

TOWN OF PERRYSVILLE, GENERAL ORDINANCE NO. 2 (1979)

AN ORDINANCE DEFINING NUISANCE, PROHIBITING THEIR CREATION OR MAINTENANCE, PROVIDING A PENALTY FOR THE VIOLATION THEREOF AND FOR THE ABATEMENT THEREOF

The Board of Town Trustees of the Town of Perrysville, Vermillion County, Indiana, hereby ordain as follows:

SECTION I

PUBLIC NUISANCE DEFINED. A nuisance is a thing, act, occupation, or use of property which:

1. Shall annoy, injure or endanger the safety, health, comfort or repose of the public;
2. Shall offend public decency;
3. Shall unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway.
4. Shall in any way render the public insecure in life, health or in use of property.

SECTION II

PUBLIC NUISANCES AFFECTING HEALTH. The following are hereby declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within twenty-four hours after death,
5. Accumulations of manure, garbage, rubbish, or trash;
6. Privy, vaults and garbage cans which are not fly-tight.
7. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, industrial wastes, or other substances;
8. All noxious weeds and other rank growths upon public

9. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;

10. Offensive trades and businesses as defined by statute not licensed by the Board of Trustees as provided by law;

11. Any building or structure that has become unsafe for occupancy or dangerous or detrimental to life, health and safety.

SECTION III

PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

1. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets, in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

2. All limbs of trees which are less than eight (8) feet above the surface of any public sidewalk.

3. All limbs of trees which are less than fourteen (14) feet above the surface of any street.

4. All wires which are strung less than ten (10) feet above the surface of any public sidewalk or less than eighteen (18) feet above the surface of any public street.

5. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) their original value and which are so situated as to endanger the safety of the public.

6. All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law.

7. All unnecessary noises and annoying vibrations;
8. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance;
9. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
10. All hanging signs, awnings and other similar structures over the streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law;
11. All electric and barbed wire fences which are located within six (6) feet of any public sidewalk;
12. All dangerous, unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;
13. The distributing of handbills, except as provided by ordinance.
14. Abandoned, junked, discarded or unlicensed motor vehicles or motor vehicles located upon any public street;
15. All other conditions or things which are liable to cause injury to the person or property of anyone.

SECTION IV

PENALTY. Any person, firm, or corporation who shall knowingly cause or create a nuisance, or permit any nuisance to be created or placed upon or to remain upon the premises owned or occupied by him or them, shall upon conviction thereof be punished by a fine in the sum not to exceed One Hundred (\$100.00) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The action against any person to enforce a penalty shall constitute

a separate and additional legal remedy, and the fact that any proceeding by way of an injunction, or for the abatement of any such nuisance, has been or may be instituted by the Town and be pending or concluded, shall not affect this section or ordinance, or be considered in any way as a defense to any action to the penalty herein provided.

SECTION V

ABATEMENT OF NUISANCES BY THE BOARD OF TOWN TRUSTEES.

In all cases where any such public nuisance may be found or caused near to or upon any public way or place, or public property, it shall be the duty of the Board of Town Trustees to serve written notice upon the owner or occupant of any premises, or other person, so causing such nuisance, requiring such owner or occupant, or person to abate such nuisance within a reasonable time, and if the owner or occupant of such premises, or other person, so causing such nuisance cannot be found, said notice shall be posted upon such premises. It shall not be necessary for such board to designate in such notice the manner in which any such nuisance shall be abated, unless such Board shall deem it advisable to do so. If the owner or occupant of such premises, or other person so causing such nuisance shall refuse or neglect to abate such nuisance within the time designated after such notice is given, such person so violating this Ordinance, upon conviction, shall be fined as provided in the penalty section of this Ordinance. In addition, the Board of Town Trustees may cause such nuisance to be abated either summarily, or in any manner authorized by law, and to assess the expenses of its removal against the person violating this ordinance and cause them to be placed on the tax duplicate of such persons. Such Board of Town Trustees may further recover the expenses incurred in the removal of such nuisance by the institution in the name of the Town against the owner or occupant of such premises, or other person, of an action therefor, and for recovery of the amount of expense of such abatement.

40

SECTION VI

SEPARABILITY. Every Section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

SECTION VII

REPEAL. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION VIII

EFFECT. This ordinance shall be in force and effect from and after its publication according to law.

PASSED by the Board of Town Trustees this 20th day of April, 1977.

Larry Scott
LARRY SCOTT

Merle Scott
MERLE SCOTT

Jerry L. Walters
JERRY L. WALTERS

ATTEST:

Ann L. Conington
Clerk-Treasurer