

**FILED**

SEP 28 2012

**CITY CLERK**

**GENERAL ORDINANCE NO. 17, 2012**

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 6, ARTICLE 11, SEC. 6-171 TO PROVIDE FOR A CONTINUOUS ABATEMENT NOTICE FOR ABATEMENT OF WEEDS, GRASS, AND RANK VEGETATION.

WHEREAS, Indiana Code § 36-7-10.1-3, was amended by House Enrolled Act 1072 to allow municipalities to adopt in their grass and weeds ordinance a provision to allow for a “continuous abatement” notice wherein the municipality does not have to provide abatement notification each and every time a violation occurs within the same calendar year; and

WHEREAS, this “continuous abatement” notice will save the City funds in postage and legal advertising expenses and allow for a more immediate mowing response to violating properties;

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute as follows:

SECTION 1. Terre Haute City Code Chapter 6, Article 11, Sec. 6-171, is hereby amended by insertion of the underlined text as follows:

...

**Sec. 6-171     Notice to Owners.**

a.     Ten (10) days to abate nuisance - It shall be the duty of the Building Inspector's Office, Environmental Protection Office, (or any designated City Department) to inspect from time to time the various lots or parcels of lots or parcels of real estate lying within the corporate limits of the City, and if it shall find that weeds and/or grass are permitted to grow in violation of this Article, or rank vegetation is permitted to collect or remain on any such lots or parcel of lots or parcel of real estate, it shall be his duty to ascertain the names of the owners, occupants or lessees of said property and to notify such owners, occupants or lessees in writing, that such weeds and/or grass shall be cut and removed or otherwise destroyed, or such rank vegetation shall be removed, within ten (10) days from the date of such notice.


b.     Notice shall be sent to the owner of record as the name and address appears on the tax statement from the Treasurer's Office of Vigo County, by certified mail. If any lot or parcel of lot or parcel of real estate is not occupied or leased, and the owner is a non-resident of the City, or his residence is unknown, or if notice is returned by Postal Department because of its inability to make delivery thereof, the Board of Public Works and Safety shall cause a notice to cut, remove or otherwise destroy the weeds and/or grass and/or rank vegetation to be published in some daily newspaper of general circulation in such city at least one each week for two (2) successive weeks. (Gen. Ord. No. 24, 2001, 12-13-01)

c.     Continuous Abatement. If an initial notice of violation and abatement has been issued to the owner of record as provided in Subsection b. above, a continuous notice of

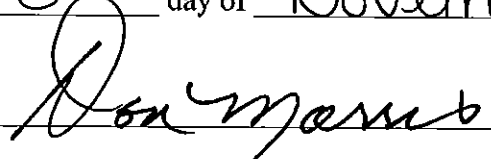
abatement may be posted at the property at the time of abatement. This continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of violation was provided may be abated by the City or its contractors and the costs and fees associated with the abatement shall be assessed against the property as provided in Section 6-172 b. (I.C. § 36-7-10.1-3(d)).

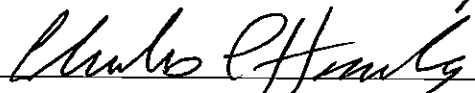
SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.


Introduced by:  Neil Garrison, Councilman

Passed in open Council this 8<sup>th</sup> day of November, 2012.

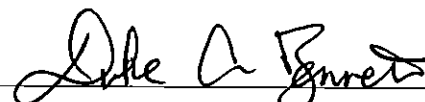
 Don Morris, President

ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 9<sup>th</sup> day of November, 2012.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 9<sup>th</sup> day of NOVEMBER, 2012.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk