

**CODE OF ORDINANCES**

**City of**

**MUNCIE, INDIANA**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 22-12, enacted August 6, 2012.**

See the References to Ordinances for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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## Checklist of Up-to-Date Pages

(This checklist will be updated with the  
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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### SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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*Bypass.* The intentional diversion of wastestreams from any portion of the IU's treatment facility.

*Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of IUs and which appear in 40 CFR chapter I, Subchapter N, Parts 405 through 471.

*Categorical Industrial User (CIU).* An IU subject to a categorical pretreatment standard or categorical standard.

*Chemical Oxygen Demand (COD).* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*Color.* The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

*Composite sample.* A sample which results from the combination of multiple aliquots taken manually or automatically, either discretely or continuously, at selected intervals, using either flow-proportional or time-proportional methods. If discrete sampling is employed a minimum of 12 aliquots should be composited. It is recommended that influent and effluent operational data be obtained through 24-hour flow proportional composite samples only. When flow-proportional methods are not practicable the director must first grant permission to utilize the alternative time-proportional methods. Composite samples should be representative of the entire process flow.

*Daily maximum.* The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

*Daily maximum allowable discharge limit.* The maximum concentration (or loading) of a pollutant allowed to be discharged during a calendar day, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over a course of the day.

Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average of the pollutant concentration derived from all measurements taken that day.

*Director.* The person hired by the board of sanitary commissioners to supervise the operation of the bureau of water quality, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

*Disposal facility.* A facility at which liquid waste, including, but not limited to, grease interceptor/trap waste, grit interceptor waste, and sewage is received, processed, or treated in a manner compliant with all applicable federal, state, and local regulations.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

*Existing source.* Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.

*FOG (Fats, oils, and grease).* Any fats, oils, and grease generated from the food preparation process as identified by the most current EPA method as listed in 40 CFR Part 136.3.

*FOG disposal facility.* A publicly owned treatment works or privately owned treatment works that is certified, licensed, or permitted by the Indiana Department of Environmental Management (or comparable state agency if taken out of state) and/or the EPA, for the separation and disposal of FOG by incineration or other methods from the wastewater of a facility.

*FOG enforcement response guide (ERG).* The policy that contains detailed procedures indicat-

ing how the bureau will investigate and respond to instances of noncompliance with the FOG Pretreatment Ordinance.

*FOG interceptor or grease interceptor.* A passive tank installed outside a building and designed to remove fats, oil, and grease from flowing wastewater while allowing wastewater to flow through it, and as further defined herein.

*FOG recovery unit.* All active indoor mechanical systems designed to remove fats, oil, and grease by physical separation from flowing wastewater, as further defined herein.

*FOG pretreatment system.* Refers to properly installed and operated FOG interceptors, FOG recovery units, and other alternate systems as approved by the director of the bureau of water quality.

*Food service establishments.* Those industrial users primarily engaged in activities of preparing, serving, or otherwise making foodstuffs available for consumption, and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. Also included are non-cooking facilities and/or those establishments that engage in the preparation of precooked and frozen food materials and meat cutting preparation and applicable to all food service establishments that discharge wastewater containing fats, oils, or grease to the Muncie water pollution control facility including but not limited to the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

*Grab sample.* An individual sample taken from a waste stream on a one time basis without regard to flow collected over a period of time not exceeding 15 minutes.

*Indirect discharge or discharge.* The introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.

*Industrial user or user (IU).* A source of indirect discharge, including food service establishments.

*Instantaneous limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes, operations, sludge processes, or the use or disposal of sludge; or is a cause of a violation of any requirement in the Muncie Sanitary District's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

*Local limit.* Specific discharge limits developed and enforced by the bureau upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

*May.* Precedes an action that is permissive or discretionary. The use of the singular form shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

*Medical waste.* Isolation wastes, infectious agents, human blood and blood products, patho-

logical wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.



in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

*Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.)

*Shall.* Precedes an action that is mandatory. The use of the singular form shall be construed to include the plural, and the plural shall include the singular as indicated by the context of its use.

*Significant industrial user (SIU).* Except as provided in paragraphs (3) and (4) shall apply to:

- (1) Industrial users subject to categorical pretreatment standards; or
- (2) Any other IU that:
  - (a) Discharges an average of 25,000 gpd or more of process wastewater,
  - (b) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
  - (c) Is designated as significant by the bureau on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or violating any Pretreatment Standard or requirement.
- (3) The bureau may determine that an IU subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a SIU on a finding that the IU never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
  - (a) The IU, prior to the bureau's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (b) The IU annually submits the certification statement required in section

53.33(B), together with any additional information necessary to support the certificate statement; and

- (c) The IU never discharges any untreated concentrated wastewater.
- (4) Upon a finding that an IU meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the bureau may at any time, on its own initiative or in response to a petition received from the IU, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a SIU.

*Standard Industrial Classification (SIC) Code.* A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

*Stormwater.* Any flow during, following, or resulting from any form of natural precipitation, including snowmelt.

*Superintendent.* The person hired by the board of sanitary commissioners to supervise the operation of the POTW.

*Suspended solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

*Total petroleum hydrocarbons (TPH) oil and grease.* Petroleum or mineral oil products.

*Toxic pollutant.* One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of section 307 (33 U.S.C. 1317) of the act.

*Treatment plant effluent.* Any discharge of pollutants from the Muncie POTW into waters of the State of Indiana.

