

ORDINANCE NUMBER # 2012 – 5

Town of Millersburg, Indiana

PROPERTY NUISANCE

Be it ordered that his ordinance and or revision will replace 1995-16.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG INDIANA;

Whereas, the Town of Millersburg Indiana is concerned in protecting the well-being of citizens and property in the Town of Millersburg, to include the health of citizens and the property values of the community. No property or building exteriors will be in a condition to reduce the value of other property in the neighborhood in which the premises are located, and will hereby be declared a nuisance property and unlawful. The following ordinance will apply to residential areas of the Town of Millersburg that the structure is used as a sleeping and living quarters and or home living quarters. This will supersede zoning of the land as shown by the Elkhart County Surveyor.

SECTION #1

IT shall be unlawful to accumulate or to allow the accumulation upon any premises within the corporate limits of the Town of Millersburg, any garbage, ashes, refuse, rubbish, manure, offal, carcasses, debris, junk to include but not limited to scrap metal, lumber, barrels, buckets, plastics, tires,

SECTION #2

It shall be unlawful to accumulate furniture, stoves, refrigerators, freezers, cans or containers, or other appliances.

SECTION #3

It shall be unlawful to allow pools of water or other liquids to accumulate and remain upon the premises so as to become stagnant, and desirable to insects, or to be of unsightly appearance;

SECTION #4

No person shall accumulate automobiles, trucks, trailer, RV's, lawn mower type vehicles, machinery, or parts of any items similar but not limited too.

- a. All vehicles, trailers, RV's are required to be properly registered by the Bureau of Motor Vehicles and properly plated with current registration showing and visible

on such vehicle, and in running condition. Vehicle with expired registration plates will be considered in violation.

- b. Junk vehicles and vehicles not in running condition will not be allowed to have flat tires and all engine, transmissions and normal body parts will be on the vehicle and in working condition. All vehicles, trucks, trailer, RV's, lawn mowers, that are not in running condition and not properly registered if required by law, or parts of any of these vehicles and or anything similar, are required to be kept inside a garage or building, that is a normal type structure that will enclose the parts and or vehicles on all four side and include a roof. No temporary type structure will be allowed to include tarps, or tarp made structures, plastic or tin or metal structure that do not meet normal building codes.
- c. The exception of part b can be as follows, if a person wishes to use a manufactured tarp enclosure, they may bring a photo or magazine clipping to the Town Council for them to approve the use of the structure for storing of junk vehicles and other parts described in part (b).

Vehicles and parts described in part (b) that is on a trailer that is properly registered.

Vehicles and parts described in part (b) that are behind a privacy fence and not able to be seen by the public or from any property owner joined next to the property.

SECTION #5 Procedure

The Marshal or Police Officer designated by the Town Council will have the right to enforce the ordinance without complaint. The Marshal's Office or other police agencies to include Sheriff's Department and or Indiana State Police have the right to enforce this ordinance.

It shall be unlawful for any person to fail to obey the directions of a notice served personally upon him pursuant to this ordinance.

The landowner shall be notified in writing of the property found in violation. The land owner is ultimately responsible for the property and its cleanup of said property. However if the owner of any of the listed items in Section 1, 2, 3, 4, would come forward and admit the

violation is his, then the officer may give that person notice to removed such violation. This does not excuse the land owner from the responsibility if the violation is not resolved. The officer will have the choice of citing either the owner of the items causing the violation or the property owner.

The landowner will be given an initial 30 days to remove and comply with this ordinance. After 30 days the property will be inspected and if still in violation, the officer will write a citation to the neglectful party and give them 15 days to pay the fine at the clerk treasurers office or violation bureau. If the citation is not paid in 15 days, the citing officer will file such case with an Elkhart County or City Court for trial. The officer does has the right to extend the 30 day limit if he sees that the property owner is making every attempt to fix the problem and request additional time, this will be at the discretion of the officer.

Section #6 Fines

A person found to be in violation of this ordinance will be subject to a \$250.00 fine non-spendable, If a second notice is given and another 30 days have passed the party involved may be fined \$500.00 dollars. If this fine is not paid in 15 days the citing officer will file such case with an Elkhart County Court or City Court for trial. If found guilty the \$500.00 is a non-suspend able fine.

The Town of Millersburg reserves the right to enter onto the property and remove such violation if the home owner fails to comply with ordinance after being cited a second time. Home owner will be responsible for the cost of manpower at \$50.00 an hour per person and the cost of the used of any equipment used to remove such violation at a cost of \$250.00 per hour, per piece of equipment used. Any items or scrap sold will be put towards the cost of the manpower and equipment fees.

Fines and fees not paid may result in the filing of a lien against the home.

All fines will be placed in the general fund LECE account.

Secton #7 Hearing

A person may request a hearing and may be represented by counsel if desired. A person requesting the hearing shall have the right to cross-examine the person alleging the violation, and to testify in their own behalf. They will also have the right to bring in witnesses to testify for them and to obtain information prior to the hearing, the evidence that the Town will present to

establish the violation. The Town Council will then determine if the violation stands or is dismissed. The Town Council will also have the right to give extensions if needed to fix the problem as determined in the hearing if not dismissed.

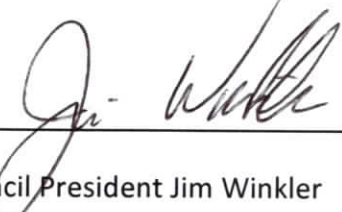
Ordinance 2012-5, shall be in full force and effect from and after its passage and any publication which may be required by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG INDIANA,

ON THE 8th DAY OF August 2012

Ordinance 2012-5

Town Council of the Town of Millersburg, Indiana



Council President Jim Winkler



Council Woman Priscilla Hile



Councilman Steve Barhydt

ATTEST:



Patricia Barhydt, Clerk – Treasurer

On this 8th day of ^{Aug}~~March~~, 2012

My Notary Commission Number is: _____.

Expires: 12-31-16.

Effective Date:

8/8/12