

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2023-06**

**AN ORDINANCE AMENDING THE WHITELAND TOWN CODE TO REVISE THE
REGULATIONS APPLICABLE TO NUISANCES**

WHEREAS, the Town Council of the Town of Whiteland, Indiana, (the “Town Council”), being the governing body of the Town of Whiteland, Indiana (the “Town”), desires to revise the Town of Whiteland Code of Ordinances (the “Town Code”) in order to revise certain nuisance regulations; and

WHEREAS, the Town Council has determined that such revisions to the Town Code are in the best interests of the Town and its residents.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA AS FOLLOWS:

SECTION 1. The recitals of this ordinance are hereby incorporated herein by reference and deemed to be findings of the Town Council.

SECTION 2. Section 93.03 concerning Definitions shall be amended to add the following defined terms:

NUISANCE VEGETATION. Means and includes any and all of the following: any grasses and/or weeds exceeding eight inches of height, rank vegetation, and any vegetation that obscures the visual line of sight necessary for the safe operation of a street intersection.

RUBBISH. Means all trash and refuse, including but not limited to, glass bottles and containers, broken glass, beer and soft drink cans, rubber products or materials, metals, rags, household appliances, construction debris, and automotive parts.

SECTION 3. Section 93.04(A) of the Whiteland Town Code is hereby amended to revise subsections (A)(1), (A)(2), and (A)(4) to each read as follows:

(A)(1) **Nuisance** Vegetation which has attained a height of ~~6 inches~~ **8 inches** or more and has not been cut, mown or otherwise removed from private property which is abandoned, neglected or disregarded; vegetation planted in a specific zoning classification, i.e., Agricultural (AG) zoning, is excepted.

(A)(2) Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easements interferes with the public safety or lawful use of the governmental property, right-of-way or easement, **and obstructs the line of sight necessary for the safe use of public streets and right-of-way.**

(A)(4) Accumulation of rubbish, trash, refuse, junk and other ~~abandoned~~ **unused** materials, metals, lumber, or other things **on a property, that is readily visible from the public right-of-way.**

[The new provisions are shown in bold, blue, and underline, deleted provisions in ~~strikethrough~~.]

SECTION 4. Section 93.11 of the Whiteland Town Code, concerning enforcement of nuisance violations, is hereby amended to read as follows:

(A) The Town Manager or its designee is hereby granted authority to take all actions described in the enforcement provisions of this chapter. For any property found to be in violation of this chapter, a notice of violation shall be issued to the owner, occupant, or other responsible party, and any other person holding a substantial property interest in the property, by first class U.S. mail, postage prepaid, and taped on the front door of the property, ordering the abatement of the violation within a reasonable time of at least ten (10) calendar days but not more than sixty (60) calendar days, which notice shall state the nature of the alleged nuisance, the action deemed necessary to correct the condition, the amount of penalty if the violation is not abated within the time provided in the notice, that a hearing on the alleged violation may be requested with the Town Council within ten (10) calendar days of the date of service of the notice, that if the violation is not abated within the time provided and a hearing is not requested within ten (10) calendar days of service of the notice, the Town may have the violation abated, either by its own workers and equipment or by a contractor hired by the Town for this purpose, and that if the penalty and charges provided in this section and authorized by law are not paid when due, they may be added to the property taxes and/or be a lien against the property. The owner or other responsible party shall abate the violation or request a hearing within ten (10) calendar days of the date of service of the notice. A request for a hearing must be in writing, addressed to the Town Council and delivered in person or by certified mail, return receipt requested. If the violation is abated by the owner or other responsible party within the time provided in the notice, no further action shall be taken and no penalty shall be imposed. Upon the failure of the owner and/or other responsible parties to cause the abatement of the nuisance, as required by this section, after notice and opportunity for hearing before the Town Council, the Town may proceed to cause the nuisance to be abated, and may charge the costs thereof against the owner and/or occupant of the property. The monetary penalty, the administrative cost incurred by the Town in processing the matter, attorney's fees, and all other costs authorized by law, shall be added to the cost of abatement, and the liability therefore shall be joint and several as to the owners and all other responsible parties.

(B) In the event the Town Council shall cause a nuisance to be abated on any property, as compensation to the town for its services in causing the abatement, the owner and/or occupant shall be charged the following fees:

<i>Type of Service</i>	<i>Amount</i>
Administration	\$ 200 <u>100</u> .00
Labor:	
Laborer	\$ 35 <u>25</u> .00 per hour
Truck driver	\$ 30 <u>25</u> .00 per hour
Equipment operator	\$ 30 <u>25</u> .00 per hour
Crew leader	\$ 40 <u>30</u> .00 per hour
Hired contractor	Actual cost
Equipment:	
Riding law mower	\$ 25 <u>20</u> .00 per hour

[The new provisions are shown in bold, blue, and underline, deleted provisions in ~~strikethrough~~.]

Pickup truck and trailer	\$ 30 <u>25</u> .00 per hour
Tractor/bush hog	\$100.00 per hour
Single-axle dump truck	\$50.00 per hour
Backhoe/loader	\$100.00 per hour
Bobcat or equivalent	\$100.00 per hour
Excavator - mini	\$100.00 per hour
Weedeater	\$20.00 per hour
Chainsaw	\$20.00 per hour
Chipper	\$100.00 per hour
Disposal	Actual incurred

SECTION 5. Section 93.12 of the Whiteland Town Code, concerning enforcement of nuisance violations, is hereby amended to read as follows:

(A) Any person admitting a violation of, or found to have violated, § 93.04 may be fined up to \$~~50~~100 per day for each day's violation.

(B) Any person found by a court to be in violation of § 93.04 may be fined not more than \$2,500 for each violation.

(C) Each day such violation is permitted to continue may be deemed to constitute a separate violation.

SECTION 6. The Town Council hereby authorizes and directs the appropriate officials and representatives of the Town to take all necessary actions to implement this Ordinance following final adoption.

SECTION 7. All prior ordinance provisions in conflict herewith are repealed as of the effective date of this Ordinance.

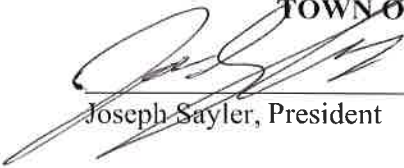
SECTION 8. This Ordinance shall be in full force and effect immediately upon final adoption and publication in accordance with applicable law.

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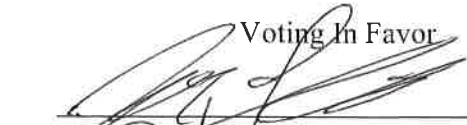
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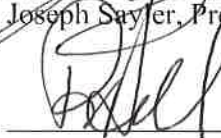
DULY PASSED AND FINALLY ADOPTED on the 13 day of June, 2023, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

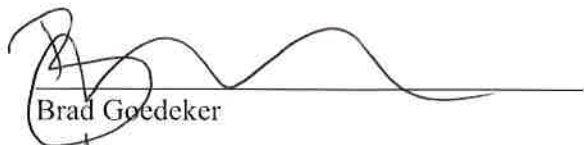


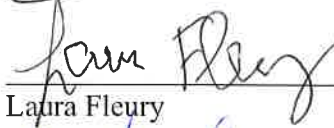
Joseph Sayler, President


Voting In Favor


Joseph Sayler, President


Richard Hill, Vice President



Brad Goedecker


Laura Fleury


David Hawkins

Voting Opposed

Joseph Sayler, President

Richard Hill, Vice President

Brad Goedecker

Laura Fleury

David Hawkins

Attest:



Debra L. Hendrickson, Clerk-Treasurer

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