

COPY

GENERAL ORDINANCE NO. 1, 2007

**AN ORDINANCE AMENDING THE PREVIOUS ORDINANCES
PROVIDING FOR THE REGULATION AND ABATEMENT
OF PUBLIC NUISANCES**

WHEREAS, the Town Council of the Town of LaFontaine, Indiana, wishes to establish an ordinance to address the problem of public nuisances within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAFONTAINE, INDIANA, that previous ordinances regarding nuisances are hereby amended and stated within this ordinance.

SECTION 1. That the Town Council of the Town of LaFontaine, hereby incorporates by reference thereto Indiana Code 32-30-6 regarding nuisances and causes of action concerning nuisances; as amended.

A nuisance is defined as that found in Indiana Code 32-30-6-6 as follows: Whatever is: (1) injurious to health; (2) indecent; (3) offensive to the senses; or (4) an obstruction to the free use of property; so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance, and the subject of an action. (As amended)

(A) If any person maintains, uses, creates, causes, places, deposits, leaves or permits a nuisance to be or remain on any property shall be a violation of this ordinance. The following is a list of nuisances which shall be considered a violation of this ordinance as follows:

- (1) Accumulations of rubbish, trash, refuse, junk and other abandoned materials, metals and lumber;
- (2) Any condition which provides harborage of rats, mice, snakes and other vermin;
- (3) Disagreeable or obnoxious odors and stenches as well as the conditions, substances or other causes which give rise to the emission or generation of those stenches; such as burning in barrels, burning tree leaves that generate air contaminates or grass. Any burning conducted during unfavorable conditions such as temperature inversions, or air stagnation, shall be considered as a disagreeable or an obnoxious odor and stench.
- (4) Carcasses of animals or fowls, not disposed of within a reasonable time after death;
- (5) Buildings, structures or other places and locations where any violation of federal, state or city law is conducted, maintained or performed;
- (6) Accumulations of stagnant water;
- (7) Unused refrigerators and/or other appliances, except those which are being held for resale by a party in the usual business of the sale or repair of refrigerator;
- (8) 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 the people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

- (9) The unauthorized obstruction of any public street, road, alley or sidewalk; and
- (10) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial waste or other substances.

(B) If a nuisance exists within the Town or its territorial jurisdiction, the Town's attorney, Town Marshall or Deputy Marshall, or the nuisance Abatement Officer acting as agent for the Town shall send a written notice by U.S. mail, first class, postage prepaid, or other method designated by the Town's attorney or Town Marshall to the owner, occupant of the property creating the nuisance. The notice shall be sent at least ten (10) days prior to any further action being taken by the Town or its agents, unless the Town's attorney or Town's Marshall determines that an emergency exists requiring action proceed without a notice.

(C) The written notice shall read substantially as follows:

To: [Name]
[Address]
[Telephone Number]

From:

The following condition(s):

was/were present on [insert date] at [insert street address]. This property will be checked again ten (10) days after this notice is mailed or posted. If this condition has not been corrected, the town may take additional action to enforce its ordinances, including Indiana Code 34-19-1, which prohibits nuisances.

If you have any questions, please contact: [insert address and telephone number of Town's attorney].

(D) Any person who violates any provision of this Ordinance shall be deemed to have committed a class B infraction and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000.00). Each day a violation continues after an action has been commenced to abate that nuisance shall constitute a separate ordinance violation. No additional notice under this Ordinance shall be required to initiate these separate actions once an action has been commenced against the person violating this Ordinance. An action is commenced under this Ordinance if the person fails to abate the nuisance within the ten (10) day period in the notice.

(E) In addition to acting under subsection (e) of this Ordinance, the Town may file suite in the name of the Town against any person violating any provisions of this Ordinance to obtain injunction relief to abate that nuisance, and damages as may be sustained by the Town and its citizens including attorney fees.

This ordinance shall become effective on the 12 day of February, 2007.

Adopted by the Town Council of the Town of LaFontaine, Indiana, on this 12 day of February, 2007.



PRESIDENT





ATTEST:



LINDA HARRIS, Clerk/Treasurer