

September 5, 2013

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, September 5, 2013, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:00 p.m. Don Calvert led the Pledge of Allegiance.

Terry Baker welcomed David Drake to the Plan Commission.

Roll Call: Members present were: Terry Baker, President; Russ Ryle, Vice President; Don Calvert, Pat Wesolowski, David Drake and Sandra Hash. Phillip Smith has resigned. Dan Swafford came in after roll call. Connie Griffin, Director of Planning, and Darla Brown, Town Attorney, were also present.

Approval of the Minutes – August 1 2013

Terry Baker entertained a motion for approval of the minutes for the regular meeting on August 1, 2013. Don Calvert so moved. Russ Ryle seconded. Motion carried.

New Business

Revision to Code 152 Land Usage, Residential – Proposed codes will discuss parking on the grass, junk, outdoor storage and inoperable vehicle storage in residential zones.

Connie Griffin, Director of Planning, presented the following proposed changes to sections of Chapter 152 of the Ellettsville Municipal Code:

§152.001 PURPOSE

(A) The primary purpose of the residential districts is to provide a stable environment for family homes on lots with ample open space for the enjoyment of privacy and family recreation. The preservation of family housing stock within the core neighborhoods of the Town, preservation of property values, and protection from encroachment by non-residential uses are key requirements.

(B) The regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible nonresidential development-schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services-at appropriate locations and at an appropriate scale.

(C) In addition, this section is to promote public health, safety and welfare by requiring a minimum level of maintenance of residential property to protect the livability, appearance and social and economic stability of the Town and to protect the public from the health and safety hazards and the impairments of property values that result from the neglect and deterioration of residential property.

(D) Where the requirements under this chapter are in conflict with the requirements of any other statute or law that is in effect within the Towns territorial jurisdiction, the more restrictive requirement shall prevail.

§152.002 DEFINITIONS AND TERMS

ABANDONED VEHICLE. For the purposes of this section, abandoned vehicle shall refer to IC 9-13-2-1.

ACCESSORY STRUCTURE. An accessory structure is one that is customarily incidental and subordinate to the principal building on the property and is physically detached to the principal building. Accessory structures must be on the same property as the building or use to which they are accessory. Some common examples of an accessory structure include: garage, workshop, garden shed, gazebo, carport, pool house or

cabana. This list is not inclusive. Other structures may also be considered accessory structures. Accessory structures such as workshops or storage buildings must be located at least six feet [(6’)] from all property lines. Any structure over 120 square feet of roof area requires a building permit. Because these structures often lack adequate lighting, ventilation and fire exiting, and may not have been inspected for compliance with building code regulations, living in an accessory structure is prohibited[.]

AUTO REPAIR. Conducting an auto repair business in a residential zone is not permitted. Routine, minor maintenance on vehicles that belong to the residents on the property may occur. Extensive auto repair (e.g., most work beyond changing the oil or a flat tire) is not permitted in residential zones. Working on non-resident owned vehicles is not permitted.

BLIGHTED PROPERTY. Any residential property on which there exists one or more of the conditions or activities described in this section is a blighted property.

BUFFER. Land area used to visibly separate one use from another through screening and distance; to shield or block noise, light, glare, or visual or other conditions; to block physical passage to non-similar areas or to reduce air pollution, dust, dirt and litter.

COMMERCIAL VEHICLES. Commercial vehicles may not be parked in residential zones. A commercial vehicle is any vehicle which is registered as commercial under the State Vehicle Code, rated over one ton and having a wheel rim diameter of seventeen inches [(17’)] or greater. Neighbors dislike the noise, diesel fumes and traffic hazard caused by the size of the vehicle. Furthermore, streets deteriorate faster because they are not built to support the excessive weight.

FENCING. Fencing may be naturally grown or constructed of vegetation, construction materials or combinations thereof: wood, metal, fiberglass or masonry materials, and their placement, which borders a property acts as a barrier. The finished side of a fence is the side whose framing, supports or posts are not visible.

FRONT YARD PAVING. Any paving in the front yard shall cover no more than [fifty] percent [(50%)] of the yard. Driveway areas located within the front yard area will be calculated into the overall front yard square footage and applied toward the [fifty] percent [(50%)] paving coverage.

GARBAGE. Putrescible animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.

GENERAL PROPERTY MAINTENANCE. Homes on which the condition of the paint has become so deteriorated as to permit decay, excessive cracking, peeling, dry rot, warping or termite infestation should be repaired and repainted. Yard areas should be maintained with healthy landscaping.

INOPERATIVE VEHICLES. The Ellettsville Municipal Code does not allow inoperative vehicles to be parked on driveways, in carports or in yard areas. An inoperative vehicle is one that has flat tires, engine failure, electrical malfunction, expired registration, or missing parts. Inoperative vehicles and vehicle parts may only be stored in a fully enclosed garage.

JUNK. Junk is defined as discarded, broken or disabled items including, but not limited to, furniture, appliances, toys, vehicle parts, building materials, tools, machinery parts or other items that are not in functioning condition.

LAWN PARKING. The parking of vehicles, trailers, campers, camper shells, and boats on unpaved areas destroys landscaping and the general aesthetics of a neighborhood. Toxic wastes can enter the water table if the vehicle leaks oil and other fluids. Vehicles are required to be parked on a fully paved surface, such as [a] garage, carport, driveway or street if permitted.

MAJOR VEHICLE REPAIR. Major vehicle repair means any maintenance, repair or replacement not listed in the definition of “minor vehicle repair” in this subsection including, but not limited to, the removal of engines, rebuilding of engines, repair of the internal components, repair or removal of differentials or axles, dismantling of vehicles, and body work.

MANAGED. The term managed as used in this ordinance means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.

MINOR VEHICLE REPAIR. Minor vehicle repair means maintenance, repair or replacement of the alternator, generator, starter, water pump, battery, brakes or parts thereof; minor tune-up (which consists of distributor cap, rotor and spark plug replacement); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires [or] lubrication.

MOTOR VEHICLE. A motor vehicle means a passenger vehicle, truck, boat, camper, recreational vehicle, motorcycle, golf cart, or other similar self-propelled vehicle. “Motor vehicle” does not mean a motorized wheelchair, bicycle, tricycle [,] quadra cycle [or] farm tractor or implement designed to be operated primarily in a farm field or on farm premises.

NATURAL LANDSCAPES. Natural landscape as used in this [section] shall include common species of grass and wildflowers native to Indiana and/or ornamental plantings, which are designed and purposely cultivated to exceed nine inches [(9”)] in height.

