

ORDINANCE #04- 428

AN ORDINANCE TO AMEND [ORDINANCE #387](#) "AN ORDINANCE TO PROTECT THE PUBLIC HEALTH SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN OF BATTLE GROUND"

WHEREAS, the Town Council of the Town of Battle Ground desires to protect the citizens of the Town of Battle Ground from conditions which may exist on land and in buildings which attract vermin, insects and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

WHEREAS, the Town Council of the Town of Battle Ground desires to amend existing [Ordinance #387](#).

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA as follows:

[Section Three of Ordinance #387](#) is amended as follows:

SECTION THREE:

(a) Whenever any nuisance shall be found to exist which is referred to in SECTION ONE, the Clerk-Treasurer is authorized to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found, or upon the person owning or causing any such nuisance requiring abatement of such nuisance. Said notice may be made by certified mail or by posting on the property.

(b) Said notice shall provide the person owning or causing any such nuisance ten (10) days from receipt or the posting of said notice to abate said nuisance.

(c) In the event of refusal or neglect on the part of the notified offender to obey such Order within the time limit named in the Order, the Clerk-Treasurer shall have the power and authority to cause to be removed and abate the unlawful conditions thereof which shall be paid from the Treasury upon sworn vouchers of such person and the cost and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the Clerk-Treasurer may after the charges have gone unpaid for a period of six (6) months certify the amount due of such charge from each person to the Auditor and the amount of such charge shall be placed upon the duplicate by the Auditor and collected as taxes are collected.

(d) Violation of this Ordinance shall subject the violator to a civil penalty of not less than \$25.00 and no more than \$100.00. Each day a violation of this chapter occurs or continues is a separate and distinct violation of this chapter. The Town may seek enforcement by court injunction that the violation cease.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 10th day of May , 2004.

Presiding Officer

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer