

**Town of Carlisle Indiana**  
**Ordinance Number- 2020-4**

An Ordinance relating to the Health and Safety in the Town Of Carlisle

Whereas, this Ordinance is adopted by the Town Board of the Town of Carlisle, County of Sullivan, State of Indiana.

**Article 1: Property Maintenance, conditions and requirements**

**1.01 Findings and declaration.**

It is hereby found and declared that there exists in the Town of Carlisle structures used for residential and nonresidential use which are or may become in the future substandard with respect to structure, equipment or maintenance or further that such conditions, including but not limited to structural deterioration; lack of maintenance and upkeep of exterior of premises; infestation; existence of fire hazards; and unsanitary conditions, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the Town. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time and expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and

nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

### **1.02 Purpose.**

The purpose of this ordinance is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and conditions for residential and nonresidential premises.

### **1.03 Exterior Standards.**

The exterior of the premises and the condition of structures shall be maintained so that the premises and all buildings shall reflect a level of maintenance in keeping with the standards of the community and shall not constitute blight from the point of view of adjoining property owners or lead to the progressive deterioration of the neighborhood. Such maintenance shall include, without limitation, the following:

- A. Foundations, porches, decks, steps and walls shall be in good conditions.
- B. All storefronts and walls exposed to public view shall be kept in a good state of repair. Unoccupied storefronts shall be maintained in a clean and neat appearance.
- C. All vacant buildings shall be continuously guarded or sealed and kept secure against unauthorized entry. Owners of such buildings shall take such steps and perform such acts as be required to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public and that such property does not become infested with vermin or rodents.

- D. Exterior walls and roofs including doors and windows and the areas around doors, windows vents and chimneys and other parts of the building, shall be so maintained as to keep water from entering the building. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workman like manner.
- E. All exposed exterior surfaces shall be maintained free of broken or cracked glass, loose shutter, railings, aerials, peeling paint or other conditions reflective of deterioration or inadequate maintenance. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative. Wood, masonry or other exterior materials that will naturally resist deterioration do not have to be treated but must be maintained in a neat, orderly, serviceable manner.
- F. Roof drains, overflow pipes, air-conditioning drains, sump pumps and any other device used to channel water off of or out of a building shall be maintained in a safe and operable condition and shall not drain onto a public sidewalk, walkway, street, alleyway or adjoining property, and shall be conveyed to an adequate and approved system of storm water disposal where available.
- G. Persons owning or occupying property shall keep all walkways, public or private, abutting said premises free from litter trash or obstacles.

#### **1.04 Open area and parking spaces.**

- A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm water sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall

create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

- B. Yards, land or lots must be keep free of dead or dying trees, broken or loose limbs, accumulations of brush, weeds, or grass.
- C. Open wells, cesspools, cisterns, sink holes or temporary excavations shall be securely closed or barricaded from access to the public.
- D. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal weather conditions.
- E. Fences and other minor constructions shall be maintained in a safe and substantial condition.

### **1.05 infestation**

A. Grounds buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to generally accepted practice.

### **1.06 Blight influences**

A. No appliances such as Clothes washers and Dryers, stoves, refrigerator's and freezer's and interior furniture such as stuffed couches and chairs shall not be stored, kept or left on lawns or porches outside of buildings visible to the public.

B. No materials, goods or supplies may be stored in any front yard or in an exterior or interior side yard. Materials may be stored in a rear yard, provided that the area used for storage is screened from neighboring properties by a fence or hedge and that the method and manner of storage complies with the other provisions hereof.

### **1.07 Gross violations**

- A. Gross violations shall include violations of this ordinance which are easily observed and obvious from a public view. Some of these violations include.
1. Doors and windows open or missing on unoccupied residence or building.
  2. Holes in roof.
  3. Rodents, vermin or wild animals coming and going from residence or building
  4. Unsafe conditions,
  5. Collapsing buildings, decks or porches.

### **1.08 Violations:**

- A. Whenever the Town or authorized representative of the Town determines that there is a violation of this chapter a written notice shall be served upon the owner which shall include:
1. An explanation of conditions that violate this ordinance.
  2. An action required to meet the standards of this ordinance.
  3. A statement of a definite number of days from the date of the notice in which the owner must commence and complete the remedial action. (A minimum of 10 days and maximum of sixty.)
  4. A statement of the penalties for noncompliance set forth herein.
  5. A recommendation as to whether the structure is salvageable.
  6. The Manner of Service shall be as described under IC 36-7-9-25.

B. If in the opinion of the Town or Towns authorized representative, a building or structure is in such disrepair that it is not economically salvageable, the owner shall be notified and a report forwarded to the Unsafe Building Enforcement Authority.

C. Any owner receiving notice of violation, stating that such building does not comply with the provisions of this ordinance may demolish and remove such building and such action shall be deemed compliance.

### **1.09 Penalties/ remediation**

A. After an order is issued, the person or occupant subject to the order may work with the Town unsafe building authority to complete a remediation plan. For purposes of this section “remediation plan” shall mean a plan to bring the building into compliance with this ordinance.

B. Any person, firm or corporation who is in violation of this ordinance and fails to comply with the standards required in the time allotted by notice or agreed upon in a remediation plan shall be fined in the amount of:

1. First offense \$100.00
2. Second offense within one year \$200.00
3. Third offense within one year \$300.00

C. Every day that a violation continues after the fine is assessed will constitute a separate offense.

D. The town may use any lawful means to collect on unpaid fines, and may seek to recover reasonable attorney fees, costs, expenses, and damages that may be allowed by law.

E. Any fines collected under this ordinance shall be deposited into the unsafe building fund.

### **1.10 Appeals.**

- A. Any property owner aggrieved by notice, billing or fine under this ordinance may appeal in writing to the Town Board, by filing same with the Clerk-Treasurer no later than 10 days from the date of receipt of notice and/or billing. Said writing shall state concisely the basis for appeal and shall be timely filed to be valid and heard. The appeal shall be heard by the Town Board at the next regularly scheduled Town Board meeting. The Town Board may give its decision on the appeal at that meeting or in writing at a later date.

### **1.11 Validity.**

- A. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever , such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect.
- B. Saving Clause; This Ordinance shall not affect the violations of any other ordinance code or regulation of the town existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances codes or regulations in effect at the time the violation was committed.

**1.12 Adoption: Ordinance #** 2020-4

This ordinance is hereby adopted and passed by the Town Board of the Town of Carlisle this 3rd day of March 2020 and shall become effective two weeks after being recorded and published in the Town's ordinance book by the Clerk-Treasurer.

Azalea Barfield  
Azalea Barfield, Town Board President

Harold Hatfield  
Harold Hatfield

Clint Durall  
Clint Durall

Attested: Suzan Ridgway  
Suzan Ridgway, Town Clerk-Treasurer

Date of Entry into the Ordinance Book: 3-5-2020