

**TITLE IX: GENERAL REGULATIONS**

Chapter

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## CHAPTER 90: FAIR HOUSING

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### § 90.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, 42 USC 3601 *et seq.* as amended, the Federal Housing and Community Development Act, 42 USC 5301 *et seq.* as amended, and I.C. 22-9.5. ('97 Code, § 6-120) (Ord. 12-4-95(A), passed 12-4-95)

### § 90.02 DEFINITIONS.

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

**AGGRIEVED PERSON.** Any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

(2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

(I.C. 22-9.5-2-2)

**COMMISSION.** The Indiana Civil Rights Commission created pursuant to I.C. 22-9.5-1-6. (I.C. 22-9.5-2-3)

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**COMPLAINANT.** A person, including the Commission, who files a complaint under I.C. 22-9.5-6.  
(I.C. 22-9.5-2-4)

**DISABILITY.**

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of the person's major life activities;

(b) A record of having such an impairment;

(c) Being regarded as having such an impairment;

(d) An impairment described or defined pursuant to the Federal Americans With Disabilities Act, 42 USC 21101 *et seq.*;

(e) Any other impairment defined under I.C. 22-9.5-2-10.

(2) **DISABILITY** shall not include current illegal use of or addiction to a controlled substance as defined in 21 USC 802, pursuant to I.C. 22-9.5-2-10(b); nor does the term **DISABILITY** include an individual solely because that individual is a transvestite.  
(I.C. 22-9.5-2-10(c))

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under §§ 90.04 through 90.08.

**DWELLING.** Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy, as a residence by one or more families.  
(I.C. 22-9.5-2-8)

**FAMILIAL STATUS.** Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 years of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

**FAMILY.** An individual or individuals having familial status as that term is defined in this section.  
(I.C. 22-9.5-2-9)

**PERSON.** This term includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.

(I.C. 22-9.5-2-11)

**TO RENT.** To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant.

(I.C. 22-9.5-2-13) ('97 Code, § 6-121) (Ord. 12-4-95(A), passed 12-4-95)

### § 90.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, § 90.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 *et seq.* and in § 90.04 shall apply to:

(A) All dwellings except as exempted by division (B) of this section and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) of this section, nothing in § 90.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the more recent resident of the house prior to the sale, the exemption shall apply only to one such sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson or any person in the business of selling or renting dwellings or of any employee or agent of any broker, agent or salesperson or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

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(C) For the purposes of division (B) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales of rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

('97 Code, § 6-122) (Ord. 12-4-95(A), passed 12-4-95) Penalty, see § 10.99

**§ 90.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

As made applicable by § 90.03 and except as exempted by § 90.03(B) and (C), it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, disability or national origin.

(I.C. 22-9.5-5-1(a))

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, familial status, disability or national origin.

(I.C. 22-9.5-5-1(b))

(C) To make, print, publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin or an intention to make any such preference, limitation or discrimination.

(I.C. 22-9.5-5-2)

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

(I.C. 22-9.5-5-3)

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin.

(I.C. 22-9.5-5-4)

(F) (1) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(3) For purposes of this subsection, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the conditions that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

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3. All premises within such dwellings contain the following features of adaptive design:

- a. An accessible route into and through the dwelling;
- b. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
- c. Reinforcements in bathroom walls to allow later installation of grab bars;
- d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standards Institute (ANSI) standards for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (3)(b)3.

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.  
(I.C. 22-9.5-5-5) ('97 Code, § 6-123) (Ord. 12-4-95(A), passed 12-4-95)

### § 90.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status or national origin.  
(I.C. 22-9.5-5-6(b))

(B) As used in this section, the term **RESIDENTIAL REAL ESTATE RELATED TRANSACTION** means any of the following:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling; or

(2) The selling, brokering or appraising of residential real property.  
(I.C. 22-9.5-5-6(a))



(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.

(I.C. 22-9.5-3-5) ('97 Code, § 6-124) (Ord. 12-4-95(A), passed 12-4-95) Penalty, see § 10.99

**§ 90.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, disability, familial status or national origin.

(I.C. 22-9.5-5-7) ('97 Code, § 6-125) (Ord. 12-4-95(A), passed 12-4-95) Penalty, see § 10.99

**§ 90.07 INTERFERENCE, COERCION OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his or her having exercised or enjoyed or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by §§ 90.04 through 90.06.

(I.C. 22-9.5-5-8) ('97 Code, § 6-126) (Ord. 12-4-95(A), passed 12-4-95) Penalty, see § 10.99

**§ 90.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

(A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with:

(1) Any person because of his or her race, color, religion, sex, disability, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(2) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in this chapter;

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any person because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin in any of the activities, services, organizations or facilities described in division (A) of this section or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate.

(B) Any person violating this section shall be fined not more than \$1,000.  
(‘97 Code, § 6-127) (Ord. 12-4-95(A), passed 12-4-95)

**Statutory reference:**

*Offenses, see I.C. 22-9.5-10-1*

**§ 90.09 EXEMPTIONS.**

(A) Exemptions defined or set forth under I.C. 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in the religion is restricted on account of race, color or national origin; nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.  
(I.C. 22-9.5-3-2)

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program);

(b) Intended for, and solely occupied by, person 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.  
(I.C. 22-9.5-3-4) ('97 Code, § 6-128) (Ord. 12-4-95(A), passed 12-4-95)

**§ 90.10 ENFORCEMENT.**

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) of this section shall be vested in the town administration.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the town, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complains of violation to the Indiana Civil Rights Commission (Commission) for administrative enforcement actions pursuant to I.C. 22-9.5-6, and the town administration shall refer all complaints to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the town shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.

(D) The Town Administrator or his or her designee shall provide information on remedies available to any aggrieved person or complainant requesting the information.  
(‘97 Code, § 6-129) (Ord. 12-4-95(A), passed 12-4-95)



## CHAPTER 91: PARKS AND RECREATION

### Section

- 91.01 Authority to operate
- 91.02 Administration of parks and recreation programs
- 91.03 Rental fees and cleaning deposit for pavilions and bandstands
- 91.04 Regulations for Hermance Pavilion
- 91.05 Parking in parks

### ***Cross-reference:***

*Park Board, see §§ 33.20 et seq.*

### **§ 91.01 AUTHORITY TO OPERATE.**

The town may establish, aid, maintain and operate public parks, playgrounds and recreation facilities and programs.

(I.C. 36-10-2-2) ('97 Code, § 5-1)

### **§ 91.02 ADMINISTRATION OF PARKS AND RECREATION PROGRAMS.**

The Park Board as addressed in §§ 33.20 *et seq.* shall be responsible for administering programs under the Park and Recreation Law, I.C. 36-10-3-1 *et seq.*

('97 Code, § 5-2)

### **§ 91.03 RENTAL FEES AND CLEANING DEPOSIT FOR PAVILIONS AND BANDSTANDS.**

The Bristol Park fees are established as follows:

(A) Pavilion rental fees: \$125 Bristol resident; \$175 Bristol non-resident (plus sales tax).

(B) Bandstand rental fees: \$50 (plus sales tax).

(C) Cleaning deposit for pavilion: \$200.

(D) *Cancellation fee.* In the event of cancellation, Bristol will retain \$50 as a cancellation fee and will refund the remainder of the rental fee and security deposit.

(E) Payment of all fees and security deposit must be paid in full at time of reservation.

('97 Code, § 5-15) (Am. Ord. 7-16-09(a), passed 7-16-09; Am. Ord. 6-21-12A, passed 6-21-12)

**§ 91.04 REGULATIONS FOR HERMANCE PAVILION.**

The following regulations govern the Hermance Pavilion:

(A) Attach ceiling decorations to metal framework only. Do not use tape or tacks in ceiling panels. All decorations and tape, including decorations placed adjacent to roadway will be removed.

(B) Any vehicles left overnight will be considered abandoned and will be impounded by the proper authorities.

(C) Bag all trash from restrooms and kitchen and deposit in trash cans at road edge. Do not remove trash cans from road edge. Replace trash bags with new bags after dumping trash.

(D) Sweep and damp mop floor.

(E) Collapse chairs and tables and return to carriers; and tables must be clean.

(F) Close and lock all windows. Turn heat down to 50 degrees.

(G) Do not move furniture outside.

(H) Lock door.

(I) When the key has been returned and the building found to be in satisfactory condition, the Town Clerk-Treasurer will be notified to return your deposit.

(J) Reservations will be confirmed upon receipt of rental money. Make checks payable to the town.

('97 Code, § 5-16) (Am. Ord. 6-21-12A, passed 6-21-12)

**§ 91.05 PARKING IN PARKS.**

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot or tot lot within the municipality not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on the roadway. Overnight parking is prohibited.

