

TOWN OF ST. JOE, INDIANA

ORDINANCE NO. 26-5

**AN ORDINANCE ESTABLISHING PROPERTY OWNER RESPONSIBILITY,
ADMINISTRATIVE ENFORCEMENT PROCEDURES, AND A CIVIL PENALTY SYSTEM
FOR VIOLATIONS OF TOWN ORDINANCES**

SECTION 1. PURPOSE AND AUTHORITY

This Ordinance establishes responsibility for ordinance compliance, creates an administrative enforcement process, and authorizes civil penalties.

This Ordinance is adopted pursuant to IC 36-1-3 (Home Rule), IC 36-1-6 (Ordinance Violations), and IC 34-28-5 (Civil Ordinance Violations).

SECTION 2. DEFINITIONS

Property Owner: Any person or entity holding legal or equitable title.

Responsible Party: The property owner and any occupant, tenant, agent, or person in control of the property.

Ordinance Violation: Any act or omission that violates a Town ordinance.

Enforcement Officer: Any person designated by the Town Council to enforce ordinances, including the Town Marshal, Clerk-Treasurer, or other designee.

SECTION 3. PROPERTY OWNER RESPONSIBILITY

(a) The Property Owner is the primary responsible party for violations occurring on or arising from the property.

(b) Responsibility is joint and several with any other Responsible Party.

(c) A Property Owner shall not be subject to penalties for a violation unless:

the Owner has received notice under this Ordinance, and
has been provided a reasonable opportunity to cure, unless the violation presents an immediate threat to public health or safety.

SECTION 4. DESIGNATION OF ENFORCEMENT AUTHORITY

(a) The Town Council may designate one or more Enforcement Officers by resolution.

(b) Any member of the Town Council.

(c) Enforcement Officers are authorized to:

Issue notices of violation
Issue civil citations
Order correction of violations
Issue stop work orders where authorized by ordinance
Initiate civil enforcement actions

SECTION 5. NOTICE OF VIOLATION

(a) Upon determining a violation exists, the Enforcement Officer shall issue a Notice of Violation.

(b) The Notice shall include:

- Description of the violation
- Location of the property
- Required corrective action
- Time allowed to cure
- Statement of potential penalties
- Explanation of right to contest

(c) Notice shall be served by:

- Certified mail, or
- First-class mail plus posting on the property

SECTION 6. OPPORTUNITY TO CURE

(a) A Responsible Party shall have not less than fourteen (14) days to cure the violation.

(b) The Enforcement Officer may:

- Extend time for good cause, or
- Shorten the period for violations posing immediate risk

SECTION 7. CIVIL CITATIONS

(a) If a violation is not cured, the Enforcement Officer may issue a civil citation.

(b) Each day a violation continues after the cure period constitutes a separate violation.

SECTION 8. RIGHT TO CONTEST / ADMINISTRATIVE HEARING

(a) A Responsible Party may contest a citation by submitting a written request within Fourteen (14) days.

(b) The Town Council or a designated Hearing Officer shall conduct a hearing.

(c) After hearing, the Town may:

- Dismiss the citation
- Uphold the citation
- Modify penalties

(d) A decision constitutes a final administrative determination.

SECTION 9. PENALTIES

(a) Civil fines shall not exceed:

- First violation: \$100
- Second violation within 12 months: \$250
- Third or subsequent within 12 months: \$500

(b) Each day a violation continues after notice may be fined as a separate offense.

(c) The Town may seek enforcement in a court of competent jurisdiction pursuant to IC 34-28-5.

SECTION 10. COST RECOVERY

The Town may recover:

- Costs of enforcement
- Administrative expenses
- Costs of abatement
- Attorney's fees where permitted by law

SECTION 11. OTHER REMEDIES

The Town may pursue any remedy authorized by law, including:

- Injunctive relief
- Abatement of nuisances
- Civil actions

SECTION 12. SEVERABILITY

If any provision is invalid, the remainder remains in effect.

St. JOE TOWN COUNCIL

Misty Spicer

Misty Spicer, President

Randy Drake

Randy Drake

Absent

Zebulon Griggs

ATTEST:

Angela Snyder

Angela Snyder, Clerk-Treasurer

