

1 BILL NO. G-23-06-37

2 GENERAL ORDINANCE NO. G- 19-23

3  
4 AN ORDINANCE AMENDING CHAPTER 100:  
5 NUISANCES: SECTIONS 100.01, 100.15, 100.16,  
6 100.19, 100.20, 100.21, 100.24, AND 100.99 OF THE  
7 CITY OF FORT WAYNE, INDIANA, CODE OF  
8 ORDINANCES.

9 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
10 THE CITY OF FORT WAYNE, INDIANA;

11 SECTION 1. That SECTION 100.01 "MAINTAINING CONDITIONS  
12 CONSTITUTING NUISANCE" of the City of Fort Wayne, Indiana, is hereby  
13 amended as follows:

14 **§ 100.01 MAINTAINING CONDITIONS CONSTITUTING NUISANCE.**

15 It shall be unlawful and it shall be a nuisance for any person to erect, construct,  
16 cause, permit, keep or maintain within the limits of the City anything whatsoever  
17 that is injurious to health or indecent or offensive to the senses or an obstruction  
18 to the free use of property and any person maintaining any nuisance as set forth  
19 in this section is declared to be the author and maintainer of a nuisance.

20 ('74 Code, § 14-5) Penalty, see § 100.99

21 SECTION 2. That SECTION 100.15 "PURPOSE AND INTENT" of the City  
22 of Fort Wayne, Indiana, is hereby amended as follows:

23 **§ 100.15 PURPOSE AND INTENT.**

24 It is hereby declared to be the purpose of this chapter to protect the public  
25 safety, health and welfare and enhance the environment of the people of the City  
26 by making it unlawful to allow an environmental public nuisance to exist.

27 ('74 Code, § 32-1) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-  
28 20-92)

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1                   **SECTION 3.** That SECTION 100.16 “DEFINITIONS” of the City of Fort  
2 Wayne, Indiana, is hereby amended as follows:

3                   **§ 100.16 DEFINITIONS.**

4                   For the purpose of this subchapter, the following definitions shall apply unless  
5 the context clearly indicates or requires a different meaning.

6                   **ALLEY.** A right-of-way other than a street, road, crosswalk or easement,  
7 designed for the special accommodation of the property it reaches.

8                   **AUTHORIZED EMPLOYEE.** An individual designated to make environmental  
9 public nuisance inspections, by the Department of Neighborhood Code  
10 Compliance or the head of any governmental department of the City, which  
11 department has been designated by the Mayor to enforce this chapter.

12                   **CITY.** The City of Fort Wayne.

13                   **CONTRACTOR.** A person, company, or other entity who enters into a contract,  
14 or is directed to provide materials and labor to perform a service or do a job as  
15 requested by Neighborhood Code Compliance or any other City department.

16                   **ENVIRONMENTAL PUBLIC NUISANCE.**

17                   (1) Any growth of weeds, grass or other rank vegetation on private or  
18 governmental property which is neglected, disregarded or not cut, mown, or  
19 otherwise removed and/or which has attained a height of nine inches or more.

20                   (2) Any accumulation of dead weeds, grass or brush on private or  
21 governmental property.

22                   (3) Any poison ivy, ragweed or other poisonous plant, or plants detrimental  
23 to health, growing on any private or governmental property.

24                   (4) Property which has been allowed to become a health or safety hazard,  
25 or which has accumulated litter or waste products, unless specifically authorized  
26 under existing laws and regulations.

27                   **EXCLUDED PROPERTY.**

28                   (1) All land which is cultivated for gross profit in compliance with the Fort  
29 Wayne Zoning Ordinance.

30                   (2) A natural or developed forest which does not create an unusual threat to  
health or safety for adjacent landowners.

(3) Vacant, open, or undeveloped lands or fields which are located more  
than 300 feet from a property within commercial, shopping center, manufactured  
housing, or industrial zoning districts.

(4) Vacant, open, or undeveloped property, or any part thereof, which is  
located more than 150 feet from a structure within a residential zoning district,  
and which is not located within a front yard or side yard directly abutting a public

1 street.

2 **GOVERNMENTAL PROPERTY.** All real estate within the City which is owned,  
3 leased, controlled or occupied by the United States, the state, or any political  
4 subdivision thereof, excluding however, areas such as interior fields, river bank  
5 properties, wooded lots that are maintained as natural sites by such political  
6 entity and all areas within public rights-of-way located between a public sidewalk  
7 and the curb of the public street, roadway, highway, or alley directly associated  
8 with said public street, roadway, highway or alley.

9 **INSPECTOR.** An employee of Neighborhood Code Compliance or any other  
10 City department so designated by the Mayor who cites City ordinance violations  
11 in order to enforce the provisions of this chapter.

12 **OWNER.** The word, **OWNER**, shall be presumed to be any one or more of the  
13 following:

14 (1) The owner or owners in fee simple of a parcel of real estate including  
15 the life tenant or tenants if any; or

16 (2) The record owner or owners as reflected by the most current records in  
17 the township assessors' office of the township in which the real estate is located;  
18 or

19 (3) The purchaser or purchasers of such real estate under any contract for  
20 the conditional sale thereof.

21 **PRIVATE PROPERTY.** All real estate within the City except governmental  
22 property. All real estate within public rights-of-way located between a public  
23 sidewalk and the curb of the public street, roadway, highway, or alley directly  
24 associated with said public street, roadway, highway or alley.

25 **TRAFFIC HAZARD.** Any environmental public nuisance that is potentially  
26 dangerous to the existing traffic at an intersection in question, as it may block or  
27 prohibit the view of any oncoming traffic. This includes traffic hazards which  
28 might be found in alleys. That would be an environmental public nuisance that  
29 either impedes the flow of traffic or pedestrians in the alley or creates a  
30 dangerous condition to traffic in the alley. This vegetation will be deemed to  
impede traffic when it grows into the alley beyond the utility poles. If the  
Inspector finds a violation pursuant to such definition of traffic hazard, he or she  
shall find it necessary to waive the five day grace period and abate the problem  
as soon as possible.

**WEEDS OR OTHER RANK VEGETATION.** Includes the following:

- (1) Canada thistle (*Cirsium arvense*);
- (2) Johnson grass and Sorghum alumum (*Sorghum halepense*);
- (3) Bur cucumber (*Sicyos angulatus*);
- (4) Shattercane (*Sorghum bicolor*);
- (5) Purple loosestrife;

1 (6) Multiflora rose;

2 (7) Garlic Mustard;

3 (8) Ragweed;

4 (9) All other plants which are poisonous or detrimental to human health or  
5 which may be determined to be noxious by the Indiana legislature or by rule of  
6 the Indiana Department of Natural Resources or Indiana Department of  
Agriculture; and

7 (10) Grass in excess of nine inches tall excluding ornamental grasses.

8 ('74 Code, § 32-2) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-  
9 20-92; Am. Ord. G-11-02, passed 4-23-02)

10 **SECTION 4.** That SECTION 100.19 "DETERMINATION OF VIOLATION"

11 of the City of Fort Wayne, Indiana, is hereby amended as follows:

12 **§ 100.19 DETERMINATION OF VIOLATION.**

13 (A) *Publication of notice.* In lieu of the notice required by § [100.19\(D\)](#), the  
14 City, through the Department of Neighborhood Code Compliance or any other  
15 City Department, on three separate occasions may publish a notice in the  
16 newspaper of general circulation in the City, that the violation will be remedied by  
17 the City and the owner of the property charged with the costs under the  
18 provisions of § [100.19\(D\)](#). The publication shall contain all of the information  
required of the "Notice to Abate." The City may direct the Contractor to cut  
weeds as many times as is necessary and charge the actual cost to the property  
owner.

19 (B) *Complaint.* Violations under this chapter may be cited by any department  
20 of the City which either receives a complaint or identifies a violation regarding an  
21 environmental public nuisance on any property within the City, and if needed,  
they forward that complaint to the Department of Neighborhood Code  
Compliance.

22 (C) *Assignment of complaint.* The office of Neighborhood Code Compliance  
23 shall thereafter forward the complaint to the Inspector.

24 (D) *Notice to abate.* In lieu of the publication of notice, when a complaint  
25 addresses private property, the Inspector, through the Department of  
26 Neighborhood Code Compliance shall serve a Notice to Abate to the owner of  
27 the property in question granting that owner a minimum of five (5) calendar days  
in which to remove the environmental nuisance. This notice shall be served by  
United States first class mail to the owner, or by a "notice" placard conspicuously  
posted on the property which contains the following information:

- 28 1. The address or parcel number of the property,  
29 2. The date of the notice,  
30

3. The address and the telephone number of the Department of Neighborhood Code Compliance
4. A warning that if the environmental public nuisance is not removed within five calendar days after posting, the City will direct the Contractor to abate the nuisance and seek recovery of the costs involved in the removal of the nuisance.
5. A short and plain statement of the owner's or occupant's right to object to the notice and the manner and time for making such objection.

