

**TITLE 6**

**HEALTH, PEACE, SAFETY AND SANITATION**

## TITLE 6

### HEALTH, PEACE, SAFETY AND SANITATION

#### Chapters:

- 6.04 Accumulation of trash, debris, junk, garbage, inoperable vehicles, salvage or other refuse prohibited
- 6.12 Weed and Rank Vegetation Abatement
- 6.23 Open Burning
- 6.47 Inspection, Repair, or Removal of Unsafe Structures
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## Chapter 6.04

### ACCUMULATION OF TRASH, DEBRIS, JUNK, GARBAGE, INOPERABLE VEHICLES, SALVAGE OR OTHER REFUSE PROHIBITED

#### Sections:

6.04.010	Violation defined
6.04.020	Removal notice
6.04.030	Abatement
6.04.040	Lien for expenses to abate public nuisance
6.04.050	Foreclosure for nonpayment of lien
6.04.060	Removal notice
6.04.070	Fine(s) for violation

**6.04.010 Violation defined.** From and after the effective date of this ordinance, it shall be unlawful for any person, organization, corporation or other entity to accumulate or to allow to accumulate trash, debris, junk, garbage, inoperable vehicles, salvage or any other refuse within 300 feet of their property lines which adjoin a public street, highway, alley, and any other public thoroughfare and within 200 feet of all other property lines, unless said debris is contained within a fully enclosed structure. Such accumulation is a serious hazard to the public health and safety and the general welfare of the community and is a public nuisance. (Ord. 12-1-86-2, S1, Dec. 1, 1986)

**6.04.020 Removal notice.** It shall be the duty of the President of the Board of Trustees of the town to serve or cause to be served a notice upon the owner and occupant of any premises on which debris as described in Section 6.04.010 has accumulated in violation of the provisions of this ordinance, and to demand the abatement of said public nuisance within ten (10) days from receipt thereof. Such notice shall be served personally on the occupant of said premises, and a copy sent by regular mail to the owner, if different from the occupant. (Ord. 12-1-86-2, S2, Dec. 1, 1986)

**6.04.030 Abatement.** If the person so served does not abate the public nuisance within ten (10) days, the town may proceed to abate such nuisance, keeping an account of the expenses of the abatement and such expenses shall be charged to the owner of said property pursuant to I.C. 36-1-6-2 and any amendments thereto. (Ord. 12-1-86-2, S3, Dec. 1, 1986)

**6.04.040 Lien for expenses to abate public nuisance.** Expenses for such debris removal shall be a lien upon the property. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the clerk-treasurer may file with the recorder of Crawford County, Indiana, a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and cost incurred and the date the work was completed and a notice that the town claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises, if his address is known; provided, however, that failure of the clerk to record such lien, claim, or to mail such notice, or failure

of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 6.04.050. (Ord. 12-1-86-2, S4, Dec. 1, 1986)

**6.04.050 Foreclosure for nonpayment of lien.** The property subject to a lien for unpaid charges as aforesaid shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure actions shall be brought in the name of the town. The town attorney is authorized and directed to institute such proceeds in the town in any court having jurisdiction of such matters, against any property for which the bill has remained unpaid sixty days after the filing of the notice of lien as aforesaid. (Ord. 12-1-86-2, S5, Dec. 1, 1986)

**6.04.060 Removal notice.** It has been determined that you are in violation of Marengo Town Ordinance No. 12-1-86-2 and your prompt attention to this matter would be appreciated.

REASON OR TYPE OF VIOLATION:

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A COPY OF SAID ORDINANCE SHALL BE ENCLOSED ALONG WITH REMOVAL NOTICE TO ALL PARTIES INVOLVED.

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TOWN MARSHALL  
MARENGO INDIANA

(Ord. 12-1-86-2, Removal notice, Dec. 1, 1986)

**6.04.070 Fine(s) for violation.** Any person, organization, corporation, or other entity that fails to cure its violation of Ordinance 12-1-86-2 and is found to still be in violation Ten (10) days after being served with a Removal Notice, shall be fined in an amount of Twenty Dollars (\$20.00) per day, starting on the eleventh day after the Removal Notice has been served and continuing on until said violation is cured.

