

# ORDINANCE NO. 2018-10

## General Public Nuisance Ordinance

WHEREAS, the Town Council of the Town of Chalmers, Indiana, now finds that it is in the best interest of The citizens of the Town of Chalmers, 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 Town Council of the Town of Chalmers, 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 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 Ordinances of the Town of Chalmers, Indiana.

## ILLUSTRATIVE ENIIMERATION

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 eight (8") 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 area;
- f) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- g) The obstruction of any public street, road or sidewalk; i.e. vehicles
- h) The obstruction of a dedicated easement or right of way;
- i) The alteration of the flow of storm water to the detriment of surrounding property;

j) Any junk vehicle. For the purpose of this ordinance a "junk vehicle" shall be defined as a motor vehicle, or part or parts from a motor vehicle, not located in a licensed junk yard, which meets any of the following qualifications:

- 1) It does not carry the current state registration (license plate);
- 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 RVs)

k) 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;

l) 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;

m) Allowing any animal that is kept as a pet to defecate upon any public or private property without the property owner's express consent; all persons owning pets have an obligation to remove such waste when it occurs.

n) Grass clipping and leaves are not to be placed on any street within corporate boundaries other than at times designated for the Town of Chalmers for leaf removal. Grass may be taken by owner to the designated area at the wastewater treatment plant when "request to dispose of yard waste" documentation is completed at the town hall.

## ENFORCEMENT AND PENALTIES

Whenever a nuisance is found to exist within Chalmers, Indiana, the Town Marshall or Deputy Town Marshall may proceed to enforce compliance with this Ordinance:

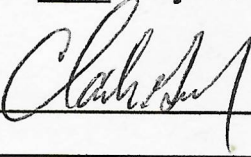
a) By giving written notice to all persons holding a substantial interest in the property upon which such nuisance exists or upon the person causing or maintaining the nuisance, containing the following:

- 1) An order to abate the nuisance within a time certain which time shall be reasonable under the circumstances
- 2) The location of the nuisance, if the same is stationary;

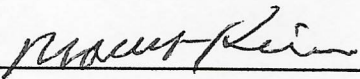
- 3) A description of what constitutes the nuisance;
  - 4) A statement of the acts necessary to abate the nuisance;
  - 5) A statement that if the nuisance is not abated as directed, Town of Chalmers may abate such nuisance and assess the cost thereof against such person, tenant or property owner;
- 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 the Town of Chalmers 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:
- 1) First Offense: Fine of not more than \$50.00 plus any cost incurred by the town pursuant to paragraph (b) of this section.
  - 2) Second Offense: Fine of \$200.00 plus any cost incurred by the town pursuant to paragraph (b) of this section.
  - 3) Third Offense: Fine of \$500.00 plus any cost incurred by the town pursuant to paragraph (b) of this section,
  - 4) Each day that the nuisance remains following the deadline given in the notice constitutes a separate violation.

This Ordinance is intended to be a general public nuisance ordinance and replaces any prior ordinances which specifically address an individual issue which may also be considered a nuisance under this ordinance, and those specific ordinances take precedence over the General Public Nuisance Ordinance.

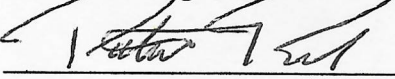
Adopted by the Town council of Town of Chalmers, Indiana, this 13<sup>th</sup> day of November, 2018.

  
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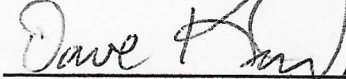
Clark Gick, Council President

  
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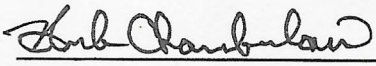
Marc King, Council Vice President

  
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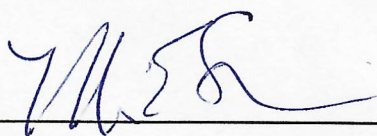
Pat Pool, Councilman

  
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Dave Kurth, Councilman

  
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Herb Chamberlain, Councilman

ATTEST   
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Melissa Summers, Clerk-Treasurer