

ADAMS COUNTY BOARD OF COMMISSIONERS
ORDINANCE 2022 – 14

SHORT TITLE: AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF ADAMS COUNTY, STATE OF INDIANA REGULATING CONDITIONS CAUSING PUBLIC NUISANCE IN UNINCORPORATED AREAS OF ADAMS COUNTY

WHEREAS, Indiana Code 536-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Board of Commissioners for the County of Adams, State of Indiana, is a unit of government within the State of Indiana and Indiana Code 536-2-2-2 provides that the Board of Commissioners for the County of Adams, State of Indiana (hereinafter referred to as the "Board of Commissioners") is the executive body for the County of Adams, State of Indiana;

WHEREAS, Indiana Code S 36-2-2-2 provides that the executive body, the Board of Commissioners, may adopt ordinances and resolutions for the performance of the functions of the County of Adams; and

WHEREAS, the Board of Commissioners desire to adopt an ordinance to regulate conditions causing public nuisance in unincorporated areas of Adams County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF ADAMS, STATE OF INDIANA, AS FOLLOWS:

Section 1: Definitions. The following terms, phrases and words shall, for purposes of interpreting, enforcing and implementing this ordinance, have the following meanings set forth herein and be specific to this ordinance unless incorporated into another ordinance or resolution by reference;

A. "Accumulation of junk and trash" includes, but is not expressly limited to, the keeping or depositing on, or the scattering over the premises of any of the following:

- a. Junk, trash, garbage, litter, refuse, debris, lumber, wood or brush
- b. Abandoned, discarded, or unused objects or equipment such as mobile homes, trailers, campers, furniture, stoves, refrigerators, freezers, cans or containers
- c. Motor vehicles in an inoperative condition, whether currently licensed or not, to include but not limited to motor homes, campers, ATVs, motorcycles, mopeds, riding lawn mowers. Any style or type of motordriven vehicle which has defective or missing parts, is unable to move under its own power, and/or has been wrecked, dismantled, discarded, stripped or is in such a condition as to generally be unfit for use or conveyance.
- d. Automobile parts, including tires and any other portion or part of any motor vehicle detached from the vehicle as a whole.
- e. Scrap metal pieces or parts, whether or not covered with porcelain, plastic, or any other material.

B. "Completely enclosed building" means a structure completely enclosed by a permanent roof and solid exterior walls with or without windows and with entry and exit door(s).

C. "Compost pile" means a pile, mound or heap (whether on the ground or in a container or structure) consisting solely of organic materials that are intentionally collected in order to create a compost material for gardening purposes.

D. "Construction site" means any property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

E. "Debris" includes the remains of something broken down or destroyed, rough broken bits and pieces of stone, glass, wood, concrete, building materials after demolition, bits and pieces of rubbish or litter, and a heap of rock fragments.

F. "Elements" means wind, weather or other condition, whether created by nature or man-made, which could reasonably be foreseen to carry litter from one place to another.

G. "Enforcement Officer" means the person or persons authorized to enforce this Ordinance.

H. "Garbage" means any animal or vegetable waste and all other deleterious substances, such as but not limited to waste material and refuse from kitchens, residences, businesses and restaurants.

I. "Junk" means any discarded or worn-out materials or manufactured products, with no apparent value or reasonable use.

J. "Litter" means any uncontained man-made or man-used waste which, if deposited within the County tends to create danger to public health, safety, and welfare or to impair the environment of the people of the County. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, paper, glass, metal or plastic.

K. "Open areas" means any area of the lot or premises not within the confines of a completely enclosed building as defined by this Ordinance.

L. "Person" means any individual, firm, organization, association, partnership, trust, company, corporation, limited liability company or other entity.

M. "Private premises" means any lot or tract of land and any part thereof, whether improved or unimproved, that is not a public place.

N. "Public place" means any and all streets, sidewalks, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings lawfully accessible to the general public, whether publicly or privately owned.

O. "Refuse" means away, rubbish, garbage, hash, or any material of any kind that has been discarded, rejected cast aside, or thrown away as useless, except body wastes.

P. "Responsible party" means collectively a person or entity having a present legal interest in the premises upon which a violation under this chapter has occurred.

