

## **TITLE V: PUBLIC WORKS**

### **Chapter**

#### **50. GENERAL PROVISIONS**

#### **51. REGULATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS**



## CHAPTER 50: GENERAL PROVISIONS

### Section

- 50.01 Authority to establish utility service
- 50.02 Authority to establish waterworks
- 50.03 Authority to regulate disposal of sanitary sewage

#### **' 50.01 AUTHORITY TO ESTABLISH UTILITY SERVICE.**

A town may furnish or regulate the furnishing of utility service to the public.  
(1989 Code, ' 9-1)

***Statutory reference:***

*Utility service to the public, see I.C. 36-9-2-15*

#### **' 50.02 AUTHORITY TO ESTABLISH WATERWORKS.**

A town may regulate the furnishing of water to the public, and may establish, maintain and operate waterworks.

(1989 Code, ' 9-2)

***Statutory reference:***

*Waterworks, see I.C. 36-9-2-14*

#### **' 50.03 AUTHORITY TO REGULATE DISPOSAL OF SANITARY SEWAGE.**

(A) A town may regulate the furnishing of the service of collecting, processing and disposing of waste substances and domestic or sanitary sewage, which includes the power to fix the price to be charged for that service.

(B) A town may collect, process and dispose of waste substances and domestic or sanitary sewage, and may establish, maintain and operate sewers, sewage disposal systems and systems to collect and dispose of waste substances.

(1989 Code, ' 9-3)

***Statutory reference:***

*Waterworks, see I.C. 36-9-2-14*



## **CHAPTER 51: REGULATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS**

### **Section**

51.01 Declaration of unsanitary conditions

51.02 Nuisances

51.99 Penalty

### **' 51.01 DECLARATION OF UNSANITARY CONDITIONS.**

It shall be unlawful to have located or to suffer to permit upon property within the town any one or more of the following unsanitary conditions:

(A) Outdoor privies, privy vaults, cesspools, seepage pits or other such facilities intended or used for the disposal of sewage;

(B) Animal manure in any quantity which is not securely protected from flies;

(C) Garbage in any quantity which is not securely protected from flies; and/or

(D) Trash, litter, rags or anything whatsoever in which flies or rodents or other insects or animals may breed or multiply.

(1989 Code, ' 9-7) (Ord. 52, passed 8-1-1966) Penalty, see ' 51.99

### **' 51.02 NUISANCES.**

It shall be unlawful for any person to erect, construct, cause, permit, keep or maintain within the town anything whatsoever which by occasioning noxious exhalations or noisome or offensive smells or which for any reason becomes injurious to the health, comfort or property of the residents of that vicinity or to the public, or to cause or suffer an offal, filth or noisome substance to be collected or to remain in any place, to the damage, prejudice or discomfort of others or to the public. Any person maintaining, causing or permitting any of the above named conditions shall be deemed to be maintaining a nuisance. Any member of the Town Council or the Town Marshal shall have full power and authority to enter into and upon any street, lot, alley or house or building for the purpose of making a sanitary survey of the same. If a nuisance or any unsanitary conditions shall be found, it shall be the duty of the person discovering the existence of said condition to immediately notify the person so offending in writing, fixing a time limit of five days in which to abate the nuisance. If any such person shall fail or refuse to

abate the nuisance within the time specified, it shall be the duty of the Town Council to cause the same to be abated or to take action to file injunctive action against any such person for such violation.

(1989 Code, ' 9-8) (Ord. 52, passed 8-1-1966) Penalty, see ' 51.99

**' 51.99 PENALTY.**

Any person, firm or corporation who shall violate any provision of this chapter shall be deemed guilty of an ordinance violation and shall be punished by a fine in the sum not less than \$10 nor more than \$300, and each day that a violation is permitted to continue shall constitute a separate offense.

(1989 Code, ' 9-9) (Ord. 52, passed 8-1-1966)