

ORDINANCE NO. 95-13

PUBLIC NUISANCE

DEFINITIONS:

For the purpose 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 or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, 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 person insecure in life or the use of property; or
- (d) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- (e) Violates the Zoning Ordinances of Newton 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 and constitute a nuisance; provided however, 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 by any grass, weeds or other vegetation, 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 grass, weeds, or other vegetation, 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, metals, lumber or other debris.

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- (c) Any condition which provides harborage for rats, mice, snakes, and other vermin.
- (d) Any building 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 people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (e) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (f) Any building, structure, or other place of location where any activity which is in violation of local, state or federal law is conducted, performed, or maintained.
- (g) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (h) Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
- (i) The obstruction of any public street, road, or sidewalk
- (j) The obstruction of any dedicated easement or right of way
- (k) The alteration of the flow of storm water to the detriment of surrounding property
- (l) Any junk vehicle. For the purpose of the ordinance, a "junk vehicle" shall be defined as a motor vehicle, or a part or parts from a motor vehicle, which meets any one of the following qualifications:
 - (1) It does not carry the current state registration (license plates);
 - (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;
 - (4) It is not the property of and is not located in a licensed junkyard.

(m) The discharge of any liquid onto the property of other person 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.

ENFORCEMENT AND PENALTIES:

Whenever a nuisance other than the public exhibition of lewd films and the sale of obscene publication is found to exist within Newton County, Indiana, the Building Commissioner or the Sheriff's Department may proceed to enforce compliance with the Ordinance.

(a) By giving written notice to all persons holding substantial interest in the property upon which such nuisance exists or upon the person causing or maintaining the nuisance, contain the following:

- (1) An order to abate the nuisance within a certain time, which time shall be reasonable under the circumstances.
- (2) The location of the nuisance, if the same is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed, Newton County may abate such nuisance and assess the cost thereof against such person.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Ordinance to abate the same, a duly designated officer or employee of Newton 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 costs incurred in the abatement thereof.

- (a) First Offense: \$25.00 Fine
Second Offense: \$50.00 Fine
Third Offense: \$100.00 Fine

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Adopted this 6th day of November, 1995.

BOARD OF NEWTON COUNTY COMMISSIONERS

RUSSELL COLLINS

LORRIE LAFFOON

JAMES ELIJAH

Attested By:

MARCIA L. SCOTT, NEWTON COUNTY AUDITOR