

City of Gary

CODE ENFORCEMENT



Municipal Codes of Gary, Indiana

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Sec. 8-3. - Restraint of animals.

- a. All animals shall be kept under restraint at all times. An owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance. Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the female animal cannot come into contact with another animal, except through planned breeding. Every vicious animal, as determined by the animal control center, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- b. The animal control officer or other law enforcement officer shall have the power to seize or destroy animals he reasonably believes to be vicious and running at large; however, any destruction of an animal shall be done in a reasonable manner taking into account the location and the harm or damage to personal or real property, or to the public at large.

(Code 1982, § 91.10; Ord. No. 2493; Ord. No. 5077; Ord. No. 5149; Ord. No. 5251, 2-1-1977)

State law reference - Dogs at large, IC 15-5-9-13.

Sec. 8-7. - Animal waste.

- a. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public or private property.
- b. Every person keeping any animal of the horse, cattle, goat, sheep, swine, or rabbit kind or any poultry or pigeons, within the city limits, shall thoroughly clean, each day, the places where these animals, poultry, or pigeons are kept and shall dispose of the manure and offal taken from those places at the time and in the manner that the board of health of the city, by its secretary or officers, may direct in writing.

(Code 1982, § 91.14; Ord. No. 2404; Ord. No. 2493; Ord. No. 5077; Ord. No. 5149; Ord. No. 5251, 2-1-1977)

Sec. 8-8. - Poultry and pigeons.

- a. It shall be unlawful for any person to permit any poultry kept, possessed, or owned by that person to run at large upon any street, alley, or public place within the corporate limits of the city.
- b. It shall be unlawful for any person to keep any poultry or pigeons or maintain any place where poultry or pigeons are kept, within 200 feet of the dwelling house of any person other than the keeper or owner of the poultry or pigeons. However, this section shall not apply to duly licensed poultry dealers under and pursuant to the laws of the state.

(Code 1982, § 91.15; Ord. No. 2404)

Sec. 8-9. - Animals and bees near dwelling houses.

- a. It shall be unlawful for any person to keep any animal of the horse, cattle, goat, sheep, swine, or rabbit kind within 200 feet of the dwelling house of any person other than the keeper or owner of the animals.
- b. It shall be unlawful for any person to keep bees within 200 feet of the dwelling house of any person other than the keeper or owner of the bees.

(Code 1982, § 91.16; Ord. No. 2404)

Sec. 10-25. - General business license.

- a. *Filing limit.* Any business establishing itself within the corporate city limits must file for a general business license within 30 calendar days of establishment in the controller's office.
- b. *Required.* It shall be unlawful for any person to own, operate, or manage any business or place of amusement, profession, or occupation for which a license is required, unless or until a license has been procured from the city controller, which shall then and there be issued by the city controller upon the payment of the amount of license tax required therefore by the specific requirements indicated in chapter 20, the schedule of fees, or by this section.
- c. *Fee.* There shall be a one time application fee in the amount established in chapter 20. However, the fee shall be waived for any business which, by ordinance, is required to annually obtain a business license.
- d. *Renewal.*

(1) Distinct from and in addition to the one-time application fee, an annual general business license fee in an amount established in chapter 20 shall be collected for each subsequent year any commercial enterprise or venture continues registered as an ongoing concern within the city.

(2) The annual general business license renewal fee shall be universally collected regardless of the kind or type of commercial enterprise or venture, and may not be waived. Payment of said fee shall keep the validity of the above license effective throughout the operative year until its expiration on December 31.

(3) The general business license fee, as amended, shall be charged and collected separately and independent of any additional renewal fee specific to the annual fee schedule adopted in and by Ordinance No. 7718, section 1 (F).

(Code 1960, § 7-201; Code 1989, §§ 113.01, 114.003; Ord. No. 6258, 7-1988; Ord. No. 7867, 12-20-2005)

Sec. 18-169. - Actions which constitute nuisance.

