

**LA PORTE COUNTY, INDIANA**  
**CODE NO. 2017-\_\_\_\_**

**ORDINANCE ESTABLISHING CODE ENFORCEMENT OF LAPORTE  
COUNTY AND THE POSITION OF CODE ENFORCEMENT OFFICER OF THE  
COUNTY OF LAPORTE, INDIANA**

**WHEREAS**, Indiana Code Sections 36-1-3-1 et seq. permit any county in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another government entity;

**WHEREAS**, The Board of Commissioners of LaPorte County, Indiana (“Commissioners”) is the County Legislative body and is by law authorized to adopt ordinances for the performance of functions in the County of LaPorte, Indiana;

**WHEREAS**, The Commissioners of LaPorte County, Indiana deem it to be reasonable, appropriate and in the best interests for the health, safety and general welfare of the public to establish a Code Enforcement Ordinance, including the creation of a position to be known as the Code Enforcement Officer, for LaPorte County, Indiana;

**WHEREAS**, such establishment of this Code Enforcement Ordinance is necessary to address blight and nuisances, and to maintain a clean and safe environment for the citizens of LaPorte County, Indiana;

**WHEREAS**, the creation of the position of Code Enforcement Officer is necessary to provide proper enforcement of both Indiana State law and the provisions contained in this Ordinance to promote and maintain a healthy, safe and desirable quality of life for the citizens of LaPorte County, Indiana.

**NOW, THEREFORE**, BE IT ORDAINED by the Board of Commissioners of LaPorte County, State of Indiana, as follows:

**CHAPTER 1. ADMINISTRATION**

**Section 1. General**

**a. Title.** These regulations shall be known as the “Code Enforcement Ordinance of LaPorte County, Indiana,” hereinafter referred to as “this Ordinance.”

**b. Scope.** The provisions of this Ordinance shall apply to all existing residential and nonresidential buildings, land, structures or premises and constitute minimum requirements and standards for all buildings, land, structures, premises, equipment, facilities, sanitary maintenance and exterior appearances of the same; the responsibilities of owners and occupants; and for administration, enforcement and penalties.

**c. Purpose.** The purpose of this Ordinance is to identify processes and methods to achieve compliance with laws and regulations adopted by LaPorte County pursuant to Indiana State laws that promote and protect the general public health, safety, and environment of LaPorte County residents.

(1) It is the intent of LaPorte County to pursue code compliance actively and vigorously in order to protect the health, safety, and environment of the general public.

(2) While this title authorizes LaPorte County Code Enforcement to take action to enforce laws and regulations, it shall not be construed as placing responsibility for code compliance or enforcement upon LaPorte County in any particular case, or as creating any duty on the part of LaPorte County to any particular person(s).

**d. Severability.** If a section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, declared unconstitutional or invalid or unenforceable for any reason, such decisions shall not affect the validity of the remaining portions of this Ordinance which will remain in full force and effect.

## **Section 2. Applicability**

**a. General.** The provisions of this Ordinance shall apply to all matters in LaPorte County, Indiana affecting or relating to dwellings, buildings, structures and/or premises in violation of the provisions of this Ordinance.

**b. Maintenance.** The minimum standards and requirements for structures, premises, equipment, facilities, sanitary maintenance and exterior appearances of the same required by this Ordinance must be maintained by all residents and property owners in LaPorte County, Indiana. Except as otherwise specified herein, the owner shall be responsible for said maintenance of buildings, structures and premises.

**c. Application of other ordinances.** Nothing in this Ordinance shall be construed to set aside, conceal or modify any provision of the zoning code.

**d. Existing remedies.** The provisions of this Ordinance shall not be construed to abolish, modify or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

## **CHAPTER 2. CODE ENFORCEMENT OFFICER**

### **Section 1. Code Enforcement Officer.**

**a. Creation of position.** The position to be known as the Code Enforcement Officer is hereby created, as a division of the Plan Commission of La Porte County; and

the Code Enforcement Officer is hereby referred to as the “Code Officer,” in this Ordinance.

**b. Appointment.** The Code Officer shall be appointed by the Commissioners and shall serve at their pleasure.

**c. Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Commissioner shall have the authority to appoint a deputy Code Officer, other related technical officer, inspectors and other employees.

**d. Restriction of employees.** An officer or employee connected with the enforcement of this Ordinance, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alternation or maintenance of a building; nor shall such officer or employee engage in any work that conflicts with the official duties or with the interests of LaPorte County Code Enforcement.

**e. Liability.** The Code Officer charged with the enforcement of this Ordinance, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of the Plan Commission until the final termination of the proceedings. The Code Officer or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Ordinance; and any officer conducting property maintenance inspections, acting in good faith and without malice, shall be free from liability for acts performed under any of this Ordinance provisions or by reason of any act or omission in the performance of official duties in connection therewith.

## **Section 2. Duties and Powers of the Code Officer.**

**a. General.** The Code Officer shall enforce the provisions of this Ordinance and any other applicable ordinances for LaPorte County; provided, however, that if any provision of this Ordinance shall be in conflict with any provisions of local zoning ordinances, the local zoning ordinances shall apply.

**b. Power to Enforce.** The Code Officer as well as the LaPorte County Sheriff’s Department shall have the authority to enforce this Ordinance.

**c. Inspections.** The Code Officer shall make any inspections required to fulfill the duties of Code Enforcement as outlined in this Ordinance, or may accept reports of inspection by approved individuals. All reports of inspections shall be in writing and be certified by the officer responsible. The Code Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Building Commissioner.

**d. Right of entry.** The Code Officer is authorized to enter any subject premises at reasonable times to inspect the same, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Officer is authorized to pursue recourse as provided by law.

**e. Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this Ordinance.

**f. Notices and orders.** The Code Officer shall issue all necessary notices or orders to ensure compliance with this Ordinance.

**g. Department records.** The Code Officer shall keep official records of all business and activities conducted on behalf of LaPorte County Code Enforcement. Such records shall be retained in the official records in accordance with the prescribed procedures and general operating practices of LaPorte County or as directed by law.

**h. Coordination of inspections.** Whenever in the enforcement of this Ordinance, the responsibility of more than one Code Officer or official of the jurisdiction is involved, it shall be the duty of the Code Officers involved to coordinate their inspections or other administrative business as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple conflicting issues. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Officer or official having jurisdiction.

### **Section 3. Violations and penalties.**

**a. Unlawful act.** It shall be unlawful to own, use or occupy any structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any provision contained in any LaPorte County ordinance(s) and/or the LaPorte County Joint Zoning Ordinance.

**b. Notice of violation.** The Code Officer shall serve a notice of violation or order in accordance with Section 4.

**c. Prosecution of violations.** If a notice of violation is not obeyed, the Code Officer may institute an appropriate proceeding at law or equity to restrain, enjoin, correct or abate such violation, or to require the removal or termination of a use of a structure in violation of the provisions of this code, or any order issued pursuant to it; and, in addition, may prosecute an action to impose fines for violation as provided in Section (d).

**d. Violation penalties.** The code official shall serve a notice of violation or order in accordance with Section 4. If a notice of violation is not corrected within the correction time specified, the Code Officer may institute any appropriate proceedings at law to restrain, enjoin, correct or abate such violation. Violations shall be punished as follows:

First offense: A fine of \$100.00.

Subsequent offense: A fine of not less than \$200.00 and not more than \$2,500.00.

Each day that a violation continues after the expiration of the correction time specified in such a notice shall constitute a separate offense.

**e. Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the Plan Commission from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**f. Liability for attorney fees.** In any action brought by the Code Officer or legal counsel for the County to enforce the provisions of this code, the County shall be entitled to recover reasonable fees incurred in said action in addition to any other fine or cost assessed against a person found liable for violation of this Ordinance.

#### **Section 4. Notices and Orders**

**a. Notice to owner or to person or persons responsible.** Whenever the Code Officer determines that there has been a violation of this Ordinance or has grounds to believe that a violation has occurred, notice shall be given to the owner or the persons responsible therefore in the manner prescribed below:

**b. Form.** The notice prescribed in Section 4(a) shall:

1. Be in writing;
2. Include a description of the real property, including parcel identification number if available, upon which the subject property is located sufficient for identification;
3. Include a statement of the violation or violations;

4. Include a correction order allowing a reasonable time (
5. which shall not be less than ten days) to bring the property or structure in compliance with the code; and,
6. Inform the recipient of the right to appeal.

**c. Method of service of initial notice.** Such initial notice shall be deemed to have been properly served upon the owner, or other person entitled to notice, if a copy thereof is sent to the property owner by first-class mail or an equivalent service permitted under Ind. Code § 1-1-7-1 to:

1. The owner of record of real property with a single owner; or
2. At least one (1) of the owners of real property with multiple owners.

The notice shall be sent to the last address of the owner for the property as indicated in the records of the LaPorte County Auditor on the date of the notice.

In the event the service indicated above is returned as undeliverable, the equivalent service permitted must be one of the following:

1. Delivering a copy of the notice in person to the person to whom the notice must be given;
2. Leaving a copy of the notice at the dwelling house or usual place of abode of the person to whom the notice must be given;
3. Posting the notice on a conspicuous place on the property where a violation has occurred;
4. Sending by first-class mail a copy of the notice to the last known address of the person to whom the notice must be given; or
5. Serving the agent of the person to whom the notice must be given as provided by rule, statute, or valid agreement.

These are allowable notice methods pursuant to Ind. Code § 1-1-7-1.

**d. Subsequent violations; Continuous abatement notice.** If an initial notice of violation was provided by certified mail, first-class mail, or an equivalent service under Ind. Code § 1-1-7-1, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail, first-class mail, or equivalent service provided under Ind. Code § 1-1-7-1. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the Code Officer at the property owner's cost.

**e. Abatement.** If an owner fails to abate a violation during the time allowed for abatement or fails to respond to the notice of violation, the Code Officer may abate the violation at the property owner's expense. This remedy shall be in addition to any other remedy available to the LaPorte County Code Enforcement, pursuant to this Ordinance.

Persons authorized by the Code Officer to abate the violation may enter private property to examine a violation, to obtain information to identify the violation and to remove or direct the removal of the violation. Whenever the Code Officer shall abate a violation as provided by this Ordinance, the Code Officer shall have the option of selecting a private contractor to abate the violation.

1. The Code Officer shall charge the property owner for all work performed to abate the violation, and cause the expense thereof to be assessed on the property upon which such expense is incurred.
2. A statement of the costs incurred by the Code Officer to abate the violation, which may include a statement for all fines and penalties under this Ordinance, shall be mailed to the property owner. The statement shall demand payment within 30 days from the date of receipt. If such statement has not been paid within such time, said cost shall become a lien upon the real estate affected. The Code Officer shall certify the costs to the LaPorte County Auditor. The Auditor shall place the same on the tax duplicate as a charge against the owner of the real estate, to be collected by the county treasurer with the state, county and municipal taxes assessed against the owner's real estate at the regular time for paying the taxes. The County may foreclose such liens in a proceeding brought in accordance with applicable law. The remedy allowed in this subsection shall not be the Code Officer's sole remedy.

**f. Billing for costs incurred to abate a violation.** The Code Officer shall issue a bill to the owner of the real property for the costs incurred by the LaPorte County Code Enforcement in bringing the property into compliance with this Ordinance, including any administrative costs and abatement costs. The expenses incurred by the Code Officer to bring compliance constitute a lien against the property. The person to whom the bill is issued may appeal the determination to the Administrative Law Judge within ten (10) days from the date said bill was mailed. The only grounds for an appeal which the Administrative Law Judge may consider are as follows:

1. The work was not performed on the noticed property;
2. Work was performed before the ten (10) days' notice has expired; or
3. The owner was not served legal notice of the violation.

**g. Failure to pay bill.** If the owner of the real property fails to pay such bill as issued or to appeal as so provided herein:

1. The Code Officer shall, after thirty (30) days, record a lien against said property in the LaPorte County Recorder's Office and certify to the LaPorte County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount due shall be collected as delinquent taxes are collected. The amounts collected shall be dispersed to the County's general fund; or in the alternative to a non-reverting fund established by the County.

2. If the owner of real property fails to pay a bill issued under this Ordinance within thirty (30) days, the Code Officer may bring an action in an appropriate court to collect the amount of the bill, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the Code Officer obtains a judgment under this Ordinance, the Code Officer may obtain a lien in the amount of the judgment on any real or personal property of the owner.

**h. Penalties.** Penalties for noncompliance with notices shall be as set forth in Section 3, in addition to any penalties identified for each chapter of individual violations contained in this Ordinance.

**i. Transfer of ownership.** It shall be unlawful for the owner of any real property upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the property until the provisions of the notice of violation issued by the Code Officer are satisfied. The Code Officer may waive this prohibition if he/she receives a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

## **Section 5. Emergency Measures**

**a. Temporary safeguards.** Notwithstanding other provisions of this Ordinance, whenever, in the opinion of the Code Officer, there is imminent danger due to an unsafe condition, the Code Officer shall order the necessary work to be done, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Officer deems necessary to meet such emergency. The Code Officer shall then provide notice and seek reimbursement pursuant to Section 4.

**b. Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Administrative Law Judge, be afforded a hearing as described in Chapter 10 of this Ordinance. The filing of a petition for hearing shall not serve to suspend, stay or delay the execution of emergency measures initiated under paragraphs (a) or (b) above.

## **CHAPTER 3. ORDINANCE DEFINITIONS**

### **Section 1. General.**

**a. Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this Chapter.



**b. Interchangeability.** Words stated in the present tense include the future; words state in the masculine gender included the feminine and neuter; the singular number includes the plural and the plural the singular.

**c. Terms not defined.** Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

## **Section 2. General Definitions.**

**“Abate or Abatement”.** An act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this Ordinance or any LaPorte County Ordinance, by such means and in such a manner and to such an extent as the applicable Building Commissioner, Code Officer, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community.

**“Appellant”.** The party appealing a citation, notice or order administered pursuant to this Ordinance by the Code Officer.

**“Approved”.** Approval by the Code Officer, or any duly authorized representative.

**“Code Officer”.** The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative.

**“County”.** Any use of “County” throughout this Ordinance shall mean the County of LaPorte, Indiana.

**“Occupancy”.** The purpose for which a building or portion thereof is utilized or occupied.

**“Occupant”.** Any individual living or sleeping in a building; or having possession of a space within a building.

**“Owner”.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**“Person”.** An individual, corporation, partnership or any other group acting as a unit.

**“Premises”.** A lot, plot or parcel of land including any structures thereon.

**“Structure”**. A building, or a part of a building or a portion thereof.

**“Subject property”**. The real property where the violation has occurred or is occurring.

**“Violation”**. An act or omission contrary to this Ordinance as outlined specifically in each Chapter.

**“Violator”**. The owner of record for the subject property for which a violation is alleged to have occurred. The violator will be the responsible party for any fines and/or expenses incurred on behalf of the subject property.

## **CHAPTER 4. GRASS, WEEDS AND RANK VEGETATION**

### **Section 1. General.**

**a. Scope.** The provisions of this Chapter shall govern the minimum conditions and standards for the maintenance of weeds and rank vegetation.

**b. Responsibility.** The owner of any real property located within LaPorte County, Indiana, shall provide for and maintain each property owned in compliance with this chapter.

### **Section 2. Chapter definitions.**

**“Owner”**. The owner of record as found in the records of the LaPorte County Recorder’s Office.

**“Rank Vegetation”**. Any plant growth, which is or may be harmful to the senses, health, or well-being of others. Pursuant to Ind. Code § 36-7-10.1-3, rank vegetation does not include agricultural crops, such as hay and pasture.

**“Weeds”**. The growth of vegetation, other than trees, bushes, shrubs, ornamental plants, lawns or agricultural plants cultivated in an orderly manner for the production of food. Pursuant to Ind. Code § 36-7-10.1-3, rank vegetation does not include agricultural crops, such as hay and pasture.

### **Section 3. Regulations.**

**a. Height.** It is a violation for the owner of any real property, or the occupant of any real property who is charged with the care thereof, or any other person charged with and responsible for the care and maintenance of real property to permit any growth of grass, weeds and rank or unsightly vegetation to grow thereon in excess of ten (10) inches in height upon owner’s property.

**b. Schedule of cutting.** All grass, weeds and rank or unsightly vegetation shall be cut at least once a month during the period of May 1 to October 1 of each year, or more often if required by weather conditions, or if required, to keep the growth below eight (8) inches in height.

**c. Abatement by code enforcement.** Upon the failure of any owner or occupant charged with the maintenance of real property or other persons charged with the maintenance of real property to cut and haul away grass, weeds and rank vegetation or cause the same to be done, as provided in this Ordinance, it shall be the duty of the Code Officer to cause such grass, weeds and rank vegetation to be cut, destroyed and hauled away. A charge shall be made to the violator for the cost of such cutting, including any administrative costs incurred in sending notice; there shall be a minimum charge set by the Code Officer, but the charge for abatement may be greater if the Code Officer's records so indicate.

**d. Bill for costs incurred for abatement.** The Code Officer shall issue a bill to the owner of the property for the costs incurred by the Code Officer. In addition to all of the remedies provided for in this Chapter, any violations of this Chapter, shall be subject to fines specified in Chapter Two, Section 3 (d).

**e. Penalties.** In addition to all of the remedies provided for in this Chapter, violation of any provision of this Chapter, specified in a notice lawfully issued and served, shall be subject to the fines specified in Chapter Two, Section 3 (d).

Each day that a violation continues after the expiration of the correction time specified in such a notice shall constitute a separate offense.

## **CHAPTER 5: GARBAGE, LITTER AND DUMPING**

### **Section 1. General.**

**a. Scope.** The provisions of this Chapter shall govern the minimum standards for garbage, waste, and/or debris.

**b. Responsibility.** It shall be the duty of every owner, tenant, lessee or occupant of any premises within the County where garbage collects to provide and keep garbage and trash containers for such premises. It is a violation of this Chapter for any person to use or occupy any premises where garbage accumulates unless such containers are utilized.

### **Section 2. Chapter definitions.**

**“Garbage”.** Any refuse, rubbish or waste generated by persons and may include, but is not limited to food wastes, paper, cardboard, bottles, metal cans, plastics, cloth, wood, tarp, Christmas trees, accumulations of leaves, grass, or shrubbery cuttings and other refuse attending the care of lawns, shrubbery, vines, trees, and tree limbs.

**“Litter”.** Litter is any quantity of un-containerized paper, metal, plastic, glass or miscellaneous solid waste which may be classed as trash, debris, rubbish refuse, garbage or junk.

### **Section 3. Regulations.**

**a. Storage.** It shall be a violation to place or store garbage or litter upon the sidewalk, within the area between the street and sidewalk, or in the front, side, or back yard except as permitted in this section for collection purposes.

**b. Sanitary requirements.** It shall be the duty of every owner, tenant, lessee or occupant of any premises to keep their own garbage and litter contained within the proper waste container(s) and maintaining said container(s) in a sanitary manner.

**c. Penalties.** In addition to all of the remedies provided for in this Chapter, violation of any provision of this Chapter, specified in a notice lawfully issued and served, shall be subject to the fines specified in this Ordinance.

Each day that a violation continues after the expiration of the correction time specified in such a notice shall constitute a separate offense.

## **CHAPTER 6: ABANDONED AND JUNK VEHICLES**

### **Section 1. General**

**a. Scope.** The provisions of this Chapter shall govern the minimum standards to monitor, control or prohibit the keeping of motor vehicles on private or public property and providing penalties for the violation thereof.

**b. Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

### **Section 2. Chapter definitions.**

**“Abandoned or junk vehicles”.** Abandoned or junk vehicles shall have all of the conditions as described in Ind. Code §9-13-2-1 as follows:

1. A vehicle located on public property illegally.
2. A vehicle left on public property without being moved for twenty-four (24) hours.
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
5. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
7. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.
8. A vehicle:
  - (a) that was repaired or stored at the request of the owner;
  - (b) that has not been claimed by the owner; and
  - (c) for which the reasonable value of the charges associated with the repair or storage remain unpaid more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.

**“Vehicle”.** Any land, air or water vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, trailers, mobile homes, snowmobiles, dune buggies, boats, go-carts, minibikes, motorhomes, lawnmowers, airplanes and gliders.

