

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 19-41

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6 OF THE GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, TO AMEND CERTAIN PROVISIONS OF NUISANCE LAW REGARDING VEGETATION AND PENALTIES

WHEREAS, Ind. Code § 36-8-2-4 provides the City of Greenwood ("City") with the power to regulate conduct endangering the public health, safety, and welfare;

WHEREAS, it has been determined that certain provisions of the City's regulations regarding the height of vegetation and the period for its abatement should be reduced to better address the nuisance created by tall grass, weeds and rank vegetation;

WHEREAS, it has further been determined that certain provisions of the City's regulations relating to penalties for nuisance violations should be increased to deter offenses,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The text of Greenwood Municipal Code (1993), as amended, Chapter 6, Article 6, Section 6-271 Illustrative Enumeration of Nuisances, (a), is hereby amended by changing the words "twelve (12) inches" to "eight (8) inches".

Section 2. The text of Greenwood Municipal Code (1993), as amended, Chapter 6, Article 6, Section 6-273 Abatement of Nuisances, (c) (4), is hereby amended by deleting its current text in its entirety and replacing it with language to read: "(4) Include a correction order allowing a reasonable amount of time, of at least ten (10) days (excepting cases of emergency or safety concerns, or violation of Section 6-271(a)), from the time when the notice is served, to abate the nuisance. In cases of violation of Section 6-271(a) the reasonable amount of time allowed to abate the nuisance shall be seven (7) days."

Section 3. The text of Greenwood Municipal Code (1993), as amended, Chapter 6, Article 6, Section 6-273 Abatement of Nuisances, (g), is hereby amended by inserting a comma and the words "or seven (7) day notice period for violation of Section 6-271(a)" following the word "period" in the first sentence so it shall read: "Upon expiration of the ten (10) day notice period, or seven (7) day notice period for violation of Section 6-271(a) (and any subsequent appeal, if filed), Code Enforcement may proceed at once to cause the nuisance to be abated and charge the cost thereof against the owner and/or occupant of said property."

Section 4. The text of Greenwood Municipal Code (1993), as amended, Chapter 6, Article 6, Section 6-274 Abatement Fees and Collection, is hereby amended by inserting a semicolon and the word "Penalties" following the word "Collection" to the title of Section 274; and amending subsection (a)(8) to read:

"(8) A repeat citation for the same violation at the same property, or the issuance of three (3) or more citations for violations, at the same property in the same calendar year shall result in the assessment of a One Hundred Dollars (\$100) penalty."

Section 5. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any section, paragraph, sentence, clause, phrase or word shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences or words of this Ordinance.

Section 5. 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 Greenwood, Indiana,
this 6th day of November, 2019.

Michael Campbell
Michael Campbell, President
Greenwood Common Council

FOR:

Linda S. Gibson

Linda S. Gibson

Ezra J. Hill

Ezra J. Hill

Bruce Armstrong

Bruce Armstrong

Ronald Bates

Ronald Bates

J. David Hopper

J. David Hopper

David Lekse

David Lekse

Michael Campbell

Michael Campbell

Robert Dine

Robert Dine

Andrew K. Foster

Andrew K. Foster

AGAINST:

ATTEST:

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 6th day of November, 2019, is presented by me this 6th day of November, 2019, at 9:00 O'Clock A.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 6th day of November, 2019, is signed and approved by me this 7th day of November, 2019, at 9:00 O'Clock A.M.

Mark W. Myers
MARK W. MYERS, Mayor of
the City of Greenwood, Indiana