

ORDINANCE No. 2017-4

NUISANCE ORDINANCE OF THE HILLSBORO TOWN COUNCIL

An Ordinance Amending
Ordinance 80-1 on Prohibiting Nuisances of the Town of Hillsboro

WHEREAS, the Town of Hillsboro wishes to amend Ordinance 80-01 regarding Nuisances,

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Hillsboro, Indiana, that:

Ordinance 80-01 is hereby amended and replaced in its entirety as follows:

CHAPTER 1: NUISANCES

The Town of Hillsboro finds that health, welfare, safety and property values are negatively affected by certain uses, conduct and conditions related to noise, accumulation of litter or trash, storage of certain materials and equipment, poor property maintenance, weeds and other rank vegetation, unsafe buildings, abandoned or leaking or damaged vehicles and unsafe storage of vehicles, and, therefore, constitute public nuisances. The Town of Hillsboro adopts the following ordinance, as amended from time to time, to protect the health, safety, welfare and property values of Hillsboro residents and property.

1.01 DEFINITIONS.

For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any structure erected on a parcel of land that is intended to house, shelter, or protect persons or objects.

CHEMICALS, AGRICULTURAL. Agricultural chemicals are fertilizers, pesticides, and other substances to be used on crops and land in order to facilitate the growing of crops.

CHEMICALS, COMMERCIAL. Commercial chemicals are those used to produce goods and services. These chemicals include both man-made and natural substances that create, combine with, refine, dissolve, or otherwise alter other substances in order to produce a new substance.

CHEMICALS, HOUSEHOLD. Household chemicals include cleaning products and other chemical substances used in the care and maintenance of a home.

DEBRIS. Carelessly discarded refuse and litter.

FENCE. A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

FIELD. Open or cleared ground that is intended for agricultural use such as crops or pasture.

FRONT. The side of a parcel that faces a public thoroughfare (road or sidewalk). Parcels may have more than one front. The front is determined by which public thoroughfare is fronted by the primary building on a given parcel.

GRASS. Plants used as lawns, pasture, or groundcover from the family Gramineae.

HEAVY MACHINERY. Vehicles and equipment commonly used in construction activities, this equipment includes, but is not limited to, bulldozers, backhoes, grading equipment, paving equipment, excavators, front loaders, forklifts, and cranes.

LAWN. Open, grass covered land surrounding a home, business, or other building.

LAWN ORNAMENT. Items used to decorate a lawn. These include, but are not limited to, concrete and plastic figures, decorative fences, and decorative lights.

LITTER. Objects that are scattered about causing unsightly and/or unsanitary conditions.

LUMBER. Processed wood that is intended to be used in the construction of a structure.

NOXIOUS NOISE. Sound that exceeds acceptable thresholds in terms of decibels omitted.

NOXIOUS ODORS. Odors that greatly extend beyond the subject property and can potentially cause inconvenience and harm to surrounding properties.

OWNER, REAL PROPERTY. The person or persons whose name appears as the last name of record of ownership as recorded in the Fountain County Auditor's Office.

PLAYGROUND EQUIPMENT. swing sets, monkey bars, gyms, and other equipment used for outdoor recreation (primarily by children).

PRIMARY BUILDING. The building containing the primary use of a parcel, which represents the main house on residential lots, the business facility on commercial lots, and the primary facility on industrial lots.

PROPERTY, PRIVATE. Land that is owned by an individual or a group of individuals.

PROPERTY, PUBLIC. Land owned by a governmental agency. This includes all dedicated right-of-ways as well as open fields and government facilities.

REFUSE. Material accumulated through lawn, tree, and garden maintenance.

RIGHT-OF-WAY. This is property is owned or acquired by a government or utility entity for the purpose of providing and servicing utility and infrastructure needs.

RUBBISH. Material that is unwanted or unused, such as debris, litter, or trash.

SCRAP. A piece or portion that is left over from cutting or modifying the original (whole) object.

