

# **Town Hall - Ordinances**

## **GENERAL**

**ORDINANCE NO. 2007-**

### **REPLACING ORDINANCE #1992-2**

- I Conditions constituting public nuisance
- II Authority of Town to make inspections
- III Violations; notice to abate
- IV Citation for failure to abate nuisance
- V Abatement by town
- VI Duty of owner, person in control of vacant lot
- VII Removal of weeds, other vegetation
- VIII Penalty
- IX-XII General terms

### **BE IT ORDAINED BY THE TOWN OF CAMDEN, INDIANA**

#### **I. CONDITIONS CONSTITUTING PUBLIC NUISANCE**

(A) In addition to what is declared in this chapter to be public nuisance, those offenses which are known to the common law and the statutes of Indiana as a public nuisance may, when found to exist within the Town of Camden limits, be treated as such and be proceeded against as provided in this chapter and code, or in accordance with any provisions of law. Whenever the word "nuisance" is used in this chapter it refers to a public nuisance.

(B) No owner, occupant, tenant, or any other person having substantial interest in any real or personal property within the Town of Camden, Indiana, or agent thereof, shall permit or allow to remain on or within materials, trash, garbage, debris, or any other matter which are detrimental to the public health, comfort, safety, or the aesthetic well-being of the community.

(C) The following conditions shall be considered to constitute public nuisances for the purpose of this chapter:

- (1) Litter.
- (2) Grass and weeds over eight inches high, but not including small trees and bushes.
- (3) Fallen trees, stumps, dead trees, and cut brush.
- (4) Boxes, appliances, furniture, household items, and tires.
- (5) Demolition remains.
- (6) Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced real property within the city, including open foundations.
- (7) Accumulated garbage and trash.
- (8) Structure defaced with paint or wording.
- (9) Any portion of real property which emits an unwholesome odor.
- (10) Any waste water, filth, offal, garbage, rubbish, animal waste, or human excrement which is deposited, allowed, or caused to be upon any public or private property.
- (11) Any water or other substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage.
- (12) Any dead domestic or wild animal.
- (13) The erection of a dam or any other obstruction by a private party which prevents the natural flow of water and causes it to collect or pool upon any public property.
- (14) Any real or personal property (including any animal) which is infected with contagious disease and likely to cause an immediate health hazard.
- (15) The placing or accumulation on or within any real or personal property, or the permitting of same, of any matter which attracts or may attract rodents, insects, domestic animals, or wild animals in such a manner as to create a health hazard or unsanitary, unsightly, or dangerous condition.
- (16) Any real or personal property used as a place of residence or habitation for sleeping that is maintained in such a way as to be dangerous or detrimental to life or health due to the lack of or defects in water, drainage, heating, plumbing, or ventilation.

(17) Any dilapidated or condemned building, structure, or dwelling that is so out of repair that it constitutes a fire hazard liable to catch on fire or communicate fire to surrounding properties.

(18) Any noxious odors, smoke, dust, that emit from premises into the surrounding atmosphere which create an uncomfortable condition to surrounding properties or which unreasonably precludes their enjoyment of their property.

(19) No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare for any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions listed as follows:

The following acts are declared to be a violation of the noise restriction set out above:

I. Radios, television sets, musical instruments, tape, record players or C.D. Players, amplifiers and similar devices that are operated or used between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons with a building.

II. The use of a secondary or exhaust braking system on a motor vehicle on which an engine brake has been installed where the exhaust system has been altered from the original factory specifications commonly called a "jake brake".

III. Participation in any party or gathering between the hours of 9:00 p.m. and 7:00 a.m. giving rise to noise that is plainly audible across property boundaries or between partitions common to two or more persons within a building.

IV. Motor vehicles. It is a public nuisance for any person to operate a light motor vehicle which causes excessive noise as a result of a defective or modified exhaust system or as a result of an unnecessary rapid acceleration, deceleration, engine revving, or tire squealing.

V. Stationary source. In addition to the above, no person within a residential area shall make or cause to be made any earthshaking vibrations perceptible without the aid of instrument beyond the property boundary of the vibration source.

(20) Any trees, shrubbery, weeds, snow, fences, or other material which obstruct public ways or cause a visual barrier for the vehicular traffic.

(21) Any dressing of poultry or rabbits within the limits of the Town.

(22) Any broken concrete, scrap metal or automobile parts including, but not limited to, iron, steel, tin, zinc, copper, aluminum, or alloy or junk automobiles. Further

definition and requirements on junk automobiles are included in Ordinance 2007-1, the terms of which are incorporated herein by reference.

(23) Any broken scattered remains of anything, such as tree limbs, bottles, appliances, building material and paper that would create an unkempt condition.

(24) Any rags or cloth products of any nature whether apparel, bed clothing, towels, or other in a dilapidated state or otherwise discontinued from use.

(25) Scrap Lumber - Anything of wood nature that could not be construed as suitable for building in the commonly accepted manner.

(26) Scrap Metal - Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy. Any pieces or parts of metal covered with porcelain, paint, or other material shall be considered scrap.

(27) Scrap Paper - Paper of any kind whether loose, baled or bundled and includes but is not limited to: boxes, whether assembled or knocked down; newspapers in whole or in part; wrapping paper, loose or in a roll whether it be brown, waxed, white or any color; plastics such as visqueen, saran wrap and such.

(28) It is a public nuisance for any person or household to harbor, shelter or keep more than four (4) dogs, five (5) cats, or a combination not to exceed a total number of seven (7) animals thereof, over the age of nine (9) months. In determining the limitation on the number of dogs and cats provided for above, any specific dog or cat which is owned or licensed on or before the effective date of this ordinance will be "grand-fathered." Such animal may not be replaced upon death to the extent that the number of animals kept by the owner exceeds the number provided in this paragraph.

(29) No owner of any dog or cat shall permit such dog or cat to run at large within the Town of Camden.

(30) A "vicious dog" means a dog which constitutes a physical threat to human beings or other animals by virtue of one or more attacks, has caused injury or which has placed a person in reasonable apprehension of bodily harm.

(31) All vicious dogs shall be securely confined indoors or in a securely inclosed and locked pen or kennel, except when leashed or muzzled as set forth below. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town of Camden. All such structures shall be kept in a clean and sanitary condition.

(32) No person owning, harboring, sheltering or keeping a vicious dog may permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four (4') feet in length. No person may permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical

control of the leash. A vicious dog on a leash outside the dog's kennel may be muzzled with a device sufficient to prevent the dog from biting persons or other animals.

## **II AUTHORITY OF TOWN TO MAKE INSPECTIONS.**

It is made the duty of all officers and employees of the Town to report the existence of nuisances to the Town Council Members or the Clerk-Treasurer or the Law Enforcement Officers of said town. For this purpose, said persons shall be permitted to visit, enter into or upon any building, lot, grounds or premises within the limits of the city to ascertain and discover any nuisance and to make examination thereof.

## **III VIOLATIONS; NOTICE TO ABATE.**

(A) When a public nuisance is found to exist, the Camden Town Council members or the Clerk-Treasurer shall send written notification to the record property owner or persons known to have a substantial interest in the property to abate the conditions which are deemed to be a public nuisance under this ordinance.

(B) Notification to abate shall be issued by regular mail to the last known address of the record property owner as shown on the tax duplicate on file with the County Auditor and to all persons known to have substantial interest in the property. Notification shall state the nature of the nuisance and the penalty for neglect or refusal to abate the nuisance. Notification shall allow for a period of five (5) days from the receipt of the notification to abate.

## **IV CITATION FOR FAILURE TO ABATE NUISANCE.**

Whenever the Town Council Members, after the expiration of said five (5) day notice, determines that the record property owner, or persons with substantial interest in the property, have failed to abate, the Town Council Members may cause to be issued a citation against the record property owner or persons known to have substantial interest in the property. The citation shall impose the penalty provided. Each subsequent day of violation shall be considered a separate violation for which a citation may be used.

## **V ABATEMENT BY TOWN.**

Upon failure, neglect, or refusal of any party to comply with the notice to abate given hereunder or whenever a nuisance exists which creates a safety or health hazard requiring immediate abatement in order to protect public safety or health, and after all persons known to have a substantial interest in the property where the nuisance exists have been given a reasonable opportunity to bring the property into compliance and have not done so, the Town Council may abate the nuisance and bill the cost of abatement to the record property owner or to persons shown to have the exclusive possession of the property. Unpaid costs shall be made lien against the property.

## VACANT LOTS

### VI DUTY OF OWNER, PERSON IN CONTROL OF VACANT LOT.

- (A) Any person owning or controlling any vacant lot within the town must keep it free of trash, litter, debris, garbage, and similar material.
- (B) Any person owning or controlling a vacant lot shall cause it to be cut or mowed whenever weeds or grass upon it reach a height of more than eight inches.
- (C) If the person owning or controlling a vacant lot fails to maintain it in accordance with the conditions set forth in this chapter, the Town Council may proceed with notice, citation, and abatement procedures as set forth herein.

### VII REMOVAL OF WEEDS, OTHER VEGETATION.

The Camden Town Council Members or Their Designee may employ the procedures set forth in statutes of the State of Indiana for the removal of vegetation and the collection of removal costs when weeds or grass on real property reach a height of more than eight inches and the landowner, after proper notice, fails to remove the vegetation.

### VIII PENALTY.

- (A) Any person violating a provision of this chapter shall, upon conviction, be deemed guilty of an offense and fined not less than \$25.00 for a first offense, not less than \$100.00 for the second offense, and not less than \$200.00 for all subsequent offenses, but no fine shall exceed \$2,500.00.
- (B) Each day after the expiration date of the time limit ordered by the Town Council Members of Camden, Indiana, for abating a nuisance condition under this chapter shall constitute a distinct and separate offense.

### IX TEST FOR NUISANCE.

### GENERAL TERMS.

Whether or not a particular annoyance of the character listed herein constitutes a nuisance shall depend on its effect on persons of ordinary health and average sensibilities and not on its effect on persons who are delicate or supersensitive, or whose habit, tastes, or conditions are such that they are never sensible of any annoyance.

### X NUISANCE CREATED BY OTHERS.

### GENERAL TERMS.

For the purpose of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, or tenants, or their agents or representatives, but merely that the nuisance be enacted or contributed to by licensees, invitees guests, or other persons for whose conduct the owner or operator

is responsible, or by persons for whose conduct the owner or operator is not responsible, but, by the exercise of reasonable care, the owner or operator ought to have become aware of.

**XI      GENERAL TERMS                      OTHER**

If any clause, sentence, section paragraph or part of the ordinance shall, for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confirmed in its operation so the clause, sentence, section, paragraph or part thereof, which is directly involved in the controversy in which such judgment shall have been rendered.

**XII**

All other ordinances or parts thereof in conflict with provisions of this Ordinance are hereby repealed AND Ordinance #1992-2 is hereby repealed.

This Ordinance shall be in full force and effect from the date of its passage by the Camden Town Council and 30 days after the last published notice all in accordance with law.

Dated:            This \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Town Council of the  
Town of Camden, Indiana

\_\_\_\_\_  
Peter Wagoner, President

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Andrew Robison, Member

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Michele Everett, Member

**ATTEST:**

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Patricia Casserly

Clerk-Treasurer