

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 VICIOUS ANIMALS.

(A) *Impoundment.* The Animal Control Officer may order the immediate impoundment of a vicious animal when:

- (1) The animal has attacked, bitten, or injured a human being or domestic animal; or
- (2) The animal is a vicious animal as defined in this division and the owner has failed to comply with the requirements and conditions for keeping a vicious animal as defined in this division; or
- (3) The animal poses a threat of serious harm to the public health or safety of the community.

(B) *Definition.* For the purpose of this section, a **VICIOUS ANIMAL** shall be:

- (1) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- (2) Any animal which because of its vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life as required by this division;
- (3) Any animal which, without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal; or
- (4) Any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this division upon the basis of a reasonable medical probability.

(C) *Confinement and restraint.* The owner of a vicious animal shall not permit the animal to go unconfined.

- (1) A vicious animal is unconfined if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground not less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. All such pens or structures must conform to any applicable provisions of the city building code, zoning code and/or state building code.

(2) The owner of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating the presence of a vicious animal on the premises. Similar signs shall be required to be posted on the pen or kennel of the animal. These postings will be approved by the Animal Control Officer.

(3) The owner of a vicious animal shall not permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a chain or leash, and under the physical restraint, control and supervision of an adult person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(Ord. 1254, passed 2-5-90) Penalty, see § 90.99

§ 90.02 NUISANCE ANIMALS PROHIBITED.

It shall be unlawful and a public nuisance for any person to keep any animal, bird or fowl which causes frequent or continued noises or odors so as to disturb the comfort or repose of any person. ('76 Code, § 3-2) Penalty, see § 90.99

§ 90.03 IMPOUNDMENT.

Any animal which is found to be in violation of this chapter shall be impounded. ('76 Code, § 3-3)

§ 90.04 NOTICE OF IMPOUNDMENT.

Whenever an animal is impounded under the provisions of this chapter, the Chief of Police shall cause a written notice of such fact to be served upon its owner or keeper. ('76 Code, § 3-4)

DOGS

§ 90.15 LICENSE REQUIRED.

It shall be unlawful for any person to keep, harbor or own any dog without an annual license. ('76 Code, § 3-16) Penalty, see § 90.99

§ 90.16 LICENSE APPLICATION; TO WHOM MADE.

An application for a dog license shall be made to the Township Assessor. ('76 Code, § 3-17)

§ 90.17 LICENSE APPLICATION; INFORMATION REQUIRED; FEE.

(A) The township assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the township assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

- (1) Except as provided in division (D), for each neutered dog, \$2.
- (2) For each nonneutered dog, \$4.
- (3) For each additional dog, \$6.

(4) No dog under six months of age is subject to any tax under this chapter. Whoever becomes the owner or harborer of a dog after the dog census by the township assessor or any owner or harborer of a dog for which for any reason the assessor failed to collect the tax, shall, within 30 days after becoming the owner or harborer of a dog, apply to the assessor, or the assessor's designee, pay the required fee, and procure a tag for the dog.

(B) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

- (1) For a major kennel, consisting of 15 or more dogs, a fee of \$30.
- (2) For a minor kennel, consisting of less than fifteen dogs, a fee of \$20.

(3) For each individual dog tag or kennel license issued under this chapter, the township assessor (or trustee who collects the fee) shall retain from the fee described in this section, an administrative fee of \$0.50. Administrative fees collected by the assessor shall be deposited in the county general fund, and administrative fees collected by the trustee shall be deposited in the township general fund.

(C) Upon the payment of the license fee required by division (B), the township assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within 30 days after becoming the owner, apply to the township assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(D) A county council may increase the tax on neutered dogs imposed under division (A) from \$2 to \$3.

(E) A township assessor (or a township trustee who has the duties of a township assessor) may designate one or more licensed veterinarians or humane societies in the assessor's township to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain \$0.75 as a fee for that service and remit the balance of the money collected to the township trustee by the tenth day of each month. As used in this division, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

(IC 15-5-9-1)

§ 90.18 FORM AND DISPLAY OF LICENSE.

A dog license shall be in the form of a license tag, which shall be securely attached around the dog's neck and kept there at all times during the license period by the owner of the animal.
('76 Code, § 3-19)

§ 90.19 RABIES INOCULATION REQUIRED.

Every owner or keeper of any dog shall cause it to be inoculated by a registered veterinarian with a rabies serum at least once each year.
('76 Code, § 3-20) Penalty, see 90.99

§ 90.20 INJURIES TO HUMAN BEINGS.

It shall be unlawful for any person to harbor a dog which is not immunized against rabies and allow it to run loose, with the result that bodily injury is inflicted upon a human being.
('76 Code, § 3-21) Penalty, see § 90.99

§ 90.21 RABIES EMERGENCIES.

(A) Wherever the Mayor may apprehend that there is danger of the existence or spread of hydrophobia [i.e., rabies] within the city, he shall issue a proclamation, ordering and requiring all persons owning, possessing or harboring any member of the canine family to:

(1) Confine or muzzle the animal for a term of not less than 30 days, nor more than 90 days following the date of such proclamation;

(2) Cause such animal to be reinoculated with rabies vaccine by a registered veterinarian;

(3) Cause such animal to be effectively secured and muzzled during the period of the proclamation so as to prevent it from biting human beings and other animals.

(B) Any member of the canine family which may be found unmuzzled, nonconfined or not inoculated in violation of the proclamation of the Mayor, shall be destroyed by order of the Chief of Police.
('76 Code, § 3-22)

§ 90.22 DISEASE-CARRYING DOGS RUNNING AT LARGE.

It shall be unlawful for any dog which may communicate or has hydrophobia or any other contagious or infectious disease, to run at large.
('76 Code, § 3-23) Penalty, see § 90.99

§ 90.23 IMPOUNDMENT CENTER.

Any dog which is impounded pursuant to the provisions of this chapter shall be held by the city at the center designated for same until it is picked up by the city and transported to its dog pound.
(’76 Code, § 3-24)

§ 90.24 REDEMPTION OF IMPOUNDED DOGS; FEES.

The owner or keeper of any dog impounded under the provisions of this chapter at the city's impoundment center may redeem it after paying to the city all costs charges and penalties that have accrued up to the time of making the redemption. The costs and charges shall be a minimum fee of \$5 per day or portion of a day a dog is held in said impoundment center. There shall be a minimum charge of \$10 for each dog held in said impoundment center regardless of the length of time held.
(’76 Code, § 3-25) (Ord. 1045, passed 12-5-77)

ANIMAL CONTROL OFFICER**§ 90.30 DEFINITIONS.**

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

AMATEUR BREEDER. Any person, while not a commercial animal establishment, who allows his dog or cat to breed with another and does not give the offspring to the animal shelter.

ANIMAL. Any live, non-human vertebrate creature, domestic or wild.

ANIMAL CONTROL OFFICER. The person employed by the city whose duties shall include, among others, the enforcement of the provisions included in this subchapter.

ANIMAL SHELTER. The premises owned by the city and operated for the purpose of caring for animals which are at large, lost or otherwise homeless.

AT LARGE. Any animal shall be deemed "at large" when it is not under restraint.

AUCTIONS. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this subchapter.

CIRCUS. A commercial variety show featuring animal acts for public entertainment

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus or performing animal exhibition.

DOMESTIC ANIMALS. Any animal that is a member of one of the following species:

dog (*Canas familiaris*)
 cat (*Felis cattus* or *Felis domesticus*)
 cattle (*Box domesticus* or *Bos taurus* or *Bos indicus*)
 horse (*Equus caballus*)
 donkey (*Equus asinus*)
 pig (*Sus scrofa*)
 sheep (*Ovis aries*)
 goat (*Capra Hircus*)
 rabbit (*Oryctolagus cuniculus*)
 chicken (*Gallus*)
 monkey (*Cebida*, *Callithricide* & *Cercopithecida*)
 mouse (*Mus Muscullus*)
 rat (*Rattus rattus*)
 guinea pig (*Cavis Procellum*)
 chinchilla (*Chinchilla laniger*)
 gerbil (*Gerbillus gerbillus*)

GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

HARBORING. The actions of any persons which permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard or place of business or any premises on which such person resides or controls, shall be considered harboring such animal. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

HUMANE SOCIETY. Any organization for the prevention of cruelty to animals incorporated under the laws of the State of Indiana.

KENNEL. An establishment wherein any person engages in boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs and/or cats. Anyone keeping more than a total of four or more unaltered dogs and/or cats six months of age shall be deemed a kennel operator.

OWNER. Any person, partnership, or corporation owning, keeping, or harboring one or more animals.

PERFORMING ANIMALS EXHIBITION. Any spectacle, display, act, or event other than circuses, in which performing animals are used.

PERSON. Any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

PET. Any animal kept for pleasure rather than utility.

PET SHOP. Any person, partnership, or corporation, whether separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals.

PUBLIC NUISANCE. Any animal or animals which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Is repeatedly at large;
- (4) Damages public property or private property;
- (5) Barks, whines or howls in an excessive or continuous fashion.

90-39 **RESTRAINT.** Any animal secured by a leash or lead or within the real property limits of its owner. An animal not physically confined to the owner's property shall be presumed not to be under restraint.

RIDING SCHOOL OR STABLE. Any place which has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

STRAY. Any animal which does not appear, upon reasonable inquiry, to have an owner.

VETERINARY HOSPITAL. Any establishment maintained and operated by a veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL. Any animal that, by its behavior, constitutes an immediate and serious physical threat to human beings or animals.

WILD ANIMALS. Any animal not a domestic animal, with the exception of nonpoisonous aquatic or amphibious animals and small cage birds.

ZOOLOGICAL PARK. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or government agency.

(Ord. 1374, passed 8-4-97)

§ 90.31 ANIMAL CONTROL OFFICER.

The Animal Control Officer shall be appointed by the Mayor and shall carry out and supervise the enforcement of this subchapter. The salary of the Animal Control Officer shall be recommended by the Board of Works and Safety, fixed by the Mayor and approved by the Common Council.
(Ord. 1374, passed 8-4-97)

§ 90.32 BUDGET.

The Animal Control Officer shall prepare and submit to the Common Council of the City for approval, an annual budget of funds to be expended in carrying out the purposes of this subchapter.
(Ord. 1374, passed 8-4-97)

§ 90.33 PERMITS; GENERAL.

No person shall operate a commercial animal establishment, kennel or animal shelter, except for the City Animal Shelter, without first obtaining a permit in compliance with this subchapter. Every facility regulated by this subchapter shall be considered a separate enterprise and shall require an individual permit.

(Ord. 1374, passed 8-4-97)

§ 90.34 REGULATIONS.

The Animal Control Officer with the approval of the Common Council shall publish regulations for the issuance of permits and may include requirements for humane care of all animals and for compliance with the provisions of this subchapter and other applicable laws. Such regulations may be amended with the approval of the Common Council.

(Ord. 1374, passed 8-4-97)

§ 90.35 OBTAINING A PERMIT.

Upon application, the Clerk-Treasurer may issue a permit upon payment of the applicable fee. If there is a change in ownership of the commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$25 transfer fee. The permit period shall begin on January 1 and shall run for one year. Establishments wishing to seek a permit during the year shall apply as provided previously and pay a prorated fee for the remaining portion of the year. Yearly applications must be made before January 31 or within ten days of the creation of such an establishment.

(Ord. 1374, passed 8-4-97)

§ 90.36 FEES.

(A) Fees for permits shall be as follows:

(1) for each kennel authorized to house less than 15 dogs and/or cats	\$ 50
(2) for each kennel authorized to house 15 to 50 dogs and/or cats	100
(3) for each kennel authorized to house more than dogs and/or cats	200
(4) for each pet shop	100
(5) for each riding stable	100
(6) for each auction	50
(7) for each zoological park	100
(8) for each circus	50
(9) for each performing animal exhibition	50
(10) for each grooming shop	50

(B) No fee shall be required of any veterinary hospital, animal shelter, or government-operated zoological park or laboratory.

(Ord. 1374, passed 8-4-97)

§ 90.37 ISSUANCE OF PERMITS.

(A) It is unlawful for any person to establish, operate, or maintain any of the uses for which a fee is imposed by § 90.36, without first having obtained a permit as hereinafter provided. An application form for a permit shall be obtained from the City Clerk-Treasurer and such application, having set forth the number, breed, color and sex of each animal held and the location in the city at which such animals will be housed shall be submitted to the Animal Control Officer. In the event that the proposed or existing site of such use is not located in an area currently zoned for such application, none of the uses shall be construed to be a home occupational use as defined by the Zoning Ordinance of the city. Nonconforming uses as defined and to the extent permitted by said zoning ordinance may be permitted and continued.

(B) The City Clerk-Treasurer shall then forward any acceptable application to the Animal Control Officer following appropriate investigation. Approval or disapproval of the application shall rest with the Animal Control Officer. In making his decision the Animal Control Officer shall make certain there will be no violation of applicable City Ordinances, and shall judge that in general the presence of a kennel will not endanger the peace and tranquility of the city.

(C) Once approved by the Animal Control Officer, a permit shall be issued to the applicant (s) by the Clerk-Treasurer according to the provisions of this subchapter. This permit may at any time be revoked by the Animal Control Officer or Board of Works and Safety if there is a violation of any applicable city ordinance or convincing evidence of mistreatment of animals or deterioration of physical facilities. Provided, however, that reasonable disciplining of animals in their training shall not be construed as mistreatment. Any person who has a change in the category under which the permit was issued shall be subject to reclassification and appropriate adjustments of the permit fee shall be made.

(Ord. 1374, passed 8-4-97)

§ 90.38 REVOCATION OF PERMITS.

The Animal Control Officer shall provide ten days notice to the owner prior to revoking said permit, after which time the permit shall be revoked and the animals owned, kept or harbored by such person shall be humanely disposed of by either the person himself or the Animal Control Officer and no part of the permit fee shall be refunded. It shall be a condition of the issuance of any permit to a commercial animal establishment that the Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit of the refusing owner. If the applicant has withheld or falsified any information on the application, the Clerk-Treasurer shall refuse to issue a permit. No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment without review by the Board of Works and Safety.

(Ord. 1374, passed 8-4-97)

§ 90.39 RESTRAINT.

All animals shall be kept under restraint. No owner shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance. Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animals cannot come into

contact with another animal of the same species except for planned breeding. Every vicious animal, as determined by the Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner. Unrestrained and nuisance animals shall be taken by the police, humane officers or Animal Control Officer and impounded in the City Animal Shelter and there confined in a humane manner. If by a license tag or other means the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment, notify the owner by telephone or mail. An owner reclaiming an impounded dog or cat shall pay a \$10 fee and a daily charge of \$3 for care of such animal. Any animal not reclaimed by its owner within 72 hours shall become the property of the city, and shall be placed for adoption in a suitable home or humanely euthanized and any such animal found to be running at large on three or more occasions in violation of this section may be disposed of at the discretion of the Animal Control Officer.

(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.40 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes an animal, shall stop at once and render such assistance as may be possible and immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the Animal Control Officer or his staff.

(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.41 POISONING ANIMALS.

No person shall expose any gown poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property, common rat or mouse poison mixed only with vegetable substances or unmixed.

(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.42 KEEPING WILD ANIMALS.

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purpose, whether gratuitously or for fee, or to be sold or given away. This section shall not be construed to apply to zoological parks, circuses performing animal exhibitions, or government operated laboratories. No person shall keep or permit to be kept any wild animal as a pet.

(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.43 VACCINATION REQUIRED.

It shall be unlawful for any person to harbor any dog or cat which is over the age of six months and which dog or cat has not been immunized against rabies.

(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.44 ANIMALS BITING PERSONS.

If a warm blooded animal has bitten a person, such animal shall be impounded in the City Animal Shelter at the expense of the owner for a period of not less than 14 days, or as established by the Animal Control Officer, or the Madison County Health Officer, in order to determine whether or not said animal has rabies. If the animal dies during the period, it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. The death of an animal suspected to have rabies shall be reported to the Madison County Health Officer immediately.
(Ord. 1374, passed 8-4-97)

§ 90.45 DISPOSITION OF EXPOSED ANIMALS.

Any warm blooded animal which has been bitten by an animal known to have rabies shall be confined for a period of six months at the owner's expense or be destroyed.
(Ord. 1374, passed 8-4-97)

§ 90.46 DUTIES OF THE OWNER OF A SUSPECT ANIMAL.

It is unlawful for any owner knowing or suspecting an animal to have rabies to allow such an animal to leave his premises, except to be taken to the City Animal Shelter or to a licensed veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the Animal Control Officer or the Madison County Health Officer.
(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.47 REGULATIONS FOR ADOPTION

The Animal Control Officer, with the approval of the Common Council, may promulgate policies and regulations for the adoption of animals from the City Animal Shelter.
(Ord. 1374, passed 8-4-97)

§ 90.48 SPAYING AND NEUTERING.

Any dog or cat adopted from the City Animal Shelter must be spayed or neutered by a veterinarian. If the dog or cat is an adult, such operation shall be performed within 14 days of adoption. If the dog or cat is young, it shall be neutered by a veterinarian by age eight months if male, or by the age of six months if it is female. Any dog or cat not so neutered or spayed within those time periods shall be reclaimed by the Animal Control Officer without refund to the adopter, except if a veterinarian should determine the dog or cat is physically unable to undergo such an operation within said time limitation, in which case the dog or cat is to be neutered or spayed as soon as the veterinarian determines it is able.
(Ord. 1374, passed 8-4-97) Penalty, see § 90.99

§ 90.80 DISPOSITION OF FUNDS.

All fees or monies collected shall be paid to the Clerk-Treasurer. Money so paid shall be transmitted to the City Clerk-Treasurer and shall be placed in the General Fund.
(Ord. 1374, passed 8-4-97)

§ 90.51 ENFORCEMENT.

The provisions of this subchapter shall be enforced by the Animal Control Officer and appropriate law enforcement agencies.
(Ord. 1374, passed 8-4-97)

§ 90.99 PENALTY.

(A) Whoever violates any provisions of this chapter for which another penalty is not already herein provided, shall be subject to the penalty provisions of § 10.99.

(B) Whoever violates any provision of §§ 90.30 through 90.51 shall be fined in the sum of not less than \$25 nor more than \$500.
(Ord. 1374, passed 8-4-97)

CHAPTER 91: FIRE PREVENTION

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GENERAL PROVISIONS**§ 91.01 SHORT TITLE.**

This chapter shall be known as the fire prevention code of the city, and may be cited as such, and will be referred to herein as "this code".
(Ord. 1299, passed 11-2-92)

§ 91.02 PURPOSE.

The purpose of this code is to prescribe minimum requirements to safeguard life, property, and maintain the public welfare from the hazards of fire and explosion.
(Ord. 1299, passed 11-2-92)

§ 91.03 APPLICABILITY.

(A) The provisions of this code shall apply to all existing buildings and condition in the incorporated limits of the city, and all other areas under the jurisdiction of the city department, with the following exceptions:

(1) Existing conditions which do not constitute a distinct hazard to life or property.

(2) The transportation of any articles or substances under the jurisdiction of and in compliance with the regulations prescribed by the armed forces of the United States.

(B) Nothing in this code shall be construed or applied to nullify, or abolish any law, division, or code adopted by the city governing the construction, alteration, removal, demolition, and maintenance of the buildings specifically provided herein. When any provision of this code is found to be in conflict with any building, zoning, safety, health, or other applicable ordinance or code of the city, the provision which establishes the higher standard for safety and public welfare shall prevail.

(C) The planning, design, and construction of new buildings and structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the building rules of the Indiana Fire Prevention and Building Safety Commission;

(D) Any structures built under previous regulations in force at the time of construction or alteration thereof, and are in compliance with those regulations, shall be exempt from the requirements of this code pertaining to any of the following matters:

(1) Fire protection of structural elements.

(2) Exits required, except as provided for existing buildings under this code.

(3) Isolation of hazardous operations and mixed uses, provided, the required installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detention devices, or similar

systems) where they are necessary to provide safety to life. Any orders issued by the chief to obtain compliance with this subsection shall be governed by the provisions of IC 36-8-17-9 (d).
(Ord. 1299, passed 11-2-92)

§ 91.04 ADOPTION OF FIRE PREVENTION CODE.

(A) The following fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code, and shall include late amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

Article 22 - Fire Prevention Codes

- (1) Indiana Flammable and Combustible Liquids and Gases Code
- (2) Indiana Fire Prevention Code
- (3) Indiana Fire Prevention Code, Appendix I-a, III-a, III-b, III-c, and V-a.
- (4) Open burning regulation 326 IAC 4-1 and House Bill No. 1078.

(B) Copies of adopted fire safety rules, codes and standards are on file in the office of Fire and Building Inspections.

(Ord. 1299, passed 11-2-92; Am. Ord. 1356, passed 8-19-96)

OPERATIONS AT FIRES

§ 91.15 FIRE CHIEF'S AUTHORITY AT EMERGENCIES.

The chief and his authorized representatives, shall have the power and authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, or other hazardous conditions or situations in the reasonable performance of their duty. In the exercise of such power, the chief may prohibit any person, vehicle, or thing from approaching the scene and may remove or cause to be removed, any person or thing which may impede or interfere with the operations of the Fire Department and, in the judgment of the chief, any person not actually and usefully employed in the preservation of property in the vicinity thereof.

(Ord. 1299, passed 11-2-92)

§ 91.16 INTERFERENCE WITH FIRE DEPARTMENT.

Any person who obstructs the operations of the Fire Department in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the chief or officer of the

Fire Department who may be in charge at such a scene, or any part thereof, or any police officer assisting the Fire Department, shall be guilty of a misdemeanor.
(Ord. 1299, passed 11-2-92) Penalty, see § 91.99

§ 91.17 AUTHORITY TO BARRICADE.

The chief or other officer of the Fire Department in charge at the scene of an emergency shall have the authority to place ropes, guards, barricades or other obstructions across any street, alley, place of private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the Fire Department to manage and control the situation and to handle fire apparatus.
(Ord. 1299, passed 11-2-92)

FIRE PROTECTION

§ 91.30 TAMPERING WITH FIRE EQUIPMENT.

No person shall tamper with, damage, or otherwise disturb any apparatus, equipment, or materials belonging to or under the supervision and control of the Fire Department without authority from the chief or his authorized representative
(Ord. 1299, passed 11-2-92) Penalty, see § 91.99

§ 91.31 TAMPERING WITH FIRE HYDRANT.

No person shall remove, tamper with, or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provision of this code except for the purpose of extinguishing fire, training purposes, recharging, or making necessary repairs, or when permitted by the Fire Department. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.
(Ord. 1299, passed 11-2-92) Penalty, see § 91.99

§ 91.32 APPROVAL OF HYDRANT USE.

No person shall use or operate any hydrant or other valves installed on any water system intended for use by the chief for fire suppression purposes and which is accessible to any public, unless such person first secures a permit for use from the Water Utility Office. This section does not apply to the use of a hydrant or other valves by a person employed and authorized by the city to make such use of hydrants or other valves.
(Ord. 1299, passed 11-2-92) Penalty, see § 91.99

§ 91.33 TAMPERING WITH BARRICADES.

No person, except a person authorized by the chief or a public officer acting within the scope of his public duties, shall remove, unlock, destroy, tamper with, or otherwise disturb any lock, gate, door, barricade, chain, enclosure, sign, tag, or seal which has been lawfully installed by the Fire Department or by its order.

(Ord. 1299, passed 11-2-92) Penalty, see § 91.99

§ 91.34 CLOSURE OF ROADS OR TRAILS.

(A) *General.* The chief may install gates, cable or other barricades and securely lock the same to prevent the use of unauthorized persons of any road that is not a public highway and over which the Fire Department has the right to pass, whether by easement, license, municipal ownership or otherwise, for purposes relating to fire prevention or control, provided such action does not preclude the authorized users of such road or trail from using the same. Such roads or trails shall be marked with a sign stating: "DO NOT BLOCK: FIRE DEPARTMENT ACCESS ROAD."

(B) *Trespassing.* No person, except a public officer or official acting within the scope of his public duties, shall trespass upon any road or trail which has been closed and obstructed in the manner authorized by this section without the express permission of the chief, nor shall any person park any vehicle so as to obstruct the entrance to such road or trail.

(Ord. 1299, passed 11-2-92) Penalty, see § 91.99

§ 91.35 FIRE APPARATUS ACCESS ROADS.

(A) *General.* Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

(B) *Where required.* Fire apparatus access roads shall be required for any portion of an exterior wall of the first story provided with fire fighting or rescue openings, meeting the opening requirements of Section 3802(b) as adopted under 675 IAC 13, the Indiana Building Code, and located more than 150 feet from fire department access as measured by an unobstructed route around the exterior of the building.

Exception: When buildings are completely protected with an approved automatic fire sprinkler system.

For high-piled combustible storage, see Section 81.109 of Indiana Fire Prevention Code (675 IAC 22).

(C) *Permissible modifications.* Vertical clearances or widths required by this section shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

(D) *Surface.* Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(E) *Width.* The minimum unobstructed width of a fire apparatus access road shall not be less than 2 feet.

(F) *Vertical clearance.* All fire apparatus access roads shall have unobstructed vertical clearance of not less than 13 feet, six inches. Upon approval, however, vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

(G) *Turning radius.* The turning radius of a fire apparatus access road shall be as approved by the chief.

(H) *Turnarounds.* All dead-end fire apparatus access roads in excess of 15 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(I) *Bridges.* When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Indiana Building Code (675 IAC 13-2) and using designed loads of fire apparatus.

(J) *Grade.* The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.

(K) *Obstruction.* The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

(I) *Signs.* When required, approved signed or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

(Ord. 1299, passed 11-2-92; Am. Ord. 1338, passed 4-3-95)

§ 91.36 PREMISES IDENTIFICATION.

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. The numbers shall contrast with their background and be at least three inches in height.

(Ord. 1299, passed 11-2-92)

§ 91.37 KEY BOX ACCESSIBILITY.

When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the chief may require a key box to be installed in an accessible location. The key box shall be a type approved by the chief and shall contain keys to gain necessary access as required by the chief.

(Ord. 1299, passed 11-2-92)

§ 91.38 ON-SITE FIRE HYDRANTS FOR NEW CONSTRUCTION AND REPLACEMENTS.

(A) Fire hydrants shall be located on all access roadways as required by Indiana Fire Prevention Code, Appendix III-a and III-b.

(B) Fire hydrants shall be either Kennedy Guardian Brand, Model No. K81 or ~~United States Pipe and Foundry Company, Inc. Model M-84.~~ *Taken out 2009 (WALTRUS)*

(C) Fire hydrants shall be located within five feet of the required access.

(D) Fire hydrants shall have the 4-1/2 outlet facing the required access and the base flange of the hydrant must not vary more than one foot in elevation from grade level of the required access. The lowest stem shall be minimum of 14 inches above the ground.

(E) If, in the opinion of the Fire Chief, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be provided. No obstructions shall exist within three-foot working area of each required access and none shall be placed directly in front of any outlet. Crash posts shall be four-inch cement-filled pipe minimum three feet in height with two feet of piping below grade. Hydrant shutoff valves shall be installed on each hydrant and shall be located not closer than five feet from the hydrant and no further than 20 feet.

(F) Underground supplies to fire hydrant must be inspected by the water department. Such inspection shall include visual inspection of piping and hydrostatic pressure test of a minimum of 200 psi or 50 psi in excess of street main pressure. A flow test will be required when installation is complete, with all results of flow test forwarded to the Fire Department.

(G) Fire hydrants are required to be maintained in an operable condition at all times and must be repaired or replaced when defective. Hydrants shall be fully operable before construction commences above ground level.

(Ord. 1299, passed 11-2-92; Am. Ord. 1356, passed 8-19-96; Am. Ord. 1454, passed 1-21-03)

§ 91.39 OUTDOOR BURNING GUIDELINES.

(A) *Regulations.*

(1) *Permissible fires.* Open burning is prohibited except as allowed in these guidelines. The Department encourages alternatives to open burning, such as sale or reuse.

(a) The following types of fires are permitted, subject to the limitations found in division (A)(1)(b):

1. Fires used for celebrating Twelfth Night ceremonies.
2. Fires used for celebrating school pep rallies.
3. Fires used for celebrating scouting activities.
4. Fires used for recreational and cooking purposes—that is, camp fires.

5. Residential burning where residence contains four or fewer units. Burning shall be in a non-combustible container sufficiently vented to induce adequate primary combustion air

with enclosed sides, a bottom, and a mesh covering with opening no larger than 1/4-inch square. Burning is prohibited in apartment complexes and mobile home parks.

6. Farm burning and burning by the Department of Natural Resources as allowed by 326 IAC 4-1-3.

7. Burning with prior receipt of a variance application and approval of the Indiana Air Pollution Control Board or its designated agent as allowed by 326 IAC 4-1-1.

(b) *Conditions.* All permitted type of fires shall be subject to the following:

1. Only untreated wood products shall be burned unless otherwise stated, and no garbage, refuse, or vegetative material shall be burned except as hereinafter provided.

2. Fires shall be attended at all times until completely extinguished.

3. Only small amounts of clean/dry wood and leaves are to be burned so that the fire is not smothered by too much material.

4. If fires create an air pollution problem, a nuisance, a health hazard, or a fire hazard, they shall be extinguished. A nuisance shall be defined so as to include a complaint regarding the burning from any downwind property owner or occupant.

5. All residential burning shall occur between sunrise and sunset, during which the fires may be replenished, but only in such a manner that all of the burning material is consumed by sunset or extinguished.

6. Weather conditions must be conducive for burning. No burning on days when the following conditions exist: no wind, high winds, rain, temperature inversions, or high humidity.

7. No burning shall be conducted on property owned by another party, including publicly owned streets, roads, and highways.

8. No burning shall be conducted within 25 feet of a structure owned by another party and away from any potential fire hazards.

9. No burning shall be conducted within 50 feet of a power line, cable, phone, or other utility line.

10. A reliable source of water must be nearby in case of an emergency or to assist in extinguishing the fire when the burning is complete.

(2) *Exceptions.* The only exceptions to the above rule are as follows:

(a) Recreational fires after dark are allowed as long as only clean wood is being burned, and a nuisance is not created.

(b) Farmers, tree farmers, orchards, nurseries, and those clearing a drainage ditch are allowed to burn clean wood, as long as a nuisance is not created.

(B) *Enforcement.* The fire department and the police department shall have authority to issue citations for violations of this section.

(Ord. 1430, passed 8-21-00) Penalty see § 91.99

ADMINISTRATION AND ENFORCEMENT

§ 91.50 ENFORCEMENT AUTHORITY.

(A) It shall be the duty and responsibility of the chief of the Alexandria Fire Department or designee who is an ex officio assistant to the state fire marshal under IC 36-8-17-5(a), to enforce the provisions of this code. The designated enforcement officer of this code is herein referred to as the Fire Chief.

(B) The Fire Chief shall cooperate with the building commissioner responsible for the enforcement of the code of building laws and orders required to be enforced in the city pursuant to IC 36-7-2-9.

(C) The local Building Commissioner shall also cooperate with the Fire Chief by providing, in a timely manner, copies of all construction design releases issued by the Office of Indiana Fire Prevention and Building Safety, and copies of all Certificates of Occupancy issued by his office with the exception of any such design release or Certificate of Occupancy attributable to one and two family dwellings.

(Ord. 1299, passed 11-2-92; Am. Ord. 1356, passed 8-19-96)

§ 91.51 INSPECTIONS.

(A) *Fire Chief inspection.* The Fire Chief shall inspect structures and premises, except the interiors of family dwellings, for any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life, or any violations of the provisions of this code.

(B) Whenever in the enforcement of this code the responsibility of more than one official of the city is involved, it shall be their duty to coordinate their inspections and administrative orders so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes and apparent or actual violation of a law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction.

(Ord. 1299, passed 11-2-92; Am. Ord. 1307, passed 4-5-93; Am. Ord. 1338, passed 4-3-95)

§ 91.52 RIGHT OF ENTRY.

Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the Fire Chief or authorized fire inspector has reasonable cause to believe that any condition which makes such structure or premises unsafe, the Fire Chief or fire inspector shall be permitted to enter such structure or premises at a reasonable time to inspect the building or to perform other duties

within the scope of this code. If such entry is refused, the Fire Chief shall have recourse as provided by law to secure entry.

(Ord. 1299, passed 11-2-92)

§ 91.53 INVESTIGATION OF FIRES.

The Fire Chief shall investigate, or cause to be investigated, every fire or explosion occurring within the city jurisdiction for fire protection of a suspicious nature or which involves the loss of life or serious injury or causes serious damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if such occurrence is of a suspicious nature, the Fire Chief shall take charge immediately of the physical evidence, and in order to preserve the physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to access the premises until such evidence has been properly processed. The Fire Chief shall notify the Office of the State Fire Marshall pursuant to IC 36-8-17-7 for further investigation.

(Ord. 1299, passed 11-2-92)

§ 91.54 FIRE RECORDS; REPORTS.

(A) The Fire Chief shall keep a record of all fires and all facts concerning the same, including investigation findings and statistics and information as to the cause, origin, and the extent of such fires and the damage caused thereby.

(B) The Fire Chief shall submit a report of each fire occurring within the city, and all other areas under the jurisdiction of the Fire Department, to the State Fire Marshall in accordance with IC 36-8-17-7, and in such form as prescribed by that office.

(Ord. 1299, passed 11-2-92; Am. Ord. 1356, passed 8-19-96)

§ 91.55 VIOLATIONS; ORDERS.

(A) Whenever the Fire Chief observes an apparent or actual violation of a provision of this chapter under the Fire Chief's jurisdiction, the Fire Chief shall prepare a written notice of violation and order describing the condition deemed unsafe and specify a reasonable time for the required repairs or improvements to be made to correct such violation. The written notice of violation of this code shall be served upon the owner, or other person responsible for the conditions under violation. Such notice of violation shall be served by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivering a copy of same, in person, or by delivering it to any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at an entrance door and such procedure shall be deemed the equivalent of personal notice.

(B) If the notice of violation and order is not complied with within the time specified by the Fire Chief, and if no review of such order has been initiated under IC 36-8-17-1, the Fire Chief shall request the legal counsel of the city to institute the appropriate legal proceedings.

(C) Temporary or emergency orders issued by the Fire Chief under IC 36-8-17-9 (b) shall be approved by the State Fire Marshal.

(D) When, in the opinion of the Fire Chief, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the Fire Chief may issue an emergency order, with oral approval of the State Fire Marshal, for the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structures, or premises and persons shall not enter or reenter until authorized to do so by the Fire Chief. Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation of unsafe condition, shall be deemed in violation of this code. (Ord. 1299, passed 11-2-92)

§ 91.56 ADMINISTRATIVE REVIEW; APPEALS.

(A) A person who is aggrieved by an order issued pursuant to § 91.55 of this code or IC 36-8-17-9, shall have an opportunity to informally discuss the order with the Office of the State Fire Marshal, who might modify or reverse the order.

(B) An order issued pursuant to § 91.55 of this code or IC 36-8-17-9, or an order affirmed or modified by the Office of the State Fire Marshal may be appealed to the Indiana Fire Prevention and Building Safety Commission under IC 4-21.5-3-7.

(Ord. 1299, passed 11-2-92; Am. Ord. 1356, passed 8-19-96)

§ 91.57 REMEDIES.

The attorney for the city upon receipt of a written notice from the Fire Chief, that after having issued a lawful notice and order to abate a violation of this code, and after a reasonable time for compliance has expired, shall bring action in the city court of Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Fire Chief, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.

(Ord. 1299, passed 11-2-92)

§ 91.58 LIABILITY FOR DAMAGES.

This code shall not be construed to hold the public entity or any officer or employee responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein, provided or by reason of the approval or disapproval of any equipment or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

(Ord. 1356, passed 8-19-96)

§ 91.99 PENALTY.

(A) If any person, firm, or corporation shall violate any of the provisions of this division, or shall fail to perform any duty lawfully enjoined, within time prescribed by the Fire Chief, or shall fail, neglect, or refuse to obey any lawful order given by the Fire Chief in connection with the provisions of this division, for each such violation, failure or refusal, such person, firm or corporations shall be fined in any sum not less than \$25, nor more than \$500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. 1299, passed 11-2-92)

(B) (1) Any person found to be in violation of § 91.39 shall be subject to a minimum fine of \$100 for each violation cited.

(2) The City Court shall be the court of jurisdiction for determining all violations cited pursuant to § 91.39.

(Ord. 1430, passed 8-21-00)

CHAPTER 92: EMERGENCY MEDICAL SERVICES

Section

- 92.01 Definitions
- 92.02 Charges
- 92.03 Mutual aid communities
- 92.04 Deposit of funds

§ 92.01 DEFINITIONS.

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

EMERGENCY MEDICAL SERVICES. Transportation of emergency services provided by agents and employees of the City Fire Department, which services may properly be performed by an Emergency Medical Technician (EMT).

('76 Code, § 6-72) (Ord. 1225, passed 7-5-88)

NONRESIDENT. A person whose principal residence or place of domicile is outside Monroe Township, Madison County, Indiana.

§ 92.02 CHARGES.

There is hereby imposed a fixed charge in the amount of \$150 per occurrence for emergency medical services rendered to nonresident recipients for such services.

('76 Code, § 6-73) (Ord. 1225, passed 7-5-88; Am. Ord. 1311, passed 4-5-93)

§ 92.03 MUTUAL AID COMMUNITIES.

In the event that a municipality or area which is affiliated with the Madison County Mutual Aid Association, Inc., requests emergency medical services, and in response to such request, emergency medical services are provided to a nonresident who is a resident of a mutual aid community or area, there shall be no charge imposed for the delivery of such services pursuant to this chapter.

('76 Code, § 6-74) (Ord. 1225, passed 7-5-88)

§ 92.04 DEPOSIT OF FUNDS.

All monies collected pursuant to this chapter shall be deposited in the General Fund.

('76 Code, § 6-75) (Ord. 1225, passed 7-5-88)

CHAPTER 93: NUISANCES

Section

Noise Control

- 93.01 Loud and continuing noise
- 93.02 Specific restrictions
- 93.03 Factors for consideration
- 93.04 Exemptions

Weeds

- 93.15 Definitions
- 93.16 Acts proscribed and prohibited
- 93.17 Abatement of nuisance
- 93.18 Collection of fees and costs
- 93.19 Levy of fines
- 93.20 Other powers of Planning Commission under this subchapter
- 93.21 Notices required under this subchapter
- 93.22 Additional enforcement authority

Litter

- 93.30 Definition
- 93.31 Littering on private property; owners required to maintain property litter-free
- 93.32 Depositing litter on vacant property prohibited

- 93.99 Penalty

NOISE CONTROL

§ 93.01 LOUD AND CONTINUING NOISE.

No person (owner, occupant, manager, agent, or operator of any business or property) or association of persons shall cause to be made, or allow to be made, and continue to do so after having been advised to cease and desist the conduct by a city official or a member of the police department any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person of normal sensitivity or precludes their enjoyment of property or affects their property's value.

("76 Code, § 8-2) (Am. Ord. 1467, passed 10-4-04) Penalty, see § 93.99

§ 93.02 SPECIFIC RESTRICTIONS.

No person (owner, occupant, manager, agent, or operator of any business or property) persons shall play, use, or permit to be played, used, or operated any machine or device for the producing or reproducing of sound, including but not limited to loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players, or any other machine or tool that produces sound or is intended to produce or reproduce sound, if such machine, device, or tool is located in or on any of the following:

(A) Any public property, including any public right-of-way, highway, road, street, alley, building, sidewalk, parking lot, public space, park, thoroughfare, or public transportation area, and the sound generated therefrom is plainly audible by another person of reasonable sensitivity and not a voluntary listener at a distance of 30 feet or more from its source; or

(B) Any private property, and the sound generated therefrom is plainly audible across property boundaries or through partitions common to two or more persons within a building.
(Ord. 1467, passed 10-4-04) Penalty see § 93.99

§ 93.03 FACTORS FOR CONSIDERATION.

The characteristics and conditions which should be considered in determining whether a violation of these provisions exists would include but not be limited to the following:

(A) The level of the noise;

(B) Whether the nature of the noise is usual or unusual;

(C) Whether the origin of the noise is natural or unnatural;

(D) The proximity of noise to sleeping facilities;

(E) The time of day or night the noise occurs;

(F) The duration of the noise; and

(G) Whether the noise is recurrent, intermittent, or constant.

(Ord. 1467, passed 10-4-04)

§ 93.04 EXEMPTIONS.

The following are exempted from the provisions of §§ 93.01 through 93.03:

(A) Sound emitted from authorized emergency vehicles.

(B) Lawn mowers, garden tractors, construction equipment, and power tools, when properly muffled, between the hours of 7:00 a.m. to 9:00 p.m. only.

(C) Burglar alarms and other warning devices when properly installed, providing the cause for such alarm or warning device sound is investigated and the alarm turned off within a reasonable period of time.

(D) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances, and/or other events authorized by the Board of Public Works and Safety or another appropriate governmental entity.

(E) Attendant noise and sound emission connected with the actual performance of athletic or sporting events and practices related thereto.

(F) The emission of sound for the purposes of alerting persons to the existence of an emergency or for the performance of emergency work.

(G) Sounds associated with the use of legal fireworks or celebrations of legal holidays.

(H) Sounds associated with the normal conduct of a legally established non-transient business when such sounds are customary, incidental, and within the normal range appropriate for such use, but in no event shall such sound be plainly audible by any person at a distance of 350 feet from its source.

(I) Sounds emitted from sound amplifying devices for which a permit has been obtained from the Board of Public Works and Safety.

(J) Sound emitted for the performance of emergency work (work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger).
(Ord. 1467, passed 10-4-04)

WEEDS

§ 93.15 DEFINITIONS.

For the purposes of this subchapter, the word **NUISANCE** is hereby defined as the doing of an unlawful act, or the omitting to perform a duty, or the suffering or permitting of any condition or thing to be or exist, which act, omission, condition or thing either:

(1) Injures or endangers the comfort, repose, health or safety of others; or

(2) Offends decency; or

(3) Is offensive to the senses; or

(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(7) For the purpose of this subchapter, the words **MUNICIPAL CORPORATION** shall refer to the City of Alexandria, Indiana.
(Ord. 1348, passed 4-15-96)

§ 93.16 ACTS PROSCRIBED AND PROHIBITED.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive, to-wit:

(A) Vegetation which has attained a height of eight inches or more and has not been cut, mown or otherwise removed from private property which is abandoned, neglected or disregarded; vegetation planted for some useful or ornamental purpose is excepted from this definition.

(B) Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easements, interferes with the public safety or lawful use of the governmental property, right-of-way or easement.

(C) A condition which causes property to become a health or safety hazard, unless specifically authorized under existing laws and regulations.

(D) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.

(E) Any condition which provides harborage for rats, mice, snakes and other vermin.

(F) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(G) All unnecessary or unauthorized noises and annoying vibrations, including noises.

(H) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

(I) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(J) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(K) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(L) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(M) Dense smoke, noxious fumes, gas, soot or cinders.

(N) The unauthorized obstruction of any public street, road or sidewalk.

(O) Any abandoned vehicle, including but not limited to automobiles, trucks, trailers, campers, boats and recreational vehicles.

(P) Any machinery not connected with the operation of a household, equipment, including but not limited to refrigerators with doors intact, in any open or unfenced area, or in any building or structure to which the public has access.

(Q) Any structure not built or manufactured for permanent residence shall not be used as a dwelling.

(R) Trash and trash receptacles shall not be placed at curbside more than 24 hours prior to the scheduled time for pick-up. All receptacles shall be removed from curbside within 24 hours of pick-up time.

It shall be unlawful for any property owner, or occupant or other person, to allow a nuisance defined under this subchapter to exist.

(Ord. 1348, passed 4-15-96)

§ 93.17 ABATEMENT OF NUISANCE.

(A) The Planning Commission, Building Commissioner or any Law Enforcement Officer of the municipal corporation may at any time require the owner and/or occupant of any property upon which a nuisance as herein defined to do all things necessary to remove the nuisance from such property by giving the owner and/or occupant ten days written notice of the existence of the nuisance. The notice as herein required shall state the nature of the alleged nuisance and the action deemed necessary to correct the condition and shall fix a date not sooner than ten days from the date of the receipt of the notice when said property owner and/or occupant may appear before the Planning Commission to be heard on the question of the nuisance.

