

ORDINANCE NO. 2017-11

AN ORDINANCE OF THE
CHESTERTON TOWN COUNCIL
AMENDING CHAPTER 11 OF THE
CHESTERTON TOWN CODE

BE IT AND IT IS HEREBY ORDAINED by the
Chesterton Town Council as follows:

SECTION 1: Section 11-16 of the Chesterton
Town Code shall be amended to read as fol-
lows:

Sec. 11-16. Unlawful to allow growth in excess
of ten (10) inches.

It shall be unlawful for the owner, occupant or
occupants of real estate within the Town to per-
mit weeds and rank vegetation to grow and ma-
ture on such real estate to a height in excess of
ten (10) inches.

Weeds and Rank Vegetation shall be defined
as follows for the purpose of this Chapter: Any
grass, weeds, or other rank or useless vegeta-
tion that exceeds a height of ten (10) inches, as
measured from the ground or any vegetation
that harbors insects or disease that constitutes
a hazard to life, health or property. This defini-
tion shall not include trees and shrubbery.

SECTION 2: Section 11-17 of the Chesterton
Town Code shall be amended to read as fol-
lows:

Sec. 11-17. Notice of violations

(A) If the Building Commissioner determine that
an owner or occupant of real estate is in viola-
tion of this Chapter, he or she shall prepare and
forward to the property owner a written notice of
violation calling for the cutting and removal of
such weeds and rank vegetation within ten (10)
days of the date of the notice ("notice of viola-
tion"). The notice of violation shall be served
upon the property owner by first class mail or
an equivalent service permitted under IC
1-1-7-1, at the last known address as indicated
in the records of the Porter County Auditor's of-
fice.

(B) If an initial notice of violation was provided
by first class mail or equivalent service permit-
ted under IC 1-1-7-1, a continuous abatement
notice may be posted at the property at the time
of abatement. A continuous abatement notice
serves as notice to the real property owner that
each subsequent violation during the same year
for which the initial notice of the violation was
provided may be abated by the Town or its con-
tractors.

(C) Any notice of violation or invoice issued pur-
suant to this chapter may be appealed if written
notice of appeal is served by the property
owner to the Clerk Treasurer within three (3)
days of the date of notice of violation or invoice.
Such matter shall be heard by the Chesterton
Town Council at its next regular Town Council
meeting unless otherwise determined.

SECTION 3: Section 11-18 of the Chesterton
Town Code shall be amended to read as fol-
lows:

Sec. 11-18. Removal of Weeds and Rank
Vegetation ; Payment

(A) If the property owner fails to remove such
weeds and rank vegetation within the pre-
scribed time, the Town or its authorized con-
tractor shall enter upon the property and abate
the violations by remove of said weeds and
rank vegetation.

(B) The Building Commissioner shall mail, an
invoice to the property owner reflecting the total
cost incurred by the Town in abating the viola-
tion, including administrative costs. The invoice
shall be served upon the property owner by first
class mail or an equivalent service permitted
under IC 1-1-7-1, at the last known address as
indicated in the records of the Porter County
Auditor's office.

(C) If the property owner fails to pay the invoice
or file a written appeal within ten (10) days, the
Building Commissioner shall certify to the Por-
ter County Auditor the amount incurred by the
Town to abate the violation, including adminis-
trative costs of the violation. The Auditor shall
place the certified amount on the tax duplicate
against such real estate and the amount shall
be collected as taxes are generally collected
and when collected shall be disbursed to the
Town for deposit in the General Fund.

SECTION 4: Section 11-19 of the Chesterton
Town Code shall be added to read as follows:

Sec. 11-19. Administration

SEC. 11-19. ADMINISTRATION

The Town of Chesterton Building Department shall be responsible for the administration of this Chapter.

SECTION 5: Section 11-20 of the Chesterton Town Code shall be added to read as follows:

Sec. 11-20. Penalties

Violations of this Chapter shall be included on Appendix B of the Chesterton Town Code and processed, for first time offenders, through the Ordinance Violations Bureau with a fine of \$100.00 to be assessed. Subsequent violations of this Chapter by the violator shall subject said violator to the General Penalty provision of the Chesterton Town Code found at Section 1-9.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

ALL OF WHICH IS ADOPTED THIS 26th DAY OF June, 2017.

CHESTERTON TOWN COUNCIL

James G. Ton, President

Emerson DeLaney

Lloyd Kittredge, Jr.

Nathan Cobbs

Dane Lafata

ATTEST:

Stephanie Kuziela, Clerk-Treasurer

9/21/17 - hspaxlp