('97 Code, § 5-20) (Am. Ord. 6-21-12A, passed 6-21-12) Penalty, see § 10.99

***Cross-reference:***

*Parking in parks, see § 72.10*

## CHAPTER 92: CEMETERIES

### Section

#### *General Provisions*

- 92.01 Establishment of Cemetery Fund
- 92.02 Fees for burial sites
- 92.03 Payment and collection of set fee for grave sites
- 92.04 Cemetery proceeds
- 92.05 Lot requirements
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- 92.99 Penalty

#### ***Statutory reference:***

*Indiana general cemetery law, see I.C. 23-14-44 through 23-14-76*

**Bristol - General Regulations****GENERAL PROVISIONS****§ 92.01 ESTABLISHMENT OF CEMETERY FUND.**

The Clerk-Treasurer shall establish an account to be known as the "Cemetery Fund Account" as a repository for funds paid to the town for the acquisition of lots in or use of lots in the Town Cemetery. ('97 Code, § 5-35) (Ord. 2-21-91, passed 2-21-91; Ord. 8-16-01(A), passed - -01)

**§ 92.02 FEES FOR BURIAL SITES.**

(A) *Lot fee.* The fees charged by the town for individual burial sites (lot fee) and the charge for the opening and closing of the site at the time of a funeral wherein it is used (set fee) shall be as follows, until such time as this ordinance would be modified (residency, for purposes of this subsection, is that of lot owner at time of purchase; lots must be ultimately "owner occupied", but may be transferred pursuant to § 92.05):

<i>Description</i>	<i>Lot Fee</i>
1. Adult lot purchased by a non-resident of the Town of Bristol.	\$350
2. Adult lot purchased by a resident of the Town of Bristol	\$250
3. Child lot (48" or under) purchased by resident of the Town of Bristol	\$150
4. Child lot (48" or under) purchased by a non-resident of the Town of Bristol	\$200
5. Infant lot purchased by resident of the Town of Bristol	\$100
6. Infant lot purchased by a non-resident of the Town of Bristol	\$150

(B) *Set fee.* (Opening and Closing of Grave Site.) Set fees are due and payable to the sexton at the time of interment.

- (1) The set fee for an adult lot is \$300.
- (2) The set fee for a child lot is \$150.
- (3) The set fee for an infant lot is \$100.

(C) *Fee for burial of remains.* There will be a charge of \$100 for town residents and \$150 charge for non-residents for the burial of remains after cremation. The fee is determined based on the residency of the person whose remains are being buried.



(D) *Additional fees.* An additional fee of \$100 for the grave opening will be charged if the funeral arrives at the cemetery after 2:30 p.m. and an additional charge of \$150 for the burial of an adult or child three years or older on Saturday. An additional \$100 fee will be charged for babies two and under for a Saturday funeral. No burial after 12:00 p.m. on Saturday.

(E) *Payment of lot fee.* All payments for the purchase of lots should be made payable to the Town of Bristol, and whenever possible, delivered to the sexton or the Clerk-Treasurer for the town during normal business hours prior to the use of the lot.

(F) *Title.* The sexton or the Clerk-Treasurer of the town is authorized on behalf of the town to issue evidence of title to Town Cemetery Lots, upon receipt of payment for the lots.

(G) *Sexton.* The term **SEXTON** herein shall be a defined term and is established to be the Town of Bristol Street Department Superintendent. ('97 Code, § 5-36) (Ord. 2-21-91, passed 2-21-91; Am. Ord. 5-8-97, passed 5-8-97; Am. Ord. 8-16-01(A), passed - -01; Am. Ord. 9-18-08, passed 9-18-08)

### **§ 92.03 PAYMENT AND COLLECTION OF SET FEE FOR GRAVE SITES.**

(A) The set fee for any grave site which is opened or closed shall be made payable to the town and shall be delivered to the Clerk-Treasurer or the sexton. The sexton shall have the responsibility for opening and closing the graves and all requests for either and all scheduling of all grave site openings and closings shall be made through the sexton. At all times, the sexton shall be the agent of the town and shall be entitled to use whatever town facilities or equipment he/she deems necessary to fulfill the responsibility to open and close grave sites. The sexton shall immediately turn over to the Clerk-Treasurer all set fees paid for any grave site opening and closing. The sexton or his/her designated employee who performs such services on any Saturday or Sunday shall be entitled to compensation from the town for time spent at one and one-half times their computed hourly rate (normal weekly salary divided by 40).

(B) Whenever possible, all business should be done at the cemetery office, 820 Bloomingdale Dr. (219) 848-4036. Orders for work should be left there, complaints made and lost and found articles reported there. See sign outside of Town Hall with sexton phone number. If cemetery office is not open, the payment of fees may be made at the office of the Clerk-Treasurer, 303 E. Vistula, Bristol, Indiana. ('97 Code, § 5-37) (Ord. 5-8-97, passed 5-8-97; Am. Ord. 8-16-01(A), passed - -01 )

### **§ 92.04 CEMETERY PROCEEDS.**

The entire proceeds of the sale of lots in the cemetery are to be applied to the General Fund of the corporation. ('97 Code, § 5-39) (Ord. 10-15-13, § 1, 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.05 LOT REQUIREMENTS.**

All enclosures of lots must be placed upon the lots enclosed, and shall not exceed 2½ feet in height, the gates of which must swing into the lot.

(‘97 Code, § 5-40) (Ord. 10-15-13, § 2, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.06 ROLE OF TOWN COUNCIL.**

The Town Council shall have the right to prevent or remove any structure or inscription which they may deem offensive or improper, and to remove or prune any tree or shrubbery which may obstruct the view or mar the effect and beauty of the scenery, or may otherwise be injurious or detrimental.

(‘97 Code, § 5-41) (Ord. 10-15-13, § 3, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.07 SPECIFICATIONS.**

(A) The sexton shall assist in surveying all blocks or parts of blocks, and shall see that all streets and alleys are brought to a proper grade.

(B) All graves in the cemetery shall be dug by the sexton to a depth of five feet unless otherwise ordered by the parties obtaining the permit.

(‘97 Code, § 5-49) (Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.08 DEEDS.**

All deeds to lots of the cemetery shall be issued by the Town Clerk, countersigned by the President of the Town Council, to the party vested upon the payment to the Clerk the purchase price covering the lot. Any lot owner desiring to sell a lot must do so through the cemetery in order to keep records correct. In transferring a lot, when no provision has been made for perpetual care, such provision must be made when the lot is transferred. A fee of \$25 will be charged the Town Clerk for transferring all deeds to defray the cost of materials and handling involved. A form of deed must be obtained from the sexton. In addition, if the transfer is from an owner who is a town resident to an owner who is not at the time of transfer or death a resident of the town, there will be an additional charge of \$100.

(‘97 Code, § 5-50) (Ord. 10-15-13, § 18, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.09 GROUNDS AND MAINTENANCE.**

(A) Every person entering the cemetery for the purpose of erecting any tombstone, or planting any shrubbery, or evergreens on any lot, or removing any rubbish from any lot in the cemetery shall remove all rubbish from the ground of the cemetery.

(‘97 Code, § 5-51)

(B) All trees, evergreens and shrubbery shall be pruned and trimmed as not to interfere with the streets, alleys and paths of the cemetery.  
(‘97 Code, § 5-51)

(C) Orders are not to be given or complaints made to workmen. Workmen are forbidden to accept orders or instructions for work except as issued through the office of the sexton or Town Manager.

(D) If any trees or shrubs shall become detrimental, dangerous or inconvenient, the cemetery shall have the right to remove such trees or shrubs or such parts as are detrimental, dangerous or inconvenient.

(E) Flower placement is restricted to the tops or ends of each memorial stone to aid in grounds keeping of the cemetery.

(F) Winter decorations may be placed on grave sites on or after November 15. If not removed by April 1, cemetery personnel will remove and dispose of them by that date. Decorations for summer may be placed on top or ends of each memorial stone on or after May 1. Summer decorations must be removed by October 15. If not, cemetery personnel will remove and dispose of them.

(G) All cardboard containers placed on any lot for summer display must be removed by October 15. After that date, the cemetery reserves the right to remove such containers. Containers must be placed at the end or on top of foundation, this includes statutes.

(H) The cemetery reserves the right to remove any object, floral display or other decoration on any lot that might become litter or pose a risk of causing injury to employees using grounds keeping equipment.

(I) The planting of evergreen trees and flowers within the limits of a burial lot must be done only with the approval and under the discretion of the cemetery sexton. Leaf bearing trees, bushes and shrubs should not be used. All plans for permanent planting or landscaping other than small evergreens must be submitted to the sexton and Town Board for approval.

(J) Watering utensils must not be left on lots. In no case will the cemetery be responsible for articles left on lot. The cemetery prohibits the connection of hoses or any watering device to the cemetery faucets for the purpose of watering lots. Normal watering of the lots, plants and flowers is allowed with watering utensils.

(K) All foundations for memorials shall be placed and constructed by the cemetery or the monument maker. Painting a foundation is not permitted.

(L) For the best interest of the lot owners, permanent memorials of cement, artificial stone, composition, wood, tin, or iron are not permitted. The cemetery will remove temporary funeral director markers when permanent memorials are installed.

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(M) No statues over 36 inches high will be permitted in the cemetery.

(N) Any lot having wire, plastic or wood fence around them or any other obstruction which may interfere with the mowing of grass may be removed and/or replaced. A fee up to \$25 per mowing may be charged to lot owners or family members who install the items on cemetery lots for the removal/replacement service.

(O) (1) The following are recommended maximum sizes for memorials in Oakridge Cemetery. Variations beyond these can be made after approval from Board.

<i>Single Graves</i>	<i>Length</i>	<i>Thick</i>	<i>Height</i>
One-piece memorial	36"		20"
Two-piece memorial	36"		30"
Two grave spaces (or) four back to back	72"		40"
Babyland	18"	4"	22"

(2) Some lot sizes in the old part of the cemetery are shorter in length and width. It is advisable to check with the sexton as to whether the above size is suitable on given lots in these areas. Vertical type memorials are permitted, provided the maximum size of the monument (including tablet and base) doesn't exceed an overall height of 48 inches. All foundations must have urn extensions appropriate for lot size.

(Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

***REGULATIONS*****§ 92.20 GENERAL.**

(A) No person shall walk upon or otherwise occupy any private lot within the cemetery except relatives or persons owning the same, the sexton and those in his or her employ.  
(‘97 Code, § 5-47)

(B) All funeral processions while within the cemetery grounds will be subject to the control of the sexton or his or her assistant.

(C) The sexton shall have the care and superintendence of the cemetery, and shall keep the same in proper repair, and shall be present either in person or when absent, by deputy, at any time to designate the place for interments, with a view to their regularity, and shall perform all duties necessary to keep the burying grounds in the best of order.  
(‘97 Code, § 5-47)

(D) No person shall interfere with or interrupt the sexton in the discharge of his or her duties, or remain in the cemetery with any vehicle, except in case of funerals, after sunset, unless admitted by the sexton, in which case such person must leave the cemetery on due notice so to do given by the sexton.  
(‘97 Code, § 5-47)

(E) No person other than the sexton shall enter the cemetery and inter therein any dead body, except with the authority of or under the direction of the sexton.  
(‘97 Code, § 5-47)

(F) All funeral processions, while within the grounds, will be subject to the control of the sexton or his or her assistants.  
(Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

#### **§ 92.21 DUMPING ON CEMETERY PROPERTY PROHIBITED.**

No trash, garbage, debris, abandoned vehicle or appliances, litter or other forms of waste material, including plant trimmings, shall be deposited on the Town Cemetery property. Tree trimmings and/or brush clippings deposited on the property by duly authorized town employees in the performance of care or maintenance of the Town Cemetery property shall be excluded from this provision.  
(‘97 Code, § 5-38) (Ord. 12-13-90, 1-10-91; Am. Ord. 8-16-01(A), passed - -01).

#### **§ 92.22 INTERMENT.**

(A) No interment of dead bodies shall be made within the town except in the regular burying grounds already established, or hereafter to be established by authority of the Council for such purposes.  
(‘97 Code, § 5-42)

(B) No interments will be permitted on Sundays or any of the following holidays: Labor Day; Memorial Day; Fourth of July; Thanksgiving, Christmas; New Year’s and Veterans’ Day (November 11) except in case of death from a contagious disease, and then only when ordered by the Board of Health.  
(Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**Bristol - General Regulations****§ 92.23 SPEED LIMIT IN CEMETERY.**

Automobiles and trucks must not be driven at a speed exceeding 10 mph. Drivers of the vehicles are requested not to drive off the avenues, nor turn around in the grass.

('97 Code, § 5-43) (Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.24 CONDUCT REQUIREMENTS.**

(A) No obscene language, nor loud or boisterous conversation shall be used in the cemetery. ('97 Code, § 5-44)

(B) Visitors are reminded that the cemetery grounds are sacredly devoted to the interment of the dead, and a strict observance of all that is proper in a place so dedicated will be requested of all persons entering the cemetery.

(Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.25 ALCOHOL PROHIBITED IN CEMETERY.**

No horse or horses shall be left unattended by a driver within the cemetery, nor shall any person while in a state of intoxication drive within the gates of the cemetery, nor shall any person remain in the cemetery after having been ordered to leave by the sexton, such person being then and there in a state of intoxication. No alcohol shall be consumed in the cemetery.

('97 Code, § 5-45) (Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.26 FIREARMS RESTRICTED.**

No person shall discharge any firearms within the cemetery except at military funerals and on public occasions.

('97 Code, § 5-46) (Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

**§ 92.27 PERMIT REQUIRED; FEES.**

(A) A burial permit conforming to requirements as specified by the Indiana State Board of Health must be furnished to the cemetery sexton at the time of interment. Residency is based on decedent's address at time of death, not at time of lot purchase.

(B) No person shall remove any body from the cemetery without first paying to the Town Clerk the sum of \$2.50 and no body or bodies shall be removed from one part of the cemetery to another without

paying to the Town Clerk the sum of \$5 and the town shall issue a permit for the removing of such bodies.

('97 Code, § 5-48) (Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)

### § 92.28 SURFACE VAULTS.

The use of surface vaults or so-called individual mausoleums (flush with ground level) usually constructed on masonry materials is prohibited. Any burial below grade will be in concrete or steel vault excepting those burials requiring a casket measuring less than 3 feet 6 inches; in these cases fiberglass vaults will be acceptable. No grave site can be larger than 2 feet 48 inches in Babyland. (Ord. 8-16-01(A), passed - -01)

### § 92.29 CREMATION REMAINS.

Four cremation remains from one family may be interred in one cemetery space; markers used on the lot must be flush to the ground, and installed, before or no later than one year after interment. (Ord. 8-16-01(A), passed - -01)

### § 92.30 NICHE TOWERS.

(A) *Niches*. For the interment of cremation remains, the town has installed and may from time to time install niche towers to the extent possible and, except as otherwise stated herein, the rules and regulations of this chapter shall be applicable to the sole use and care of the niche towers and the remains placed therein.

(1) The cemetery will sell two sizes of niche sites:

(a) Single niche, 12 inches wide by 3 inches high (measurements are front face surface area);

(b) Family niche, 12 inches wide by 12 inches high.

(2) A single niche may be used for the interment of the remains of a single individual. A family niche may be used for the interment of the remains of up to four individuals placed in separate niche containers.

(3) The cemetery will provide copper niche containers for cremation remains. Other suitable sealed containers may be used, but must fit the dimension of the copper containers.

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(4) Name plates for niches must be purchased from and installed by sexton employees. Name plates are bronze and include the name, birth year and death year. Single niches may use only single-sized name plates. Niches may use family name plates or up to four single-sized name plates.

(5) No marker or grave site decorations may be placed at or near niche towers. A small bronze bud vase may be purchased from and installed by sexton employees on niches (one vase per single niche, up to four for any family niche). The only exception shall be the temporary placement of

floral displays at time of internment which should be removed within 14 days thereafter. Consistent with § 92.09(H), any floral display left remaining after such time may be disposed of by sexton employees.

(B) *Prices and charges.* The following prices and charges shall be charged for and associated with the use of niches:

(1) *Single niche, purchase:*

- (a) \$200 for resident at time of purchase;
- (b) \$250 for non-resident at time of purchase.

(2) *Family niche, purchase:*

- (a) \$800 for resident at time of purchase;
- (b) \$1,000 for non-resident at time of purchase.

(3) *Opening and closing:* \$150.

(4) *Bud vase:* \$60.

(5) *Name plates:*

- (a) \$150 for single niche;
- (b) \$150 for family niche.

(6) *Payments.* The fees stated above shall be collected in the same manner as fees described in § 92.03 and applied as provided in § 92.04.

(C) *Ownership.* Evidence of ownership of niches shall be provided in a form similar to deeds for lots in the cemetery and the records of the Town Clerk as to niche ownership shall be the Town Clerk's records. Transfer and cost of transfer of ownership shall be as provided for in § 92.08.  
(Ord. 3-20-03, passed 3-20-03)

**§ 92.99 PENALTY.**

Any person violating any of the provisions of this chapter shall be subject to a fine not less than \$25 nor more than \$100.

(Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed 8-16-01)



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## CHAPTER 93: FIRE PREVENTION; FIREWORKS

### Section

#### *General Regulations*

- 93.01 Burning restricted
- 93.02 Burning on streets and alleys prohibited
- 93.03 Extinguishing fires

#### *Firework Regulations*

- 93.20 Definitions
- 93.21 Fireworks display; certificate of insurance
- 93.22 Storage of explosives
- 93.23 Blasting permit
- 93.24 Storage of flammables
- 93.25 Fireproofing certain buildings
- 93.26 Consumer fireworks
  
- 93.99 Penalty

### **GENERAL REGULATIONS**

#### **§ 93.01 BURNING RESTRICTED.**

It shall be unlawful for any person, firm or corporation to kindle or set on fire or burn, or cause to be fired or burned, within the corporate limits of the town any waste, garbage or rubbish, except when contained in a container or incinerator of a minimum capacity of 55 gallons. If the container or incinerator is larger than 55 gallon capacity, it shall have a stack of sufficient height and capacity to effectually carry off the smoke and noxious odors arising from the container or incinerator in a manner as will not be offensive to or injurious to the health and comfort of, the inhabitants or any portion of the inhabitants of the town. Burning shall be allowed only between the hours of 7:00 a.m. to 12:00 a.m. ('97 Code, § 6-75) (Ord. 12-11-69, passed 12-10-69) Penalty, see § 10.99

**§ 93.02 BURNING ON STREETS AND ALLEYS PROHIBITED.**

It shall be unlawful for any person, firm or corporation to kindle or set on fire or burn, or cause to be fired or burned, any combustible substance on any paved street or alley within the corporate limits of the town, the wearing surface of which paved street or alley consists of any material other than brick.

(‘97 Code, § 6-76) (Ord. 12-11-69, passed 12-10-69) Penalty, see § 10.99

**§ 93.03 EXTINGUISHING FIRES.**

It shall be unlawful for any person, firm or corporation in possession, as owner or tenant, of any real estate within the corporate limits of the town, knowingly to suffer or permit any fire to be kindled or to continue to burn on the real estate or on any street or alley abutting thereon in violation of §§ 93.01 or 93.02 without making a reasonable effort to extinguish the fire.

(‘97 Code, § 6-77) (Ord. 12-11-69, passed 12-10-69) Penalty, see § 10.99

***FIREWORK REGULATIONS*****§ 93.20 DEFINITIONS.**

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

***EXPLOSIVE.*** Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion or that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

***FIREWORKS.*** Any combustible or explosive composition, or any substance or combination of substances or articles prepared for the explosion, deflagration or detonation and shall include toy pistols, toy canes or long toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman Candles, Daygobombs or other fireworks of like construction and any fireworks containing any explosives or flammable substance or any tablets or other device containing any explosive substance. ***FIREWORKS*** does not include fixed ammunition for firearms, ammunition components intended for use in firearms, muzzle-loading cannons and small arms, any shells and cartridges intended therefor, or primers therefor and shall not include gold star producing sparklers on wires which contain in the manufacturing no magnesium, chlorate or

prechlorate, sparklers in paper tubes, sparkling devices which do not contain magnesium and trick noisemakers containing less than .025 of a grain of explosive mixture, toy snakes which contain no mercury in the manufacturing, toy smoke devices consisting of small paper or composition tubes or containers containing a small charge of slow burning smoke producing powder, toy pistols, toy canes, long toy guns or other devices in which paper caps, manufactured in accordance with United States Interstate Commerce Commission regulations regulating the packing and shipping of toy paper caps, are used and toy pistol paper caps which are manufactured as provided herein, the sale and use of which shall be permitted at all times.  
(‘97 Code, § 6-48)

**§ 93.21 FIREWORKS DISPLAY; CERTIFICATE OF INSURANCE.**

(A) Supervised public fireworks displays are permitted subject to the provisions of I.C. 22-11-14-2.

(B) The governing body of the municipality shall require a certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than \$10,000 and to property in an amount of not less than \$10,000, by reason of the licensed display and arising from any acts of the licensee, his or her agents, employees or subcontractors. However, the governing body of the municipality may in its discretion require additional amounts of insurance coverage not to exceed \$100,000 for damages caused to a person or persons or \$100,000 for damage to property.  
(‘97 Code, § 6-49)

**§ 93.22 STORAGE OF EXPLOSIVES.**

It shall be unlawful to store at any time within the municipality a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds without the express authorization of the legislative body.  
(‘97 Code, § 6-50) Penalty, see § 10.99

**§ 93.23 BLASTING PERMIT.**

No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation and receiving a permit to blast from the executive or other proper administrative officer. The executive or other proper administrative officer before granting the permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.  
(‘97 Code, § 6-51)

**§ 93.24 STORAGE OF FLAMMABLES.**

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.  
(‘97 Code, § 6-52)

**§ 93.25 FIREPROOFING CERTAIN BUILDINGS.**

(A) All business blocks and buildings for business purposes erected, moved to or constructed on Vistula Street and all intersecting streets for one block from Vistula Street and Division Street from the bridge south to the Lake Shore and Michigan Southern Railway shall be constructed of brick, brick veneer, stone, steel or other fireproof material.

(B) No wooden buildings shall be moved to or on any of the streets and blocks in division (A) of this section for business purposes.

(C) All persons wishing to erect, construct or move any building on the streets and blocks in division (A) of this section shall be required to obtain a permit from the Town Council before any work shall be done toward the erection or moving of any buildings on the streets or blocks.  
(‘97 Code, § 6-53)

**§ 93.26 CONSUMER FIREWORKS.**

No person shall fire any type of firecracker or other type of fireworks within the town limits except for between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9; between the hours of 10:00 a.m. and 12:00 midnight on July 4; and between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.  
(Ord. 7-19-07, passed 7-19-07)

**§ 93.99 PENALTY.**

The penalty for violation of § 93.26 shall be a fine of \$200 for the first time offense and \$500 for the second or subsequent offenses during the same calendar year.  
(Ord. 7-19-07, passed 7-19-07)

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**CHAPTER 94: ANIMALS**

### *General Provisions*

- 94.01 Definitions
- 94.02 Control over animals
- 94.03 Impounding of dogs
- 94.04 Notice to owner; redemption
- 94.05 Disposition of impounded dogs
- 94.06 Quarantine of biting dogs

### *Regulations*

- 94.20 Control measures regarding barking, biting and damage
- 94.21 Abandonment of animals
- 94.22 Running at large
- 94.23 Confinement of certain dogs and other animals
- 94.24 Muzzling dogs

## **GENERAL PROVISIONS**

### **§ 94.01 DEFINITIONS.**

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

**ABANDONMENT.** The voluntary relinquishment of possession by the owner with the intention of terminating his or her ownership but without vesting it in any other person.

**ANIMAL, DOG and CAT.** Both the male and female.

**AT LARGE.** Off the premises of the owner while not under the control of the owner or other person by leash, cord, chain or other device of actual physical restraint.

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**EXOTIC ANIMAL.** This term includes the following:

(1) Any poisonous snake or reptile other than reptiles sold by a pet store or pet sale business duly licensed for the sale and distribution of the animals to the general public by the state; and

(2) Any wild animal requiring now or hereafter a permit to possess by the Indiana Department of Natural Resources.  
(I.C. 14-22-26-1 *et seq.*)

**FARMANIMAL.** Any animal typically kept and raised for resale on an agricultural farm, including but not limited to, swine, fowl, sheep, goats, horses and domestically raised wild animals.

**OWNER.** Any person or persons, firm, association or corporation owning, keeping or harboring a dog, cat or other animal.  
(‘97 Code, § 6-14) (Ord. 12, passed - -59; Am. Ord. 8-11-94(A), passed 8-11-94)

**§ 94.02 CONTROL OVER ANIMALS.**

A town may regulate the control of animals and may establish animal shelters.  
(‘97 Code, 6-6)

**Statutory reference:**

*Authority to establish animal shelters, see I.C. 36-8-2-6*

**§ 94.03 IMPOUNDING OF DOGS.**

(A) It shall be the duty of the person and agencies so authorized by the town to apprehend any dog running at large and to impound the dog. The Town Marshal or authorized person impounding the dog shall make a registry entering the breed, color, sex and license number (if known) of the dog.

(B) If the owner of the dog is known or ascertainable from the tag, if any, worn by the dog, the Town Marshal or duly authorized agent of the town shall enter the name and address of the owner. In the event that the ownership of the dog running at large shall be known to the Town Marshal, the dog need not be impounded, but the Town Marshal may in his or her discretion cite the owners of the dogs to appear in court to answer to charges of violation of this chapter.

(C) If any dog is impounded under this chapter, the dog shall be impounded in the County Human Society Shelter, as the society may provide.  
(‘97 Code, § 6-19) (Ord. 12, passed - - 59)



**§ 94.04 NOTICE TO OWNER; REDEMPTION.**

(A) Not later than three days after the impounding of any dog which was wearing, at the time of capture or impounding, a town license tag, the caretaker shall notify the owner by ordinary United States mail. In the event the owner is unknown because of the dog's lack of a license tag or because of any other reason, no notice of any kind need be given.

(B) The owner of any impounded dog may reclaim the dog upon the payment to the caretaker of the following fees:

(1) Two dollars if the dog has been picked up or captured by a town employee or other authorized agent of the town.

(2) Five dollars if the dog has been picked up or captured by a town employee or other authorized agent of the town for a second or subsequent time within a 30-day period prior to the capture.

(3) In addition to the payments required in divisions (A) and (B) of this section, the sum of \$.75 per day for room and board for each day or fraction thereof during which the dog was impounded. ('97 Code, § 6-20) (Ord. 12, passed - - 59)

**§ 94.05 DISPOSITION OF IMPOUNDED DOGS.**

(A) It shall be the duty of the caretaker to keep a healthy licensed dog impounded for running at large for a period of five days unless the owner shall claim the dog and pay the fees provided in § 94.04.

(B) If, at the expiration of five days from the date of impounding, and after notice is given as provided in § 94.03, any unclaimed dog, any dog required herein to be licensed but not wearing a license tag and any dog which appears to be suffering from rabies, hydrophobia, mange or other infectious or contagious diseases need not be released but shall be destroyed forthwith.

(C) Notice of the destruction of any dog for the reason that the dog appears to be suffering from rabies, hydrophobia, mange or other infectious or contagious diseases shall be given forthwith to the County Health Director. ('97 Code, § 6-21) (Ord. 12, passed - - 59)

**§ 94.06 QUARANTINE OF BITING DOGS.**

It shall be the duty of the Town Marshal and all other persons and agencies so authorized by the town to impound and securely quarantine every animal which bites any person. The impounding and quarantine shall be at the responsibility of the owner of the animal. Upon demand made by the Town

Marshal, the owner of any such animal shall forthwith surrender the animal which has bitten a human or which is suspected of having been exposed to rabies for supervised quarantine in an approved veterinary hospital, boarding kennel or in the town pound. The animal may be reclaimed by the owner upon the expiration of 15 days if adjudged free of rabies upon payment of fees and upon compliance with all licensing provisions.

('97 Code, § 6-22) (Ord. 12, passed - -59)

### ***REGULATIONS***

#### **§ 94.20 CONTROL MEASURES REGARDING BARKING, BITING AND DAMAGE.**

(A) An owner shall keep his or her dog under control at all times.

(B) It shall be deemed that an owner does not have control of his or her dog if he or she permits the animal to:

(1) Damage or defile the premises or property of another;

(2) Bark or howl unduly, especially in the nighttime, so as to disturb the quiet of the neighborhood or any person;

(3) Bite, or attempt to bite, attack or belligerently pursue any persons; or

(4) Run at large at any time within the corporate limits of the town.

('97 Code, § 6-15) (Ord. 12, passed - -59)

#### **§ 94.21 ABANDONMENT OF ANIMALS.**

It shall be unlawful for any owner of any animal to abandon the same within the corporate limits of the town.

