

ORDINANCE # 2025-6-10-3

**AN ORDINANCE REGULATING THE CONDITION OF PROPERTY WITHIN THE
TOWN OF MT. SUMMIT**

WHEREAS, the Town of Mt. Summit may enact regulations to promote the public health, safety and welfare; and

WHEREAS, the Town of Mt. Summit has reviewed its existing adopted ordinances regarding the existence of nuisance conditions and believes that its Ordinances should be revised or recodified.

NOW THEREFORE BE IT ORDAINED:

1. No person shall permit a nuisance to exist on property owned or occupied by the person. For purposes of this Ordinance, the following conditions shall be considered a nuisance:
 - a. The accumulation or placement of rubbish, inoperable or unlicensed motor vehicles, trash, refuse, scrap metal, junk, metals, lumber, auto mobile parts or other debris;
 - b. The playing, creating, transmission or amplification of a loud and continuous noise that is disturbing to the general neighborhood and which can be heard or felt at a distance of fifty feet (50') from the property line of parcel from which the noise is transmitted;
 - c. The emission of dense smoke or smoke with an offensive odor resulting from the burning of garbage, plastic, cardboard, or other non-biodegradable materials;
 - d. The accumulation of domestic animal wastes or animal carcasses that results in an offensive odor to the general neighborhood;
 - e. The accumulation of stagnant water;
 - f. Any building or structure that is an "Unsafe Building" or property that is an "Unsafe Premises" as defined by Indiana Code § 36-7-9-4;
 - g. The storage or parking of one or more "Abandoned Vehicle," as that term is defined by Indiana Code § 9-13-2-1.
 - h. The existence of any condition or feature that allows for the harborage of rats, mice, or other vermin; and
 - i. The existence of any condition, material, activity or feature that results in obnoxious or offensive odors.
2. Owners of real property located within the corporate limits of the Town shall cut and remove weeds and other rank vegetation growing on such property unless such vegetation is

part of an established agricultural enterprise and is currently being used for pasture or for the production of hay. Notwithstanding anything to the contrary in this Ordinance, a property owner shall cut or mow the grass on the owner's property no less than two (2) times per month during the months of April to September. This paragraph shall be administered as follows:

a. The Town's Clerk-Treasurer and or Clerk-Treasurer's designee shall be responsible for the administration of the provisions of this Ordinance.

b. "Weeds" subject to removal under this code provision shall be those weeds which are eight inches (8") or longer in length and "other rank vegetation" subject to removal under this code provision shall be vegetation growing with excessive luxuriance and vigor which is at least eight inches (8") in length or more. For the purposes of this ordinance the term "length" and "height" shall be synonymous. A weed or piece of vegetation if standing is eight inches (8") or greater in height and same bends or falls over, such that its length continues to be equal to eight inches (8") in length or more, is in violation of the terms of this Ordinance.

c. Any property owner who fails to remove weeds and other rank vegetation, as defined in the above shall be deemed in violation of this Ordinance. Notice of violation by the Town's Clerk-Treasurer shall be made by First Class, U.S. Postal Service to the property owner's address shown on the records of the Henry County Treasurer. One letter within a calendar year shall be deemed sufficient notice for each and every lot, parcel and lands owned by the offender within the corporate limits of this Town in case of the party's failure to comply with the terms of paragraph A above. The Town shall have the right to cut and remove weeds and rank vegetation upon the property owner's failure to do so within seven (7) days after the mailing of notice of violation.

d. The Town Clerk-Treasurer shall issue a bill to the property owner at the address shown on the records of the Henry County Treasurer, which bill shall include the administrative costs of at least \$20.00 plus the actual removal costs incurred by the Town either by using its own employees or an independent contractor. The actual removal cost is determined to be at a minimum \$250.00 for properties of one-half (1/2) acre or less and \$350.00 for properties larger than one-half (1/2) acre or the costs incurred by the Town for time, labor, materials, equipment rental, and the of cost repairs to equipment as a result of damage caused in connection with the removal of weeds, whichever sum is greater.

e. In the event the property owner disputes a notice of violation or a bill issued under (2) (f), such property owner may file a written appeal with the Town Council for recession or adjustment of such notice or bill within fourteen (14) days after the date of such notice or bill. Should the property owner fail to so appeal within writing within fourteen (14) days, said notice or bill shall be deemed final and no further appeal or review shall be permitted.

f. If the property owner fails to pay a bill within thirty (30) days, the Clerk-Treasurer shall certify to the Henry County Auditor the amount of the bill plus an additional administrative cost of at least \$20.00, or the actual costs incurred in the certification, whichever sum is greater. The Henry County Auditor shall place the total amount certified on the tax duplicate for the party affected, the total amount including any accrued interest shall be collected

as delinquent taxes are collected and shall be disbursed to the general fund of the Town as provided in Indiana Code § 36-7-10.1-4.

g. Notwithstanding anything to the contrary in this Ordinance, a property owner shall cut or mow the grass on the owner's property no less than two (2) times per month during the months of April to September.

3. The Town hereby adopts the Indiana Unsafe Building Law (Indiana Code § 36-7-9-1, *et.seq.*) by reference. The provisions of the Unsafe Building Law may be administered within the Town by the Henry County Building Inspector or Building Commissioner, the Henry County Zoning Administrator, or such other person as designated by the Town Council. The definition of "substantial property interest" for purposes of administration of the Unsafe Building Law shall mean, "any right in personal property or real property that may be affected in a substantial way by actions authorized by the Unsafe Building Law, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser."

4. No person may place, park, store, or maintain an Abandoned Vehicle within the Town or allow an Abandoned Vehicle to remain within the Town. The Town hereby authorizes the enforcement of Indiana Code § 9-22-1-1, *et.seq.*, (Abandoned Vehicles) within the Town's corporate limits by the Town Marshal, any Deputy Town Marshal, any Henry County Sheriff's Deputy, any other law enforcement officer, and other persons designed from time to time by the Town Council. Abandoned Vehicles towed or removed may be stored and disposed of as provided in Indiana Code §§ 9-22-1-11 through 9-22-1-27. A separate Abandoned Vehicle Fund is hereby created to carry out the purposes of this section. The Town Council may, from time to time, allocate revenue to the Fund. Any person that tows or stores Abandoned Vehicles removed from the town may charge the owner of the Abandoned Vehicle for the towing and storage at the same rates that the person charges for the towing or storage of vehicles at the request of the Henry County Sheriff's Department. The owner and person in possession or control of the Abandoned Vehicle shall be jointly and severally liable for violation of this section.

5. For purposes of this Ordinance, the term "person" shall include any natural person, partnership, corporation, trust, limited liability company and other entity or association.

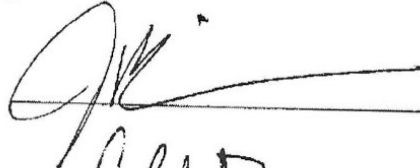
6. Any person that violates this Ordinance shall be fined in an amount of up to five hundred dollars (\$500.00). Each day a violation occurs shall be a separate offense. In addition, the Town may exercise all other remedies to cure a violation of this Ordinance, including without limitation, the remedies provided by Indiana Code § 36-1-6-2, to abate a condition existing on real property. The remedies of the Town shall be cumulative and the exercise of one remedy shall not preclude the imposition of a fine or the exercise of any other applicable right or remedy. The Clerk Treasurer of the Town may collect fines and serve as the violations clerk for the purpose of accepting admissions and denials of violations of the Town's Ordinances.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

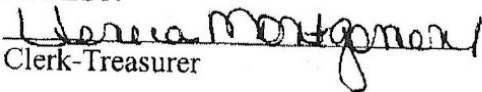
EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MOUNT SUMMIT,
INDIANA THIS 10th DAY OF June, 2025.



CLUB

ATTEST:


Clerk-Treasurer