

ORDINANCE 2012-497

AN ORDINANCE REGULATING THE ABATEMENT OF GRASS, WEEDS OR VEGETATION NUISANCES WITHIN THE TOWN OF BATTLE GROUND

Be it ordained by the Council of the Town of Battle Ground, Indiana, as follows:

Section 1. General Regulation and Violation. It is a public nuisance for an owner, and/or occupant of a property within the Town of Battle Ground to cause, suffer, or permit the growth of: grass above ten inches high; weeds; noxious, poisonous, or offensive vegetation; or the deposit or accumulation of weeds, or noxious, poisonous or offensive vegetation, matter, or substance; in or upon any portion of the lots, parcels of ground, or tracts of land.

Section 2. Relationship with Other Ordinances. This ordinance shall have no effect on [Ordinance 387](#). A penalty under this ordinance shall be separate, independent and in addition to, any penalty assessed under any other ordinance in effect.

Section 3. Abatement. (a) Whenever any nuisance shall be found to exist which is referred to in Section 1, 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, as detailed in Section 4 below, 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) Each time that the Clerk-Treasurer exercises the power to abate a nuisance described in this Section, it shall constitute an enforcement against a violation of this ordinance that is separate, independent and in addition to the enforcement against the violation of any other ordinance in effect.

Section 3. Penalty Structure. A violation of this ordinance shall subject the violator to the following civil penalties:

- (a) Initial violation in a calendar year = civil penalty of \$50.00
- (b) Second violation in a calendar year = civil penalty of \$100.00
- (c) Third violation in a calendar year = civil penalty of \$250.00
- (d) Subsequent violations in a calendar year = civil penalty of \$500.00

Section 4. Abatement Costs and Expenses. If the Clerk-Treasurer exercises the power to abate the above nuisance, the violator shall be charged the entirety of the costs and expenses associated with such process. These costs shall include reasonable expense for the total labor costs of all parties involved with abating the nuisance, in addition to materials, mileage, fuel, and all other expenses necessary to abate the nuisance. This section shall be separate, independent and in addition to, any costs or expenses assessed under any other ordinance in effect.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 14 day of May , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 21 day of June , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon