

**TOWN OF GENEVA, INDIANA
NUISANCE ORDINANCE SYNOPSIS**

PUBLIC NUISANCES

Public Health Nuisances.

Public health nuisances defined:

- (a) All decayed, harmfully adulterated or unwholesome food or drink;
- (b) Carcasses of animals, birds or fowl not buried or otherwise disposed of;
- (c) Accumulations of decayed animal or vegetable matter (except for approved compost methods), trash, rubbish, rotting lumber, bedding, packing material, junk vehicles, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, or may be a fire hazard;
- (d) Piles of any wood or wood product usually used or intended to be used as firewood in a residence or any accessory structure which is not contained within a covered enclosure impervious to the elements or not stored or kept in neat and secure stacks no more than four (4) feet in height as measured from the ground surface, or that has been stacked in a manner in which disease-carrying insects, rats or other vermin may breed, or which becomes a fire hazard, or which has been open to the elements for a duration which causes the wood to rot or decay;
- (e) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (f) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- (g) The pollution of any public well or cistern, stream, river, lake, canal or body of water by sewage or industrial wastes or other substances;
- (h) Any use of property, substances or things within the Town emitting or causing foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health or any appreciable number of persons within the Town; or any slaughter house;
- (i) All abandoned wells not securely covered or secured from public use;
- (j) All noxious weeds;
- (k) Any accumulation of junk, rubbish, scrap metal, scrap plastic, paper, cardboard, automotive parts, building materials, machinery, equipment, dead trees, or parts thereof, upon any premises in a residential area.
- (l) Any structure used for the collection or deposit of trash or garbage that has an open door allowing access into said structure, except when the door is open to allow the structure to be used for the deposit or removal of trash or garbage, or to allow the structure to be cleaned or repaired.
- (m) Crop residue, including, but not limited to, corn cobs, bean stalks and corn stalks that exits the property upon which it was harvested and accumulates on neighboring property.

Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety:

- (a) All buildings erected, repaired or altered within the Town in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of buildings and structures.
- (b) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway.
- (c) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (d) All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereof or less than ten (10) feet above the surface of a public street.
- (e) All use of display of fireworks except as provided by the laws of the State of Indiana and ordinances of the Town.
- (f) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use; or shall be an invitation to children and endanger the lives of such children, or which, because of its condition has become a fire hazard.
- (g) All wires over streets, alleys or public grounds.
- (h) All loud and discordant noises or vibrations of any kind, except as may be permitted under a zoning ordinance.
- (i) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town of which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (j) All parking, location or relocation of any trailer, boat trailer, truck commercial vehicle, storage unit, motor home, recreational vehicle (RV), camper shell, all terrain vehicle (ATV), camper or camping trailer, on any public street, alley or right of way for a period of more than 24 hours over a 1 month period.
- (k) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalks.
- (l) All abandoned refrigerators, iceboxes or similar containers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child.
- m) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (n) Any sign, marquee, or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalks less than eight (8) feet above the sidewalk surface.
- (o) Any nuisance so defined by the Indiana Code.

GRASS, WEEDS, DEBRIS, AND OTHER RANK VEGETATION

Removal of Grass, Weeds, Debris, and Other Such Rank Vegetation.

(a) **Definitions.**

- (1) **Debris** shall include the remains of something broken-down or destroyed.
- (2) **Rank Vegetation** shall include those weeds and growing vegetation which is excessively vigorous in growth, shockingly conspicuous, malodorous and/or flagrant.
- (3) **Weeds** shall include any plant that is not valued where it is growing, and is of rank growth, tends to overgrow or choke out more desirable plants and/or is listed as a weed in the U.S. Department of Agriculture publication entitled *Common Weeds of the United States*, or in any similar government publication.
- (4) **Grass** shall include vegetation consisting of typically short plants with long narrow leaves, growing wild or cultivated on lawns.

(b) **Violation.** It is a violation of this section to have weeds, rank vegetation and/or debris on any real property ("property") located within the Town's corporate limits.

(c) **Requirement to Cut.** All owners of real property ("property") located within the Town shall cut and remove weeds and other rank vegetation growing thereon that exceeds an average height of eight (8) inches, and shall keep their property clear of debris. Grass shall at all times be cut to an average height of no more than eight (8) inches.

(d) **Discharge of Cut Grass.** No property owner shall cause or allow to cause the discharge of cut grass debris onto any public street, alley or right of way unless such cut grass debris is immediately removed, in its entirety, from said public street, alley or right of way.

JUNK, JUNK VEHICLES AND ABANDONED VEHICLES

Definitions of Junk, Junk Vehicle and Abandoned Vehicles.

- (a) **Junk** shall mean any articles in any form composed of or consisting of any of the following enumerated secondhand, discarded, abandoned or cast-off metals or materials, namely, iron, brass, bronze, copper, tin, zinc, lead or any other metals or compounds thereof, broken glass, rags, clothing, rubber, plastics, and synthetic substances and fabrics, bottles, papers, feathers or any other waste material or any compound or by-product of the foregoing enumerated materials; junk shall also include and mean, wrecked, abandoned or dismantled automobile or parts thereof.
- (b) **Junk Vehicle** shall mean any motor vehicle, trailer, truck commercial vehicle, storage trailer, motor home, recreational vehicle (RV), camper shell, camper or camping trailer, located on any public street, alley or right of way for a period of more than 24 hours over a 1 month period which does not bear a currently valid license plate, and is not kept in a garage or building. Junk Vehicle shall also include any vehicle from which there has been removed the engine, transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises or which has been left unattended for more than (30) days on private premises in a location visible from public premises and/or private premises at ground level. Junk Vehicle shall also include any trailer, truck commercial vehicle, storage trailer, motor home, recreational vehicle (RV), camper shell, camper or camping trailer which has been left unattended for more than (30) days on private premises in a location visible from public premises and/or private premises at ground level.
- (c) **Abandoned Vehicle** shall mean any motor vehicle, car, boat, and other means of motorized transportation that is left on private premises without the consent of the owner or person in control of such premises, or on a public street, alley or right of way for a continuous period of time exceeding thirty (30) days. Abandoned Vehicle shall also include any vehicle located on public premises illegally or in such manner as to constitute a hazard or unreasonable obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.
- (d) **Exemptions.** The provisions of this chapter shall not apply to any vehicle located on a properly zoned vehicle sale lot, at a properly zoned commercial vehicle servicing facility, at a properly zoned automobile scrap yard, and any motor vehicle eligible for registration and licensing under I.C. 9-18-12-1, 9-18-12-2, 9-18-12-4 through 9-18-12-6 as an antique vehicle.

Junk, Junk Vehicles and Abandoned Vehicles Declared Nuisances.

Because of the danger of health by vermin and insects and because of the danger of the safety of children attracted by junk, junk vehicles, abandoned vehicles and junked motor vehicles are declared to be nuisances except in lawfully zoned and operated junk yards.

Storage Prohibited.

It shall be unlawful for any person to store or to allow to remain in the open upon public or private property within the Town, any disassembled and/or non-operative or unlicensed, or junked, wrecked or abandoned motor vehicle for a period of thirty (30) days or more on public property, or a period off forty-five (45) days or more on private property unless it is in connection with an automobile sale or repair business in a properly zoned area.

OUTDOOR BURNING REGULATIONS

Application of Outdoor Burning Regulations.

All outdoor burning of any material is banned within the municipal Town limits except for the Exceptions set forth below:

Exceptions.

- (a) The following types of fires are permitted subject to the limitations found in subsection (b):
 - (1) Fires used for celebrating school pep rallies.
 - (2) Fires used for celebrating scouting activities.
 - (3) Fires used for recreational and cooking purposes, i.e., camp fires.
 - (4) Farm burning and burning by the Department of Natural Resources as allowed by I.C. 13-17-9.
 - (5) Burning with prior receipt of a variance application and approval of the Indiana Air Pollution Control Board or its designated agent as allowed by 326 IAC 4-1-1.
- (b) All permitted type of fires shall be subject to the following:
 - (1) Only untreated wood products shall be burned unless otherwise stated.
 - (2) Fires shall be attended at all times until completely extinguished.
 - (3) If fires create an air pollution problem, a nuisance, a health hazard, or a fire hazard, they shall be extinguished. A nuisance shall be defined so as to include a complaint regarding the burning from any downwind property owner or occupant.
 - (4) All residential burning shall occur between sunrise and sunset, during which the fires may be replenished, but only in such a manner that all of the burning material is consumed by sunset.
 - (5) No burning shall be conducted unless the wind is at least five (5) m.p.h. and no more than 15 m.p.h.
 - (6) No burning shall be conducted on property owned by another party, including publicly-owned streets, roads, and highways.
 - (7) No burning shall be conducted on any paved street or alley within the Town.
 - (8) No burning shall be conducted within 100 feet of a structure owned by another party.
 - (9) No burning shall be conducted within 100 feet of a power line.