

**TITLE IX: GENERAL REGULATIONS**

Chapter

- 90. ANIMALS**
- 91. FIRE PREVENTION; FIREWORKS**
- 92. PARKS AND RECREATION**
- 93. SANITATION AND ENVIRONMENT; NUISANCES**



## CHAPTER 90: ANIMALS

### Section

#### *Dogs*

- 90.01 Registration required
- 90.02 Restraint required
- 90.03 Running at large
- 90.04 Impoundment
- 90.05 Notice
- 90.06 Nuisance
  
- 90.99 Penalty

animal in the absence of the owner, with the owner's permission.

(1983 Code, § 4-15(b)) (Ord. 79-7-1, passed - -1979)  
Penalty, see § 90.99

#### **§ 90.03 RUNNING AT LARGE.**

Any dogs running at large within the town may be restrained by rope, by tranquilizer gun, by snare or other humane means by the Town Marshal and/or the County Dog Catcher.

(1983 Code, § 4-15(c)) (Ord. 79-7-1, passed - -1979)

#### *DOGS*

#### **§ 90.01 REGISTRATION REQUIRED.**

(A) All persons owning or having in their possession a dog or dogs shall register with the Township Trustee for the current year tax and license the same in accordance with the laws of the State of Indiana.

(B) All animals shall be properly inoculated as required by state law.

(1983 Code, § 4-15(a)) (Ord. 79-7-1, passed - -1979)  
Penalty, see § 90.99

#### **§ 90.02 RESTRAINT REQUIRED.**

All dogs and other animals that may at times be allowed outside the home and/or cage shall be restrained within the confines of the property of the owner or of the person who may be caring for the

#### **§ 90.04 IMPOUNDMENT.**

If the dog is not properly tagged and licensed, the dog may be removed to the Newton County Pound at the Highway Garage in Morocco, Indiana, and held or disposed of, as by law provided. The owner, if known, will be notified accordingly that the dog has been impounded.

(1983 Code, § 4-15(d)) (Ord. 79-7-1, passed - -1979)

#### **§ 90.05 NOTICE.**

If the dog is tagged, the Town Marshal will contact the owner in person or by mail about the proper care of the animal and may issue a warning ticket if the animal has been a nuisance.

(1983 Code, § 4-15(e)) (Ord. 79-7-1, passed - -1979)

**§ 90.06 NUISANCE.**

Any dogs that have created a nuisance in the town may be pursued onto the owner's property to be restrained and/or impounded.

(1983 Code, § 4-15(f)) (Ord. 79-7-1, passed - -1979)

**§ 90.99 PENALTY.**

(A) Any dog or dogs, properly tagged, that runs at large after the owner has been contacted and issued a warning ticket will be determined to be a continuing nuisance, and the owner will receive a ticket resulting in a fine of \$10.

(B) The ticket will be handled through the Small Claims Court of Newton County, and the animal owner will be responsible for the fine, plus the court costs incurred.

(1983 Code, § 4-15(g)) (Ord. 79-7-1, passed - -1979)

**CHAPTER 91: FIRE PREVENTION; FIREWORKS**

Section

*Fire Prevention*

- 91.01 Firefighting apparatus agreements
- 91.02 Fire hazards and burning regulations
- 91.03 Open burning
- 91.04 Fire limits established; permit
- 91.05 Burning on streets

*Fireworks*

- 91.15 Regulations
- 91.99 Penalty

**FIRE PREVENTION**

**§ 91.01 FIREFIGHTING APPARATUS AGREEMENTS.**

(A) The Town Council may enter into interlocal cooperation agreements for the purchase, maintenance and upkeep of any firefighting apparatus it deems necessary and adequate to afford proper fire protection to the town.

(B) These agreements shall be in ordinance form and acted upon pursuant to I.C. 36-1-7-1 through 36-1-7-12.  
(1983 Code, § 6-10) (Ord. 1-1939, passed 1-3-1939)

**§ 91.02 FIRE HAZARDS AND BURNING REGULATIONS.**

(A) All persons on premises abutting any public way, when burning trash, paper, leaves, brush and

other waste materials, shall do so before darkness and in such a manner or in such containers that the ashes and smoke thereof shall not blow and scatter upon the public ways or upon adjoining premises, and at those times during the year as are permitted by state law.

