

STATE OF INDIANA
 PORTER COUNTY
 FILED FOR RECORD
 03/21/2012 03:06PM
 JON C. MILLER
 RECORDER

ORDINANCE NO. 12- 07
 PORTER COUNTY BOARD OF COMMISSIONERS

REC FEE: \$0.00
 PAGES: 8

PORTER COUNTY CODE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards; with the addition of a Section titled Property Maintenance within the Porter County Unified Development Ordinance.

INTENT: The purpose of this Section is to establish minimum requirements for the maintenance of premises, vacant, under construction and established; and structures, vacant, under construction and established, in order to promote and protect the public health, safety and welfare of the residents within the unincorporated area of Porter County.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5; Zoning District Development Standards; Section 5.77 shall be added to the Porter County unified Development Ordinance; said section shall be added as follows:

Section 5.77; PM-01: Property Maintenance

This Property Maintenance section applies to all zoning districts within Chapter 2 of the Porter County Unified Development Ordinance:

A. Responsibility: It shall be unlawful, for any person, owner, occupant, company, corporation, tenant or any other person having a substantial interest in any real or personal property within the unincorporated area of Porter County, any agent thereof, to erect, construct, cause, permit, keep, or maintain within the unincorporated area of the county anything that is a public nuisance. Any person, owner, occupant, company, corporation, tenant or any other person having a substantial interest in any real or personal property within the unincorporated area, or any agent thereof, maintaining any nuisance as described herein is declared to be responsible for the nuisance. Public nuisances are prohibited on private property, as well as on public property, and on public ways.

B. Additional Definitions:

1. DEBRIS shall include, but not be limited to:
 - a. Paper, paper products and newspapers not being gathered for recycling;

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- b. Empty, or partially empty, plastic or glass bottles and/or metal cans or empty receptacles of any and all types not being gathered for recycling;
- c. Bed springs and/or mattress(es);
- d. Rubber tires, rubber tubes, metal wheels, hubcaps or wheel covers;
- e. Building materials, including, but not limited to: cinder blocks, bricks, lumber, plywood, plumbing and piping material and parts, siding, roofing and forms when no construction is in process upon the real estate;
- f. Sinks, refrigerators, washing machines, dishwashers, clothes dryers, home appliances or other metal machinery, home exercise equipment, computers or any other home electronics equipment or household items no longer being used for the purpose for which they were manufactured; and
- g. Any waste or scrap materials, including motor vehicles parts or parts of other manufactured items.

2. Stock and Race Vehicles.

- a. Any vehicle kept primarily for purposes of competing in stock car, racing event, demolition derby or other related automotive spots.

3. Junk Motor Vehicles. Any motor vehicle that meets any one of the following qualifications:

- a. Does not carry a current valid registration and/or license plates; or
- b. Is partially dismantled or inoperable.

4. Public Nuisance. A public nuisance includes the following:

- a. Those conditions that are known to the common law and the Statutes of Indiana as public nuisances;
- b. Any real or personal property that is infected with contagious disease or is likely to cause an immediate health hazard;
- c. Any condition or use of premises or buildings exteriors which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of property in the neighborhood in which such premises are located, including but not limited to keeping, permitting or allowing any material, including but not limited to the following:
 - i. Debris and junk;
 - ii. Junk motor vehicles;
 - iii. Any stock or race vehicle unless the vehicle is garaged and kept from public view at all times;
 - iv. Demolition remains stored for more than 30 calendar days;

- v. Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced property within the county, unless the property in an active construction site;
 - vi. Automobile parts; disassembled automobiles and automobiles without engines; plumbing and piping materials and parts; scrap metal; unseaworthy or dilapidated boats; dilapidated, deteriorated or inoperable jet skis, snowmobiles, bicycles, trailers or toys, any of which are not kept completely enclosed in a building;
 - vii. Structure defaced with paint or wording;
 - viii. Any waste water, filth, offal, garbage, animal waste or human excrement which is deposited, allowed, or caused to be upon any public or private property;
 - ix. Any dead domesticated animal or parts and any dead livestock or non-domesticated animals within the public view;
 - x. Trees, shrubbery, weeds, snow or other matter obstructing public ways or causing visual barriers which create vehicular traffic or pedestrian safety hazards;
 - xi. Any item not originally designed or manufactured solely for outdoor use; and
 - xii. Parking a motor vehicle on a front yard not designed and approved for parking. The front yard shall be defined as the area of private property that is located between the public right-of-way and the front line of the primary structure on that property; parking of any motor vehicle within this area shall be prohibited.
 - xiii. The placing or accumulating on or within any real or personal property, or permitting the same, of any matter which attracts or may attract rodents, insects or domestic or wild animals in such a manner as to create a health hazard or an unsanitary or dangerous condition.
 - xiv. The storage of any explosive, combustible or other material that creates a safety or health hazard.
6. WEED 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.
6. RANK VEGETATION shall include those weeds and growing vegetation which are excessively vigorous in growth, shockingly conspicuous, malodorous and/or flagrant.
- C. Exemptions: The provisions of this ordinance related to weeds, unintended, and rank vegetation shall not apply to the following:
- 1. Cultivated agricultural crops, active grazing areas for livestock, and orchards.

