

ORDINANCE NO 2021- 1201

AN ORDINANCE FOR THE PREVENTION OF PUBLIC NUISANCES

WHEREAS, the Town of Reynolds, Indiana, now finds that it is in the best interest of the citizens of Reynolds, Indiana, that a Public Nuisance ordinance be established for the benefit of the health and safety of its citizens; and

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

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town of Reynolds, Indiana:

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 and 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 dangers 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) Violates the zoning ordinances of White County, Indiana.

Illustrative Enumerations:

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 or 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 or other rank vegetation, including but not limited to, grass and weeds, living or dead, the height of which exceeds six (6) inches above ground level, in a residential zone. The failure by any property shall be evidence that said property owner is maintaining a nuisance;

(B) Accumulation of rubbish, trash, refuse, junk, tires and other abandoned materials;

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

(D) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground in residential areas;

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

(F) The obstruction of any public street, highway, road or sidewalk;

(G) The obstruction of a dedicated easement or right of way;

(H) The alteration of the flow of storm water to the detriment of surrounding property;

(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 of 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 registrations (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 or other persons, including by not limited to the discharge of any water as the result of the drainage of a swimming pool or the operation of a sump pump;

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

Enforcement of Penalties:

Whenever a nuisance is found to exist within the Town of Reynolds, Indiana, the Reynolds Town Council 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, the Town of Reynolds, Indiana, may abate such nuisance and assess the costs thereof against such person or property'

(B) Enforcement of this Ordinance shall be enforced by filing suit, including all necessary costs and fees associated therewith, for collection of penalties and costs associated with abatement of said nuisance.

(C) Upon 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 Reynolds, Indiana, 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.

(D) 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 \$100.00 plus any costs incurred by the town pursuant to Paragraph (B) of this Section.

(2) Second Offense: Fine of not more than \$250.00 plus any costs incurred by the town pursuant to Paragraph (B) of this Section.

(3) Third Offense: Fine of not more than \$500.00 plus any costs 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.

ADOPTED by the Town Council of Reynolds, White County, Indiana, the 1 Day of December, 2021.

TOWN COUNCIL

Carol Henderson, Pres

Justin Zoller

Myron Copas

Archie

Missy

ATTEST:

Amelia Ober

Secretary of Town Council of Reynolds, Indiana