

IC 32-26-10

Chapter 10. Spite Fences as Nuisance

IC 32-26-10-1

Description of spite fence

Sec. 1. A structure in the nature of a fence unnecessarily exceeding six (6) feet in height, maliciously:

- (1) erected; or
- (2) maintained;

for the purpose of annoying the owners or occupants of adjoining property, is considered a nuisance.

As added by P.L.2-2002, SEC.11.

IC 32-26-10-2

Damages

Sec. 2. (a) An owner or occupant injured either in the owner's or occupant's comfort or the enjoyment of the owner's or occupant's adjoining property by the nuisance described in section 1 of this chapter may bring an action for:

- (1) damages in compensation for the nuisance;
- (2) the abatement of the nuisance; and
- (3) all other remedies for the prevention of a nuisances.

(b) The provisions of law concerning actions for nuisance are applicable to an action under subsection (a).

As added by P.L.2-2002, SEC.11.