SHRUB. A woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground.

SIGN. A notice usually comprised of plastic, wood, metal, rock, or stone that conveys a message, name, warning, or direction.

SMOKE. Visible gasses given off from the combustion of wood, gas, coal, and other organic substances.

STORAGE. Keeping products, materials, or items in one location for use, or potential use, at a future time.

STRUCTURE. Any building, facility, or accessory use that is erected on a parcel for the intent of holding, sheltering, protecting, or housing persons, animals, vehicles, or other objects.

SUSTAINED NOISE, Sound that occurs for a period of one (1) hour or greater which exceeds decibels permitted under this Chapter.

TENANT. Any person or group of people who occupies a parcel or property for a period of time but has no ownership in the parcel or property,

TREE. A plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.

VEHICLE, ABANDONED. A vehicle shall be considered abandoned, in accordance with Indiana Code Section 9-13-2-1, if at least one of the following conditions is satisfied:

1. A vehicle located on public property illegally;
2. A vehicle left on public property without being moved for twenty-four (24) hours;
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;
5. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal; or

7. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days;

For purposes of this definition, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

VEHICLE, ALL-TERRAIN. This vehicle is primarily intended for on or off pavement use in transporting one or two persons and/or a small load of goods. These vehicles are primarily open cockpit with three or four wheels and a motorcycle style engine.

VERMIN. Small animals or insects, such as rats or cockroaches, that are destructive, or injurious to public health, safety or welfare.

WASTE. Any product left over from the production of another object.

WEEDS AND OTHER RANK VEGETATION. A plant material that does not match the surrounding materials that grows substantially differently from the surrounding plant life. Weeds and other rank vegetation are not planted intentionally by land owners or tenants. Weeds and other rank vegetation can refer to a single plant as well as a large area of plant material. This definition does not include agricultural crops or pasture.

WEEDS NOXIOUS. A plant material described as:

- (1) Canada thistle (*Cirsium arvense*).
- (2) Johnson grass (*Sorghum halepense*).
- (3) Columbus grass (*Sorghum almum*).
- (4) Bur cucumber (*Sicyos angulatus*).
- (5) Shattercane (*Sorghum bicolor* (L.) Moench spp. *drummondii* (Steud.) deWet).

1.02 GENERAL PUBLIC SAFETY.

- (A) Animal Carcasses. Deceased animals (wild or domesticated) shall be disposed of in a sanitary manner within 24 hours of their death.
- (B) Batteries. Batteries shall not be stored outside. Storage of batteries is limited to functional batteries. If a battery is damaged or leaking, it is immediately considered a nuisance and shall be disposed of properly in accordance with state and federal regulations.
- (C) Chemicals. Chemicals shall not be stored outside and must be stored in accordance with manufacturer recommendations and state and federal regulations. Chemicals shall be stored in a manner as to prevent the material from being absorbed into the ground, public water supplies, or public sewer facilities. Any chemical that is past its marked expiration date is immediately considered a nuisance and shall be disposed of properly in accordance with state and federal regulations.
- (D) Fertilizers. Fertilizers shall not be stored outside of a primary building or an accessory structure. Fertilizers must be stored in accordance with applicable manufacturer recommendations and state and federal regulations. Fertilizers shall be stored in a manner as to prevent the fertilizer material from being absorbed into the ground, public water supplies, or public sewer facilities.
- (E) Noxious Smells. Smells not pertaining to normal landscaping (trees, shrubs, flowers, lawn, etc.) or household uses shall not be emitted to a level that is noticeable in a neighboring business or residence for a period of longer than three (3) hours.
- (F) Open Pits. Any and all wells, cisterns, pits, excavation, vault or other area excavated to a depth of two (2) feet or deeper shall have a secured cover composed of a material that is adequate to prevent residents and animals from accidentally falling into the excavation. In instances of temporary excavations of less than 30 days a construction fence of at least 30 inches in height shall be provided surrounding the excavation.
- (G) Vermin. Any storage activity that can attract or harbor vermin shall immediately be considered a nuisance.
- (H) Signage. Signs shall not be affixed to a tree.
- (I) Street Sign Obstructions. Trees, shrubs, plants, buildings, and other structures shall not be planted, constructed, or assembled in a manner that they obstruct viewing street signs from the roadway. Signs must be visible from a distance of 75 feet as viewed from the centerline of a given roadway.
- (J) Enforcement of violations of this Section shall be as described in Section 1.10 Enforcement.

