

**Ordinance No. 2024-03**

**ORDINANCE AMENDING AND RESTATING ORDINANCE 31 CONCERNING  
NUISANCES DEFINED; PROHIBITION AND ABATEMENT WITHIN  
THE TOWN OF CLEAR LAKE, INDIANA**

**WHEREAS**, Ordinance 31, adopted May 8, 1961, which established an ordinance regulating nuisances within the Town of Clear Lake, as permitted by Indiana Code § 32-30-6-1 et. seq.; and

**WHEREAS**, the Town Council wishes to amend and restate Ordinance 31;

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council of the Town of Clear Lake, Indiana, that:

(A) The following are hereby declared to be public nuisances:

(1) Any act done, committed or suffered to be done or committed by any person, or any substance or object kept, maintained, placed or found in or upon any public or private place within the town which is injurious or dangerous to the public health;

(2) All pursuits followed or acts done within the town by any person to the injury, annoyance, inconvenience or damage of the public;

(3) All obstructions caused or permitted on any street, sidewalk or public or private alley to the danger, annoyance or inconvenience of the public, and all stones, dirt, carcasses, offal, filth, slops, vegetable matter or other articles thrown or placed, by any person, on or in any street, alley, sidewalk, or other public place which in any way may cause or is liable to cause an injury, inconvenience or annoyance to the public within the town;

(4) Any animal or vegetable matter or other substance liable to become putrid, offensive or unhealthy, or any growth of weeds suffered to exist in or upon any lot, house, building or enclosure within the town;

(5) Any garbage which is not kept securely in receptacles which are closed at all times, except when being filled or emptied; and/or

(6) All thistles, dock, weeds, and other rank vegetation growing on any lot or parcel of land within the town between May 1<sup>st</sup> and October 31<sup>st</sup> of each year, and not cut down by the owner or occupant of the lot or parcel of land, subject to section 91.18(D) for notice requirements.

(B) No person shall erect or continue to maintain any public nuisance as above defined, nor shall any person perform any act or omit to do an act which is defined in this section as a nuisance.


(C) When the Town Marshal, or other duly authorized Town employee, becomes aware of the existence of any nuisance as above defined, he or she shall order the person creating the nuisance, or the owner or the person having control thereof, to abate the same within five (5) days thereafter. If the nuisance is not so abated within the five (5) day period, the Town Clerk-Treasurer or other duly authorized Town Employee shall issue a five (5) day written notice to the person creating the nuisance, or the owner or the person having control thereof, to abate the same, which notice shall be served by the Town Clerk-Treasurer, or other duly authorized Town Employee, upon the person by certified mail to his or her last known address.


(D) If the nuisance is not abated within the five (5) day written notice period, the Town Council shall cause the nuisance to be abated and the cost thereof recovered by an action in the name of the town, or as otherwise provided by law.

Penalty, see § 10.99

**BE IT FURTHER ORDAINED** that an emergency exists requiring its immediate effectiveness, and this amended and restated Ordinance shall be in full force and effect from and after its passage by the Town Council, and publication as provided by I.C. 36-5-2-10(b).


**PASSED AND ADOPTED** by the Town Council of the Town of Clear Lake, Indiana, this 16<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
**Molly Weber, President**


  
\_\_\_\_\_  
**Dan Rippe, Board Member**

  
\_\_\_\_\_  
**George Schenkel, Board Member**

  
\_\_\_\_\_  
**Brent Schlosser, Board Member**

  
\_\_\_\_\_  
**Bert Elliott, Board Member**

**ATTEST:**

  
\_\_\_\_\_  
**Nathan Striker, Clerk-Treasurer**