*Wastewater.* Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manu-

facturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

*Wastewater treatment plant or treatment plant.* That portion of the POTW designed to provide treatment of sewage and industrial waste. (Ord. No. 1-11, § 1(Exh. A), 2-7-11; Ord. No. 10-12, § 1, 6-4-12)

**Sec. 53.02. Abbreviations.**

The following abbreviations shall have the designated meanings:

BMP	Best management practice
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
ERG	Enforcement response guide
FOG	Fats, oils and grease
FSE	Food service establishments
gpd	gallons per day
IU	Industrial user
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
NPDES	National pollutant discharge elimination system
NSCIU	Nonsignificant categorical industrial user
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classifications
SNC	Significant noncompliance

SWDA	Solid Waste Disposal Act (42 U.S.C. 67901, et seq.)
TSS	Total suspended solids
USC	United States Code
ug or µg	Micrograms
ug/L or µg/l	Micrograms per liter (Ord. No. 1-11, § 1(Exh. A), 2-7-11)

**Sec. 53.03. Administration.**

Except as otherwise provided herein, the director of the bureau of water quality, Muncie Sanitary District shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director may be delegated by the director to other bureau personnel. (Ord. No. 7-95, § 1.2, 12-11-95)

**Sec. 53.04. Prohibited discharge standards.**

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the POTW:

- (A) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21.
- (B) Any wastewater having a pH less than 5.0 or more than 10.0, unless authorized by the director, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering sanitary district personnel. No wastewater having a pH of less than 5.0 shall be authorized and no wastewater having a pH of more

than 12.5 shall be authorized, since this would be considered a hazardous waste under section 40 CFR 261.22 of the act.



tion 53.30) to discharge to the MWPCF. General permits for FSEs shall require each FSE to develop and implement a FOG Minimization Plan, which will include the following:

- (A) Procedures and best management practices to be implemented by FSE employees to minimize FOG entering the wastewater collection system; and
- (B) A description of the FOG pretreatment training program for the FSE to educate employees in FOG minimization procedures.

(Ord. No. 1-11, § 1(Exh. A), 2-7-11)

**Sec. 53.62. FOG pretreatment system requirements.**

(A) Except as provided by section 53.63, the wastewater generated from FSEs shall be treated to remove FOG using a FOG interceptor or FOG trap.

(B) An application for the design and installation of a FOG pretreatment system shall be subject to review and approval by the director and shall be subject to the sizing guidelines of the Indiana State Board of Health's Bulletin S.E. 13 Sec. 501 and all other applicable codes, ordinances, and laws.

(C) Every structure at the FSE shall be constructed, operated and maintained in a manner to ensure that the discharge of food preparation wastewater is directed solely to the FOG interceptor, or alternate FOG pretreatment system. No valve or piping bypass equipment that could prevent the discharge of food preparation wastewater from entering appropriate treatment equipment shall be present.

(D) The contact person at each FSE shall notify the bureau of water quality when the FOG pretreatment system is ready for inspection and connection to the public sewer. Newly installed FOG interceptors must be left uncovered to allow for inspection by MSD personnel. Inspections will be carried out within 72 hours of receipt of notification that the interceptor is ready for inspection.

(E) All other applicable state and local plumbing/building codes shall be followed during the installation of the FOG pretreatment system.

(F) FOG interceptor requirements:

- (1) The FOG interceptor shall be installed on a separate building sewer line servicing kitchen flows and shall be connected only to those fixtures or drains which would allow fats, oils, and grease to be discharged. This shall include:
  - (a) Pot sinks;
  - (b) Pre-rinse sinks;
  - (c) Any sink into which fats, oils and grease are likely to be introduced;
  - (d) Soup kettles or similar devices;
  - (e) Wok stations;
  - (f) Floor drains or sinks into which kettles may be drained;
  - (g) Automatic hood wash units;
  - (h) Dishwashers without pre-rinse sinks; and
  - (i) Any other fixtures or drains likely to allow fats, oils and grease to be discharged.
- (2) All food grinders or food garbage disposals shall discharge to the FOG interceptor, unless specifically stated otherwise in the permit.
- (3) No fixture or drain other than those listed in section 53.62(F)(1) shall be directly connected to the FOG interceptor unless approved by the director. The following shall not be discharged into FOG interceptor:
  - (a) Waste that does not contain FOG and that otherwise does not require treatment;
  - (b) Wastewater from dish washing machines or wastewater with a temperature exceeding 140°F;
  - (c) Sanitary waste;
  - (d) Any substance that may cause excessive foaming in the MWPCF;
  - (e) Emulsifiers, chemicals, and enzymes.

- (4) The outlet discharge line from the FOG interceptor shall be directly connected to the municipal sanitary sewer.
- (5) Separate cleanout covers shall be provided over the inlet and outlet of the FOG interceptor to provide easy access for inspection and cleaning.

(G) All costs and related expenses associated with the installation and connection of the FOG interceptor(s) or alternate FOG pretreatment system(s) shall be borne by the FSE. The FSE shall indemnify the Muncie Sanitary District and its agents for any loss or damage that may directly or indirectly occur due to the installation of the FOG pretreatment system.

(Ord. No. 1-11, § 1(Exh. A), 2-7-11; Ord. No. 10-12, § 2, 6-4-12)

**Sec. 53.63. Alternate FOG pretreatment programs.**

(A) When it is not practical for the FSE to install an outdoor in-ground FOG interceptor per section 53.62, an alternate FOG pretreatment system may be utilized upon approval by the director. The director will approve these systems on a case-by-case basis. The contact person may be required to furnish analytical data demonstrating that FOG discharge concentrations do not exceed the limits established in this chapter. Alternate FOG pretreatment programs will be considered when:

- (1) FOG interceptor size requirement is impractical due to space limitations;
- (2) An existing facility is able to demonstrate that more frequent cleaning of a smaller interceptor or trap, or the use of best management practices, can effectively remove grease as required by this chapter.