- a. It shall be unlawful and it shall be a nuisance for any person to erect, construct, cause permit, keep or maintain within the limits of the city anything whatsoever which is injurious to the health, indecent or offensive to the senses, or an obstruction to the free use of property; and any person maintaining such a nuisance is declared to be the author and maintainer of a nuisance.
- b. Any violation of the provisions of this chapter or any other section of this Code concerning health and sanitation shall be deemed and is declared to be a nuisance.

(Code 1960, § 8-702, 8-704; Code 1989 § 94.65)

Sec. 18-195. - Abandonment prohibited.

- a. It shall be unlawful for any person to abandon any vehicle on public or private property within the city or to leave any vehicle at any place within the city for an amount of time and under circumstances which would reasonable make the vehicle appear to have been abandoned. No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any public or private premises within the city.

(Code 1960, § 8-1602; Ord. No. 4327)

Sec. 18-228. - Garbage and refuse.

- a. Within the corporate limits of the city, all garbage or refuse consisting of waste, animal, or vegetable matter upon which rats may feed, and all small dead animals shall be placed and stored, until collected, in galvanized steel or other nonrusting metal containers of a type prescribed by the commissioner of health. It is further declared unlawful for any person to dump or place on any premises, land or waterway, any dead animals or any waste animal or vegetable matter of any kind.
- b. It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any building or on any premises, improved or vacant, or on any open lot or alley in the city so that it shall or may afford food or harborage for rats.

(Code 1960, § 8-1112, 8-1113; Code 1989, § 94.80; Ord. No 3485)

Sec. 18-229. - Accumulation of lumber or boxes.

- a. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley of the city, any lumber, boxes, barrels, bottles, cans, containers, or similar material that may be permitted to remain thereon unless placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked.

(Code 1960, § 8-1114, 8-1113; Code 1989, § 94.81; Ord. No 3485)

Sec. 18-253. - Weeds, stagnant water constitute nuisance.

- a. Whenever and wherever weeds shall exist, covering or partly covering the service of any lot, parcel of lot, or parcel of real estate within the corporate limits of the city, or when any lot is filled or partly filled with holes or in such a condition that the holes are liable to hold stagnant water, cause disease, or produce, harbor, or spread disease or germs of any nature, or tend to render the surrounding atmosphere unhealthful, this shall be deemed a nuisance.
- b. It shall be the duty of every owner of real estate within the city to at all times cut and mow the grass and weeds on their respective lots, and in the space between the property line and the curblin in the front, the rear and along the side, so that neither grass nor weeds shall rise above the height of eight inches. Every owner shall remove the cuttings or mowings, and all accumulations of garbage, rubbish, and other debris from the premises. The growth of grass or weeds above the height of eight inches, the accumulation of garbage and rubbish and other debris, or the nonremoval of the same from all real estate within the city is declared to be a nuisance.

(Code 1960, § 8-1002; Code 1989, § 94.86: Ord. No. 3194 Ord. No. 5179, 9-7-1976; Ord. of 9-?-1988)

Sec. 18-254. - Preventing flow of stagnant water.

- a. It shall be unlawful for any owner of any lots, parcel of lots, or parcel of real estate located within the corporate limits to level or otherwise make regular the lot, parcel of lot, or parcel of real estate so as to prevent the flow of stagnant waters therefrom.

(code 1960, § 8-1003; Code 1989, § 94.87 Ord. No. 3194)

Sec. 28-65. - Parking on front lawns.

- a. No vehicle, operable, or inoperable, shall be parked on the front lawn or rear lawn without first having properly constructed an approved driveway or parking pad.

(Code 1989, § 133.05; Ord. No. 5678. 9-2-1980; Ord. No. 6282, 10-4-1988)

Sec. 28-89. - Abandonment of ice boxes or refrigerators.

- a. It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended, or discarded ice box or refrigerator or any other container of any kind which cannot be released by an opening device on the inside of the ice box, refrigerator, or container.
- b. It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children and unattended or discarded any ice box, refrigerator, or other container

of any kind which has an airtight snap lock or another device thereon, without first removing the snap lock or doors from the ice box, refrigerator, or container.

(Code 1960, § § 10-901, 10-902; Code 1989, § 132.03; Ord. No. 3115)

Sec. 34-20. - Litter in public places.