### **Section 3. Parking and storage as a nuisance.**

#### **a. Regulations.** It is a violation:

1. For any person to keep, park or store any wrecked, junked or abandoned vehicle, or parts thereof on private or public property within LaPorte County, except in a garage or other building so as not to be exposed to the public view except as provided herein; and
2. The keeping, parking or storing of any wrecked, junked or abandoned vehicle, or parts thereof, on private property exposed to public view and public property, except as provided herein is declared to be a nuisance and a violation of this Ordinance.

**b. Junked or wrecked.** It is prima facie evidence that a vehicle is junked or wrecked if such vehicle remains on private property for more than thirty (30) days and meets any of the following criteria:

1. Does not have a current license plate;
2. Has broken or missing windows, or flat or missing tires and in the opinion of the Code Officer appears to be mechanically inoperable;
3. Has missing bumpers or fenders or is in any other way partially dismantled or appears wrecked; or
4. Does not have a transmission differential or engine or appears in any other way to be mechanically inoperable.

**c. Abandoned.** It is prima facie evidence that a vehicle is abandoned if it meets any of the following criteria:

1. The vehicle is located on public property illegally;
2. A vehicle is left on public property continuously without being removed for a period of seven (7) days;
3. A vehicle is located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic or on a public right-of-way;
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
5. A vehicle which meets any of the criteria as contained in subsections (b)(1) through (4) of this Chapter and is left on public property;
6. A vehicle that is removed by a towing service or public agency upon request of an Code Officer enforcing this Ordinance and the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal; or
7. A vehicle which is six (6) or more model years old and appears mechanically inoperable and is left on private property continuously in a visible location and in a location visible from public property for more than thirty (30) days.

**d. Exceptions.** The following exceptions shall apply to this Chapter:

1. Any salvage yard or junkyard, properly zoned as such or operating as a lawful nonconforming use, and not in violation of any zoning ordinance, shall be exempt from the provisions of this Chapter. Such salvage yard or junkyard shall be enclosed by a fence at least six (6) feet in height so that such junked or wrecked vehicles shall not be readily visible to the public;
2. Any person lawfully engaged in the business of selling new and used automobiles on real estate properly zoned therefore may display the new or used vehicles for sale without having license plates;
3. Any person engaged in the repair of automobiles may store wrecked automobiles on their property provided that they are not in violation of any zoning ordinance for a period not to exceed thirty (30) days. Such thirty (30) day period shall not apply to a single vehicle but to an accumulative, continuous period involving any

number of vehicles. Further, in the event that any person engaged in the repair of automobiles shall store the same entirely within the confines of a fenced in area with the fence at least six (6) feet in height so that stored automobiles shall not be readily visible to the public, such person shall not be considered in violation of this Ordinance so long as such person does not violate any zoning ordinance of LaPorte County or in the opinion of the Code Officer such storage yard has not become or does not constitute a salvage yard or junkyard; or

4. Boats shall be excepted provided they have a current DNR sticker or license as provided by Indiana State law and are stored in a manner not to interfere with the enjoyment of property of adjoining landowners.

**e. Hearing.** Any person who disagrees with any determination or decision of the Code Officer involved with the enforcement of this Chapter shall be entitled to a hearing before the LaPorte County Administrative Law Judge.

**f. Removal.** The Code Officer is authorized to issue a warning or written demand to the owner, occupant, agent or person in possession of the premises on which any wrecked, junked or abandoned motor vehicle is kept in violation of this Ordinance, notifying such person to remove such vehicle from the premises within ten (10) days from the receipt of such notice. Upon the failure or refusal of such person to remove such vehicle within the time specified, an Order will then be issued requiring such individual to appear before the Administrative Law Judge concerning the failure to remove such vehicle.

**g. Hearing.** After hearing all the facts, the Administrative Law Judge may determine such vehicle is not in violation of this Ordinance or, if in violation, may order any of the following:

1. Order the removal of such vehicle within a specified period of time and/or be subject to fines not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day such violation continues to exist.

2. Order a storage yard to remove such vehicle and assess the costs of such removal and storage to the owner.

3. If such vehicle is not claimed by the owner from the storage yard within fifteen (15) days from removal by paying the actual costs of such removal and storage or if not claimed within the time period specified by Ind. Code § 9-22-1 et seq., such vehicle may be sold and disposed of as provided accordingly.

