is prohibited and shall be subject to penalty by courts with requisite jurisdiction:

3.1 Possession of alcohol for consumption or the possession of any alcoholic beverage, except as evidence held pending criminal prosecution.

3.2 Recklessly, knowingly or intentionally placing or leaving refuse, except in a container provided for the deposit of refuse.

3.3 Loitering in a toilet facility.

3.4 Parking or operating a motor vehicle on municipal premises except where posted regulations permit operating or parking.

3.5 Suffering or permitting a pet to run at large and to suffer or permit the presence of a pet whose movement is not controlled by leash.

3.6 Presence on property under the control of the Park and Recreation Board of the Town of North Manchester between the hours of 11:00 o'clock p.m. (EST) and 5:00 o'clock a.m. (EST) except when accompanied by a uniformed Marshal or Deputy Marshal of the Town of North Manchester.

3.7 Defacing, damaging or in any manner altering the appearance of fixtures or structures. Use of municipal toilet facilities by a person afflicted with a communicable disease, as defined by the public health laws of the State of Indiana.

SECTION 4. Sections 1, 2 and 3 or Article I of Chapter X, Title III of the Town of North Manchester Municipal Code are hereby repealed.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XI: TOWN BUILDINGS AND FACILITIES

ARTICLE II: PROHIBITING TOBACCO AND CONTROLLED SUBSTANCES IN PUBLIC BUILDINGS AND MOTOR VEHICLES

SECTION 1. No person shall possess or ingest any derivative product substance, as defined by the laws of Indiana, or use smokeless tobacco, inside a building, structure or vehicle owned by or under the control of the Town of North Manchester or any of its departments or boards.

SECTION 2. No person shall ingest any derivative product of ignited tobacco, an ignited tobacco product or an ignited controlled substance, as defined by the laws of Indiana, or use smokeless tobacco, in any public place owned by or under the control of the Town of North Manchester or any place owned by or under the control of the Town of North Manchester or any of its departments or boards where signs are posted prohibiting the conduct.

SECTION 3. Violations of this ordinance shall be subject to imposition of a civil penalty of not less than Ten Dollars (\$10.00) nor more than the maximum penalty authorized by the North Manchester Municipal Code. *Adopted December 3, 1997.*

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XII: GARBAGE

ARTICLE I: STORAGE AND HANDLING

SECTION 1. It shall be unlawful to store, haul or transport garbage in the Town of North Manchester, Indiana, in any receptacle which is not waterproof and/or which does not have a cover sufficiently tight to keep flies, insects, rodents and dogs away from the contents thereof.

SECTION 2. It shall be unlawful for any person, firm or corporation to permit any receptacle containing garbage to remain uncovered, except when filling or emptying the contents thereof.

SECTION 3. Garbage, as used herein, shall mean animal and/or vegetable matter collected for disposal.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XIII: NUISANCES

ARTICLE I: DEFINING AND ABATING NUISANCES

SECTION 1. MAINTAINING NUISANCES PROHIBITED. No person shall erect, construct, cause, permit, keep or maintain within the Town of North Manchester anything whatsoever which is injurious to the public health or safety, or offensive to the senses of inhabitants, or an obstacle to the free use of property by such inhabitants. The existence of any of the above is declared to be a nuisance and shall be regulated as set forth in this chapter.

SECTION 2. CERTAIN NUISANCES DESIGNATED. The following are declared to be nuisances, but shall not be construed to prevent any other thing from being declared a nuisance pursuant to the standards of Section 1 of this chapter:

- 2.1 The erecting or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, dense smoke or ash or other annoyances, becomes harmful to the health, safety or property of individuals or the public;
- 2.2 Causing or suffering any offal, filth or waste materials to be collected or to remain in any place;
- 2.3 The obstructing or encumbering by any means whatsoever the private ways and the public streets, alleys and places so as to create a physical threat to the public;
- 2.4 Billboards, signboards and advertising signs whether erected and constructed on branches or vegetation, which so obstruct and impair the view of any portion of a public street or alley of the Town of North Manchester as to render dangerous the use thereof;
- 2.5 A motor vehicle outside a carport or enclosed building, not within the boundaries of an automobile sales lot or salvage yard and not displaying a currently valid motor vehicle registration plate.

2.6 A structure in danger of sudden collapse or any condition existing on property which poses and unreasonable risk of physical injury to persons in or near the structure or condition.

2.7 *To own, use, maintain or permit to exist a privy or outhouse for the disposal of human bodily wastes with the Town of North Manchester.*

2.8 *To keep livestock or poultry within the Town of North Manchester.*

2.8.1 *For the purpose of this ordinance the phrase "keep livestock" shall mean the keeping or harboring of more than three (3) domestic animals, including poultry, upon any unit of real estate; provided, however, the keeping or harboring of livestock in secured cages, in enclosed buildings, for scientific or educational purposes shall not be construed as being within the phrase "keeping livestock."*

AMENDED July 2, 2001.