OUTDOOR STORAGE. Outdoor storage covers a broad spectrum, but in general it is considered to be anything that is not normally found in residential yards[,], porches, or around business premises. This could include construction materials, auto parts, appliances, unused indoor-type furniture[,], the clutter of various personal items or stacks of containers in plain view, among other things. In residential zones equipment regularly used for lawn maintenance, outdoor furniture, children’s toys, bicycles and neatly stacked firewood are not generally considered to be outdoor storage. However an excess of [these] items or equipment in disrepair may tip the scales toward it being a code violation.

PARKED. Parked shall mean placed or left standing for any period of time.

PAVED. Paved means treated or covered with concrete, asphalt, or other similar material approved by the Director of Planning.

PRIVATE SWIMMING POOL. A private swimming pool means any swimming pool located on private property under the control of a single homeowner or [their] tenant. It includes a pool or spa serving only a single-family home or duplex.

PROHIBITION OF BLIGHTED PROPERTY. No person, firm or corporation, whether as owner, agent or manager of the subject property, lessee, sub lessee or occupant in possession of the property shall maintain any residential property in a blighted condition or shall permit that property to be blighted. No person, firm or corporation shall take any action or allow any action to be taken in violation of any provision of this chapter or order issued pursuant thereto.

PUBLIC NUISANCE. Any property that is a blighted property pursuant to the provisions of this section is hereby declared and determined to be a public nuisance.

PUBLIC SWIMMING POOL. A public swimming pool means any swimming pool intended to be used collectively by people for swimming or bathing. Such a term includes, but is not limited to, a swimming pool owned or operated incident[al] to a multifamily dwelling project, nonprofit recreational facility, hotel, educational facility or fitness center.

PUTRESCIBLE SUBSTANCES. Substances which are subject to organic decomposition

RECREATIONAL VEHICLES. A recreational vehicle is defined as a boat or trailer of any type, but [is] not limited to the following: utility trailer, horse trailer, motor home, recreation vehicle, trailer van, camper, snow mobile trailer [and] enclosed trailer.

REGULATED VEGETATION. Regulated vegetation may include[,] but [is] not limited to, brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other plant species which may potentially create, directly or indirectly, a health hazard or may endanger public safety.

REFUSE. All putrescible and non-putrescible wastes including animal wastes, garbage, rubbish, and dead animals.

RUBBISH. Non-putrescible solid wastes consisting of both combustible and non-combustible wastes such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials

SPA. Spa means a pool designed for recreational or therapeutic use or physiological or psychological relaxation that is not drained, cleaned and refilled for each user. Common terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa and hot tub. Such spas are shallow in depth and not intended for swimming or diving.

SITE TRIANGLE. No structure, fence, planting, or other structure shall be maintained between a plane of two and one-half feet {(2 ½')} above curb level and a plane ten feet [(10)] above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line fifteen feet [(15')] from the intersection of said lot lines or extensions thereof.

SPITE FENCE. A spite fence serves no reasonable purpose other than to annoy a neighbor. Laws create the presumption that a fence is a nuisance to a neighbor when it is useless, in some cases the neighbor may sue in small claims court or file for injunctive relief for its removal.

STORAGE OF DEBRIS. The accumulation of debris and trash can be detrimental to neighborhood aesthetics and may pose a health hazard. Any materials [including,] but not limited to, broken or discarded furniture, appliances, vehicle parts, household items, trash, rubble, debris, cardboard boxes, cut or dead vegetation may not be stored in yard areas or where it can be seen from neighboring properties.

STORAGE OF TRASH CANS. Trash cans, may be visible from the public street provided that they are neatly stacked along the side of the house and are not located in the front yard area. Trash cans may be placed at the curb beginning at 4:00 p.m. on the day preceding trash collection day and must be removed by 10:00 p.m. on trash collection day.

SWIMMING POOL. Swimming pool shall be defined as any permanent depression in the ground or any permanent above or below ground container in which water more than eighteen inches [(18'')] deep is contained and which is used primarily for the purpose of bathing or swimming.

TURF GRASS. Turf grass means grass commonly used in regularly cut lawns or play areas [including,] but not limited to[,] bluegrass, fescue, and ryegrass blends.

WALLS, FENCES AND HEDGES. Walls, fences and hedges which present a potential traffic visibility problem are regulated by the Town of Ellettsville Municipal Code based on height and location of such wall, fence or hedge. Adherence to property lines and encroachment is the responsibility of the property owners.

WEEDS AND VEGETATION. Weeds and vegetation, such as trees, shrubbery, or grass, which is overgrown, dead, decayed, or diseased, is not permitted. Grass [or weeds] higher than nine inches [(9'')] shall be considered overgrown. This section does not include ornamental grasses or properties with approved natural landscape management plans.

YARD WASTE. Includes leaves, grass clippings, stumps, roots or shrubs with root balls, garden debris and brush.

§ 152.004 HOME OCCUPATIONS

(H) Signage shall only be on premise[.] [T]he home occupation may erect a two square feet nameplate sign.

(I) The residential character of the structure shall not be altered to accommodate the non-residential use of the structure.

[(J)] Home offices, offsite sales offices, single client personal care salons, medical or therapy offices secondary to a primary office, catering, private craft, art, photographic studios, educational [or] home products demonstrations with small non regular class areas and enterprises deemed a hobby are allowed by right provided that they conform to the home occupation rules used as guidelines. All other uses which fit the home occupation regulations must petition to the [Board of Zoning Appeals] for a special exception.

RESIDENTIAL DISTRICTS-(MOVED TO FRONT OF CHAPTER)

§152.054 RESIDENTIAL DISTRICTS FENCING, HEDGES, BERMS AND WALLS

1. Purpose: The purpose of these fencing, hedging and wall standards are:

(A) To permit the construction of appropriate fences and walls while preventing the monotonous appearance of uninterrupted walls and fences from dominating the Town [of Ellettsville's] streetscapes.

(B) To promote a more open character for development that visually integrates such development with the surrounding community.

(C) Fences, hedges, and walls permitted as accessory uses: fences, hedges (serving as fences), and walls are permitted in residential districts in accordance with the limitations provided in this section and with site triangle restrictions.

2. A variety of landscaping may be added in combination with any of the above fencing options to incorporate seasonal color, plant variety, and berming to break up the visual mass of walls and fences.

3. Berms shall incorporate the curvilinear characteristics of natural landforms and shall not exceed four feet [(4')] in height from grade[.] [F]or visual relief berms shall incorporate a variant of plantings.

4. Dangerous fences[,] or fences in need of repair[,] shall be the responsibility of the property owner and shall be removed or repaired as directed by the Director of Planning.

5. Fences to be constructed within or upon the public right[-]of[-]way must obtain written approval from the Town of Ellettsville Town Council.

6. Fences, hedges, and walls must be located within or on the property lines and maintained and kept structurally sound so as to not endanger life, property or become a nuisance by the property owner.

7. A fence hedge, or wall located in rear yard areas that abut a side property line or rear property line of another property may be located within or on the property line[.] If the rear property line is adjacent to a driveway, alley or street, the sight distance triangle requirements shall apply.

8. A fence hedge, or wall located in side yard areas that abut a side property line or rear property line of another property may be located within or on the property line[.] If the side property line is adjacent to a driveway, alley or street, the sight distance triangle requirements shall apply.

9. Fences adjacent to sidewalks must be placed at least twelve inches [(12'')] from the edge of the sidewalk. Gates adjacent to sidewalks shall open inward to the property.

10. All fences must be kept in good repair. Fence posts and all vertical members of a fence shall be plumb and well-constructed.

(A) The "finished side" of the fence or wall shall face the adjacent street, property owner, trail, or open space.

(B) Fences may be built at the property line. Identify property corner markers before build[ing] the fence. Relying on adjacent fences, utility poles, curbs or un-surveyed markers is not advised.

(C) A fence or a spite fence built on the property line between two lots is a civil matter to be settled between the property owners. The municipality has no jurisdiction in these situations.

Sandra Hash asked if this means they can build a fence in the utility easement on their property line and don't have to keep it clear. Ms. Griffin replied easements, typically, can be built upon, but if there is an emergency situation it could be tore down. Most easement areas would be limited on the type of work that could be done. If the fence is on the property line there isn't an issue with it. Dan Swafford asked if there was a setback for fences on a property line. Ms. Griffin replied fences need to be put on the property line because of encroachment issues. Mr. Swafford suggested a setback be included. Ms. Griffin suggests people talk to their neighbors so they're in agreement as to the property line and how it will be maintained. Darla Brown said the Town needs to stay out of it as much as possible and leave it to the property owners to survey it, agree with the neighbors or find out where the property line is and put it a couple of feet inside the property line. Ms. Griffin stated she has more code enforcement issues with neighbors who disagree about fences. Mr. Swafford said he's thinking about plat approval with a fence and later the neighbor does a survey and finds out it is on the property. Can they come back on the Town for approving the plat? Ms. Brown replied they're going to get notice of a hearing so they can attend a meeting to voice their objection.

Pat Wesolowski asked if there is an easement not on the property line and a fence is built on the other side of the easement are they saying the utility can knock the fence down. Ms. Brown said normally utilities will let the property owner know they're going to be on their property. Mr. Wesolowski asked if they're liable and have to fix the fence. Ms. Brown said she doesn't think they would have to fix it. Mr. Swafford said fences have sometimes been repaired in the past. When you purchase a home and know there is an easement you should try to stay away from it. Mr. Drake clarified Mr. Wesolowski is asking if the utility has to go through his fence to get to the easement how would it work. Does the wording in the easement give the utility permission to come through the property to get to the easement or does it only apply to the easement? Ms. Brown replied if something is built on the easement the property owner does so at their own peril. If something is constructed so you can't get to the easement then you have the same situation. Ms. Hash thinks it's a better idea to set the fence inside the property line. Ms. Brown commented Ms. Hash's point is well taken. It is as if they're telling people to build fences on a property line and they need to stay out of it.

Russ Ryle added when they built a fence the Planning Director at the time told them to stay four feet off the property line. He has a fence four foot off of the property line so they can maintain both sides. On the back where there is an eight foot utility easement the fence was put on their side of the utility easement. On the other side it is right on the property line at the neighbor's request. When the neighbor moves, it is anybody's guess what the relationship will be with the next owner. The way the Town should word this would be to keep a reasonable amount of distance between the property line and the fence so both sides can be maintained. But 20 years from now the fence is four feet on the neighbor's property that owner may want their property back. It's a function of the attitude of the property owners more than the code. Ms. Brown said the Town doesn't control that.

11. Height Restrictions

(A) A fence, hedge, or wall located in a front yard area shall have a maximum height of three feet [(3')] within the front yard setback or twenty-five feet [(25')].

(B) A fence, hedge, or wall located on a side or rear yard area shall have a maximum height of six feet [(6')] within the side and rear yard setback, and shall not be located in the front yard setback.

12. Prohibited

(A) Electric fences, chicken wire, wafer board, particleboard, plywood and barbed or barbless wire stock fences.

(B) No wall, fence, plantings or hedges shall be placed or maintained within the sight distance area so as not to impede vision or vehicular or pedestrian traffic at intersecting streets, drives or alleys.

(C) Fencing may consist of site obscuring materials such as masonry, wood, glass, metal, fabric and plastic. However, none of these materials shall be utilized in a fashion as to cause bodily harm and injury to the general public or deemed as a public nuisance.

(D) The use of boxes, sheet metal, old or decayed wood, broken masonry blocks or other like unsightly materials for fencing.

13. Nonconforming Fences, Hedges and Walls

(A) Nonconforming fences, hedges and walls in existence on the effective date hereof may continue to exist until such time as they are removed or damaged such that the cost of repairs is greater than fifty percent (50%) of its value, at which time the fence, hedge or wall must be brought into full compliance with this title.

14. Site Triangles

(A) Continuous unobstructed sight distance needed for safe traffic operations should be provided for drivers and pedestrians at all intersections and street access drives. Fences, walls, signs, or other

obstructions shall not be installed on public right-of-way without prior consent from the Street Commissioner and Department of Planning or designee.

(B) Sight Triangle Required: Where a driveway intersects a public right-of-way or where property abuts the intersection of two public rights-of-way, unobstructed sight distance shall be provided at all times within the sight triangle area on the property adjacent to the intersection in order to ensure that safe and adequate sight distance is provided for the public use of the right-of-way.

1) All fences, signs, retaining walls, and other obstructions must be located on private property.

2) No person shall place or maintain any structures, fences, landscaping, or any other objects fifteen feet [(15')] within any sight triangle area, as see in Figure 1.

3) No structure, fence, planting, or other structure shall be maintained between a plane of two and one-half feet [(2 ½')] above curb level and a plane ten feet [(10')] above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line fifteen (15) feet from the intersection of said lot lines or extensions thereof.