('97 Code, § 6-16) (Ord. 12, passed - -59) Penalty, see § 10.99

#### **§ 94.22 RUNNING AT LARGE.**

(A) No owner shall permit any dog, including dogs exempt from licensing, to run at large at any time. All dogs running at large shall be impounded.

(B) The Town Marshal is given authority to kill any dangerous, vicious or ferocious dog found at large which cannot be safely captured and impounded by ordinary means.  
(‘97 Code, § 6-17) (Ord. 12, passed - -59)

**§ 94.23 CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS.**

(A) All owners shall confine within a building or secure enclosure every fierce, dangerous or vicious dog, cat or other animal and shall not remove the dog, cat or other animal from the enclosure at any time.

(B) Every female dog and cat when in heat shall be confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that the female dog, cat or other animal cannot come in contact with another animal except for breeding purposes.  
(‘97 Code, § 6-18) (Ord. 12, passed - - 59)

**§ 94.24 MUZZLING DOGS.**

(A) It shall be unlawful for the owner, keeper or person harboring any dog to allow or permit the dog to run at large upon any public street, alley, highway or common within the town without being securely muzzled.

(B) The Town Marshal is directed to immediately capture all dogs found running at large in any public street, alley, highway or confinement to be provided by the Town Council and therein confine the same. Unless the dog shall be claimed within 48 hours thereafter the Marshal is ordered to cause the dog to be immediately killed but the owner, keeper or person harboring the dog may claim the same within the period of time and the dog shall be immediately delivered up if the owner, keeper or person harboring the dog shall muzzles the same before delivery.  
(‘97 Code, § 6-23) (Ord. 12, passed - -59) Penalty, see § 10.99



## CHAPTER 95: NUISANCES; HEALTH AND SANITATION

### Section

#### *General Provisions*

- 95.01 Town's authority to regulate
- 95.02 Authority to regulate air and sound
- 95.03 Authority to regulate public gatherings
- 95.04 Definitions
- 95.05 Common law and statutory nuisances
- 95.06 Certain conditions declared a nuisance
- 95.07 Nuisance created by others
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- 95.80 Parking restrictions

*Enforcement; Abatement and Appeal Procedures*

- 95.90 Abatement procedure; private real property
- 95.91 Non-private real estate violation and general violations

*Restrictive Covenants and Conditions*

- 95.92 Real estate developments

**GENERAL PROVISIONS****§ 95.01 TOWN'S AUTHORITY TO REGULATE.**

The town may regulate the conduct or use or possession of property which might endanger the public health, safety or welfare of its citizens.

(I.C. 36-8-2-4) ('97 Code, § 6-1) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.02 AUTHORITY TO REGULATE AIR AND SOUND.**

The town may regulate the introduction of any substance or odor into the air or any generation of sound.

(I.C. 36-8-2-8) ('97 Code, § 6-3) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.03 AUTHORITY TO REGULATE PUBLIC GATHERINGS.**

The town may regulate public gatherings, such as shows, demonstrations, fairs, conventions, sporting events and exhibitions.  
(I.C. 36-8-2-9) ('97 Code, § 6-4) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.04 DEFINITIONS.**

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

**DWELLING.** Any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

**JUNK.** Boxes, trash, motor vehicle parts, unseaworthy or dilapidated watercraft, tires, trailers, non-operable appliances, furniture not designed for outdoor use, any dilapidated furniture or any fabric covered furniture whether designed for indoor or outdoor use or carpeting allowed to remain outdoors for ten days, any piece of machinery which is not operable when immediately connected to its normal power source. Any item or items identified hereafter as junk by the Town Council by amendment to this chapter. Placing "for sale" signs on any item shall not exempt said item from this chapter.

**NUISANCE.** Public nuisance.

**RANK VEGETATION.** Means the following:

(1) Lawn grass or weeds which are permitted to grow to a height of more than 12 inches on any developed (i.e., building or improvements have been constructed on the property) residential, commercial or industrial property (whether occupied or not) or on any undeveloped land or land in agricultural use;

(2) Trees, bushes, shrubs, vines and the like, whether cultivated or naturally growing, which are permitted to grow so as to:

(a) Encroach upon, obstruct the normal use of or render hazardous a public sidewalk or vehicular thoroughfare; or

(b) Encroach upon, impair the normal use and enjoyment of or detract from the appearance of any adjacent public or private property.

**UNFIT FOR HUMAN HABITATION.** Dangerous or detrimental to life or health because of:

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- (1) Want of repair;
- (2) Defects in the drainage, plumbing, lighting, ventilation or construction;
- (3) Infection with contagious disease; or

(4) The existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.  
(‘97 Code, § 6-94)

**WEED.** Any plant, vine or small bush which is naturally growing and is not normally planted deliberately, cultivated and maintained for ornamental or agricultural purposes.  
(Am. Ord. 4-19-07A, passed 4-19-07)

### § 95.05 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Indiana as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.  
(‘97 Code, § 6-95) (Am. Ord. 4-19-07A, passed 4-19-07)

### § 95.06 CERTAIN CONDITIONS DECLARED A NUISANCE.

(A) It shall be unlawful for the owner, occupant or person having control or management of any land within the municipality to permit a public nuisance to develop thereon.

(B) It shall be unlawful to intentionally create a condition or do acts which create or constitute a public nuisance.

(C) The following conditions are declared to be public nuisances.

(1) *Dwellings and buildings unfit for and intended or being used for human habitation.* The erection, use or maintenance of a commercial building and/or dwelling which is unfit for human habitation. Buildings or dwellings which are not connected to public utilities (water, sewer) or do not have operable heating and lighting systems. Buildings damaged by fire or weather whose repair is not beginning within 90 days and completed within 365 days from date of damage.

(2) *Dangerous buildings adjoining streets.* Any building, house or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, limb or property



of or cause hurt, damage or injury to persons or property using or being upon the streets or public way of the municipality adjoining the premises by reason of the collapse of the building, house or structure or by the falling of parts thereof or of objects therefrom.

(3) *Dangerous trees or stacks adjoining street.* Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb or property of, or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto by the falling thereof or of parts thereof.

(4) *Dilapidated buildings.*

(a) Any building, house or structure which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire or which due to lack of adequate maintenance or neglect endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

(b) In addition, and specifically as to any buildings or structures used for human residence, no person shall occupy as owner/occupant or let to another for occupancy any dwelling which does not comply with the following requirements. Every dwelling unit shall contain;

1. A kitchen sink in good working condition,

2. A room which affords privacy to a person within said room and which is equipped with a flush toilet and a bathroom sink in good working condition, and

3. A room which affords privacy to a person within said room a bathtub or shower in good working condition, all of which properly connected to a water system and sewer system, if available, and if no sewer system is available to a septic system approved by the County of Elkhart.

(c) Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

(d) Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

(e) The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building, Roof drains, gutters, and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a hazard on the premises or adjacent property.

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(f) Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof and shall be kept in sound working condition and good repair.

(g) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound working condition and good repair. Metal fire escapes shall be maintained in a rust free condition.

(h) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(i) All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted.

(j) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(k) All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(l) Any pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(m) All additions or improvements to any building or structure must be made in accordance with the County of Elkhart Building Code.

(n) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.

(o) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

(p) Any portion, member or appurtenance of a building shall not be likely to fail, to become detached, dislodged or to collapse and thereby injure persons or damage property.

(q) The building or structure shall not be manifestly unsafe for the purpose for which it is being used.

(r) The building or structure shall not be in such a condition that it is likely to partially or completely collapse due to:

1. Dilapidation, deterioration, or decay;
2. Faulty construction;
3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
4. The deterioration, decay or inadequacy of its foundation.

(s) The building shall not be so damaged by fire, earthquake, flood or any other cause that the structural strength and stability is materially less than it was before the catastrophe, and is less than the minimum requirements for new buildings of similar structure, purpose or location.

(t) The building or structure shall not be so damaged by fire, wind, earthquake or flood that it has become so dilapidated and deteriorated as it becomes freely assessable to persons.

(u) The building or structure shall not, because of obsolescence, dilapidated condition, deterioration, damage, lack of sufficient fire resistive construction, electrical wiring, gas connection, or heating apparatus, become a fire hazard.

(v) A portion of the building or structure shall not remain on the real estate more than three months after demolition or destruction.

(5) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, garbage, overgrown vegetation, damages, obsolete or unusable machinery, damaged, obsolete or unusable equipment, inoperable appliances, scrap not stored in enclosed containers, or other waste material which endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and/or propagating vermin, rodents or insects or its blowing or rubbing into any street, sidewalk or property of another or its propensity to constitute a safety hazard as an attractive nuisance to children.

(6) *Noxious odors or smoke.* Emission into the surrounding atmosphere of odor, dust, smoke, or other mater which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(7) *Noise.* Emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with the ordinary comforts of human existence.

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(8) *Storage of explosives or combustible material.* The storage of combustible or explosive material which creates a safety hazard to other property or persons in the vicinity.

(9) *Open wells.* The maintenance of any open, uncovered or insecurely covered cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

(10) *Trees and shrubbery obstructing streets and sidewalks.* The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight feet over sidewalks or the growing and maintenance of shrubbery in excess of three feet in height within the radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street.

(11) *Scrap metal.* The storage of scrap metal within the municipal limits except on premises authorized by the municipality for such purposes.