2. Designated wetlands, parklands, and forest preserves.
3. River banks, creek banks, and drainage ditches from the centerline of the waterway to a line ten (10) feet from the top edge of each bank.

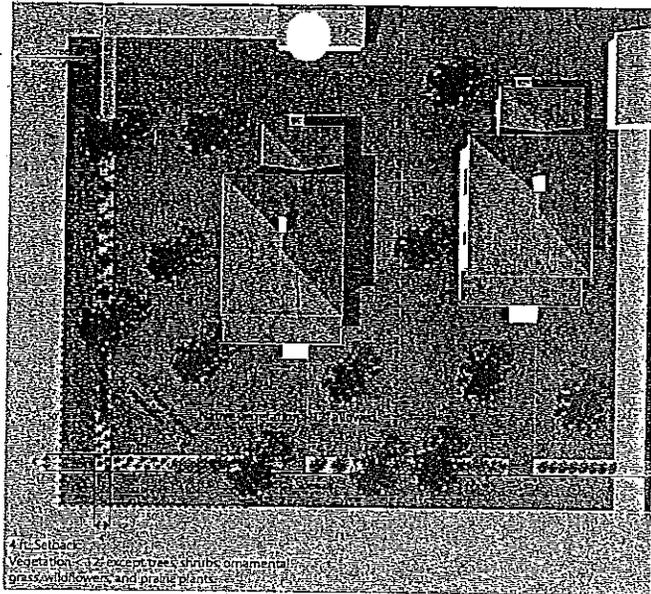
D. Construction Sites: No person/company owning, leasing, or having charge on any premises shall maintain or keep any nuisance thereon, nor shall any person/company keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises is located. All property located in the unincorporated area of the county shall be maintained within the following minimum standards:

1. Construction debris and waste shall be placed in a dumpster and said dumpster shall be maintained so as debris is below top and will not blow out or fall during transportation.
2. Unintended, rank, and unmanaged growth of vegetation on any property which is visible from any public way, street, sidewalk, or ally is declared to be a public nuisance and may be abated in accordance with state and local law. This prohibition shall not apply to vegetation native to Indiana, provided that there is a setback of not less than four (4) feet from the front lot line of vegetation not in excess of twelve (12) inches exclusive of trees, shrubs, ornamental grasses, wildflowers, prairie plants, and other cultivated plants;
3. Noxious weeds, defined in IC 15-16-7-2, are expressly prohibited and shall be abated in accordance with state and local law;
4. All property shall be maintained in a manner so that it does not create or constitute a public nuisance.
5. All fences and walls shall be maintained in a structurally sound manner to protect the public safety;

E. Duty of Maintaining Private Property: No person owning, leasing, occupying or having charge on any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises is located. All property located in the unincorporated area of the county shall be maintained within the following minimum standards:

1. All fences and walls shall be maintained in a structurally sound manner to protect the public safety;
2. Unintended, rank, and unmanaged growth of vegetation on any property which is visible from any public way, street, sidewalk, or ally is declared to be a public nuisance and may be abated in accordance with state and local law. This prohibition shall not apply to vegetation native to Indiana, provided that there is a setback of not less than four (4) feet from the front lot line of vegetation not in excess of twelve (12) inches exclusive of trees, shrubs, ornamental grasses, wildflowers, prairie plants, and other cultivated plants;

3. Noxious weeds, defined in IC 15-16-7-2, are expressly prohibited and shall be abated in accordance with state and local law;
4. All outbuildings and accessory structures shall be maintained in a structurally sound manner to protect the public safety;
5. All property shall be maintained in a manner so that it does not create or constitute a public nuisance.



