

ORDINANCE NO. 2013-~~11~~12-01

**AN ORDINANCE REGULATING THE MAINTENANCE
OF PROPERTY IN A SANITARY CONDITION AMENDING ORDINANCE NO. 1989-1**

WHEREAS the Town of Claypool has previously enacted its Ordinance Regulating the Maintenance of Property in a Sanitary Condition in 1989 and

WHEREAS The Town of Claypool has, from time to time, seen fit to amend that Ordinance and

WHEREAS The Town wishes to make amendment to that ordinance for abatement, notice procedures for abatement, and for the collection of costs and expenses in the event a property owner fails to pay its bills.

NOW, THEREFORE, be it ordained by the Town Council of Claypool, Indiana:

ARTICLE I

- (A) That a representative of the Town of Claypool may enter on the private property of land owners in the Town of Claypool for purposes of abating the growth of any weeds, grass or rank vegetation on a plat of land, other than land cultivated for commerce or agricultural zone; a natural or developing forest, which is neglected, or not cut, mown or otherwise removed and which is higher than nine inches (9"); or
- (B) Any property which has allowed to become a health or safety hazard or has accumulated waste products or refuse, unless specifically authorized under existing lawn or regulations.
- (C) Owners means all persons, entities, or organizations who are responsible for payment of taxes on the real estate as on record at the County Recorder's Office or the purchaser of such real estate under a Contract for Conditional Sale or a person in control of the property, such as the Personal Representative, Trustee, Receiver or Guardian of the owner; at least one owner where multiple owners.

ARTICLE II

If the owner of the real estate, subject to violation of the Ordinance, does not abate the cause for violation within five (5) days of receipt of notice from the Clerk Treasurer or Town Marshall, the entry by its employees, agents or contractors may enter upon the real estate and abate the cause for violation. Notice to be sent to owners at the last address as indicated by the records of the Kosciusko County Auditor on the date of the notice where available or by publication if no last known address in which case the owner shall have ten (10) days to abate the violation from the date of publication.

ARTICLE III

The Clerk Treasurer is hereby authorized to send a bill to the owner for the costs incurred by the Town in abating the violation, including administrative costs and removal cost by ordinary mail upon a final determination of costs incurred, such to be paid in full within thirty (30) days of the date issued.

ARTICLE IV

The land owner shall have twenty (20) days to appeal the notice of violation or bill issued hereunder from the date stated on the notice or bill sent. Such appeal shall be made in writing to the Clerk Treasurer who shall then schedule the landowner; appeal for consideration by the Town Board at its next regularly scheduled meeting.

ARTICLE V

If the initial notice of violation was provided by certified mail, first class mail or their equivalent, a continuous abatement notice may be posted at the property at the time of abatement. A continuous abatement notice shall serve as notice to the property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the Town, or its contractors.

ARTICLE VI

If the owner of the real estate fails to pay a bill issued pursuant to the Ordinance within the time specified, the Clerk Treasurer shall certify to the County Auditor the amount of the bill plus any additional administrative costs incurred in the certification. The Auditor shall place the total amount certified on the tax duplicate of the property affected and the total amount, including accrued interest, shall be collected as delinquent taxes are collected.

In addition thereto, the Town may bring an action in an appropriate court to collect the amount of the bill plus any additional costs incurred in collection, including court costs and reasonable attorney fees.

If the Town obtains a judgment it may obtain a lien in the amount of the judgment on any real or personal property of the owner.

ARTICLE VII

That to the extent this ordinance is adopted it shall be effective in amending the original Ordinance only as to matters contained herein, the original Ordinance and any amendments thereafter unaffected by this amendment, shall remain in full force and effect.

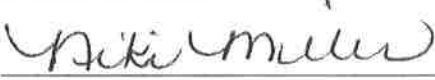
ARTICLE VIII


That this amendment shall be in full force and effect from and after its passage and due publication as provided by law.

Passed and adopted by the Town Council of the Town of Claypool, Indiana, on the 16
day of December, 2013.


Town Council of the Town of Claypool, Indiana


Donald R. Miller


Nikki Miller


Tom Burnsworth

ATTEST:


Connie Morgan, Clerk-Treasurer
Town of Claypool, Indiana