SECTION 3. NOTICE TO ABATE NUISANCE. Whenever the Town Marshal finds that a nuisance exists, he shall cause to be served upon the property owner, as shown by the records of the County Auditor, a written notice to abate the nuisance within a reasonable time after such notice. Such notice shall be sent to the property owner by certified mail.

SECTION 4. CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

4.1 A description of what constitutes the nuisance;

4.2 The location of the nuisance;

4.3 A statement of the act or acts necessary to abate the nuisance;

4.4 A reasonable time within which to complete the abatement;

4.5 A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the Town of North Manchester will abate it and assess the costs against the property owner.

SECTION 5. REQUEST FOR HEARING.

5.1 Any person ordered to abate a nuisance may have a hearing with the officer ordering the abatement to determine whether a nuisance does exist. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists that must be abated as ordered.

5.2 At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If he finds that a nuisance exists, he must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the Town Council at a time and place fixed by the Town Council. The findings of the Town Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

SECTION 6. FAILURE TO ABATE. If the person notified to abate a nuisance neglects or fails to abate as directed, the Town may perform the action required to abate, keeping an accurate account of the expenses incurred. An itemized expense account shall be certified and filed with the Fiscal Officer.

SECTION 7. COLLECTION OF COST OF ABATEMENT. The Fiscal Officer shall send a statement by certified mail of the total expense incurred in abating the nuisance to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, he shall certify the costs to the County Auditor. The amount due shall then be collected with, and in the same manner, as general property taxes and disbursed into the General Fund of the Town of North Manchester at the address shown on the property tax records of Wabash County, by certified mail, return receipt requested. The cost of abating the nuisance shall constitute a lien upon the property where the nuisance was abated, and such lien shall be collectable in any manner or proceeding authorized by law. The lien shall attach when the itemized expense account has been certified and filed with the fiscal officer and shall bear interest thereafter at the same rate as prescribed for judgments entered by courts of record in Indiana. Costs of collection, including reasonable attorney fees incurred and expenses or recording the lien may be recovered as a part of the Town's expenses in abating the nuisance. {Adopted July 10, 1996.}

SECTION 8. In addition to the abatement remedies available, failure to abate a nuisance shall be a penal violation of the North Manchester Municipal Code.

SECTION 9. This ordinance shall neither limit nor otherwise curtail the right of the Town of North Manchester or of any private person from commencing and maintaining an action in a court of requisite jurisdiction for legal or equitable relief against a public or private nuisance, including those specific nuisances identified in this ordinance. Amended July 2, 2001.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XIII: NUISANCES

ARTICLE II: DEFINING AND ABATING ANIMALS AS NUISANCES AND PRESCRIBING PENALTY

SECTION 1. Title III, Chapter XII, of the Municipal Code is now supplemented by the addition of Article II, as follows: Animals as Public Nuisances is defined as any animal which:

- 1.1 Interferes with passersby or passing vehicles;
- 1.2 Attacks other animals or persons;
- 1.3 Is at large;
- 1.4 Damages private or public property;
- 1.5 Causes frequent or long continued noises or other sounds common to its species which disturb the repose of any person in the immediate neighborhood;
- 1.6 Causes foul or noxious odors which offend the senses of residents in the neighborhood; or
- 1.7 Trespasses on the private property of persons other than the owner of the animal.

SECTION 2. ENFORCEMENT. The Town Marshal shall have reasonable plenary power to immediately abate a continuing nuisance. In addition, whenever the Town Marshal determines that a nuisance exists, he shall cause to be served on the owner or keeper of the animal a written warning, requiring the immediate, or designated time for, abatement of the nuisance. If the animal's owner or keeper fails to abate the nuisance immediately or within the designated time, or should the offending animal repeat the nuisance, the Town Marshal shall immediately abate the nuisance and serve or cause to be served on the owner or keeper of the animal a citation to appear in North Manchester Town Court and show cause why a civil penalty should not be assessed. Continued failure to abate a nuisance may also result in summoning the Wabash County Animal Control Officer to take control of the animal until such time as the owner or keeper can take control of the animal and complies with this ordinance or until it is determined that the animal should be disposed of in a humane manner.

SECTION 3. The penalty for failure to abate a nuisance shall be not less than \$25.00 and not in excess of the maximum general penalty of \$2,500.00 for each violation of this ordinance.

SECTION 4. A person who violates the provisions of this ordinance shall be issued a warning ticket for the first offense. Amended July 2, 2001.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XIII: NUISANCES

ARTICLE III: UNREASONABLY LOUD NOISES.

SECTION 1. The production or causation of any noise that by the manner of its production or its volume disturbs the peace or quiet enjoyment of any person and is audible at a distance of more than thirty (30) feet from its source is hereby determined to be an "unreasonable loud noise: and a nuisance.

SECTION 2. It shall be unlawful for any person to produce or cause to be produced an unreasonably loud noise within the Town of North Manchester.

SECTION 3. The following noises shall be exempted from the prohibitions of this Article:

3.1 Sounds produced by sirens of authorized emergency vehicles when operating in an emergency.

3.2 Sounds produced by lawn mowers, garden tractors and similar home power tools when properly muffled and produced between the hours of 7:00 a.m. and 9:00 p.m.;

3.3 Sounds produced by burglar alarms or other signaling or warning devices when properly installed on publicly or privately owned property, provided that the cause of such alarm, signal or warning device sound is silenced within ten (10) minutes after its initial activation;

3.4 Sounds produced in connection with celebrations on legal holidays; provided this exemption does not include the detonation of otherwise illegal fireworks;

3.5 Sounds produced in connection with permitted parades, festivals or concerts between the hours of 7:00 a.m. and 12:00 midnight;

3.6 Sounds produced in connection with the actual performance of athletic events and practices related to them;

3.7 Sounds produced in connection with the performance or practice of a band, orchestra or choir organized and maintained as part of the curriculum of a publicly or privately operated educational institution or other entity.

3.8 Sounds produced for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work; or

3.9 Sounds produced in connection with normal conduction of a legally established non-transient business when such sounds are customary, incidental and within the normal range appropriate for such use.

SECTION 4. This ordinance does not amend nor is it to be construed as applying to the vibration and noise performance standards fixed by the North Manchester Zoning Ordinance.

{Adopted December 4, 1996.}

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XIII: NUISANCES

ARTICLE IV: UNSAFE BUILDINGS

SECTION 1. Title 36, Article VII, Chapter 9 of the Indiana Code, the unsafe building law of the State of Indiana, as now or hereafter amended is hereby adopted in its entirety as an ordinance of the Town of North Manchester, Indiana, to be included in the North Manchester Municipal Code as Article IV (Unsafe Buildings) of Chapter XII (Nuisances) of Title III (Public Health and Safety).

SECTION 2. The definition of "substantial property interest" stated in I.C. 36-7-9-2 is specifically adopted and, along with Chapter 9, is incorporated herein by reference.

SECTION 3. The Plan Commission of the Town of North Manchester is charged with the duty and granted the authority to administer this ordinance, and its Building Commissioner is hereby constituted the "enforcement authority". The Town Manager is hereby constituted as the "hearing authority" under this ordinance.

SECTION 4. A person who:

4.1 Remains in, uses, or enters a building in violation of an order made under this Article;

4.2 Knowingly interferes with or delays the carrying out of an order made under this Article;

4.3 Knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this Article; or

4.4 Fails to comply with Section 27 of Chapter 9;

Commits an offense punishable by fine determined under Title I, Chapter II, Article III of the North Manchester Municipal Code.

SECTION 5. This ordinance shall be in full force and effect from and after its approval on third reading and publication as required by law. Adopted August 5, 1998.

TITLE III: PUBLIC HEALTH AND SAFETY

CHAPTER XIII: NUISANCES

ARTICLE V: PERSONAL CONDUCT UPON AND CONTIGUOUS TO PUBLIC WAYS.

SECTION 1. Based on findings that the presence of persons in repose upon or against, and the presence of persons within, the open recesses, entry ways and covered walkways of, structures which are contiguous to public ways, without the express permission of the structure occupant for access, during hours when the structure is closed to entry by the occupant's clientele for the conduct of business, contributes to obstruction and littering of public ways, contributes to violation of the tobacco derivatives use prohibition of Section 2, Article II, Chapter X, Title II, contributes to violations of the prohibition against obstruction of pedestrian public ways of Article II. Chapter II, Title III, causes persons to apprehend that the use of the affected public ways poses a threat to their personal safety and property and contributes to a general decline of the core business district of the Town of North Manchester, with consequent greater costs of providing public services and decline of tax revenues which fund such services, the conduct described in this section is hereby declared to be a public nuisance, subject to imposition of civil penalties, and deserving of priority enforcement by the public safety personnel of the Town; provided, however, no act, failure to act or conduct which is protected by the Constitution of the United States or the Constitution of the State of Indiana shall be made a civil violation by the provisions of this ordinance.

SECTION 2. No person shall repose in, upon, or against the pediments, walls, windows and other openings or projections of a structure, or under the covered walkway of structures, which are contiguous to public ways, without the express permission of the structure occupant, during hours when the structure is closed to entry by the occupant's clientele.

SECTION 3. Except for passage on or along a public way, no person shall occupy the recesses, offset spaces, entry ways and covered walkways of structures, which are contiguous to public ways.

SECTION 4. A person who violates the provisions of this ordinance shall be issued a warning ticket for the first offense, and a copy of this ordinance shall be served upon the violator by the police officer issuing the warning.

SECTION 5. A person who violates the provisions of this ordinance a second or subsequent time shall be issued a citation for a civil violation and, upon conviction, shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than permitted by the general penalty provisions of the North Manchester Municipal Code.

ADOPTED July 12, 2000.