4. If in the opinion of the Administrative Law Judge, the market value of such vehicle or parts thereof are determined to be less than Five hundred Dollars (\$500.00), the Judge may immediately order the disposal of such vehicle to an automobile scrap yard pursuant to the provisions of Ind. Code § 9-22-1-13 or any subsequent amendments thereto.

5. The removal and disposal of abandoned vehicles pursuant to Ind. Code §9-22-1 is made a part of this Ordinance and shall govern all areas of not specifically addressed herein and LaPorte County specifically adopts the procedures contained therein

for the sale and disposal of abandoned vehicles once such vehicle has been impounded or towed and held beyond the fifteen (15) day and prescribed by this Ordinance without any owner claiming such vehicle.

6. The powers given to the Code Officer in this Chapter are intended in no way to abridge or void existing authority given to any other department or agency of LaPorte County or enforcement of any other order that is now in effect.

**g. Penalties.** In addition to all of the remedies provided for in this Chapter, violation of any provision of this Chapter, specified in a notice lawfully issued and served, shall be subject to the fines specified in Chapter Two, Section 3 (d).

Each day that a violation continues after the expiration of the correction time specified in such a notice shall constitute a separate offense.

## **CHAPTER 7: NOISE POLLUTION**

### **Section 1. General.**

**a. Scope.** The provisions of this Chapter shall govern the minimum regulations allowed for the generation of sound.

**b. Responsibility.** The person, persons or entity responsible for the generation of the particular sound causing the noise pollution within LaPorte County, Indiana, shall be in violation of the provisions of this Chapter.

### **Section 2. Chapter definitions.**

**“Decibel”.** A logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. "Decibel" is denoted as "dB."

**“Emergency Vehicle”.** A motor vehicle used to respond to a public calamity or to protect persons or property from imminent danger.

**“Emergency work”.** Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger.

**“Modified Exhaust System”.** An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, the original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noises as the original devices, or devices have been added to the original abatement devices, so that noise levels are increased.



**“Motor vehicle”.** Any vehicles, including but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, which are propelled by mechanical power.

**“Muffler”.** Any apparatus consisting of baffles, chambers or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end. To qualify, an apparatus must cause a reduction in sound pressure level (x) dB(A) upon insertion into the system for which it is intended. Noise means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

**“Noise disturbance”.** Any sound or vibration which annoys, disturbs or perturbs reasonable persons with normal sensitivities; or any sound which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

**“Plainly audible noise”.** Any noise for which the information content of that noise is unambiguously communicated to the listener, including but not limited to understandable spoken speech, comprehensible of whether a voice is raised or normal, or comprehensive musical rhythms.

**“Powered model vehicles”.** Any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, including but not limited to model airplanes, boats, cars and rockets, and which can be propelled by mechanical means.

**“Property boundary”.** An imaginary line exterior to any enclosed structure, at the ground surface, which separates the real property owned by one person from that owned by another person, and its vertical extension.

**“Public right-of-way and public space”.** Any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity. Residential area is as defined in the zoning code.

### **Section 3. Regulations.**

**a. Prohibited noises generally.** It is a violation of this Ordinance for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within LaPorte County, Indiana.

**b. Maximum noise levels.**

1. No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player or other device for receiving broadcast sound or reproducing recorded sound if the device is located:

- a. On the public way; or
- b. In any motor vehicle on the public way; or
- c. Plainly heard within fifteen (15) feet of a residential structure;

and if the sound generated by the device is clearly audible to a person with normal hearing at a distance greater than twenty-five (25) feet, so as to cause a nuisance. This subsection shall not apply to any person participating in a parade or public assembly for which a permit has been obtained.

**c. Penalties.** In addition to all of the remedies provided for in this Chapter, violation of any provision of this Chapter, specified in a notice lawfully issued and served, shall be subject to the fines specified in Chapter Two, Section 3 (d).

Each day that a violation continues after the expiration of the correction time specified in such a notice shall constitute a separate offense.

**CHAPTER 8: ADMINISTRATIVE LAW JUDGE**

**Section 1. Enforcement.** Enforcement of this Ordinance shall fall under the jurisdiction of the LaPorte County Code Enforcement Officer and shall be subject to the jurisdiction before the LaPorte County Administrative Law Judge.

