

ORDINANCE NUMBER 2007 - 11
WEEDS AND RANK VEGETATION ORDINANCE

WHEREAS, the Town of Albany, Indiana desires to prevent the existence of weeds and / or rank vegetation which are a danger to the public health, safety and welfare in the Town of Albany, Indiana; and

WHEREAS, the Town of Albany, Indiana desires to establish an ordinance for the removal of weeds and rank vegetation located within the corporate boundaries of the Town of Albany, Indiana:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALBANY, INDIANA;

Section 1. Ordinance 1990-2 adopted February 26, 1990 and Amended Ordinance 2000-12 adopted August 14, 2000 and Amended Ordinance 2004-29 adopted December 28, 2004 are hereby repealed.

Section 2. For all purposes of this ordinance, the following definition shall apply:

(A) Weeds and / or Rank vegetation are defined to be any vegetable matter which exceeds the height of six (6) inches; provided however that such definition does not include:

- (1) Trees, bushes or shrubs which have been planted or cultivated by the landowner and which do not block sidewalks, streets and alleys;
- (2) Agricultural crops, such as hay and pasture; or
- (3) Vegetable matter cultivated in plant beds.

Section 3. It shall be the duty of all owners of real property located within the corporate limits of the Town of Albany to cut and / or remove weeds and other rank vegetation growing on the property that they own.

Section 4. It shall be the duty of the Town Marshall or his designated agent to make a careful inspection of any lots, grounds and tracts of land situated within the corporate limits of the Town for the purpose of determining whether there is a violation under this ordinance.

Section 5. Upon determination by the Town Marshall or his designated agent that weeds and / or rank vegetation, as defined in this ordinance, exist on any lots, grounds or tracts of land situated within the corporate limits of the Town, he shall issue a written violation notice to the property owner that the weeds and / or rank vegetation must be removed within ten (10) calendar days. The written violation notice shall also state that in the event that the weeds and / or rank vegetation is not removed within ten (10) calendar days that the property owner shall have the ability to file a written notice appealing said alleged violation and that said written appeal notice shall be delivered to the Albany Town Hall, 210 East State Street, Albany, Indiana 47320. The property owner shall be assessed an administrative fee of forty dollars (\$40.00) for the first written notice. In the event that the Town Marshall or his designated agent shall determine that a written violation notice is to be issued more than one time for the same property in any given year, the property owner shall be assessed an administrative fee of fifty dollars (\$50.00) for a second notice, and an administrative fee of seventy-five dollars (\$75.00) for each and every subsequent violation notice issued in the same calendar year. The assessment of such fees may be appealed as provided in Section 7, and provided a property owner does not prevail on appeal, may be enforced as provided.

Section 6. The notice required by Section 5 shall be served by the Town Marshall upon the property owner, by posting such notice in a conspicuous place on the subject premises and by mailing a copy by first class mail to the last known address of the property owner of record. Notice shall be deemed to have been given on the date the notice is deposited into the U. S. Mail.

Section 7. Any violation notice issued under this ordinance may be appealed by the property owner to the Albany Town Council. The property owner will be sent an appeal/hearing date with the property owner's violation notice. If the property owner wishes to appeal, the owner or the owner's designee would be required to appear before the Albany Town Council on

the date assigned. The Albany Town Council will conduct an informal hearing and after considering the information provided by the Town Marshall designated agent and by the property owner, the Albany Town Council will render a decision. If the property owner's appeal is denied by a majority vote of those present and voting at a duly constituted meeting of the Albany Town Council, the property owner shall be required to cut and / or remove the weeds and rank vegetation by the date specified by the board of public works.


Section 8. If the property owner fails to cut and / or remove the weeds and rank vegetation or appeal the violation notice received from the Town Marshall within the time limits prescribed in this ordinance, the property owner shall be deemed to have granted permission to the Town Marshall to enter the premises for the purpose of cutting and / or removing such weeds and rank vegetation. The Town Marshall shall then take all necessary actions to cut and / or remove such weeds and rank vegetation from the subject property.

Section 9. If the Town through its designated agent removes weeds and rank vegetation to abate the violation of this ordinance, the Town Marshall shall prepare and deliver to the Albany Clerk-Treasurer a statement of costs listing the actual costs of removing the weeds and rank vegetation, plus the administrative expenses incurred by the Town as a result of the enforcement of this ordinance. The statement of costs and the citation shall be served on the property owner by certified mail, return receipt requested.

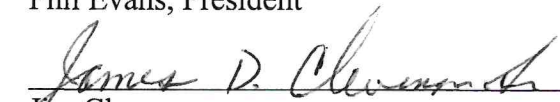
Section 10. An appeal of a violation notice must be presented on the date of the Albany Town Council meeting assigned. A property owner's failure to appear at such meeting will be deemed to be a waiver of the property owner's right to appeal.

This ordinance shall be in full force and effect from the date of adoption.

Passed and adopted by the Town Council of the Town of Albany, Indiana, on the 11th day of June 2007.



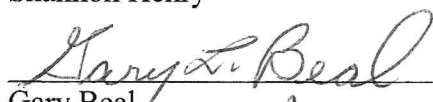
Phil Evans, President



Jim Clevenger



Shannon Henry



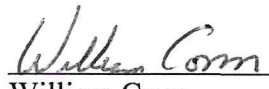
Gary Beal



James Norris

ALBANY TOWN COUNCIL

ATTEST:



William Conn
Clerk-Treasurer