

# **TOWN OF BURNS HARBOR, INDIANA**

## **TOWN CODE**

**CHAPTER 9**  
**TOWN OF BURNS HARBOR**  
**NUISANCE**

**Sec. 9-1. DEFINITIONS.**

For the purpose of this article, the word "nuisance" is hereby defined as the doing of an unlawful act, or the omitting to perform a duty, or the suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either.

1. Injures or endangers the comfort, repose, health or safety of others; or
2. Is offensive to the senses; or
3. 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
4. In any way renders other persons insecure in life or the use of property; or
5. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

**Sec. 9-2. ILLUSTRATIVE ENUMERATION.**

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 hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive;

1. Noxious weeds and other rank vegetation.
2. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
3. Any condition which provides harborage for rats, mice, snakes and other vermin.
4. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, kept in such an unsanitary condition that it is a

menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

5. All unnecessary or unauthorized noises and annoying vibrations, including noises.
6. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
7. The carcasses of animals or fowl not disposed of within a reasonable time after death.
8. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
9. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
10. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
11. Dense smoke, noxious fumes, gas soot or cinders, in unreasonable quantities.
12. The unauthorized obstruction of any public street, road or sidewalk.
13. Any abandoned vehicle, unlicensed vehicles, abandoned trailer or unlicensed trailer.
14. Any abandoned appliances including, but not limited to, refrigerators and freezers which have not had the door and locking mechanism removed.

**Sec. 9-3. PROHIBITED.**

Any person who causes, permits, maintains or allows the creation or maintenance of a nuisance shall be punishable by a fine not to exceed Twenty-five Hundred Dollars (\$2,500.00). Every day any violation of this Ordinance exists shall constitute a separate offense. (State law reference - Power of Town to prohibit use of property in a way which endangers health, safety and welfare, I.C. 36-8-2-4.)

**Sec. 9-4. NOTICE TO ABATE.**

Whenever a nuisance is found to exist within the Town or within the Town's extra-territorial jurisdiction, a duly designated officer of the Town may give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. (State law reference - Extra-territorial jurisdiction of Town, I.C. 36-1-3-9.)

**Sec. 9-5. CONTENTS OF NOTICE.**

The notice to abate a nuisance issued under the provisions of this article shall contain:

1. An order to abate the nuisance or to request a hearing within a stated time, which 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 acts necessary to abate the nuisance.
5. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town may abate such nuisance and assess the cost thereof against such person.

**Sec. 9-6. SERVICE OF NOTICE.**

The notice to abate a nuisance shall be served as authorized law.

**Sec. 9-7. ABATEMENT BY TOWN.**

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, a duly designated officer or employee of the Town may proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. (State law reference - Power of Town to correct conditions which are in violation of ordinances, I.C. 36-1-6-2.)

**Sec. 9-8. RECOVERY OF TOWN'S COSTS.**

- A. Any and all costs incurred by the Town in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed and shall be certified by the Clerk- Treasurer to the County Auditor who shall cause such costs to be placed upon the tax duplicate of the owner of such property and such costs shall then be collected from the owner as other taxes are collected.
- B. In addition, such costs shall be a debt which may be collected by the Town in an appropriate civil action. (State law reference - Powers of Town to obtain lien for expenses incurred in correcting ordinance violations, I.C. 36-1-6-2.)