(12) *Junk.* The accumulation and storage on property in the town, other than inside a secured building out of sight of the public and adjoining property occupiers. Provided that if stored in building, said storage must not create or constitute a health hazard or fire hazard. Storage and accumulation by town Maintenance Department in the performance of their duties shall not constitute a violation. ('97 Code, § 6-96) (Ord. 5-8-97(A), passed 5-8-97) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.07 NUISANCE CREATED BY OTHERS.**

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests or other persons for whose conduct the owner or operator is responsible or by persons for whose conduct the owner or operator is not responsible but by the exercise of reasonable care would have prevented, or simply if once created the owner or occupant allows the public nuisance to continue after receipt of notice to have it abated. ('97 Code, § 6-98) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.08 REMOVAL OF ICE AND SNOW.**

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the municipality abutting upon any sidewalk to keep the sidewalk abutting this premises free and clear of snow and ice and to remove therefrom all snow and ice accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated. Failure to do so shall constitute a public nuisance. ('97 Code, § 6-105) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.09 GARAGE, PORCH, PATIO AND YARD SALES.**

(A) No person, firm or corporation and no group or groups of persons shall organize, operate and maintain a garage, porch, patio, rummage, or yard sale zoned (residential sales) in any residential area or on any premises primarily used for residential purposes for any period or term exceeding four days after which the premises are to be cleaned up, and no person, firm, corporation, group or groups of persons may thus organize, operate or maintain such yard or garage sale more than four times a year.

(B) Residential sales shall be allowed provided the following conditions are met:

- (1) No merchandise other than normally found in a household may be sold;
- (2) The sale is conducted by the owner or occupant of the premises on which the sale is being conducted;
- (3) No signs are posted off the premises where the sale is occurring;
- (4) Sale hours do not exceed 7:00 a.m. to 8:30 p.m.; and
- (5) No traffic hazard is created by the sale of the people attempting to attend the sale. The Town Marshal shall determine the existence or non-existence of a traffic hazard.

(C) Failure to adhere to these requirements shall constitute creating a public nuisance. Each day of violation shall constitute a separate offense. The offense may be charged against the owner of the location, the party conducting the sale, or both.  
(Ord. 12-18-03, passed 12-18-03; Am. Ord. 4-19-07A, passed 4-19-07)

***LITTER AND DUMPING REGULATIONS***

**§ 95.25 THROWING LITTER FROM VEHICLE.**

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the municipality or upon private property. Doing such acts shall constitute creating a public nuisance.  
(‘97 Code, § 6-58) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.26 TRACKING FOREIGN MATTER ON STREETS.**

No person shall drive or move any vehicle or truck within the municipality, the wheels or tires of which carry onto or deposit in any street, alley or other public way mud, dirt, sticky substances, litter or foreign matter of any kind. Doing such shall constitute creating a public nuisance.  
(‘97 Code, § 6-59) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.27 HAULING LOOSE MATERIAL.**

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt or loose material of any kind in or upon any street, alley, sidewalk or other public place shall haul it or cause it to be hauled in vehicles provided with the tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown or deposited upon any street, alley, sidewalk or other public place. Any materials which fall from or which are thrown, blown or deposited from any vehicle upon any street, alley, sidewalk or other public place shall be removed immediately by the person in charge of the vehicle. Violating the requirements shall constitute creating a public nuisance.  
(‘97 Code, § 6-60) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.28 SWEEPING LITTER INTO GUTTERS.**

No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Failure to adhere to these requirements shall constitute creating a public nuisance.  
(‘97 Code, § 6-61) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.29 MERCHANTS AND PROPERTY OCCUPANTS TO KEEP SIDEWALKS FREE OF LITTER.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the municipality the accumulation of litter from any building or lot or from any public or private sidewalk. Persons owning or occupying places of business within the municipality shall keep the sidewalk in front of their business premises free of litter. Displaying merchandise for sale on public sidewalks is prohibited, except in conjunction with annual sidewalk sale days approved by resolution of the Town Council. No person shall encumber or store material on any street or sidewalk so as to interfere with free and unobstructed use of said sidewalk or street. Failure to adhere to these requirements shall constitute creating a public nuisance.  
(‘97 Code, § 6-62) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.30 POSTING NOTICES.**

No person shall post or affix any notice, poster or other paper or device which is calculated to attract the attention of the public to any lamp post, public utility pole or shade tree or upon any public structure or building, except as may be authorized by law. Failure to adhere to these requirements shall constitute creating a public nuisance.

('97 Code, § 6-63) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.31 LITTER ON PRIVATE PROPERTY.**

No person shall throw or deposit litter on any occupied private property within the municipality, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks or other public places or upon any private property. Failure to adhere to these requirements shall constitute creating a public nuisance.

('97 Code, § 6-64) (Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.32 DUMPING OF TRASH PROHIBITED.**

Depositing or dumping of trash, litter, junk vehicle or appliances or other litter or rubbish on town property is prohibited, except to the extent it is deposited in authorized, proper collection receptacles in such a manner that the item deposited in the receptacle will be prevented from being carried or deposited by the elements on the streets, sidewalks or other public places. Failure to adhere to these requirements shall constitute creating a public nuisance.

('97 Code, § 6-70) (Ord. 12-13-90, passed 1-10-91; Am. Ord. 4-19-07A, passed 4-19-07)

***WEEDS AND RANK VEGETATION***

**§ 95.45 UNLAWFUL GROWTH.**

The owner of any lot or parcel of land within the town shall during each of the months of April, May, June, July, August and September remove all weeds and rank vegetation of any kind growing upon the property greater than 12 inches. Failure to adhere to these requirements shall constitute creating a public nuisance. ('97 Code, § 6-82) (Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.46 NOTICE TO REMOVE.**

(A) Pursuant to I.C. 36-7-10.1-1 *et seq.*, the Town Council shall require the owners of real property in the town to cut and remove weeds or other rank vegetation growing on that property. A three-day written notice to remove the vegetation shall be issued by the Clerk-Treasurer and served by a law enforcement officer upon the landowner, if he or she is a resident, or by certified mail addressed to his or her last known address if he or she is a nonresident.

(B) The Town Marshal or his or her designee may issue a citation to a person violating this section. The first citation to an individual shall impose a \$100 fine. Each subsequent citation issued to an individual shall impose a penalty of an additional \$75 fine. ('97 Code, § 6-83) (Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.47 REMOVAL COSTS.**

(A) If the landowner fails to remove the vegetation within the time prescribed, the town may remove the vegetation. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the town in the removal. The statement shall be delivered to the owner of the property by a law enforcement officer of the town or by registered mail, and the owner shall then make payment to the Clerk-Treasurer,

(B) If the landowner fails to pay the amount within ten days after receiving the statement, a certified copy of the statement of costs shall be filed in the office of the Auditor of the county in which the property is located. The Auditor shall place the amount claimed on a tax duplicate against the property affected by the work and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the town.

(C) The cost of mowing properties in the town is a minimum of \$75 per hour per lot. ('97 Code, § 6-84) (Res. - -, passed 6-6-91; Am. Ord. 1996-3, passed 7-11-96; Am. Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.48 RIGHT TO APPEAL.**

Any person aggrieved shall have the right to appeal to the legislative body. The appeal shall be taken within 30 days after the notice. The legislative body shall act on the appeal within 30 days after its receipt.

(Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07)



***TREE TRIMMING***

**§ 95.60 RESTRICTED BY SIDEWALKS.**

It shall be unlawful for the owner of any shade trees or ornamental trees growing in any street in the town to allow any of the branches thereof to grow at a closer distance than 14 feet from the sidewalk level.

('97 Code, § 6-88) (Ord. - -, passed 6-28-29; Am. Ord. 4-19-07A, passed 4-19-07) Penalty, see § 10.99

**§ 95.61 OBSTRUCTION OF STREET LIGHTS PROHIBITED.**

It shall be the duty of the owner of every lot or part of lot fronting on any street or highway in the town to cause the shade trees in front of the lot or part of lot to be trimmed in such a manner that the branches will not obstruct the light of the electric street lights nor in any way impair the efficiency of the street lights in the town.

('97 Code, § 6-89) (Ord. - -, passed 6-28-29; Am. Ord. 4-19-07A, passed 4-19-07)

***NOISE***

**§ 95.75 LOUD AND UNNECESSARY NOISE PROHIBITED.**

(A) It shall be a violation of this chapter for a person to make or allow property under his or her control to make any loud, raucous, improper, unreasonable, offensive or unusual noise which disturbs, injures or endangers the comfort, repose, health, peace, safety or quiet enjoyment of others within the town.

(B) It shall be the duty of every real property owner, the owner or manager of any business in the town or motor vehicle driver operating a vehicle within the town to prevent persons using property under their control from violating this section.

(Ord. 8-19-99, passed 8-19-99; Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.76 ENUMERATION OF CERTAIN PROHIBITED ACTS.**

(A) The following acts, among others, are declared to be loud, raucous or disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

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(B) The acts enumerated in this section are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section or limiting the offense hereunder to the particular offense hereinafter enumerated:

(1) Using, operating or permitting to be played, used or operated any radio receiving set, CD player, musical instrument, speakers, tape deck, public address or paging system or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, instrument, phonograph, machine or device in such a manner to be plainly audible to any persons on or in an adjoining property, apartment, office, structure, sidewalk or vehicle shall be prima facie evidence of a violation of this chapter.

(2) Using, operating or permitting to be placed, used or operated any radio receiving set, musical instrument, CD player or tape deck, loudspeaker, sound amplifier, public address system or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(3) Yelling, shouting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any commercial building or in any dwelling or other type of residence or of any person in the vicinity.

