

ORDINANCE NO. 2025-O-7

DEKALB COUNTY CODE 16-7-2

**AN ORDINANCE OF PUBLIC NUISANCE FOR PROPERTIES LOCATED
WITHIN THE UNINCORPORATED JURISDICTION OF DEKALB COUNTY,
INDIANA**

WHEREAS, the DeKalb County Commissioners desire to protect the citizens of DeKalb County from conditions which are considered detrimental to public health, safety and general welfare; and

WHEREAS, the Commissioners have determined that the best interests of the citizens can be protected by adopting an Ordinance to regulate, control and make it unlawful for residential and commercial property owners and occupants to allow public nuisance as defined in I.C. 32-30-6-6 to exist on any real property located within unincorporated DeKalb County that are negatively impacting property owners; and

WHEREAS, the Ordinance provides an opportunity for property owners to correct public nuisance conditions before the County pursues abatement activities.

WHEREAS, the Commissioners adopted Resolution No. 2008-R-6 on July 21, 2008 of which Resolution 2021-R-1 replaced.; and

WHEREAS, the Commissioners adopted Resolution No. 2021-R-1 on February 8, 2021 of which Resolution 2023-R-15 replaced; and

WHEREAS, the Commissioners adopted Resolution No. 2023-R-15 on August 28, 2023 of which this Ordinance will replace.

**NOW THEREFORE BE IT ORDAINED BY THE DEKALB COUNTY COMMISSIONERS
THAT the following language be adopted:**

SECTION 1: PURPOSE AND INTENT.

It is hereby declared the purpose of this Ordinance is to protect the public health, safety and welfare, and enhance the environment for the people of DeKalb County by regulating, controlling and making it unlawful for residential and commercial property owners and occupants to allow a public nuisance as defined in I.C. 32-30-6-6 to exist on any real property located within DeKalb County.



SECTION 2: DEFINITIONS.

As used in this Ordinance, the following terms shall have the following meanings unless otherwise designated.

ABANDONED VEHICLES. Shall have the same meaning as I.C. 9-13-2-1 as any motor vehicle that is at least three model years old, does not have a valid registration, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days. Abandoned vehicles do not include farm equipment, farm implements, or machinery parts that are, or may be, used in agricultural operations, or may be considered antique farming implements.

CODE COMPLIANCE OFFICIAL. The Board of Commissioners, the employee holding the title of Code Compliance Official, or other employee of DeKalb County as specifically designated by the Board of Commissioners of DeKalb County in their discretion. The Code Compliance Official shall be part of the Department of Development Services office and under the direction of the Director of the Department.

GARBAGE. Includes putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking and consumption of food, and any refuse, rubbish, and yard waste as defined herein.

HEARING AUTHORITY. The Board of Commissioners or their designee who is responsible for hearings, hearing appeals for a notice of violation and/or appeals on abatement costs.

JUNK. Shall include, without limitation, abandoned vehicles, parts of vehicles, scrap iron and/or other metals, wood, paper, rags, rubber tires, bottles, and/or any dismantled household appliances or parts thereof, whether inoperable or operable.

OWNER. A person holding legal or equitable title to real property used for residential or commercial purposes within the unincorporated limits of DeKalb County, Indiana.

PERSON. An individual, partnership, limited liability company, corporation, trust or any commercial association or venture, however defined.

PUTRESCIBLE. Substances which are subject to organic decomposition.

REFUSE. All putrescible and nonputrescible solid wastes, including animal wastes, and ashes.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials.

YARD WASTE. Any yard or landscaping waste, or land-clearing waste, including leaves, grass, brush, limbs, and branches. This does not include tall grass and weeds.

SECTION 3: ABANDONED VEHICLES, GARBAGE, JUNK, REFUSE, RUBBISH AND YARD WASTE PROHIBITED.

(A) *Abandoned vehicles, garbage, junk, refuse, rubbish & yard waste declared public nuisances.* Abandoned vehicles, garbage, junk, refuse, rubbish & yard waste as herein defined that constitute violations of this Ordinance are declared to be public nuisances due to the danger to the public health, safety and welfare of the citizens of DeKalb County.

(B) *Violation.* It is a violation of this Ordinance for an owner to allow abandoned vehicles, garbage, junk, refuse, rubbish and/or yard waste to accumulate on real property located within DeKalb County used for residential or commercial purposes, thereby creating a public nuisance affecting a neighborhood or community as may be determined by the Code Compliance Official. In the event the violation complaint, as confirmed by the inspection of the Code Compliance Official, identifies one or more abandoned vehicles on the subject property, the county shall comply with all due process requirements for notice and abatements of those abandoned vehicles as specified under Indiana law including I.C. 9-22-1 *et seq.*

(C) *Prevention of public nuisances.* All owners shall keep their real property clear of abandoned vehicles, garbage, junk, refuse, rubbish and/or yard waste.