(B) Any burning of trash, paper and/or waste materials at any business, store, house or factory shall be done in metal, brick or stone containers only, which containers shall satisfy the rules and regulations of the State Fire Marshal; and this burning shall be done in such a manner that the adjoining premises, buildings and/or structures shall not be exposed to unnecessary fire hazards.

(1983 Code, § 6-11) (Ord. 6-5-56, passed - -) Penalty, see § 91.99

**§ 91.03 OPEN BURNING.**

(A) No person shall kindle or maintain any bonfire or open burning, or authorize any such fire to be kindled or maintained within the town limits without permit or proper authorization from the Town Manager.

(1) During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or proper authorization from the Town Manager.

(2) Any applicant for an open burning permit shall demonstrate that he or she is in legal control of the lot or parcel of land on which the burning is to be done.

## Kentland - General Regulations

(B) These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food.

(C) In addition to the requirements of this section, all rules of the Indiana Department of Natural Resources and the Indiana Department of Environmental Management shall be applicable and shall be observed within the town at all times.

(D) Burning on public property shall be prohibited unless a permit is obtained from the Town Manager.

(Ord. 01-01-09-1, passed 1-9-2001) Penalty, see § 91.99

### § 91.04 FIRE LIMITS ESTABLISHED; PERMIT.

(A) The Town Council hereby creates fire limits with Blocks No. 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17 and 18, in the Original Plat of the town, and Blocks No. 19, 20 and 21 in Kent's Northern Addition to the town.

(B) The erection of any building or addition to any building or structure, unless the outer walls thereof are made of iron, stone, brick and mortar, or some of them, is hereby prohibited upon the squares or blocks embraced within the fire limits as defined in division (A) of this section.

(C) This section shall not prohibit the erection of wooden buildings to be used exclusively for residence purposes and private garages used in connection with residences.

(D) All residences and garages erected in connection therewith shall be covered with a roof of fire-resisting materials.

(E) It shall be unlawful for any person, partnership or corporation to construct or commence the construction of any building within the fire limits defined in division (A) above before obtaining a permit from the Town Council.

(F) The permit shall contain a description of the building proposed to be erected and the material to be

used, together with the legal description of the lot or parcel of ground upon which it is proposed to locate the building.

(G) Any building hereafter constructed within the fire limits as defined in division (A) of this section, or structure on which work of construction has commenced, without the issuance of the permit therefor, shall be deemed a continuing public nuisance and subject to summary abatement by the removal thereof without notice, and at the expense of the owner of the property.

(1983 Code, § 6-12) (Ord. 208, passed 1-10-1940) Penalty, see § 91.99

### § 91.05 BURNING ON STREETS.

It shall be unlawful for any person to fire or cause to be fired on any street, alley or asphalt street in town, any shavings, paper, leaves or other combustible material.

(1983 Code, § 6-13) (Ord. XI, passed - -1868) Penalty, see § 91.99

## *FIREWORKS*

### § 91.15 REGULATIONS.

(A) *Right to regulate.* The town may regulate conduct or use or possession of property that might endanger the public health, safety or welfare of its citizens.

(B) *Definition.* Fireworks shall be defined as listed in I.C. 22-11-14-1, as it may be amended from time to time.

(C) *Prohibited acts.*

(1) The discharge, firing or use of fireworks is prohibited within the corporate limits of the town.

(2) The sale of fireworks at retail is prohibited within the corporate limits of the town.

(3) The storage or sale of fireworks at wholesale is prohibited within the corporate limits of the town.

(D) *Removal.* The Chief of the Fire Department, at his or her discretion, may remove or have removed, at the owner's expense, all stocks of fireworks or other combustibles exposed for sale or held in stock in violation of this section.  
(Ord. 173, passed - -19\_\_)

(E) *Public display.* Any supervised public display of fireworks by the town, fair associations, amusement parks, other organizations or groups of individuals shall be done pursuant to I.C. 22-11-14-2, as it may be amended from time to time.  
(1983 Code, § 6-14)

**Statutory reference:**

*Authorization to regulate conduct which may endanger the public health, safety and welfare, see I.C. 36-8-2-4*

(E) Any person violating § 91.05 shall upon conviction be fined not less than \$10.  
(1983 Code, § 6-13) (Ord. XI, passed - -1868)