(B) Upon the failure of the owner and/or occupant to cause the abatement of the nuisance as required by this section, and after notice and opportunity for hearing before the Planning Commission, the Planning Commission shall proceed at once to cause to be abated the nuisance and charge the cost thereof against such owner and/or occupant of the property. In effectuating the abatement of said nuisance, the Planning Commission may authorize and designate certain officers, personnel and/or contractors of the municipal corporation to enter upon the property of such owner and/or occupant and to take all appropriate actions necessary to bring said property in compliance with this subchapter. The liability created herein shall be joint and several as to the owners and any occupants or tenants of the property.

(Ord. 1348, passed 4-15-96)

§ 93.18 COLLECTION OF FEES AND COSTS.

The Planning Commission shall, upon completion of all acts necessary to abate the nuisance, send a written statement to the owner and/or occupant of the property notifying said owner and/or occupant of the fees and charges owing to the city for its services. Upon the failure of the owner and/or occupant to pay said fees and charges in full within 30 days of mailing of said written statement or to otherwise request a hearing before the Planning Commission for appeal of said fees and charges, the Planning Commission may cause such charges and fees to be placed upon the tax duplicate of the property in question and collected the same as taxes. The Planning Commission may, in the alternative, refer said charges and fees to the City Attorney of the municipal corporation who shall forthwith collect the fees and charges by civil process.

(Ord. 1348, passed 4-15-96)

§ 93.19 LEVY OF FINES.

(A) In addition to the foregoing remedies for the abatement of nuisances hereunder, the Planning Commission may after notice and hearing as prescribed under § 93.17, levy a fine against the owner and/or occupant of the property after a finding of violations of this subchapter, in an amount not less than \$50 nor more than \$2,500. The said fines shall be collectible by civil process by the City Attorney of the municipal corporation. Alternatively, the Planning Commission may defer fact finding and the imposition of fines to the City Court, and thereby direct the Building Commissioner and/or City Attorney of the Municipal Corporation to file legal action in said Court for violations of this subchapter in the name of the Planning Commission against the owner and/or occupant of the property.

(B) The Planning Commission is authorized to impose fines and penalties within the limits of IC 36-1-3-8(10) for the violation of this subchapter, and to conduct any and all administrative proceedings as may be appropriate thereunder.

(Ord. 1348, passed 4-15-96; Am. Ord. 1349, passed 4-15-96; Am. Ord. 1364, passed 11-18-96)

§ 93.20 OTHER POWERS OF PLANNING COMMISSION UNDER THIS SUBCHAPTER.

The Planning Commission shall, where necessary, designate individuals and/or officers of the municipal corporation to institute procedures to carry out the enforcement of this subchapter and may bring civil action through the City Attorney of the municipal corporation to enjoin the continuance of any nuisance defined under this subchapter.

(Ord. 1348, passed 4-15-96)

§ 93.21 NOTICES REQUIRED UNDER THIS SUBCHAPTER.

All notices as herein required shall be in writing and sent Certified Return Receipt Mail or Personal Service to the occupant or owner at the address of the property, if it be a dwelling, and to the last known address of the owner as reflected in the tax rolls of the city, township or the county.

(Ord. 1348, passed 4-15-96)

§ 93.22 ADDITIONAL ENFORCEMENT AUTHORITY.

In lieu of the abatement procedure set forth in §§ 93.17 et seq., the Building Inspector, Building Commissioner, Planning Director, Planning Commissioner, and any law enforcement officer may, in this or her sole discretion, cite any violation of § 93.16 of this code directly into the City Court, or other court of competent jurisdiction, for enforcement of said violations.

(Ord. 1478, passed 11-1-04) Penalty see § 93.99

LITTER**§ 93.30 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED PRIVATE RECEPTACLE. A litter storage and collection container which reasonably confines and retains litter and trash.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER. Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

PARK. A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and its inhabitants, and devoted to active or passive recreation.

PRIVATE PREMISES. Any dwelling, house, building or other structure, designed or used wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE. Any street, sidewalk, boulevard, alley or other public way and any public park, square, space, grounds or building.

REFUSE. All putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, plastic and similar materials.
(‘76 Code, § 6-64) (Ord. 986, passed 1-6-75)

§ 93.31 LITTERING ON PRIVATE PROPERTY; OWNERS REQUIRED TO MAINTAIN PROPERTY LITTER-FREE.

(A) No person shall throw or deposit litter on any occupied or unoccupied private property within the city, whether owned by such person or not, except that the owner or person in control of such private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(B) The owner or person in control of any private property shall at all times maintain the premises free of litter; however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(‘76 Code, § 6-69) (Ord. 986, passed 1-6-75) Penalty, see § 93.99

§ 93.32 DEPOSITING LITTER ON VACANT PROPERTY PROHIBITED.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

(‘76 Code, § 6-70) (Ord. 986, 1-6-75) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person convicted of violating any provision of this chapter for which no other penalty is set forth shall be subject to the penalty provisions of § 10.99.

CHAPTER 94: PARKS AND RECREATION

Section

- 94.01 Speed limits in parks
- 94.02 Rules and regulations for all parks
- 94.03 Traffic rules and parking regulations for Beulah Park
- 94.04 Incorporation of Harrison Square Park into the city parks department

Cross-reference:

For additional speed limit regulations, see Ch. 71

§ 94.01 SPEED LIMITS IN PARKS.

It shall be unlawful for the driver of any vehicle to drive faster than ten miles per hour in any park.

('76 Code, § 9-1) Penalty, see § 10.99

§ 94.02 RULES AND REGULATIONS FOR ALL PARKS.

- (A) Beulah Park is closed to vehicular traffic from 10:00 p.m. to 6:00 a.m.
- (B) No alcohol, drugs, weapons, profanity, or loud abusive language is allowed.
- (C) No food, drinks, or smoking is allowed in designated playground areas.
- (D) All pets shall be leashed at all times.
- (E) Persons having pets in the park are responsible for cleaning up the feces of the pet.
- (F) No vehicles, bicycles, skateboards, or roller blades are allowed on the walkpath or inside buildings.
- (G) Requests for facilities reservations must be made with the park's caretaker.
- (H) Open fires are allowed in grills only.
- (I) No signs or markings are allowed on any trees, buildings, drives, paved areas, or grounds.
- (J) No wastewater or other unsanitary substance is allowed to drain upon the grounds or railroad right-of-way.
- (K) Persons/organizations using the park's grounds and its facilities will be responsible for repair or replacement in kind of any damages beyond normal wear and tear.
- (L) Swimming pool rules and hours of operation are posted in the pool bathhouse and shall be obeyed.

(M) Use of a park's facilities imply the acceptance of the park policy as established by the Park Board.

(Ord. 1460, passed 3-19-03) Penalty see § 10.99

§ 94.03 TRAFFIC RULES AND PARKING REGULATIONS FOR BEULAH PARK.

(A) *Parkway Drive.* There is hereby established a limited purpose public road named Parkway Drive in Beulah Park, identified as that drive entering from State Road 9 and exiting south at Fourth Street.

(B) *Parkway Drive East.* There is hereby established a limited purpose public road named Parkway Drive East in Beulah Park, identified as that drive east from the Building #2 parking lot and exiting in the southeast corner of the park at Fourth Street.

(C) *One-way roads.*

(1) There shall be one-way traffic going to the east from the entrance of Beulah Park located at State Road 9 and First Street and ending at the junction of the northern drives in the pool parking lot.

(2) There shall be one-way traffic starting from the Building #2 parking lot located in the center of the park next to the new Kiwanis' shelter building and continuing to the southeast and exiting at Fourth Street.

(D) *Handicap parking.*

(1) There shall be four handicap parking spaces located at the Emery Lee parking lot located in the southwestern corner of the park. The four spaces are in front of the Emery Lee building as indicated.

(2) There shall be four handicap parking spaces located at the Building #2 parking lot located between the new Kiwanis' shelter building and the old Kiwanis' shelter building. The four spaces are located in the southeastern corner of the parking lot as indicated.

(3) There shall be two handicap parking spaces located at the swimming pool parking lot. The two spaces are located in the southwestern corner of the parking lot next to the existing concession stand as so indicated.

(E) *Stop signs.* There shall be stop signs located at the southwestern and southeastern corner exits of the park exiting onto Fourth Street.

(F) *No parking/parking prohibited.* There are areas within the park that parking will be restricted or prohibited. These areas will be marked by posted signs along the traveled portion of roadway or area and indicating the area so affected. The Park Board is specifically authorized to determine the areas affected and to post signs as they deem appropriate.

(Ord. 1460, passed 3-19-03) Penalty see § 10.99

§ 94.04 INCORPORATION OF HARRISON SQUARE PARK INTO THE CITY PARKS DEPARTMENT.

The lands titled to the city and located on the corner of Church Street and Harrison Street within the corporate limits and commonly know as the Harrison Square Park, and which is more particularly described legally in the ordinance enacting this section, is hereby incorporated into the city parks system and is hereafter and hereby deemed and designated a city park.
(Ord. 1414, passed 6-21-99)

CHAPTER 95: STREETS AND SIDEWALKS

Section

General Provisions

- 95.001 Planting of trees
- 95.002 Placement of coin-operated vending machines

Excavations

- 95.015 Permit
- 95.016 Bond
- 95.017 Guarding excavations
- 95.018 Compliance with orders

Chairs, Benches and Planters

- 95.030 Permit
- 95.031 Installation
- 95.032 Repairs
- 95.033 Control of installation and removal
- 95.034 Permit revocation

Sidewalk and Curb Construction and Repair

- 95.045 Notice to property owner
- 95.046 Compliance with notice
- 95.047 Assessment of costs
- 95.048 Application
- 95.049 Permit
- 95.050 Supervision and approval of work
- 95.051 Inspection and approval of materials
- 95.052 Entire sidewalk block to be replaced when repairs are made
- 95.053 Location
- 95.054 Driveway crossings
- 95.055 Alley crossings
- 95.056 Subgrade
- 95.057 Forms
- 95.058 Expansion joints
- 95.059 Rules on use of concrete for sidewalks
- 95.060 Dimensions of and grade of sidewalk
- 95.061 Disposition of dirt and old materials after construction or repair
- 95.062 Disturbing or defacing
- 95.063 Tampering with grade stakes
- 95.064 Notification to street department before installation of curbs

Alexandria - General Regulations

- 95.065 Where curbs are required
- 95.066 Installation by city; liability

Obstructions

- 95.080 Definitions
- 95.081 Signs in critical visibility zone
- 95.082 Height of trees and shrubbery in critical visibility zone
- 95.083 Trees and shrubbery not to obscure traffic-control signs and signals
- 95.084 Abatements by city; liability thereof
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City Tree Board

- 95.090 Definitions
- 95.091 Creation and establishment
- 95.092 Term of office
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- 95.100 Street tree care
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- 95.102 Emergency tree care
- 95.103 Construction projects
- 95.104 Injury to trees
- 95.105 Permits: requirements and exceptions
- 95.106 Arborist's certification
- 95.107 Review by Board of Public Works and Safety

- 95.999 Penalty

GENERAL PROVISIONS**§ 95.001 PLANTING OF TREES.**

The Board of Public Works and Safety shall have authority and control over the planting of all trees in streets and sidewalks
 ('76 Code, § 12-1)

§ 95.002 PLACEMENT OF COIN-OPERATED VENDING MACHINES.

