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CHAPTER 6

PUBLIC NUISANCES

ARTICLE 1. GENERAL POWERS.

Sec. 6 – 1 Town Authority to Regulate.

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

Sec. 6 – 2 Sounds and Emissions into the Air.

A Town may regulate the generation of sounds and the introduction of any substance or odor into the air.

Sec. 6 – 3 Control Over Animals.

A Town may regulate the control of animals, and may establish animal shelters.

Sec. 6 – 4 Violations Bureau

a. *Establishment of a Violations Bureau*

1. There shall be created an Ordinance Violations Bureau pursuant to Ind. Code 33-6-3-1 et seq., as amended, for the Town of Hudson.
2. The Town Clerk-Treasurer is appointed and shall serve as the Violations Clerk, who administers the Bureau.
3. The Clerk-Treasurer and his/her staff, as agents, shall accept payment of civil penalties in the amount and for the violations as provided below.

b. Violations and Civil Penalties

1. Any person, firm or corporation violating any of the foregoing provisions of this Town Code, or failing to obey any of the provisions described herein, or otherwise violating any of the portions hereof shall be fined as follows:

For Class A Infractions:	\$100.00 - \$500.00
For Class B Infractions:	\$75.00
For Class C Infractions:	\$50.00
For Class D Infractions:	\$25.00

2. The following provisions of the Code shall be subject to the jurisdiction of the Ordinance Violation Bureau and the first violations within a calendar year of provisions shall

be subject to the civil penalty set forth plus all necessary attorney's fees and costs associated with collection. The second admission or judgment of a violation of the same ordinance or code provision within a calendar year shall be subject to double the penalty set forth below as the total civil penalty plus all necessary attorney fees and costs associated with collection.

Yard and Garage Sale Violation	Sec. 4-12	Class C Infraction	\$50.00
Hawker and Peddler Violation	Sec. 4-13	Class C Infraction	\$50.00
Manufacture and Storage Violation	Sec. 4-14	Class B Infraction	\$75.00
Curfew Violation	Sec. 5-12	Class C Infraction	\$50.00
Prohibited Alcohol on Town Property	Sec. 5-13	Class A Infraction	\$100.00
Fair Housing Violation	Sec. 6-13	Class A Infraction	\$100.00
False Alarm Violation	Sec. 6-15	Class C Infraction	\$50.00
Firearm Violation	Sec. 6-16	Class C-A Infraction	\$50-\$100.00
Loitering Violation	Sec. 6-17(a)	Class C Infraction	\$50.00
Unlawful Gathering Violation	Sec. 6-17(b)	Class C Infraction	\$50.00
Sound Disturbance Violation	Sec. 6-17(c)	Class C-A Infraction	\$50-\$100.00
Junk Yard Violation	Sec. 6-18(b)	Class B Infraction	\$75.00
Storage of Debris Violation	Sec. 6-18(c)	Class B Infraction	\$75.00
Open Container Violation	Sec. 6-19	Class A Infraction	\$100.00
Garbage Violation	Sec. 6-20	Class A Infraction	\$100.00
Overgrown Grass, Weeds, Noxious Plants	Sec. 6-21(a)	Class C Infraction	\$50.00
Yard Waste in Street Violation	Sec. 6-21(b)	Class C Infraction	\$50.00
Littering Violation	Sec. 6-22	Class D Infraction	\$25.00
Firework Violation	Sec. 6-23	Class A Infraction	\$100.00
Snow Removal Violation	Sec. 6-24	Class D-C Infraction	\$25-\$50.00
Open Burning Violation	Sec. 6-25	Class A Infraction	\$100.00
Mobile Dwelling Unit Violation	Sec. 6-26	Class B Infraction	\$75.00
Excavation and Obstructions Violation	Sec. 6-27	Class A Infraction	\$100.00
Drainage Violation	Sec. 6-28	Class B Infraction	\$75.00
Ingress and Egress Sidewalk Violation	Sec. 6-29(b)	Class A Infraction	\$100.00
Bicycle Violation	Sec. 6-29(c)	Class D Infraction	\$25.00
Tree or Shrub Violation	Sec. 6-29(d)	Class D Infraction	\$25.00
Interference with Town Marshal Violation	Sec. 6-30	Class A Infraction	\$100-\$500.00
Obstruction of Movement Violation	Sec. 6-31	Class C Infraction	\$50.00
Public Nuisance Violation	Sec. 6-32	Class C Infraction	\$50.00
Town Curfew Violation	Sec. 6-33	Class C Infraction	\$50.00
Off-Premise Furnace and Fuel Violation	Sec. 6-34	Class A Infraction	\$100.00
Skateboard Violation	Sec. 6-35	Class D Infraction	\$25.00
Prohibited Animals Violation	Sec. 6-36	Class D Infraction	\$25.00
Dog Violation	Sec. 6-37	Class D Infraction	\$25.00
Kennel Violation	Sec. 6-38	Class A Infraction	\$100.00
Animals Running at Large Violation	Sec. 6-39	Class C Infraction	\$50.00
Pasturing Animal Violation	Sec. 6-40	Class A Infraction	\$100.00
U-Turn Violation	Sec. 7-8	Class C Infraction	\$50.00
Stopping or Standing Violation	Sec. 7-9	Class C Infraction	\$50.00
Parallel Parking Violation	Sec. 7-10	Class D Infraction	\$25.00
Stop Sign Violation	Sec. 7-11	Class C Infraction	\$50.00
Yield Violation	Sec. 7-12	Class C Infraction	\$50.00
Vehicle Noise Emission Violation	Sec. 7-13	Class C Infraction	\$50.00
Golf Cart Violation	Sec. 7-16(b)	Class C Infraction	\$50.00

Unlawful Operation of an ATV	Sec. 7-17	Class C-B Infraction	\$50-75.00
Snow Emergency Violation	Sec. 7-25	Class C-B Infraction	\$50-75.00
Speeding Violation	Sec. 7-32	Class C Infraction	\$50.00
Parking Violations	Sec. 7-39 – 51	Class C-A Infraction	\$50-100.00
Moving of Parked Car Violation	Sec. 7-52	Class C Infraction	\$50.00
Weight Limit Violation	Sec. 7-60	Class A Infraction	\$100.00

3. Any subsequent admission or judgment of a violation thereafter of the same ordinance or code provision within a calendar year shall be subject to double the penalty set forth above as the total civil penalty plus any and all attorney fees and costs of collection.

4. The provisions of the Code and the Ordinances referred to herein are hereby amended to provide and declare the civil penalty scheduled with the said ordinance or code provision to be the specific civil penalty for the violation of said ordinance or code provision.

5. Additional fees associated with all civil penalties for Ordinance violations as set forth in Section 4 above include all necessary attorney’s fees associated with enforcement of any Ordinance and any and all costs incurred by the Town of Hudson in collecting

6. If any party should demand or require a court hearing on any ordinance violation and if the Town should incur attorney fees in the enforcement of such ordinance violation, any person found to have committed any such ordinance violation shall reimburse the Town of Hudson its reasonable attorney fees incurred in the enforcement of such ordinance in addition to court costs, any fine and/or penalty, and any other costs associated with collection.

Sec. 6 – 5 through Sec. 6 – 6 Reserved for Future Use.

ARTICLE 2. FAIR HOUSING.

Sec. 6 – 7 Declaration of Fair Housing Policy.

It is policy of the Town of Hudson, Indiana to provide all of its citizens an equal opportunity for access to housing accommodations and acquisition through purchase or rental of real property including, but not limited to, housing. The practice of denying these rights to a person by reason of race, religion, color, sex, handicap, national origin, or ancestry of such person is contrary to the principle of equal opportunity state in this section as public policy, and thus, shall be considered as a discriminatory practice. It is further declared to be the public policy of the Town of Hudson, Indiana to protect property owners, real estate brokers, financial institutions and insurance companies from unfounded charges of discrimination.

Sec. 6 – 8 Definitions.

- a. **Agent** – One authorized and acting for an on behalf of another.
- b. **Complaint** – Any individual charging on his own behalf to have been personally aggrieved by discriminatory practices in the acquisition of real property.

c. **Financial Institution** – Any person, as defined herein, regularly engaged in the business of lending money or guaranteeing loans.

d. **Housing Unit** – Any area which is: 1) a single room or suite of rooms or an apartment or a dwelling occupied or intended for occupancy as separate living quarters by an individual, by a family or by a group of individuals living together; or 2) a parcel of real property or a lot available for the construction of a housing unit.

e. **Person** – Any association, partnership or corporation, as well as a natural person.

f. **Respondent** – any person, individual or in combination, who is called upon to answer any charge, inquiry or petition which emanates from a discriminatory housing practice as defined in this Article.

Sec. 6 – 9 Unlawful Discriminatory Practices.

a. The exclusion of a person from or failure or refusal to extend, to a person equal opportunities because of race, color, religion, sex, handicap, national origin or ancestry; or the promotion of racial segregation in any manner, are declared to be unlawful discriminatory practices and are declared to be illegal. Unlawful discriminatory practices shall include, but not be limited to, the following:

1. It shall be unlawful for any person or agent to refuse to sell, lease, rent, assign or otherwise transfer or to refuse to negotiate for sale, lease, sublease, rental or other transfer of the title, leasehold, or other interest in any housing unit to any person or to represent that the housing unit is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when, in fact, it is so available or otherwise deny or withhold any housing unit from any person because of race, color, religion, sex, handicap, national origin or ancestry.

2. It shall be unlawful for any person or agent to discriminate in the terms, conditions or privileges of the sale, rental or lease of any housing unit or in the furnishings of any facilities or services to any person for any housing unit on account of race, color, religion, sex, handicap, national origin or ancestry.

3. It shall be unlawful for any person or agent to publish or circulate or cause to be published or circulated any notice, statement or advertisement or to announce a policy or to use any form or application for the purchase, lease, rental, financing or insuring of any housing unit which expresses directly or indirectly any limitation or specification as to race, color, religion, sex, handicap, national origin or ancestry, or any intent to make any such limitations, specifications or discriminations.

4. It shall be unlawful for a financial institution or an individual employed or acting on behalf of a financial institution to discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition,

construction, rehabilitation, repair or maintenance of any housing unit because of the race, color, religion, sex, handicap, national origin or ancestry of the individual.

5. It shall be unlawful for any person or agent to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, sex, handicap, national origin or ancestry of the owners or occupants in the block, neighborhood, or area in which any housing unit is located; and further, it shall be unlawful for a person or agent to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the housing unit is located.