(F) Any person, firm, or corporation violating any of the provisions of § 91.15 as regards the storage and sales of fireworks shall upon conviction be fined not less than \$10 nor more than \$25 for each day's neglect of compliance; provided also, that violations of other divisions of § 91.15 shall be punishable by a fine not exceeding \$10.  
(1983 Code, § 6-14) (Ord. 173, passed - -19\_\_)

**§ 91.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person violating any of the provisions of § 91.02 upon conviction shall be fined in any sum not exceeding \$10.  
(1983 Code, § 6-11) (Ord. 6-5-56, passed - -)

(C) A person who knowingly violates § 91.03 commits an infraction.  
(Ord. 01-01-09-1, passed 1-9-2001)

(D) Whoever erects or causes to be erected any wooden building or any wooden addition to any building within the fire limits created by division (A) of § 91.04 shall, upon conviction, be fined in any sum not more than \$10 nor less than \$9 for each offense; provided that each day any wooden building or any wooden addition to any building so erected is allowed to remain within the fire limits shall be a separate and distinct offense within the meaning of the section.  
(1983 Code, § 6-12) (Ord. 208, passed 1-10-1940)





## CHAPTER 92: PARKS AND RECREATION

### Section

#### *General Provisions*

- 92.01 Authority to operate
- 92.02 Department of Parks and Recreation established
- 92.03 Superintendent of Parks and Recreation; duties

#### *Board of Parks and Recreation*

- 92.15 Composition
- 92.16 Terms
- 92.17 Officers
- 92.18 Meetings
- 92.19 Quorum
- 92.20 Powers and duties
- 92.21 Advisory Council/Special Committees
- 92.22 Budget; gifts
- 92.23 Incorporation of State Park and Recreation Law
- 92.24 Naming of town parks

#### **GENERAL PROVISIONS**

##### **§ 92.01 AUTHORITY TO OPERATE.**

The town may establish, aid, maintain and operate public parks, playgrounds and recreation facilities and programs.

(1983 Code, § 5-1)

##### ***Statutory reference:***

*Recreation facilities and programs, see I.C. 36-10-2-2*

##### **§ 92.02 DEPARTMENT OF PARKS AND RECREATION ESTABLISHED.**

(A) The Department of Parks and Recreation is established for the purpose of promoting and providing greater opportunities for park and recreation programs within the town.

(B) Because recreation is a fundamental need essential to the well-being of people, and because parks are primary facilities for public recreation, it is the purpose to consolidate these services into 1 department.

(C) The Department of Parks and Recreation shall be composed of the Board of Parks and Recreation, a Superintendent, and other personnel as the Board may determine.

(1983 Code, § 5-2) (Ord. 1976-8-14(A), passed - -)

##### ***Statutory reference:***

*Establishment of a Department of Parks and Recreation, see I.C. 36-10-3-3*

##### **§ 92.03 SUPERINTENDENT OF PARKS AND RECREATION; DUTIES.**

Under the direction of the Board of Parks and Recreation, the Superintendent shall have the following duties:

(A) Propose an annual plan for the operation of the Department;

(B) Administer the plan as approved by the Board;

(C) Experience the general administration of the Department;

(D) Maintain and preserve all records, papers and documents of the Department;

(E) Recommend persons for appointment;

(F) Appoint employees subject to Board approval;

(G) Prepare and submit an annual report to the Board; and

(H) Perform other duties that the Board directs. (1983 Code, § 5-11)

**Statutory reference:**

*Duties of the Superintendent of Parks and Recreation, see I.C. 36-10-3-14*

**BOARD OF PARKS AND RECREATION**

**§ 92.15 COMPOSITION.**

(A) The Board shall be composed of 4 members, all of whom shall be appointed by the Town Executive.

(B) The Town Executive shall select the regular members on the basis of their interest in and knowledge of parks and recreation, but no more than 2 members shall be of the same political party. (1983 Code, § 5-3) (Ord. 1976-8-14A, passed - -; Am. Res. 2002-07-09-(2), passed 7-9-2002)

**§ 92.16 TERMS.**

(A) Upon the establishment of a Board, the terms of the members initially appointed shall be 1, 2, 3 and 4 years. The Town Executive shall make his or her initial appointments within 90 days of the adoption of this section. Thereafter as a term expires, each new appointment shall be made by the Town Executive for a 4-year term.

