

PUBLIC NUISANCE ORDINANCE NO. 2002- 03

WHEREAS, the Board of Commissioners of Carroll County, Indiana now finds that it is in the best interest of the citizens of Carroll County, Indiana that a **Public Nuisance** ordinance be established for the benefit of the health and safety of its citizens;

WHEREAS, the ordinance will establish a schedule of fines, penalties and costs payable by persons who violate the ordinance;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Carroll County, Indiana:

DEFINITIONS:

For the purposes of this Ordinance, the word "nuisance" is defined as the doing of an unlawful act, or the omitting to perform a duty, or the suffering or permitting any condition to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the health or safety of others; or
- (b) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (c) In any way renders other persons insecure in life or the use of property; or
- (d) Violates the Zoning Ordinances of Carroll County, Indiana.

ILLUSTRATIVE ENUMERATION:

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of the following items, conditions or actions are declared to be a constitute of a nuisance; provided however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (a) Noxious weeds and other rank vegetation, including, but not limited to, grass and weeds, living or dead, the height of which exceeds twenty-four (24") inches above ground level, in a residential zone. The failure by any property owner to cut said grass, and weeds, living or dead, on his property shall be evidence that said property owner is maintaining a nuisance;
- (b) Accumulation of rubbish, trash, refuse, junk and other abandoned materials;
- (c) Any building, mobile home, or other structure which is in such a dilapidated condition that it is unfit for human habitation, kept in such unsanitary condition that it is a menace to the health of the people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
- (d) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (e) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground in residential areas;
- (f) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- (g) The obstruction of any public street, road or sidewalk;
- (h) The obstruction of a dedicated easement or right of way;
- (i) Any junk vehicle. For the purpose of this Ordinance, a "junk vehicle" shall be defined as a motor vehicle, or a part or parts from a motor vehicle, not located in a licensed junk yard, which meets any one of the following qualifications:
 - (1) It does not carry the current state registration (license);
 - (2) It cannot be safely operated under its own power;
 - (3) It is not carried on the most recent tax records of the County Assessor's Office; (Trucks and RV's)(This does not include a vehicle lawfully enclosed within a permanent structure)
- (j) The discharge of any liquid onto the property of other persons, including but not limited to the discharge of any water as the result of the draining of a swimming pool or the operation of a sump pump;

- (k) The dumping or placing of any rubbish, trash, refuse, junk and other materials, metals, lumber or other debris on the property of another without the property owner's express consent;

ENFORCEMENT AND PENALTIES:

Whenever a nuisance is found to exist within Carroll County, Indiana, the Carroll County Sanitarian, Administrator of the Area Plan Commission, or the Sheriff's Department may proceed to enforce compliance with this Ordinance:

- (a) By giving written notice to all persons holding a substantial interest in the property upon which such nuisance exists or upon the person causing or maintaining the nuisance, containing the following:
- (a) An order to abate the nuisance within a time certain which time shall be reasonable under the circumstances;
 - (b) The location of the nuisance, if the same is stationary;
 - (c) A description of what constitutes the nuisance;
 - (d) A statement of the acts necessary to abate the nuisance;
 - (e) A statement that if the nuisance is not abated as directed, Carroll County may abate such nuisance and assess the cost thereof against such person or property;
- (b) Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Ordinance, a duly designated officer or employee of Carroll County may proceed to take any and all action necessary, including but not limited to entry onto any property where the nuisance exists, to abate such nuisance and shall prepare a statement of the costs incurred in the abatement thereof.
- (c) Penalty: Any person who violates any provision of this Ordinance shall be subject to the following penalties:
- (a) **First Offense:** Fine of not more than \$50.00 plus any cost incurred by the county pursuant to paragraph (b) of this section.

- (b) **Second Offense:** Fine of \$200.00 plus any cost incurred by the county pursuant to paragraph (b) of this section.
- (c) **Third Offense:** Fine of \$500.00 plus any cost incurred by the county pursuant to paragraph (b) of this section.
- (d) Each day that the nuisance remains following the deadline given in the notice constitutes a separate violation.

Adopted by the Board of Commissioners of Carroll County, Indiana this 17th day of June, 2002. Ordinance will be effective Monday, July 8, 2002.

BOARD OF COMMISSIONERS OF CARROLL COUNTY, INDIANA

Clara Rider
Clara Rider

Donald Rhine
Donald Rhine

William R. Brown
William Brown

ATTEST:

Linda Red Elk
Linda Red Elk, Auditor