Neighborhood Code Compliance, after posting a notice to abate, as a courtesy may serve to the owner of the subject property a copy of the notice by regular United States first class mail. Failure to give such written notice shall not constitute a defense to any action to enforce the provisions of [§ 100.18](#).

(E) *Inspection.* Following the expiration of the notice to abate, a Contractor shall visually inspect the property to determine whether an environmental public nuisance exists. If an environmental public nuisance exists, immediate action shall be taken to abate that nuisance in accordance with this chapter.

(F) *Abatement by City on governmental property.* Where the complaint addresses governmental property, and it is determined by the Inspector that a violation exists and threatens the health and safety of the people of the City, the Inspector may direct the City to immediately enter upon the premises and remove the environmental public nuisance.

('74 Code, § 32-5) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92; Am. Ord. G-11-02, passed 4-23-02) [Penalty, see § 100.99](#)

**SECTION 5.** That SECTION 100.20 "ENFORCEMENT" of the City of Fort

Wayne, Indiana, is hereby amended as follows:

**§ 100.20 ENFORCEMENT.**

(A) *Citation for violation.* If the Inspector finds that an environmental public nuisance exists on private property and has not been abated as directed in the written notice to abate, or [§ 100.19\(D\)](#), that Inspector may cause a citation for violation of City ordinance to be issued to the offending property owner.

(B) *Abatement by City on private property.* In addition to the issuance of a citation for violation under division (A) of this section, the Inspector, in the name of the Controller of the City, may issue a request to the City to abate the environmental public nuisance, and shall thereafter furnish the Controller with a statement of the actual cost involved in the removal of the nuisance. The actual abatement may be assigned to a City department or contracted out through standard procedures.

(C) *Responsibility of offender for costs of enforcement.* Neighborhood Code Compliance shall make a statement of the actual cost incurred in eliminating the

1 environmental public nuisance. The costs shall include: cost of removal of the  
2 public nuisance administrative fees and recording fees. The administrative fees  
3 shall not limit whatever might be necessary in costs to enforce this chapter. Said  
4 statement shall be delivered to the property owner by first-class mail. The owner  
5 shall pay the amount noted to the City within 30 days after date the invoice is  
6 issued, which shall be deposited to the general fund of the department specified  
7 to enforce the ordinance.

8 (D) *Failure to pay.* If the owner fails to pay the amount within 30 days after the  
9 date the invoice is issued, a copy of all costs shall be filed in the Office of the  
10 Auditor of Allen County for the purpose of placing the amount claimed on the tax  
11 duplicate against the property so that the amount claimed can be collected as  
12 taxes are collected, subject to the limitations above.

13 ('74 Code, § 32-6) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-  
14 20-92; Am. Ord. G-14-98, passed 3-10-98; Am. Ord. G-11-02, passed 4-23-02)

15 **SECTION 6.** That SECTION 100.21 "PROPERTY OWNER OR  
16 OCCUPANT'S RIGHT TO OBJECT TO COMPLAINT" of the City of Fort Wayne,  
17 Indiana, is hereby amended as follows:

18 **§ 100.21 PROPERTY OWNER OR OCCUPANT'S RIGHT TO OBJECT TO  
19 COMPLAINT.**

20 (A) Upon receipt of a notice to abate, the property owner or occupant served,  
21 or his duly authorized representative, may notify the Department of  
22 Neighborhood Code Compliance of an intent to object to any notice to abate.  
23 This correspondence shall be in writing and delivered by email, in person to the  
24 Neighborhood Code Compliance office or a mail service , and shall specify the  
25 street address and legal description of the property involved. Any such  
26 correspondence must be received by the Department of Neighborhood Code  
27 Compliance within the amount of time set out in the notice to abate.

28 (B) Upon receipt of such correspondence, the department of Neighborhood  
29 Code Compliance shall provide copies of same to the City Attorney if necessary  
30 and to the Inspector involved, who shall cause the objection to be investigated.  
No further action shall be pursued against that owner to abate the environmental  
public nuisance until resolution of the objection thereto.

