

RESOLUTION NO. 03-19

A RESOLUTION TO REQUIRE THAT A BOND BE ISSUED IN FAVOR OF THE TOWN OF BATTLE GROUND WHEN AN IMPROVEMENT LOCATION PERMIT IS REQUESTED FROM THE AREA PLAN COMMISSION EXECUTIVE DIRECTOR UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the Town of Battle Ground, Indiana is a member of the Tippecanoe County Area Plan Commission("APC");and

WHEREAS, land use and development in the Town of Battle Ground, Indiana is governed by the New Unified Zoning Ordinance of Tippecanoe County("NUZO"); and

WHEREAS, the Town of Battle Ground, Indiana, as a member jurisdiction of NUZO, may continue to promulgate its own regulations regarding the incorporated area of the Town of Battle Ground, Indiana; and

NOW THEREFORE BE IT RESOLVED THAT:

In the event that an individual(s) or entity (hereinafter "applicant") requests a Improvement Location Permit for a dwelling unit from the APC Executive Director on a parcel of real estate located within the incorporated area of the Town of Battle Ground, Indiana, where a dwelling unit already exists and the applicant represents the APC Executive Director that the newly erected dwelling unit will replace the former dwelling unit, then, the applicant must satisfy the following in order to receive the Improvement Location Permit:

1. The applicant must apply for an Improvement Location Permit according to the provisions of NUZO, § 6-2 et seq.; and
2. The applicant must post a Three Thousand Dollar (\$3,000.00) cash bond in favor of the Town of Battle Ground, to be held by the Town of Battle Ground; and
3. The applicant must agree to remove the former dwelling unit from the subject parcel of real estate within sixty days from the issuance of a Certificate of compliance from the APC Executive Director for the newly erected dwelling, or within one year after the issuance of an Improvement Location Permit, whichever is earlier.

In the event that the applicant, upon receiving the Certificate of Compliance, fails to remove the former dwelling unit from the subject parcel of real estate in a timely manner, the cash bond may be drawn upon by the Town of Battle Ground. The cash bond may be used to defray expenses incurred by the Town of Battle Ground for the demolition or removal of former dwelling units, and/or legal costs directly associated with the demolition, removal, and/or legal enforcement of the Resolution and its terms.

This resolution is not intended, nor should it be construed to limit the damages, legal or equitable, that the Town of Battle Ground may seek in the enforcement of the Resolution.

This resolution shall not be construed as permitting the replacement of a nonconforming mobile home with

another non-conforming mobile home at another location on the lot as prohibited by Section 5-1-3(b)(2) of NUZO.

This resolution shall be in full force and effect from and after its passage and signing.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND,
INDIANA ON MARCH 19, 2003.

Carolyn Roth
Carolyn Roth-Town Council President

Attested:

Phyllis Hall
Phyllis Hall-Clerk Treasurer