(D) *Complaint Form, Inspections, Violation Notices, Delivery of Notices.* All alleged violations of this Ordinance shall be subject to the following:

- (1) *Complaint Form.* Violations of this Ordinance shall be reported on forms to be provided by and submitted to the Code Compliance Official (Complaint Form). A Complaint Form may be submitted on an alleged nuisance by any resident of DeKalb County in the same neighborhood or community of the alleged nuisance.
- (2) *Inspections.* Following the submission of a Complaint Form that allege a violation of this Ordinance, the Code Compliance Official shall inspect the real property that is the subject of the violation report and file an inspection report which shall include the following determinations:
 - (a) Date of Inspection;
 - (b) Whether the owner has violated this Ordinance;
 - (c) Inventory of the violations;
- (3) *Violation notices.* Upon determination that the property is in violation of this Ordinance, the Code Compliance Official, or its designee, shall issue a written notice ("Violation Notice") to the owner and any occupants of the property.
 - (a) The **first** violation notice shall identify the violation(s) and order the owner to be in contact with the Code Compliance Official within ten (10) business days and mitigate the public nuisance within twenty (20) business days from the date on which the owner has been served the violation notice ("Abatement Period").

- (b) After a **second** inspection has been made and it is determined by the Code Compliance Official that unsatisfactory progress has been made, the Code Compliance Official shall send a **second** violation notice. The **second** violation notice shall identify violation(s) and order the owner to be in contact with the Code Compliance Official within ten (10) business days and mitigate the public nuisance within ten (10) business days from the date on which the owner has been served the violation notice ("Abatement Period").
- (c) After a third, and **final**, inspection has been made and it is determined by the Code Compliance Official that unsatisfactory progress has been made, the Code Compliance Official shall send a **final** violation notice and be ordered to appear before the Hearing Authority ("Notice to Appear") for a hearing. The **final** violation notice shall identify violation(s) and order the owner to appear before the Hearing Authority at a specified date and time for hearing through Section 3 (F). The venue for the hearing shall be the Commissioners Court in the DeKalb County, Indiana.
- (4) *Delivery of Notices.* Personal service, service by U.S. certified mail, or any other manner of service recognized in the Indiana Rules of Trial Procedure shall constitute proper service upon the owner and any occupants of the property for the purposes of this Ordinance. Additionally, a copy of the violation notice may be conspicuously posted on the property by the Code Compliance Official, or its designee.
- (E) *Violation notice appeal.* Any violation notice issued pursuant to this Ordinance may be appealed to the Hearing Authority if written notice of appeal is sent to the Code Compliance Official by the owner prior to the expiration of the abatement period. The timely appeal of a violation notice shall pause the abatement period pending the issuance of a decision by the Hearing Authority. The venue for the hearing shall be the Commissioners Court in the DeKalb County, Indiana Courthouse.
- (F) *Abatement of public nuisance.* If the owner fails to timely abate each violation set forth in the violation notices within the abatement period, the Code Compliance Official shall order a hearing before the Hearing Authority. The Hearing Authority shall hear evidence from the Code Compliance Official and owner regarding said violations and make a determination and vote to authorize (or not authorize) the County Attorney to file an action for an Ordinance violation in the DeKalb County Superior or Circuit Courts seeking an order of abatement of said nuisance. Said order of abatement shall grant the county or its designee's permission to abate the public nuisance, including the removal of abandoned vehicles, garbage, junk, refuse, rubbish and/or yard waste identified in the violation notice. Upon completion of the abatement, the Code Compliance Official, or its designee, shall prepare a certified statement as to the actual administrative and other costs incurred by DeKalb County in taking such action in addition to any penalties provided herein ("Abatement Costs"), and shall serve a copy of the invoice on the owner. The owner shall, within ten (10) calendar days from the date on which the owner is served with such invoice ("Payment Period"), pay in full the amount stated thereon payable to the DeKalb County Board of Commissioners.

(G) *Appeal of costs.* Any invoice for abatement costs issued pursuant to this Ordinance may be appealed to the Hearing Authority if written notice of appeal is served by the owner on the Hearing Authority within ten (10) business days from the date on which the invoice is served on the owner. The timely appeal of an invoice shall pause the payment period pending the issuance of a decision thereon by the Hearing Authority. The venue for the hearing shall be the Commissioners Court in the DeKalb County, Indiana Courthouse.

(H) *Failure to pay.* If the owner fails to timely pay an invoice for abatement costs issued pursuant to this Ordinance, the Code Compliance Official, or their designee, shall certify to the DeKalb County Auditor the amount of the invoice for abatement costs, plus any additional administrative costs incurred in the certification of the same. The DeKalb County Auditor shall place the total amount certified on the tax duplicate for the property at issue, and the total amount, including any accrued interest, shall be due and payable with the parcel's real estate tax bill.