('74 Code, § 32-8) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-  
20-92) [Penalty, see § 100.99](#)

31 **SECTION 7.** That SECTION 100.24 "DELEGATION OF ENFORCEMENT  
32 POWERS" of the City of Fort Wayne, Indiana, is hereby amended as follows:



## CHAPTER 100: NUISANCES

Section

### *General Provisions*

[100.01](#) Maintaining conditions constituting nuisance

### *Weeds and Other Environmental Nuisances*

[100.15](#) Purpose and intent

[100.16](#) Definitions

[100.17](#) Application or provisions

[100.18](#) Prohibited activity

[100.19](#) Determination of violation

[100.20](#) Enforcement

[100.21](#) Property owner or occupant's right to complaint

[100.22](#) Severability

[100.23](#) Adoption of state law

[100.24](#) Delegation of enforcement powers

[100.99](#) Penalty

## GENERAL PROVISIONS

### § 100.01 MAINTAINING CONDITIONS CONSTITUTING NUISANCE.

It shall be unlawful and it shall be a nuisance for any person to erect, construct, cause, permit, keep or maintain within the limits of the Ccity anything whatsoever that is injurious to health or indecent or offensive to the senses or an obstruction to the free use of property and any person maintaining any nuisance as set forth in this section is declared to be the author and maintainer of a nuisance.

('74 Code, § 14-5) Penalty, see § 100.99

## WEEDS AND OTHER ENVIRONMENTAL NUISANCES

### § 100.15 PURPOSE AND INTENT.

It is hereby declared to be the purpose of this chapter to protect the public safety, health and welfare and enhance the environment of the people of the Ccity by making it unlawful to allow an environmental public nuisance to exist.

('74 Code, § 32-1) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92)

## § 100.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

**AUTHORIZED EMPLOYEE.** An individual designated to make environmental public nuisance inspections, by the Department of Neighborhood Code Enforcement Compliance or the head of any governmental department of the City, which department has been designated by the Mayor to enforce this chapter.

**CITY.** The City of Fort Wayne.

ADD: **CONTRACTOR.** A person, company, or other entity who enters into a contract, or is directed to provide materials and labor to perform a service or do a job as requested by Neighborhood Code Compliance or any other City department.

### **ENVIRONMENTAL PUBLIC NUISANCE.**

(1) Any growth of weeds, grass or other rank vegetation on private or governmental property which is neglected, disregarded or not cut, mown, or otherwise removed and/or which has attained a height of nine inches or more.

(2) Any accumulation of dead weeds, grass or brush on private or governmental property.

(3) Any poison ivy, ragweed or other poisonous plant, or plants detrimental to health, growing on any private or governmental property.

(4) Property which has been allowed to become a health or safety hazard, or which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations.

### **EXCLUDED PROPERTY.**

(1) All land which is cultivated for gross profit in compliance with the Fort Wayne Zoning Ordinance.

(2) A natural or developed forest which does not create an unusual threat to health or safety for adjacent landowners.

(3) Vacant, open, or undeveloped lands or fields which are located more than 300 feet from ADD: a occupied property within commercial, shopping center, manufactured housing, or industrial zoning districts.

(4) Vacant, open, or undeveloped property, or any part thereof, which is located more than 150 feet from an-occupied structure within a residential zoning district, and which is not located within a front yard or side yard directly abutting a public street.

**GOVERNMENTAL PROPERTY.** All real estate within the Ccity which is owned, leased, controlled or occupied by the United States, the state, or any political subdivision thereof, excluding however, areas such as interior fields, river bank properties, wooded lots that are maintained as natural sites by such political entity and all areas within public rights-of-way located between a public sidewalk and the curb of the public street, roadway, highway, or alley directly associated with said public street, roadway, highway or alley.

**INSPECTOR.** An employee of Neighborhood Code Enforcement- Compliance or any other governmental City department of the city, so designated by the Mayor of the city, ~~having law enforcement powers to issue city ordinance violation summons~~ who cites City ordinance violations in order to enforce the provisions of this chapter.

**OWNER.** The word, **OWNER**, shall be presumed to be any one or more of the following:

- (1) The owner or owners in fee simple of a parcel of real estate including the life tenant or tenants if any; or
- (2) The record owner or owners as reflected by the most current records in the township assessors' office of the township in which the real estate is located; or
- (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.

**PRIVATE PROPERTY.** All real estate within in the Ccity except governmental property. All real estate within public rights-of-way located between a public sidewalk and the curb of the public street, roadway, highway, or alley directly associated with said public street, roadway, highway or alley.

**TRAFFIC HAZARD.** Any environmental public nuisance that is potentially dangerous to the existing traffic at the an intersection in question, as it may block or prohibit the view of any oncoming traffic. This includes traffic hazards which might be found in alleys. That would be an environmental public nuisance that either impedes the flow of traffic or pedestrians in the alley or creates a dangerous condition to traffic in the alley. This vegetation will be deemed to impede traffic when it grows into the alley beyond the utility poles. If the Inspector finds a violation pursuant to such definition of traffic hazard, he or she shall find it necessary to waive the five day grace period and abate the problem as soon as possible.

**WEEDS OR OTHER RANK VEGETATION.** Includes the following:

- (1) Canada thistle (*Cirsium arvense*);
- (2) Johnson grass and Sorghum alumum (*Sorghum halepense*);
- (3) Bur cucumber (*Sicyos angulatus*);
- (4) Shattercane (*Sorghum bicolor*);
- (5) Purple loosestrife;

(6) Multiflora rose;

(7) Garlic Mustard;

(8) Ragweed;

(9) All other plants which are poisonous or detrimental to human health or which may be determined to be noxious by the Indiana legislature or by rule of the Indiana Department of Natural Resources or Indiana Department of Agriculture; and

(10) Grass in excess of nine inches tall excluding ornamental grasses.

('74 Code, § 32-2) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92; Am. Ord. G-11-02, passed 4-23-02)

### **§ 100.17 APPLICATION OF CHAPTER.**

(A) Each department or agency of the United States, the State of Indiana, or any other political subdivision thereof, shall be required to keep governmental property free from environmental public nuisances.

(B) Each owner of private property shall be required to keep that private property free from environmental public nuisances.

('74 Code, § 32-2) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92) Penalty, see § 100.99

### **§ 100.18 PROHIBITED ACTIVITY.**

It shall be unlawful for any owner of private property or governmental property to allow an environmental public nuisance to exist on that property, except on excluded property.

('74 Code, § 32-4) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92) Penalty, see § 100.99

### **§ 100.19 DETERMINATION OF VIOLATION.**

(A) *Publication of notice.* In lieu of the notice required by § 100.19(D), the City, through the Department of Neighborhood Code Enforcement Compliance or any other City Department, may publish a notice in a newspaper of general circulation in the city, on three separate occasions may publish a notice in the newspaper of general circulation in the City, twice during the month of March and once during the month of April, that weeds not cut by May 1 of that year will be cut by the city that the violation will be remedied by the City and the owner of the property charged with the costs under the provisions of § 100.19(D). The publication shall contain all of the information required of the "Notice to Abate." The City may direct the Contractor to cut weeds as many times as is necessary and charge the actual cost to the property owner.

(BA) *Complaint.* Violations under this chapter shall may be cited by any department of the City which either receives a complaint or identifies a violation regarding an

environmental public nuisance on any property within the Ccity, and if needed, they shall may forward that complaint to the Department of Neighborhood Code Enforcement Compliance.

~~(CB)~~ *Assignment of complaint.* The Neigh—borhood Code Enforcement office office of Neighborhood Code Compliance shall thereafter forward the complaint to the Inspector, ~~for processing, who in turn, shall follow that case through to its resolution.~~

~~(DG)~~ *Notice to abate.* In lieu of the publication of notice, ~~W~~when a complaint addresses private property, the Inspector, through the Department of Neighborhood Code Enforcement Compliance shall serve a Notice to Abate to, shall cause a written notice to abate to be served upon the owner of the property in question, granting that owner a minimum of five (5) calendar days in which to remove the environmental nuisance. This notice shall be served by United States first class mail ~~a law enforcement officer,~~ by certified mail to the owner, or by a “notice” placard conspicuously posted on the property which contains the following information:

1. The address or parcel number of the property,
2. ~~T~~the date of the notice,
3. ~~T~~the address and the telephone number of the Department of Neighborhood Code Enforcement, Compliance and
4. Aa warning that if the environmental public nuisance is not removed within five calendar days after posting, the Ccity will direct the Contractor to abate the nuisance and seek recovery of the actual costs involved in the removal of the nuisance. ~~The notice will also contain~~
5. Aa short and plain statement of the owner’s or occupant’s right to object to the notice and the manner and time for making such objection.