Notice of the fine may be personally served upon the violator, mailed by Certified U.S. Mail, or posted on the property. Any person, organization, corporation, or other entity that wishes to appeal the fine may do so in writing within fifteen (15) days from the date of the notice of fine. The appeal should be directed to the Town Board of Marengo and will be decided by the Town Board at the next regularly scheduled monthly board meeting.

Violators shall make their fine payable to the Town of Marengo by certified check or cash and paying said fine by mail or delivery to the Marengo Town Hall or P.O. Box 206, Marengo, IN 47140. (Ord. 081108-A, Aug. 11, 2008)

## Chapter 6.12

### WEED AND RANK VEGETATION ABATEMENT

#### Sections:

6.12.010	Conditions prohibited
6.12.020	Enforcement
6.12.030	Conflicting ordinances
6.12.040	Effective when

#### 6.12.010 Conditions prohibited.

- (1) It shall be unlawful for any property owner or occupant to permit any weeds, grass, plants, brush, or rank vegetation to grow to a height exceeding Twelve (12) inches.
- (2) Weeds, grass, plants, brush, or rank vegetation include any plant that is not valued where it is growing and is of rank growth, especially one that tends to overgrow or choke out more desirable plants. Johnson grass and Canadian Thistle are considered a “weed” for purposes of this Ordinance. This Ordinance does not apply to agriculture crops, such as hay or pasture, but does include abandoned farm fields.
- (3) It shall be unlawful for any property owner or occupant to allow debris to remain on their property for a period exceeding Seven (7) days. Debris shall include, but not be limited to: tree limbs, woodpiles, or the remains of something broken-down or destroyed. (Ord. 030909-A, S1, 2, 3, March 9, 2009)

#### 6.12.020 Enforcement.

- (1) The Town Marshall or Town Building Inspector shall be responsible for the administration of this Ordinance and shall serve a “Notice of Violation” upon any property owner or occupant in violation of this Ordinance by hand, by U.S. Mail, or by posting such Notice on the property. The Notice shall give the property owner or occupant Ten (10) days to cure the violation or a fine will commence.
- (2) If the property owner or occupant is found to still be in violation Ten (10) days after being served with a Notice of Violation, they shall be fined in an amount of Ten Dollars (\$10.00) per day, starting on the eleventh day after the Notice of Violation has been served and continuing on until said violation is cured.

- (3) If a property owner or occupant wishes to appeal their violation or fine, they may do so in writing to the Marengo Town Board within Thirty (30) days of the Notice of Violation. All appeals must be made in writing and delivered to the Marengo Town Hall, within Thirty (30) days of the service of the Notice of Violation. The appeal will then be heard at the next regularly scheduled board meeting, by the Town Board.
- (4) If a property owner or occupant does not bring the property within compliance of this Ordinance within Thirty (30) days from the service of the Notice of Violation, the Town of Marengo, or its agent, shall have the right to enter onto the property and take all necessary steps to remove, clean, or abate the weeds, grass, plants, brush, debris, or rank vegetation that is in violation of this Ordinance. Upon the Town taking such action, it shall keep record of its expenses, which include locating the land owner or occupier, costs of serving the Notice of Violation, cleanup of the property, and removal of the weeds, grass, plants, brush, debris, or rank vegetation from the property.
- (5) The amount of expenses incurred by the Town shall be mailed to the property owner or occupier requesting reimbursement to the Town within Sixty (60) days of the mailing. Whenever a bill remains unpaid for longer than Sixty (60) days, the Town's Clerk-Treasurer shall file it with the Crawford County Auditor, so that the Auditor may place the unpaid amount on the tax duplicate against the lands of the landowner and collected as taxes payable to the general fund of the Town of Marengo. The Town may also bring suit for the reimbursement of its cleanup costs, in the appropriate court in Crawford County. (Ord. 030909-A, S4, 5, 6, 7, 8, March 9, 2009)

