

**ORDINANCE NO. 2020-03**

**AN ORDINANCE TO REPEAL AND REPLACE SECTION 92.01 OF THE TOWN OF NASHVILLE, INDIANA CODE OF ORDINANCES ESTABLISHING STANDARDS FOR THE CARE OF PRIVATE PROPERTY**

**WHEREAS**, The Town Council is aware that the language of the existing Ordinance pertaining to the standards for maintenance and care of private property and the improvements thereon is not sufficiently specific to fairly inform citizens how to comply and to provide guidance to Town Administration in the enforcement of violations, and;

**WHEREAS**, Indiana Code 36-8-24 empowers the Town to set standards for the maintenance of private property to protect the health and safety of the public,

It is therefore **ORDAINED** as follows:

Pursuant to I.C. 36-8-2-4, it is hereby declared that failure to care for and to maintain real and personal property within the Town limits in accord with the following standards constitutes a nuisance and may be abated according to the terms of Section 92.02 of the Code of Ordinances and the Indiana Unsafe Building Law (I.C. 36-7-9.)

1. All premises, including abutting sidewalks, gutters and alleys, shall be kept free of high grass and weeds, rubbish, garbage and any material that creates a health, safety or fire hazard. Grass and weeds shall be kept below six (6) inches. All dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.
2. No owner shall accumulate or permit the accumulation of junk, trash and debris, boxes, lumber, scrap metal, junk vehicles or any other materials in such a manner that may provide rodent and pest harborage on the premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked safely and elevated at least eighteen (18) inches above the ground.
3. No person shall deposit or place any refuse or other hazardous materials in or adjacent to any road, street, alley or other public place unless it is in proper containers for collection.
4. All open, uncovered or insecurely covered cisterns, cellars, wells, pits, excavations or vaults situated on any premises shall be properly secured or filled to grade with appropriate fill material.
5. Every owner shall be responsible to ensure water from the premises is properly disposed of in such a manner that does not interfere with the operation of a private or public sewage disposal system, create standing water or otherwise create a hazard.
6. No structure, vehicle, receptacle, yard, lot, premises or part thereof shall be constructed, made, used, maintained or operated in any manner causing or producing any health or safety hazard or permitted to become a rodent or pest harborage or to become conducive to a rodent or pest harborage.

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7. No structure, vehicle, receptacle, yard, lot, premises or part thereof shall be constructed, made, used, maintained or operated in any manner causing or producing any health or safety hazard or permitted to become a mosquito or other pest harborage or to become conducive to a mosquito or other pest harborage.
8. Every foundation, roof, floor, exterior wall and ceiling shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every outside stair or step shall be maintained in sound condition and good repair.
9. Every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition and fit for its purpose.
10. Structurally sound hand rails shall be provided on any exterior stairs containing four (4) risers or more. Porches, patios and balconies located more than three (3) feet higher than the adjacent areas shall have structurally sound protective guard rails or hand rails. All newly constructed protective railings shall have balusters placed at intervals of not more than four (4) inches apart or shall have other sufficient protective material between the protective railing and the flooring of tread so that a space of not more than four (4) inches is present. Existing protective guard railings shall be acceptable, provided they are maintained in sound condition and good repair.
11. Every foundation, roof, exterior wall, door, skylight, window and door shall be weathertight, watertight, and damp-free and shall be kept in sound condition and good repair.
12. Every exterior door and window that is capable of being opened and other potential means of ingress shall be equipped with hardware for locking and shall be secured so as to prevent unauthorized entry.
13. Every unprotected window which is broken, cracked or missing glass or glazing shall be replaced and maintained in good repair.
14. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other preservative material. All wood surfaces shall be cleaned and freed of flaking, loose or defective surfacing materials prior to painting or applying other preservative material.
15. Every masonry wall, foundation and chimney shall be kept in sound, functional, weathertight condition and in good repair.
16. Any tree, shrub or other type of vegetation growing in a location or manner which is likely to cause damage to any portion of a structure shall be trimmed or removed so that damage does not occur. Any damage that has occurred to the structure by overgrown trees, shrubs or other vegetation shall be repaired.
17. Every owner shall be responsible for the extermination of insects, rats and other vermin in or about the premises.

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- 18. All openings in the exterior walls, foundations, doors, windows, sewers, pipes, drains, basements, ground and first floors and roofs shall be closed and made rodent and pest-proof in an approved manner.
- 19. Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition so as to provide proper drainage of stormwater.
- 20. Every premises shall be graded, drained free of standing water and maintained in a clean, sanitary and safe condition.
- 21. All fences shall be maintained in sound condition and good repair.
- 22. Accessory structures on the premises of a dwelling shall be structurally sound and be maintained in good repair and free of insects and rats. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials, paint or other preservatives.
- 23. Every door, window or other potential means of ingress of an accessory structure shall be secured so as to prevent unauthorized entry.
- 24. Every owner shall maintain in good repair all asbestos-containing materials on the premises. All asbestos-containing materials shall remain free from defects such as holes, cracks, tears and/or looseness that may allow the release of asbestos fibers into the environment.
- 25. The use of herbicides, pesticides or other chemical agents in violation of State and or Federal standards and guidelines.

**PENALTIES**

In addition to the remedies set out in section 92.02, any person or corporation or other legal entity which fails to correct any of the conditions enumerated in 1 through 25 above within five (5) days of notice of violation may be fined in the amount of Fifty Dollars (\$50) per day for each day the property remains in violation. Notice may be served by certified mail return receipt or personal service by the officers of the Town Police.

**REPEALER**

That portion of Ordinance 1978-2 and Amended Ordinance 1991-4 codified in the Town of Nashville, Indiana Code of Ordinances as Section 92.01 is hereby REPEALED.

**It is so Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

Prepared by:  
James T. Roberts  
Town Attorney

\_\_\_\_\_ yea    nay    abstain  
Council President Jane Gore

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\_\_\_\_\_ yea    nay    abstain  
Council Vice-President Alisha Gredy

ATTEST:

\_\_\_\_\_ yea    nay    abstain  
Council Member Nancy Crocker

\_\_\_\_\_  
Clerk-Treasurer, Brenda K. Young

\_\_\_\_\_ yea    nay    abstain  
Council Member Anna Hofstetter

\_\_\_\_\_ yea    nay    abstain  
Council Member Dave Rudd

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