

COPY

ORDINANCE NUMBER 2007-4
AN AMENDMENT TO ORDINANCE NUMBER 2001-7
AN ORDINANCE TO REGULATE AND CONTROL HOUSING AND
SANITATIONS AND PROHIBIT NUISANCES WITHIN THE TOWN OF PARKER
CITY, RANDOLPH COUNTY, INDIANA

WHEREAS, on July 5, 2001, The Town Council of the Town of Parker City, Randolph County, Indiana, did adopt Ordinance No. 2001-7 entitled An Amendment to Ordinance Number 2000-2 An Ordinance To regulate and control housing and sanitations and prohibit nuisances within the town of Parker City, Randolph County, Indiana

WHEREAS, The Town Council of the Town of Parker City, Randolph County, Indiana, now desires to Amend Ordinance 2001-7 In order to amend Subsections (C), of Section # 2, and Section # 5.

NOW THEREFORE be it ordained by the Town Council of The Town of Parker City, Randolph County, State of Indiana as follows:

Section 2.

c) Weeds. The existence of thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, ironweeds, and all other noxious weeds rank vegetation and grass in excess of a height of six (6") inches.

Section 5. Abatement Procedure

a) On the failure, neglect, or refusal of any owner or such agent so notified, to abate said nuisance located on such property or on the sidewalk abutting these areas within five (5) days after receiving the written notice provided for in Section # 4, or within fourteen (14) days after the date of such notice in the event the same is returned by the Post Office Department because of its inability to make delivery or the failure of the owner to accept the notice provided the notice was properly addressed to the last know address of such owner or agent as shown on the tax records of Randolph County, Indiana, the Parker City Police Department or anyone appointed by the Parker City Police Department.

b) When the City has effected the removal of such nuisance, and has not been paid the actual costs thereof, such costs shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the County. This charge shall be due and payable by the owner at the tie of payment of the tax bill.

c) If the landowner fails to remove the nuisance within the time prescribed, the city may remove the nuisance. The Clerk-Treasurer must make a certified statement of the actual cost incurred by the city in the

removal. The statement must be delivered to the owner of the property by a law enforcement officer of the city or by certified mail, return receipt requested, and the owner shall pay the amount to the Clerk-Treasurer. If the landowner fails to pay the amount within the (10) days after receiving the statement, a certified copy of the statement of costs shall be filed in the Office of the Auditor of Randolph County, Indiana. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the city.

d) In lieu of filing of a lien as set out in division (B) and (C) above, the city may seek and be granted, in any court of competent jurisdiction, injunctive relief to enforce this ordinance. Any action brought pursuant to this section shall prohibit a lien being filed as set out herein for the same acts alleged in the complaint by the Town pursuant to this section.

Section 10

All other provisions of Ordinance 2001-7 shall remain in full force and effect.

Section 11

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ALL OF WHICH IS ORDAINED, PASSED, AND OTHERWISE,
ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PARKER
CITY, RANDOLPH COUNTY, INDIANA, ON THIS 7th DAY OF
June 2007.

TOWN COUNCIL OF THE TOWN
OF PARKER CITY, RANDOLPH
COUNTY, INDIANA

Fred Ludington

Fred Ludington, President

L. Dean Small

L. Dean Small

Ronald McWilliams

Ronald McWilliams

ATTEST:

Kim K. Walker
Kim K. Walker, Clerk Treasurer

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ORDINANCE NUMBER 2001-7
AN AMENDMENT TO ORDINANCE NUMBER 2000-2
AN ORDINANCE TO REGULATE AND CONTROL HOUSING AND
SANITATIONS AND PROHIBIT NUISANCES WITHIN THE TOWN OF PARKER
CITY, RANDOLPH COUNTY, INDIANA

WHEREAS, on April 6, 2000, The Town Council of the Town of Parker City, Randolph County, Indiana, did adopt Ordinance No. 2000-2 entitled An Ordinance To regulate and control housing and sanitations and prohibit nuisances within the town of Parker City, Randolph County, Indiana

WHEREAS, The Town Council of the Town of Parker City, Randolph County, Indiana, now desires to Amend Ordinance 2000-2. In order to add Subsections (C), and (D) of Section # 2, and Section # 5.

NOW THEREFORE be it ordained by the Town Council of The Town of Parker City, Randolph County, State of Indiana as follows:

Section 2.

c) Weeds. The existence of thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, ironweeds, and all other noxious weeds rank vegetation and grass in excess of a height of twelve (12') inches.

d) Keeping of animals. The failure to keep an animal's pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors.

Section 5. Abatement Procedure

a) On the failure, neglect, or refusal of any owner or such agent so notified, to abate said nuisance located on such property or on the sidewalk abutting these areas within five (5) days after receiving the written notice provided for in Section # 4, or within fourteen (14) days after the date of such notice in the event the same is returned by the Post Office Department because of its inability to make delivery or the failure of the owner to accept the notice provided the notice was properly addressed to the last know address of such owner or agent as shown on the tax records of Randolph County, Indiana, the Parker City Police Department or anyone appointed by the Parker City Police Department.

b) When the City has effected the removal of such nuisance, and has not been paid the actual costs thereof, such costs shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the County. This charge shall be due and payable by the owner at the tie of payment of the tax bill.