**6.12.030 Conflicting ordinances.** All ordinances and resolutions adopted prior hereto, that are in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed or amended. (Ord. 030909-A, S9, March 9, 2009)

**6.12.040 Effective when.** This Ordinance shall be in full force and effect from and after its adoption by the Town Board of Marengo, and publication according to law. (Ord. 030909-A, S10, March 9, 2009)

## Chapter 6.23

### OPEN BURNING

#### Sections:

- 6.23.010** Unlawful to burn trash or leaves due to emergency situation
- 6.23.020** Penalty for violation

**6.23.010 Unlawful to burn trash or leaves due to emergency situation.** Due to a emergency situation existing in our area “Due to Extremely Dry Conditions” it shall be unlawful for any kind of trash or leaves to be burned in the Town of Marengo. (Ord. 11-6-87-1, Nov. 6, 1987)

**6.23.020 Penalty for violation.** Violators of this ordinance may be fined up to \$250.00 plus the cost of a fire fun by the Marengo Fire Department. (Ord. 11-6-87-1, Nov. 6, 1987)



## Chapter 6.47

### INSPECTION, REPAIR, OR REMOVAL OF UNSAFE STRUCTURES

#### Sections:

6.47.010	Definitions
6.47.020	Mobile homes and/or mobile home parks
6.47.030	Title
6.47.040	Public nuisance
6.47.050	Adoption of state law by reference
6.47.060	Authority
6.47.070	Order and notice
6.47.080	Hearing and review
6.47.090	Emergency orders
6.47.100	Manners of performance
6.47.110	Costs
6.47.120	Unsafe building fund
6.47.130	No work without permission
6.47.140	Inspection warrants
6.47.150	Violations
6.47.160	Penalties and costs
6.47.170	Miscellaneous

**6.47.010 Definitions.** For purposes of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) “Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
- (2) “Dwelling Unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (3) “Enforcement Authority” means Marengo Town Marshall or Marengo Town Building Inspector, or authorized designee from the Office of Marengo Town Building Inspector.
- (4) “Hearing Authority” means the Town Board of the Town of Marengo, Indiana, as the official hearing board for disputes from the rules and regulations set forth in this chapter.
- (5) “Manufactured Home” means a structure transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 or more square feet, and

which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this ordinance. For mobile homes built prior to June 15, 1976, a label certifying compliance to the standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of this ordinance, a mobile home shall be considered a manufactured home.

- (6) “Mobile Home” means a vehicle, including the equipment sold as a part of a vehicle, that meets the following conditions:
- A. Is considered for use as a conveyance upon public streets or highways by either self-propelled or not self-propelled means.
  - B. Is designed, constructed or reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a dwelling for at least one (1) person.
  - C. Is used and occupied as a dwelling.
  - D. Does not have a foundation, other than wheels, jacks, skirting, or other temporary supports.
- (7) “Mobile Home Park” means an area of land on which at least three (3) mobile homes, other than mobile homes on permanent foundations, are harbored on temporary supports for the purpose of being occupied as principal residences. The term includes the following:
- A. All real and personal property used in the operation of the mobile home park.
  - B. An area of land that is subdivided and contains individual lots that are leased or otherwise contracted if at least five (5) mobile homes (other than mobile homes on permanent foundations) are harbored on temporary supports there for the purpose of being occupied as principal residences.
- (8) “Substantial property interest” means any right in real property that may be affected in a substantial way by actions authorized by this ordinance, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

- (9) “Unsafe building or structure” means any building or structure or part of a building or structure that is:
- A. in an impaired structural condition that makes it unsafe to persons or property;
  - B. a fire hazard;
  - C. a hazard to public health;
  - D. a public nuisance;
  - E. dangerous to person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
  - F. vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; or
  - G. in any of the conditions or possesses any of the defects described below, provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered;
    - 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe adequate means of exit in case of fire or panic.
    - 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;
    - 3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location;
    - 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by 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 of the building code for new buildings of similar structure, purpose or location;

