

Chapter 65.
Nuisances and Miscellaneous.¹

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¹ As to health and sanitation generally, see ch. 64 of this code.

² As to building regulations generally, see ch. 110 of this code. As to health and sanitation regulations generally, see ch. 64. As to zoning regulations generally, see ch. 102.

Article I. Nuisances.

Sec. 65.01. Unlawful noise--Prohibited.
It is unlawful for any person to make any noise or permit any noise to be made which disturbs the peace of any other person in public or on any other property. All persons who cause such noise or permit such noise to occur or continue who are in possession of or occupy real property or who operate or occupy a vehicle, from which such noise is emitted, or possess any object, from which such noise is emitted, shall also be in violation of this section. (Ord. No. 31-99 § 1)

Sec. 65.02. Unlawful noise--Detailed.

(a) The following noises are declared an unlawful nuisance.

- (1) Any horn or signal device on any vehicle, other than as a warning of impending danger;
- (2) Any radio or other device for the reproduction or amplification of music or other sound audible as prohibited in Section 65.01;

(3) Any musical instruments audible as prohibited in Section 65.01;

(4) Any yelling, shouting or other similar loud noises audible as prohibited in Section 65.01;

(5) Any noise from construction or the operation of machinery between the hours of 9:00 P.M. through 7:00 A.M. audible as prohibited in Section 65.01;

(6) Any excessive or unusual noise from a motor vehicle resulting from the failure to use a proper muffler or to keep the motor vehicle in proper repair or from the use of exhaust brake; and

(7) Any other excessive or unusual noise as prohibited by Section 65.01.

(b) There is a rebuttable presumption that any noise which is audible to a person on nearby property or premises or on public property more than 50 feet from the source disturbs the peace of another if it is clearly audible to such a person during the hours of 11:00 P.M. through 7:00 A.M.

(c) This section does not apply to any sporting event or other program or assembly sponsored by any unit of government.

(d) The police department may permit activities creating otherwise unlawful noise upon determination that the activity is in the public welfare and cannot otherwise be done. (Ord. No. 31-99 § 2)

Sec. 65.03. Penalties.

Violation of Section 65.01 shall be punishable by a fine of not less than \$50 nor more than \$500. The minimum fine for any second or subsequent violation of Section 65.01 shall be \$200. (Ord. No. 31-99 § 3)

Sec. 65.04. Deposits of unwholesome substances.

(a) The following conditions constitute the deposit of an unwholesome substance and the existence of a menace to health and are declared to be and to constitute a public nuisance, if the same are found to exist on any public or private property within the city:

(1) All noxious weeds;

(2) Putting any filth into any cistern, reservoir, trough or other place in which water may be kept which belongs to the city or any individual therein, or in any manner to injure the same;

(3) The throwing, placing, causing to be placed or suffering to remain the existence of

any putrid or unsound meats, fish, hides, skins of any kind or any filth, offal, dung, dead animals, vegetables, tin cans or rubbish of any kind, or any other deleterious substance or obnoxious matter which is in any way offensive or which will likely become putrid or offensive;

(4) Manure in any quantity which is not securely protected from flies and treated as required by the enforcement officials;

(5) Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory yards or vacant lots;

(6) Any cellar, vault, drain, privy, pool, sewer, sink, catch basin or premises which shall become noxious, foul or offensive or which may emit foul or offensive odors, gases, effluvia or stenches;

(7) The maintenance or keeping of any farm animals, poultry, birds, dogs or cats in such a manner that the same are or may become injurious to the health or offensive to the inhabitants in the vicinity of the same.

(b) The following listed acts, conditions and things are declared to be and to constitute a public nuisance and a violation of this chapter if the same are found to exist on any public or private property within the city:

(1) Open or uncovered cisterns, cellars, wells, pits, excavations, sewers or vaults situated in any open or unfenced area;

(2) Any building or part thereof which, by reason of its unsanitary condition or its being infected with disease, is unfit for human habitation or which from any other cause is a source of sickness among the inhabitants or which from any other cause is a source of sickness among the inhabitants of the city or which otherwise endangers the public health. (Ord. No. 44-80 (part).)

Sec. 65.05. Notice.

Whenever any nuisance shall be found to exist which is referred to in § 65.04, the proper city authority is authorized to serve notice in writing upon the owner, occupant, agent or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found or upon the person owning or causing any such nuisance requiring abatement of such nuisance within reasonable time.

In place of service of notice upon such person above-mentioned, the notice may be posted upon the

premises, structure or thing; it shall not be necessary in any case to specify or designate in the notice the manner in which the nuisance shall be abated unless it is deemed advisable to do so. Such notice may be given or served by any officer who is so directed or delegated. If a person so notified shall neglect or refuse to comply with the requirements of such order by abating such nuisance within the specified time, such person shall be guilty of a violation of the provisions of this code.

In the event of refusal or neglect on the part of the notified offender to obey such order within the time limit named in the order, the proper city authority shall have the power and authority to remove and abate the unlawful conditions thereof, which shall be paid from the treasury upon sworn vouchers of such person and the cost and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the clerk-treasurer may, after the charges have gone unpaid for a period of six months, certify the amount due of such charge from each person to the auditor and the amount of such charge shall be placed upon the duplicate by the auditor and collected as the taxes are collected. (Ord. No. 44-80 (part).)

Article II. Swimming Pools.

Sec. 65.10. Compliance with State of Indiana rules and codes. Public pools shall conform with Indiana State Board of Health Rule 4-10 IAC 602 and the Indiana Fire Prevention and Building Safety Commission Governing Pool Code 675 IAC 20-1, and any amendments thereto. (Ord. No. 28-86 (part).)

Sec. 65.11. Noncompliance fees.

(a) In the event of noncompliance with submission of weekly water analysis, the health officer or designee may issue a written order citing the violation to the person in charge of the pool operation, and the pool operator shall remedy the violation within four days after receipt of such written order. A copy of the written order shall be filed with the records of the health department of the city, and a duplicate copy shall be filed with the clerk-treasurer.

(b) Weekly water samples shall be submitted to the State Board of health, or a state-approved laboratory. The laboratory shall forward all test results to the city health officer or designee, as well as the State Board of Health, within five working days or their results.

(c) If the pool operator fails to comply with the written order within the fixed time, the health officer or designee may take the appropriate samples and submit them for analysis. The pool operator shall be responsible for the actual costs of the tests, together with a service fee of twenty-five dollars.

(d) Upon failure of the pool operator to pay either the cost of the tests or the service fee within ten days of written request for such payment, the city shall have the right to bring a civil action to recover such delinquent charges, together with reasonable attorney's fees. (Ord. No. 28-86 (part).)

Sec. 65.12. Construction permit.

All swimming pools utilizing a permanent foundation or attachment into or on the ground shall obtain an improvement location permit from the city engineer prior to the start of construction. (Ord. No. 28-86 (part).)

Sec. 65.13. Penalties.

Violation of this chapter shall subject the violator to a civil penalty not to exceed three hundred dollars. In addition, the city may seek enforcement of this chapter through court injunction ordering that such violation cease. (Ord. No. 28-86 (part).)

Article III. Advertisements.

Sec. 65.20. Advertisements, notices, etc.--posting.

No person shall paint, paste, stencil or otherwise mark upon or in any manner place upon or affix to any telephone, telegraph or electric pole in or along any of the streets of the city, any work, letter, character, figure, sentence or device, or any handbill, advertisement or notice. This section shall not apply to the posting of any handbill or notice of any public sale of property by any sheriff, administrator, executor or guardian, or to any notice required by law to be posted. (Code 1960, § 15-7)

Article IV. Air Rifles.

Sec. 65.30. Air rifles, firearms, etc.--discharge.⁵

It be unlawful for any person to shoot, fire or discharge any firearms of any description, guns, air guns, air pistols or other mechanical device, to shoot or throw shot, bullet, stones or other missile within the city; except, that this section shall not prohibit any officer of the law to discharge a firearm in the performance of official duty, nor to any citizen when lawfully defending person or property from physical injury.

It shall be unlawful for any person, except those persons above excluded, by any means to explode, set off or discharge any firearm shell, shot or cartridge, the shooting of which may cause damage or injury to person or property within the city. (Code 1960, § 15-15)

⁵ As to weapons generally, see Indiana Code chapters 35-47-1 to 35-47-13. As to prohibition against discharge of firearms, air rifles, etc., in parks, see § 24.137 of this code.