

**ORDINANCE NO. 2021-3**

***AN ORDINANCE REGULATING ENVIROMENTAL PUBLIC NUISANCES FOR THE TOWN OF FARMERSBURG,  
INDIANA***

BE IT ORDAINED by the Town Council of the civil Town of Farmersburg, Indiana, that:

WHEREAS, the Town Council of the Town of Farmersburg in Sullivan County, Indiana hereby adopts an ordinance designed to better regulate environmental public nuisances in the Town of Farmersburg.

WHEREAS, the following ordinance has been passed for the purpose of abating said health and safety hazards due to certain tracts of land within the Town of Farmersburg have become over-grown with weeds, have become litter-filled and rubbish strewn, causing rodent harbors and blind intersections that create a potential health and safety hazard for the Town of Farmersburg.

NOW THEREFORE, by the powers vested in the Town Council of the Town of Farmersburg in Sullivan County, Indiana, it is hereby ORDERED and ORDAINED that:

SECTION I: WEEDS DECLARED A NUISANCE: Any weed such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of like kind, found growing in any lot or tract of land in the Town are hereby declared a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

SECTION II: HEIGHT: It shall be unlawful for anyone to permit weeds or plants, other than trees, bushes, cultivated vegetables, flowers, herbs or other ornamental plants to grow to a height exceeding twelve (12) inches anywhere in the Town of Farmersburg. Grass shall not grow in excess of eight (8) inches. Any such plants, weeds, or grass exceeding the aforementioned height is hereby declared to be a nuisance.

SECTION III: LITTER AND RUBBISH: Any tin cans, bottles, paper, rags, brush, metal, logs, or lumber laying on the ground without props holding said material off the ground in an orderly fashion, at least eight (8) inches and in a safe manner on or in any lot or tract of land in the Town are hereby declared a nuisance and shall be unlawful to permit any such litter or rubbish to remain in any such place. Firewood used for residential or commercial heating is exempt.

SECTION IV: BLIND INTERSECTIONS: Any plant, bush, weed, tree or other foliage, whether or not growing on fences, signs, or any other structure that causes a driver of any vehicle not to be able to see oncoming traffic and/or covering traffic signs at any intersecting street is detrimental to health and safety and thus considered a nuisance.

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SECTION V: OFFAL, DEAD ANIMALS, VEGETABLES MATTER: any offal, dead animal or vegetable matter exposed to flies or lying upon any tract of land or lot in the Town of Farmersburg is detrimental to health and safety and therefore considered a nuisance.

SECTION VI: OBSCENE AND INDECENT TO THE SENSES: Anything offensive to the sight, smell, or hearing, erected or carried on in or near a public place where the people dwell or pass by, or have the right to pass by, to their annoyance, is a nuisance.

SECTION VII: REMOVAL NOTICE: It shall be the duty of the Farmersburg Police Department to serve or cause to be served a notice upon the owner and occupant of any premises on which the declared nuisance in the ordinance exists and are permitted unabated in violation of the provisions of this ordinance and to demand the abate of the nuisance within ten (10) days. For the purpose of this ordinance, notice shall be deemed served upon the owner or occupant of the premises if an officer with the Farmersburg Police Department leaves a copy of such notice in a conspicuous manner anywhere on the affected premises. If the property is not abated within ten (10) days, a citation will be issued. A certified copy of a notice will be mailed by the United States Postal Service, it shall be by Certified Mail, Return Receipt Requested, to the last known record owner for such real estate at the same address tax duplicates (Property Tax) are sent by the Treasurer of Sullivan County, Indiana, and such notice will be effective when same is deposited in the mail.

SECTION VIII: ABATEMENT: If the person so served does not abate the nuisance within fifteen (15) days of receipt, the Farmersburg Police Department or the Town Council of the Town of Farmersburg, Indiana, may proceed to abate such nuisances by using town employees and/or hiring an independent contractor for the abatement and paying the independent crew for their expenses. The bill incurred by the Farmersburg Police Department or the Town Council of the Town of Farmersburg, Indiana for hiring such a contractor shall be charged and paid by the owner of the premises. The Investigating Officer with the Farmersburg Police Department, in lieu of abating the property by using Town Employees or an independent contractor, may forward the findings to the Town Attorney. The Town Attorney will then summon the property owner to the appropriate court of jurisdiction, whereby the Town of Farmersburg will request a court order to abate the nuisance property and request the defendant pay all court costs and attorney fees.

SECTION IX: APPEAL: If the owner or occupant of the premises feels that he has not violated the provisions of this ordinance, upon receiving said notice, he/she has seven (7) days to contact the Clerk/Treasurer of the Town of Farmersburg, Indiana and state in writing to said Clerk/Treasurer why he/she has not violated the provisions of this ordinance. The Clerk/Treasurer, after receiving the appeal letter, will cause the Farmersburg Police Department to investigate any alleged violation of Sections I-V of this ordinance. The Farmersburg Police Department will have seven (7) days to conduct said investigation and upon the termination of said seven (7) day period will give the Clerk/Treasurer a written report on their findings, and said report will be put on file at the Town Hall in the file entitled "Violations of Ordinance Concerning Public Health and Safety in the Town of Farmersburg", along with a copy of the notice and return of said notice by the Farmersburg Police Department. If the Police

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Department or Town Council proceeds under Section VII, said expense shall become a lien as more described in Section IX.

SECTION X: LIEN AND CHARGES: The Farmersburg Police Department may issue to the known owner or occupant of said property as in violation of Section I-V of this ordinance, a notice of violation of the ordinance in the form of a verbal or written warning or ordinance citation. Such notice shall be imposed upon the owner/occupant of a penalty of Thirty Dollars (\$30.00) which shall be paid at the Town Hall with a ten (10) business day period. LIEN: Charges for the abatement and removal of the nuisances described in this ordinance shall become a charge against the owner and/or occupant of the premises. Whenever a bill for such charges remains unpaid for ten (10) days after it has been rendered, the Clerk/Treasurer or the Farmersburg Police Department shall file the expenses of the abatement of the nuisance in the appropriate Sullivan County court of jurisdiction and/or place the expenses of the abatement of the nuisance on the tax duplicate in the office of the Treasurer of Sullivan County as provided by Indiana Code.

The following administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing mailing notices:

- A. Administrative Fee: \$140.00.

The following are labor fees per person, per hour, or fraction thereof for labor necessary to the environmental nuisance:

- A. Laborer: \$25.00
- B. Equipment Operator: \$50.00
- C. Heavy Equipment Operator: \$50.00

The following are equipment fees per machine, per hour or fraction thereof for the use of each piece of equipment necessary to abate the environmental nuisance:

- A. Tractor/Bush Hog: \$25.00
- B. Fuel: \$10.00
- C. Weed Eater: \$15.00

THIS ORDINANCE supersedes and replaces all prior ordinances which may be in conflict.

THIS ORDINANCE shall be effective upon the passage and publication as required by law and a copy of said ordinance shall be kept in the office of the Town Hall of Farmersburg, Sullivan County, Indiana.

Passed by the Town Council of the Town of Farmersburg on 15, August, 2023.

Town of Farmersburg, Indiana  
Council Members

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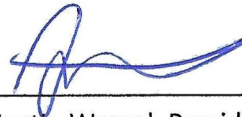
*[Signature]*

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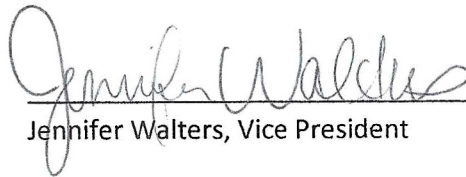
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Confirmed as passed and in place by the Town Council of the Town of Farmersburg on APRIL 18, 2024.

Town of Farmersburg, Indiana  
Council Members



Justin Wassel, President



Jennifer Walters, Vice President

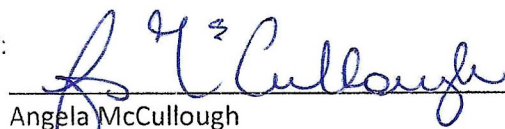


Jennifer Harrelson, Member



Courtney Strain, Member

ATTEST:

  
Angela McCullough  
Clerk/Treasurer