It shall be unlawful for any person to place, or cause to be placed, a coin-operated vending machine upon or within three feet of any public sidewalk, street or alley, except newspaper machines. ('76 Code, § 12-2) (Ord. 832, passed 3-20-61) Penalty, see § 10.99

EXCAVATIONS**§ 95.015 PERMIT.**

(A) It shall be unlawful for any person to dig or excavate, or in any manner interfere with, any of the streets, sidewalks, alleys or other public places without a written permit issued by the Street Commissioner. ('76 Code, § 12-16)

(B) *Contents of permit.* An excavation permit shall state the name of said street, alley, sidewalk or other public place, and what is permitted to be done to same by the permittee and the time within which the work shall be completed, and the street, alley, sidewalk or other public place restored to its former condition. ('76 Code, § 12-17)

(C) *Permit application.* Any person wishing an excavation permit shall apply in writing to the Street Commissioner. ('76 Code, § 12-18)

(D) *When permit may be granted.* The Street Commissioner shall grant an excavation permit only if it is in the public interest to do so. ('76 Code, § 12-22) Penalty, § 10.99

§ 95.016 BOND.

Before any excavation permit is effective, the person requesting it shall file with the city a bond to cover the costs of repairing the excavation site. The bond shall be in such a sum as the Street Commissioner determines sufficient to cover such repairs, but in no case shall such a bond be less than \$100. Such bond shall either be a surety bond with sureties satisfactory to the Mayor or his delegate, or it shall be a cash bond; in any event it shall be conditioned on the permittee complying with all of the conditions imposed in the excavation permits and all rules and other restrictions that may be imposed by the Street Commissioner, and further conditioned upon such person restoring the street, alley, sidewalk or other public place to its original conditions for a period of at least six months after the completion of such work. ('76 Code, § 12-19)

§ 95.017 GUARDING EXCAVATIONS.

Proper barricades and danger lights shall be maintained by the excavation permittee until the pavement, sidewalk or excavation has been repaired. ('76 Code, § 12-20)

§ 95.018 COMPLIANCE WITH ORDERS.

(A) Whenever any person acting pursuant to an excavation permit disturbs or interferes with any street, alley, sidewalk or other public place, the person shall restore same to its original condition under the direction and to the satisfaction of the Board of Public Works and Safety and the Street Commissioner. Such person shall do all things directed by them concerning the performance of such work, the guarding against any injury or damage to any person or property, the restoration of such place to its former condition, and the maintenance of same for six months thereafter.

(B) If the permittee should fail to comply with such directions, then the Board of Public Works and Safety may order the work done and proceed to do anything proper to procure compliance with such orders, with the permittee, his principals and sureties being liable for all expenses so incurred. ('76 Code, § 12-21)

CHAIRS, BENCHES AND PLANTERS**§ 95.030 PERMIT.**

(A) It shall be unlawful for any person to place any chair, bench or planter on any public sidewalk, street or other public land without a permit issued by the Street Commissioner. ('76 Code, § 12-34)

(B) *Permit application.* An application for a permit required by this subchapter shall be made in writing to the Street Commissioner. The application shall state that the applicant intends to install either chairs, benches, or planters, as appropriate, and shall contain a general description of their construction and the type of advertising, if any, to be placed upon them, together with a statement as to the number to be installed and a general description of the general areas in which the applicant wishes to install them. ('76 Code, § 12-35) Penalty, see § 10.99

(C) *Investigation and determination of whether permit should be issued.*

(1) The Street Commissioner shall investigate an application for the permit required by this subchapter and determine whether the benches, chairs or planters will be constructed of durable and substantial materials which are suitable for the use intended and which will not create a danger to the public safety, and whether any advertising thereon would offend the public morals or create a public nuisance. He shall also determine the numbers of such chairs, benches or planters that the applicant may install, taking into consideration the number of such items then existing.

(2) If in the opinion of the Street Commissioner the proposed benches, chairs or planters would not be constructed of suitable materials, or the advertising thereon would offend the public morals and create a public nuisance, or the granting of the permit would cause an unnecessary number of such structures to be installed so as to spoil the beauty of the city, then he shall refuse to issue the permit. ('76 Code, § 12-36)

(D) *Insurance.* Prior to the issuance of any permit required by this subchapter, the applicant for same shall furnish the Clerk-Treasurer with a certificate of insurance from a reputable insurance company incorporating the terms of the hold harmless agreement set forth in the permit. ('76 Code, § 12-37)

(E) *Issuance of permit; fee.* If the Street Commissioner approves an application for the permit required by this subchapter, he shall direct the Clerk-Treasurer to issue the applicant a permit for the installation of a given number of such structures at a cost of \$1, which the applicant shall pay to the Clerk-Treasurer at the time of its issuance. The permit shall be executed in duplicate and signed by both the Clerk-Treasurer and the applicant with the original being retained by the city and the duplicate being given to the applicant. ('76 Code, § 12-38)

(F) *Permit length.* A permit required by this subchapter shall be valid for a period of one year. ('76 Code, § 12-39)

(G) *Form of permit.* A permit required by this subchapter shall be in the following form:

PERMIT

Date _____

(Name of permittee) of _____ (city), _____ (state) is hereby permitted to place _____ (number) benches, chairs or planters, for a period of one year from the date of this instrument, for the use of the general public and on the public sidewalks, streets and other public places of the City of Alexandria, Indiana, subject to all the terms and conditions of § 95.030 of the City Code of Alexandria, Indiana and all regulations of the Street Commissioner of the City of Alexandria, Indiana under the authority of § 95.030. By the terms of this permit, _____ (name of permittee) hereby agrees to hold and save harmless said City of Alexandria, Indiana from any and all liability of any kind and nature resulting from the placement of said structures and the maintenance thereof, and agrees to carry a liability insurance policy to cover this exposure, a copy of which is to be filed with the Clerk-Treasurer of the City of Alexandria, Indiana.

Clerk-Treasurer

Permittee

('76 Code, § 12-40)

§ 95.031 INSTALLATION.

No bench, chair or planter placed under the authority of this subchapter shall be installed so as to interfere with the normal and ordinary use of any sidewalk, street, or other public land.
('76 Code, § 12-41) Penalty, see § 10.99

§ 95.032 REPAIRS.

No bench, chair or planter installed under the authority of this subchapter shall be allowed to remain installed after it has become unsightly or in a state of bad repair.
('76 Code, § 12-42) Penalty, see § 10.99

§ 95.033 CONTROL OF INSTALLATION AND REMOVAL.

The control of the installation of any bench or chair on public sidewalks, streets, or public lands shall remain with the Street Commissioner and the permittee may be compelled to remove any such bench or chair upon ten days notice in writing signed by the Street Commissioner.

('76 Code, § 12-43) Penalty, see § 10.99

§ 95.034 PERMIT REVOCATION.

In addition to any other penalty provided by law, any permit issued under the provisions of this subchapter may be revoked by the Mayor, after a hearing on such matter, for the failure of the permittee to comply with the provisions of this subchapter.

('76 Code, § 12-44) Penalty, see § 10.99

SIDEWALK AND CURB CONSTRUCTION AND REPAIR**§ 95.045 NOTICE TO PROPERTY OWNER.**

(A) If the Board of Public Works and Safety desires to improve or repair any sidewalks or curbs and adopts a final resolution therefor the Board may, if it sees fit, elect to order and require the owners of abutting property to construct or repair their own sidewalks, or curbs, designating in the order the kind of sidewalk or curb to be constructed or the character of repairs required. ('76 Code, § 12-56)

(B) *Service of notice to property owner.* A notice of the order of the Board of Public Works and Safety promulgated pursuant to this subchapter shall be served upon the abutting property owners either in person or by mail; provided that the mailing of the notice to the names of the owners as they appear on the County Assessor's books shall be considered a compliance with this requirement. ('76 Code, § 12-57) Penalty, see § 10.99

§ 95.046 COMPLIANCE WITH NOTICE.

(A) Any property owner who receives a notice promulgated pursuant to this subchapter shall have 30 days from the date of said notice within which to construct the sidewalks or curbs or make the repairs as required by the notice. ('76 Code, § 12-58)

(B) *Actions upon failure of owner to comply with notice.* If any property owner should fail to construct or repair a curb or sidewalk within 30 days from the date of the required notice to him, then the Board of Public Works and Safety may cause the sidewalk or curb to be constructed or the repairs to be made by an independent contractor. ('76 Code, § 12-59)

§ 95.047 ASSESSMENT OF COSTS.

If the Board of Public Works and Safety has to hire an independent contractor to construct or repair a sidewalk or curb pursuant to the provisions of this subchapter, then the costs thereof shall be levied and assessed in accordance with the City and Town Street, Alley and Other Public Improvement Act of 1969.

('76 Code, § 12-60)

§ 95.048 APPLICATION.

Only those sidewalks which are now installed, replaced or repaired shall be made in conformity with the provisions of this subchapter and the grades, profiles and specifications furnished by the Clerk-Treasurer and on file in that office, as adopted and approved by the Common Council.

('76 Code, § 12-67)

§ 95.049 PERMIT.

(A) Except where laid in accordance with a special improvement resolution, it shall be unlawful for any person to build, replace or repair any sidewalk without a permit issued by the Board of Public Works and Safety. ('76 Code, § 12-68)

(B) *Permit application.* An application for a permit to build, replace or repair a sidewalk shall be made to the Clerk-Treasurer who shall cause it to be transmitted to the Board of Public Works and Safety. The application shall be signed by the owner or agent of the property abutting the location where the sidewalk is to be built, replaced or repaired. ('76 Code, § 12-69) Penalty, see § 10.99

§ 95.050 SUPERVISION AND APPROVAL OF WORK.

All sidewalk repair or construction work shall be done under the supervision of the Street Commissioner who shall inspect and report on the work before its approval and acceptance by the Council.

('76 Code, § 12-70)

§ 95.051 INSPECTION AND APPROVAL OF MATERIALS.

The material used for all sidewalk construction or repair shall be inspected and approved by the Street Commissioner before use.

('76 Code, § 12-71)

§ 95.052 ENTIRE SIDEWALK BLOCK TO BE REPLACED WHEN REPAIRS ARE MADE.

No sidewalk block made at the time of the original construction of the sidewalk shall be cut in order to save a part of the original block at the time of any repairs, but rather the entire block shall be replaced.

('76 Code, § 12-72)

§ 95.053 LOCATION.

All sidewalks shall be laid from the inner edge of the abutting property line unless special permission to do otherwise is obtained from the Common Council.
('76 Code, § 12-73)

§ 95.054 DRIVEWAY CROSSINGS.

Where a driveway is to be built across a sidewalk, it shall conform to the sidewalk grade and shall be six inches in depth, of the same quality and material as that specified for sidewalks.
('76 Code, § 12-74)

§ 95.055 ALLEY CROSSINGS.

Where an alley crosses a sidewalk, said crossing shall be constructed of concrete six inches thick, of the same finish and material as that specified for sidewalks and shall be either concave or straight as may be ordered by the Street Commissioner.
('76 Code, § 12-75)

§ 95.056 SUBGRADE.

The subgrade of all sidewalks shall be constructed to the required depth below the finished surface in accordance with the plans and specifications provided by the Street Commissioner and shall be thoroughly compacted to a firm smooth surface. All soft or spongy places not affording a suitable subgrade must be removed and replaced with a suitable material and compacted according to these specifications.
('76 Code, § 12-76)

§ 95.057 FORMS.

All forms used in sidewalk construction shall be of metal or wood, straight and free from warp and of sufficient strength to resist springing during the process of depositing concrete against them. If made of wood, they shall be of two-inch surfaced plank. If made of metal, they shall be approved by the Street Commissioner. The forms shall be the full depth of the walk and shall be securely staked, braced and held firmly to required line and grade. All forms shall be thoroughly cleaned and oiled before concrete is placed therein.
('76 Code, § 12-77)

§ 95.058 EXPANSION JOINTS.

Expansion joints shall be placed in sidewalks at intervals not exceeding 25 feet. A preformed filler shall be used in the expansion joints and be composed of a durable elastic compound of mineral or vegetable matter. The thickness of an expansion joint shall not be less than one-half inch, and its length

shall be equal to the sidewalk width, and its width shall not be less than the thickness of the sidewalk. Preformed filler of one-inch thickness shall be placed where the sidewalk joins with any curb or gutter. ('76 Code, § 12-78)

§ 95.059 RULES ON USE OF CONCRETE FOR SIDEWALKS.

(A) *Composition of concrete.* Every cubic yard of concrete used in sidewalk construction in place shall contain approximately one and one-half barrels of cement. The fine aggregate shall be concrete sand No. 14 and shall meet the latest State Highway Commission's standard specifications. The course aggregate shall be concrete aggregate "L" No. 5 and shall meet the latest State Highway Commission's standard specifications. The concrete shall consist of one part of the best portland cement, two parts of fine aggregate and three parts of course aggregate accurately measured. All water for use with the cement or in concrete shall be clear from oil, acid, injurious alkali and/or vegetable matter. ('76 Code, § 12-79)

(B) *Mixing of concrete.*

(1) All concrete shall be thoroughly mixed in an approved batch mixer so designed, constructed and operated that a thorough mixing of the materials is assured and the consistency of all batches is the same. All of the material shall remain in the drum of the mixer for a period of not less than two minutes, during which time the drum shall revolve not less than 14 and not more than 20 revolutions per minute. The entire contents of each batch shall be removed from the drum before the materials for the succeeding batches are placed therein.

(2) The volume of material mixed per batch shall not exceed the manufacturer's rating.

(3) If the actual construction work of the sidewalk is done by the property owner himself, the mixing may be done by hand, providing the workmanship meets the specifications set out in this subchapter.
('76 Code, § 12-80)

(C) *Consistency of concrete.* The consistency of all concrete used in sidewalk construction shall be measured as described in "Tentative Method of Test for Consistency of Portland Cement, A.S.T.M. Serial Designation D 138-32T". The slump shall not be less than one inch nor more than three inches. ('76 Code, § 12-81)

(D) *One course concrete required.* All sidewalks shall be of one course concrete. ('76 Code, § 12-82)

(E) *Laying of concrete.*

(1) The subgrade of a sidewalk shall be wet down before the concrete is placed therein. The concrete shall be deposited within the required forms upon the subgrade to such a depth that after being compacted it shall be the required thickness. It shall be leveled off and tamped sufficiently to bring the mortar to the surface after which it shall be finished smooth and even by means of a wood float. The edges shall be rounded with an edger having a radius of one-quarter inch. Transverse joints shall be cut in the concrete with a jointer having a radius of one-quarter inch, at intervals not greater than the

width of the sidewalk being constructed, unless otherwise directed by the Street Commissioner. When completed, the sidewalk shall be covered with wet burlap, straw or sisalkraft paper and kept wet for a period of not less than 48 hours.

(2) No concrete work shall be done during freezing weather. When there is danger that the temperature shall reach the freezing point, sufficient straw or other suitable material shall be added to the covering material to prevent freezing of the concrete before it is thoroughly cured.
('76 Code, § 12-83)

§ 95.060 DIMENSIONS OF AND GRADE OF SIDEWALK

(A) *Slope.* All sidewalks shall have a slope of one-quarter of an inch to the foot toward the center of the adjoining street. ('76 Code, § 12-84)

(B) *Grade.* The surface of any sidewalk when completed shall be in conformity with the grade given by the Street Commissioner. ('76 Code, § 12-85)

(C) *Width.* All sidewalks shall be a minimum of five feet in width, except in case of the continuation of a preexisting sidewalk which is less than five feet in width, but in no event shall a sidewalk be constructed that is less than four feet in width. If the sidewalk under construction is a gap between preexisting sidewalks in the same block it shall be constructed according to the width of the wider sidewalk adjoining it. ('76 Code, § 12-86)

(D) *Thickness.* All sidewalks shall be four inches in thickness. ('76 Code, § 12-87)

§ 95.061 DISPOSITION OF DIRT AND OLD MATERIALS AFTER CONSTRUCTION OR REPAIR.

Whenever any sidewalk shall have been built, repaired, relaid or replaced, the dirt removed may be used by the city in improvement of the street on which building or repairs are being made, or on streets, alleys or public places the grading of which is of the same general plan. In case the city does not so use the dirt, the property owner must remove it together with all old material within five days from the completion of such work. In case the property owner fails to do so, the contractor shall proceed to remove the same and the cost thereof shall be collected as part of the cost of the improvement.
('76 Code, § 12-88)

§ 95.062 DISTURBING OR DEFACING.

It shall be unlawful for any unauthorized person to disturb or deface any sidewalk which is in the process of construction or repair.
('76 Code, § 12-89) Penalty, see § 10.99

§ 95.063 TAMPERING WITH GRADE STAKES.

(A) It shall be unlawful for any unauthorized person to tamper with or in any way interfere with any grade stake for any sidewalk.

(B) It shall be the duty of the contractor who is building, repairing, relaying or replacing a sidewalk to prevent any tampering with said grade stakes.
(’76 Code, § 12-90) Penalty, see § 10.99

§ 95.064 NOTIFICATION TO STREET DEPARTMENT BEFORE INSTALLATION OF CURBS.

Any person desiring to install a curb in an existing driveway shall notify the Street Department at least 24 hours in advance of the commencement of such work.
(’76 Code, § 12-97)

§ 95.065 WHERE CURBS ARE REQUIRED.

Where the use of a driveway has ceased, the abutting property owner shall install curbs after the city directs him to do so following the procedures set forth in this chapter.
(’76 Code, § 12-98) Penalty, see § 10.99

§ 95.066 INSTALLATION BY CITY; LIABILITY.

If any abutting property owner should fail to install a curb where the use of a driveway has ceased after notice from the city to do so, the city shall install such curb and the cost thereof shall be borne by the owner.
(’76 Code, § 12-99)

OBSTRUCTIONS

§ 95.080 DEFINITIONS.

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

COMMERCIAL EXIT. Any vehicular exit from any automobile service station, shopping center, store, medical or professional center, or other similar public place.

CRITICAL VISIBILITY ZONE. The area within which the presence of obstructions to vision such as trees, shrubbery and signs could prevent the driver of a motor vehicle which is stopped behind the stop line of any street, highway, alley or commercial exit at its intersection with any other street or highway from seeing any other vehicle which is approaching on the intersecting street or highway and is within 200 feet of the intersection.

SHRUBBERY. Any bush, hedge, flowering or ornamental plant, weed growth, low-growing evergreen or other form of vegetation.

SIGN. Any temporary or permanent structure, banner, pennant or string of pennants, used for advertising or decorative purposes.

STOP LINE. The actual obedience line if there is one; if there is none, one shall be assumed to exist four feet before the nearest edge of the intersecting street or highway.

TREE. A large, woody, perennial plant having a clearly recognizable trunk.
(’76 Code, § 12-111) (Ord. 1017, passed 9-7-76)

§ 95.081 SIGNS IN CRITICAL VISIBILITY ZONE.

It shall be unlawful for any person to place or cause to be placed in any critical visibility zone any sign of which any part thereof is higher than 36 inches above grade level, unless the lowest portion of the sign exclusive of a supporting structure no wider than 12 inches in its greatest dimension is at least eight feet above grade level.

(’76 Code, § 12-112) (Ord. 1017, passed 9-7-76) Penalty, see § 10.99

§ 95.082 HEIGHT OF TREES AND SHRUBBERY IN CRITICAL VISIBILITY ZONE.

It shall be unlawful for any person owning or controlling property to cause or permit any tree within any critical visibility zone to remain untrimmed below a height of eight feet above the ground, or to permit any shrubbery within any critical visibility zone to grow to a height greater than 36 inches above the ground.

(’76 Code, § 12-113) (Ord. 1017, passed 9-7-76) Penalty, see § 10.99

§ 95.083 TREES AND SHRUBBERY NOT TO OBSCURE TRAFFIC-CONTROL SIGNS AND SIGNALS.

It shall be unlawful for any person owning or controlling property to permit the foliage of any tree or shrubbery growing on the property to obscure any driver’s view of any lawfully placed stop sign or traffic control signal during any part of the last 200 feet of this approach to the sign or traffic-control device.

(’76 Code, § 12-114) (Ord. 1017, passed 9-7-76) Penalty, see § 10.99

§ 95.084 ABATEMENTS BY CITY; LIABILITY THEREOF.

(A) Any obstruction maintained in violation of §§ 95.080 through 95.085 shall be deemed to be a nuisance after notice upon the owner thereof. After failure to abate the same within 20 days after posting upon the premises a notice, signed by the Chief of Police, to abate the nuisance, the Chief of Police may authorize entry upon the premises and the removal or elimination of the obstruction.

(B) If the city has to remove any such obstruction, then the expenses of its removal shall be assessed against the person owning the property upon which it is located and collected either by placing them upon the tax duplicate or by lawsuit.

(’76 Code, § 12-4) Penalty, see § 10.99

§ 95.085 CORRECTION OF VIOLATION.

Any person violating any section of this subchapter shall, upon receipt of official notification from the Traffic Division that violation has taken place, correct the cause of the violation within 14 days from the date of notification, or be subject to the penalties provided by this code.
(’76 Code, § 12-115) (Ord. 1017, passed 9-7-76) Penalty, see § 10.99

CITY TREE BOARD**§ 95.090 DEFINITIONS.**

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

ALEXANDRIA MANUAL OF URBAN FORESTRY STANDARDS. A document containing all the technical data, rules, and regulations specific to the administration of this subchapter, hereafter referred to as the "Standards Manual."

CERTIFIED ARBORIST. A person certified by the Tree Board to perform tree care on city street trees, within the limits of this subchapter. The requirements for Arborist Certification are described in § 95.106.

CITY FORESTER. A person charged with the responsibility of aiding with the implementation of this subchapter as agent for the Board of Public Works and Safety; a person to be appointed by the Mayor. The position of City Forester shall be applied to an existing city employee, who should be trained, or receive training, in the knowledge and skills of urban forestry.

STREET TREES. Trees lying on real estate owned or within rights-of-way controlled by the city, excluding the real estate owned or controlled by the Park and Recreation Department.

TOPPING. The cutting back of the leading shoot or shoots of major limbs which form the natural canopy of the tree so as to disfigure the tree's crown.

TREE. A large, woody, perennial plant having a clearly recognizable trunk.

TREE CARE. Any tree maintenance or horticultural work intended for the enhancement or preservation of street trees and the removal and prevention of any and all damages to any street trees caused by tree pests, blights or diseases.
(Ord. 1339, passed 8-28-95)

§ 95.091 CREATION AND ESTABLISHMENT.

There is hereby created and established a City Tree Board for the City of Alexandria, Indiana, which shall consist of six members, two being members of the City Council, one being a member of the Planning Commission, one being a member of the Park Board, and one being a member of the Board

of Public Works and Safety. The first Tree Board shall be appointed by the Mayor with the approval of the City Council.

(Ord. 1339, passed 8-28-95)

§ 95.092 TERM OF OFFICE.

(A) The terms of all Tree Board members shall be four years, to begin on the 1st of January following their appointment.

(B) Upon expiration of any Tree Board members' term, he or she may be reappointed, or a new member appointed, by the Mayor, with approval of the City Council. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Tree Board for the unexpired portion of the term.

(Ord. 1339, passed 8-28-95)

§ 95.093 COMPENSATION.

Members of the Tree Board shall serve without compensation.

(Ord. 1339, passed 8-28-95)

§ 95.094 DUTIES AND RESPONSIBILITIES.

(A) The Tree Board (or its designees) shall, but shall not be limited to, the following:

(1) Meet at least once each calendar quarter, or more often as needed.

(2) Establish a pattern of orderly, periodic inspection of the condition of the Street Trees and fully document that inspection.

(3) Develop a master plan for the care, preservation, pruning, planting, removal and disposition of street trees. This plan must be approved by the Board of Public Works and Safety, as shall be any future substantive changes in the plan.

(4) Coordinate its efforts with related projects of other local, federal, and state agencies.

(5) Promulgate rules and regulations for the proper administration of this chapter. All technical rules and regulations shall be contained in a separate document called the "Alexandria Manual of Urban Forestry Standards" (see § 95.096). This document, and any substantive changes to it, shall be approved by the Board of Public Works and Safety.

(6) Review, with the City Engineer, all public utility placements, street curb permits, and road and sidewalk projects which might endanger existing street trees.

(7) Cause or order to be removed any street tree or part thereof which is in an unsafe condition or is affected with any injurious fungus, insect or other pest, or which by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements.

(8) Issue permits as required by this chapter. (See § 95.105 below)

(9) Govern all aspects of the City's Arborist Certification program. (See § 95.106 below)

(10) Conduct educational and fund-raising campaigns as necessary and work with private and public agencies and organizations to establish programs for planting and care of street trees.

(11) Establish Non-reverting Tree Capital Improvement Fund to be used by the Board to accept public and private sector resources for programs of the Board. In the event of the discontinuance of the Tree Board, the remainder of this fund shall revert to the general fund of the city. All fees and fines connected to the enforcement of this subchapter shall be deposited into this fund.
(Ord. 1339, passed 8-28-95)

§ 95.095 OPERATION.

The Board shall choose its own officer(s), make its own operating rules and regulations (within the bounds established by this subchapter), and keep a journal of its proceedings. A majority of the members shall be a quorum for the transacting of business.
(Ord. 1339, passed 8-28-95)

§ 95.096 URBAN FORESTRY STANDARDS MANUAL.

(A) The Tree Board, in consultation with the City Forester, shall create a manual of Urban Forestry Standards detailing the regulations regarding City Street Trees. This manual, and any substantive changes to it, shall be approved by the Board of Public Works and Safety. This manual shall consist of, but not be limited to the following issues:

(1) List of tree species, varieties, and cultivars desirable for planting on public property. Species not on this list may not be planted on public property without the express written permission of the City Forester or Tree Board. Other species, varieties, and cultivars may be added or deleted as experience demonstrates their superiority.

(2) Tree planting guidelines.

(3) Tree pruning guidelines.

(B) Notwithstanding any of the provisions in this § 95.097, the Board shall have the power and authority to vary such provisions as may be necessary and proper in the case of a circumstance due to the characteristics of a physical site or an environmental constraint.
(Ord. 1339, passed 8-28-95)

§ 95.097 PLANTING: CITY RESPONSIBILITY.

Except as provided in §§ 95.099, 95.100, and 95.101, the planting of all street trees shall be done according to the Tree Board's City Tree Plan, at the expense of the city, and with proper permit. The requirements of the Standards Manual (§ 95.096) shall be adhered to.
(Ord. 1339, passed 8-28-95)

§ 95.098 PLANTING: OWNER-OCCUPANT RESPONSIBILITY.

(A) The owner or occupant of property abutting public ways may plant street trees at his or her own expense in accordance with the Standards and Manual (§ 95.096), provided he or she secures a permit from the Tree Board or its designee.

(B) If an owner or occupant plants a street tree not on the Standards Manual list of desirable trees, or without permit, the Tree Board may require the tree to be removed.
(Ord. 1339, passed 8-28-95)

§ 95.099 PUBLIC UTILITIES RESPONSIBILITY.

Public utilities are not exempt from the responsibility for the replacement of street trees which must be removed in order to maintain utility lines. The requirements of the Standards and Specifications Manual (§ 95.096) shall be adhered to.
(Ord. 1339, passed 8-28-95)

§ 95.100 STREET TREE CARE.

(A) Within the limits of the City Tree Plan and of the city tree budget and except as provided by divisions (C) through (G) of this section, the city shall assume the expense of tree care (as defined in § 95.090) for street trees.

(B) All street tree care undertaken by the city shall be undertaken by city workers or a Certified Arborist.

(C) The owner-occupant shall be responsible for the routine care of street trees in the right-of-way between his property and the street, such as watering, raking and preparing leaves, twigs, and other debris for removal by the city. No permit is required for such activity.

(D) The owner-occupant shall be responsible so as to not permit limbs or branches to obstruct movement vehicles or pedestrians along streets, alleys or sidewalks in the city. Such limbs shall be trimmed in a manner as to not obstruct the view of any street light, traffic sign, signal device or street intersection. In the case that the owner-occupant is unable to safely perform these duties, he shall be responsible to notify the City Forester when such tree maintenance is needed. No permit shall be required for this.

(E) Should an owner-occupant wish to perform routine trimming on a street tree beyond that which is described in divisions (C) and (D) of this section, he may do so at his own risk and shall be held responsible for his actions, but subject to the limits of division (G) of this section. A permit is required for this activity.

(F) An owner-occupant may hire a Certified Arborist (as defined in § 95.106) to perform routine care. The arborist must then secure a permit from the Tree Board or its designee. (See § 95.105.)

(G) It shall be unlawful as a normal practice for any person to top (see the definition for **TOPPING** in § 95.090), or prune horizontally a branch of more than one inch in diameter, or cut limbs within the tree's canopy back to stubs larger than three inches in diameter, on any Street Tree, unless approved by the Tree Board or City Forester.

(Ord. 1339, passed 8-28-95) Penalty, see § 95.999

§ 95.101 TREE REMOVAL.

(A) All street tree removal shall be the responsibility of the city. An owner-occupant may hire a certified arborist to remove a street tree, but only after obtaining a proper permit.

(B) An owner or occupant who gains a permit to remove a healthy tree shall be required by the Tree Board to replace that tree. The requirements of the Standards and Specifications Manual (§ 95.096) shall be adhered to.

(C) The Board of Public Works and Safety shall have all the powers consistent with due process and the laws and constitution of the state, to promote the health, safety, and welfare of the city by removing, or causing to be removed through appropriate legal means, any tree on private property within the city which constitutes a threat or menace to public safety or the health of other trees, and to seek such legal redress, including penalties and costs, as may be appropriate.

(Ord. 1339, passed 8-28-95) Penalty, see § 95.999

§ 95.102 EMERGENCY TREE CARE.

The City Street Commissioner or public utilities may act to trim or remove trees in extreme emergency situations, and if necessary, may resort to topping. All such incidents shall be reported to the Tree Board.

(Ord. 1339, passed 8-28-95)

§ 95.103 CONSTRUCTION PROJECTS.

(A) In order to protect existing trees intended for preservation, developers and construction firms shall go to all reasonable efforts, including the use of tree barriers, to insure that no street tree will be damaged in any way by any construction project. If it is foreseen by a developer or construction firm that a project may in fact damage street trees, the City Forester shall be consulted before such work commences.

(B) Any street tree removed or significantly damaged as a result of a construction project shall be replaced at the cost of the developer or construction firm. The requirements of the Standards Manual (§ 95.096) shall be adhered to.

(Ord. 1339, passed 8-28-95)

§ 95.104 INJURY TO TREES.

It shall be unlawful for any person in any way to injure or deface or permit any animal to injure or deface any street tree.

(Ord. 1339, passed 8-28-95) Penalty, see § 95.999

§ 95.105 PERMITS: REQUIREMENTS AND EXCEPTIONS.

(A) No person shall plant, treat, spray, or prune a street tree or hire a certified arborist to care for a street tree unless the Tree Board or its designee shall have first granted a proper permit. Said permits may be issued to property owners or to certified arborists.

(B) No person shall remove a street tree unless the Tree Board or its designee shall first have granted a proper permit. Said permits may be issued only to certified arborists, as defined in § 95.106.

(C) No permits shall be necessary in the emergency situations detailed in § 95.102.

(D) Every permit issued by the Tree Board or its designee shall specifically describe the work to be done.

(E) An annual permit may be issued to any public utility for trimming trees in public right-of-ways. The utility subcontractor shall meet the requirements of this subchapter.

(Ord. 1339, passed 8-28-95) Penalty, see § 95.999

§ 95.106 ARBORIST'S CERTIFICATION.

(A) Any person desiring to work for hire on the care of street trees within the city must first apply for and procure an Arborist's Certificate from the Tree Board or its designee; provided, however, that none shall be required of city employees doing such work in pursuit of their public service endeavors.

(B) Work done by employees of the holders of Arborist's Certificates shall be deemed in compliance with this section.

(C) Before any certificate shall be issued, each applicant shall demonstrate to the Tree Board or its designee that he or she has adequate knowledge of arboriculture and adequate equipment and insurance.

(D) Each applicant must provide evidence of possession of liability insurance in the minimum amounts of \$300,000 (per occurrence) for death or bodily injury and \$50,000 (per occurrence) for property damage indemnifying the city from any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(E) Cancellation or other termination of any insurance policy issued for or in compliance with the provision hereof shall automatically terminate any arborists' certificate, unless another policy complying with the provisions hereof shall be provided and in full force and effect at the time such cancellation or termination becomes effective.

(F) The certificate fee shall be \$25 paid in advance to the Tree Board.

(G) The Tree Board may revoke certification when it has evidence of the arborist's failure to apply principles of good arboriculture, and may hear appeals of any person whose application for an arborist's certificate has been denied.
(Ord. 1339, passed 8-28-95)

§ 95.107 REVIEW BY BOARD OF PUBLIC WORKS AND SAFETY.

The Board of Public Works and Safety shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the Board of Public Works and Safety, who may hear the matter and make final decision.
(Ord. 1339, passed 8-28-95)

§ 95.999 PENALTY.

Any person violating any provision of §§ 96.90 through 95.107 upon conviction thereof shall pay a fine not to exceed \$500.
(Ord. 1339, passed 8-28-95)