(4) The creation of any loud and raucous noise on any street adjacent to any school, library, church or court while the same are in use which unreasonably interferes with the working of such institution or which unduly disturbs persons in the facilities, provided conspicuous signs are displayed in the streets indicating that the same is a school, library or court street.

(5) The use of any sound creating instrument or device for the purpose of generating a sound to attract attention by creation of noise to any performance, show or sale.

(6) The participation in or permitting of any parties or gatherings which create loud or raucous noise.

(7) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(8) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

(9) To operate, cause to operate or use a motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal or as the result of the operation of audio devices such as but not limited to radios, CD players and tape players on or from such vehicle.

(10) To intentionally or unintentionally utilize or engage an engine exhaust or compression regulating system or similar device installed on a diesel engine which results during the braking, freewheeling or deceleration of the engine and the vehicle upon which it is installed noise greater than that which occurs when that same engine is under acceleration. Noise caused by the activity shall be considered excessive noise and is prohibited.

(C) In addition to the standards set forth above any noise or sound shall be considered excessive noise and a nuisance if it exceeds a noise level of 85 decibels (dba) based on a distance of measurement 15 feet from the noise source. Decibel measurement shall be only one source of evidence for ordinance violation.

(Ord. 8-19-99, passed 8-19-99; Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.77 EXEMPTIONS.**

The following are exempted from the provisions of § 95.76:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, garden tractors, farm equipment, remodeling, repair and construction tools and equipment being used on a job site and similar home power tools when properly muffled for up to four hours per day between the hours of 8:00 a.m. and 8:00 p.m.

(C) Burglar alarms on light motor vehicles of the electronic signaling type which transmit a nonaudible signal to a receiver which can be carried by the owner or operator of the vehicle.

(D) Celebrations on legal holidays (i.e., those recognized by the State of Indiana as paid holidays for State of Indiana employees) and celebrations in connection with duly authorized parades.

(E) Noise created on a manufacturing or commercial property in a properly zoned location as a result of the manufacturing or commercial business being conducted at said location after 7:00 a.m. in the morning and before 7:00 p.m. in the evening, provided it does not exceed 85 decibels.

(F) Church or worship center bells sounded in conjunction with a function or service.  
(Ord. 8-19-99, passed 8-19-99; Am. Ord. 4-19-07A, passed 4-19-07)

*PARKING***§ 95.80 PARKING RESTRICTIONS.**

No parking of motor vehicles or trailers in excess of eight feet shall occur, other than on town streets where permitted, and on off-street paved or other hard surface areas. Gravel parking areas or driveways are acceptable "hard surfaces". Failure to use appropriate hard surfaces shall constitute creating a public nuisance by the owners of the motor vehicle or trailer.  
(Ord. 4-19-07A, passed 4-19-07)

*ENFORCEMENT, ABATEMENT AND APPEAL PROCEDURE***§ 95.90 ABATEMENT PROCEDURE. PRIVATE REAL PROPERTY.**

(A) If the offense is use, occupancy or an act involving private real property, it shall be the duty of an officer or agent designated by the legislative body to serve or cause to be served a notice upon all easily ascertained persons holding a substantial interest in any premises (i.e., occupant and owner) on which there is kept, maintained or occurring any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance within a reasonable time stated in the notice no less than 48 hours and no more than 30 days. The notice shall contain a statement the recipient of the notice has a right to dispute the violation described in the notice by filing with the Town Clerk-Treasurer before the expiration of the time provided for abatement a request for review by the Town Council in which case the matter and action on the notice shall be delayed until the next Town Board meeting and said matter shall be placed on the agenda for review. Notice shall be served upon persons by any reasonable means, except where a specific means is required by state statute, in which case that means of notice shall be used, if the whereabouts of the persons is unknown and cannot be ascertained by the officer or agent in the exercise of reasonable diligence. The serving of notice may be made by posting a copy of the notice in a conspicuous place on the premises affected by the notice. However notice is, given, the officer or agent shall make an affidavit or other written record of the date, method of giving notice, and shall file the same along with a copy of the notice with the Town Clerk.

(B) If the person so served does not request review by the Town Board or abate the nuisance within the reasonable period stated in the notice, the municipality may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant. Notice of the costs and expenses incurred shall be provided in the same manner as notices of abatement to the owner or occupant. Upon receipt of this notice, the occupant or owner of the real estate may request a review of the amounts and/or of any lien and may request an accounting of the proceeds, if any, from the disposition of items removed from the premises. The decision of the review by the Town Council shall be provided to the owner and/or occupant prior to any enforcement action.

(C) Charges for nuisance abatement shall be a lien upon the premises.

(D) The town shall protect its right to a lien by recording a written instrument indicating that it claims a lien under this chapter and stating the amount due the town. The amount due the town shall accumulate interest on any unpaid balance at the rate of 10% per annum from the date of the recordation of the lien.

(E) A copy of the lien described in division (D) of this section shall be delivered to the owner or occupier of the real estate. Failure or refusal to pay the amount within 30 days of its receipt will subject the owner or occupier to legal action by the town's attorney to collect the amount due together with accrued interest, court costs, costs of collection and other costs and expenses that the court may allow or impose, including but not limited to attorney's fees for the Town Attorney.

(F) Except as specifically provided otherwise by ordinance or state statute, the procedure for enforcement, abatement and appeal of nuisance ordinance violations shall be as provided herein, except that the instigation by the town or by the alleged violator of any court proceeding regarding any alleged violation will terminate any appeal proceedings.

('97 Code, § 6-97) (Ord. 5-8-97(A), passed 5-8-97; Am. Ord. 4-19-07A, passed 4-19-07)

**§ 95.91 NON-PRIVATE REAL ESTATE VIOLATION AND GENERAL VIOLATIONS.**

(A) Violations of nuisance ordinances not specific to use or occupancy of private real estate, or where no penalty or fine is specifically stated, shall be enforced by the issuance of a citation by town police officers and shall be further enforced or appealed in the same manner as any other misdemeanor citation issued by town police officers. The penalty for any such violation shall be an amount not to exceed \$2,000 and shall be no less than \$100. Each day the violation occurs shall be a separate offense. Violation of any town noise ordinance shall be enforced as stated herein and not in regards to use or occupancy of private property.

(B) Notwithstanding the above, in the event the alleged nuisance is not immediately (within 48 hours) abated, the town may pursue abatement in the same manner as provided for the abatement of nuisance on private property and/or may pursue any other legal remedy.  
(Ord. 4-19-07A, passed 4-19-07)

***RESTRICTIVE COVENANTS AND CONDITIONS*****§ 95.92 REAL ESTATE DEVELOPMENTS.**

Real estate developments, residential or commercial, which occur within the town limits, or outside, but are thereafter annexed into the Town of Bristol, which at the time of development record in the Elkhart County Recorder's office as part of said development's plat map, rezoning, or otherwise, covenants or conditions regulating or restricting use or developing the land within said developments, the town shall consider violations of those recorded covenants or restrictions as the creation of a public nuisance and may enforce said violation as otherwise provided for in the public nuisance sections of the town ordinances.

(Ord. 4-19-07A, passed 4-19-07)

## CHAPTER 96: ABANDONED AND JUNK VEHICLES

### Section

96.01	Role of Town Marshal
96.02	Definitions
96.03	Abandonment
96.04	Financial responsibility
96.05	Procedures and notice requirements
96.06	Notice and disposal
96.07	Complaint of property owner
96.08	Exceptions
96.09	Towing charges
96.10	Towing contracts
96.11	Time

### § 96.01 ROLE OF TOWN MARSHAL.

The Bristol Police Department is designated and assigned as the public agency with local responsibility for the removal and storage of abandoned vehicles and vehicle parts within the corporate limits of the town, pursuant to I.C. 9-22-1 *et seq.*, as amended, and the Bristol Police Department is granted all powers reasonable and necessary for the performance of its responsibilities under this chapter.

('97 Code, § 6-28) (Ord. 6-10-82, passed 6-10-82)

### § 96.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions contained in I.C. 9-22-1 are adopted for other terms appearing in this chapter.

**ABANDONED VEHICLE.** This term includes the following:

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property continuously without being moved for three days;

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(3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction or the movement of pedestrian or vehicle traffic on a public right-of-way;

(4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than 48 hours;

(5) A vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or inoperable and left on public property;

(6) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this chapter if the vehicle once impounded is not claimed or redeemed by the owner or his or her agent within 15 days of its removal; or

(7) A vehicle that is six or more model years old and mechanically inoperable and is left on private property continuously in a location visible from public property for more than 30 days.

**BUREAU.** The Indiana Bureau of Motor Vehicles.

**DEPARTMENT.** The Bristol Police Department.

**VEHICLE.** An automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, recreational vehicle or motorized bicycle.  
(‘97 Code, § 6-29) (Ord. 6-10-82, passed 6-10-82)

**§ 96.03 ABANDONMENT.**

No person shall abandon a vehicle on any public premises or private property in a location which is visible from public property within the town.  
(‘97 Code, § 6-30) (Ord. 6-10-82, passed 6-10-82)

**§ 96.04 FINANCIAL RESPONSIBILITY.**

The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage and disposal of the vehicle or the parts.  
(‘97 Code, § 6-31) (Ord. 6-10-82, passed 6-10-82)



**§ 96.05 PROCEDURES AND NOTICE REQUIREMENTS.**

(A) An officer who finds a vehicle or parts believed to be abandoned shall make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts and then shall attach in a prominent place on the vehicle or parts a notice tag containing the following information:

(1) The date, time, officer's name and the address and telephone number of the Bristol Police Department, the department to contact for information;

(2) That the vehicle or parts are considered abandoned;

(3) That the vehicle or parts will be removed after the expiration of 72 hours from the time of notice;

(4) That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended on that car; and

(5) That the owner may avoid costs by removal of the vehicle or parts within 72 hours.

(B) If the vehicle parts or the vehicle is not removed within 72 hours, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts and other facts that might substantiate that the market value is less than \$100. Photographs shall be taken to describe the condition of the vehicle or parts.

(1) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than \$100, the officer may immediately dispose of the vehicle to an automobile scrapyard or may require the vehicle or parts to be towed to a storage area. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau. The Department shall retain the original records and photographs for at least two years.

(2) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is \$100 or more, the officer shall require the vehicle or parts to be towed to a storage area. ('97 Code, § 6-32) (Ord. 6-10-82, passed 6-10-82)

**§ 96.06 NOTICE AND DISPOSAL.**

Within 72 hours after removal of an abandoned vehicle to a storage area under § 96.05, the Department shall prepare and forward to the Bureau an abandoned vehicle report containing a description of the vehicle, including the make, model, readily available vehicle identification number and the number of the license plat and request that the Bureau advise the Department of the name and most recent mailing address of the owner and any lienholder. Fifteen days after the Bureau mails its response to the

Department, the Bureau may dispose of the vehicle or parts pursuant to I.C. 9-22-1 and the rules and regulations of the Bureau; provided, however, that if the vehicle or parts are in such condition that vehicle identification numbers or other means of identification are not available to determine the owner or lienholder, the vehicle may be disposed of without notice by the Department.  
(‘97 Code, § 6-33) (Ord. 6-10-82, passed 6-10-82)

#### **§ 96.07 COMPLAINT OF PROPERTY OWNER.**

Upon complaint of a private property owner or person in control of the property that a vehicle has been left on the property for 48 hours or more without the consent of the owner or person in control, an officer shall follow the procedures set forth in § 96.05.  
(‘97 Code, § 6-34) (Ord. 6-10-82, passed 6-10-82)

#### **§ 96.08 EXCEPTIONS.**

This chapter does not apply to:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;

(B) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;

(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;

(D) A vehicle located upon property licensed or zoned as an automobile storage or impoundment yard; or

(E) A vehicle registered and licensed under I.C. 9-18-12-1 to 9-18-12-7 as an antique vehicle.  
(‘97 Code, § 6-35) (Ord. 6-10-82, passed 6-10-82)

#### **§ 96.09 TOWING CHARGES.**

In no event shall the cost of towing and removal of a vehicle exceed \$35 nor shall the cost of storage exceed the sum of \$3 per day for the number of days the vehicle actually is in storage.  
(‘97 Code, § 6-36) (Ord. 6-10-82, passed 6-10-82)

**§ 96.10 TOWING CONTRACTS.**

The Town Council is authorized to contract with any towing service or storage facility on an annual basis to provide towing and/or storage services for the town.  
(‘97 Code, § 6-37) (Ord. 6-10-82, passed 6-10-82)

**§ 96.11 TIME.**

In computing any period of time prescribed in this chapter, the day of the act, event or tagging or mailing from which the designated period of time begins to run shall not be included. Such time shall begin to run on the next succeeding day and shall conclude on midnight of the last day of the period that is not a Saturday, Sunday or legal holiday.  
(‘97 Code, § 6-38) (Ord. 6-10-82, passed 6-10-82)



## CHAPTER 97: STREETS AND SIDEWALKS

### Section

#### *Construction Standards for Streets and Roads*

- 97.01 Width and content
- 97.02 Curbs and gutters
- 97.03 Standards
- 97.04 Sidewalks; disability accessibility requirements

#### *Excavations and Construction Regulations*

- 97.20 Opening permit required
- 97.21 Application and cash deposit
- 97.22 Restoration of pavement
- 97.23 Barriers around excavations
- 97.24 Warning lights
- 97.25 Sidewalk construction
- 97.26 Unloading on street, sidewalk
- 97.27 Street and sidewalk obstruction
- 97.28 Materials on street or sidewalk

### **CONSTRUCTION STANDARDS FOR STREETS AND ROADS**

#### **§ 97.01 WIDTH AND CONTENT.**

Exhibit "A" to ordinance 5-11-95, incorporated by reference herein and on file in the office of the Clerk-Treasurer, shall be considered the construction specification for streets and roads in the town. The terms referred to therein shall be defined using the definitions in the State of Indiana, Indiana Department of Highways, Standards Specifications, 1988. No variance from the specifications, standards and widths shall occur except where granted by written waiver or variance from this chapter granted by the Town Council at public meetings.  
(‘97 Code, § 7-1) (Ord. 5-11-95, passed 5-11-95)

**§ 97.02 CURBS AND GUTTERS.**

If at the time the street construction begins there is a storm water drainage (sewer) system available to service the street, it shall be the responsibility of the contractor/developer to provide at their cost the extension and connection of the sewer lines and collection points servicing the street to be constructed. ('97 Code, § 7-2) (Ord. 5-11-95, passed 5-11-95)

**§ 97.03 STANDARDS.**

Except as otherwise provided for and covered in §§ 97.01 and 97.02, the Elkhart County Design Standards for Elkhart County public improvement projects as amended from time to time shall apply in the town. Any provision in the county standards contrary to §§ 97.01 and 97.02, however, shall be superseded by §§ 97.01 and 97.02. Provisions contained in the county standards for variations and exceptions are not incorporated by reference. All variations and exceptions must be obtained by the subdividers, developers or person seeking the variation by approval of the Town Council at public meeting. The Bristol Street Department shall have joint authority with the Elkhart County Engineer for enforcing the standards and requirements created by this chapter. Surety and bond requirements shall be applicable but shall not be duplicate. If the county requires a bond to be posted to the county, it will not be necessary to post in addition a bond to the town. It shall be the subdivider, developer or contractor's responsibility to determine whether the county or the town is the proper party to be named on the bond. ('97 Code, § 7-3) (Ord. 5-11-95, passed 5-11-95)

**§ 97.04 SIDEWALKS; DISABILITY ACCESSIBILITY REQUIREMENTS.**

All road construction within the town shall provide for and install parallel to the road concrete sidewalks with appropriate disability accessibility at all street intersections. Waiver or variance from this requirement may be granted only by approval of the Town Council at public meetings. ('97 Code, § 7-4) (Ord. 5-11-95, passed 5-11-95)

***EXCAVATIONS AND CONSTRUCTION REGULATIONS*****§ 97.20 OPENING PERMIT REQUIRED.**

It shall be unlawful for any person, other than the Street Commissioner, Municipal Engineer or other authorized person to make any opening in any street, alley, sidewalk or public way of the municipality unless a permit to make the opening has been obtained prior to commencement of the work.

('97 Code, § 7-25) Penalty, see § 10.99

**§ 97.21 APPLICATION AND CASH DEPOSIT.**

Each permit for making an opening shall be confined to a single project and shall be issued by the executive or other proper administrative offices. Application shall be made on a form prescribed by the legislative body, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the executive or other proper administrative officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

('97 Code, § 7-26)

**§ 97.22 RESTORATION OF PAVEMENT.**

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the Street Commissioner, Municipal Engineer or other authorized person and in accordance with rules, regulations and specifications approved by the legislative body.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or where not specified therein within a reasonable time after commencement of the work, the municipality may proceed without notice to make such fill and restoration and the deposit referred to in § 97.21 shall be forfeited. Thereupon the deposit shall be paid into the appropriate fund of the municipality, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the municipality for restoration services performed by it. If the amount of the services performed by the municipality should exceed the amount of the deposit, the Clerk-Treasurer or other proper administrative officer shall proceed to collect the remainder due from the permittee.

('97 Code, § 7-27)

**§ 97.23 BARRIERS AROUND EXCAVATIONS.**

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

('97 Code, § 7-28)

**§ 97.24 WARNING LIGHTS.**

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley or other public way at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously pasted

on, at or near each end of the obstruction or excavation, and if the space involved shall exceed 50 feet in extent, then at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

('97 Code, § 7-29)

#### **§ 97.25 SIDEWALK CONSTRUCTION.**

It shall be the duty of the Street Commissioner, Municipal Engineer or other authorized person to supervise construction or repair of sidewalks within the municipality. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the municipality in construction and repair of sidewalks and shall contract therefor for a period not exceeding one year with the lowest responsible bidder who shall furnish good and sufficient sureties for the faithful performance of the work. The legislative body, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

('97 Code, § 7-30)

#### **§ 97.26 UNLOADING ON STREET, SIDEWALK.**

No person shall unload any heavy material in the streets of the municipality by throwing or letting the same fall upon the pavement of any street, alley, sidewalk or other public way without first placing some sufficient protection over the pavement.

('97 Code, § 7-31)

#### **§ 97.27 STREET AND SIDEWALK OBSTRUCTION.**

No person shall obstruct any street, alley, sidewalk or other public way within the municipality by erecting thereon any fence or building or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon the public way shall be deemed a separate offense.

('97 Code, § 7-32)

#### **§ 97.28 MATERIALS ON STREET OR SIDEWALK.**

No person shall encumber any street or sidewalk. No owner, occupant or person having the care of any building or lot of land bordering on any street or sidewalk shall permit the same to be encumbered with barrels, boxes, cans, articles or substances of any kind so as to interfere with the free and unobstructed use thereof.

('97 Code, § 7-33)