



Nuisances Prohibited

The Municipal Code prohibits the doing of an act, or the omission of a duty, or the suffering or permitting of a condition that injures or endangers the comfort, repose, health or safety of others; offends decency; is offensive to the senses; unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainage; in any way renders other persons insecure in life or the use of property; or essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Examples of common nuisances include: tall grass and weeds; accumulation of trash or rubbish; accumulation of stagnant water; and conditions which provide shelter for rats, mice, snakes, and other vermin.

If a Code Enforcement Official determines that a nuisance exists on your property, you will receive either a written warning citation or an official citation. The citation will provide a statement of the violation and the actions needed to be taken to correct the violation/abate the nuisance.

Unless it is an emergency condition where safety is impacted, you will be provided at least ten (10) days to correct the nuisance. It will also provide you a method to appeal the citation to the Board of Public Works and Safety. If you do not timely abate the violation or successfully appeal it to the Board of Public Works and Safety, the City is entitled to enter your property to correct the condition and place a lien on your property for the cost of correction.

Sec. 6-272 Nuisances Prohibited.

(a) It shall be unlawful for any property Owner, Occupant, Responsible Party, or other Person to allow a Nuisance to exist.

(b) *Exceptions on Agricultural Properties.*

(1) Crops located on Agricultural Properties, including but not limited to hay and pasture, shall not be considered Weeds and Rank Vegetation under this Article unless said crops obstruct lines of sight necessary for the safe use of public streets and rights-of-way. A Code Enforcement Official must provide the Owner or Responsible Party of Agricultural Property a warning before issuing a Notice of Correction Order based upon the height and/or location of crops.

(2) Unless created through the negligent operation of an agricultural operation or its appurtenances, changed conditions of an agricultural operation do not qualify as a Nuisance, public or private, provided that the following conditions are met:

a. The agricultural operation has been operating continuously for more than one (1) year.

b. There is no significant change in the type of operation. A conversion from one type of agricultural operation to another type of agricultural operation, a change in the size or Ownership of the operation, or the entry of the operation into or cessation of participation in a governmental program shall not qualify as a significant change.

c. At the time that agricultural operations began on the Premises, the Premises were properly considered Agricultural Property and the operations did not present a Nuisance.

(3) Portions of parcels or lots used for residential purposes shall not be considered Agricultural Properties and shall be subject to all limitations set forth in this Article applicable to residential properties.

(c) *Attractive Nuisances.*

(1) The City recognizes that Attractive Nuisances pose a particular and increased danger to citizen's health, safety, and welfare by their very nature, and in particular to the health, safety, and welfare of children. The presence of any Attractive Nuisance on a Premises shall warrant designation as an Emergency or Safety Concern and shall allow the Code Enforcement Official to require abatement in a period of time less than ten (10) days under Section [6-273\(d\)](#).

(2) Due to the danger represented by such an Attractive Nuisance to children, no Person shall leave or permit to remain outside of any dwelling or other Building, or within any unoccupied or abandoned dwelling or other Structure under his control, or in any place accessible to children, any abandoned, unattended, or

discarded icebox, refrigerator, or other container which has an airtight door or lid which cannot be opened easily by pushing from the inside.

(3) Any Owner or Responsible Party of property on which an Attractive Nuisance is located shall take all reasonable steps to ensure that the Attractive Nuisance is either removed from the property or properly secured to prevent children from encountering the same.

(Ord. 16-14, § 7, 4-4-16)

Sec. 6-273 Abatement of Nuisances.

(a) *Inspection.* Whenever a complaint is made that a public Nuisance exists or has existed within the City, Code Enforcement shall inspect or cause to be inspected the Premises and shall make a written report of its findings. Whenever practicable, Code Enforcement shall include photographs in its report.

(b) *Notice to Owner or to Person or Persons responsible.* Whenever the Code Enforcement Official determines that a Nuisance exists, a notice of violation and demand for abatement shall be given to the Owner or the Person or Persons responsible for the property, including, but not limited to, any Tenant. The City will take enforcement action only with the Owner or Responsible Party at the time the violation is identified.