6. It shall be unlawful to assist or to participate with a person who is not a bona fide prospective buyer or renter in a transaction for the acquisition or financing of a housing unit where the purpose of such is to obtain information upon which a complaint could be filed or to represent himself and a complaint is thereafter filed.

7. It shall be unlawful for any person who is not a bona fide prospective buyer or renter or his agent, to offer to purchase or lease, or to participate in the purchase or leasing of any housing unit because of race, color, religion, sex, handicap, national origin or ancestry for the purpose of inducing or provoking an owner or his agent to commit any of the other unlawful acts contained in this section.

Sec. 6- 10 Limitations and Permissible Acts.

a. Nothing in this Article shall be construed as prohibiting any person or agent from imposing any and all conditions and requirements relative to any of the transactions described in this ordinance provided such conditions and requirements are imposed uniformly, regardless of race, color, religion, sex, handicap, national origin or ancestry.

b. Nothing in this Article shall be construed as prohibiting any religious or denominational institution from devoting its facilities exclusively or primarily to or for members of its own religion or denomination or from giving preference to members of such institutions to promote the religious principles for which it is established or maintained.

c. Nothing in this Article shall be construed as prohibiting any fraternity, sorority or fraternal organization from providing living quarters for person of the same fraternity, sorority or fraternal organization.

Sec. 6 – 11 Powers and Duties of the Town Board.

a. The Town Board of the Town of Hudson, Indiana, shall have the following powers and duties in order to enforce this Article:

1. To initiate or receive and investigate complaints charging unlawful discriminatory practices as defined herein.

2. To seek conciliation or such complaints, hold hearings, make findings of fact, issue orders and publish its findings of fact and order in accordance with the provisions herein.

3. To adopt such rules and regulations as may be necessary to carry out the purposes and provisions in this Article, subject to the limitations specifically set forth herein.

Sec. 6 – 12 Complaints.

a. A complaint charging a violation of this Article may be filed directly with the Town Board and provide the following information.

1. The full name and address of the complainant.

2. The name and address and business address of the person against whom the complaint is made.

3. The alleged discriminatory act or practice, and a statement of the particulars thereof.

4. The date or dates of such alleged discriminatory act or practice.

5. A statement as to any other action, civil or criminal, instituted in any other form based upon such grievance as is alleged in the complaint together with a statement as to the status or disposition of such action.

b. No complaints shall be held valid unless it is filed within sixty (60) days from the date of the occurrence of such alleged discrimination.

c. On receipt of any complaint, the Town Board shall determine the facts and if there appears to be probable cause for complaint, the Town Board shall use its good offices to attempt an adjustment of the complaint by education, conciliation, pursuant and by conference and attempt to discourage any person from engaging in discriminatory housing practices in order to induce compliance with this Article, but no more than thirty (30) days shall be allowed for this purpose.

d. If the efforts of the Town Board to settle a complaint are unsuccessful, then the Town Board shall cause a public hearing to be held to determine whether or not a discriminatory housing practice has been committed.

e. The Town Board shall serve the respondent by registered mail, and each member of the Town Board by regular mail with a copy of the complaint and a notice of the time and place of the hearing.

f. The hearing shall be held not more than ninety (90) days after the filing of the complaint, and not less than fifteen (15) days after the service of the notice upon the respondent.

g. The respondent shall have the right to file an answer to the complaint, to appear at the hearing in person or by the attorney, and to subpoena witnesses, and to examine and cross-examine witnesses under oath.

h. If, upon all the evidence presented, a majority of the Town Board finds that the respondent has not engaged in any unlawful discriminatory housing practice, it shall state its findings and dismiss the complaint.

i. If, upon all the evidence presented, a majority of the Town Board finds that the respondent has engaged in any unlawful discriminatory housing practice, it shall state its findings and make such orders as the facts may warrant, including an order requiring such respondent to cease and desist from such practices, and requiring the respondent to cease and desist from such practices, and requiring the respondent to take such further affirmative actions as will truly effectuate the purposes of this ordinance.

j. If the Town Board determines that the respondent has been served with a copy of an order and is not complying with it, then the Town Board shall take appropriate legal action to secure enforcement of its order or imposition of the penalties provided herein.

Sec. 6 – 13 Penalties.

Any person who engages in an unlawful discriminatory practice as defined in this Article shall be deemed guilty of a Class A Infraction and upon conviction shall be fined in an amount not exceeding one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection.

Sec. 6 – 14 Reserved for Future Use.

ARTICLE 3. SPECIFIC REGULATIONS.

Sec. 6 – 15 False Alarms Prohibited.

a. It shall be unlawful for any person to make and/or cause to be made a false alarm of fire or fire emergency.

b. Any entity desiring to test or check their alarm system shall first notify the 911 Communications Center of the County of Steuben, and the appropriate Hudson emergency personnel, before testing said equipment, and following the completion of said test.

c. Any time an alarm is turned in and emergency services personnel, which shall include fire department personnel, responds, a charge shall be made for the response of said fire equipment, pursuant to the fire department routine charges, and if in fact the alarm is a false alarm, a charge of Fifty Dollars (\$50.00) per law enforcement or emergency service vehicle of the Town of Hudson which responds shall also be made. This Fifty Dollar (\$50.00) per unit charge shall be paid to the Clerk-Treasurer of the Town of Hudson within fifteen (15) days of any charge made.

d. Additionally, any person violating this ordinance shall be deemed to have committed a Class C Infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection.

e. If an entity has repeated false alarms pursuant to this ordinance, the Hudson Town Board reserves the right to contact said entity, and demand their appearance before the Town Board, and if the reason for said false alarms and their occurrences cannot be resolved, to direct the entity to discontinue or modify its alarm services, so as to cause the discontinuances of said false alarms.

Sec. 6 – 16 Discharge of Firearms Prohibited.

a. It shall be unlawful for any person, corporation, or other entity to discharge a firearm, bows & arrows and other hunting devices, a BB gun, a pellet gun, or cannon, to detonate an explosive within the corporate limits of the Town of Hudson, or to assist any person or persons to engage in any such discharging or detonation, unless such person, entity, or corporation has been granted special permission in advance by the Hudson Town Marshal or the Town Board, of the Town of Hudson, Indiana.

b. This Provision shall not apply to any of the following activities:

1. Any law enforcement officer who shall discharge a firearm in the lawful performance of his/her duty;

2. Any person who shall discharge a firearm in the protection of life or property when the surrounding facts and circumstances justify such action; or

3. Any person who shall in connection with an athletic event discharge a blank cartridge.

c. A firearm shall be defined as any weapon that is capable or designed to or that may readily be converted to expel a projectile by means of an explosion. Explosive mixture that is commonly used or intended for the purpose of producing an explosive; or contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing than ignition by fire, friction, concussion, percussion, or detonator of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

d. Any person violating this Section shall be deemed to have committed a Class C Infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection. Any subsequent admission or judgment of a violation thereafter under this ordinance within a calendar year shall be deemed a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection.

e. This Ordinance may be enforced by the Town Marshal, all police officers, and any prosecutor or attorney duly appointed, constituted and acting under the authority of the Town of Hudson, the County of Steuben, or the State of Indiana.

Sec. 6 – 17 Loitering and Sound Disturbances Prohibited.

a. Loitering Generally

1. Any person who loiters or wanders upon the streets or from place to place within the Town without apparent reason or business and who refuses to identify himself and to account for his presence when requested by the Town Marshal or his designee shall be guilty of an ordinance violation.

2. Any person violating this ordinance shall be deemed to have committed a Class C Infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection. A separate offense and shall be deemed committed on each date during or on which a violation occurs or continues.

b. Unlawful Gatherings Within the Corporate Limits of the Town of Hudson

1. It shall be unlawful for any person to be a member or to solicit the gathering of a disorderly crowd, or any crowd gathered for an unlawful purpose, within the limits of the Town of Hudson.

2. It shall be unlawful for any person to loiter upon the streets or in a public place within the limits of the Town of Hudson.

3. Any person violating this ordinance shall be deemed to have committed a Class C Infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection. A separate offense and shall be deemed committed on each date during or on which a violation occurs or continues.

c. Sound Disturbances

1. No person shall, after 10:00 p.m., play any audio system or musical instrument or any other type of sound service in a motor vehicle or upon any public road, street, highway, or private property in this town in a manner or at a volume as to disturb the quiet, comfort or repose of other persons. An exception is made for organized events which have received a valid permit from the town as shall be issued by the appropriate Town Officer on a form designated by and for such purposes as the said official may approve.

2. No person shall, after 10:00 p.m., play any audio system or musical instrument or any other type of sound service in a manner or at a volume as to disturb the quiet, comfort or repose of neighboring inhabitants or other persons or at a volume which is plainly audible to

persons other than those who are in the room or motor vehicle in which such device or instrument is played and who are voluntary listeners thereto.

3. No person shall, after 10:00 p.m., permit their dog or other animals to bark or emit noise over an extended period of time so as to disturb the quiet, comfort or repose of other persons.

4. Whosoever shall violate the terms and conditions of any section of this Ordinance shall be punished as follows:

First Offense:	Class C Infraction; fine of \$50.00
Second Offense:	Class A Infraction; fine of \$100.00

In addition to the applicable fine amount, individuals convicted under this ordinance must pay any and all attorney fees and costs of collection.

5. Upon conviction for a violation of this section, the sound device used during the commission of the offense shall be subject to seizure for payment of the judgment. In addition, the Town Officer may seize the device used to violate any part of this Ordinance as evidence for the Court when the violation is discovered.

6. EXEMPTIONS: Public safety vehicles and their equipment; use of any public address system at public events as approved and sanctioned by the Town Board.

Sec. 6 – 18 Storage of Debris.

a. Definitions

1. "Debris" – For purposes of this section, the term "Debris" shall refer to any household appliances, furniture, or any other items ordinarily intended for use indoors, which are found out of doors, and which are not in the process of being manufactured or repaired; and further, shall apply to any vehicle parts not in the process of being repaired.

2. "Abandoned" – For purposes of this section, the term "Abandoned" shall refer to any item found outdoors and not in its place of normal use.

2. "Junk Yard" – For purposes of this section, the term "junk yard" shall include any lot, part of lot, or parcel of land used for the storage, keeping, or abandonment of junk, including scrap metal, vehicles, machinery, or parts thereof.

b. Junk Yards Prohibited

1. No person shall establish or maintain or permit to be established or maintained on premises owned, leased, or occupied by him within the Town of Hudson, Indiana, any junk yard.

2. Any junk yard so established within the corporate limits of the Town shall be deemed to be a nuisance and shall be abated.

