

ORDINANCE 2019-05

**AN ORDINANCE AMENDING PART OF SECTION 97 OF THE CITY OF AUSTIN,
INDIANA CODE OF ORDINANCES REGULATING WEEDS**

WHEREAS, the Common Council of the City of Austin desires to amend Section 97.06 of the Code of Ordinances which regulates weeds in the City of Austin and the cost of removal by the City due to increased operating costs including higher recording fees.

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN that Section 97.06 of the Code of Ordinances is hereby amended and recodified as follows:

SECTION 1: Section 97.06 shall now read:

(A) If the landowner or resident of said property fails to remove the grass, weeds, or rank vegetation and it is subsequently removed by the city, the Clerk-Treasurer shall make a certified statement of the actual costs incurred by the city for the removal together with an administrative fee of \$100, along with any applicable recording fees. The statement shall be served on the landowner and/or resident of said property by certified mail. The landowner or resident of said property shall pay the amount of the statement to the Clerk-Treasurer to the General Fund within ten days of the receipt of the statement.

(B) If the landowner fails to pay within the specified ten-day period, a certified copy of the statement of cost with the administrative fee shall be filed in the Office of the County Auditor. The Auditor shall place the amount claimed on the tax duplicate of the property affected by the removal by the city. The amount shall be collected as taxes are collected, and dispersed to the General Fund of the city.

(C) In addition to all remedies provided by this chapter, the city shall be entitled to enforcement of this chapter by all other legal or equitable remedies including, but not limited to, the use of mandatory injunction to require abatement of all unclean or unsanitary conditions within the city by the owner or occupant of the affected premises.


SECTION 2: This Ordinance shall have no effect upon any other provisions of Section 97 except as herein provided, and all other sections of said Section not inconsistent herewith shall remain the same.

SECTION 3: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on the 9th day of September 2019 by a vote of 5 to 0.

Common Council City of Austin, Indiana



Brandon White, President

Attest:




Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 9th day of September 2019 at 6 : 33 p.m.




Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this 9th day of September 2019 at 6 : 34 p.m.



Dillo Bush, Mayor

Attest:



Chris Fugate, Clerk-Treasurer

PREPARED BY: Joshua Stigdon
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