

**ORDINANCE NO. 2007-1**

**AN ORDINANCE OF THE TOWN OF WESTVILLE, INDIANA PROHIBITING  
NUISANCES WITHIN THE TOWN LIMITS OF WESTVILLE, INDIANA**

WHEREAS, the Westville Town Council has determined that nuisances, as defined in this Ordinance, are detrimental to the health, safety and welfare of the citizens of the Town; and

WHEREAS, an ordinance prohibiting nuisances is necessary in order to protect the health, safety and welfare of the citizens of the Town of Westville.

NOW, THEREFORE, BE IT ORDAINED BY THE WESTVILLE TOWN COUNCIL, AS FOLLOWS:

SECTION 1. Definitions.

For the purpose of this Ordinance, certain terms or words used herein shall be given the following meanings:

“NUISANCE” is hereby defined as the doing of any 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:

- A. Injures or endangers the comfort, repose, health or safety of others; or
- B. Is offensive to the senses; or
- C. 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
- D. In any way renders other persons insecure in life or the use of property; or
- E. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

SECTION 2. Illustrations.

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 illustration shall not be deemed or construed to be conclusive, limiting or restrictive:

- A. Noxious weeds and other rank vegetation.

- B. Accumulations of rubbish, trash, refuse, junk and other abandoned materials, metals lumber or other things.
- C. Any condition that provides harborage for rats, mice, snakes and other vermin.
- D. Any building or 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.
- E. 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.
- F. The carcasses of animals and fowl not disposed of within a reasonable time after death.
- G. 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.
- H. 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.
- I. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- J. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- K. The unauthorized obstruction of any public street, road or sidewalk.
- L. Any abandoned or junked vehicle, part or tire.

SECTION 3. It shall be unlawful for any person, firm, corporation or other entity to cause, permit, maintain or allow the creation or maintenance of a nuisance on any property owned, leased or occupied by said person, firm, corporation or other entity.

SECTION 4. Whenever a nuisance is found to exist within the Town, a law enforcement officer of the Town shall give a written Notice to Abate a Nuisance to the person, firm, corporation or other entity owning, leasing or occupying the property upon which such nuisance exists.

SECTION 5. The Notice to Abate a Nuisance shall contain the following information:

- A. An order to abate the nuisance within a certain period of time.
- B. The location of the nuisance, if the same is stationary.
- C. A description of what constitutes the nuisance.
- D. A statement of acts necessary to abate the nuisance.
- E. A statement that if the nuisance is not abated, as directed, the Town may abate such nuisance and assess the cost thereof against such person, firm, corporation or other entity.

SECTION 6. The Notice to Abate a Nuisance shall be served as authorized by law.

SECTION 7. Upon the failure of the person, firm, corporation or other entity upon whom a Notice to Abate a Nuisance was served to abate the same, the Town may proceed fine to said person, firm, corporation or other entity as provided in Section 10 of this Ordinance and/or to abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 8. In the event that the Town elects to abate a nuisance any and all costs incurred by the Town in the abatement of a nuisance under the provisions of this Ordinance 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. In addition, such costs shall be a debt that may be collected by the Town in an appropriate civil action.

SECTION 9. The provisions of this ordinance shall not apply to any person, firm, corporation or other entity owning or operating a junk yard in accordance with the Westville Zoning Ordinance.

SECTION 10. Violation of this Ordinance shall be punishable by a fine of \$100 for the first violation and \$250 for a second or subsequent violation. Each day in which a nuisance is found to exist shall constitute a separate violation of this Ordinance. In addition, the Town of Westville may seek injunctive relief against any and all persons, firms, corporations or other entities who violate the provisions of this Ordinance.

SECTION 11. If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

SECTION 12. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinances are hereby ratified, re-established and confirmed.

PASSED AND ADOPTED by the Westville Town Council this 8<sup>TH</sup> day of MAY, 2007.

WESTVILLE TOWN COUNCIL

By: Michael Albert  
Keith D. Stapp  
Regina L. Laddell  
Sharon Swanson  
James J. Decker

ATTEST:

Carol Rotzien  
Carol Rotzien  
Clerk-Treasurer  
Town of Westville, Indiana