

MEDARYVILLE TOWN COUNCIL

ORDINANCE NO. 2018-06-01

AMENDING ORDINANCE # 2013-09-01 ENTITLED "REMOVAL OF WEEDS, GRASS, AND RANK VEGETATION" TO REDUCE THE NUMBER OF DAYS FOR AN OWNER TO CURE A VIOLATION FROM TEN (10) DAYS TO FIVE (5) DAYS

WHEREAS, on September 18, 2013, the Medaryville Town Council enacted Ordinance #2013-09-01 entitled "Removal of Weeds, Grass, and Rank Vegetation;" and

WHEREAS, said Ordinance, specifically, Paragraph 5(a) provides that any property found to be in violation of the Ordinance, the Town Maintenance Supervisor shall issue a notice to the owner notifying the owner of the violation and giving the owner not more than ten (10) calendar days to abate the violation; and

WHEREAS, said Ordinance, specifically, Paragraph 8(a) provides that the order of the Town Maintenance Supervisor shall become final ten (10) days after it is given unless the owner requests in writing an appeal hearing; and

WHEREAS, the Town Maintenance Supervisor reasonably believes that the ten (10) calendar days provided to the property owner to cure the violation on their property should be reduced to five (5) days because in many cases, after due process has been provided to the property owner and the property owner fails to abate the violation, the weeds and grass on said property has only continued to grow passed the length provided by the Ordinance by the time the Town Maintenance Supervisor is able to abate the same; and

WHEREAS, due to the health, safety, and general welfare of the residents of the Town, the Medaryville Town Council wishes to adopt the recommendations of the Town Maintenance Supervisor.

NOW, THEREFORE, BE IT ORDAINED by the Medaryville Town Council for the Town of Medaryville, Indiana as follows:

1. Paragraph 5(a) of Ordinance No. 2013-09-01 shall now be amended to read as follows:

Notice to Owner/Content: For any property found to be in violation of this Ordinance, the Town Maintenance Supervisor shall issue a notice to the owner notifying the owner of the violation and giving the owner five (5) calendar days to abate the violation. Said notice shall state that it is a continuous abatement notice meaning the owner has an ongoing duty to cut, remove, and/or dispose of weeds, grass, and/or rank vegetation over six (6) inches in length on said property, and each subsequent violation during the same year may be abated by the Town Maintenance Supervisor. In addition, said notice shall state the amount of the costs incurred by the Town, including administrative costs and removal costs, if the violation is not abated in five (5) days. If the violation is corrected by the owner in five (5) days, no further action will be taken by the Town.

2. Paragraph 8(a) of Ordinance No. 2013-09-01 shall now be amended to read as follows:

Time Limits: The notice of violation and/or the bill for the costs incurred to abate the nuisance shall become final five (5) days after it is given, unless the owner requests in writing an appeal hearing before the Medaryville Town Council and the written request for an appeal is delivered to the Medaryville Clerk/Treasurer's Office before the end of the five (5) day period.

3. All other provisions of Ordinance No. 2013-09-01, unless specifically modified by this Ordinance, shall remain in full force and effect.

Passed by the Town Council of Medaryville, Indiana, this 20th day of June, 2018 by a vote of 3 yes
to 0 NO



ATTEST:

Judy Harwood
Judy Harwood, Town Clerk/Treasurer

Robert Schultz
Robert Schultz, President

Suzanna J. Wilcox
Suzanna Wilcox, Vice President

Ray Saltsman
Ray Saltsman, Member