The Inspector Neighborhood Code Compliance, after posting a notice to abate, as a courtesy shall ~~may~~ serve to the owner of the subject property a copy of the notice by regular first class United States first class mail, ~~postage prepaid,~~ and provided further that any Ffailure to give such written notice shall not constitute a defense to any action to enforce the provisions of § 100.18.

~~—(D)—~~ *Publication of notice.* ~~In lieu of the notice required by § 100.19(C), the city, through the Department of Neighborhood Code Enforcement, may publish a notice in a newspaper of general circulation in the city, on three separate occasions, twice during the month of March and once during the month of April, that weeds not cut by May 1 of that year will be cut by the city and the owner of the property charged with the costs under the provisions of § 100.19(C). The publication shall contain all of the information required of the “Notice to Abate.” The city may cut weeds as many times as is necessary and charge the actual cost to the property owner.~~

(E) *Inspection.* Following the expiration of the notice to abate, an Inspector a Contractor shall visually inspect the property to determine whether an environmental public nuisance exists. If an environmental public nuisance exists, immediate action shall be taken to abate that nuisance in accordance with this chapter.

(F) *Abatement by Ceity on governmental property.* Where the complaint addresses governmental property, and it is determined by the Inspector that a violation exists and threatens the health and safety of the people of the Ceity, the Inspector may direct the Ceity to immediately enter upon the premises and remove the environmental public nuisance.

('74 Code, § 32-5) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92; Am. Ord. G-11-02, passed 4-23-02) [Penalty, see § 100.99](#)

## **§ 100.20 ENFORCEMENT.**

(A) *Citation for violation.* If the Inspector finds that an environmental public nuisance exists on private property and has not been abated as directed in the written notice to abate, or § [100.19](#)(D), that Inspector may cause a citation for violation of Ceity ordinance to be issued to the offending property owner.

(B) *Abatement by Ceity on private property.* In addition to the issuance of a citation for violation of a city ordinance under division (A) of this section, the Inspector, in the name of the Ceontroller of the Ceity, may issue a request to the Ceity to abate the environmental public nuisance, and shall thereafter furnish the Ceontroller with a statement of the actual cost involved in the removal of the nuisance. The actual abatement may be assigned to a Ceity department or contracted out through standard procedures.

(C) *Responsibility of offender for costs of enforcement.* Neighborhood Code Enforcement Compliance shall make a statement of the actual cost incurred in eliminating the environmental public nuisance. The costs shall include: cost of removal of the public nuisance, administrative fees and recording fees. ~~If the cost of removal is less than \$100, the administrative fees shall not exceed \$50. If the cost of removal is greater than \$100, the administrative fees shall not exceed \$100. The limitation on administrative fees shall not limit whatever might be necessary in costs to collect the outstanding balances~~ enforce this cChapter. Said statement shall be delivered to the property owner by first-class mail. The owner shall pay the amount noted to the Ceity within 30 days after receipt date the invoice is issued, which shall be deposited to the general fund of the department specified to enforce the ordinance.

(D) *Failure to pay.* If the owner fails to pay the amount within 30 days after receiving a statement the date the invoice is issued, a copy of all costs shall be filed in the Office of the Auditor of Allen County for the purpose of placing the amount claimed on the tax duplicate against the property so that the amount claimed can be collected as taxes are collected, subject to the limitations above.

('74 Code, § 32-6) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92; Am. Ord. G-14-98, passed 3-10-98; Am. Ord. G-11-02, passed 4-23-02)

## **§ 100.21 PROPERTY OWNER OR OCCUPANT'S RIGHT TO OBJECT TO COMPLAINT.**

(A) Upon receipt of a notice to abate, the property owner or occupant served, or his duly authorized representative, may notify the ~~D~~department of ~~N~~neighborhood ~~C~~code enforcement Compliance of an intent to object to any notice to abate. This correspondence shall be in ~~in~~-writing and delivered by email, in person to the Neighborhood Code Compliance office or a mail service, and shall specify the street address and, legal description of, the property involved. Any such correspondence must be received by the Department of Neighborhood Code Enforcement Compliance within the amount of time set out in the notice to abate.

(B) Upon receipt of such correspondence, the department of ~~N~~neighborhood ~~C~~code enforcement Compliance shall provide copies of same to the City Attorney if necessary and to the Inspector involved, who shall cause the objection to be investigated. No further action shall be pursued against that owner to abate the environmental public nuisance until resolution of the objection thereto.

