

SPECIAL ORDINANCE NO. 5, 2008

*An Ordinance Addressing Certain Public Nuisance Matters,
Including High Grass, Weeds and Vegetation
and Amending Section 98.02 of the Beech Grove Code of Ordinances*

WHEREAS, Section 98.02 of the City of Beech Grove, Indiana, Code of Ordinances entitled “Weeds to Be Cut” sets forth the process for the City to address weeds and other rank vegetation growing on any lot or ground in the City; and

WHEREAS, it is the desire of the Common Council of the City of Beech Grove to amend Section 98.02 to include a broader scope of items that would be identified as a nuisance and to address the compliance process in further detail.

NOW THEREFORE, BE IT ORDAINED, that Section 98.02 of the City of Beech Grove Code of Ordinances is hereby renamed as “Vegetation to Be Cut” and is hereby amended as follows:

- (A) A public nuisance shall include any grass, weeds and/or other vegetation measuring twelve (12) inches or more (collectively and individually, the “Vegetation”);
- (B) No owner of any real property within the City shall allow the same to become overgrown with any Vegetation;
- (C) Owners of real property in the City shall cut and remove any Vegetation growing on the property;
- (D) In the event the City observes Vegetation on any property in the City as set forth herein, the City may take action as set forth below, in addition to any other legal remedy that may be available to it.
 - (1) The Clerk-Treasurer shall give the owner of the property notice of the violation in writing allowing the owner five (5) days to take any and all action necessary to remove the Vegetation growing on the real property and to bring the property in full compliance with this Ordinance. This initial five (5) day written notice will be issued by the Clerk-Treasurer and hand delivered for placement on the door of the residence of the affected property. In the event such real property does not contain a residence, this initial five (5) day written notice may be sent to the property owner by regular mail addressed to the property owner’s last known address as reflected in the Office of the Clerk-Treasurer.
 - (2) Reinspections of the affected property by the City may occur at any time. In the event the owner of the property fails and/or refuses to remove the Vegetation as set forth herein and bring the real property in full compliance within the time prescribed in the

initial five (5) days written notice, the Clerk-Treasurer shall give the owner of the property a second notice in writing setting forth the last deadline within which Vegetation must be removed and the real property brought into full compliance with this Ordinance.

- (3) If the landowner fails to remove the Vegetation as set forth herein within the time prescribed, the City may take any and all necessary action to remove the Vegetation and abate the public nuisance herein if it so elects. In such event, the Clerk-Treasurer shall make a certified statement of the cost and expenses incurred by the City in such abatement and removal, and any related fines and/or penalties as provided for in 98.99 of the Beech Grove Code of Ordinances. The statement will be mailed to the owner of the property by certified mail and the owner shall pay the amount to the Clerk-Treasurer within the time specified therein. The City may cause a lien to be filed against the affected property if such payment is not timely made. If the property owner fails to pay the certified amount within thirty (30) days after receiving the statement, a certified copy of the statement of cost may be filed in the office of the Marion County Auditor and filed as a lien against the affected real property. The Auditor shall place the amount claimed on the tax duplicate against the real property affected by the work and the amount shall be collected as taxes are collected and shall be delivered to the General Fund of the City.

- (E) The fees and penalties that may be assessed by the City for any violation of this Ordinance are set forth in §98.99 of the Beech Grove Code of Ordinances.

Passed by the Common Council of the City of Beech Grove, Indiana this _____ day of _____, 2008.

1st Reading _____ 2nd Reading _____ 3rd Reading _____

Common Council for the City of Beech Grove, Indiana

Ross Barton

Edward Bell

William Cincebox

John R. Jennings

Michael Pence

Mary Stewart

William Templin

ATTEST: _____
Sarah Kincaid, Clerk-Treasurer

Presented by me to the Mayor of the City of Beech Grove, Indiana on this ____ day of _____, 2008, at _____ P.M.

Sarah Kincaid, Clerk-Treasurer

Approval by the Mayor of the City of Beech Grove, Indiana this _____ day of _____, 2008, at _____ P.M.

Donald Joe Wright, Mayor