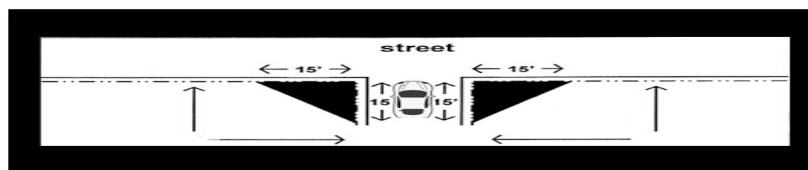


Figure 1: Sight Triangle at the Intersection of a Driveway or Alley and a Street

15. Sight Triangle Area: For purposes of this section, the sight triangle area is:

(A) Driveways: The area formed at a corner intersection of public right-of-way and a driveway, whose two sides are fifteen (15) feet, measured along the right-of-way line of the street and the edge of the driveway, and whose third side is a line connecting the two sides (see [F]igure 1)[.]

(B) Alleys: The area formed at a corner intersection of an alley public right-of-way and a street right-of-way whose two sides are fifteen feet [(15')] measured along the right-of-way line of the alley and the right-of-way line of the street, and whose third side is a line connecting the two sides.

Lawn and Yard Maintenance

1. Purpose. One of Ellettsville's most valuable assets is its neighborhoods. A community of well-maintained properties can enhance property values, increase civic pride, and improve the quality of life for the residents of the Town. Poorly maintained homes and apartments can lower neighborhood property values[,] negatively affect neighborhood pride[,] and contribute towards crime as well as health and safety hazards. Therefore, this section establishes minimum standards and governs the responsibility of person[s] for the control cutting and removal of weeds, noxious weeds and rank growth that may be present on any property or premises in the Town [of Ellettsville].

2. It shall be the duty of the Director of Planning or designee, Town Health Officer, or any [D]eputy [H]ealth [O]fficer, upon notification of any such existing condition, to inspect the real estate in question, and if upon inspection the Health Officer or Deputy health officer, determines that the real estate is in violation, the Health Officer shall issue a ten [(10)] day written notice to remove the grass, weeds, or rank vegetation. Written notice shall be served on the landowner as specified in §152.056 (B).

3. Weeds, noxious weeds or rank growth may include[,] but are not limited to[,] brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other plant species which may potentially create, directly or indirectly, a health hazard or endanger public safety. The property owner is responsible for the removal of regulated vegetation, materials and/or debris from the site.

4. Every person[,], partnership, or corporation owning, occupying or controlling land located in the Town [of Ellettsville], without regard to its level of development, shall eradicate all “regulated vegetation” thereon.
5. Property owners shall maintain turf grass at a height not to exceed nine (9) inches. Owners of all vacant lots are required to destroy all “regulated vegetation” regardless of the degree of development of the lot. The property owner is responsible for the removal of regulated vegetation, materials and/or debris from the site.
6. The abutting property owner shall maintain the area between the curb and sidewalk and shall maintain the right-of-way area between their property line and the street pavement. Such areas shall be kept in good condition and repair, and free from debris. Turf grass and weeds shall be maintained at a height not to exceed nine inches [(9”)]. The only exception to the maintenance provisions shall be the determination of the Director of Planning or designee that the physical characteristics of the right-of-way make said maintenance hazardous for the property owner.
7. The physical or other characteristics the Director of Planning or designee shall consider in making this determination with respect to an exception from the maintenance requirements for ditch areas shall include, but not be limited to, slope, depth at bottom, and side structure. The presence of the following shall be deemed hazardous for maintenance by the property owner and shall be maintained by the Town Street Department[:]. Slope of [the] ditch is steeper than 2:1 and depth of ditch is greater than three (3) feet.
8. Flowers and bushes over sidewalks must be cut back twelve inches [(12”)] from the sidewalk to clear the walkway. Plants which have thorns, spines or prickles shall not be planted within four (4) feet of the public sidewalk or maintained in the Town [of Ellettsville’s] right-of-way.
9. If the landowner fails to remove the grass, weeds, or rank vegetation within the time prescribed the Health Officer or Director of Planning may send written directive to the Street Commissioner or the Street Department to remove the grass, weeds, or rank vegetation, and the Town [of Ellettsville] Clerk-Treasurer shall produce a certified statement of the actual cost incurred by the Town in the removal [within ten (10) business days]. The statement shall be delivered to the owner of the real estate by certified mail, and the owner shall have not more than [thirty] [(30)] days within which to pay the amount to the Clerk-Treasurer.
10. If the landowner fails to pay the sum within the time prescribed, a certified copy of the statement of costs shall be filed in the office of the County Auditor[.] [T]he Auditor shall place the amount claimed on the tax duplicate against the land of the landowner affected by the work. The amount shall be collected as taxes are collected and when collected shall be disbursed to the general fund of the town.
11. Any person receiving a fine as specified in §152.056 (B) and does not cause the grass, weeds, or rank vegetation to be removed within ten (10) days of the time of the notice commits a Class D ordinance violation and shall be subject to a fine for each day that the failure to comply shall continue in effect subsequent to the date of the notice. The fine shall be \$100 per day.

Natural Landscaping Regulations. This is incomplete because she wants to add a landscape management plan permit. This has been dealt with on numerous occasions because of people wanting natural habitats. They can go with a regulated vegetation definition, limit the size of the yard area and have a permit. This is a large movement along with urban chickens.

1. Purpose. The Town acknowledges the desirability of permitting and encouraging the preservation and restoration of natural plant communities in urban, suburban and rural areas. It further acknowledges the need to enjoy and benefit from the variety, beauty and values of natural landscaping including freedom from toxic chemicals, and seeks to guarantee the citizens the freedom to employ natural landscaping as a viable and desirable alternative to other conventional modes of landscaping. In addition, to promote the

use of native vegetation, including native grasses and wildflowers, in managed yards and landscapes to allow the use of such plants in the preservation or restoration of natural plant communities.

2. It is not the intent of this code to allow vegetated areas to be unmanaged or overgrown when such growth provides either a direct health hazard or breeding ground for fauna known to create a safety or health hazard.

3. The use of wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers.

Plant Listing Noxious Weeds

Scientific Name	Noxious Common Name
<i>Cirsium arvense</i> (L.) Scop.	Canada thistle
<i>Lythrum salicaria</i> L.	Purple loosestrife
<i>Rosa multiflora</i> Thunb.	Multiflora rose
<i>Sicyos angulatus</i> L.	Burcucumber
<i>Sorghum almum</i> Parodi	Columbus grass
<i>Sorghum bicolor</i> (L.) Moench	Shattercane
<i>Sorghum halepense</i> (L.) Pers.	Johnsongrass

Indiana's "Most Unwanted" Invasive Plant Pests

Asian Bush	Creeping	Kudzu	Smooth
Honeysuckle	Jenny	Multiflora	Brome
(s)	Crown	Rose	Spotted
Autumn	Vetch	Norway	Knapweed
Olive	Curly-Leaf	Maple	Star-of-
Black	Pondweed	Oriental	Bethlehem
Locust	Dame's	Bittersweet	Sweet
Brazilian	Rocket	Periwinkle	Clover(s)
Elodea	Eurasian	Privet(s)	Tall Fescue
Buckthorn(s	Watermilfoil	Purple	Tree of
)	Garlic	Loosestrife	Heaven
Canada	Mustard	Purple	White
Thistle	Japanese	Winter	Mulberry
Common	Honeysuckle	Creeper	Winged
Reed;	Japanese	Reed Canary	Burning
Phragmites	Knotweed	Grass	Bush
Creeping	Japanese	Siberian Elm	
Charlie	Stilt Grass		

§ 152.055 PROHIBITED USE All RESIDENTIAL DISTRICTS
Parking Motor and Recreational Vehicles on Lawn

1. Purpose
 - (A) Boats, campers, and other recreational vehicles can be a fun way to experience the outdoors, however, storage of these vehicles can be an issue. Using the street to store such vehicles can create traffic hazards on narrow streets, sight distance and parking issues, and problems with drifting snow in the winter, making it difficult for snowplows to effectively plow Town [of Ellettsville] streets.
 - (B) Campers, motor homes, and other recreational vehicles whether parked on private property or on a public street may only be used as a dwelling for five (5) consecutive days.
 - (C) It shall be unlawful for any motor vehicle or other vehicle to park in any alley. However, this section shall not apply to motor vehicles parking in alleys for a period of not more than one (1) hour for the purpose of loading or unloading the vehicles[.]
 - (D) It shall be unlawful for any person to operate or park any motor vehicle on any portion of a lot, lawn or green space in any residential district other than on a drive or approved parking area. No person shall operate or park any vehicle over the curb or curb area unless through a properly designed designated curb cut[.]
 - (E) It shall be unlawful to park any motor vehicle or other vehicle or any part of a vehicle on any sidewalk in the Town[.] Exception: parking on any portion of a lot, lawn or green space in a residential district for the purpose of loading or unloading or washing of the motor vehicle not to exceed one (1) hour of time[.]
 - (F) Possession of inoperable vehicles, or vehicles with expired license plates or tags, stored on residential property for more than thirty (30) days[.]

They are not deputized officers in the Department of Planning and do not have the ability to look up ownership of vehicles. It has been stated in a couple of meetings that parking on residential lawns and inoperable vehicles is a concern. The appropriate place to have this is as a land use violation. This enables them to fine the owners and have them removed at the property owner’s expense. This gives her the authority to oversee this code.

- (G) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on private property for more than fourteen (14) days[.]
 - (H) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible[.]
 - (I) Recreational vehicles, campers and boats shall be parked on an approved hard surface and shall not obstruct the sidewalk or public right-of-way or within the property setbacks[.]
 - (J) Recreational vehicles or other items shall not block visibility or impede pedestrians on sidewalks and roadways[.]
 - (K) Every boat, detached camper, and vehicle except a motor vehicle stored or parked shall, except when securely attached to a motor vehicle, be securely blocked or restrained from moving, toppling or falling[.]

(L) No vehicle shall cause visible rutting in the moving to and from an approved hard surface or in [such] a manner as to create soil erosion, a fire or safety hazard.

(M) No boat with or without trailer, specialized trailer, travel trailer or camping trailer, detached camper, jet ski, snowmobile, motorcycle, motor cart, all-terrain vehicle or other vehicle shall be parked or stored on any public street or public right[-]of[-]way[.]

(N) No more than [thirty percent] [(30%)] of the area in front of the front line of the principal building shall be hard surfaced and used for the purpose of parking or storing any vehicle[.]

(O) Accessory off-street parking areas required in this section shall be utilized solely for the parking of passenger automobiles or light trucks of less than one ton capacity, owned by the patrons, occupants or employees of specified uses or owners of the property. Such parking areas shall not be used for the storage, display, sales, repair, dismantling or wrecking of any vehicle, equipment or material.

The meeting was adjourned for a break.

The meeting was called to order. Connie Griffin continued as follows:

§152.056 BUSINESS OPERATIONS AND AUTO REPAIR IN RESIDENTIAL AREAS

1. Purpose. Residents and homeowners deserve to live in tranquil surroundings. Residential neighborhoods are places where people live [and] not work. Commercial or industrial activities, such as auto repair, storage of business materials or equipment, and dispatching trucks or employees, may not take place at your home. Certain types of businesses are permitted as home-based businesses; however, there are restrictions these businesses must follow.

(A) Conducting an auto repair business in a residential zone is not permitted.

(B) Routine, minor maintenance on vehicles that belong to the residents on the property may occur.

(C) Major auto repair (e.g., most work beyond changing the oil or a flat tire) is not permitted in residential zones.

Ms. Griffin noted she has read other codes that refer to major auto repair being done in an enclosed garage which was allowable. Plan Commission members agreed. Mr. Swafford noted the door can be open.

(D) Minor auto repairs shall be permitted in single family and two family residential developments if the vehicle(s) under repair are owned by the current owner or resident of the property. Seven [(7)] consecutive days are allowed for minor vehicle repairs.

(E) Under no circumstances can a vehicle be painted within a residential neighborhood.

(F) Outdoor storage [including], but not limited to, auto parts, rimless tires, oil, grease, other petroleum products, hazardous materials, volatile chemicals, or waste (solid, liquid, or gaseous) determined to constitute a fire or environmental hazard, or be detrimental to human life, health, or safety.

Dan Swafford asked if the minor auto repairs for seven days are inside. Ms. Griffin replied minor repairs do not have to be. Minor was defined that it could be done outside. Mr. Swafford thought one of the earlier codes stated there was no working on autos outside. Ms. Griffin will make sure it is clarified.

§152.057 TRASH, DUMPSTERS AND OUTDOOR STORAGE.

1. Purpose. The purpose of this section is to protect the health, safety and welfare of the residents of Ellettsville and to adopt an administrative procedure for the abatement of public nuisances.

(A) Materials, equipment, or other items of personal property shall not be stored inside a carport to the extent that such storage prevents the use of an open carport for the parking of the number of motor vehicles for which the open carport is designed.

(B) No outdoor storage of discarded, broken or disabled items including, but not limited to, furniture, appliances, toys, vehicle parts, building materials, tools, machinery parts or other items not in functioning condition unless properly stored and secured within a storage shed or garage[.]

(C) Solid waste shall not accumulate and be visible from a street or public right-of-way[.] [S]olid waste shall not be transported by wind or otherwise onto or upon any public street, public right-of-way, or neighboring property[.]

(D) Trash containers when not set out for collection shall meet one or more of the following requirements:

1. Stored in the yard area behind the primary residential structure[.]

2. Stored in a carport or garage[.]

3. Stored in the side yard of the primary residential structure adjacent to an exterior wall[.]

(E) The placement and use of dumpsters, roll-offs, portable storage containers, or similar containers or structures that are designed for the disposal of trash or the storage of household items and have a capacity of one (1) cubic yard or more shall be prohibited for any length of time exceeding sixty (60) days unless the placement and use of such containers or structures is incident to an active building permit properly issued by [the] Monroe County Building Department and/or approved by the Director of Planning.

Is everyone okay with the 60 day requirement or do you want it extended? Mr. Baker replied there is still leeway with 60 days.

(F) Outdoor storage prohibited [if] oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) are determined to constitute a fire or environmental hazard or be detrimental to human life, health, or safety.

§152.058 PRIVATE SWIMMING POOL REGULATIONS

1. Purpose. No person shall construct, install, enlarge or alter any private swimming pool in the Town of Ellettsville except in accordance with the following regulations[:]

(A) Permit. A permit shall be obtained from the Director of Planning or designee at the Department of Planning prior to the construction, installation, enlargement or alteration of any private swimming pool in the Town of Ellettsville.

(B) Required Plans. Every application for a swimming pool permit shall be accompanied by plans showing the proposed location of the swimming pool on the lot or parcel, including the distance to lot lines and existing buildings and structures; the location of any septic tank, drain field, sewer line or water line; pool dimensions and proposed water depth; type, height and location of proposed fences; and location of overhead and/or underground wiring and power lines relative to the proposed swimming pool.

(C) Permit Fees. Permit fees for private swimming pools shall be \$25.00 paid to the Town of Ellettsville.

(D) Setback Regulations. No private swimming pool shall be located in front of or clos[e] to a street right-of-way than the principal building or use and the water line of such private swimming pool shall not be located closer than ten feet [(10')] to a side or rear property line or to any other building. No private swimming pool shall be located closer than five feet [(5')] to any septic system. The minimum setback regulations set forth in this section shall not apply to hot tubs, spas, whirlpools, children's portable wading pools, and similar recreational equipment.

(E) Fencing Regulations. Private swimming pools shall be protected by fencing complying with the following regulations[:]

(1) Fence Design. All private swimming pools not enclosed within a permanent building shall be completely enclosed by a fence which is of sufficient strength to prevent access to the pool. Such fence shall not be less than four [feet (4')] in height, shall be located no closer than three feet [(3')] to the pool, and shall be so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors in fences shall be so constructed as to be capable of being locked, and shall be closed and locked so as to prevent unlatching by persons outside the pool area at all times when the po[o]l is not in actual use. The wall of a building facing a swimming pool may be incorporated as a portion of a required fence. For the purposes of this section, a swimming pool cover providing a degree of protection equivalent to that of the fencing described in this section may be used in lieu of fencing, as long as such cover is kept in place at all times when the pool is not in actual use. Pool ladders should also be locked or pulled out of the pool when not in use.

Pat Wesolowski asked if this pertains to above ground pools. Ms. Griffin replied yes, it applies to above ground pools.

(F) Above [g]round [s]wimming [p]ools. Above-ground swimming pools with self-provided fencing to prevent unguarded entry shall be permitted without additional fencing if such self-provided fencing complies with the minimum design parameters specified in subsection (a) above, and temporary ladders are removed and access is prevented at all times when the pool is not in actual use. Access from grade to above-ground swimming pools having permanent or stationary ladders, stairs, ramps or decks shall be protected by safeguard fencing and gates equivalent to those required herein.

(G) Portable [p]ools, [spas] and [h]ot tubs. Portable pools over one foot [(1')] in depth, spas, hot tubs, whirlpools and similar equipment shall be fenced as specified in subsection (7)(a) above or shall be drained or covered after each day's use in such a manner as to provide for the safety of the public.

(H) Lighting [r]egulations. If overhead flood or other artificial lighting is provided to illuminate a private swimming pool at night, such lighting shall be shielded to direct all such illumination on the immediate pool area only.

§152.058 ACCESSORY STRUCTURES

(A) No accessory building or structure may be erected on a vacant lot[.]

(B) Accessory buildings and structures shall be placed in the rear yard only[.]

(C) Building permits are required for any accessory buildings over one hundred and twenty square feet [(120')] in gross floor area[.]

(D) If the accessory building will be used for automobile storage, a gravel, concrete, asphalt or paver brick driveway must be provided to the new building from the existing driveway, with a current issued driveway expansion permit on file in the Department of Planning[.]

(E) No accessory structure shall exceed the height of the primary structure[.]

The Planning Department is working on a checklist which will incorporate a lot of the following code. As Director of Planning, if the code is approved, she will be making a declaration of public nuisance. By doing so, she will be checking off on the inspection those specifications that throw it into the public nuisance classification. It will have to meet certain criteria for her to determine a public nuisance as Director of Planning.

Don Calvert asked if it means when he purchased his home and the adjacent lot he can't build a garage on it. Ms. Griffin replied the code has been in place for a long time. Mr. Calvert noted the lot adjoins him and they're two separate lots. Ms. Griffin stated it is a gray area but it has been in the code for a long time. Mr. Wesolowski added there are two separate deeds. Ms. Griffin stated accessory means it is in addition to the primary purpose. Anything other than that would be deemed as an accessory use. Mr. Calvert said he doesn't intend to do it but doesn't see it as a problem if it is well maintained. Mr. Wesolowski asked if he can build a house on it but not a garage. Ms. Griffin replied that is correct. Mr. Calvert thinks that is restrictive and needs to be looked at. Ms. Brown asked if she's concerned about someone building a garage and not living in the area. Ms. Griffin replied she was keeping a code in existence but maybe it is one that can be brought back at the next meeting. Ms. Hash thinks it's a good idea but with any code there are special exceptions and this is an instance of such. He is the adjacent property owner and if he wanted to build he could have his deed changed to make one lot. There is an easement that runs between the properties.

Russ Ryle thinks if someone is trying to build across a property line they're going to have to go to the courthouse and combine them as one lot. Then they can put something in the code that they can't subdivide again and sell the garage by itself.

§152.059 BLIGHT AND PUBLIC NUISANCE.