(B) All terms shall expire on the first Monday of January, but an appointee shall continue in office until his or her successor is appointed.

(C) All reappointments to the Board shall be made by the Town Executive by the first Monday in April of each year or the incumbent shall continue to serve another 4-year term.

(D) If a vacancy on the Board occurs, the Town Executive shall appoint a member for the unexpired term.

(1983 Code, § 5-4) (Ord. 1976-8-14A, passed - -)

**Statutory reference:**

*Removal procedures of Board members, see I.C. 36-10-3-6*

**§ 92.17 OFFICERS.**

At its first regular meeting in each year, the Board shall elect a President and a Vice-President. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President. The Board may select a Secretary either within or without its own membership.

(1983 Code, § 5-5) (Ord. 1976-8-14(A), passed - -)

**§ 92.18 MEETINGS.**

(A) All meetings of the Board shall be in public.

(B) The Board shall fix the time and place of its meetings, with the meetings being held at least quarterly.

(C) Special meetings may be called by the President of the Board or by 2 members giving written request to the Secretary.

(1983 Code, § 5-6)

**§ 92.19 QUORUM.**

A majority of members constitutes a quorum, with official action of the Board needing at least 3 members present and acting.

(1983 Code, § 5-7)

**§ 92.20 POWERS AND DUTIES.**

The Board of Parks and Recreation shall have the following powers and duties:

(A) To perform all acts necessary to acquire and develop sites and facilities for park and recreation functions;

(Ord. 1976-8-14A, passed - -)

(B) To exercise general supervision and make rules for the Department;

(C) To establish rules governing the use of park and recreation facilities by the public;

(D) To establish standards and qualifications for appointment of personnel;

(E) To make recommendations and file an annual report concerning the operation of park and recreation programs;

(F) To exercise other powers and duties authorized by statute.

(1983 Code, § 5-8)

**Statutory reference:**

*Duties and powers of the Board of Parks and Recreation, see I.C. 36-10-3-10 and 36-10-3-11*

**§ 92.21 ADVISORY COUNCIL/SPECIAL COMMITTEES.**

The Board may create an advisory council and special committees composed of citizens interested in the problem of parks and recreation, in accordance with I.C. 36-10-3-17 as it may be amended from time to time.

(1983 Code, § 5-9) (Ord. 1976-8-14A, passed - -)

**§ 92.22 BUDGET; GIFTS.**

(A) The Board shall prepare and submit an annual budget in the same manner as other departments of the municipal government, as prescribed by the State Board of Accounts.

(B) The Board may accept gifts, donations, and subsidies for park and recreation purposes.

(1983 Code, § 5-10) (Ord. 1976-8-14A, passed - -)

**§ 92.23 INCORPORATION OF STATE PARK AND RECREATION LAW.**

The applicable sections of the Park and Recreation Law presently found at I.C. 36-10-3-1 through 36-10-3-39, as it may be amended from time to time, are incorporated herein by reference.

(1983 Code, § 5-12)

**§ 92.24 NAMING OF TOWN PARKS.**

The 13.5-acre park located at North First Street (C.R. 350 West) and C.R. 1500 South shall be named the "Alvin C. Cast Park," after the late Alvin C. Cast, who was a major figure in the community for over half a century. He provided leadership as an educator, businessman, and local and state political leader.

(1983 Code, § 5-13) (Res. 82-6-14, passed - -)



**CHAPTER 93: SANITATION AND ENVIRONMENT; NUISANCES**

Section

*General Provisions*

- 93.01 Definition
- 93.02 Snow removal
- 93.03 Noise control regulations
- 93.04 Noxious smells prohibited
- 93.05 Weed control
- 93.06 Paintball gun restrictions

*Trash on Private Property*

- 93.20 Duty to maintain private property
- 93.21 Exterior storage of nonoperating vehicles prohibited
- 93.22 Enforcement

*Abandoned, Junked, Discarded or Unlicensed Motor Vehicles*

- 93.35 Extra storage prohibited
- 93.36 Enforcement
  
- 93.99 Penalty

**GENERAL PROVISIONS**

**§ 93.01 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**NUISANCE.** Any condition or use of premises or of building exteriors which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of other property in

the neighborhood in which the premises are located. This includes but is not limited to the keeping or the depositing on or the scattering over the premises of any of the following:

- (1) Lumber, junk, trash or debris; or
  - (2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- (1983 Code, § 6-50(a)) (Ord. 12-10-73, passed - -)

**§ 93.02 SNOW REMOVAL.**

(A) Any person or persons, being the owner or occupant of any lot or lots within the corporate limits of the town, shall remove from sidewalks in front of or adjacent to those lots occupied or owned within 24 hours, any snow or ice which may have accumulated. (Ord. 54, passed - -1884)

(B) If any owner or occupant shall not remove the snow and ice as required, the town is authorized to remove or cause to be removed the snow and ice, and report in writing the necessary expense involved to the Clerk-Treasurer, who shall certify the amount and date of removal, the description of the lot, and the owner’s name. The amount shall be collected as taxes and disbursed to the General Fund of the town pursuant to the procedures in I.C. 36-7-10.1-4, as it may be amended from time to time. (1983 Code, § 6-37) Penalty, see § 93.99

**§ 93.03 NOISE CONTROL REGULATIONS.**

(A) No person shall make, continue or cause to be made or continued any loud, raucous, improper,

unreasonable or offensive noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town.

(B) It shall be unlawful for the drivers of automobiles, or the owners or operators of automobiles or trucks while driving upon the streets of the town; or the owners, operators, riders or manipulators of motorcycles, while upon the streets of the town, to run the automobiles, trucks or motorcycles with the cut out or exhaust open, thereby making unnecessary and disturbing noise.

(C) It shall be unlawful for the owners, operators, drivers, riders, or any other person to sound, blow, squawk or in any other way to manipulate the warning signal attached to any automobile or motorcycle, as to create an unnecessary or disturbing noise in or upon the streets of the town. (1983 Code, § 6-29) (Ord. 152, passed - -1913) Penalty, see § 93.99

**Statutory reference:**

*Authorization to regulate any generation of sound, see I.C. 36-8-2-8*

**§ 93.04 NOXIOUS SMELLS PROHIBITED.**

Any person or persons who allows noxious or offensive smells to be exhaled from his or her property, and the smells become injurious to the health, comfort or property of others, shall be deemed guilty of maintaining a nuisance.

(1983 Code, § 6-33) (Ord. 52, passed - -18\_\_)  
Penalty, see § 93.99

**Statutory reference:**

*Authorization to regulate the introduction of any substance or odor into the air, see I.C. 36-8-2-8*

**§ 93.05 WEED CONTROL.**

(A) It shall be unlawful for any owner, proprietor, tenant or occupant of any lot, or tract of land wholly or in part within the corporate limits of the town, to allow, suffer or permit weeds, briars, willows or noxious plants of any kind or character to be, remain or grow along or upon the 1/2 part or

portion of any street, alley or public highway adjacent to or bordering on the lot or tract of land.

(B) It shall hereafter be unlawful for any owner, proprietor, tenant or occupant of any lot or tract of land wholly or in part within the corporate limits of the town to allow, suffer or permit any tin cans, glass, brush, rubbish or debris of any kind or character to be or remain along or upon the 1/2 part or portion of any street, alley or public highway adjacent to or bordering on any lot or tract of land.

(C) Any owner, proprietor, tenant or occupant of any lot or tract of land wholly or in part within the corporate limits of the town, who shall violate any of the provisions of § 93.05 shall upon conviction thereof be fined in any sum not exceeding \$10, and may be subject to the provisions of I.C. 36-7-10-3. (1983 Code, § 6-55) (Ord. 183, passed - -1919) Penalty, see § 93.99

**Statutory reference:**

*Authorization to charge for the removal of weeds and rank vegetation and have the same collected as taxes, see I.C. 36-7-10.1-4*

**§ 93.06 PAINTBALL GUN RESTRICTIONS.**

(A) *Definition.* For the purpose of this section, the term **PAINTBALL GUN** shall be defined as any device which is capable of launching, propelling or expelling any item, device or article, which is designed to or may be altered to become capable of carrying paint or any related colored liquid to an intended target, thereby causing a mark or stain on any surface where it may land.

