

SPONSOR: Janet Venecz
Councilwoman at Large

ORDINANCE NO. 9249

AN ORDINANCE AMENDING ORD. 4673, AMENDED ORD. 4994, AMENDED ORD. 6035, AMENDED ORD. 7657, AMENDED ORD. 8435 ALSO KNOWN AS SECTION 94.091 OF THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO CUTTING AND CLEANING PROPERTIES IN HAMMOND

WHEREAS, there exists in the City of Hammond, many abandoned, bank owned, and neglected properties upon which the title owners allow the weeds, grass, vegetation, trees and brush to grow uncut and unabated; and

WHEREAS, such properties are a health and safety issue for the citizens of Hammond as tall grass, weeds and undergrowth, growing unabated, encourages habitat by vermin, insects, collects litter, obscures vehicular and pedestrian traffic, conceals defects in property causing tripping hazards, conceals evidence of criminal activity, hinders first responders, blocks public right of way, impedes traffic for those with disabilities, creates attractive nuisances for children, and allows trees to deteriorate and become dangerous nuisances to both persons and property; and

WHEREAS, Indiana Code 36-7-10.1-3 allows Municipalities, by their legislative bodies, to require the owners of real property, located in the municipality to cut and remove weeds and other vegetation from private property and bill the property owner for this removal; and

WHEREAS, Indiana Code 36-7-10.1-4 allows a municipality to certify to the auditor the amount of the bill for such services, which shall be collected as taxes; and

WHEREAS, Indiana Code 36-7-10.1-5 allows a municipality to provide that the amounts collected shall be disbursed to the general fund of the department which

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Enforces such Ordinances; and

WHEREAS, Section 94.091 of the Hammond Municipal Code entitled “Inspection and Enforcement” has not been amended or updated since 2002; and

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that Ordinances 4673, 4994, 6035, 7657 and 8435 also known as Section 94.091 of the Hammond Municipal Code, which pertains to cutting and cleaning weeds, brush, grass, trees and vegetation, be amended as follows:

Section 94.091: Weeds, Vegetation, Brush, Undergrowth, Grass and Trees Inspection and Enforcement:

- (A) Any City of Hammond Inspector from the Inspections Department is vested with the duty of enforcing this Ordinance by inspecting any real property, located in the City of Hammond, for violations of Hammond Municipal Code Chapter 94 as well as the general maintenance requirements of Chapter 160, and determining that on that property there exists: grass in excess of six (6) inches in height, weeds, vegetation, undergrowth, brush, nuisance trees, or other rank vegetation as defined by Hammond Municipal Code.**
- (B) The Inspections Department is charged, authorized and empowered to identify from the Lake County Auditor’s records, the owner of the real property, or the person leasing, controlling or managing the property for the title owner, and provide notice by first class mail, and posting on the premises, that a violation of this Ordinance exists on the property and must be abated within ten (10) days.**

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- (C) Upon the failure, neglect or refusal of the owner, his agents or tenants, to remedy the vegetative nuisance, health and safety issue that exists at that property, the Inspections Department is authorized and empowered to proceed to issue a Citation in the Hammond City Court, file an injunction in any Superior or Circuit Court to abate the nuisance and/or to abate the nuisance by hiring out and paying for the removal of the tall grass, weeds, brush, undergrowth, nuisance trees and rank vegetation.
- (D) The Inspection Department may issue one or more than one notice to any property owner, or in its sole discretion, issue a continuous abatement notice, which serves as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of the violation was provided may be abated by the city or its contractors. When the City of Hammond has paid for the removal as authorized, the cost shall be charged to the owner of the property.
- (E) The bill to the property owner shall be for all costs incurred by the City of Hammond in abating the violation including administrative cost for mailing notice, inspection and re-inspection fees, cost of prosecuting the action in Hammond City Court, title search costs, and costs of removal of the nuisance at the property location. Such Administrative costs shall be set in the amount of (\$200.00) and shall be collected in addition to actual cost of removal/abatement of nuisance, per property address. A notice of violation or bill may be contested in the Hammond City Court, and appeals may be taken from that Court as provided by Indiana law.
- (F) Failure by the property owner to pay the cost of abatement at his/her property within thirty (30) days shall result in the Inspections Department certifying to the Lake County Auditor the amount of the bill, plus administrative costs of certification, to be placed on the tax duplicate for

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the property at issue, and the total amount, including any accrued interest, shall be collected as delinquent taxes.

(G) This Ordinance additionally authorizes the City of Hammond to bring a court collection action for the amount of the abatement or removal, plus costs incurred for collection, including reasonable attorney's fees and court costs, if paid, against the property owner and to obtain a lien in the amount of any judgment on any real or personal property of the owner.

(H) Funds collected pursuant to this Section, shall be disbursed to the general fund of the Inspection Department.

NOW BE IT FURTHER ORDAINED that herein ordinance shall have full force and effect from and after passage, approval by the Council, signing by the President thereof and approval and signing of the Mayor.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 28th day of April, 2014

Michael Opinker, President /s/
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 29th day of April, 2014.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

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The foregoing Ordinance No. 9249 consisting of five (5) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 30th day of April, 2014.

Thomas M. McDermott, Jr., Mayor /s/
City of Hammond, Indiana

PASSED by the Common Council on the 28th day of April, 2014, and approved by the Mayor on the 30th day of April, 2014.