

ORDINANCE NO. 22-13

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING SECTION 54-4 OF THE MUNICIPAL CODE ENTITLED "REMOVAL OF VEGETATION"

BE IT, AND IT HEREBY IS, ORDAINED by the Common Council of the City of Portage, Indiana as follows:

Section 1. Ordinance Amendment. Chapter 54, Article I, Section 54-4 shall be amended by replacing the existing text in its entirety with the following new text:

- (a) All owners of real property, which also includes vacant land, within the City are required to cut and/or remove any and all grass, weeds, and other rank vegetation growing thereon when growth exceeds six inches from the ground.
 - (1) Rank vegetation shall mean any plant exceeding six inches in height. Trees, shrubberies, flowers, ornamental grasses, and agricultural crops exceeding nine inches are not to be considered rank vegetation.
- (b) The city's code enforcement department and clerk-treasurer's office shall be responsible for the administration of this division.
- (c) A five-day written notice to cut and/or remove all grass, weeds, and other rank vegetation exceeding six inches from the ground shall be issued by the code enforcement department or a designated representative. Such notice shall be served personally by the code enforcement department or any police officer of the city upon such property owner, if a resident; or, by certified mail addressed to the property owner's last known address, and posting the notice in a prominent place on the property. Notice must be given to the owner of record of real property with a single owner, or at least one of the owners of real property with multiple owners, at the last address of the owner as indicated in the records of the county auditor on the date of the notice.
- (d) If an initial notice of a violation of this section was provided as required by subsection (c) above, a continuous abatement notice may be posted at the property at the time of abatement which will serve as notice to the property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the city, or its contractors.
- (e) If a property owner fails to remove such grass, weeds, and other rank vegetation described in this section within the time prescribed in subsection (c), the code enforcement department may provide for the removal of such weeds and rank vegetation and the clerk-treasurer shall make a certified bill of the cost(s) incurred by the city in such removal including administrative and removal costs. Such bill shall be served personally by the code enforcement department or any police officer of the city upon such property owner, if a resident; or, by certified mail addressed to the property owner's last known address, and posting the bill in a prominent place on the property. Such property owner shall have ten days from the date of receipt of the bill within which to pay such amount to the clerk-treasurer.
- (f) If a property owner fails to pay or appeal such sum specified in subsection (e) within the time prescribed, a certified copy of the bill of costs shall be filed in the office of the Porter County auditor and the auditor's office shall place the amount so claimed on the tax duplicate for the property affected by such work and 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 city.

(g) A property owner may appeal a notice of violation or a bill issued under this section by filing a written notice of appeal with the clerk-treasurer's office within five days of the receipt of the notice of violation or bill. The appeal shall be heard by the board of public works and safety within 30 days after the notice of appeal is received.

(h) The penalty for the first violation in a calendar year shall be \$100.00. The penalty for the second violation in the same calendar year shall be \$150.00. The penalty for the third and any further violations in the same calendar year shall be \$250.00.

Section 2. Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the City of Portage or of the Municipal code of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor of the City of Portage and publication as required by law.


PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, on the 2nd day of August, 2022


PRESIDING OFFICER

ATTEST:


NINA RIVAS,
CLERK-TREASURER

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this 3rd day of August, 2022.


NINA RIVAS,
CLERK-TREASURER

Approved by me, the Mayor of the City of Portage, Porter County, Indiana, this 3rd day of August, 2022.


SUE I. LYNCH, MAYOR