(B) *Firing of paintball guns unlawful on public property.* No person shall fire a paintball gun on any portion of public property within the boundaries of the town, nor shall any paintball gun be fired from private property where there exists any chance that the item being fired may land on public property or private property, except that property which is owned by the person firing the paintball gun, or with expressed consent of the owner of the private property.

(C) *Violation by minor.* If the person convicted of violating this section is under the age of 18 years

old, then the fine and compensations shall be assigned to the immediate parent or legal guardian of the offender.

(Ord. 98-07-01, passed 7-14-1998) Penalty, see § 93.99

***TRASH ON PRIVATE PROPERTY***

**§ 93.20 DUTY TO MAINTAIN PRIVATE PROPERTY.**

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain the premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which the premises are located.

(1983 Code, § 6-50(b)) (Ord. 12-10-73, passed - -) Penalty, see § 93.99

**§ 93.21 EXTERIOR STORAGE OF NONOPERATING VEHICLES PROHIBITED.**

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on the property longer than 10 days; and no person shall leave the vehicle on any property within the town for a longer time than 10 days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of the vehicle is necessary to the operation of the business enterprise; or with regard to a vehicle in an appropriate storage

place or depository maintained in a lawful place and manner by the town or any other public agency or entity.

(1983 Code, § 6-50(c)) (Ord. 12-10-73, passed - -) Penalty, see § 93.99

**§ 93.22 ENFORCEMENT.**

Enforcement of this subchapter may be accomplished by the town in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this subchapter, suffers special damage to himself or herself different from that suffered by other property owners throughout the town generally, may bring an action to enjoin or otherwise abate an existing violation.

(1983 Code, § 6-50(d)) (Ord. 12-10-73, passed - -)

***ABANDONED, JUNKED, DISCARDED OR UNLICENSED MOTOR VEHICLES***

**§ 93.35 EXTRA STORAGE PROHIBITED.**

(A) No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on the property longer than 10 days; and no person shall leave any such vehicle on the property within the town for a longer time than 10 days; except that this subchapter shall not apply to any vehicle in an enclosed building or so located upon the premises as not to be reasonably visible from any public place or from any surrounding private property.

(B) This section shall not apply to any vehicle or the premises of a business enterprise operating in a lawful manner when the keeping or maintaining of the vehicle(s) is necessary to the operation of the business enterprise; or with regard to a vehicle in an

appropriate storage place or depository maintained in any lawful place and manner by the town or any other public agency or entity.  
(1983 Code, § 6-40(A))

### § 93.36 ENFORCEMENT.

Enforcement may be accomplished by the town in any manner authorized by law; and in addition, any person who, by reason of another's violation of any provision of this subchapter, suffers special damages to himself or herself different from that of other property owners throughout the town generally may bring an action to enjoin or otherwise abate an existing violation.

(1983 Code, § 6-40(B)) (Ord. 12-10-73, passed - -1973)

***Cross-reference:***

*Similar provisions, see §§ 93.20 through 93.22*

***Statutory reference:***

*State's abandoned vehicle law, see I.C. 9-22-1*

### § 93.99 PENALTY.

(A) Every person who shall erect, maintain, continue or establish any public nuisance to the injury, annoyance or hurt of any part of the citizens of the town shall upon conviction thereof, be fined a sum not to exceed \$100 at the time of conviction, and shall be fined a recurring fine of \$20 per day for each day that the violation continues after conviction.

(Ord. 98-07-01, passed 7-14-1998)

(B) Any person found in violation of § 93.02 may also be fined, upon conviction an amount not exceeding \$5.

(1983 Code, § 6-37) (Ord. 176, passed - -19\_\_)

(C) Any person guilty of violating § 93.03 shall, upon conviction, be fined in the sum of \$5 for the first offense and the sum of \$10 for each offense thereafter and a separate offense shall be deemed committed each time a violation occurs.

(1983 Code, § 6-29)

(D) Anyone found in violation of § 93.04, upon conviction, shall be fined not less than \$10. Each day that the nuisance is not abated shall be considered a separate and distinct offense.

(1983 Code, § 6-33) (Ord. 52, passed - -18\_\_)

(E) Any person convicted of violating any portion of § 93.06 shall be fined a sum not exceeding \$75 and shall be financially responsible for monetary damages caused to any person owning private property that is damaged due to the violation.

(Ord. 98-07-01, passed 7-14-1998)