(c) *Notice of correction order.* Such notice prescribed in subsection (b) of this section shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and section(s) of the Municipal Code violated and why the notice is being issued;

(4) Include a correction order allowing a reasonable amount of time, of at least ten (10) days (excepting cases of Emergency or Safety Concerns), from the time when the notice is served, to abate the Nuisance; and

(5) Include a notice containing the right to appeal the Code Enforcement Official's determination to the Board of Public Works and Safety

(d) *Emergency or Safety Concerns.* When a Code Enforcement Official finds that a condition existing on a property qualifies as an Emergency or Safety Concern as defined in Section [6-270\(b\)\(3\)](#) above, the Code Enforcement shall include on the Notice of Correction Order a statement indicating such a finding and allowing a period of time of not less than twenty-four (24) hours to abate the Nuisance.

(e) *Duplicate Notice to Property Maintenance Company.* When a Code Enforcement Official has reason to believe that there is a property maintenance or servicing company monitoring a given property on behalf of the Owner, a bank holding mortgage rights to the property, or a corporate Operator, the Code Enforcement Official may provide duplicate Notice to said property maintenance or servicing company. Provision of additional Notice under this subsection shall not eliminate any Notice requirement for the Owner or Responsible Party of the property and shall not render the property maintenance or servicing company liable for failure to abate unless otherwise provided in this Code.

(f) *Method of service.* Notice shall be deemed to be properly served if a copy is sent by certain return receipt mail, hand delivered by an employee of the City, or leaving a copy of the notice at the location of the property in a conspicuous location and mailing a copy of the notice by first class mail to the last known address of the Person to whom notice must be given. (Ord. 13-62, § 1, 10-28-13)

(g) *Continuous Abatement Notice for Tall Grass, Weeds and Rank Vegetation.* If an initial notice of violation of Section [6-271\(a\)](#) was provided in accordance with this Chapter, a continuous abatement notice may be posted at the property at the time of abatement instead of by equivalent service as required by subsection (d). A continuous abatement notice shall serve as notice to the real property Owner and/or Responsible Party that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or its contractors.

(h) *Means of appeal.*

(1) *Appeal to Board of Public Works and Safety.* Any Person aggrieved by a determination of the Code Enforcement Official to the effect that a notice of violation or order served is in error, or should, due to hardship, be modified or be entitled to a variance from enforcement, or that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period, may appeal to the Board of Public Works and Safety for rescission of the notice or order, or for a modification, variance, or extension of time for compliance.

(2) *Procedure and hearing.* A request for rescission, modification, variance, or extension of time shall be made in writing, to the Clerk of the Board of Public Works and Safety, to be placed on the Board of Public Works and Safety agenda, within ten days of the petitioner's receipt of a copy of the notice or order. The Board of Public Works and Safety shall schedule a hearing within 30 days of receipt of the request.

(3) *Open hearing.* All hearings before the Board of Public Works and Safety shall be open to the public. The petitioner, the petitioner's representative, the Code Enforcement Official and any Persons whose interests are affected shall be given an opportunity to be heard.

(4) *Findings.* Prior to ruling on an appeal, the Board of Public Works and Safety shall make the following findings:

- a. The violator was served with a notice of violation as provided by section [6-273\(e\)](#).
- b. The notice of correction order that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; a sufficient description of the real estate upon which the violations exist; and a specific time period for abatement of violation.
- c. Within the time period stipulated by the notice of correction order, the violator failed to comply with the correction order by not abating the violation, and/or not bringing the property into compliance with City of Greenwood Property Maintenance Code.
- d. Upon expiration of the date indicated for compliance in the correction order, the Premises or Structure was being maintained in violation of specific provisions of the City of Greenwood Municipal Code and/or conditions imposed by Board of Public Works and Safety as a prerequisite to the modification of a previous compliance order.
- e. Determination that a violation exists on the property.

(5) *Board decision.* At the conclusion of a hearing at which a continuance is not granted, the Board of Public Works and Safety may reverse, affirm, or modify the order, notice, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded in the Board of Public Works and Safety's minutes and if a notice or order is affirmed or modified, the Board of Public Works and Safety shall, in the determination on appeal, reestablish a reasonable timeline to make the repairs and improvements required to bring the dwelling unit, Structure or improvement into compliance with the provisions of this code.

(6) *Court review.* Any interested Person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

(7) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the Board of Public Works and Safety rules on the appeal.

(i) *Abatement.* Upon expiration of the ten (10) day notice period (and any subsequent appeal, if filed), Code Enforcement may proceed at once to cause the Nuisance to be abated and charge the cost thereof against the Owner and/or Occupant of said property. The liability created herein shall be joint and several as to the Owners and Occupants or Tenants and shall include any attorneys' fees incurred as part of collection.

(Ord. 12-44, §2, 10-15-12; Ord. 13-29, §1, 5-20-13; Ord. 13-62, § 3, 10-28-13; Ord. 16-14, §§ 8, 9, 10, 4-4-16)

Sec. 6-274 Abatement Fees and Collection.

(a) In the event Code Enforcement shall cause to be abated a Nuisance on any property, then as compensation to the City for its services in causing the abatement, the Owner and/or Occupant shall be charged the following fees:

- (1) Twenty-Five Dollars (\$25.00) for each inspection necessary to determine compliance.
 - (2) Fifty Dollars (\$50.00) for determining private property ownership when necessary.
 - (3) Ten Dollars (\$10.00) for each time a first class letter is written to the Occupant or Owners.
 - (4) Fifty Dollars (\$50.00) per man hour, or fraction thereof, for labor necessary to abate the Nuisance.
 - (5) Seventy-Five Dollars (\$75.00) per machine hour, or fraction thereof for each piece of equipment used in abating the Nuisance.
 - (6) The actual costs of all material and parts used in abating the Nuisance.
 - (7) If work is performed by an independent contractor, the Owner/Occupant shall be required to reimburse the City for all such costs.
- (Ord. 12-44, §2, 10-15-12)

Sec. 6-275 Other Powers of Board of Public Works and Safety.

The Board of Public Works and Safety shall, where necessary, designate individuals and institute procedures to carry into force and effect this Article. (Ord. 81-10, § 5, 5-4-81; 1983 Greenwood Municipal Code, § 10-6)

Sec. 6-276 Article to be Supplemental.

The provisions of this Article are hereby declared to be supplemental to all other ordinances of the City. (1983 Greenwood Municipal Code, § 10-7)

Sec. 6-277 Noise Regulations.

(a) *Prohibited Noise.* It shall be unlawful for a Person to make any loud, raucous, improper, unreasonable, offensive, or unusual noise, disorder, or tumult which disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the City or to permit such noise, disorder, or tumult to be made in or about his/her house or Premises and the same is hereby declared to be a public Nuisance. Further, it shall be the duty of every Owner, Occupant, manager, agent, or operator of any property, Structure, vehicle, or business in the City to prevent Persons using property under his/her control from violating this Section.

(b) *Examples of Prohibited Noise.* The following acts, uses, or noises, subject to certain specific exemptions are declared to be loud, raucous, unreasonable, or disturbing noises in violation of this Section. This list is intended to be illustrative and not exhaustive.

(1) Using, operating, or permitting to be played, used, or operated any machine or device for reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time louder than is necessary for the convenient hearing for the Persons who is in the room, vehicle, or property in which such machine or device is operated and who is a voluntary listener.

(2) Using, operating or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing sound which is cast upon other properties, including the public right-of-way for the purposes of commercial advertising or to attract attention to any activity, performance, sale, place, or Structure.

(3) Using, operating, or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church, or court while the same are in use, or adjacent to any hospital that unreasonably interferes with the working of such institution or which unduly disturbs patients in the hospital.

(4) Playing, using, operating or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound, if it is located in or on any public property, including public right-of-way, highway, Building, sidewalk, park, trail, or thoroughfare if the sound generated is audible at a distance of thirty (30) feet from its source.

(c) *Exemptions.* The following shall be exempted from the provisions of this Section.

(1) Sound emitted from sirens of authorized emergency vehicles.

(2) Lawn mowers, garden tractors, similar home power tools, and commercial construction equipment when properly muffled between the hours of 7:00 a.m. and 9:00 p.m.

(3) Alarm systems or other warning devices when properly installed on publicly or privately owned property provided that the cause for such alarm or warning device is investigated and turned off within a reasonable period of time.

(4) Celebrations on legal holidays between the hours of 8:00 a.m. and 8:00 p.m. excepting on Halloween such celebrations may occur until 10:00 p.m., Independence Day until 11:00 p.m., and on New Year's Eve until 1:00 a.m. on New Year's Day and sounds related to the legal use of fireworks in accordance with state law and Greenwood Municipal Code Sec. [6-354](#).

(5) Parades, festivals, and special events approved and sanctioned by the appropriate City board or commission, including, but not limited to, the Board of Public Works and Safety, the Park and Recreation Board, and the Board of Aviation Commissioners.

(6) Attendant noise connected with the performance of athletic or sporting events and practices related to them.

(7) Attendant noise connected with an artistic, musical or other educational event occurring on school property.

(8) The emission of sound for the purposes of alerting Persons to the existence of an emergency or for the performance of emergency work.

(9) Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary, incidental, and within the normal range for such use.

(10) Sounds associated with the use and operation of the Greenwood Municipal Airport.

(11) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven (7) calendar days except that nothing in this section shall exempt individuals from the requirements of I.C. 9-19-8 *et. al.*

(12) Sounds associated with the operations of trash collection services when conducted in accordance with Section [4-112](#) of the Code.

(d) **Waiver.** A Person may apply for a waiver from the requirements of this Section to the Board of Public Works and Safety which may grant such a waiver in its sole discretion when it deems it to be in the public interest. Such waiver must specify the property, date, and hours for which it applies.

(e) **Penalties.**

(1) Any Person who violates the provisions of this Section shall be subject to the following fines (escalating fines shall be measured on a calendar year basis):

First Offense:	\$50.00
Second Offense:	\$150.00
Third Offense:	\$300.00
Subsequent Offenses:	\$1,000.00

(2) Each day a violation occurs shall constitute a separate offense.

(3) Enforcement of first offense within a calendar year shall be within the jurisdiction of the Ordinance Violations Bureau.

(4) All enforcement of offenses subsequent to the first offense within a calendar year shall be within the jurisdiction of the Greenwood City Court.

(5) A custodial parent shall be responsible for ensuring that any child under eighteen (18) years of age complies with this Section and is responsible for any fine imposed.

(6) Citations for violation of this Section may be issued by any sworn member of the Greenwood Police Department, City Code Enforcement officers, or designated Park employees and, additionally, in or on school property, by any sworn special police officer appointed under I.C. 36-8-3-7. (Ord. 13-58, § 1, 10-28-13; Ord. 16-14, § 11, 4-4-16; Ord. 16-43, § 2, 8-1-16)

Sec. 6-278 Tractor-Trailer Engine Compression Braking.

(a) No Person shall use or operate any engine compression brake or Jake brake to slow down, reduce speed or stop any motor vehicle, including semi-trucks, tractor-trailer trucks or box trucks while traveling on any road, street or thoroughfare over which the City of Greenwood has jurisdiction.

(b) Authorized Fire personnel acting within the scope of their official duties are exempt from the regulations of this Section.

(c) Any Person who violates the provisions of this Section shall be subject to the following fines:

First offense within a calendar year	\$50.00
Second offense within a calendar year	\$150.00
Third offense within a calendar year	\$300.00
Fourth and subsequent offenses within a calendar year	\$1,000.00

(d) The Greenwood City Court shall be the court of proper venue and Jurisdiction for the enforcement of this Section.

(e) Citations for violation of this Section may be issued by any sworn member of the Greenwood Police Department. (Ord. 07-38, §2, 12-3-07; Ord. 16-14, § 12, 4-4-16)

Sec. 6-279 through 6-284 Reserved for Future Use.