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c) If the landowner fails to remove the nuisance within the time prescribed, the city may remove the nuisance. The Clerk-Treasurer must make a certified statement of the actual cost incurred by the city in the removal. The statement must be delivered to the owner of the property by a law enforcement officer of the city or by certified mail, return receipt requested, and the owner shall pay the amount to the Clerk-Treasurer. If the landowner fails to pay the amount within the (10) days after receiving the statement, a certified copy of the statement of costs shall be filed in the Office of the Auditor of Randolph County, Indiana. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the city.

d) In lieu of filing of a lien as set out in division (B) and (C) above, the city may seek and be granted, in any court of competent jurisdiction, injunctive relief to enforce this ordinance. Any action brought pursuant to this section shall prohibit a lien being filed as set out herein for the same acts alleged in the complaint by the Town pursuant to this section.

Section 10

All other provisions of Ordinance 2000-2 shall remain in full force and effect.

Section 11

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ALL OF WHICH IS ORDAINED, PASSED, AND OTHERWISE,
ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PARKER
CITY, RANDOLPH COUNTY, INDIANA, ON THIS 5TH DAY OF
JULY 2001.

TOWN COUNCIL OF THE TOWN
OF PARKER CITY, RANDOLPH
COUNTY, INDIANA

FRED LUDINGTON

Fred Ludington, President

L. DEAN SMALL

L. Dean Small, Vice President

Jack A. Ripley

ATTEST: KIM K. WALKER

Kim K. Walker, Clerk Treasurer

2000-2

ORDINANCE ~~07-0000~~

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AN ORDINANCE TO REGULATE AND CONTROL HOUSING AND SANITATIONS AND PROHIBIT NUISANCES WITHIN THE TOWN OF PARKER CITY, RANDOLPH COUNTY, INDIANA

BE IT ORDAINED by the Town Board of Parker City, Randolph County, State of Indiana, as follows:

Section 1.

No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

Section 2

For the purpose of this Ordinance, the term "Nuisance" is defined to mean any condition of building exteriors or premises which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located, or the maintenance of an unsafe dwelling or building within the Town of Parker City, Indiana. In addition thereto, the term "Nuisance" shall also include:

- a) The accumulation of, outside of dwellings or other buildings on residential property: junk, trash, or debris, including but no limited to, garbage, discarded and refuse materials, waste materials, leaves, iron, tin, furniture, appliances, cans, and paper.
- b) The storage of any motor vehicle parts, tires, building materials or any other supplies or materials; other than in an enclosed building or within an area adequately concealed so as not to be visible from any surrounding residential or public properties.

Section 3

For purposes of this Ordinance, any dwelling or building that is:

- 1. In an impaired structural condition that makes it unsafe to a person or property;
- 2. A fire hazard;
- 3. A hazard to public health;

4. Has parts thereof which are so attached that they may fail or injure persons or property;

is considered an unsafe premises.

Section 4.

Any person violating the provisions of this Ordinance may be ordered to remedy and cure the conditions which constitute the nuisance. Such Order shall be made by the President of the Board of Trustees of the Town of Parker City, Indiana, or the Town Marshall or Chief of Police of the Town of Parker City, or their designee. The Order shall contain:

- a) The name of the owner or other person to whom the Order is directed;
- b) The legal description or address of the premises that the subject of the Order;
- c) The action the Order requires;
- d) The period of time in which the action is required to be accomplished, measured from the time the action is required to be accomplished, measured from the time of which the notice is given.

The Order shall be delivered personally or by certified mail to the owner or other person to whom the Order is directed.

Section 5

Any person who is in violation of this Ordinance, who has been served with an Order directed to them pursuant to Section 4 of this Ordinance, and who fails to take the required action within the time period specified in the Order, shall be guilty of a Class B Infraction.

Section 6

The invalidity of any Section, clause, sentence, article or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

Section 7

All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

Section 8

The provisions of this Ordinance shall not be construed to be the exclusive means of dealing with "Regulation and Control of Housing and Sanitation" and with "Nuisance" but shall be a remedy provided in addition to the applicable Indiana State statues and other applicable laws.

Section 9

Failure to comply with the judgment entered in this clause will result in a lien filed on the tax duplicated against the property described herein. Written notice of such action will be given to the property owner by certified mail.

Section 10

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ALL OF WHICH IS ORDAINED, PASSED, AND OTHERWISE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARKER CITY, RANDOLPH COUNTY, INDIANA, ON THIS 6-DAY OF April, 2000.

BOARD OF TRUSTEES TOWN OF PARKER
CITY, RANDOLPH COUNTY, INDIANA

Deed Feeding for

MEMBER, TOWN BOARD

L. Dean Small

MEMBER, TOWN BOARD

Goodie Dwyer

MEMBER, TOWN BOARD

ATTESTED:

Keri B. Walker

CLERK-TREASURER

TOWN OF PARKER CITY