**Section 2. Scope.** The La Porte County Administrative Law Judge shall be an individual appointed by La Porte County Board of Commissioners and approved by the County attorney, who is licensed to practice law in the state of Indiana.

**Section 3. Responsibilities.** The La Porte County Administrative Law Judge be the hearing officer for County Code Enforcement as provided in I.C. 36-1-6-9. The Administrative Law Judge shall hear and decide County Code enforcement cases arising under this Ordinance as set forth in Section 4 of this chapter. The decision of the La Porte County Administrative Law Judge shall be made by a preponderance of the evidence, and final. The Administrative Law Judge's decision may be appealable to the LaPorte County Superior or Circuit Court, as set forth in I.C. 36-1-6-9 (e) and (f). The Administrative Law Judge may impose no penalty other than a fine, in an amount within the limits set forth in I.C. 36-1-3-8 (10) or as set forth in the Ordinance being enforced, whichever is less.

**CHAPTER 9: ENFORCEMENT BY ADMINISTRATIVE JUDICIAL HEARINGS**

**Section 1. Right of Appeal.** All persons shall have the right to appeal the Code Officer's decision concerning his/her interpretation and enforcement of this Ordinance

through the Administrative Law Judge in accordance with the provisions of the applicable state law regarding such appeals.

**Section 2. Penalties.** If any person shall violate any of the provisions of this Ordinance, or shall do any act prohibited herein, or shall fail to perform any duty awfully enjoined, within the time prescribed by the Code Officer, or shall fail, neglect or refuse to obey any lawful notice or order given by the Code Officer in connection with the provisions of this Ordinance for each violation, failure or refusal, such person shall be fined in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500).

**Section 3. Administration.** The administration of the provisions of this Ordinance shall be the responsibility of the Code Official. The LaPorte County Administrative Law Judge shall be the hearing authority within the meaning of the terms defined in I.C. 36-7-9-2.

**Section 4. Hearings.** Any person affected by any notice or order relating to condemnation and place card of any dwelling or dwelling unit for human habitation may request and shall be granted a hearing before the Administrative Law Judge.

**a. Application for hearing.** Any person directly affected by the decision of the code official or by notice or order issued under this code shall have a right to a hearing before the Administrative Law Judge, provided that a written petition for hearing setting forth a statement of the grounds therefor is filed with the Office of the Clerk-Treasurer within ten (10) days after the decision, notice or order was served. Upon receipt of the petition shall be given written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than forty five (45) days after the date on which the petition was present to the Clerk-Treasurer. Provided that upon application of the petitioner the Administrative Law Judge may postpone the date of the hearing for a reasonable time beyond said forty five (45) day period, which hearing shall be in accordance with the rules established by the Administrative Law Judge. The rules shall not require compliance with the strict ruled of evidence, but shall require only relevant evidence be received.

**b. Findings and decisions.** (a) After a hearing the Administrative Law Judge shall sustain, modify or withdraw the notice, depending upon the findings as the whether the provisions of this code have been complied with. If the Administrative Law Judge sustains or modified such notice, it shall be deemed to be an order. (b) The Administrative law Judge shall make a finding of facts, which finding of facts shall be reduced to writing. A record consisting of the notice, the petition for appeal, the statement of finding of facts, and all orders of the Administrative Law shall be prepared and filed in the Office of the Clerk-Treasurer.

**c. Appeal of Administrative Law Judge Decision.** Any order imposed by the Administrative Law Judge is appealable to a court of record in the county in which the Code Enforcement proceeding was initiated.

Pursuant to Ind. Code § 36-1-6-9(f), an appeal from an order imposing a penalty must be filed not more than sixty (60) days after the day on which the order is entered.

**Section 5.** This code shall be in force and effect upon its passage, approval by the La Porte County Commissioners, LaPorte County Council and publication provided by law.

PASSED AND ADOPTED by the Board of Commissioners of the County of LaPorte, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2017.

LA PORTE COUNTY COMMISSIONERS

\_\_\_\_\_  
Richard J. Mrozinski, Jr., President

\_\_\_\_\_  
Michael W. Gonder, Vice-President

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Dr. Vidya Kora, Commissioner