

**STATE OF INDIANA  
CITY OF CHARLESTOWN  
CHARLESTOWN CITY COUNCIL**

ORDINANCE NO. 2006 - OR - 04

ORDINANCE OF THE CHARLESTOWN CITY COUNCIL  
ESTABLISHING PENALTIES FOR MAINTAINING NUISANCES

WHEREAS, the Charlestown City Council has received numerous complaints from citizens regarding unsightly and inoperative motor vehicles located on private property within the City limits that are visible from public areas and/or other private property; and

WHEREAS, the City Council has received numerous complaints from citizens regarding litter, rubbish, junk and scrap metal, ashes, solid waste or other debris located on private property that are visible from both public and/or other private property; and

WHEREAS, there do not appear to be adequate legal remedies available to the City for eliminating such unsightly nuisances under existing City ordinances; and

WHEREAS, the City Council desires to make Charlestown a more aesthetically pleasant and attractive place in which to live and work; and

WHEREAS, it is in the best interest of the public to forbid such nuisances within the City limits;

NOW THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

Section 1/Definitions

Appliances: Washers, Dryers, Refrigerators, Freezers, Dishwashers, Air Conditioners, Microwave Ovens, Stoves, Cooking Units, Washing Units, or any other apparatus that is designed to be used within the home.

Ashes: Residue from fires, whether produced by fires used for cooking, heating buildings, grills, fireplaces, trash burners or any other fires.

City: Means the civil City of Charlestown, Indiana.

Refuse: Refuse shall mean garbage, trash, debris, rubbish, litter, ashes, solid waste, or other items having little or no value.

Solid Waste: Means appliances, ashes, garbage, refuse, trash, rubbish and/or debris.

Trash, Rubbish and Debris: Means combustible refuse, including, but not limited to, paper cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and other wood or combustible articles, bedding, plastic, noncombustible refuse, including but not limited to, metals, tin cans, dirt, contents of litter receptacles, small quantities of rocks and pieces of concrete, glass, crockery, leaves, bottles and other containers.

#### Section 2 / Inoperative or Unlicensed Motor Vehicles

It shall be a violation of this Ordinance for any person or other legal entity responsible for or in control of any private property within the City whether as owner, lessee, tenant, occupant or otherwise to allow any partially dismantled, wrecked, junked, discarded or otherwise inoperative or unlicensed motor vehicle to remain on any private property for longer than thirty (30) days. For such vehicles located on public property or a public roadway the time period for removal by its owner shall be within ten (10) days of written notice being placed on the motor vehicle.

This Ordinance shall not apply with regard to any motor vehicle in an enclosed building so as not to be visible from any public place or from any other private property. This Ordinance shall further not apply to a motor vehicle in an appropriately zoned storage lot which is surrounded by a privacy fence which is no less than eight (8) feet in height. Such privacy fence must completely obscure the entire area which it surrounds and may not leave gaps or other openings through which the storage lot is visible.

#### Section 3 / Weeds and Overgrown Grass

It shall be a violation of this ordinance for any person or legal entity in charge of or in control of any private property within the City whether as owner, lessee, tenant, occupant or otherwise to allow any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the City are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain on any private property.

It shall be a violation of this ordinance for any person or legal entity in charge of or in control to permit any weeds, grass or plants, other than trees, bushes, flowers, vegetables, garden plants, or other ornamental plants to grow to a height exceeding twelve inches anywhere in the City and such plants or weeds exceeding such height are hereby declared to be a nuisance.

#### Section 4 / Other Unsightly Nuisances

It shall be a violation of this Ordinance for any person or legal entity in charge of or in control of any private property within the City whether as owner, lessee, tenant, occupant or otherwise to allow litter, rubbish, junk, filth, refuse, trash, garbage, waste materials, unused appliances, scrap metal, automobile parts, paper, boxes, tin cans, brush, brick, wood scraps, glass, dirt, sand, gravel, grass, leaves, ashes, solid waste or other debris which are visible from public property or surrounding private property for longer than thirty (30) days.