(B) Alternate FOG pretreatment programs shall meet the requirements of section 53.62(B) through (G).

(Ord. No. 1-11, § 1(Exh. A), 2-7-11; Ord. No. 10-12, § 3, 6-4-12)

**Sec. 53.64. Pretreatment equipment maintenance.**

(A) The FOG pretreatment system shall be maintained continuously in satisfactory and effective operation at the FSE's expense.

(B) The contact person or authorized agent shall be responsible for the proper removal and disposal, by appropriate means, of the collected material removed from the FOG pretreatment system.

(C) The contact person or authorized agent shall ensure that the FOG interceptor is inspected when pumped to ensure that all fittings and fixtures inside the interceptor are in good condition and functioning properly. The depth of grease inside the tank shall be measured and recorded in the maintenance log during every inspection along with any deficiencies, the date, and the identity of the inspector (see section 53.64(D)(3)).

(D) The contact person or authorized agent shall determine the frequency at which its FOG interceptor(s) shall be pumped according to the following criteria:

- (1) The FOG interceptor shall be cleaned by a subsurface sewage disposal cleaner whenever 25 percent of the operating depth of the FOG interceptor is occupied by fats, oils, grease, and settled solids, or a minimum of once every three months; whichever is more frequent. Cleaning of FOG interceptors shall include the complete removal of all contents, including floating materials, wastewater and settled sludge. Decanting back into the FOG interceptor shall not be permitted unless specific variance is granted in the FSE's permit. FOG interceptor cleaning shall include scraping excessive solids from the wall, floors, baffles and all piping.
- (2) If the contact person can provide data demonstrating that less frequent cleaning of the FOG interceptor will not result in a grease level in excess of 25 percent of the operating depth of the FOG interceptor, the director may allow less frequent cleaning. The contact person shall provide data including pumping receipts for four consecutive cleanings of the FOG interceptor, complete with a report from the grease trap/interceptor cleaner indicating the grease level at each cleaning, and the FOG interceptor maintenance log.

**CHAPTER 80. TRAFFIC SCHEDULES***Key to Traffic Schedules*

- I. One-way streets and alleys
- II. Stop intersections
- III. All-way stop intersections
- IV. No parking zones and parking meter locations
- V. Parking time limited on certain streets
- VI. Parking restricted during certain hours
- VII. Freight loading zones
- VIII. Passenger loading zones
- IX. Yield streets
- X. No turn on red
- XI. Restricted turns

*Key to Traffic Schedules*

- XII. Public carrier stands
- XIII. Weight limits on certain streets
- XIV. Bus zones
- XV. Taxicab zones
- XVI. Automatic traffic signals
- XVII. Speed limit zones
- XVIII. Load restrictions upon vehicles using certain streets
- XIX. Designated bicycle paths
- XX. No stopping, standing, or parking
- XXI. Parcel pickup zones

**SCHEDULE I: ONE-WAY STREETS AND ALLEYS**

- (A) The following streets and alleys, or parts thereof, are designated as one way in the direction indicated:

<i>Street</i>	<i>Between</i>	<i>Direction</i>	<i>Ord. No.</i>
Adams St.	Hackley St. and Kilgore Ave.	West	
Brady St.	Centennial Ave. and Harkin St.	North	286-77
Elm St.	Adams St. and Wysor St.	North	
Euclid St.	Riley Rd. and Storer Jr. High	East	
Franklin St.	Seymour St. and Wysor St.	North	
Franklin St.	Wysor St. and Seymour St.	South	
Gilbert St.	Calvert and Martin	West	102-83
Gilbert St.	Madison St. and High St.	West	
Gilbert St.	Madison St. and Walnut St.	West	
Gilbert St.	McKinley and Calvert	East	102-83
High St.	Gilbert St. and Seymour St.	South	
High St.	Seymour St. and Wysor St.	North	
Harkin St.	Brady St. and Macedonia Ave.	East	
Jackson St.	Kilgore Ave. and Main St.	East	
Jefferson St.	Wysor St. and Charles St.	South	297-82
Kilgore Ave.	Main St. and Jackson St. one-way	Southwest	
Liberty St.	Memorial Dr. and 13th St.	South	
Main St.	Jackson St. and Kilgore Ave.	West	

<i>Street</i>	<i>Between</i>	<i>Direction</i>	<i>Ord. No.</i>
Minnetrissa Blvd.	Wheeling Ave. and Minnetrista Parkway	Southwest	27-95
Mulberry St.	Willard St. and Wysor St.	North	
North St.	Walnut St. and Madison St.	East	
North St.	Wheeling Ave. and Alameda Ave.	West	
North St.	Wheeling and Meeks/Reserve	West	21-12
Seymour St.	High St. and Jefferson St.	East	47-04
Walnut St.	Main St. and Seymour St.	South	
Walnut St.	Wysor St. and Second St.	South	
Washington St.	High St. and Ohio Ave.	East	
Washington St.	Liberty St. and Madison St.	East	
9th St.	Madison St. and Hackley St.	East	403-78
13th St.	Liberty St. and Franklin St.	East	
14th St.	High St. and Walnut St.	West	596-80
15th St.	High St. and Walnut St.	East	596-80
Wilson Ave.	Elliot St. and Powers St.	Southwest	103-78

## (B) One-way alleys.

All alleys within the following boundaries, to be known as the "Loop," are to be one way northbound and westbound. The loop will be bounded on the north by Wysor Street, on the south by Willard Street, on the east by Madison Street, and on the west by Liberty Street. This district will be known as the business district.

<i>Alley</i>	<i>Extent</i>	<i>Direction</i>	<i>Ord. No.</i>
East/west alley between Godman and Ethel	From Tillotson to Manning	Eastbound	54-94
East/west alley between Jackson and Main	From Cole to Manning	Westbound	103-83
North/south alley between Washington and Main	From Council to Cherry	Southbound	54-94

(Ord. No. 1628, 5-11-64; Ord. No. 34-95, § 1, 8-7-95; Ord. No. 17-05, § 1, 3-7-05)

**CHAPTER 95. PARKS AND RECREATION\***

Sec. 95.01.	Hours parks are open.
Sec. 95.02.	Defacing buildings, trees, statues.
Sec. 95.03.	Vegetation.
Sec. 95.04.	Possession and use of firearms.
Sec. 95.05.	Conduct.
Sec. 95.06.	Bicycles and automobiles.
Sec. 95.07.	Picnics.
Sec. 95.08.	Sleeping on benches; gambling.
Sec. 95.09.	Intoxicating beverages.
Sec. 95.10.	Parades, drills; public meetings and discussions.
Sec. 95.11.	Signs, notices.
Sec. 95.12.	Areas set aside for games; playing baseball.
Sec. 95.13.	Swings on trees.
Sec. 95.14.	Intoxicated persons.
Sec. 95.15.	Ladies' rest rooms.
Sec. 95.16.	Superintendent of parks.
Sec. 95.17.	Prairie Creek reservoir.
Sec. 95.18.	Driving on park property.

**Sec. 95.01. Hours parks are open.**

The parks of the city shall be open to the public from 5:00 a.m. until 11:00 p.m. each day. No person other than employees shall be permitted to remain therein except when open as herein specified, and no person at any time shall enter or leave any park in any vehicle except by the established entrances or drives.  
(Code 1968, § 95.01)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.02. Defacing buildings, trees, statues.**

No person shall write on, cut, mutilate, or deface in any manner any building, fence, bench, masonry, statue, ornament, or tree in any public park.

(Code 1968, § 95.02)

**Cross references**—Penalty, § 10.99.; injuring trees on public property, § 97.01.

**Sec. 95.03. Vegetation.**

(A) No person shall pull, pluck, break, or touch any flowers or fruit; cut down, girdle, or break down any sapling, tree, shrub, or plant; handle or injure any trees, flowers, shrubs, or plants whatsoever, or limbs, twigs, or leaves thereof; or climb any tree in any public park.

**\*State law reference**—Power of city to establish and maintain parks, IC 18-1-1.5-14.

(B) No person other than an employee shall bring into any park any tree, shrub, or plant, or any newly-plucked branch or portion of a tree, shrub, or plant.

(C) No person shall go upon the grass, lawn, or turf of any park where signs inscribed "keep off the grass" have been posted by the superintendent.

(Code 1968, § 95.03)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.04. Possession and use of firearms.**

No person shall discharge any firearm or have possession of any firearm within the limits of any public park.

(Code 1968, § 95.04)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.05. Conduct.**

No person shall use profane, obscene, threatening, or abusive language, fight, throw any stone or missile, behave in any disorderly or improper manner, or commit any offense against decency or good morals in any public park.

(Code 1968, § 95.05)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.06. Bicycles and automobiles.**

(A) Bicycles shall be strictly confined to the roadways of the public parks, shall be controlled by the same rules which govern automobiles, and shall keep and pass to the right when meeting the same. Passing from the rear to the front shall be done on the left side. Bicycles shall not travel more than two abreast, nor without displaying a light in front, if it is hour after sunset. When automobiles or bicycles meet, they shall keep to the right.

(B) No person shall ride or drive upon the grass, footways, or any place other than on the roads.

(Code 1968, § 95.06)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.07. Picnics.**

No public picnic shall be held in any park without a written permit of the superintendent, in which shall be designated the place where the

picnic is to be held. Picnics permitted for Sunday and secular schools must always be attended by teachers and masters of the schools, who will be held personally responsible for all infringements of the rules set out in this chapter by the participants. No person shall intrude upon a picnic without the consent of those in charge of it, nor disturb any picnic within a park. Parties holding picnics in parks must clean up the ground that has been occupied by them and remove all paper and litter.

(Code 1968, § 95.07)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.08. Sleeping on benches; gambling.**

No person shall be allowed to sleep on the benches of any park, or to beg, tell fortunes, or play at any game of chance or with any instrument of gaming in the park. Gambling and playing cards in any form are prohibited in any park. (Code, § 95.08)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.09. Intoxicating beverages.**

No person shall introduce any intoxicating beverages into any public park, either for his own use or for sale, or use, sell, or give away the same. (Code 1968, § 95.09)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.10. Parades, drills; public meetings and discussions.**

No military, civic, or other company shall be permitted to parade, drill, or perform within any park any military evolutions or movements without the consent of the superintendent of parks. No public meetings or public discussions of any subject, religious, social, political, or other, shall be held within the limits of any public park without the consent of the superintendent of parks. (Code 1968, § 95.10)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.11. Signs, notices.**

No person shall paint, post, or otherwise affix any bill, notice, sign, or other paper upon any structure or thing within the parks, or upon any of the gates or any part of the gates enclosing the park, except that signs may be placed or posted on

the outfield fences of ball parks with written permission of the park board, and subject to rules and regulations established by the board.

(Code 1968, § 95.11; Ord. No. 57-93, 10-4-93)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.12. Areas set aside for games; playing baseball.**

Portions of the park known as McCulloch Park shall be set apart by the superintendent for ball, croquet, or other games and, where no such portion of any park is set apart for games as aforesaid, no game of baseball shall be played without the written consent of the superintendent and no person shall practice ball or intrude himself upon the players while a game is in progress. (Code 1968, § 95.12)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.13. Swings on trees.**

No person shall attach a swing to any tree within any park without the consent of the superintendent

(Code 1968, § 95.13)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.14. Intoxicated persons.**

No intoxicated person shall be permitted within any public park.

(Code 1968, § 95.14)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.15. Ladies' rest rooms.**

No male person shall enter any toilet or restroom set apart for female persons within any park.

(Code 1968, § 95.15)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.16. Superintendent of parks.**

The mayor shall appoint a suitable person as superintendent of the public parks of the city to serve for the term of one year until his successor is selected and qualified. The superintendent may be removed at any time.

(Code 1968, § 95.17; Ord. No. 3-12, § 2, 4-2-12)

**Editor's note**—Ord. No. 3-12, §§ 1, 2, adopted April 2, 2012, repealed former § 95.16 in its entirety and renumbered

former §§ 95.17—95.19 as §§ 95.16—95.18. Repealed former § 95.16 pertained to the police powers of city parks employees and derived from the Code of 1968, § 95.16.

**Sec. 95.17. Prairie Creek reservoir.**

(A) All of the state boating laws enacted by the Indiana General Assembly are in full force and effect as to all activities on the Prairie Creek Reservoir.

(B) No person shall place, deposit, or permit to be deposited in any unsanitary manner upon public or private property below the high water line of the Prairie Creek Reservoir any sewage, garbage, waste materials, or waste paper. The operation of any boat or craft on the waters of the reservoir shall be done in a manner so as not to create any unsanitary condition in or about the waters. The operators of the craft shall not pollute the waters by discharging any material amount of oil or polluting liquid or solid tending to make the water unwholesome or unfit for water supply purposes or injurious to the aquatic life therein.

(C) No person shall enter upon the reservoir property leased to the city without the permission and consent of the city, as determined by the board of park commissioners. Any entry upon such land without such permission and consent shall constitute a trespass.

(D) The board of park commissioners of the city shall have the authority to adopt rules and regulations concerning the use and activities on the Prairie Creek Reservoir. Upon adoption of the rules and regulations, the same shall be published in a newspaper of general circulation in the city, as well as posted on and about the Prairie Creek Reservoir premises. The violation of any of the rules and regulations shall constitute a violation of this section.

(Code 1968, § 95.18; Ord. No. 3-12, § 2, 4-2-12)

**Cross reference**—Penalty, § 10.99.

**Sec. 95.18. Driving on park property.**

No person shall drive or park any type of motorized vehicle upon the grass, pedestrian-ways, paths, or elsewhere than on the roads, drives, and designated parking areas in all public

parks and city-owned land contiguous to the White River, unless authorized to do so by the superintendent of parks.

However, a handicapped person as defined in section 77.30 of the Muncie City Code, having first obtained a permit from the board of public works, may drive a motorized vehicle onto city-owned land along White River between Washington Street and West Side Park for recreational purposes only, but shall enter onto such land only at the graveled path at West Side Park, and shall drive and park upon the pathway and grassy areas along White River, only if the person can do so without damaging the pathway or grassy areas.

(Ord. No. 604-80, 6-24-80; Ord. No. 10-96, § 1, 4-1-96; Ord. No. 3-12, § 2, 4-2-12)

**Cross reference**—Penalty, § 10.99.



**CHAPTER 98. NUISANCES**

**DIVISION 1. WEEDS AND RANK VEGETATION\***

Division 1. Weeds and Rank Vegetation

- Sec. 98.01. Definitions.
- Sec. 98.02. Duty of property owners.
- Sec. 98.03. Initial inspection; notice of violation.
- Sec. 98.04. Fine for initial violation.
- Sec. 98.05. Failure to abate; abatement by city.
- Sec. 98.06. Unpaid fees and costs.
- Sec. 98.07. Appeals procedures.
- Secs. 98.09—98.19. Reserved.

Division 2. Dwellings, Structures, Excavations

- Sec. 98.20. Declared a public nuisance.
- Sec. 98.21. Board of health may order structure to be repaired, cleaned.
- Sec. 98.22. Notice to be issued upon failure to meet requirements.
- Sec. 98.23. Reinspection after the end of allotted time.
- Sec. 98.24. Second notice to be issued for continued violation.
- Sec. 98.25. Second notice to be posted.
- Sec. 98.26. Second notice to be recorded in county recorder's office.
- Sec. 98.27. Liable to penalties after second notice.
- Sec. 98.28. Authority to issue notice to vacate premises.
- Sec. 98.29. Extending and revoking vacating order.
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- Sec. 98.31. Board of health may make repairs.
- Sec. 98.32. Notice of such repairs to be served.
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- Sec. 98.34. Repairs to constitute a debt in favor of city.
- Sec. 98.35. When dwelling declared unfit for habitation.
- Sec. 98.36. When a vacant building shall be declared unfit.
- Sec. 98.37. Notice to owner to remove unfit structure.
- Sec. 98.38. Reoccupying dwelling pending removal prohibited.
- Sec. 98.39. Owner may seek hearing on decision.
- Sec. 98.40. Application for demolition order if owner fails to comply.
- Sec. 98.41. Demolition to include filling in excavation.
- Sec. 98.42. Revolving fund created.
- Sec. 98.43. Board to have information on maintenance of housing.
- Sec. 98.44. Applying for reconsideration of notice of alleged violation.
- Sec. 98.45. Board to set date for informal conference.
- Sec. 98.46. Applicant permitted to present his grounds at conference.
- Sec. 98.47. Decision of the conference.
- Sec. 98.48. Person may obtain judicial review on final decision.
- Sec. 98.49. Person appealing must file bond.
- Sec. 98.99. Penalty.

