

ORDINANCE NO: 1999- 7

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOOGOOTEE,  
INDIANA, PROVIDING FOR THE  
ABATEMENT OF WEEDS AND RANK VEGETATION  
WHICH CONSTITUTE A NUISANCE IN THE  
CITY OF LOOGOOTEE, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LOOGOOTEE,  
INDIANA, THAT:

(1) That Ordinance No. 84-7, which was passed in 1984, and any amendments thereto are found in Section IV-2-5.1 of the Loogootee City Code hereby repealed effective the date of the passing of this Ordinance.

(2) There is hereby added a new Chapter IV-5-2.1 of the City Code of the City of Loogootee, as follows:

Section IV-2-5.1.010. Weed or Rank Vegetation Height.

It is unlawful for anyone to permit any weeds, rank vegetation, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding nine inches anywhere in the City. The definition of "weeds and rank vegetation" does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose. Weeds or rank vegetation exceeding such a height are hereby declared to be a nuisance.

Section IV-2-5.1.020. Vegetation or Permanent Structures on Easements and Governmental Property.

It is unlawful to permit weeds, vegetation, trees, permanent structures or woody growth on private property which, due to its proximity to any governmental property, right-of-way, or easements, interferes with the public safety or lawful use of the governmental property, right-of-way, or easement. Such interference is hereby declared to be a nuisance.

Section IV-2-5.1.030. Noxious Weeds or Other Rank Vegetation.

It is unlawful for anyone to permit any noxious weed, including, but not limited to Canadian thistle and Johnson grass, to grow or be grown on any premises on which weeds, plants or grass are permitted to grow.

Section IV-2-5.1.040. Removal-Notice.

The Public Works Department of the City of Loogootee shall be responsible for the administration of this ordinance. The Head of the Public Works Department of the City of Loogootee, upon receipt of a complaint of a violation of this Chapter, will issue a five-day written notice, by certified mail, to remove the weeds or rank vegetation. Following the issuance of written notification, the head of Public Works Department will report the notifications at the next Board of Public Works meeting for publication.

Section IV-2-5.1.050. Failure to Abate.

If the landowner fails to cut and remove the weeds and/or rank vegetation within the time prescribed in the notice, or any extension of that time granted by the Board of Public Works or Department of Public Works, the City of Loogootee; through City employees or contractors hired by the City may enter the property to abate the violation of this ordinance and may cut and remove, or cause to be cut and removed, such weeds and/or rank vegetation.

Section IV-2-5.1.060. Civil Penalty.

In the event that the City removes or causes to be removed such weeds and/or rank vegetation, or in the event that the City receives a second substantiated complaint after the first complaint has been abated in the same calendar year regarding the same parcel of ground, which is owned by the same person, then a civil penalty will be assessed, as follows:

|                |          |
|----------------|----------|
| First offense  | \$ 25.00 |
| Second offense | \$ 50.00 |
| Third offense  | \$100.00 |

Section IV-2-5.1.070. Billing Procedure.

The Clerk-Treasurer shall then issue a bill to the landowner for the costs incurred by the City in abating the violation, a civil penalty, administrative costs, and removal costs. The bill shall be served upon the landowner in the same manner as the service of notice of violation. Costs for the abatement of weeds are determined by the Board of Public Works and Safety.

Section IV-2-5.1.080. Appeal.

Any appeal of the removal notice or bill must be made in writing, within ten (10) calendar days of the date of the removal notice or bill, whichever is applicable. Any appeal must be in writing and shall be made to the Board of Public Works, which shall set the matter for hearing. The hearing may be at a special meeting of the Board of Public Works or any regularly scheduled meeting of the Board of Public Works. After the hearing, the Board of Public Works shall issue its written findings. Any appeal from written findings of the Board of Public Works must be made to a court of competent jurisdiction located in Martin County, Indiana, within ten (10) calendar days of the issuance of its written findings by the Board of Public Works.

Section IV-2-5.1.090. Lien.

If the landowner fails to pay the bill issued under Section 7 of this ordinance within the time specified, the Clerk-Treasurer shall certify to the Auditor of Martin County the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor of Martin County shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the City of Loogootee.



Section IV-2-5.1.100. Administrative liability.

No officer, agent, or employee of the City of Loogootee shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of <sup>Loogootee</sup> ~~Jasper~~ as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City attorney until the final determination of the proceedings therein.

Section IV-2-5.1.110. Enforcement.

The Loogootee Public Works Department shall enforce this ordinance.

Section IV-2-5.1.120. Separability.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.


Section IV-2-5.1.130. Prior Ordinances.

All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

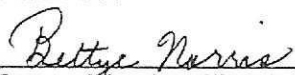
Section IV-2-5.1.140. Effective Date.

That this Ordinance shall be in full force and effect from and after notice, passage by the Common Council, approval by the Mayor, all in the manner as provided by law.

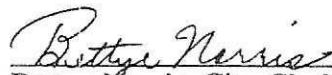
PASSED AND ADOPTED by the Common Council of the City of Loogootee, Indiana this 9<sup>th</sup> day of Aug., 1999, by a vote of 4 to 0, with 0 abstaining.

  
Presiding Officer

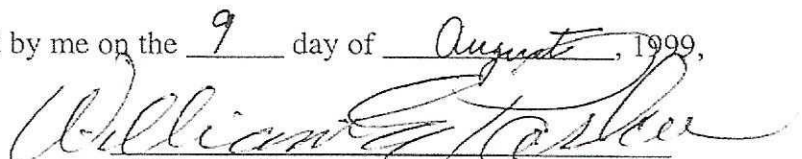
ATTEST:

  
Bettye Morris, City Clerk-Treasurer

Presented by me to the Mayor of the City of Loogootee, Indiana, on the 9 day of Aug., 1999, at the hour of 6:45 P.M.

  
Bettye Morris, City Clerk-Treasurer

This Ordinance approved and signed by me on the 9 day of August, 1999, at the hour of 6:45 P.M.

  
William E. Parker, Mayor