(1) Left unpaid, interest shall accrue at 8% until paid.

(I) *Time of appeals.* The Hearing Authority shall hear any timely requested appeal of notice of violation or invoice for abatement costs within twenty (20) calendar days following receipt of the same, and shall thereafter promptly issue a decision granting or denying, in whole or in part, the appeal. The date on which the Hearing Authority's decision is served on the owner shall thereafter become the first calendar day of the abatement period or payment period, as applicable.

(J) *Miscellaneous.*

(1) *Venue.* The DeKalb County Superior or Circuit Court shall be the court of proper venue and jurisdiction for the enforcement of this Ordinance.

(2) *Cumulative remedy.* This Ordinance supplements and does not limit any other remedy or action available in law or equity regarding the subject matter hereof.

(3) *Applicability.* This Ordinance shall not apply to the following:

(a) Agricultural and industrial operations as described in I.C. 32-30-6-9;

(b) Forestry operations as described in I.C. 32-30-6-11;

(c) Destruction of Detrimental Plants in I.C. 15-16-8;

(d) Real property upon which agricultural crops are cultivated, including hay and pasture, as described in I.C. 36-7-10.1-3(a); and

(e) DeKalb County municipal corporations as defined in I.C. 36-1-2-10, and DeKalb County governmental units, departments, and school corporations.

(4) *Abatement vendors.* The Board of County Commissioners may invite and accept no less than two reasonable bids, if able, for abatement vendors who shall be private businesses and not any department of the county. Said vendors shall provide abatement services as independent

contractors for violations of this Ordinance including the abatement of abandoned vehicles, garbage and junk, refuse, rubbish and/or yard waste and the bids may be renewed and updated at various times when deemed appropriate by the Board of Commissioners.

(5) *Unsafe Building Fund.* Any and all abatement fees, penalties and fines collected as a result of violations of and pursuant to this Ordinance shall be deposited into the Unsafe Building Fund. In addition to collecting fees, penalties and fines, the fund shall also be used to collect any damages recovered as a result of violations of this Ordinance. Furthermore, the Commissioners may use the fund to reimburse the county for costs incurred by the county in the abatement of properties in violation of this Ordinance in the discretion of the Board of Commissioners. Collections deposited in this Fund shall not revert, but the Fund shall instead be perpetual until terminated by the terms of this Ordinance or by enactment of a subsequent ordinance or amendment. In the event the Unsafe Building Fund is terminated for any reason, the disposition of the fund balance, if any, shall be determined by the Board of Commissioners of DeKalb County.

SECTION 4: PENALTY.

Any person who violates a provision of this Ordinance shall incur a penalty which shall be part of the abatement costs and which may include the following at the discretion of the Code Compliance Official:

- (A) The actual administrative costs incurred by DeKalb County, or its designee, in issuing the violation notice;
- (B) The actual filing fees incurred in filing the ordinance violation in court plus the actual attorney fees up to what is capped by State Statute;
- (C) The actual administrative and other costs incurred by DeKalb County in abating a public nuisance;
- (D) The actual administrative costs of DeKalb County certifying the abatement costs to the County Auditor; and
- (E) A fine of \$100 per day, per type of violation, beginning at the date of the first violation notice.

SECTION 5: SEVERABILITY.

- (A) If any provision or term of this ordinance, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this ordinance which reasonable accommodation can be given effect without the invalid provision or term or application thereof.
- (B) Notwithstanding any provisions of this ordinance, this ordinance shall not be construed to repeal any former ordinance as to any offense committed against such former ordinance or

as to any act done, any penalty, forfeiture, or punishment so incurred or any right accrues or claim arising under the former ordinance.

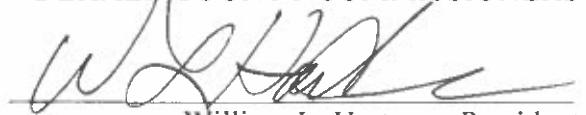
- (C) This ordinance shall be in full effect from and after its passage by necessary approval procedures of the DeKalb County Board of Commissioners.

READ AND PASSED ON FIRST READING: Monday, December 8th, 2025.

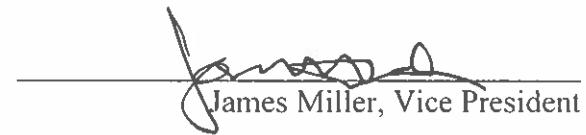
READ AND PASSED ON SECOND READING WITH AMENDMENTS: December 22nd, 2025.

READ AND PASSED ON THIRD READING WITH AMENDMENT: January 5, 2026.

DEKALB COUNTY COMMISSIONERS



William L. Hartman, President



James Miller, Vice President



Kellen Dooley, Vice President

ATTEST:



Susan Sleeper, DeKalb County Auditor

Prepared by: Chris Gaumer "I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."