

ORDINANCE 1994-10

AN ORDINANCE CONCERNING NUISANCES

It being in the common interest of the citizens of the community that regulations be established for the control of nuisances within the corporate limits of the Town of Cloverdale;

Wherefore, the Trustees of the Town of Cloverdale have deemed that it is in the best interest of the citizens of the community that nuisances be defined and controlled within the community.

BE IT ORDERED AND ORDAINED by the Board of Trustees of the Town of Cloverdale, Putnam County, Indiana, as follows:

SECTION I. Definitions.

(a) "Nuisance", as used in this Ordinance, means a condition or activity which:

(1) Endangers the health, safety, or welfare of the public or of any individual, or;

(2) Causes injury to property, or;

(3) Interferes with any individual's possession or ordinary use or enjoyment of his property, or;

(4) Is in any way offensive or noxious by reason of emission of odors, gases, smoke, dust, light, vibrations, or noise, or;

(5) Constitutes an eye sore or nuisance to adjacent property owners or to residents of the Town of Cloverdale, Indiana, or to the Town of Cloverdale, Indiana, generally, or;

(6) Is determined by the General Assembly to be public nuisance or a safety and health hazard. (Such as abandoned motor vehicles pursuant to I.C. 9-9-1.1-1.)

SECTION II. Conditions Defined as Nuisances.

The following conditions within the Town are declared to be nuisances:

(a) A nuisance shall include, not by way of limitations, any accumulation of garbage, trash, refuse, or other waste on property that materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents, or insects, or its blowing into any street, sidewalk, or property of another.

(b) Any building if any of the following conditions pertain:

(1) Such building has been damaged by fire or other casualty to such an extent that, following such fire or other casualty, it ceased to be occupied and such building has

remained unoccupied for a period of six (6) months from the date of said fire or other casualty;

(2) Such building has been unoccupied for a period of one (1) year;

(3) However, no such building or premises shall be considered a nuisance if the owner has obtained the necessary permits for the repair or attention of any existing structure which has been unoccupied because of damage, for the demolition of any existing building and its replacement with a new building, or for the construction of a building on any vacant premises;

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

(5) Scrap metal. A nuisance shall include, not by way of limitations, pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its original intended purposes.

(c) A nuisance shall further include allowing the growth of weeds in a built up area to a height in excess of twelve inches (12").

SECTION III. Inspection of Premises.

For the purpose of carrying the provisions of this ordinance into effect, it is the duty of all officers and employees of the Town to report the existence of the nuisance to the Town Marshal. For the purpose of this ordinance, the Town Marshal, or other personnel designated by the Town Board, shall be permitted to visit or enter into or on any building, lot, grounds, or premises within the Town to ascertain and discover any such nuisances and to make examination thereof.

SECTION IV. Procedure.

(a) Any person may complain to the Town Board, Town Clerk or Town Marshal of a nuisance. The Town Marshal shall investigate each nuisance complaint and make a preliminary determination of whether a nuisance exists.

(b) If the Town Marshal's preliminary determination is that a nuisance does exist, the Town Marshal or Deputy Town Marshal shall issue a "notice to abate" by either a letter or other notice sent by certified mail or delivered to the person responsible for the nuisance including the following:

(1) The Town Marshal has made a preliminary determination that a nuisance exists, and;

(2) The person responsible for a nuisance shall abate it upon the order of the Board of Trustees of the Town of Cloverdale, Indiana.

(3) Failure to abate the nuisance described within the time specified (no less than 10 days from the date of notice) shall constitute a violation of this Ordinance.

SECTION V. Enforcement.

(a) Any person, firm or corporation, or anyone acting in behalf thereof, who is found to be in violation of this ordinance shall be fined in an amount of Twenty-five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for a second instance of the same violation within any calendar year.

(b) Each day that a violation exists, or is permitted to exist, shall constitute a separate violation.

(c) The Town of Cloverdale, Indiana may seek and be granted, in any court of competent jurisdiction, injunctive relief to enforce this ordinance.

(d) In event of a violation, after ten (10) day notification of its intent to do so, all necessary officers, agents and employees of the Town of Cloverdale, Indiana may enter onto the property upon which such nuisance exists, take any and all appropriate, necessary and convenient action to abate said nuisance. Any and all expense incurred by said Town of Cloverdale, Indiana in any way connected with the abatement of such nuisance shall be immediately payable to said Town by the person responsible for the nuisance and shall be a lien against the property, including the entire lot, parcel or tract of real estate, upon which said nuisance existed.

SECTION VI. Effective Date.

This Ordinance shall be in full force and effect from and after its publication as required by law.

PASSED AND ADOPTED by the Common Council of the Town of Cloverdale, Indiana this 25th day of July, 1994.

By: Martha Davis
Martha Davis, President

By: Maurice E. Mann
Maurice Mann, Member

By: June Pickens
June Pickens, Member

By: Sandra J. Todd
Sandra J. Todd, Member

ATTEST:

Patti Truax, Clerk-Treasurer
Patti Truax, Clerk-Treasurer
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