

**ORDINANCE AMENDING VARIOUS ORDINANCES
IN THE TOWN OF SPICELAND, INDIANA**

WHEREAS, the Town of Spiceland, Henry County, Indiana, finds it necessary to amend the Town Ordinances,
BE IT THEREFORE ORDAINED by the Town of Spiceland, Indiana,

CERTAIN CONDITIONS DECLARED NUISANCES

- (A) A person who permits or allows any one of the following conditions to exist, either as a landowner or tenant in possession, shall be guilty of allowing or permitting a nuisance to exist.
- (B) The term nuisance shall include the following conditions, declared by the Common Council to constitute a nuisance, to wit:
 - (1) Any owner of a vehicle, regardless of whether or not the same is self-propelled, who permits the same to be parked upon a public street or alley for a period exceeding 15 days without moving the same.
 - (2) Any person who allows an inoperative or to be parked or placed on a private or public lot for a period exceeding 15 days.
 - (3) Any person who allows the accumulation of garbage, tin cans, paper, boxes, unused or abandoned appliances, motor vehicle parts, iron, tin, or any other waste material on a private lot, or any person who violates or fails to comply with a notice pursuant to the ordinance to remove inflammable materials.
 - (4) With regards to noise, a separate ordinance has been passed contemporaneously with this one.
 - (5) Any person who shall cause the emission of a dense smoke, or a smoke with an offensive odor, disturbing to the general neighborhood, either by bonfire, burning of garbage, leaves, or any waste material.
 - (6) Any person who shall permit dense black smoke so as to cause an accumulation of smoke or dust upon the surrounding neighborhood, which smoke shall be emitted from the burning of any substance about or upon such person's premises.
 - (7) Any person who shall allow the accumulation of domestic animal waste to such an extent that the odor therefrom is offensive to the general neighborhood.
 - (8) Graffiti, which is defined as any unauthorized inscription, work, figure or design that is marked, etched, scratched or drawn or painted on a component of any building, structure, facility, sign, railroad car, semi tractor trailer or vehicle which is visible to the public must be removed or covered by the owner of said building, structure, facility, sign, railroad car, semi tractor trailer or vehicle upon receipt of a notice of abatement.

NOTICE TO ABATE AND ABATEMENT BY TOWN

The Town of Spiceland may notify any person in violation of this Ordinance to abate such nuisance. If the nuisance is not abated within seven days after such notice, the Town may, in its discretion cause the same to be removed. The cost of such removal shall be certified to the County Treasurer by the Clerk-Treasurer for the purpose of placing the cost thereof upon the tax assessment of the offending party, as provided by law.

NON-COMPLIANCE WITH NOTICE TO ABATE

- (A) Any person who does not comply with the notice of abatement as set forth hereinabove shall be subject to penalty as follows:
 - (1) First offense: Up to \$250;
 - (2) Second offense: Up to \$500;
 - (3) Third offense: Up to \$1,000;
 - (4) Fourth offense: Up to \$2,500.
- (B) The proper venue shall be Henry County, Indiana.

PROPERTY CLEAN-UP AND DEBRIS REMOVAL, FAILURE TO; CHARGES

- (A) Every citizen of the town owning real estate within its corporate limits has a duty to remove hazardous structures, debris, burned wood, or building materials from his or her real estate within 60 days after fire, natural disaster, or other event that caused the condition, accumulation, or nuisance to occur.
- (B) Should the property owner have insurance benefits that will pay for the removal of such debris or hazardous structure, the town shall have a lien upon the proceeds in an amount equal to \$5,000, or the cost of the debris removal, whichever is greater. The property owner shall have a duty to inform the town within seven days after the fire or other natural disaster of the existence, name, and address of the applicable insurance carrier and the nature of coverage available.
- (C) In the event real property is damaged by fire or other natural disaster and no building permit is obtained to repair such damage within 60 days of the date of the fire, the town may proceed to remove the debris and restore the property so that it is in compliance with all town codes. Should the town do so, it may seek actual reimbursement of its costs from the property owner for such removal of debris and property restoration. The town may charge the property owner an amount equal to the actual cost of debris removal and property restoration or \$5,000, whichever is greater.
- (D) Should a property owner fail to comply with the terms of this section, the property owner shall be assessed a fine for which the property owner is personally liable in the amount of \$5,000, or the cost of debris removal as set out herein above, whichever is greater.
- (E) Should any citizen or owner of real estate within the town find that the time limits mandated by this section impose an unreasonable or undue hardship upon him or her, he or she may make application to the Town of Spiceland for an extension. The Town shall consider the application, and, if it determines that the enforcement of the time limits as set forth herein are unreasonable or create an undue hardship for the applicant, due to circumstances beyond is or her control, the Town may extend the time limit set forth herein. However, the Town may not make any single extension of greater than 30 days. In the event a property owner needs additional time, subsequent 2 applications must be made to the Town of Spiceland, and additional time can only be granted after the Town reviews each individual request.

GOOD SAMARITAN PROVISION

- (A) To those wishing to lend the town a helping hand and assist those who are owners of vacant property avoid being fined for violation of town ordinance, the town offers its encouragement and support. Citizens are encouraged to lend a helping hand to their neighbors by keeping the grass cut at a length of less than eight inches and disposing properly of trash and litter that accumulates on a neighbor's lot when that neighbor's property is vacant or abandoned.
- (B) This section is intended to encourage Good Samaritans to take those actions to help the owners of vacant and abandoned homes and other abandoned and vacant properties avoid the cost imposed upon them by violating town ordinances. This section does not encourage Good Samaritans to take actions other than that which is required of residents by town ordinance.
- (C) Nothing herein shall impose a fine or penalty upon the absentee owner for the action taken by the Good Samaritan and nothing herein shall impose any liability or responsibility on the part of the town for costs or damages suffered by the Good Samaritan in lending the helping hand. Those wishing to provide a helping hand do so as volunteers, of their own free will and act, and shall receive no reward except the knowledge that they have helped their community and their neighborhood.

OWNERS REQUIRED TO CUT

- (A) Owners of real property located within the corporate limits of the town shall cut and remove weeds and other rank vegetation growing on such property, unless such vegetation is part of an established agricultural enterprise and is currently being used for pasture or for the production of hay.
- (B) "Weeds" subject to removal under this code provision shall be those weeds, grasses and other vegetation that are eight inches or longer in length, and "other rank vegetation" subject to removal under this code provision shall be vegetation growing with excessive luxuriance and vigor, which is at least eight inches in length or more.
- (C) For the purposes of this section, the terms "length" and "height" shall be synonymous. A weed or piece of vegetation, if standing eight inches or greater in height and same ends or falls over, such that it continues to be equal to one foot or more in length, is in violation of the terms of this section.

SEVERABILITY OF PROVISIONS: If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance

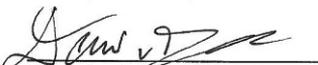
and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby.

REPEAL OF PREVIOUS ORDINANCES: Any and all prior ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

THIS ORDINANCE PASSED AND ADOPTED BY THE TOWN COUNCIL, TOWN OF SPICELAND, this 23rd day of February, 2026
TOWN COUNCIL, TOWN OF SPICELAND:


Christopher Garner, President


Robert Blake, Member


Darrin Jacobs, Member

Scott Fitch, Member

ATTEST:


Hope Stevens, Clerk-Treasurer
Town of Spiceland, Indiana