

ORDINANCE NO. 2023-9A

ORDINANCE REGARDING VECTOR AND PEST ABATEMENT

WHEREAS, the Board of Commissioners of Hancock County, Indiana have received from the Hancock County Board of Health a favorable recommendation regarding the adoption of an ordinance creating vector and pest abatement definitions, procedures, and processes to be added to the Hancock County Code of Ordinances; and

WHEREAS, the Board of Commissioners of Hancock County, Indiana believes the adoption of said ordinance to be in the best interest of the health, safety, and welfare of the citizens of Hancock County, Indiana.

BE IT ORDAINED by the Board of Commissioners of Hancock County, Indiana, that:

SECTION I

Title IX, Chapter 91, shall be amended by the addition of § 91.10 entitle Vector and Pest Abatement set forth below:

§ 91.06 DEFINITIONS.

For the purposes of the subchapter, "Vector" shall be defined pursuant to Indiana Code 16-41-32-3 and all amendments or supplements thereto.

§ 91.07 POWERS AND DUTIES OF HEALTH OFFICER.

(A) Establishment. Pursuant to Indiana Code 16-41-33-3, there is hereby established a vector and pest abatement program within the jurisdiction and control of the Hancock County Board of Health, which shall be under the direction of the Hancock County Health Officer.

(B) Powers and Duties. The Hancock County Health Officer, by and through his/her authorized representative or the Hancock County Board of Health, shall have the following duties and powers with respect to the vector and pest abatement program established herein:

- (1) Take all necessary and proper steps to control vectors and pests which have adverse health significance to humans or domestic animals and livestock; and
- (2) Enter upon any land, public or private, at a reasonable time to inspect for or to abate all pest and vector breeding grounds which have adverse health significance to humans, domestic animals, and/or livestock, as provided by I.C. 16-20-1-23; and
- (3) Purchase supplies, materials, and equipment; and
- (4) Recommend to the County Commissioners or other appropriate authority the building, constructing, maintaining, or repairing of necessary levees,

cuts, canals, channels, or other structures upon any land within the jurisdiction of the Health Department after obtaining the necessary local and Department of Natural Resources approvals; and

- (5) Make contracts; and
- (6) Conduct vector and pest control in a manner consistent with Indiana Codes; and
- (7) Enter into cooperative agreements with appropriate organizations for the purpose of assuring technical assistance in developing and carrying out specific duties; and
- (8) Identify problems determined to be of importance to the Public Welfare and develop control programs appropriate to each situation; and
- (9) In the case of emergency, disaster, or immediate threat to Public Health, issue orders for appropriate organizations to carry out specific duties related to the condition of the situation.

§ 91.08 VIOLATIONS.

(A) Scope. No person, owner, or person in possession of any property located within Hancock County, Indiana shall cause or create conditions contributing to the harboring or breeding of vectors or pest, and shall:

- (1) Take all necessary and proper actions to control or abate vectors or pests of public health significance, or to control or abate possible breeding places of vectors or pests of public health significance; or
- (2) Complete any and all necessary improvements in order to control or abate the harboring or breeding of vectors or pests.

(B) Any person deemed in violation of the provisions of this section shall be issued a written notice of violation containing an order by the Hancock County Board of Health or its authorized representatives pursuant to Title III, Chapter 32, Section 5 of the Hancock County Code of Ordinances which order may specify what action shall be taken by the violator for such control or abatement of vectors or pests, what improvement shall be completed for the control or abatement of the harboring or breeding of vectors or pests and a timeframe within which said actions are to be accomplished.

(C) If any person, owner, or person in possession of any property located within Hancock County, Indiana shall fail and/or refuse to comply with the aforementioned written notice an order within the time allowed, the Hancock County Board of Health shall impose a fine of \$25.00 per day for each day the violation continues to exist, in addition to which it may seek injunctive relief through the Hancock County Court system to enforce an order, collect associated

finances and shall be entitled to recover all attorney fees incurred as a part of enforcement of the violation.

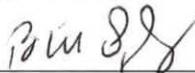
SECTION II

This Ordinance shall be in full force and effect from and after its due publication according to law.

Adopted this 19 day of September, 2023.

COMMISSIONERS OF HANCOCK COUNTY, INDIANA

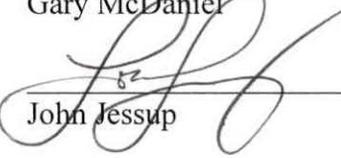
Voting Affirmative:



Bill Spalding



Gary McDaniel



John Jessup

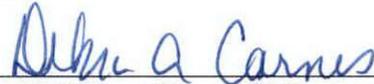
Voting Opposed:

Bill Spalding

Gary McDaniel

John Jessup

Attest:



Debra A. Carnes, Hancock County Auditor

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.