- a. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, authorized private receptacles for collection, official city sanitary landfills, or in other authorized areas.

(Code 1960, § 8-1503; Code 1989, § 94.51; Ord. No. 4407)

Sec. 34-27. - Posting notices.

- a. No person shall post or affix or cause to be posted or affixed any notice, poster, or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole, street sign, traffic signal, or shade tree, or upon any public structure or building, except as may be authorized or required by law, and then only with the implicit provision that its removal will be accomplished by the advertiser immediately after the period of its specific utility has passed. Any notice, poster, or other paper or device which is posted or affixed contrary to the provisions of this section shall be prima facie evidence that the violation of this section was committed by or caused to be committed by the person who is advertised thereby.

(Code 1960, § 8-1517; Code 1989, § 94.59; Ord. No. 4407; Ord. No. 4461)

Sec. 34-28. - Litter on private property.

- a. No person shall throw or deposit litter on any occupied private property within the city, whether owned by the person or not. However, the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or public place, or upon any private property.
- b. The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1960, § § 8-1518, 8-1519; Code 1989, § 94.60; Ord. No. 4407)

Sec. 34-29. - Vacant lots.

- a. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not

(Code 1960, § 8-1520; Code 1989, § 94.61; Ord. No. 4407)

Sec. 34-52. - Containers.

- a. Containers for the storage of garbage, rubbish, ashes, and wastes covered by this article shall be furnished by the owner, tenant, or lessee in single-family dwellings, multiple dwellings and commercial buildings, in sufficient numbers to store all garbage, rubbish, ashes, and construction wastes produced on the premises between collections or disposals. For multifamily dwelling, complexes and/or apartment buildings of six or more units, there is a requirement to maintain at least a 15-cubic yard dumpster, for each six units; provided that the 15-cubic yard dumpster requirement may be met by providing an aggregate equaling 15-cubic yards or more per six units, i.e., two eight-yard dumpster, or some other combination totaling at least the volume held by a 15-yard dumpster.
- b. Garbage and combustible and noncombustible rubbish shall be stored in watertight metal containers or their equivalent and shall be strong, not easily corrodible, rodentproof, and shall be equipped with flytight covers. The containers shall be covered at all times except when adding to or emptying contents therein. The containers shall not exceed a 20-gallon capacity. Nothing in this article shall be construed to prevent the use of fixed storage containers now in use that are constructed of impervious material and equipped with metal loading and unloading doors; however, such containers shall be replaced by like or similar containers after they have deteriorated to such an extent that they have been declared to be a nuisance by the board of health.
- c. All garbage and combustible and noncombustible rubbish containers shall be washed and disinfected with sufficient frequency to prevent an odor or public health nuisance, except that containers used solely for the storage of drained, unwrapped garbage shall be washed and disinfected after each emptying. Wastewater resulting from the washing of containers shall not be disposed of onto the ground surface, interior drain, or catchbasin.
- d. Portable containers that do not meet the requirements of this article shall be classified as rubbish, and after five days' notice to the owner of the container, the container shall be removed as rubbish.
- e. Ashes shall be stored separately in a tight metal or wood container not exceeding one bushel in capacity and equipped with a watertight cover.

(Code 1982, § 94.16; Ord. No. 5716, 5-19-1981; Ord. No. 6361, § 2, 8-1-1989)

Sec. 34-66. - Trucks dumping in dumpsters in cleanup area neighborhoods.

- a. All private haulers and pickup trucks are hereby prohibited from dumping in the roll on boxes (dumpsters) provided in neighborhoods specified as cleanup areas.

(Ord. No. 6473, 8-21-1990)

Sec. 36-2. - Obstruction of streets or intersections.

- a. It shall be unlawful for any person to encumber any of the streets or sidewalks of the city with any buildings, fences, or other structures, vehicles, horses, or any substance or material whatever so as to interfere with the free use of the streets or sidewalks. However, the provisions of this chapter shall not apply to any person in the use of a part of the streets or sidewalks under a building permit issued by the city.

(Code 1960, § 9-503; Code 1989, § 52.31)

State law reference— *Obstructing traffic*, IC 35-42-2-4

Sec. 36-5. - Signs or advertising lights.

It shall be unlawful for any person to erect, place or stand any signs, temporarily or permanently, between the property line and the curblin on any public street except those signs which pertain to traffic regulations or restrictions. The Board of Public Works and Safety shall cause them to be removed.

(Code 1960, § 9-510; Code 1989, § 52.37, Ord. No. 3261)

Sec. 36-8. - Burning rubbish.

It shall be unlawful for any person to burn or set fire to leaves or any other rubbish on any street

(Code 1960, § 9-516; Code 1989, § 52.40)

Sec. 36-10. - Materials used as fill for streets.

It shall be unlawful for any person to place any cinders, gravel, or any other materials or any ashes, rubbish, or refuse of any kind whatsoever in any street or public place within the corporate limits of the city without first obtaining a written permit from the Board of Public Works and Safety to do so, which permit shall designate the location for any filling to be made there under. Any placing of any material under the permit shall be done under and in accordance with the control and direction of the street superintendent.

(Code 1960, § 9-518; Code 1989, § 52.42)

State law reference - *Littering*, IC 35-45-3-2

Sec. 36-13 - Parkways.

- a. Whenever in this section the term “parkway” is used, it shall

mean that area between the sidewalk and the curblineline within the city.

- b. It shall be unlawful to pave or cover any portion of a parkway with any substance or material other than soil, sod or grass.
- c. It shall be unlawful to park or drive any motor vehicle upon or across any parkway.
- d. It shall be unlawful to place, store, exhibit, or offer for sale personal property of any kind or nature in or upon any sidewalk or parkway; however, nothing contained herein shall be deemed to prohibit or forbid the temporary placement of personal property upon a sidewalk or parkway while loading or unloading the property.

(Code 1960, §§ 9-521; 9-521-9-524 Code 1989, § 52.45; ord. No. 4089)

Sec. 36-15-36-44. - Reserved.

Sec. 44-51. - Duty to remove or trim.

The Department of Public Parks shall be empowered and authorized to require the owner or occupant of property abutting any street or alley to remove or trim any tree, shrub, vine, flower, or plant or any part thereof in front of the property of any owner or occupant thereof, which may be dead or in an unsightly or dangerous condition or which may project over the street beyond the property line of the occupant to a height of ten feet or less, according to size, or any tree obstructing the free passage of pedestrians on the sidewalk. The department shall first cause notice to be served on the owner or occupant of the premises adjoining the street or alley, ten days prior to the time designated for the removal or trimming of any tree, shrub, vine, flower, or plant.

(Code 1982, § 53.04)

Sec. 105-298. - Yards, fences, and accessory buildings.

Every owner of residential properties shall be responsible for the general maintenance and repair of his entire property.

(1) All yards shall be kept free of unnecessary storage and debris.

(2) Where possible, front, side, and rear yards should be provided lawns, and properly maintained.

(3) All accessory buildings shall be maintained in proper repair and all exterior surfaces shall be protected by paint or other protective covering.

(4) Sheds and other accessory buildings which are in a dilapidated condition and which contribute toward neighborhood blight

shall be removed upon written orders of the Building Commissioner written orders of the Building Commissioner.

(5) All fences shall be maintained in good repair and shall be protected by painting whenever possible.

(Code 1960, § 5-1613; Code 1989, § 154.14; Ord. No. 3425 Ord. No. 4415; Ord. No. 6635, 10-22-1992)

Sec. 123-369. - Parking certain vehicles in residential districts.

It shall hereafter be unlawful for any person, owner, or driver to park or cause to be parked except for expediting pickup or delivery, any bus, truck, truck tractor, semi-trailer, or trailer that exceeds three-fourths ton of capacity of standard design upon any property in an area zoned for residential use, provided that this section shall not apply to vehicles governed by chapter 115.

(Code 1960, § 6-1001; Code 1989, § 163.110; Ord. No. 4092 Ord. No. 8256, § 1 (163.110), 2-17-2009)