Q. "Trash" means rubbish such as feathers, coffee grounds, ashes, tin cans, paper boxes, glass woods, shrubs, yard clippings, leaves, tree trimmings, and similar matter.

Section 2. Prohibitions: Accumulation of junk and trash as defined herein is prohibited and the party responsible commits a violation of this Ordinance.

Section 3. Exceptions: Notwithstanding anything in this Ordinance to the contrary, this Ordinance shall not apply to: 1) any tract of land greater than twenty (20) acres in size which is located in a district primarily zoned for agricultural use or 2) compost piles located at least 100 feet from a public road.

Section 4. Maintenance of Property:

A. Private Premises. It shall be the duty of any person or entity owning or controlling any private premises to maintain such private premises in a clean and orderly manner. It shall be a violation of this Chapter to abandon, neglect, or disregard the condition or appearance of any premises so as to permit the accumulation of junk and trash thereon resulting in a public nuisance.

B. Public Places. It shall be the duty of any person owning or controlling any public place to keep the premises clean of all junk, trash, garbage, litter, refuse, and debris and shall take measures to prevent the accumulation of same. It shall be a violation of this Chapter to abandon, neglect, or disregard the condition or appearance of such premises so as to permit the accumulation of junk and trash thereon.

C. Construction Sites. The property owners and contractors in charge of any construction site shall maintain the construction site in such a manner as to avoid the accumulation of junk and trash. All junk, trash, and litter from construction or related activities shall be picked up at the end of each workday and placed in containers for regular removal.

Section 5. Violations Created by Others. In the event a condition occurs which constitutes a violation of this Ordinance, each responsible party is deemed to have committed a violation of this Ordinance regardless of whether or not such responsible party personally created or contributed to such condition.

Section 6. Enforcement Officer. The Enforcement Officer shall be a member of the Adams County Sheriff's Department or a member of the Adams County Health Department.

Section 7. Notice of Violation. In the event a violation is found to exist, the Enforcement Officer shall notify the owner or occupant of such premises of the existence of the violation and the steps that must be taken to correct the violation. Such written notice shall include the following information:

- A. a statement which indicates the precise reason for the issuance of Notice;
- B. a notice that the owner or occupant has ten (10) days from the date of service of the Notice in which to bring the situation into compliance; and
- C. an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

Section 8. Appeal Hearings. Any person or business receiving such Notice issued by the Health Officer or County Sheriff may request a hearing upon filing a Petition requesting same. Said Petition must be submitted in writing to the Adams County Commissioners within ten (10) calendar days after the service of the Notice. And shall include a brief statement as to the grounds of the Petition. Upon receipt of said Petition, the Commissioners shall arrange a time and place for a Hearing and provide notice to the Petitioner and County Attorney. Following the Hearing, the Commissioners shall sustain, modify, or withdraw the Notice based upon their findings as decided by a majority vote.

Section 9. Notice and Service. All Notices, Citations and Petitions shall be served in accordance with the service requirements of the Indiana Rules of Trial Procedure.

Section 10. Enforcement and Penalties. A responsible party who violates this Chapter shall be subject to one or more of the following:

- A. Local Ordinance Violation Penalty. A penalty in the amount of \$100.00 assessed for each day that a violation is not cured.
- B. Nuisance. The violation is declared a public nuisance and maybe treated as such under all applicable laws and remedies pertaining to public nuisances.
- C. State Law. The violation maybe enforced as an infraction or crime under any applicable state law, which may include:
 - i. Solid Waste - Indiana Code Section 36-9-30-35
 - ii. Littering - Indiana Code Section 35-45-3-2

Section 11. All ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 12. This Ordinance shall be in full force and effect as of the 1st day of December 2022.

PASSED AND ADOPTED THIS 25th DAY OF OCTOBER 2022 BY THE ADAMS COUNTY BOARD OF COMMISSIONERS, ADAMS COUNTY, INDIANA.

Rex Moore, Commissioner
Stan Stoppenhagen, Commissioner
Steve Kuhn, Commissioner

ATTESTED:
Angie Brite
Deputy Auditor