

ORDINANCE NO. 2020-12

**AN ORDINANCE AMENDING CHAPTER 97 OF THE TOWN OF
EDINBURGH’S CODE REGARDING REMOVAL OF WEEDS AND
RANK VEGETATION**

WHEREAS, Indiana Code 36-7-10.1, gives the legislative body of the Town of Edinburgh (“Town”) the power to adopt an ordinance requiring the owners of real property located within the Town to cut and remove weeds and other rank vegetation growing on the property;

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. SECTION 1. PRIOR ORDINANCE

- a. That the Edinburgh Town Council (“Council”) adopted Ordinance 2011-9 on the 13th day of June, 2011 and Ordinance 2011-12 on the 22nd day of August, 2011 (collectively “2011 Ordinances”) which amended Chapter 97 of the Edinburgh Town Code (“Code”) that involved controlling growth of plants and vegetation within the Town of Edinburgh.

II. SECTION 2. AMENDMENTS TO CODE

- a. That the Council hereby amends the Code as follows:
 - i. Section 97.03 is hereby deleted in its entirety and shall now state as follows:
 - 1. “Notice to Owners
 - a. In the event of a violation of this chapter, the Town of Edinburgh Building Commissioner, and/or his designee, ("Commissioner") shall issue a written notice to abate ("violation notice") to be served on the owner of the real property in question, granting the owner five (5) days from the date of said written notice in which to abate the nuisance.
 - b. Notice must be served by certified mail return receipt requested and regular mail, or served by a law enforcement officer of the Town of Edinburgh, to the

owner of record as the name and address appears on the tax records of the applicable county treasurer's office ("owner"), which contains the following information:

The address of the property, the date of the notice, the address and telephone number of the Town of Edinburgh Building Commissioner, and a warning that if the nuisance is not abated within five (5) days after the date the written notice is issued, the Town will abate the nuisance and seek recovery of the costs involved in the removal of the nuisance. Such notice will also be served on the resident of the subject property if such resident is not the owner of the same.

- c. If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail, first class mail, or equivalent service, a continuous abatement notice may be posted by the Town of Edinburgh at the subject property at the time of abatement instead of by certified mail, first class mail, or equivalent service. 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 Town of Edinburgh, or its contractors.
- d. Any Violation Notice issued pursuant to this section may be appealed to the Commissioner if written notice of appeal is filed in the office of the Commissioner within five (5) days from date the violation notice was issued. The timely appeal of a violation notice shall toll the abatement period pending the issuance of a decision thereon by the Commissioner."

III. SECTION 4. PUBLIC BENEFIT

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

IV. SECTION 5. REPEALER

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

V. SECTION 6. SEVERABILITY

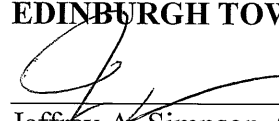
- a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

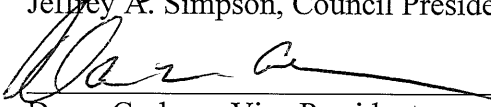
VI. SECTION 7. EFFECTIVE DATE

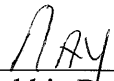
- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.


ADOPTED this 22nd day of June, 2020.


EDINBURGH TOWN COUNCIL


Jeffrey A. Simpson, Council President

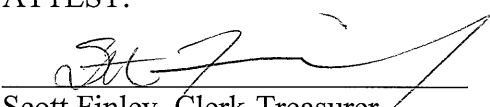

Dawn Graham, Vice President


Debbie Buck, Member


Miriam Rooks, Member


Ryan Piercefield, Member

ATTEST:


Scott Finley, Clerk-Treasurer