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings;
7. Whenever any portion thereof has wracked, 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;
8. 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;
9. Whenever for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
10. 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 of the base;
11. Whenever the building or structure, exclusive of the foundation shows 33 percent (33%) or more damage or deterioration of its supporting members or members, or 50 percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (A) an attractive nuisance to children, or (B) a harbor for trespassers;
13. Whenever the building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided within the building regulations of the Indiana Residential Code (IRC) or any law or ordinance of this state or relating to the condition, location or structure of building;
14. 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 strength, fire resisting qualities or characteristics or 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;
15. 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 Building Inspector to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the Chief of the Fire Department or the Town Building Inspector to be a fire hazard;
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law;
18. 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 months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

- (10) “Unsafe Premises” means both an unsafe building and tract of real property on which the building is located. (Ord. 030909-B, S1, March 9, 2009) (Ord. 101308-2, S1, Oct. 13, 2008)

**6.47.020 Mobile Homes and/or Mobile Home Parks.** The following are subject to the provisions of this Ordinance, the Indiana Code (IC) and Indiana Residential Code (IRC).

- (1) All existing Mobile Home Parks located within the town limits of the Town of Marengo.
- (2) Any and all new Mobile Home/Trailer Parks.
- (3) Any and all rented, private or leased lots. (Ord. 030909-B, S2, March 9, 2009) (Ord. 101308-2, S2, Oct. 13, 2008)

**6.47.030 Title.** This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the “Unsafe Building Ordinance of the Town of Marengo, Indiana” may be cited as such, and will be referred to herein as “this ordinance”. (Ord. 030909-B, S3, March 9, 2009) (Ord. 101308-2, S3, Oct. 13, 2008)

**6.47.040 Public nuisance.** All buildings or portions thereof within the town which are determined after inspection by the Town Building Inspector, or authorized designee to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition and/or removal. (Ord. 030909-B, S4, March 9, 2009) (Ord. 101308-2, S4, Oct. 13, 2008)

**6.47.050 Adoption of State law by reference.** Indiana Code 36-7-9-1 through 36-7-9-29, new existing or as hereafter amended, is adopted by reference as a part of this chapter. (Ord. 030909-B, S5, March 9, 2009) (Ord. 101308-2, S5, Oct. 13, 2008)

**6.47.060 Authority.** The Town Building Inspector shall be authorized to administer and to proceed under the provisions of this Ordinance in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. (Ord. 030909-B, S6, March 9, 2009) (Ord. 101308-2, S6, Oct. 13, 2008)

**6.47.070 Order and notice.**

- (1) The Enforcement Authority is authorized to issue an order relative to any unsafe premises, including:
  - A. Shut off of any or all utilities if deemed unsafe,
  - B. sealing an unsafe building by intrusion by unauthorized persons,
  - C. extermination of vermin in and about the unsafe premises,

- D. removal of trash, debris, or fire hazardous material in and about the unsafe premises,
- E. repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a ruled adopted under IC 4-22-2, or an ordinance,
- F. vacating of any unsafe building,
- G. removal of part of unsafe building,
- H. removal of an unsafe building,
- I. requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:
  - 1. sealing against intrusion by unauthorized persons and the affects of weather;
  - 2. exterior improvements to make the building compatible in appearance with other buildings in the areas, and
  - 3. continuing maintenance and upkeep of the building and premises in accordance with standards established by ordinance.

(2) The order shall contain information required by IC 36-7-9-5.

(3) An ordinance requiring sealing a building under IC 36-7-9-5(a) requires notification to each person holding any fee interest or life estate interest; for other, orders under IC 36-7-9-5 each person having a substantial property interest in the unsafe premises must be notified. Notification procedure shall be as stated in IC 36-7-9-25. (Ord. 030909-B, S7, March 9, 2009) (Ord. 101308-2, S7, Oct. 13, 2008)

**6.47.080 Hearing and review.** Any Order issued by the enforcement authority, pursuant to Section 6.47.070(1) A-E does not require a hearing and becomes final ten (10) days after notice is given, unless a hearing is requested by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority, as set forth in IC 36-7-9-7 and 36-7-9-8. A hearing shall be held relative to each Order of the enforcement authority for any Order that is issued pursuant to Section 6.47.070 (1) F-I, and shall be conducted by the hearing authority, as set forth in IC 36-7-9-7 and 36-7-9-8. (Ord. 030909-B, S8, March 9, 2009) (Ord. 101308-2, S8, Oct. 13, 2008)

**6.47.090 Emergency orders.** Emergency action in order to protect life, safety or property may be taken without issuing an order or giving notice, but shall be taken in accordance with IC 36-7-9-9. The action is limited to removal of any immediate danger. The town may recover costs of the action by filing suit in circuit court against persons holding fee interest or life estate in the premises at the time. As an alternative, the town may bring a civil action under IC 36-7-9-17 and 36-7-9-22, alleging the existence of unsafe premises presenting an immediate danger to the community sufficient to warrant emergency action. (Ord. 030909-B, S9, March 9, 2009) (Ord. 101308-2-, S9, Oct. 13, 2008)

**6.47.100 Manners of performance.** Manners of performance of work including bids and notifications are to be in accordance with IC 36-9-7-11. All work for the reconstruction, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC 22-12-1-3, adopted as rules for the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Enforcement Authority. (Ord. 030909-B, S10, March 9, 2009) (Ord. 101308-2, S10, Oct. 13, 2008)

**6.47.110 Costs.** Costs for work performed under this chapter are the responsibility of fee interest or life estate holders in the unsafe premises. Costs shall be determined on the basis of the factors listed in IC 36-7-9-12. Unpaid costs are subject to the procedures in IC 36-7-9-13 and 36-7-9-13(5), and may result in a judgment, special tax assessment, and/or lien on real or personal property or persons responsible for said costs. (Ord. 030909-B, S11, March 9, 2009) (Ord. 101308-2, S11, Oct. 13, 2008)

**6.47.120 Unsafe Building Fund.** An Unsafe Building Fund is hereby established in the operating budget of the Town of Marengo in accordance with the provisions of IC 36-7-9-14. (Ord. 030909-B, S12, March 9, 2009) (Ord. 101308-2, S12, Oct. 13, 2008)

**6.47.130 No work without permission.** No person, firm, or corporation, whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Enforcement Authority. (Ord. 030909-B, S13, March 9, 2009) (Ord. 101308-2, S13, Oct. 13, 2008)

**6.47.140 Inspection warrants.** The Enforcement Authority may obtain an inspection warrant from the court in cases when the owner or possessor refuse the Enforcement Authority permission to inspect as provided in IC 36-7-9-16. (Ord. 030909-B, S14, March 9, 2009) (Ord. 101308-2, S14, Oct. 13, 2008)

**6.47.150 Violations.** It shall be a violation of this ordinance for a person to (a) remain in, use, or enter a building in violation of this ordinance, (b) knowingly interfere with or delay the carrying out of an order made under this section, (c) knowingly obstruct, damage or



interfere with persons engaged or property used in performing any work or duty under this ordinance or (d) fail to comply with IC 36-7-9-27 regarding information on transfers of property interest. (Ord. 030909-B, S15, March 9, 2009) (Ord. 101308-2, S15, Oct. 13, 2008)

**6.47.160 Penalties and costs.** Whoever violates any provisions of this ordinance for which no other penalty is otherwise specifically provided shall be fined \$150.00 for the first violation, \$300.00 for the second violation and \$500.00 for the third and each subsequent violation. A separate offense shall be deemed committed on each day that a violation occurs or continues. Additionally, the violator shall be obligated to pay all attorney fees and other costs associated with the enforcement of this ordinance. (Ord. 030909-B, S16, March 9, 2009) (Ord. 101308-2, S16, Oct. 13, 2008)

**6.47.170 Miscellaneous.** All ordinances and parts thereof in conflict herewith are hereby repealed. The above Revised Ordinance Providing for the Inspection, Repair, or Removal of Unsafe Structures Within the Town of Marengo, shall be codified in the appropriate section of the *Codification of Ordinances, Marengo, Indiana*. (Ord. 030909-B, S17, March 9, 2009) (Ord. 101308-2, S17, Oct. 13, 2008)

## Chapter 6.55

### BUILDING INSPECTOR

#### Sections:

<b>6.55.010</b>	<b>Office</b>
<b>6.55.020</b>	<b>Position</b>
<b>6.55.030</b>	<b>Powers</b>
<b>6.55.040</b>	<b>Posting of notice</b>
<b>6.55.050</b>	<b>Orders, actions, reporting, compliance, recordkeeping</b>

**6.55.010 Office.** There is hereby created the office of “Marengo Town Building Inspector.” (Ord. 030909-C, S1, March 9, 2009)

**6.55.020 Position.** There is hereby created the position of “Town Building Inspector”, who shall be appointed by the Town Board and who shall serve in this capacity until the official either resigns or the Town Board removes the official from the position, with or without cause. (Ord. 030909-C, S2, March 9, 2009)

**6.55.030 Powers.** Whenever the Building Inspector or his authorized representative shall find within the municipal limits of Marengo, any building, structure, or property that is in violation of any ordinance or code section of the Marengo Town Code, said official shall have the power to order and compel compliance with the appropriate ordinance or code section, pursuant to the provision of the Indiana Code or the Marengo Town Code. (Ord. 030909-C, S3, March 9, 2009)

**6.55.040 Posting of notice.** The Building Inspector shall have the power to compel all occupants of any such building or structure to vacate and remain out of said unsafe building or structure pending compliance with the applicable town ordinance or state law, by posting in all instances, upon said building, structure, or appurtenance thereof, or at or near its principle entrance, a sign in large letters stating in substance:

“THIS BUILDNG OR STRUCUTRE HAS BEEN DEEMED IN AN UNSAFE CONDITION AND SHALL NOT BE USED OR ENTERED BY ANYONE WITHOUT THE WRITTEN PERMISSION OF THE BUILDING INSPECTOR OF MARENGO.” (Ord. 030909-C, S4, March 9, 2009)

**6.55.050 Orders, actions, reporting, compliance, recordkeeping.** The Building Inspector or his authorized representative shall, and is hereby empowered to issue all orders in writing to owners and occupants of buildings and structures that are unsafe within the meaning of the Marengo Town Code or Indiana Code. The Building Inspector may direct such action as may be necessary to bring said building or structure within compliance of the Marengo Town Code or Indiana Code, provided however that prior to the issuance of any such orders, the Building Inspector prepare a written report to be distributed to the Town Board, which report shall state the location of the unsafe building or structure, the owner

and/or occupants thereof, the general nature of the repairs, alterations, or other reconstruction that may be necessary to bring said building or structure within compliance of the Marengo Town Code or Indiana Code, and the action that is about to be taken by the Building Inspector. All papers and reports as required herein shall constitute the record in each case and must be preserved in a file kept in the Town Hall. (Ord. 030909-C, S5, March 9, 2009)

## Chapter 6.70

### GARBAGE COLLECTION FEE

#### Sections:

6.70.010	Single-Family dwelling fee
6.70.020	Flat rate per month
6.70.030	Statement
6.70.040	Container
6.70.050	Exemptions
6.70.060	Applying for an exemption
6.70.070	Businesses desiring to receive garbage service, through Wolfe Contractor
6.70.100	Penalty for Late Payment - Deposit - Delinquent Account

**6.70.010 Single-Family dwelling fee.** A garbage collection fee (hereinafter “fee”) shall be assessed against each single-family dwelling that houses a resident, occupant, owner, or tenant located within the town limits. (Ord. 083109, S1, Aug. 31, 2009)

**6.70.020 Flat rate per month.** Each dwelling shall pay the flat rate of Thirteen Dollars and Fifty-One Cents (\$13.51) per month for the collection of garbage in the Town of Marengo. This fee will be mandatory regardless of whether or not the dwelling will use the garbage collection. (Ord. 11-12-12, S2, Nov. 12, 2012) (Ord. 083109, S2, Aug. 31, 2009)

**6.70.030 Statement.** The fee shall be added on to each dwelling’s monthly statement from the Blue River Regional Water District, beginning November 1, 2009. (Ord. 083109, S3, Aug. 31, 2009)

**6.70.040 Container.** Each dwelling shall receive one (1) Ninety-six (96) gallon container that will be used for curbside garbage collection. The container will be free of charge and will only be replaced once per year, if necessary. If the dwelling requires a replacement container of greater than One (1) per year, that dwelling will be assessed the actual replacement cost of the container on their next statement from the Blue River Regional Water District. (Ord. 083109, S4, Aug. 31, 2009)

**6.70.050 Exemptions.** Stand alone businesses and apartment complexes are exempt from this fee and will receive no garbage collection provided by the Town. (Ord. 083109, S5, Aug. 31, 2009)

**6.70.060 Applying for an exemption.** In-home businesses or businesses that are operated out of a dwelling may request to be exempted from the fee. Any in-home business or business operated out of a dwelling, requesting an exemption from this ordinance, are required to apply for an exemption by notifying the Town Board of Marengo, in writing, that an exemption is requested. Once the Board receives an exemption request, a determination will be made at a board meeting as to whether or not an exemption will be

granted. The dwelling will continue to be billed for the garbage collection until the exemption is granted. (Ord. 083109, S6, Aug. 31, 2009)

**6.70.070 Businesses desiring to receive garbage service through Wolfe Contractor.**

The Board of Marengo, has established a collection fee for businesses whom desire garbage service. All rates are subject to change and may be negotiated by Wolfe Contractor. The fee is billed and payable monthly to the Blue River Regional Water.

Business fees include: 3 yd. dumpster - \$50 wkly.  
6 yd. dumpster - \$150 wkly.  
(Ord. unnumbered, Oct. 17, 2011)

**6.70.100 Penalty for Late Payment - Deposit - Delinquent Account.**

- (1) The Town's previously established garbage collection fee (hereinafter "fee") shall be paid within Seventeen (17) days after the bill is mailed by the Blue River Regional Water District (hereinafter "Blue River"), typically being the 18<sup>th</sup> of the month. If the net bill is not paid within the due date on the bill, it shall become delinquent and a late payment charge will be added.
- (2) The late payment charge will be Ten Percent (10%) of the total outstanding fee on the bill. A new late payment charge shall accrue each month that the balance remains outstanding. If the balance remains outstanding for Three (3) months or greater the Town may file a small claims action against the property owner and/or occupant and shall be entitled to recover the billed amount, the late payment charge, and a reasonable attorney fee in pursuing this collection. It is the responsibility of the property owner to make sure their property's account is paid in full each month, regardless of whether the property owner resides on the property or not.
- (3) All new trash service accounts shall be required to pay an initial deposit equal to Two (2) months of trash service. This payment shall be made to the Clerk-Treasurer of the Town of Marengo and all monies shall be kept in a separate trash fund. This deposit shall be returned to the depositor when the property is no longer receiving trash service and the property has a zero balance due. This deposit may be used and applied to delinquent accounts. An account is considered delinquent if the balance remains outstanding for Three (3) months or greater. It is the responsibility of the property owner to make sure a deposit is paid for the property, regardless of whether the property owner resides on the property or not.
- (4) If a property or dwelling has a delinquent trash account, the Town may refuse to allow said property to begin water service until the account is no longer delinquent. (Ord. 080910-A,S1-4, Aug.09,2010)