1.03 NOISE.

(A) Fireworks. Fireworks, as permitted under Indiana law (IC 22-11-14), are permitted year-round but may not be used between the hours of 11 p.m. and 8:00 a.m., except fireworks shall be permitted:

1. (1) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
2. between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
3. between the hours of 10:00 a.m. on December 31 and 1 a.m. on January 1.

(B) Noise, Business. Businesses shall not generate any noxious, excessive, or Sustained Noise. Excessive noise shall be measured from the principal structure on the adjacent property on the wall nearest to the business. Sustained Noise must be less than 60 decibels. Businesses are not permitted to schedule maintenance, trash pickup, or delivery between the hours of 10:00 p.m. and 6:00 a.m. when the subject business is adjacent to or across a public street from a residence. Lawn maintenance is exempt from this requirement between the hours of 7:00 a.m. and 10:00 p.m.

(C) Noise, Industrial: Businesses operating in a district zoned for industrial uses shall not generate any noxious, excessive, or Sustained Noise. Excessive noise shall be measured from the principal structure on the adjacent property on the wall nearest to the industrial use. Sustained Noise must be less than 75 decibels.

(D) Noise, Municipal: Emergency service vehicles and police are exempt from the noise provisions of this Ordinance, Noise occurring at public parks is also exempt except between the hours of 10:00 p.m. and 6:00 a.m.

(E) Noise, Residential: Residences shall not generate any noxious, excessive, Sustained Noise. Excessive noise shall be measured from within the principal structure on the adjacent property on the wall nearest to the subject residence. Sustained Noise must be less than 50 decibels. Lawn maintenance is exempt from this requirement between the hours of 7:00 a.m. to 10:00 p.m.

(F) Noise, Vehicle: Motor vehicles shall not produce noise more than 70 decibels. This reading shall be taken at the lesser of the nearest property line or a distance of 15 feet if located on public property.

(G) Enforcement of violations of this Section shall be as described in Section 1.10, Enforcement.

1.04 LITTER & TRASH

- (A) Animal Waste. Animal waste left within a public right-of-way, park, or other publicly owned land shall immediately be considered a nuisance.
- (B) Appliances. Appliances shall not be located outside of a primary building or an accessory structure. All appliances shall have their doors removed before being set out for removal,
- (C) Construction Dumpsters. Construction dumpsters are permissible for a period of 30 days but may not block any public right-of-way, sidewalk, or trail. Construction dumpsters may be approved for a longer period of time at the authorization of the Town Council
- (D) Dumping. Dumping of any materials is not permitted in the Town of Hillsboro.
- (E) Dumpsters. Dumpsters are permissible with the approval of the Town Council. Dumpsters are not permitted in front of any building. Dumpsters must be placed behind a line drawn from the side of the primary building facing the street that crosses the entire property. The dumpster itself shall not be visible from the front of the property.
- (F) Litter & Rubbish. Litter & rubbish shall be disposed of in a proper trash container or trash bag. Litter and rubbish must be properly disposed of within 48 hours of its origin.
- (G) Newspapers. Accumulation of newspapers, magazines, and other print material that is more than one (1) week old (from the material's printed date) outside of a primary building or an accessory structure is prohibited.
- (H) Refuse/Trash Containers. Trash containers, garbage cans, refuse bins, and other containers used to hold waste have fitted lids and shall not be left in or adjacent to a public right-of-way for a period of time longer than one (1) day.
- (I) Trash Bags. Litter and rubbish shall be placed in trash bags. Bags shall not be left in the front of any residence, business, or structure for a period of time longer than one (1) day.
- (J) Fireworks Debris. All fireworks debris shall be disposed of in a proper container. At no time shall fireworks debris be placed or left on public property, including, but not limited to, public parks, streets, and sidewalks.
- (K) Enforcement of violations of this Section shall be as described in Section 1.10, Enforcement.

