ORDINANCE NO. 2005. 8

AN ORDINANCE ESTABLISHING NUISANCES AND PROVIDING FOR ABATE PROCEDURE AND PENALTIES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CORUNNA, INDIANA, as follows:

Section I. NUISANCES PROHIBITED; DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE. Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(1) Injuries or endangers the comfort, repose, health or safety or others; or

(2) Offends decency; or

(3) Is offensive to the senses; or

(4) 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

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Section II. NUISANCES, ILLUSTRATIVE ENUMERATION.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby 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;

(B) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber of other things;

(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, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinary dangerous fire hazard in the vicinity where it is located.

(E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;

(F) All disagreeable or obnoxious odors and stenches, as well as the conditions substances or other causes which give rise to the emission or generation of such odors and stenches.

(G) The carcasses of animals or fowl not disposed of within a reasonable time after death;

(H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage; dead animals, creamery, industrial wastes or other substances;

(I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;

(J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;

(K) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities;

(L) Any grass or weeds obtaining the height of 9 inches or more.

(M) Junk cars and abandoned vehicles.

Section III. MAINTENANCE OF NUISANCE PROHIBITED.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance..

Section IV. NOTICE TO ABATE.

(A) Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, the Code Enforcement Officer, Town Marshall or some other designated officer of the Town shall give five days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(B) *Contents of Notice.* The notice to abate a nuisance issued under the provisions of this section shall contain:

(1) An order to abate the nuisance or to request a hearing within a stated time, which 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 and no request for hearing

is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

(C) *Service of Notice.* The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section V. ABATEMENT BY TOWN.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of Section IV to abate the same, the Code Enforcement Officer, Marshall or other duly designated officer of the Town shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section VI. EMERGENCY ABATEMENT BY TOWN.

When, in the opinion of the Code Enforcement Officer, Marshall or other duly designated officer, there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the Code Enforcement Officer, Marshall or other duly designated officer is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The Code Enforcement Officer, Marshall or other duly designated officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

Section VII. TOWN'S COSTS DECLARED LIEN.

Any and all costs incurred by the Town in the abatement of a nuisance under the provisions of this ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected by certifying the cost of such abatement to the County Auditor or before October 1 of each year, or as otherwise provided by Law.

Section VIII. PENALTY.

Any person who fails, neglects or refuses to comply with this chapter, after having been given five days' notice, shall, upon conviction be fined in the sum not exceeding $50 per day.

Section IX. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Corunna, Indiana, on the 25 day of August, 2005.

Jay Christian

Jay Christian

Lynn McDonald

Lynn McDonald

Phil Arnett

ATTEST:

Cassandra Lynch, Clerk-Treasurer

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