3. Any person violating the provisions of this section commits a Class B Infraction and shall, upon conviction thereof, be fined in an amount not to exceed seventy five dollars (\$75.00) plus any and all attorney fees and costs of collection. Each day that a violation continues shall be deemed a separate offense.

c. Storage of Debris Prohibited

1. It shall be unlawful for any person, firm or corporation to keep, store or maintain any junked, wrecked or abandoned debris on public or private property within the corporate limits of the Town of Hudson, Indiana, where the same is not kept in a garage or other enclosure as not to be exposed to public view, except as hereinafter set forth.

2. Nothing herein contained shall be construed to apply to any person, firm or corporation lawfully engaged in the manufacture, sale or repair of those items referred to in Section 1 in which the storage of said items is incident to the carrying on of said business.

3. Nothing herein contained shall be construed to apply to any person, firm or corporation engaged in the business of operating a junk or storage yard.

4. The Town Marshal or any duly authorized member of the Town Board or their agent is hereby authorized to issue a written demand to the owner, occupant, agent or person in possession of the premises wherein any of the above nuisances are maintained in violation of this ordinance, notifying such person, firm or corporation to remove and abate such nuisance from the premises within ten (10) days from the receipt of such notice, and in the event that the identity of such owner, occupant, agent or person in possession is unknown, then such notice shall be attached in duplicate to any of said items which shall constitute a nuisance. Upon the failure or refusal of any person to remove such nuisance within the time specified, the Town of Hudson, through any of its agents, may abate said nuisance and shall have the power to remove any such item of debris and impound the same at the owner's expense, and every person who shall oppose or resist the execution of said Town Board in the premises shall be deemed guilty of a misdemeanor.

5. Any person violating the provisions of this section commits a Class B Infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$75.00) plus any and all attorney fees and costs of collection. Each day that a violation continues shall be deemed a separate offense.

Sec. 6 – 19 Open Containers

a. It shall be unlawful to operate of a motor vehicle or a horse-drawn vehicle within which is located an open container, bottle, or can the contents of which contains alcohol or any other “intoxicating beverage”, malt drink, liquor, or beverage having as a base or part of its content any substance with an alcohol content susceptible to being absorbed into the blood stream of an

individual and resulting in an individual drinking said beverage to become intoxicated as such is defined under the laws of the State of Indiana.

b. The term "intoxicating beverage" as used in this Ordinance shall be construed to mean and include any liquid intended for human consumption containing more than one percent (1%) of volume of alcohol.

c. Any person violating this ordinance shall be deemed to have committed a Class A Infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection. This ordinance may be enforced by any state, county or town law enforcement officer.

Sec. 6 – 20 Garbage and Refuse Regulations.

a. It shall be unlawful for any person to dispose of any garbage, refuse, sewage, or other waste by depositing or suffering the same to be deposited, on any public street or on an property whether it be private or public which constitutes a health hazard, or which fosters the breeding or feeding grounds of animals, rodents or insects within the Town of Hudson, Indiana.

b. Upon the failure, refusal, or neglect of any person to comply with the above provisions, after having been given five (5) days' notice to do so by the Town Board, the Town Marshal shall enter upon said lot or parcel of land and remove the health hazard. The Town Marshal shall report his action to the Town Board at its next meeting thereafter, which report shall contain a full, true, and complete statement of all costs incurred in removing the health hazard.

c. Upon receipt of the report, the Town Board shall give the owner or occupant of the lot or parcel of land not less than ten (10) days' notice of the time and place, when and where he will be given the opportunity to show what cause, if any, he has, why said costs should not be made a lien upon the lot or parcel of land and the collection thereof enforced against the same. If after such hearing, the Town Board is of the opinion that the costs or any part thereof as reported by the Town Marshal should be made a lien against the lot or parcel of land, it shall adopt a resolution, making a declaring the same to be a lien thereon, which shall be collected by law as taxes are collected.

d. In addition to the above procedures, any person violating the provisions of this section commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection.

Sec. 6 – 21 Grass, Weeds, and Noxious Plant Regulations.

a. Overgrowth of Grass, Weeds and Noxious Plants

1. *Grass and Weeds* – The owner or occupant of any lot or parcel of ground in the Town shall not allow grass and/or weeds to grow over twelve (12) inches high on their property, not including small trees and bushes.

2. *Weeds and Noxious Plants* – The owner or occupant of any lot or parcel of ground in the Town shall not allow weeds and noxious plants to grow over twelve (12) inches high on their property and must cut down and remove all thistles, dock, and rank and obnoxious weeds growing thereon or in, upon, or along any street, alley, or public place adjacent to or abutting upon such property.

3. Any person violating the provisions of this section commits a Class C infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection.

4. Upon the failure, refusal, or neglect of any person to comply with the provisions of the above section, after having been given five (5) days notice to do so by the Town Board, the Town Marshal, or their designee shall enter upon said lot or parcel of land and remove such weeds and/or overgrown grass. The property owner shall be liable for any and all costs incurred by the Town in remedying any violation under this section.

5. The Town Marshal shall report his action to the Town Board at its next meeting thereafter which report shall contain a full, true and complete statement of all costs incurred by the Town in removing the weeds and/or cutting overgrown grass.

6. Upon receipt of the report, the Town Board shall give the owner or occupant of the lot or parcel of land not less than ten (10) days notice of the time and place, when and where he will be given the opportunity to show what cause, if any, he has, why said Fines and costs should not be made a lien upon the lot or parcel of land and the collection thereof enforced against the same. If part thereof as reported by the Town Marshal should be made a lien against the lot or parcel of land, it shall adopt a resolution, making and declaring the same to be a lien, thereon, which shall be collected by law as taxes are collected.

b. *Abatement of Accumulation of Grass Clippings and/or Yard Waste in or on the Streets of the Town of Hudson*

1. That no citizen may place or in any way allow their grass clippings and/or other yard waste or debris to accumulate on any street in the Town of Hudson. The first violation of this Ordinance will be handled via the issuance of a warning. Any subsequent violations of this Ordinance within the same calendar year will be considered a Class C infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) per violation plus any and all attorney fees and costs of collection.

2. That the placement of leaves roadside for Town pick-up or removal shall not be subject to this ordinance, provided that said placement shall not be over or adjacent to a manhole or drainage structure.

3. *Enforcement Procedures* – Whenever the Town Marshal or any duly qualified and acting law enforcement officer shall find that any person has committed any action which is declared unlawful by the provisions of the Ordinance, such Marshal or Officer may give

written notice to such person of such violation. All such notices shall be serially numbered and shall contain the following information:

- A. The specific violation with which the violator is charged;
- B. The location of the violation;
- C. The signature of the Marshal or Officer;
- D. The date of the violation;
- E. The amount of penalty prescribed by the Town of Hudson Grass Clippings Ordinance.

4. The notice shall also contain the following statement:

“Within seventy-two (72) hours from the time of violation as shown on this notice of violation, bring this notice to the Clerk-Treasurer’s office, Town Hall, Hudson, Indiana, 46571, or mail fine to such address within seventy-two (72) hours from the time of violation, or warrant will be issued for arrest which may result in extra costs.”

5. All such written notices shall be executed by the Town Marshal or officer in triplicate. One copy shall be served upon the violator as herein provided, one copy shall be filed in the office of the Town Marshal, and one copy with the Town Clerk-Treasurer.

6. Any such person receiving written notice of a violation pursuant to the provisions of the Ordinance shall, within seventy-two (72) hours from the date of the violation, appear at the Clerk-Treasurer’s office, Town Hall, Hudson, Indiana, 46571, and pay the prescribed penalty by depositing such amount along with the notice of violation with the officer on duty or in the place provided and marked for such purpose, or such person within such time may mail such fine with the written notice to the Clerk-Treasurer’s office. In the event that said seventy-two (72) hour period shall expire on Saturday, Sunday or legal holiday, such violator shall have up to 4:00 p.m. on the next day following that the Clerk-Treasurer’s office is open. The penalties which shall be payable in compromise of the violations of this Ordinance shall be in accordance with the aforesaid Ordinance.

7. If any person receiving notice of violation shall fail to appear to pay the penalty for such violation, under this Ordinance within the prescribed time, the Town Marshal shall prepare or cause to be prepared, a proper Affidavit for the arrest of such violator. Each arrest summons shall be docketed in the County or Circuit Court of Steuben County, in the name of the Town of Hudson pursuant to law and the rules and regulations of said court. The matter shall be prosecuted by the Town Attorney or county Prosecuting Attorney. Any party found to have violated such Ordinance shall pay all court costs and attorney fees incurred in the enforcement of this Ordinance against such party.

Sec. 6 – 22 Littering Prohibited.

a. It shall be unlawful for any person, firm or corporation either in person or by any agent or employee, to empty, throw, place or put any ashes, cinders, slops, refuse, rubbish or garbage of any kind or nature whatever into, upon or along any of the sidewalks, public streets, alleys or highways in the Town of Hudson, Indiana.

b. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited upon or along any of the sidewalks, public streets, alleys or highways in the Town of Hudson, Indiana

a. Any person violating the provisions of this section commits a Class D infraction and shall, upon conviction thereof, be fined in an amount not to exceed twenty five dollars (\$25.00) plus any and all attorney fees and costs of collection. Each day that a violation continues shall be deemed a separate offense.

Sec. 6 – 23 Fireworks Regulations.

a. It shall be unlawful to cause to be discharged, lit, or used fireworks in the streets, alleys, or thoroughfares of the Town of Hudson or upon property owned by the Town of Hudson or any other area owned by the Town of Hudson or any Town committee, department, or agency, unless same is a park or other area containing over one acre of ground and such area has been designated as a special discharge location, or the use has been approved by special permit issued by the Hudson Fire Chief or designated officer.

b. The provisions of this Section shall not apply to the Fourth of July, or occasions of public rejoicing under care and competent control as defined by IC 22-11-14.

c. Any person violating the provisions of this section commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection.

Sec. 6 – 24 Snow Removal Regulations.

a. The owner and/or occupant of any dwelling, building or subdivided lot or property shall keep the sidewalks or walkways at the street or roadside of same clean and free of snow or ice at all times of the year. Within 24 hours after any fall of snow or formation of ice, such snow or ice shall be removed from the sidewalks.

b. Where the owner or occupant of any property shall fail or refuse to remove any snow from the sidewalk as required within the prescribed period of time, the Town may remove such snow, and the cost of such removal shall be assessed to the property owner.

c. It shall be unlawful for any person to throw, push or deposit in any manner snow, slush, or ice from any drive or private property onto any street or sidewalk in such a manner as to impede the safe progress and movement of vehicular or pedestrian traffic.

d. Persons who violate this subsection are responsible for the costs incurred by the Town to remove the impediment to safe progress and movement of vehicular and pedestrian traffic.

e. If a person, or persons, living at any property affected by this Ordinance should be unable physically to comply herewith, they may apply to the Town Board for assistance. After a hearing concerning the nature of this physical problem, the Town Board will decide if and to what extent assistance shall be granted.

f. It is unlawful for any person to violate this ordinance, and for any such violation the property owner shall be fined as follows:

1. First offense in a 24 month period shall constitute a Class D Infraction subject to a fine not to exceed twenty five dollars (\$25.00) plus costs of collection.