('74 Code, § 32-8) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92) Penalty, see § 100.99

#### **§ 100.22 SEVERABILITY.**

If any provisions or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term or the application thereof.

(Ord. G-06-92, passed 2-11-92)

#### **§ 100.23 ADOPTION OF STATE LAW.**

It is the express intent of this chapter to adopt IC 36-7-10.1-3.

(Ord. G-06-92, passed 2-11-92; Am. Ord. G-11-02, passed 4-23-02)

#### **§ 100.24 DELEGATION OF ENFORCEMENT POWERS.**

The ~~C~~city-~~C~~county Board Department of Health, and the Department of Solid Waste and any City Department as designated by the Mayor have full authority to enforce this ~~C~~chapter.

(Ord. G-12-00, passed 4-11-00)

#### **§ 100.99 PENALTY.**

(A) Any person violating any of the provisions of § 100.01, upon conviction thereof, shall may be fined for each offense, in any sum not less than \$25 nor more than \$100, and each day's violation shall constitute a separate offense. ('74 Code, § 14-7) (Ord. G-37-77, passed 9-27-77)

(B) Except as otherwise provided herein, any owner or occupant violating any of the provisions of §§ 100.15 through 100.21 ~~shall may~~ be fined not less than \$25. Each day such violation is ~~permitted to continue~~ exists may be deemed to constitute a separate

offense. Each second and subsequent offense shall carry a minimum fine of not less than \$50. In addition to any fine imposed herein, the offender shall be responsible for all costs of abatement and the \$25 record search fee any additional fees associated with the case.

('74 Code, § 32-7) (Ord. G-09-88, passed 5-24-88; Am. Ord. G-06-92, passed 2-20-92)

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**BILL NO. G-23-06-37**

**REPORT OF COMMITTEE ON REGULATIONS  
July 11, 2023**

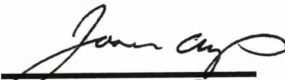
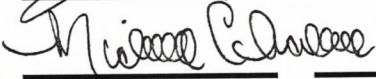
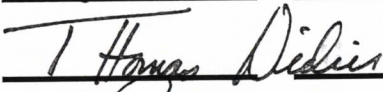

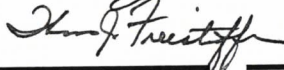
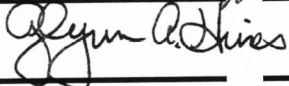


**Tom Freistroffer Chair**

**Sharon Tucker Co-Chair**

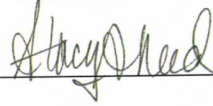
**All Council Members**

An Ordinance amending Chapter 100: Nuisances: Sections 100.01, 100.15, 100.16, 100.19, 100.20, 100.21, 100.24, AND 100.99 of the City of Fort Wayne, Indiana, Code of Ordinances

**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**STACY REED  
DEPUTY CITY CLERK**



Public Hearing Date: N/A

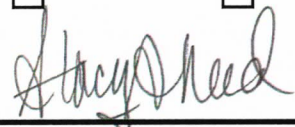
Read the first time in full and on motion by Councilperson Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

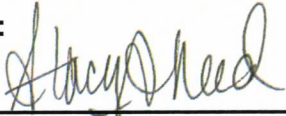
DATED: July 11, 2023



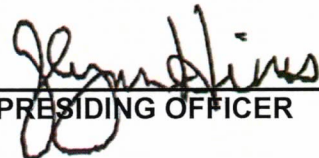
STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-23-06-37 on the 11th day of July, 2023

ATTEST:

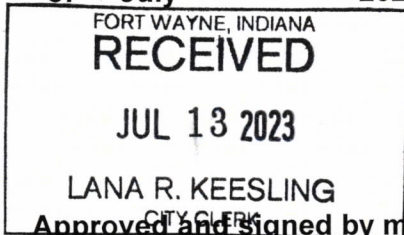


STACY REED  
DEPUTY CITY CLERK



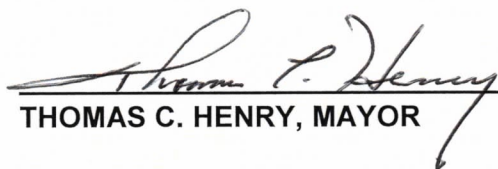
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of July 2023, at the hour of 11:20 o'clock A.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 13<sup>TH</sup> day of JULY 2023, at the hour of 10:30 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR