

An Ordinance Amending City Ordinance
2004-OR-20

AN ORDINANCE AUTHORIZING THE CITY TO REMOVE DEBRIS, TRASH,
GARBAGE, RUBBISH, LITTER, REFUSE, JUNK AND TIRES

WHEREAS, the Common Council for the City of Jeffersonville (“the Council”) is the legislative body having the statutory authority to adopt ordinances to ensure the public health, safety, and welfare: and

WHEREAS, the Council acknowledges that it is important to the public health, safety, and welfare that the City of Jeffersonville (“the City”) have an effective ordinance to ensure that the exterior of all premises and the condition of all buildings and structures thereon shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the community and so as to avoid blighting effect and hazards to the general public;

NOW THEREFORE, BE IT ORDAINED by the Council it hereby adopts the following procedures to ensure that all premises are free of all debris, trash, rubbish, litter, garbage, refuse, junk and tires;

I. MUNICIPAL DEPARTMENT RESPONSIBLE FOR ADMINISTRATION.

Unless specifically stated elsewhere in this chapter, the Building Commissioner shall be responsible for the administration of actions taken under this chapter including, but not limited to, the issuance of notices to landowners and other persons, the issuance of certification of cost to the County Auditor, and the administration of the appeals procedure.

II. MAINTAINING PREMISES FREE OF DEBRIS, TRASH, LITTER, GARBAGE, REFUSE, AND JUNK.

- a. The owner of any lot or parcel of real estate within the city shall maintain the premises, including the real estate, or any alley or sidewalk abutting the real estate, free of all debris, trash, rubbish, litter, garbage, refuse and junk when such material is within view of any public premises or public alley, street or highway, to such an extent that the premises, in the Building Commissioner’s opinion, is a hazard to health safety and welfare.
- b. The presence of debris, trash, rubbish, litter, garbage, refuse, tires, and junk is injurious to the public welfare and is a nuisance.

III. INSPECTION AND NOTICE OF VIOLATION

The Building Commissioner is entitled to enter upon the premises of any real property within the city to determine compliance with this chapter. If the Building Commissioner determines there is a violation of this ordinance, he shall (1) hand deliver a notice to the owner of the real estate; and/or (2) send notice by first class mail to the owner at the address listed with the Clark County Auditor's office or (3) conspicuously post a written notice of violation(s) on the property requiring the removal of the material within ten (10) days. The notice must also inform the landowner that failure to comply will result in the City removing and disposing of the material at the landowner's expense. The notice must also inform the landowner of his/her right to appeal the Building Commissioner's determination according to the procedure set forth herein. The Building Commissioner will determine the identity of the landowner and the landowner's address from the tax duplicate records of the Clark County Auditor.

IV. FAILURE TO REMOVE AND NOTICE OF ABATEMENT.

If the landowner fails to remove the material within the time prescribed, the Building Commissioner may cause the City or its agent to remove and dispose of the material as allowed under I.C. 36-1-6-2 (as amended). The Building Commissioner must then prepare a certified statement of the actual costs of the City incurred in removing and disposing of the material plus any additional administration costs incurred in the City's effort to enforce this ordinance. The certified statement of costs must be delivered to the landowner of the property by certified mail at his/her last known address as determined by the tax duplicate records of the Clark County Auditor. The landowner must pay the amount specified in the certified statement to the Building Commissioner or Clerk-Treasurer within ten (10) days after receiving the statement. If the landowner fails to pay the amount within the required time, a certified statement of the landowner's failure to pay the cost will be filed with office of the Clark County Auditor. Pursuant to I.C. 36-7-10.0-4 (as amended), the Auditor will then place the amount claimed on the tax duplicate against the property affected by the work. The amount will thereafter be collected and disbursed to the general fund of the City, as are other property taxes.

V. LIEN UPON PROPERTY

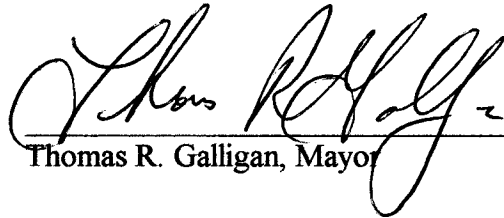
In addition to the above procedure, if the landowner fails to remove the material within the time specified in the notice provided for herein, and the City, or its agent, must remove the material, the Building Commissioner may file with the County Recorder a lien against the property, which lien may be foreclosed as are other similar liens. Any additional cost created by the necessity of the City having to remove and dispose of such material, and foreclose such lien, may be added to the cost enforcing compliance with this ordinance.

VI. NOTICE OF APPEAL.

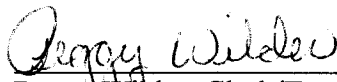
Any landowner may appeal to the Board of Public Works and Safety with regard to any action under this chapter. An appeal of the removal and disposal of material or the costs associated with the removal, must be submitted in writing and be received within ten (10) days of the initial notice of violation or within ten (10) days of receipt of the certified statement of costs. The Board of Public Works and Safety will review an appeal of any notice of violation or statement of costs under this chapter at its next regularly scheduled meeting.

This Ordinance shall be in full force and effect from and after its passage and approval.

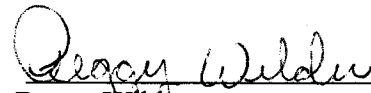
Passed this 1st day of June m 2009.


Thomas R. Galligan, Mayor

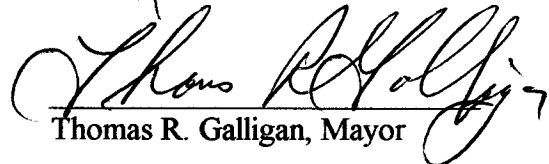
ATTEST;


Peggy Wilder, Clerk/Treasurer

Presented by me as Clerk and Treasurer to the Mayor of said City of Jeffersonville this 2nd day of June, 2009 at ___ m.


Peggy Wilder
Clerk and Treasurer

This Ordinance approved and signed by me this 3rd day of June, 2009


Thomas R. Galligan, Mayor