2. Any subsequent offense in a 24 month period shall constitute a Class C Infraction subject to a fine not to exceed fifty dollars (\$50.00) plus costs of collection.

g. The involved property owner shall further pay for any and all reasonable legal fees or costs of collection incurred in collecting such cost of snow removal and/or fines and penalties.

Sec. 6 – 25 Open Burning

a. *Definition* - Open burning is defined as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

b. No person shall start, kindle, cause, allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this Ordinance. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning.

c. *Exemptions*: the following types of burning are allowed:

1. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

2. Campfires until midnight.

3. Fires used for recreational or ceremonial purposes such as school pep rally fires or the celebration of Scout activities. Recreational or ceremonial fires shall meet the following conditions:

A. Only clean, untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.

B. The fire shall not be ignited more than 2 hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.

C. The pile to be burned shall be less than 1000 cubic feet (for example: 10 ft. x 10 ft. x 10 ft.).

D. The local fire department shall be notified 24 hours in advance if the pile to be burned is more than 125 cubic feet (for example: 5 ft. x 5 ft. x 5 ft.).

E. The fire shall not be for disposal purposes.

F. The fire shall not be within 500 feet of a pipeline or fuel storage area.

d. All exemptions under subsection (3) shall be subject to the following:

1. Only wood products or products derived from wood shall be burned unless otherwise stated above;

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

3. Recreational fires in city parks shall be subject to the rules and regulations of the park department;

4. If fires create a nuisance or a fire hazard, they shall be extinguished immediately.

5. No burning shall be conducted during unfavorable meteorological conditions, such as temperature inversions, high winds, air stagnation, or declared drought conditions, etc.

6. No fire shall contain or consume items which will naturally result in noxious fumes or excessive smoke.

7. Burning shall not be conducted within thirty (30) feet of a building located on adjacent property.

e. Burning with prior approval of the fire department consistent with Rule 326 IAC 4-1 shall be allowed for the following:

1. Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem;

2. Burning of refuse consisting of material resulting from a natural disaster;

3. Burning for the purpose of fire training;

4. Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land;

5. Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is impossible.

f. The following conditions apply to all exemptions and variances:

1. Burning shall be done during safe weather conditions. Burning shall not occur during high winds, temperature inversions, air stagnation, declared drought conditions or when a pollution alert or ozone action day has been declared.

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

3. Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health.

4. Firefighting equipment adequate for the size of the fire shall be on-site and nearby during times of burning.

5. Burning shall not be for disposal purposes.

6. All burning shall comply with other federal, state, and local laws, rules, and Ordinances.

g. *Enforcement:* Any person found in violation of this Ordinance shall be subject to the following procedures:

1. The Hudson Fire and Police Department shall issue a warning notice to a first time violator, stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire.

2. Any person violating the provisions of this section by Failure or refusal to immediately extinguish the fire commits a Class A Infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection.

3. Failure or refusal by the violator to immediately extinguish the fire in violation of this Ordinance shall also result in the fire department having the authority to go upon private property to extinguish said fire.

4. Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued shall be considered a separate offense.

5. Liability for fire: any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this Ordinance on the basis that said fire was set by vandals, accidental, or act of God.

h. The open burning provisions are enforceable by the duly appointed Fire Chief or law enforcement officers within the Town of Hudson acting on his/her own initiative or at the request of the Town Board.

Sec. 6 – 26 Mobile Dwelling Units.

a. *Definition* – A mobile dwelling unit shall mean living quarters such as a mobile home, house trailers, truck bodies, bus bodies, railroad cars, shacks and any improved shelter which can be carried, transported, or towed from one place to another without the use of regular house moving equipment; that use for living quarters shall include such acts as sleeping, preparing meals, bathing, dish washing, laundering clothing, or any other activity which generates waste materials.

b. It shall be unlawful to occupy, maintain, or permit to be occupied or maintained within the corporate limits of the Town of Hudson, any mobile dwelling unit as defined in this ordinance; provided that this prohibition shall not apply to such mobile dwelling units as have heretofore been lawfully installed under existing laws and ordinances at the time such mobile dwelling units were located; but no such mobile dwelling units were located; but no such mobile dwelling unit shall be moved to a new location, nor enlarged, and provided further that such prohibition shall not apply to exceptions otherwise established in this ordinance.

c. The prohibition of this section shall not apply to the following situations:

1. To a house trailer and mobile home situated in a legally established mobile home park operating under license of, and approved by the Indiana State Board of Health, provided further that said mobile home park also meet the minimum standards set out in the Federal Housing Administration "Minimum Property Standards for Mobile Home Courts" August 1962 revision and amendments thereto as well as U.S. Department of Health, Education and Welfare - Public Health Service "Recommended Ordinance Governing Mobile Home Parks" as revised January 1968.

2. One house trailer may be occupied by the owner and family as temporary living quarters for a period not exceeding fourteen (14) days in any one calendar year.

3. A temporary permit may be issued for use as living quarters for the owner on the site while erecting a permanent dwelling but for not to exceed a total period of one hundred eighty (180) days.

4. One house trailer may be parked on the rear of residential or commercial lot but not used for living quarters or occupied in any way provided that said lot have a minimum size of 10,000 square feet.

5. Stock of unoccupied mobile homes may be stored upon any lot where the same are kept for sale in the ordinary course of business.

d. Any person violating the provisions of this section commits a Class B infraction and shall, upon conviction thereof, be fined in an amount not to exceed seventy five dollars (\$75.00) plus any and all attorney fees and costs of collection. Each day that a violation continues shall be deemed a separate offense.

Sec. 6 – 27 Excavations and Obstructions in Streets

a. *Definitions:* For the purpose of this Section the following words shall have the meanings ascribed to them in this section:

1. "Town"– means the Town of Hudson, Indiana.

2. "Emergency"– shall mean any unforeseen circumstances of occurrence, the existence of which constitutes danger to the health or welfare of persons or property, or which may cause or does cause the interruption of a service being furnished by a public utility doing business in the Town and which utility is subject to the jurisdiction of the Public Service Commission of Indiana.

3. "Person"– shall mean a natural person, partnership, firm or corporation.

4. "Street"– shall mean any public street, public highway, public alley, public right-of-way or a public road, any of which is under the jurisdiction of the Board of Trustees of the Town of Hudson, Indiana.

5. "Permit"– means the authorization issued by the Board of Trustees of the Town of Hudson, Indiana, pursuant to the provisions of the ordinance, to make any opening or excavation in a street of the town.

6. "He" or "Him"– the words "he" or "him" as used herein, shall include the words "she", "hers", or "her", "it", and "its", the singular shall include the plural. The plural shall include the singular. The masculine shall include the feminine and the feminine shall include the masculine.

7. "Petitioner"– shall mean any person who makes "a request" for a permit, pursuant to the provisions hereof.

b. *Requirement to be Lighted at Night:*

1. Any person making any excavation in any street in the Town of Hudson shall mark and designate such excavation by a light or lights placed at such excavation during all hours of darkness during the existence of the excavation. Such light or lights shall be placed at the points where such excavation approaches the traveled portion of such street and it or they shall be kept burning during all hours of darkness. The type of light or lights to be used for this purpose is to be designated by the Board of Trustees of the Town of Hudson or designated representative or agent.

2. Any person placing any obstruction in any street while constructing or repairing any building or other structure, or while improving or repairing the street, or in laying any conduits, wires, pipes, mains or sewers, shall make such obstruction during the hours of darkness which such obstruction exists by a light or lights so placed as to indicate the obstruction to any person passing along such street.

c. *Barricades or Guards Required:* Any person making any excavation or placing any building material or obstruction in any street, shall, in addition to the light or lights required by the preceding section, guard such excavation or obstruction by barriers or barricades in such manner as to warn travelers of the existence of such excavations or obstructions and to prevent pedestrians and vehicles from falling into such excavations or going upon such obstructions.

d. *Injury to or Removal of Lights and Barricades:* It shall be unlawful for any person to take, remove, destroy, or in any manner interfere with any light, barrier or barricade placed at any excavation or obstruction, as required by this article.

e. *Obstructing Free Passage of Streets:* It shall be unlawful for any person by any means or in any manner to collect together vehicles or any substance or materials so as to obstruct the free passage or use of any street. The provisions of this section shall not apply to any person making an obstruction under any building permit or under any right granted by any provisions of this code, any ordinances or legal authority.

f. *Compliance with Article Required:* It shall be unlawful for any person to do, cause or permit to be done any digging, cutting, or excavating into or upon any street, or into or through any pavement thereon in the Town, except in accordance with and as provided in this Chapter.

g. *Permit Required:*

1. No opening or excavation shall be made under the provisions of this chapter until a permit therefore shall have been duly granted as provided in this division. The work for which the permit is granted must be started within thirty (365) days of the issuance of said permit or it shall become void.

2. A card showing the permit number will be issued with each permit. This card shall be posted in a conspicuous place at the site of the work, from the commencement thereof and until such time as the work is completed. In case of an emergency, the person making a cut shall be required to take out a permit on the first day that the City Clerk's Office is open following the making of a cut and the permit, when issued, shall be effective retroactive to the date the excavation was started.