S 1.05 STORAGE OF MATERIALS & EQUIPMENT.

- (A) Automotive Fluids. Automotive fluids (gasoline, oil, transmission fluid, coolant, etc.) may not be stored outside. Used fluid must be disposed of in a proper disposal facility (not in a sewer or the municipal trash pickup). Fluids must be stored in a manner that prevents entering the ground, water table, or city water and sewer facilities.
- (B) Basketball Goals. Basketball goals may not be placed in a public right-of-way.
- (C) Firewood. Outdoor firewood storage is permitted but not in the front of any primary structure. A single parcel shall have no more than two (2) piles of wood measuring 80 cubic feet (Approximately eight (8) feet wide by two (2) feet deep and five (5) feet high).
- (D) Grass Clippings. Grass clippings do not have to be collected. If clippings are collected, they must be disposed of in a proper manner, Clippings must be bagged for disposal or composted. Burning of clippings is prohibited.
- (E) Heavy Machinery. Heavy machines shall not be stored in front of any primary building. Heavy machines may be stored outdoors but are considered a nuisance if they have not moved for 30 days. Heavy machines that require sitting for prolonged periods of time should be housed in an accessory structure.
- (F) Lumber. The temporary outdoor storage of lumber is permitted for up to 30 days or for the length of a construction permit (whichever is longer).
- (G) Playground Equipment, Playground equipment shall not be located in the front of any lot or parcel and it shall not obstruct a public right-of-way or sidewalk.
- (H) Scrap Metal, Outdoor storage of metal in a residential district for a period of time longer than 30 days is prohibited.
- (I) Tires. Outdoor storage of tires is prohibited.
- (J) Tree Clippings, Sticks, & Branches. Tree clippings, sticks, and branches must be properly disposed of within 14 days of their removal from the tree. Clippings must not obstruct the public right-of-way or the sidewalk. Burning clippings, sticks, and branches is prohibited.
- (K) Enforcement of violations of this Section shall be as described in Section 1.10 Enforcement.

1.06 LANDSCAPING & PROPERTY MAINTENANCE.

- (A) Dead Plant Life. All dead plant life must be removed within five (5) business days. Note: Dormant plant life due to growing season restriction or drought is not considered dead plant life. Agricultural crops are exempt from this requirement.

(B) Fences. Fences shall not be constructed to obstruct the view of any street sign or to interfere with the use of public right-of-ways or sidewalks. Fences must be properly maintained. Fences with chipping paint, rotten wood, significant (over 50 percent of the surface area) rust, collapsed sections, or missing posts or pickets shall immediately be considered a nuisance. The owner(s) of a fence shall be responsible to trim and maintain the landscaping around both sides of their fence; however, this Ordinance does not give any fence owner(s) the right to trespass on the property of another.

(C) Grass. Non-ornamental grasses shall not exceed 8 inches in height. Ornamental grasses must be easily identified and consist of a different species from the greater part of the lawn.

(D) Lawn Ornament. Lawn ornaments are permitted but they must not obstruct any public right-of-way or sidewalk. Lawn ornaments must be maintained. Chipping paint, wood rot, and damaged items shall constitute a nuisance.

(E) Shrubbery. Shrubbery shall be maintained in order to keep public right-of-ways and sidewalks free from obstruction.

(F) Trees. Trees shall be maintained to prevent split, damaged, or rotten limbs from falling on public right-of-ways and sidewalks. Trees shall be trimmed to have a minimum clearance of seven (7) feet above sidewalks and fourteen (14) feet above streets, alleys, and other right-of-ways.

(G) Enforcement of violations of this Section shall be as described in Section 1.10 Enforcement.

1.07 REMOVAL OF WEEDS & OTHER RANK VEGETATION.

(A) Owners of real property within the Town of Hillsboro shall cut and remove all weeds and other rank vegetation growing on their property. Weeds and other rank vegetation shall not exceed 8 inches in height.

(B) Owners of real property within the Town of Hillsboro shall immediately remove any and all noxious weeds growing on their property, regardless of height.

(C) The Hillsboro Town Council, by and through the Hillsboro Town Marshal or other designee, shall be responsible for the administration of this Section.

(D) The Town Council, or its designee, shall issue notice to the owner(s) of real property for violations of this Section, and such owner(s) shall have fifteen (15) days from the date the notice is received to remove the weeds or other rank vegetation or appeal the notice. For the purpose of this Section, notice is satisfied if sent to at least one of the owner(s) of the real property by certified mail, return receipt requested, to the last address of the owner(s) of the property as indicated in the records of the county auditor on the date of the notice.

(E) The owner(s) of real property receiving a notice pursuant to this Section may file a written appeal with the Clerk within fifteen (15) days from the date notice is received, and such appeal must set forth the following: (1) name of responding party, (2) property address, (3) facts and circumstances that the owner(s) assert preclude the finding that the property is a nuisance pursuant to this section. Any such appeal shall be heard by the Town Council at its next regularly scheduled Town Council meeting, and the decision of the Town Council shall be final.

(F) If notice of a violation is provided pursuant to this Section, and the owner(s) do not, within fifteen (15) days from the date the notice is received, either (1) remove the weeds or other rank vegetation or (2) file an appeal, the Town Manager or his designee may enter the property to abate the violation.

(G) If notice is issued pursuant to this Section or if the Town must abate the nuisance pursuant to this Section, the owner(s) of the real property in violation of this Section shall be billed for the reasonable costs incurred in abating the violation, including administrative and removal costs. Administrative costs shall include the cost of sending notice pursuant to this Section.

(H) If notice is issued pursuant to this Section and the Town must abate the nuisance pursuant to this Section, the Town may post a continuous abatement notice at the property at the time of abatement instead of by certified mail. A continuous abatement notice serves as notice to the property owner(s) that each subsequent violation during the same calendar year for which the initial notice of the violation was provided may be abated by the Town as described in this Section.

(I) If the owner(s) of real property that are issued a bill pursuant to this Section fail to pay the bill within 30 days of the date the bill is issued, the Town Manager or his designee 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 for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected.

(J) Any amounts collected pursuant to this Section shall be disbursed to the general fund of the Town.

1.08 UNSAFE BUILDING LAW.

(A) Ind. Code 36-7-9, et al., as amended from time to time, is hereby adopted and incorporated by reference pursuant to Ind. Code. 36-7-9-3. Further, this Ordinance incorporates by reference the definition of "substantial property interests" in Ind. Code. 36-7-9-2, as amended from time to time. This Ordinance shall incorporate all portions of the referenced code section, including, but not limited to, all requirements, limitations, findings, instructions, and definitions. Any restatements of any particular provisions of the Code are included herein for administrative convenience and public information and are not intended to limit the inclusion of those portions

of the Code that are adopted by reference only. Further, any provisions restated in this Ordinance which are later amended by the legislature shall be superseded by such amendments.

(B) The Town Council, or its designee shall be authorized to administer and prosecute all provisions of this Chapter in inspecting and ordering the repair, removal or other remedy of any building or premises determined to be unsafe as specified by law.