F. Exterior of Structures:

1. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches and trim shall be maintained in good repair.
2. All porches, decks, balconies, exterior stairways and all appurtenances attached thereto, shall be maintained in a structurally sound manner, capable of supporting the imposed load and free from hazardous conditions.
3. Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials.
4. Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects that might admit rain and cause dampness in the interior portions of the buildings. All portions, additions and sections of a roof, including, but not limited to the fascia, eave, soffit, sheathing, rafter rail, barge rafter, vent screening, gutter, down spout, roofjack, lead and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.
5. Windows of buildings shall be fully supplied and maintained with glass windowpanes or a substitute approved by the Building Commissioner, without open cracks or holes. Screens, if provided, shall be securely fastened to the window.
6. Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Additionally, exterior doors shall be provided with proper hardware and maintained in a proper working condition.

- G. Swimming Pools and Spas: All swimming pools, hot tubs, spas or any other decorative water-filled area shall be maintained in a sanitary condition to avoid the creation of any health hazard or a breeding ground for disease-carrying insects.

H. Enforcement, Notices of Violation.

It shall be the duty of the Executive Director or their agents to enforce the provisions of this chapter.

1. *Enforcement may include:*

- i. Issuance of a warning notice to the person responsible for the violation, indicating the nature of the violation, ordering the action necessary to correct, and specifying a reasonable amount of time, not less than 5 business days and not more than 30 business days, for the correction of the violation or the performance of any other act required;
- ii. Issuance of a ticket (citation) to the property owner for such a violation.

2. *Notice of violation shall be served:*

- i. Personally; or
- ii. By certified mail, with return receipt required, to the last known address; and by posting the notice in a conspicuous place on the building; structure or premises on which the violation exists.

I. PENALTY.

1. In addition to any and all other remedies set forth in this chapter, the Executive Director or their agent may, after warning ticket expiration for any violation of this chapter, levy a fine against the violator of \$100 for first occurrence; second occurrence \$250, third occurrence \$500; every violation thereafter will be an additional \$250 not to exceed \$2,500, each day being a separate occurrence. The violator shall pay the levied fine through the local violations bureau. In addition, any person violating this chapter shall pay and be responsible for all attorney fees incurred by the county in enforcing the provisions of this chapter. Extraordinary or multiple violations by the same person may result in an assessment of an additional fine not to exceed \$2,500 per occurrence and pursued through legal court proceedings.
2. The County may issue a bill to the owner of the real Property for the costs incurred by the County in bringing the real property into compliance with the this chapter, including administrative Costs and removal costs.
3. If the owner of the real property fails to pay a bill issued under §2, the County may, after thirty (30) days, certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The County Auditor shall place the total amount certified on the tax duplicate for the real property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the County.

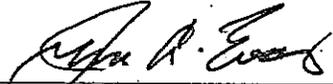
4. The Plan Commission or the Executive Director may bring an action in the Circuit or Superior Court of the County to invoke any legal, equitable, or special remedy for the enforcement of this chapter.

J. APPEAL.

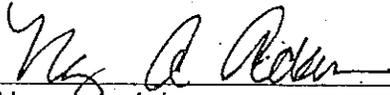
1. The property owner may appeal a notice of violation or a bill issued under this Ordinance to the Porter County Plan Commission Executive Director.
2. The Executive Director shall conduct an investigation of the appeal and make a written determination which shall be forwarded to the property owner and to the Porter County Auditor.
3. The decision of the Executive Director on all property maintenance appeals shall be appealable to the Porter County Board of Zoning Appeals as an administrative appeal using the process established in the Unified Development Ordinance.

This ordinance passed and adopted this 20th day of March, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

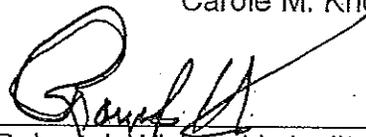


John A. Evans, President



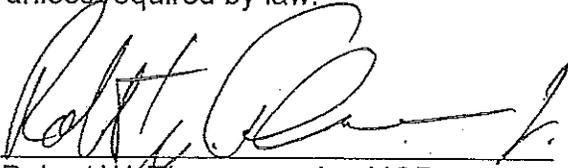
Nancy A. Adams

Carole M. Knoblock

Attest: 

Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Robert W. Thompson, Jr., AICP
Executive Director/County Planner