3. A permit shall be required for any work or construction by a public utility doing business in the town, which utility is subject to the jurisdiction of the Public Service Commission, but the permit fee shall be waived.

h. *Required in Addition to Building Permit:* No other permit issued, pursuant to any other ordinances of the Town of Hudson, shall be construed to be a substitute for the permit required under this ordinance.

i. *Fees:* Any person desiring to make an opening or excavation contemplated by this division shall pay to the Town Clerk for the permit required the sum of fifty dollars (\$50.00). The permit issued by the Town Clerk as herein provided shall continue in full force and effect

for period of twelve (12) months from the time of its issuance, and shall be renewable at the discretion of the Board of Trustees.

j. *Bond Required:* At the time of making the request, under the provisions of the preceding section, the person desiring to make any opening or excavation shall also file a bond, payable to the Town, in such an amount as the Board of Trustees of the Town of Hudson may designate. Such bond shall be filed with the Clerk-Treasurer and shall be conditioned to save the Town harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity with the requirements of this code and all other ordinances of the Town regulating the same; provided, that a single or continuing bond may be given to embrace all work of the petitioner for a period of time between the date of the execution of the same and the first day of January, which bond shall be in the penal sum as determined by said board. Provided further, however, that any public utility, operating under the jurisdiction of the Public Service Commission of Indiana, may give an indemnifying agreement in lieu of said bond.

k. *Backfilling and Repaving:* Whereas, the Board of Trustees of the Town of Hudson deems it necessary to establish a firm policy for backfilling of excavations and replacement of pavement disturbed as a result of making an opening or excavation in any street, these specifications are set forth and the compliance therewith shall be a requirement of obtaining a permit for said opening or excavation; it shall be the obligation of any person obtaining a permit for an opening or excavation in the public right-of-way to backfill the excavation and replace the pavement as set forth in these specifications:

1. *Backfill:* All excavations under pavement shall be backfilled with a reasonably clean granular material with good compaction qualities. The material shall be replaced in layers not to exceed six (6) inches in depth. Each layer shall be thoroughly tamped with a vibratory type mechanical tamper. Special care shall be taken in filling around sewers, water pipes, gas lines, etc., to keep the earth at the same height on both sides to avoid shifting of the pipe line. No removed paving materials or debris shall be used in backfilling the excavation. Excavations not under a pavement shall be backfilled with virgin material removed from the excavation by approval of the Board of Trustees of the Town of Hudson, or their designated representatives.

2. *Pavement Replacer:* All pavement shall be replaced with a type of construction equal to or better than that which is removed as approved by the Town Street Commissioner. All cuts in concrete pavements shall be first outlined with a saw cut not less than one inch (1") - one and a half inches (1 ½")

3. *Concrete or Brick Pavements:* Concrete used in the replacement of concrete or brick pavements not presently surfaced with an asphaltic material shall consist of not less than six (6) bags of air entrained, Type 1-A, Portland Cement per cubic yard. Slump shall not exceed three inches (3"). Course aggregate shall be limestone or blast furnace slag. No natural gravel aggregate will be allowed. Brick pavements will be replaced with eight inches (8") of concrete, except in some residential streets where the Town may require the brick to be replaced.

Where concrete that has an asphaltic concrete surface is replaced, Type I, Portland Cement shall be used, and the concrete shall be finished flush with the surface of the existing concrete and the asphaltic surface replaced.

4. *Hot Asphaltic Concrete, Sheet Asphalt, Emulsified Asphalt, Chip & Seals, and Oil Mat Pavements:* All asphaltic and oil type pavements shall be replaced with a hot asphaltic concrete surface conforming to Section D-3 Hot Asphaltic Concrete Base, Binder, and Surface of the latest Indiana State Highway Standard Specifications. The thickness of the pavement shall be equal to that which existed, but not less than three inches (3"). Not less than eight inches (8") of Coarse Aggregate, Class A or B, Size No. 53, Section K-3, or the State Highway Specifications, shall be placed under any asphaltic concrete patch unless a concrete base is necessary. Asphalt placed under a concrete patch shall be cut back six inches (6") around the concrete patch so that the two (2) joints are offset.

5. *Temporary Patch:* If it is not possible, due to weather conditions, for the contractor to replace the pavement within fourteen (14) days following completion of the work, a coarse aggregate base eight inches (8") thick and a cold asphaltic surface shall be applied and maintained as a temporary patch until pavement repairs can be made. In no case shall a temporary patch be maintained more than six (6) months before permanent repairs are made.

l. *Liability of Permittee to Continue for One (1) Year:* The Board of Trustees of the Town of Hudson shall require periodic inspections of all pavement repairs. If for any reason, within a period of one (1) year, there is an indication of settlement of the repaired area or deterioration of the paving materials, the person taking out the permit shall be required to make the necessary repairs as specified by the Town. The failure of the permittee to make such repairs will result in the bonding company being required to make the necessary repairs.

m. *Authority to Issue or Deny Permits:* It shall be the duty of the Board of Trustees of the Town of Hudson, upon the filing of a petition and approved bond, to issue to the petitioner a permit to make such excavation and do such work, and such permit shall describe the kind and location of the same; provided, however, the Board of Trustees of the Town of Hudson, shall also have the authority to refuse to issue a permit for an excavation where the board deems the work not to be in the best public interest or the contractor, by past performances, has indicated that he cannot perform the work in accordance with the specifications. The Board of Trustees of the Town of Hudson may, by resolution duly passed by a majority of such board, authorize and empower their designated representative to issue any permits, all as provided for in this division, and to determine the amount of the bond required.

n. *Location of Mains and Pipes; Supervision of Work:* It shall be the duty of the Board of Trustees of the Town of Hudson, in connection with all work contemplated by this chapter, through its duly authorized agents, to assist in determining the proper location for water and sewer or other connections to be made.

o. *Notice of Completion:* Within forty-eight (48) hours after the work requiring the excavation have been properly completed, the person holding the permit, under the provisions of

this division, shall give notice to the Board of Trustees of the Town of Hudson or their designated agent that the opening has been filled and pavement replaced.

p. Tunneling: In all cases of excavating under street or railway tracts, tunneling may be permitted if the method and operation is approved by the Board of Trustees of the Town of Hudson.

q. Barricades and Danger Lights: All the proper barricades and danger lights shall be maintained by the party to whom the permit was issued under the provisions of this chapter, until the opening has been repaired.

r. Protection of Sides of Excavation; Injury to Adjoining Pavements: Any person making excavations or causing the same to be made in pavement or adjacent to pavement, shall so protect the sides of the excavation that the adjoining soil shall not cave in. It shall be unlawful for any person to excavate so as to undermine or injure any adjoining pavements.

s. Penalty: Any person violating the provisions of this section commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection. Each day that a violation continues shall be deemed a separate offense.

Sec. 6 – 28 Drainage Prohibited.

a. No person shall drain the liquid from any sink, bath, toilet, septic tank, cesspool, washer, or any other unwholesome liquid or substance into any street, or over any sidewalk, or into any ditch along any street, or into any land in close proximity to any neighbor's land so as to make such drainage offensive, except by written consent of the Town Board and the Health Officer.

b. Any person violating the provisions of this section commits a Class B infraction and shall, upon conviction thereof, be fined in an amount not to exceed seventy five dollars (\$75.00) plus any and all attorney fees and costs of collection. Each day that a violation continues shall be deemed a separate offense.

Sec. 6 – 29 Ingress and Egress Sidewalk Regulation.

a. Definitions – For the purpose of this division, the following words shall have the meaning ascribed to them in this section:

1. "Town"- means the Town of Hudson, Indiana;

2. "Person" - shall mean a natural person, partnership, firm or corporation;

3. "Sidewalk" - shall mean any sidewalk located within the corporate limits of the Town of Hudson, Indiana; any of which is under the jurisdiction of the Board of Trustees of the Town of Hudson;

4. "He" or "Him" - The words "he" or "him", as used herein, shall include the words "she", "hers", or "her", and "it" and "its". The singular shall include the plural. The plural shall include the singular. The masculine shall include the feminine, and the feminine shall include the masculine.

5. "Petitioner" - shall mean any person who makes "a request" for a permit, pursuant to the provisions hereof.

b. Sidewalks Generally

1. *Purposes of Sidewalks:* Sidewalks are beneficial to the Hudson Community in that they provide:

- A. Protection of children walking to and from schools and playgrounds;
- B. Adult pedestrian access to shopping areas, leisure walking, etc.;
- C. Play areas for children;
- D. Aid to postal, newspaper and other door-to-door deliveries.

2. *Construction Standards:* It is agreed that widths, grades, specifications of materials, and methods of sidewalk construction are to be determined by the Town Engineer.

3. *Location:* Sidewalks shall be located on all major streets. Sidewalk construction is either unfeasible or unnecessary on certain major and local streets or portions thereof. From time to time, it may become necessary to determine where said sidewalks shall be located, which shall be the duty of the Town Engineer, subject to the approval of the Board of Trustees thereof.

4. *Financing:* Property owners shall be responsible for the construction and maintenance of sidewalks located on their property or on the right-of-way adjacent to their property and the streets of said town. If approved by the Town Board, the property owner and Town may enter an agreement whereby the Town shall cause the sidewalk to be built or repaired and the cost of same shall be paid by the property owner with interest in five installments over a four year period. Such agreement shall provide for a lien in the name of the Town and the required performance between the parties.

A. Effective upon implementation of this code all unpaid assessments for the construction of sidewalks in the Town of Hudson, Indiana, shall bear interest at the rate of 5 ½ percent per annum on the unpaid balance. All parties to whom said assessments have been made shall be responsible on each annual payment date for paying all interest which has accrued to such date.

B. Any payments which are not made when due shall, pursuant to I.C. §36-9-37-20 result in all balances due and owing plus interest, become due immediately, and pursuant to I.C. §36-9-37-20 all delinquencies, penalties and interest as provided at I.C. §36-9-37-1 et seq. shall follow and proper notice be recorded as a lien in the proper office of the County of Steuben and said lien shall be enforced and collected by the Steuben County Treasurer in the same way that delinquent property taxes are collected.

5. *Implementation:* A sidewalk construction program can be implemented by the following:

- A. Filing a petition of a majority of owners demanding or requiring the construction of a sidewalk;
- B. The Board of Trustees of said town can require and order the replacement of existing hazardous sidewalks.

6. *Failure of Owner to Construct Sidewalk:* If the owner or occupant of any lot or premises shall neglect, refuse or fail to build, rebuild, or repair any sidewalk, after notice shall have been given as herein provided, within the time and in the manner as the Town Board shall require, the Town shall cause the sidewalk to be so built, rebuilt or repaired, and the expense incurred thereby, together with a penalty of ten percent (10%) of the expenses in addition thereto, shall be collected by special assessment levied upon the lot or premises adjacent to or abutting upon, the sidewalk, according to law.

7. *Establishing a Sidewalk Grade:* It shall be the duty of the Town Engineer, whenever requested in writing by two (2) or more freeholders residing on the line of any street in the town, to establish the grade for the sidewalk on said street, and no sidewalk shall be constructed within the town unless the grade thereof and other specifications have been established by the direction of the Town Engineer.

8. *Notice to Construct or Improve:* Whenever a sidewalk needs to be constructed, repaired and/or improved, the Town Clerk shall notify the affected property owner and/or owners in writing, by Certified Mail, Return Receipt, or by personal service by the Town Marshal, giving said property owner and/or owners 180 days in which to comply with said notice to construct, repair and/or improve said sidewalk and/or sidewalks.

9. *Penalties:* Any person violating the provisions of this section commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection.

However, if the violation is neglect, refusal or failure to build, rebuild or repair a sidewalk, and the violator builds, rebuilds or repairs the sidewalk within thirty (30) days of conviction, the fine imposed shall be refunded and/or waived. Further, if the violation is the neglect, refusal or failure to remove snow, ice, filth or other nuisance or encumbrance from a sidewalk, and the violator removes the snow, ice, filth, nuisance or encumbrance from the sidewalk within forty-eight (48) hours of conviction, the fine imposed shall be refunded and/or waived.

c. Bicycles on Sidewalks Prohibited

1. It shall be unlawful for any person at any time of the day or night to propel or ride any bicycle, or other vehicle upon or along any of the sidewalks of the Town of Hudson, Indiana.

2. Any person violating the provisions of this section commits a Class D infraction and shall, upon conviction thereof, be fined in an amount not to exceed twenty five dollars (\$25.00) plus any and all attorney fees and costs of collection.

d. Trimming of Trees and Shrubs in a Right of Way

1. The maintenance of trees and shrubs located upon a right of way is, and shall remain, the duty of the owner of the adjacent property.

2. All trees within the Town of Hudson, Indiana, or near any public street or alley in said town, shall be kept trimmed so that the lowest branch of each tree shall be at a distance from the level of the street or alley along which such tree or trees grow, shall not obstruct the view.

3. Should any person whose land abuts any street or alley in said Town of Hudson, fail to trim his/her trees so as to cause same to comply with this ordinance, it shall be the duty of the Marshal of said Town of Hudson, upon approval of the Board of Trustees of said Town so to do, to notify the owner to at once trim up such tree or trees to comply herewith, that should such owner fail, neglect or refuse to comply with such notice within ten days from time of receiving same, that such Marshal shall have, and he hereby is granted authority to trim such trees as to cause same to comply with this ordinance.

4. Whenever any property owner of the Town of Hudson shall become aware of an unsafe condition caused by a tree or shrub located upon the right of way of the Town of Hudson, Indiana, said property owner should notify the Town of Hudson immediately in order that the Town of Hudson can take corrective action by the removal of said dangerous condition.

5. The Town of Hudson shall establish an index of trees which property owners have requested to be trimmed or removed for cosmetic or maintenance reasons, and to the extent possible, budgeting funds for the removal of said trees based upon a need basis as established by a priority list prepared by the Hudson Town Street Superintendent and at the discretion of the Hudson Town Board, each property owner shall be responsible for fifty percent (50%) of the cost of maintaining or removing of said tree or shrub, and the Town Board shall pay the remaining fifty percent (50%) of the costs incurred in maintaining or removing said tree or shrub.

6. The monies advanced by the Hudson Town Board shall become a lien upon the real estate and shall be assessed and collectible as are property taxes of the subject land owner.

7. All replanting made as a result of trees removed under this ordinance shall be consistent with the list of acceptable re-plantings maintained by the Clerk of the Town of Hudson, Indiana.

8. Any person violating the provisions of this section commits a Class D infraction and shall, upon conviction thereof, be fined in an amount not to exceed twenty five dollars (\$25.00) plus any and all attorney fees and costs of collection.

Sec. 6 – 30 Interference with Town Marshal Prohibited.

a. It shall be unlawful for any person to prevent, attempt to prevent, hinder, or interfere with the Town Marshal, his deputy or deputies or any other police officers in the performance of any duty or authority vested in them by this code or any applicable Indiana Code Provision.

b. It is unlawful for any person to violate the provisions of this section, and any such violation shall constitute a Class A Infraction and shall, upon conviction thereof, shall be fined as follows:

1. First Offense in a 24 month period - \$100.00 plus any and all attorney fees and costs of collection.

2. Second offense in a 24 month period - \$300.00 plus any and all attorney fees and costs of collection.

3. Each subsequent offense in a 24 month period - \$500.00 plus any and all attorney fees and costs of collection.

Sec. 6 – 31 Obstruction of Movement.

a. No person shall stand, lie, lounge, or sit (either directly or on a chair, box or other object) on any street, alley, sidewalk, curb, gutter, any public right-of-way; or any driveway open to the public; or in any doorway, entranceway, or passageway affording entrance or exit by the public into or from any building, be such building or any establishment therein open for business or not, nor shall any person congregate with others in such places so as to physically obstruct by his or her actions or behavior, presence, or location, unimpeded passage by others.

b. No person shall sit, stand, lie, or lounge upon, or hang upon or from the exterior of any automobile, motorcycle, bus, truck, motor vehicle or vehicular trailer while such vehicle is stopped or parked, in such a manner as to physically obstruct by his or her actions or behavior, presence or locations, unimpeded passage by others.

c. The prohibition, above, against sitting on the sidewalk and curbs shall not apply during or immediately prior to any public parade or other public celebration at the site of such parade or other public celebration at the site of such parade or such celebration for which parade or celebration the proper governmental agency has granted permission.

d. The prohibitions contained hereinabove in this Ordinance shall not apply to personnel of business establishments who, during a sidewalk sale for which a proper permit has been granted by the Town, or for which permission has been granted by proper governmental agency for the Town of Hudson, may sit on chairs or benches or the sidewalk adjacent to such establishments during said sale.

e. The provisions of this Ordinance, or particular prohibitions hereof, generally or in certain areas only, may be suspended, when, in connection with carnivals, public activities, and other public events, such suspension is warranted in the opinion and discretion of the board.

f. Any person violating the provisions of this section commits a Class C infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection.

g. Any police officer of Indiana is authorized to enforce the prohibitions of this Ordinance by issuing a traffic summons to any offender seen by such officer to be in violation of this Ordinance.

Sec. 6 – 32 Abatement and Removal of Public Nuisances.

a. Definitions

1. Department: The Board shall designate a Town or County department, or other designee as being responsible for the enforcement of this Ordinance within the Town and grant to such all powers reasonable and necessary for the performance of its responsibilities under this Ordinance.

2. Enforcement Board: A board established to administer hearings regarding nuisance violations.

3. Public Nuisances: Public nuisances are defined in accordance with I.C. 36-8-2-4 and may include, but shall not be limited to, the following:

- A. Litter;
- B. Grass and weeds over twelve (12) inches high, but not including small trees and bushes;
- C. Boxes, appliances, furniture, household items and tires, etc., but not stock or inventory used in conducting agricultural activities in a properly zoned area;
- D. Demolition remains;
- E. Accumulated garbage and trash;
- F. Vehicle parts and scrap metal (including but not limited to those defined at I.C. 9-22-1-1 et seq.);
- G. Structures defaced with paint or graffiti;
- H. Any wastewater, filth, offal, garbage, rubbish, human excrement, which is deposited, allowed or caused to be upon any public or private property;
- I. The construction of, or the placement of any structure or materials within the drainage way of any right of way that will prevent the natural flow of water and cause it to collect and pool upon any private or public property;
- J. Any dead domestic or wild animal;
- K. Any real or personal property that is infected with contagious disease and is likely to cause an immediate health hazard;
- L. The placing or accumulating on or within any real or personal property or the permitting of same, of any matter which attracts or may attract rodents,

insects, domestic or wild animals in such a manner as to create a health hazard or unsanitary or dangerous condition;

- M. Trees, shrubbery, weeds, or other matter obstructing public ways, or causing visual barriers which create vehicular traffic or pedestrian safety hazards;
- N. The unauthorized placement of fences, signs, shrubbery or barriers within road right of ways;
- O. Industrial machinery, unless located on land that is properly zoned for such use and owned by persons actively engaged in industry.

b. No person shall erect, construct, cause, permit, keep or maintain within the Town limits, anything whatsoever which is injurious to the public health or safety, or offensive to the senses or inhabitants, or an obstacle to the free use of property [of] such inhabitants. The existence of any of the above is declared to be a nuisance and shall be regulated as set forth in this Article.

c. *Initial Action and Notice* – Whenever the Town Marshall determines that a nuisance exists, he shall:

1. Issue an order to the owner of the property housing the nuisance requiring action to be taken to remove the public nuisance and bring the property into compliance. Said order must contain:

- A. The name of the person to whom the order is issued;
- B. The address or the tax parcel number of the property that is the subject of the order;
- C. A description of what constitutes the nuisance;
- D. The location of the nuisance;
- E. A statement of the act or acts necessary to abate the nuisance;
- F. The period of time of at least ten (10) days in which the action is required to be accomplished, measured from the time when the notice of the order is given; and
- G. A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, indicating what action can be taken by the Town if this order is not complied with and assess the costs against the property owner.

2. In addition to an order, the Department may, at the sole discretion of the Department, also issue a citation to the owner of the property housing the nuisance for each violation.

3. Any person violating the provisions of this section commits a Class C infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection.

A. The applicable fine amount for a first-time offense under this ordinance may be waived by the Department if said violation is remedied within 5 days of notice thereof, waiver is not available for any subsequent offense thereafter.

B. Each nuisance shall constitute a separate violation and each day that a violation continues shall be deemed a separate offense.

d. *Service of Notice*

1. Methods of Service: Citations, warnings, orders, notice of continued hearings, notice of a statement that public bids are to be let, and notice of claims for payment (the "documentation") must be given by either:

A. Sending a copy of the documentation by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested; or

B. Delivering a copy of the documentation at the property or usual place of residence of the person to be notified.

C. Leaving a copy of the documentation at the property or usual place of residence of the person to be notified.

2. When service is made by any of the means described, the person making service must make an affidavit stating that he has made the service, the manner in which service was made, to whom the documentation was issued, the nature of the documentation, and the date of service. The affidavit must be placed on file with the Town.

3. Service Not Obtained: If, after a reasonable effort, service is not obtained by means described above, service may be made by publishing a notice of the documentation in the applicable public newspaper in the county where the property housing the nuisance is located. Publication may be made on consecutive days. If service of the documentation is made by publication, the publication must include the information required by Section II of this Ordinance and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the Department.

4. Effective Date: The date when the documentation is considered given is as follows:

A. If the documentation is delivered personally or left at the dwelling or usual place of residence, notice is considered given on the day when the order or statement is delivered to the person or left at his dwelling or usual place of residence.

B. If the documentation is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the Department.

C. Notice by publication is considered given on the date of the second day that publication was made.

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

1. At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If he finds that a nuisance exists, he must order it abated

within an additional time which must be reasonable under the circumstances. An appeal from decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the Town Board at a time and place fixed by the Town Board. The findings of the Town Board shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

f. *Failure to Abate/Penalties* – If the person notified to abate a nuisance neglects or fails to abate as directed, the Town may perform the action required to abate, keeping an accurate account of the expenses incurred. An itemized expense account shall be certified and filed with the Town Clerk-Treasurer.

1. The Town Clerk-Treasurer shall send a statement by certified mail of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within thirty (30) days the amount due shall then be collected in the same manner as general property taxes, and disbursed into the General Fund of the Town.

Sec. 6 – 33 Town Curfews

a. Conditions have been found to exist in the Town of Hudson that make it reasonable for the purposes of public safety to establish curfew times earlier than those specified by IC 31-6-4-2, in particular the loitering of young people in public places late at night and the subsequent occurrence of vandalism and damage to property at or near the times said young people have been found to have gathered in various public places within the corporate boundaries of the Town of Hudson.

b. It is a curfew violation for a child under 18 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

c. The above stated curfew times do not apply to a child who is accompanied by his parent, guardian, or custodian; accompanied by an adult specified by his parent, guardian, or custodian; or participating in, going to, or returning from lawful employment, a school sanctioned activity, or a religious event.

d. The first violation of this curfew shall be handled with the return of the child to his/her parent. Any subsequent violation of this ordinance will subject the parent of any child who violates this ordinance to a Class C Infraction and upon conviction thereof, the parent shall be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection.

e. This Ordinance may be enforced by the Town Marshal, all police officers, and any prosecutor or attorney duly appointed, constituted and acting under the authority of the Town of Hudson, the County of Steuben, or the State of Indiana.

Sec. 6 – 34 Unlawful to Utilize Certain Types of Off-Premise Furnaces and Fuels

a. It shall be unlawful for any individual to create a furnace or other burning device intended to provide heat to a residence or structure (building) separate or apart from the location of said furnace, burning device, or structure housing same, and to cause said furnace or other burning device to expel smoke, fumes, or other noxious or unpleasant odors from the real estate upon which the premises is located.

b. Any person violating the provisions of this section commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection. All fines shall be payable upon conviction of same for each day that any violation of this Ordinance should continue.

c. This Ordinance may be enforced by the Hudson Town Marshal, Hudson Town Attorney, Steuben County Prosecutor, or any deputy or appointee thereof.

d. In addition to the fines imposed as an infraction hereunder, any person deemed violating this Section shall be responsible for all attorney fees and other costs incurred by the Town in the enforcement and prosecution of this Section.

Sec. 6 – 35 Skateboards

a. It shall be unlawful for any person to operate a skateboard or any other similar type conveyance upon the sidewalks of the downtown area of the Town of Hudson which area shall consist of all sidewalks and related appurtenances.

b. Any person violating the provisions of this section commits a Class D infraction and shall, upon conviction thereof, be fined in an amount not to exceed twenty five dollars (\$25.00) plus any and all attorney fees and costs of collection.

ARTICLE 4. ANIMAL CONTROL REGULATIONS.

Sec. 6 – 36 Certain Animal Prohibited.

a. No person shall keep, stable, or maintain or harbor any horse, pony, sheep, fowl, goats, swine, cattle or animals of the bovine species within the Town of Hudson; provided, however, that this Section shall not be construed to prohibit the use of horses and ponies upon the public streets not the transport of any of the animals herein described in vehicles over the public streets.

b. Any person who violates the provisions of this ordinance commits a Class D infraction and shall, upon conviction thereof, be fined in an amount not to exceed twenty five dollars (\$25.00) plus any and all attorney fees and costs of collection. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 6 – 37 Dog Regulations.

a. No person shall bring into the Town of Hudson, Indiana, or keep within the Town, any vicious, dangerous, or ferocious dog or any dog sick with or liable to communicate hydrophobia or other contagious or infectious disease.

b. It shall be unlawful for any owner to allow any dog owned by him to stray beyond said owner's premises unless said dog is on a leash or is under the reasonable control of some person, such dog is hereby declared a public nuisance.

c. Any person who violates the provisions of this ordinance commits a Class D infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$25.00) plus any and all attorney fees and costs of collection.

d. All impounded dogs will be held for no longer than three (3) days subject to a twenty dollar (\$20.00) per day boarding fee. If the rightful owner has not properly had the dog released from the Town Marshal, then said dog will be disposed of according to State Law.

e. No person owning or having possession of any dog shall permit such dog to disturb the peace and quiet of any neighborhood within the Town of Hudson, Indiana, by barking, making other loud noises, or defecating on another's premises.

Sec. 6 – 38 Kennels Prohibited.

a. It shall be unlawful to operate a kennel anywhere within the Town of Hudson, Indiana.

b. The term "kennel" shall be construed to include any establishment for the raising, training, boarding, or selling of dogs for hire or profit, where more than three (3) dogs are harbored or kept.

c. Any person violating the provisions of this section commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection. All fines shall be payable upon conviction of same for each day that any violation of this Ordinance should continue.

Sec. 6 – 39 Running-at-Large Prohibited.

a. It shall be unlawful for the owner or custodian of any domestic animal, chicken, or other fowl of any kind whatsoever, to permit the same to run at large upon any of the streets, alleys or public places of the Town of Hudson.

b. Any person violating the provisions of this section commits a Class C infraction and shall, upon conviction thereof, be fined in an amount not to exceed twenty five dollars (\$50.00) plus any and all attorney fees and costs of collection. All fines shall be payable upon conviction of same for each day that any violation of this Section should continue.

Sec. 6 – 40 Pasturing in Public Places.

a. No person shall permit any of the animals described in Section 6-40 to remain for the purpose of pasturing the same in any of the streets, alleys or public places of the Town of Hudson.

c. Any person violating the provisions of this Article commits a Class A infraction and shall, upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00) plus any and all attorney fees and costs of collection. All fines shall be payable upon conviction of same for each day that any violation of this Ordinance should continue.

Sec. 6 – 41 Impounding

a. In the event any such animal shall be found upon ant street, alley or public place in violation of any Section of this Article said animal may be impounded by the Town Marshal or by any member of the Town Board who shall notify, if possible, the owner of said animal of the impounding of the same within twenty-four (24) hours by delivering a written notice of such fact at the owner's place of residence, if he is a resident of the Town of Hudson, or by posting a notice in two (2) conspicuous places in the Town, which notice shall describe the animals impounded and state that the same will be sold in five (5) days to pay costs unless sooner redeemed by the owner. Upon redemption, the owner shall pay all reasonable fees incurred in feeding, watering and housing such animals with a minimum boarding fee of fifty dollars (\$50.00) per day charged for such services. If the animal is not redeemed before the time set for sale, the impounding authority shall sell the same to the highest bidder, at public sale, and the amount received shall be applied first to the payment of costs and expenses and any residue shall be turned over to the Town Clerk-Treasurer to hold in trust for the owner of the animal and to be paid over to him on demand.

Sec. 6 – 42 through Sec. 6 – 53 Reserved for Future Use.

ARTICLE 5. ABATEMENT OF ABANDONED MOTOR VEHICLES.

Sec. 6 – 54 Definitions.

a. For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given in this section, unless otherwise specifically prescribed.

b. The word **shall** is mandatory and not discretionary or directory.

c. **Motor Vehicle** – an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, bus, school bus, recreational vehicle, watercraft, motorized bicycle, or other form of transportation which requires registration and/or licensing by the State of Indiana.

d. **Abandoned Motor Vehicle** –

1. A vehicle located on public property illegally, or left on public property continuously without being moved for three (3) days; or

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

3. A vehicle that has remained on private property without the consent of the property owner, or person in control of that property, for more than forty-eight (48) hours; or

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

5. 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 impounded vehicle is not claimed or redeemed by the owner or his agent within fifteen (15) days of the removal of the vehicle; or

6. A vehicle that does not display the appropriate current license plate, and has been left on private property continuously in a location visible from a public way for more than thirty (30) days; or

7. A vehicle that is mechanically inoperable, and has been left on private property continuously in a location visible from a public way for more than the thirty (30) days, even if said vehicle has current registration plates.

e. Such vehicles are not considered abandoned if stored in a garage or other accessory building. Such vehicles are also not considered abandoned if they are:

1. A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways, and located on a trailer designed to transport the race car; or

2. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment; or

3. A vehicle located on a vehicle sale lot or a commercial vehicle servicing facility; or

4. A vehicle located on property licensed or zoned as an automobile storage or impound yard; or

5. A vehicle registered and licenses under *I.C.* § 9-18-12 as an automobile storage or impound yard; or

6. A single vehicle located on private property posted for sale by owner for not more than sixty (60) days in a one (1) year time period.

f. **Agency** – The Town Marshal of the Town of Hudson, and any of his/her deputies;

- g. **Bureau** – The Indiana Bureau of Motor Vehicles.
- h. **County Fiscal Body** – The Hudson Town Board.
- i. **Inoperable** – Unable to move under its own power.
- j. **Officer** – The Hudson Town Marshal or any of its deputies; OR Any Hudson Ordinance Officer.

Sec. 6 – 55 Responsible Department, Powers.

The Hudson Town Marshal’s Office is designated and assigned as the Agency responsible for the removal, storage, and disposal of abandoned motor vehicles and abandoned motor vehicle parts within the incorporated area of the Town of Hudson, Indiana, pursuant to *I.C. § 9-22-1-2*, as now or hereafter amended, and said Agency is granted all powers reasonable and necessary for the performance of their responsibilities under this Ordinance.

Sec. 6 – 56 Abandoned Vehicle Fund.

a. There is created the Hudson Abandoned Motor Vehicle Fund which shall be used to pay for the costs of removal and storage of abandoned motor vehicles or parts not claimed by the person who owns or holds a lien on said vehicle or parts. In addition, the proceeds from the sale of the abandoned motor vehicles or abandoned motor vehicle parts received by the Town shall be placed in this account. The costs incurred by the Town in administering this ordinance shall be paid from this fund.

b. Said fund shall also have added to it such monies, if necessary, as may be appropriated by the Hudson Town Board. The proceeds of sale of an abandoned vehicle or parts by the Agency in accordance with Section 6 – 59(b) and (c) shall be credited against all costs and incident to, the removal, storage and disposal of the vehicle. All monies remaining in said fund at the end of the year shall remain in such fund and not revert to the General Fund pursuant to the authority of *I.C. § 9-22-1-27*. The monies in said fund shall be expended and used only for the purposes enumerated in *I.C. § 9-22-1-26, et seq.*, providing for the disposal of abandoned motor vehicles.

c. A separate accounting of each sale shall be maintained. The Agencies may seek payment of any abatement expenses not covered by the proceeds from the sale of the abandoned motor vehicles pursuant to provisions established for filing a lien on the real estate of said owner.

Sec. 6 – 57 Procedures.

a. **Procedure of the Officer.** When an officer, as defined in Section 6 – 55, finds a motor Vehicle or motor vehicle parts believed to be abandoned he shall attach in a prominent place on the vehicle a notice tag containing the following information:

1. Identity of vehicle or parts to be removed and classify the vehicle or parts as:

- A. Abandoned;
- B. A traffic hazard, or;
- C. A vehicle parked in violation of a traffic ordinance.

2. After attaching the notice tag to the abandoned motor vehicle or parts, the officer shall also conduct an owner identification search. If the owner is known or identified, the officer shall serve a *Notice to Abate*.

3. The *Notice to Abate* served on the owner shall contain the following information:

A. The date, time, officer's name, public agency, and address and telephone number to contact for information.

B. That the vehicle or parts are considered abandoned.

C. That the vehicle or parts will be removed after seventy-two (72) hours if located on public property or private property without the consent of the property owner, or after two hundred forty hours (240) if located on private property.

D. That the person who owns the vehicle or parts will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts.

E. That the person who owns the vehicle or parts may avoid costs by removal of the vehicle or parts within the time periods outlined in (c) of this Section.

F. That the owner of the vehicle or parts may petition for an Appeal of the officer's citation to the Board of Zoning Appeals.

G. That the owner of the vehicle or parts may avoid impoundment of the cited vehicle and/or parts by removing the vehicle or parts within the time frame established on the citation and notifying the appropriate Agency of said removal. If the owner petitions for an Appeal to the Hudson Town Board, no further action on the abatement notice will occur until after the hearing date, unless the abandoned motor vehicle poses an immediate safety concern.

H. In the event the owner of the motor vehicle cannot be found and the property owner, upon which the vehicle is located, cannot locate the owner or fails or refuses to give the officer the name of the owner, then, and in that event the property owner shall be responsible for removal of the vehicle as provided above.

Sec. 6 – 58 Notice of Impoundment – Vehicles or Parts with Market Value of More than One Hundred (\$100.00) Dollars.

After removal of abandoned motor vehicle or parts to a storage area, the Agency shall prepare and forward to the Bureau an Abandoned Vehicle Report containing a description of the vehicle including the make, model, engine number, if any, readily available vehicle identification number, if any, and the number of the license plate, if any. The Agency shall request that the Bureau advise the Agency of the name and most recent mailing address of the owner and lienholder of the abandoned motor vehicle or parts.

Sec. 6 – 59 Disposal.

b. *Unidentifiable Vehicles* – 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, and the owner of vehicle or parts is not the property owner of where the vehicle or parts are located, the vehicle or parts may be disposed of without notice.

c. If the cited owner wishes to appeal the decision of an officer, he must file an Appeal with the Hudson Town Board within ten (10) days after receipts of said citation. The appeal will be scheduled on the next available agenda of the Hudson Town Board.

d. If the owner is duly served with *Notice to Abate*, and fails to petition for an Appeal to the Hudson Town Board, or appears and the Appeal is denied the following will occur:

1. If, in the opinion, the market value of the abandoned vehicle or parts is less than one hundred dollars (\$100.00), 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 of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts. The officer shall immediately dispose of the vehicle to an automobile salvage yard. A copy of the Abandoned Vehicle Report and photographs relating to the abandoned vehicle or parts shall be forwarded to the Bureau. The public agency disposing of the vehicle or parts shall retain the original records and photographs for at least two (2) years.

2. If in the opinion of the officer, the market value of the abandoned vehicle or parts is one hundred dollars (\$100.00) or more, the officer shall require the vehicle or parts to be towed to a storage area.

e. If the person who owns or holds a liens upon a vehicle or part does not appear within fifteen (15) days after the mailing of a notice under the provisions of this Article, the Agency may sell the vehicle or parts by either of the following methods:

1. The Agency may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under *I.C. § 5-3-1*, except that only one (1) newspaper insertion one (1) week before the sale is required.

2. The Agency may sell the vehicle or parts as unclaimed property under *I.C. § 36-1-11*. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale.

Sec. 6 – 60 Towing, Storage, and Disposition Charges.

a. The costs for removal and storage of abandoned motor vehicles or parts not claimed by the owners or lienholders shall be paid from the Abandoned Motor Vehicle Fund established in the provisions of this Section. The charges for towing, storage, and removal of abandoned motor vehicle or parts may not exceed the limits established by the fiscal body.

b. The charges for towing, storage and removal of abandoned motor vehicles shall be within the limits set forth herein:

1. To costs not less than one hundred (\$100.00) nor more than five hundred dollars (\$500.00) and daily storage fees not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) per day.

Sec. 6 – 61 Measurement of Time.

In computing any period of time prescribed the provisions of this Article, the day of the act, tagging, or mailing shall not be included. Such time computation shall commence on the next successive day and shall conclude on midnight of the last day of the period that is not a Saturday, Sunday or legal holiday.

Sec. 6 – 62 Liability for Loss or Damage.

a. The following are not liable for loss or damage to a vehicle or parts during the removal, storage, or disposition of abandoned motor vehicles or parts, under the provisions of this Article:

1. A person who owns, leases, occupies property from which an abandoned motor vehicle or parts are removed.
2. A public Agency.
3. A towing service.
4. An automobile salvage yard.

Sec. 6 – 63 Repealer.

All ordinances or portions of ordinances inconsistent with the provisions of this Article are repealed. It is provided, however, that such a repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or portions of the ordinances are ratified, re-established and confirmed.

Sec. 6 – 64 Severability.

If any section, sentence paragraph, clause, phrase, or portion hereof by declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of said Article shall not be affected thereby.

Sec. 6 – 65 Reserved for Future Use.

ARTICLE 6. UNSAFE BUILDINGS.

Sec. 6 – 66 Hudson Unsafe Building Law Established.

Under the provisions of *Indiana Code*, § 36-7-9-1, *et seq.*, there is established the Hudson Unsafe Building Ordinance.

Sec. 6 – 67 State Law Adopted by Reference.

Indiana Code, §§ 36-7-9-1 through 36-7-9-27 is adopted by reference as the Hudson Unsafe Building Ordinance. All proceedings in the Town of Hudson for the inspection, repair and removal of unsafe buildings shall be governed by said law and the provisions of this Ordinance. In the event the provisions of this Ordinance conflict with the provisions of *Indiana Code*, §§ 36-7-9-1 through 36-7-9-28, then the provisions of the State statute shall control. Any repeal of said statute shall not act as a repeal of this Ordinance. Two (2) copies of said state law are available for public inspection during regular business hours at the office of the Clerk-Treasurer.

Sec. 6 – 68 Town Marshal to Administer.

The administration of the provisions of this Article shall be the responsibility of the Town Marshal. He shall be the “Enforcement Authority”, and the Town Board shall be the “Hearing Authority”, within the meaning of these terms as defined in *Industrial Code*, § 36-7-9-2.

Sec. 6 – 69 Definitions.

a. The definition of “substantial property” as set forth in *Indiana Code*, § 36-7-9-2, is also specifically incorporated herein by reference, including that portion designated as applicable in a consolidated city.

b. The definition of and description of an unsafe building set forth in *Indiana Code*, § 37-7-9-4, is supplemented to provide minimum standards for building condition or maintenance in the Town of Hudson, Indiana, by adding the following definitions:

1. **Dwellings** shall include any building or its premises used as a place of residence or habitation or for sleeping by any person.

2. **A dwelling unfit for human habitation** shall be considered an unsafe building when it is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation or their construction, infection with contagious disease, or

3. **Unsafe buildings** shall also include the following definitions: Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

A. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

B. Whenever the stress in any materials, members, or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.

D. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

E. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not sufficient strength or stability or is not so anchored, attached, or fastened in place as to be capable of resisting wind pressure of one-half (1/2) of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.

F. Whenever any portion thereof has [c]racked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

G. Whenever the building or structure, or any portion thereof, because of 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; 4) the deterioration, decay, or inadequacy of its foundation; or 5) any other cause, is likely to partially or completely collapse.

H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

I. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

J. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, enclosing or outside walls or coverings.

K. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become 1) an attractive nuisance to children; or 2) a harbor for vagrants or criminals.

L. Whenever any building or structure has been constructed, existed, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this County, or of any law or ordinance of this state relating to the condition, location, or structure of buildings.

M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than fifty percent (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the 1) strength, 2) fire-resisting qualities or

characteristics, or 3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

N. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the Steuben County Health Department to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

O. Whenever any building or structure, because of obsolescence, dilapidated conditions, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the enforcement authority to be a fire hazard.

P. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.

Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Sec. 6 – 70 Unsafe Building Fund.

An Unsafe Building Fund is established in the operating budget of the enforcement authority, in accordance with the provisions of *Indiana Code*, § 36-7-9-14.

Sec. 6 – 71 Orders regarding Unsafe Buildings.

- a. The enforcement authority may issue an order requiring:
 1. Vacating an unsafe building;
 2. Sealing an unsafe building;
 3. Extermination of vermin in and about the unsafe building;
 4. Removal of part of an unsafe building; or
 5. Removal of an unsafe building.
- b. If a hearing is not required pursuant to *Indiana Code*, § 36-7-9-7, the order becomes final ten (10) days after notice is given.
- c. The provisions of *Indiana Code*, § 36-7-9-5 shall govern the notice of orders.

Sec. 6 – 72 Emergency Action Without Notice.

The enforcement authorization may take emergency action concerning an unsafe building in order to protect life, safety, or property, without notice or order pursuant to *Indiana Code*, § 36-7-9-9. Emergency action must be limited to removing any immediate danger.

Sec. 6 – 73 Penalties.

a. Any person who:

1. Remains in, uses, or enters a building in violation of an order made under this Article; or,
2. Knowingly interferes with or delays the carrying out of an order, made under this Article; or,
3. Knowingly obstructs, damages, or interferes with [a] person engaged or property used in performing any work or duty under this Article; or,
4. Fails to comply with *Indiana Code*, § 36-7-9-27 (incorporated herein by reference),

Shall be subject to a fine of not more than five hundred dollars (\$500.00). Each day that a given violation continues constitutes a separate offense.

Sec. 6 – 74 Incorporation of Health Laws.

Anything not specifically addressed by this Article shall be reviewed in light of *Indiana Code*, §§ 16-1-25-1 through 16-1-25-14, entitled “Dwellings Unfit for Human Habitation” which is adopted by reference, two (2) copies of which are available for public inspection during regular business hours in the Clerk-Treasurer’s office.

Sec. 6 – 75 through Sec. 6 – 79 Reserved for Future Use.