(C) All unsafe buildings or structures or portions thereof or unsafe premises within the Town which are determined to be unsafe as defined by this Ordinance and the law incorporated by reference, are declared to be public nuisances and shall be abated by vacation of the unsafe building, sealing of the unsafe building, extermination of vermin, removal of trash or debris or hazardous materials, repair or rehabilitation, demolition, or in any other manner as provided by the law incorporated by reference.

(D) For the purposes of this Chapter, a building or structure, or any part of a building or structure, 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 the public health;
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building.

(E) For the purposes of this Chapter:

- (1) an unsafe building; and
- (2) the tract of real property on which the unsafe building is located;

are considered unsafe premises.

(F) For the purposes of this Chapter, a tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered unsafe premises if the tract of real property is:

- (1) a fire hazard;
- (2) a hazard to public health;
- (3) a public nuisance; or
- (4) dangerous to a person or property because of a violation of a statute or an ordinance,

(G) A non-reverting Unsafe Building Fund is established in the operating budget of the Town in accordance with Ind. Code 36-7-9-14.

(H) All requirements, limitations and instructions for issuing orders, providing notice; modifying or rescinding orders, holding hearings, appeals, emergency actions, actions to enforce orders, liability for the costs of performance of work required by orders, payment of costs, management of the Unsafe Building Fund and transfer of monies, inspection warrants, civil actions, judgments, injunctions, performance bonds, civil forfeitures, appointment of receivers and rehabilitation property, transfers of property, violations, penalties, and any and all other requirements, limitations, and instructions, and definitions of Ind. Code 36-7-9, et al. are hereby incorporated by reference.

1.09 VEHICLES.

(A) Removal of Abandoned Vehicles. Vehicles, as described by Indiana Code Section 9-13-2-196, which are abandoned, as described in Indiana Code Section 9-13-2-1, may be tagged, removed, stored, returned and/or disposed of in accordance with Indiana Code 9-22-1 et. al., as amended by the Legislature from time to time.

(1) For the purposes of this Section and in accordance with Indiana Code Section 9-22-1-30, the Town of Hillsboro shall establish a towing charge in the Nuisance Ordinance Fee Schedule, which shall be filed with the Bureau of Motor Vehicles, and is authorized to enter into a contract for the provision of towing services.

(2) An abandoned motor vehicle that is not released to a properly identified person who owns or holds a lien pursuant to Indiana Code Section 9-22-1-8, as amended, shall be disposed of in any manner provided under Indiana Code 9-22-1 et. al.

(3) An Abandoned Vehicle Fund, in accordance with Indiana Code Section 9-22-1-30 is hereby established.

(B) Non-Plated Recreational Vehicles. Outdoor storage of non-plated recreational vehicles is prohibited.

(C) Damaged Vehicles. Vehicles damaged to the extent that they can no longer move under their own power or that the vehicle no longer has the required marker lights shall be repaired within 30 days.

(E) Parts. Storage of vehicle parts may not be seen from any public right-of-way. Parts must be stored within a primary building or accessory structure.

(F) Vehicle Leaks. Leaking fluids must be repaired within 30 days to prevent contamination of soil and groundwater.

(G) Enforcement of violations of this Section, with the exception of paragraph one which shall be enforced in the manner set forth therein, shall be as described in Section 92.10 Enforcement.

1.10 ENFORCEMENT.

Unless a specific method of enforcement is provided with respect to a nuisance as described in this Chapter, enforcement of violations of this Chapter shall be the responsibility of the Town Council or its designee and as set forth below.

(A) It is impossible for the Town to identify all nuisances within the Town. Any violation of this Section may be reported to the Town Council by filing a written complaint with the Clerk containing the following information: (1) date of complaint, (2) name, address, and telephone number of party submitting complaint, (3) name, address, and telephone number of alleged violator (to the extent this information is known), and (4) facts surrounding complaint.

(B) The Town Council, by and through the Hillsboro Town Marshal or other designee, shall review all complaints within five (5) business days of receipt. The complaint may be dismissed at the discretion of the Town Council, or its designee, if it is believed that no violation of this Section has occurred.

(C) If the Town Council, by and through the Hillsboro Town Marshal or other designee, believes a violation of this Section has occurred, written notice shall be provided to the Owner(s) of the property where the alleged nuisance has occurred, or the individual believed to have violated this Section. The notice shall include the Hillsboro Nuisance Ordinance and shall state the following: (1) name of alleged violator or address of alleged property in violation, (2) description of alleged violation, and (3) statement of the number of days in which the individual or owner(s) have to abate the nuisance. Generally, fifteen (15) days shall be considered a reasonable time within which to require abatement of a nuisance under this Section.

(D) If the nuisance violation is not remedied within fifteen (15) days of the date written notice is mailed, a fine shall be levied in accordance with section 1.12

1.11 CONTINUOUS ABATEMENT

Any property owner who fails to remove weeds and other rank vegetation, as defined in this ordinance, shall be deemed to be in violation of this section and may be issued a continuous abatement notice as set forth in this Section. Notice of violation by the Town Council or its designee, shall be mailed to the property owner's address shown on the records of the Fountain County Auditor by the method required by Indiana Code 36-7-10.1-3, or an equivalent service permitted under IC 1-1-7-1, to the owner of record of real property with a single owner or to at least one (1) of the owners of real property with multiple owners, at the last address of the

owner for the property as indicated in the records of the Fountain County Auditor on the date of the notice. One letter within a calendar year shall be deemed sufficient notice for each and every lot, parcel, and lands owned by the offender within the corporate limits of the Town. The Town shall have the right to cut and remove weeds and rank vegetation upon the property owner's failure to do so within fifteen (15) days after the mailing of notice of violation. A continuous abatement notice may be posted at the property at the time of abatement in the event the Town initially obtains service upon the property owner as required by IC 36-7-10.1-3. Said continuous abatement notice shall serve as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of the violation was provided may be abated by the Town or its contractors.

The Town shall issue a bill to the property owner at the address shown on the records of the Fountain County Auditor. The bill shall include the actual cost incurred by the Town either by using its own employees or an independent contractor plus administrative costs. Administrative costs of \$35.00 shall be charged for the first cut order during a calendar year. Second and subsequent cut orders during a calendar year shall include the administrative cost of \$50.00. If a property owner owns more than one property, the property owner will be charged the administrative cost of \$35.00 for the first property cut and the administrative cost of \$50.00 for each and every lot, parcel and land subsequently cut during the calendar year. In addition to the above, a property owner may be subject to a fines and penalties provided for under this ordinance.

1.12 PENALTIES.

(A) Fees: Any person, firm, or corporation who violates any provision of this ordinance shall be fined in an amount of \$50.00 and may be subject to other penalties provided in the Hillsboro Town Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues after the notice to abate under this Ordinance is served. Any person, firm, or corporation adjudged responsible for violating any provision of this ordinance shall also be liable for payment of the costs of prosecution, including reasonable attorney fees.

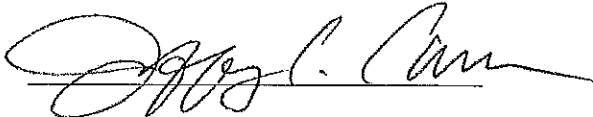
(B) All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

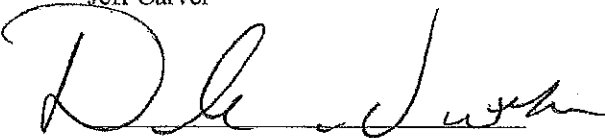
This ordinance shall take effect 30 days after publication.

Passed and enacted by the Town Council of Hillsboro, Indiana on the 11th day of December, 2017.


Town Council of Hillsboro, Indiana


Tricia Keeling


Jeff Carver


Dale "Mike" Voorhees

Attest:


Angela Golia / Clerk-Treasurer