

# **ORDINANCE 387**

## **AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN OF BATTLE GROUND**

WHEREAS, the Town Council of Battle Ground desires to protect the citizens of the Town of Battle Ground from Item conditions which may exist on land and in buildings which attract vermin, insects, and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana the following:

SECTION ONE: The following listed acts and conditions are declared to be and to constitute a public nuisance and a violation of this ordinance if the same is found to exist on public or private property within the town:

- (a) Open or uncovered cisterns, cellars, wells, pits, excavations, sewers or vaults situated in any part of the town.
- (b) Any building or part thereof which, by reason of its unsanitary condition or its being infected with disease, is unfit for human habitation or which from any other cause is a source of sickness among the inhabitants of the town or which otherwise endangers the public health,
- (c) Any unsafe or unhealthy storage or handling of substances which may contaminate or pollute ground water,
- (d) The burning of any animal or human waste in such a manner as to interfere with other property owners' reasonable use of their property,
- (e) A condition which arises by a dog, cat, or other animal destroying, defacing or damaging shrubbery, lawns, or flowers or which results in the general discomfort of citizens in the neighborhood where the dog, cat, or other animal is harbored.
- (f) A condition which arises from the accumulation of animal excrete on the property of the owner, public, or any other citizen as to cause an obnoxious odor, create a situation which could draw or breed insects, attract vermin or cause a public health nuisance,

- (g) The owner of every animal shall be responsible for the prompt removal of any excrete deposited by his animal on public areas and on his own property and shall not permit defecation on private property other than his own.
- (h) All accumulations of junk, litter, rubbish, tin cans, or trash of any kind shall constitute a public nuisance and shall be unlawful as such,
- (i) Any machinery not connected with the operation of a household or business; or any equipment, including but not limited to refrigerators or freezers, outside or in any building or structure to which the public has access, shall constitute a public nuisance and shall be unlawful as such,
- (j) To cause, suffer, or permit the growth of grass above ten inches high, weeds; or noxious, poison, or offensive vegetation; or the deposit or accumulation of weeds, or noxious, poison or offensive vegetation, matter, or substance; or the existence of stagnant water, in or upon any portion of the lots, parcels of ground, or tracts of land.

**Editor's Note:** See also [Ordinance 2012-497](#), adopted 5/14/2012, regarding Abatement of Grass, Weeds or Vegetation Nuisances.

- (k) It shall be unlawful for any person to throw or deposit any poisonous substance in any of the streets, alleys, parks, commons, yards or other places, whether public or private, within the town, so that the same shall be liable to be consumed by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- (l) Repealed by [Ordinance No. 2009-467](#), adopted 6/8/2009.  
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**Section (l), before repeal:**

- (l) It shall be unlawful for any resident or homeowner to allow snow and/or ice to remain on sidewalks over six hours after daylight and after snow has ceased to fall.

SECTION TWO: No permit, special exception, variance, or approval shall be given to any applicant by the Council if at the time of the application, the applicant owes money to the town. Upon payment of the funds and compliance with the ordinances, the applicant's request will be considered like any other request.

### SECTION THREE:

- (a) Whenever any nuisance shall be found to exist which is referred to in SECTION ONE, the Clerk-Treasurer is authorized to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found, or upon the person owning or causing any such nuisance requiring abatement of such nuisance. Said notice may be made by certified mail or by posting on the property.
- (b) Said notice shall provide the person owning or causing any such nuisance ten (10) days from receipt or the posting of said notice to abate said nuisance.
- (c) In the event of refusal or neglect on the part of the notified offender to obey such Order within the time limit named in the Order, the Clerk-Treasurer shall have the power and authority to cause to be removed and abate the unlawful conditions thereof which shall be paid from the Treasury upon sworn vouchers of such person and the cost and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the Clerk-Treasurer may after the charges have gone unpaid for a period of six (6) months certify the amount due of such charge from each person to the Auditor and the amount of such charge shall be placed upon the duplicate by the Auditor and collected as taxes are collected.
- (d) Violation of this Ordinance shall subject the violator to a civil penalty of not less than \$25.00 and no more than \$100.00. Each day a violation of this chapter occurs or continues is a separate and distinct violation of this chapter. The Town may seek enforcement by court injunction that the violation cease.

(Section 3 Amended by [Ordinance # 04-428](#), adopted 5/10/2004.)

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**SECTION 3, before replacement:**

SECTION THREE: Any person, firm, or corporation violating any of the provisions of this Ordinance, for which another penalty is not provided, shall be given a two week period to correct the situation and after that period if the offense is not taken care of a fine in the amount of \$25.00 will be imposed, and if they do not comply within thirty days the fine will be \$50.00. If the offense is still not taken care of within two more weeks the town may enter onto that property and may take appropriate action to bring the property into compliance with this ordinance. If action to bring compliance is taken by the town, the expense involved will be charged to the responsible person or a lien may be imposed against the property.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana this 9th day of April 2001

Geraldine Berghoff  
Geraldine Berghoff, Clerk-Treasurer

Stephen Wilt  
Stephen Wilt

Jeffrey Brown  
Jeffrey Brown

R Berghoff  
Richard Berghoff

James Miller

Mildred M McCoy  
Mildred McCoy