

CITY OF HUNTINGBURG, INDIANA
ORDINANCE NO. 20____ - ____

AN ORDINANCE AMENDING CHAPTERS 150 AND 34
OF THE CITY OF HUNTINGBURG CODE OF
MUNICIPAL ORDINANCES RELATING TO HOARDING

WHEREAS, The City of Huntingburg is authorized to regulate the conduct, use or possession of property within the city that might endanger the public health, safety or welfare by I.C. 36-8-2-4 and by Home Rule under I.C. 36-1-3 *et seq.*; and

WHEREAS, the excessive accumulation of tangible personal property in dwellings and on real property within the city may create hazards endangering the health, safety and welfare of the occupants of such dwellings and real estate, the occupants of contiguous property, and the general public at large.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntingburg, Indiana, as follows:

Section 1. Chapter 150 of the City of Huntingburg, Indiana Code of Municipal Ordinances is hereby amended by adding thereto the following Sections:

HOARDING

§ 150.080 DEFINITIONS.

- (A) HOARDING is defined as the excessive accumulation of any tangible personal property in any dwelling or on any premises or vehicle within the City of Huntingburg that creates or contributes to:
- a fire hazard;
 - obstruction of access for fire, emergency or medical response personnel;
 - harborage of insects, rodents, or other vermin;
 - unsanitary conditions;
 - conditions which are offensive to the senses and which interfere with the comfortable enjoyment of life or property by others;

- a violation of property maintenance codes;
 - a hazard to public health;
 - a dwelling or premises unfit for human habitation; or
 - excessive clutter in spaces precluding activities for which the space was designed
- (B) DWELLING is defined as any building or enclosure which is wholly or partly used, intended to be used, or designed for living or sleeping by human occupants.
- (C) PREMISES is defined as any parcel or tract of real estate within the City of Huntingburg.
- (D) TANGIBLE PERSONAL PROPERTY is defined as any substance that is capable of being touched or perceptible to the touch.
- (E) VEHICLE is defined as any conveyance on wheels, rollers or otherwise movable intended to transport persons or tangible personal property, whether motorized or not.

§ 150.081 HOARDING PROHIBITED.

No owner or occupant of any dwelling, premises or vehicle within the City of Huntingburg shall engage in or permit hoarding in or on such dwelling, premises or vehicle.

§ 150.082 ENFORCEMENT.

- (A) This ordinance shall be enforced by the Code Enforcement Department of the City of Huntingburg.
- (B) **Inspections and Right of Entry.** With the consent of the owner or occupant, the chief code enforcement officer or his deputy, is authorized and directed to make inspections to determine the condition of dwellings and premises located within the city in order that such inspector may perform his duty of safeguarding the health, safety and welfare of the occupants of the dwelling and of the general public. For the purpose of making such inspections the code enforcement officer is authorized to enter, examine and survey at proper times, after a five-day notice, any dwelling or

premises. The owner or occupant of every dwelling or premises, or the person in charge thereof shall give the code enforcement officer access to such dwelling and its premises, after due notice for the purpose of such inspection, examination and survey. In the event any owner or occupant of a dwelling or premises shall refuse to consent to such inspection, the code enforcement officer is authorized to seek an inspection warrant upon probable cause from the circuit or superior courts of Dubois County.

- (C) **Violations Visible from Public Property or Contiguous Property.** The code enforcement officer may issue a Notice of Violation of this ordinance without entering into the dwelling or premises if a violation of this ordinance is visible from public property or right-of-way, or if visible from the premises of an adjoining owner or occupant who has given consent to view the violation from such contiguous or adjoining property.
- (D) **Notice of Violation and Opportunity to Abate.** Upon the determination of a violation of this ordinance by the code enforcement officer, a Notice of Violation and Order to Abate shall be issued to the owner and the occupant of the dwelling, premises or vehicle, describing the violation and the measures necessary to abate the same. The offending party shall be given thirty (30) days to abate the violation, unless it is determined that the violation poses an immediate and imminent threat to the public health, safety or welfare, in which case such violation shall be abated within such time as is reasonable under the circumstances.
- (E) **Failure to Abate, Penalties.** In the event the violation is not abated within the time set out in the Notice of Violation, the code enforcement department shall issue a citation for a municipal fine in the amount of \$50.00 for the first offense, and \$100.00 for each subsequent offense during the calendar year. Each day the violation continues shall constitute a separate violation until such time as it is abated. The code enforcement department is also authorized to bring an action in the Circuit or

Superior Courts of Dubois County, Indiana for injunctive relief and such other relief as may be appropriate to enforce this Ordinance.

- (F) **Right of Appeal.** The owner or occupant of a dwelling, premises or vehicle issued a Notice of Violation may appeal such decision to the Huntingburg Board of Public Works and Safety, by making a written demand to be heard to the Office of the Clerk Treasurer, within ten (10) days of the issuance of such Notice of Violation. The appealing party shall be given a written notice of the time and place of the hearing of the appeal at least five (5) days in advance thereof, and may be present in person or by representation and present evidence and testimony at such hearing.

Section 2. The Appendix to Chapter 34 - Municipal Violations Bureau, of the City of Huntingburg Code of Municipal Ordinances is hereby amended by adding thereto the following civil penalties:

<u>Section and Violations</u>		<u>Penalty</u>		
		<u>Civil Penalty</u>	<u>Second Offense</u>	<u>Third or More</u>
§150.081	Hoarding	\$50.00	\$100.00	\$100.00

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication as required by law.

PASSED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG,
INDIANA, THIS ____ DAY OF _____, 20____, BY THE FOLLOWING VOTE:

Nay	Aye		Abstain	Absent
___	___	Glen E. Kissling	___	___
___	___	Jeffrey L. Bounds	___	___
___	___	Stephen C. McPherron	___	___
___	___	Pamela M. Bolte	___	___
___	___	Timothy W. Wehr	___	___

TOTAL:

COMMON COUNCIL OF THE
CITY OF HUNTINGBURG, INDIANA

By: _____
M. Neil Elkins, Presiding Officer

ATTEST:

Thomas A. Dippel, Clerk-Treasurer

Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg, to the
Mayor of said City for his approval on the _____ day of _____, 20____.

Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the _____ day of _____,
20____, at _____ o'clock _____.M.

M. Neil Elkins, Mayor