1. Purpose. The parking, storing or maintaining of any one or more of the following items in the front yard area of any property zoned or used for residential uses constitutes property blight:

(A) Any airplane or other aircraft, or any parts thereof[.]

(B) Any motor vehicle that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated for a period of time in excess of seventy-two (72) consecutive hours[.]

(C) Any household appliances or items, but not limited to, indoor furniture, construction debris in an area visible from a street or public right-of-way or in an area accessible to the public or any part of the listed items for seventy-two (72) consecutive hours in an area visible from a street or public right-of-way or in an area accessible to the public. This subsection does not prohibit the storing or maintaining of (1) furniture designed and used for outdoor activities, or (2) any item stored or kept within an enclosed storage structure or unit in compliance with the Town of Ellettsville Municipal Code[.]

1. No person shall keep, store or park or allow to be kept, stored or parked, any motor vehicle, whether operable or inoperable, on any portion of a front yard of residential property, except on an area that is paved in accordance with the paved surface limitations set forth in the Code. This section shall not be construed or interpreted to allow parking that is prohibited or restricted by any other provision of this Code[.]

2. Except when conducted in a completely enclosed building and in accordance with this section, wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, or servicing, in the front yard area, of any airplane, aircraft, motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property. Notwithstanding, an owner, lessee, or occupant of the property may repair, wash, clean, or service personal property, described in this section, that is owned, leased, or rented by the owner, lessee, or occupant of the property so long as any repairing or servicing performed on personal property is conducted in a completely enclosed building or completed within a seventy-two (72) consecutive hour period.

§152.060 ABATEMENT OF BLIGHT-IMMINENT DANGER

1. Purpose. When the Director of Planning or designee, reasonably believes that any condition of property blight is imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, the Director of Planning or designee may summarily abate the condition of property blight at the expense of the owner or take necessary action to remedy the situation. Actions taken to abate imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the dangerous

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condition exists, or any other abatement action determined to be necessary by the Director of Planning or designee.

§152.061 ABATEMENT OF BLIGHT-NON-IMMINENT DANGER

1. Purpose. When the Director of Planning or designee determines property to be blighted and further determines that the condition is not imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, the Director of Planning or designee shall send a notice of violation by certified mail to declare the property a public nuisance, and the Town [of Ellettsville] may abate the condition of property blight at the expense of the owner.

(A) Actions taken to abate blight conditions not imminently dangerous to the life, limb, health or safety and assessment of abatement costs shall be in conformance with [Town of Ellettsville] Code, pertaining to abatement of property blight.

§152.062 DECLARATION OF PUBLIC NUISANCE. The Department of Planning is preparing a checklist for this.

1. Purpose. Whenever a public nuisance is declared, it may be abated in accordance with the procedures provided in this chapter. Nothing in this chapter shall be construed to limit the right and duty of any Town staff or Director of Planning or designee, to take immediate action to preserve or protect public health or safety. The procedures set forth in this chapter are not exclusive but are cumulative to all other civil and criminal remedies provided by law. The seeking of other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter.

2. The Town of Ellettsville Director of Planning may declare a public nuisance for reasons specified in Chapter 152. Upon a public nuisance being declared, the Town’s Director of Planning or designee shall issue a notice and order to abate substantially in the following form:

Town of Ellettsville
NOTICE AND ORDER TO ABATE

NOTICE IS HEREBY GIVEN THAT ____ [specify the condition constituting the nuisance] is in violation of Chapter ____ Section ____ of the Town of Ellettsville Municipal Code [or other applicable code or ordinance]. The violation has been declared a public nuisance by the Director of Planning and must be abated immediately. The public nuisance is on property located at ____ [insert address or other legal property description]. Parcel Number: ____.

YOU ARE HEREBY ORDERED TO ABATE SAID PUBLIC NUISANCE within ____ (____) [insert a reasonable number of days (not less than ten)] consecutive calendar days from the issuance of this order. The issuance date is specified below. You may abate the nuisance by ____ [insert desired action which, if taken, will adequately remedy the situation]. If you fail to abate the public nuisance within the number of days specified, the Town may order its abatement by public employees, private contractor, or other means, and the cost of said abatement may be levied and assessed against the property as a special assessment lien or billed directly to the property owner.

YOU MAY APPEAL FROM THIS ORDER OF ABATEMENT but any such appeal must be brought prior to the expiration of the number of days specified above for completion of abatement. The appeal must be in writing; specify the reasons for the appeal; contain your name, address and telephone number; and be submitted to the Director of Planning at the following address:

Director of Planning
106 S. Park Street
Ellettsville, IN 47429
Telephone: (812) 876-8008

Upon timely receipt of the appeal the Director of Planning will cause the matter to be set for a Board of Zoning Appeals hearing and notify you of the date and location of the hearing.

If you have any questions regarding this matter, you may direct them to the Director of Planning issuing this notice at the address or telephone number listed above. ISSUANCE DATE: ____

§152.063 SERVICE OF NOTICE AND ORDER TO ABATE

1. The notice and order to abate shall be served in the following manner[;]
[(A)] By personal service;
[(B)] By certified mail, addressed to the property owner, or his or her agent, at the address shown on the last equalized assessment roll or as otherwise known, and addressed to anyone known to the Director of Planning to be in possession of the property. Service shall be deemed to have been completed upon the deposit of said notice and order, postage pre-paid, in the United States mail; or

[(C)] By posting such notice and order to abate conspicuously in front of the property in front of which, the nuisance exists[.] [I]f the property has no frontage upon any street, highway, or road, then upon the portion of the property nearest to a street, highway, or road, most likely to give actual notice to the owner and any person known by the Director of Planning to be in possession of the property.

§152.064 APPEAL PROCEDURE

1. The owner or other person in possession of the property may [the] order to abate issued pursuant to this chapter to the Town of Ellettsville Board of Zoning Appeals prior to the expiration of the number of days specified above for completion of abatement as allowed in the notice and order to abate.
2. The appeal shall be submitted in writing; specify the grounds upon which the appeal is taken, contain the name, address, and telephone number of the appellant; be accompanied by the payment of the Town of Ellettsville Board of Zoning Appeals fee as set forth in §152.335(C) and be paid to the Town of Ellettsville Clerk[-]Treasurer or designee, who will issue a receipt and notify the Department of Planning of payment.
3. The Department of Planning will contact the Board of Zoning Appeals board members to [schedule] the hearing. Timely appeal shall stay any further abatement action until the hearing is concluded.
4. The Director of Planning or designee shall set the matter for hearing before [the] [Board of Zoning Appeals] and notify the parties[,], in writing[,], of the date and location of the hearing at least [ten (10)] days prior to said date. Appeal fees are non-refundable.
5. Hearing Procedures. Hearings before the Town of Ellettsville Board of Zoning Appeals shall be conducted in accordance with §152.334[,], Conduct of Hearings.

§ 152.334 CONDUCT OF HEARINGS

(B) Written information must be submitted to Town Hall at least three (3) business days prior to the hearing.

§152.065 DETERMINATION OF THE BOARD OF ZONING APPEALS

1. The Town of Ellettsville Board of Zoning Appeals shall allow or overrule any or all objections, reverse, modify or affirm the determinations of the Director of Planning, and may direct the Director of Planning or designee to proceed and perform the work of abatement if not performed by the owner or the person in possession of the property within the prescribed time [under the order to abate].
2. The decision of the [Board of Zoning Appeals] shall be in writing, contain findings of fact and conclusions of law, and be filed with the Town [of Ellettsville] Clerk[-]Treasurer within five [(5)] business days of the conclusion of the hearing.
3. A copy of the decision shall be sent to the petitioner at the address provided [in the appeal].
4. The decision of the board shall be final when filed with the Town [of Ellettsville] Clerk[-]Treasurer constitutes the exhaustion of administrative remedy.

§152.066 TIME FOR COMPLIANCE

1. If the Town of Ellettsville Board of Zoning Appeals decides that the order to abate should be enforced, the owner, his or her agent or person in possession of the property shall comply with the order within such period of time as may be therein prescribed, and in the absence of any prescribed time, within five (5) business days from the date of final determination.

§152.067 NONCOMPLIANCE WITH ORDER TO ABATE

1. Upon the failure, neglect or refusal to properly comply with the order to abate within the prescribed time period the Director of Planning may cause to be done whatever work is necessary to abate the public nuisance. An account of the cost of abatement shall be kept for each separate assessor's parcel involved in the abatement.
2. When the Town has completed the work of abatement or has paid for such work, the owner of the property shall pay the costs of abatement to the Town of Ellettsville Clerk[-]Treasurer.
3. The Town [of Ellettsville] Clerk[-]Treasurer shall produce a certified statement within ten [(10)] business days of the actual cost incurred by the Town in the abatement process.
4. The statement shall be delivered to the owner of the real estate by certified mail, and the owner shall have not more than [thirty] [(30)] days within which to pay the amount to the [Town of Ellettsville] Clerk-Treasurer.
5. The combined amounts shall be included in a bill and sent by mail to the owner or his or her agent for payment, if not paid prior thereto.
6. The bill shall apprise the owner that failure to pay the bill within [thirty (30)] days from the date of mailing may result in a lien or assessment being placed upon the property.
7. A certified copy of the assessment shall be recorded by the [Town of Ellettsville] Clerk[-]Treasurer in the office of the Monroe County Recorder. The amounts and the costs of abatement mentioned in the report as confirmed shall constitute a special assessment against such property and are a lien on the property for the amount of the respective assessment.

8. In addition to its rights to impose said special assessment, the Town [of Ellettsville] shall retain the alternative right to recover its costs by way of civil action against the owner and person in possession or control jointly and severally.

§152.068 VIOLATIONS; ENFORCEMENT

It is unlawful for any person to interfere with the performance of the duties herein specified for the Director of Planning or designee or any authorized Town [of Ellettsville] officer or employee thereof, or to refuse to allow any such officer or employee or approved private contractor to enter upon any premises for the purpose of abating the public nuisance or to interfere in any manner whatever with said officers[,] employees [or private subcontractors] in the work of abatement. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any code [provision] being enforced pursuant to this chapter.

§ 152.069 VIOLATIONS AND FINES

(A) Any person or persons violating any of the provisions of this section commits a Class D ordinance violation and shall be fined for each offense. Each day's violation shall constitute a separate offense. The fine for each day's offense shall be \$100 per day.

(B) Notice of violation can be posted to the violator or owner of the property by the Health Officer, Director of Planning or designee in the following ways:

- (1) Physically posted to the dwelling in violation of [Town of Ellettsville] Code by affixing a notice of violation to the dwelling's primary entryway;
- (2) Delivered personally to the violator or owner of the property;
- (3) Mailed to the violator or owner of property through regular mail addressed to the landowner's last known address; [or]
- (4) Mailed certified to the violator or owner of property addressed to the landowner's last known address.

Russ Ryle is a member of the local experimental aircraft association and they have a number of members who have built aircraft in their garages and basements a piece at a time. They have three in the county who built and fly their planes. How does it fit in with the wording of no aircraft, etcetera? Ms. Griffin replied if they're building them in their garage or basement then it's not visible from the public right-of-way and wouldn't be prohibited.

Connie Griffin asked that they send any written comments to her by email.

David Drake mentioned they have been down this street regarding the lawn parking for many years. It is going to be one of the biggest issues with this. It has never made it past the Town Council. They have a lot of people because of the limited amount of street parking who have no place to park for themselves or their visitors. He will have a difficult time approving something that doesn't allow for that. Ms. Griffin said they have special permits the Police Department grants for parties. Mr. Drake said that doesn't help anyone if they have someone spend the night and there are already two vehicles in the driveway. Ms. Griffin stated they can park for 72 hours. Ms. Hash noted there is a section of parking in the grass for one hour. Ms. Griffin stated the likelihood she's going to catch anybody is slim. They're just trying to keep people from parking in the grass. It's their number one complaint in code enforcement. Mr. Drake stated if they really take it on it would be a full time job.

Pat Wesolowski asked what will be done about the people who come home after work and park on their yard every night and on weekends. Ms. Griffin replied she doesn't have anyone available after 4:00 p.m. Mr. Wesolowski asked what about the people with two cars and who have two kids in school and they park on their yard at night. Mr. Drake said maybe one of the solutions is to allow more on street parking. There are a lot of streets that don't allow parking but are wide enough. Maybe this is something they need to look at in order to compensate for the lawn situation. Ms. Hash noted when Frank Nierwiczki was the Planner he measured several streets and came up with a measurement and in order to accommodate parking they had to be so wide. There wasn't many that met his requirement. Ms. Griffin stated she only wanted it on the books if she can enforce it. Mr. Drake stated the Board of Zoning Appeals is going to be really busy after that. Mr. Swafford said it's going to be something they'll have to put in the code and modify later.

Adjournment

Terry Baker entertained a motion to adjourn. Dan Swafford made a motion to adjourn. David Drake seconded. Motion carried. Terry Baker adjourned the meeting at 7:40 p.m.

Terry Baker, President

Russ Ryle, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Rogers

David Drake

Dan Swafford