This Ordinance shall not apply to any of the above named items which are located in an enclosed building. Further, this Ordinance shall not apply to any of the above named items which are located in a appropriate storage lot which is surrounded by a privacy fence no less than eight (8) feet in height. Such privacy fence must completely obscure the entire area which it surrounds and may not leave gaps or other openings through which the storage lot is visible.

#### Section 5 / Discharge Onto Other Property

It shall be a violation of this ordinance for any person or other legal entity in charge of or in control of any private property within the City whether as owner, lessee, tenant, occupant or otherwise to allow litter, rubbish, junk, filth, refuse, trash, garbage, waste materials, scrap metal, paper, boxes, tin cans, brush, glass, dirt, ashes, solid waste or other debris to blow from their property onto the private property of another or onto public property.

#### Section 6 / Written Notice Prior to Citation

Any person or legal entity in violation of this Ordinance shall first be notified in writing by the designated agent of the City. Such written notice shall give a reasonable amount of time, not to exceed thirty (30) days, for the nuisance located on private property to be abated or for a reasonable written explanation to be given as to why the person or legal entity is not in violation. The time for abatement of any nuisance located on public property shall not exceed ten (10) days. If the nuisance is not abated within the time prescribed by such notice, the person or other legal entity may be fined up to one hundred dollars \$100.00 per day for each day thereafter. Each day that the nuisance continues shall constitute a separate violation of this Ordinance and may result in the imposition of a separate fine for each day. This Ordinance shall not prevent any private or public party from bringing any action to enjoin or otherwise abate a nuisance by any other suit in law or equity in any other court of law with appropriate jurisdiction.

### Section 7 / Littering

No person, group or other legal entity shall discard, place or permit another person to discard or place any solid waste, any inoperable vehicle, appliance or other discarded solid waste on any public property or thoroughfare in the City.

In addition to any other civil or criminal penalties which may be imposed, a person, group or other legal entity littering on any public property or thoroughfare shall be responsible for the costs of cleaning up any of the nuisances listed in this Ordinance, as well as all costs incurred in enforcing this provision of the Ordinance.

### Section 8 / Compliance With State Regulations

Notwithstanding the requirements set out herein, the manner of containing, storing and disposing of any of the nuisances listed in this Ordinance shall also be in compliance with all federal and Indiana statutes, and the rules and regulations of the Indiana Department of Health.

### Section 9 / Penalties

In addition to any other sanctions set out herein, any person, group or other legal entity violating any of the terms of this Ordinance shall be subject to fines in amounts not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day a violation continues shall constitute a separate offense. It is the intent of the City that multiple violations should be fined more severely.

### Section 10 / Savings Clause

If any section of this Ordinance shall be deemed unenforceable and/or not in compliance with any applicable statute or law by a court of competent jurisdiction, then to the extent permissible all other sections of this Ordinance shall remain in full force and effect.

### Section 11 / Repealing Clause

**All** sections of any previous Ordinances and/or Resolutions that are inconsistent and/or contradictory to the above provisions of this Ordinance are hereby repealed.

Section 12/Effective Date

This Ordinance shall be in full force and effect upon and after its passage by the Charlestown City Council or as otherwise mandated by statute and/or rule.

ADOPTED by the City Council of Charlestown, this \_\_\_\_ day of \_\_\_\_ 2006.

AYE      NAY      ABSTAIN      ABSENT

\_\_\_\_\_  
Jeff Aaron

Bruce Bottorff ✓  
Bruce Bottorff

Ted Little /  
Ted Little

\_\_\_\_\_  
Terry Pierce, President  
Brian Walker ✓  
Brian Walker

APPROVED: Michael D. Hall  
Michael D. Hall, Mayor

DATE: 5/1/06

ATTEST: Donna S. Coomer  
Donna Coomer, Clerk-Treasurer

DATE: 5/1/06