**Sec. 98.01. Definitions.**

For purposes of this division, the following definitions shall apply:

- (A) *Property owner* shall mean the record owner or owners of a particular property as reflected by the most current property records of Delaware County.
  - (B) *Weeds and/or rank vegetation* shall mean any vegetable matter which exceeds the height of 12 inches; provided however that such definition does not include:
    - (1) Trees, bushes or shrubs which have been planted or cultivated by the owner or occupant of the land, and which do not interfere with public safety or lawful use of the a public right-of-way or easement;
    - (2) Agricultural crops;
    - (3) Vegetation cultivated in plant beds.
- (Ord. No. 27-09, § 1, 5-4-09)

**Sec. 98.02. Duty of property owners.**

It shall be the duty of all owners of real property located within the corporate limits of the City of Muncie to cut and/or remove weeds and/or rank vegetation growing on their property.

(Ord. No. 27-09, § 1, 5-4-09)

**State law reference**—I.C. 36-7-10.1-3(a)

**Sec. 98.03. Initial inspection; notice of violation.**

(A) It shall be the duty of the Office of the City of Muncie Building Commissioner, or its designee, to inspect properties located within the corporate limits of the city for the purpose of determining whether there exists weeds and/or rank vegetation.

**\*Editor's note**—Ord. No. 27-00, § 11, adopted May 4, 2009, repealed former Div. 1, §§ 98.10—98.15, in their entirety and enacted new provisions as herein set out. Former §§ 98.10—98.15 pertained to similar subject matter and derived from Ord. No. 12-01, § 1, 5-7-01; Ord. No. 55-04, §§ I, II, 1-11-05; Ord. No. 81-05, 4-15-06.

(B) If it is determined that weeds and/or rank vegetation exist on a property located within the corporate limits of the city, a notice of violation (NOV) shall be issued to the property owner.

(C) The NOV shall be in writing and shall be served by delivery in person, by first class mail to the property owners at their address of record, and/or by placement in a conspicuous place on the property where the violation exists. The notice shall state (i) the location and nature of the violation and initial fine imposed; (ii) order the property owner to remove the weeds and/or rank vegetation within ten days; (iii) describe the procedure for appealing the NOV; and (iv) inform the property owner that failure to remedy the violation within the time specified gives the city the right to enter the property to abate the violation and charge the property owner for the costs and administrative fees, incurred by the city.

(Ord. No. 27-09, § 1, 5-4-09; Ord. No. 22-12, § 1, 8-6-12)

**Sec. 98.04. Fine for initial violation.**

Upon the expiration of the ten days referenced in subsection 98.03 (C), if the city, in lieu of entering the property to abate the violation, issues a second NOV, the property owner shall be assessed a fine of \$75.00 as a result of the violation, if a third NOV is issued in the same calendar year, the property owner shall be assessed a fine of \$100.00 as a result of the violation, if a fourth NOV is issued, in the same calendar year, the property owner shall be assessed a fine of \$125.00. The City of Muncie shall bring suit in a court of competent jurisdiction to collect the fine imposed under this chapter.

(Ord. No. 27-09, § 1, 5-4-09; Ord. No. 22-12, § 1, 8-6-12)

**Sec. 98.05. Failure to abate; abatement by city.**

(A) If, upon reinspection after ten days, it is determined that abatement has not occurred or the NOV has not been appealed within the time specified, representatives of the city building commissioner shall enter the premises for the purpose of cutting and/or removing such weeds and rank vegetation.

(B) After abatement of the violation is complete, the city building commissioner, or his/her designee, shall by certified mail, return receipt requested, send the property owner a bill for the costs and fees associated with abatement. The property owner shall be responsible for the following fees and costs:

- (1) *Administrative fee:* Due to the time, effort and cost associated with inspecting properties, evaluating ownership records and issuing proper notice to property owners, an administrative fee of \$125.00 shall be charged.
- (2) *Costs of abatement:* Due to equipment and labor costs associated with entering a property and removing weeds and/or rank vegetation, the property owner shall be charged a fee of \$50.00 per half hour for the time spent abating the violation.

(Ord. No. 27-09, § 1, 5-4-09)

**State law reference**—I.C. 36-1-6-2.

**Sec. 98.06. Unpaid fees and costs.**

Upon the failure of the owner, after receiving proper notice, to pay the applicable fees and costs within a period of 30 days, the City of Muncie shall obtain a lien upon the property on which the violation was abated in accordance with I.C. 36-7-10.1-4 and I.C. 36-1-6-2. The auditor shall place the amount claimed, plus any additional fees incurred by the auditor, on the tax duplicate against the property affected by the work and the amount shall be collected as taxes are collected and disbursed to the general fund of the city.

(Ord. No. 27-09, § 1, 5-4-09)

**State law reference**—I.C. 36-7-10.1-4.

**Sec. 98.07. Appeals procedures.**

(A) An NOV may be appealed to the city board of public works and safety by providing a written request to the office of the building commissioner within ten days of its issuance. An informal appeal hearing shall take place during the next regularly scheduled meeting of the board of public works and safety.

(B) A property owner may appeal or dispute the accuracy of the statement of costs received as a result of failure to abate a violation to the city

board of public works and safety by providing a written request to the office of the building commissioner within ten days of its issuance. An informal hearing shall take place during the next regularly scheduled meeting of the board of public works and safety following the written request. (Ord. No. 27-09, § 1, 5-4-09)

**Secs. 98.08—98.19. Reserved.**



## CHAPTER 115. PAWNBROKERS, JUNK AND SECONDHAND DEALERS\*

- Sec. 115.01. Definitions.
- Sec. 115.02. License to operate junkyard required.
- Sec. 115.03. Application for license.
- Sec. 115.04. Fee.
- Sec. 115.05. Junkyards prohibited near schools, churches, or parks.
- Sec. 115.06. Fences.
- Sec. 115.07. Building permit required for wall or fence around junkyard.
- Sec. 115.08. Licenses required for pawnbrokers and secondhand stores.
- Sec. 115.09. Records to be kept.
- Sec. 115.10. Report to police.
- Sec. 115.11. Certain items may be held for identification.
- Sec. 115.12. Operating regulations.
- Sec. 115.13. Suspension of license.

### Sec. 115.01. Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

*Junkyard.* Any lot, parcel of real estate, or building used for storing old automobiles, or used in the wrecking of old automobiles and storing of wrecked parts on the premises, or storing and keeping old wastepaper, rags, rubber, junk, iron or other metal in piles, where old parts of vehicles are bought, sold and offered for sale, or where old iron or other metals, rags, rubber or waste materials are burned on the premises, or where old lumber and other waste materials are stored and offered for sale or where old iron or other metals are cut and broken in parts by use of shears or by use of sledges and such metals are piled or stored preparatory to being shipped; provided, that the term "junkyard", as used in this chapter, shall not be construed to mean or include any lot, part of lot, parcel of real estate, or buildings used by any foundry or manufacturing plant for the storing of scrap, junk, or waste material that has been used or is to be used in conjunction with such manufacturing or foundry business. The term "junkyard" shall apply in general to any business or establishment concerned mainly or primarily with the storage, processing, or salvaging of used or secondhand materials.

\*State law reference—State law, pawnbrokers, see IC 28-7-5-1.

*Pawnbrokers.* Any person who loans money on deposit or pledge of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

*Secondhand dealer.* Any person who loans money on deposit or pledge or who purchases secondhand property of any description.  
(Code 1968, § 116.01)

### Sec. 115.02. License to operate junkyard required.

No person shall operate, maintain, open, or establish any junkyard in the city without first having obtained a license to do so from the city controller.

(Code 1968, § 116.02)

**Cross reference**—Penalty, see § 10.99.

### Sec. 115.03. Application for license.

The application for a license to operate a junkyard in the city shall be made on a form which shall be prescribed and furnished by the city controller and shall set forth the name of the owner, manager, trustee, lessee, or other person desiring such license, the name of the junkyard, the location, including the street number of the junkyard, and other facts as the city controller may require. Every person applying for a license to operate a junkyard, as defined herein, shall be given a copy of city ordinances and regulations concerning their operation and shall sign a statement, which shall be part of the application, that he has read, understood, and intends to comply with these provisions as a condition of issuance of the license. No license may be issued without the presentation of a certificate of passing from an officer of the city department of health for an inspection made during the preceding month. The time of renewal of licenses already in effect shall be during the first ten days of January of each year.

(Code 1968, § 116.03)

### Sec. 115.04. Fee.

Every person opening, establishing, operating, or maintaining a junkyard within the city shall

pay, for the privilege of opening, establishing, operating or maintaining such junkyard, an annual license fee of \$10.00.  
(Code 1968, § 116.04)

**Sec. 115.05. Junkyards prohibited near schools, churches, or parks.**

No person shall maintain or operate a junkyard or a building wherein junk is kept or stored, within 300 feet of school grounds, churches, or public parks within the limits of the city. Any junkyard may be located only where current zoning regulations specify.  
(Code 1968, § 116.05)

**Sec. 115.06. Fences.**

Any junkyard which fronts on a public street or other public area or which is adjacent to residential property shall be completely enclosed by a fence sufficient to keep the materials from public view. Where the junkyard is remote from public or residential areas, the fencing requirement may be waived by specific agreement in writing from the city controller. When fencing is required, the area between the fence and the lot line shall be kept free of weeds and debris and a 6-foot distance between the inside of the fence and the materials stored or processed shall be kept clear. All fencing shall be kept free of advertising or posters except for a sign identifying the establishment. All fencing shall be kept in good repair. The fence gate shall be kept locked when the operation is not open for business.  
(Code 1968, § 116.06)

**Cross reference**—Penalty, see § 10.99.

**Sec. 115.07. Building permit required for wall or fence around junkyard.**

Any person who constructs a brick wall or board fence around his junkyard shall obtain a permit to do so from the proper authorities of the city before construction is begun.  
(Code 1968, § 116.07)

**Cross reference**—Penalty, see § 10.99.

**Sec. 115.08. Licenses required for pawnbrokers and secondhand stores.**

No person shall conduct, maintain or engage in the business of a pawnbroker or of keeping a

secondhand store unless such person shall have first procured a license from the city controller. Every person conducting, maintaining, or engaging in the business of a pawnbroker or of keeping a secondhand store shall pay an annual license fee of \$50.00. Such license shall be designated as "Secondhand Store License" or "Pawnbroker License." Such license shall bear the date of January 1 and no reduction shall be made for any part of the time already elapsed at the time of making application for such license.

(Code 1968, § 116.08; Ord. No. 67-09, § 1, 12-7-09)

**Cross reference**—Penalty, see § 10.99.

**Sec. 115.09. Records to be kept.**

Every person who conducts, maintains, or engages in the business of a pawnbroker or of keeping a secondhand store shall keep a record of each pledge or purchase with an accurate and true description of the goods, articles, and things pledged or purchased and the amount loaned thereon or paid therefor, with the name, age, residence, and a true description of the person from whom such pledge is taken or such purchase is made. No entry made in such record shall be erased or defiled. Such record, as well as the articles and goods pledged or purchased, shall, at all reasonable times, be open to the inspection of the chief of police or any member of the police force.

(Code 1968, § 116.09)

**Cross reference**—Penalty, see § 10.99.

**Sec. 115.10. Report to police.**

Every person conducting, maintaining or engaging in the business of a pawnbroker or of keeping a secondhand store shall keep and preserve data on or through an electronic or computer data system information which shall be transmitted on a daily basis for the preceding 24-hour period of operation, via electronic forms of transmission, using the records management system being used by the Muncie Police Department to record the following information for each purchase:

- (A) The date and time of each purchase;

- (B) An accurate account and description of the item received, including, but not limited to, serial numbers or other identifying marks or numbers;
- (C) The price paid for the item;
- (D) The dealer shall further require the seller be properly identified with one verifiable piece of current identification that shows name, address, sex, race, and date of birth, which shall be government issued photographic identification;
- (E) All information required by the Muncie Police Department to be preserved on electronic or computer data system, shall be open at all times during the business hours to the inspection of the chief of police of the city or any member of the police force authorized by the chief of police to examine such records. Such electronic information shall be retained on the business premises for a period of one year from the date of purchase; and
- (F) In no case shall personal property be disposed of within 24 hours of the time of filing such report with the chief of police, except upon written permission from the chief. Such report shall be made upon a form to be approved by the chief of police.

(Code 1968, § 116.10; Ord. No. 8-12, 5-7-12)

**Cross reference**—Penalty, see § 10.99.

**Sec. 115.11. Certain items may be held for identification.**

The chief of police may in his discretion cause any goods, articles, or things of value, which he shall have reason to believe were not pledged by or purchased from the lawful owner, to be held for the purpose of identification by the lawful owner for such length of time as he shall deem necessary for the identification; provided, that no such goods or articles shall be required to be held more than five days.

(Code 1968, § 116.11)

**Sec. 115.12. Operating regulations.**

(A) Operators of such establishments shall make sincere and continuing efforts to maintain an orderly, clean, and desirable business atmosphere.

(B) All necessary precautions shall be taken to eliminate rodents, pests, and obnoxious odors from premises at all times.

Immediate compliance shall be made when requests for remedial action are made through the board of works.

(C) Rubbish and trash, both inside the premises and around the outside, shall be regularly collected and disposed of in a manner approved by the city board of works and safety.

(D) Weeds shall be eliminated or controlled as fully as possible.

(E) No scrub growth, vines, or bushes shall be allowed except for landscaping purposes.

(F) No rodents or other animals, domestic or otherwise, shall knowingly be harbored on such premises.

(G) Handling and storage of large quantities (more than one ton) of waste paper, rags, or other combustible materials shall not be in a building of wood frame or ordinary construction unless the building has a sprinkler system or other city-approved fire control system. Vertical openings shall be enclosed in a manner authorized by the fire prevention bureau of the fire department.

(H) Picking or storing rooms shall be separated from storage rooms by construction having a fire-resistance of not less than one hour, with each door opening provided with an approved fire door. Picking rooms shall be provided with an exhaust system of sufficient capacity to adequately remove dust and lint.

(I) The burning of wrecked or discarded auto vehicles or any parts thereof or junk or any waste material shall be done only in designated open spaces or incinerator enclosures approved by the bureau of fire prevention. Authorized burning procedure shall be stipulated in writing by the bureau. Burning operations must be inspected by the bureau of fire prevention at least every three months. The chief of the fire department is hereby authorized to make temporary suspension of burning operations, pending hearing before the board of works and safety, for failure to abide by burning regulations and for failure to give prompt heed to request for correction of problem. All burning

operations shall be restricted to no more than one vehicle at a time and confined to times when winds are of moderate velocity.

(J) The chief of the fire prevention bureau may recommend waiving any of the above-mentioned fire prevention regulations for already established operations when in his opinion such waiver will not create a hazard to life or property.

(K) Stacking or storing combustible materials shall be in accordance with specifications of the bureau of fire prevention.

(L) The city health department shall make a sanitary inspection of the premises at least every three months, including a mandatory inspection during December.

(Code 1968, § 116.12)

**Cross reference**—Penalty, see § 10.99.

#### **Sec. 115.13. Suspension of license.**

The city controller may order temporary suspension of a license for violation of regulations set forth in this chapter for a period not to exceed ten days. He must first give 15 days notice in writing of the intention to suspend and of the specific offense for which suspension is contemplated. Upon public hearing by the board of works and safety, of which the accused violator shall have three days notice in writing, the board shall have the power to revoke the license of any establishment until such time as correction of offending practice shall have been made. No suspension shall be made until the offending establishment has had at least ten days in which to eliminate faulty practices.

(Code 1968, § 116.13)

REFERENCES TO ORDINANCES

Ord. No.	Date Passed		Code Sec.
11-06	4- 3-06		158.05(45)
41-06	7-10-06		77.30, 77.99(F), (G)
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53-06	12- 4-06		Ch. 80, Sched. XIII
54-06	1- 9-07		34.102(C)(1.5)
56-06	12- 4-06		90.01, 90.28
57-06	12- 4-06		90.07(B)
58-06	12- 4-06		90.29
21-07	7- 9-07		Ch. 80, Sched. XIII
26-07	8- 6-07		70.99
28-07	9-10-07	Rpld	31.100—31.105
		Added	31.100—31.105
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14-08	7- 7-08		90.01
15-08	7- 7-08		90.28
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34-08	10- 6-08		Ch. 80, Sched. IV
40-08	10- 6-08		Ch. 80, Sched. V
47-08	12- 1-08	Added	102.01—102.05
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2-09	3- 2-09		152.07
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