

ORDINANCE NO. 2009-12

WHEREAS, the Town of Osgood has the authority under I.C. 36-8-2-4 to regulate the use or possession of property that might endanger the public health, safety and welfare; and,

WHEREAS, the Town Council for the Town of Osgood has become aware of the possibility of various diseases, including the West Nile virus, being transmitted within and about the community of Osgood; and,

WHEREAS, the Ripley County Health Department has advised Town officials of the need to regulate and discourage water collecting, standing and stagnating in the Town of Osgood, allowing mosquitoes or other insects or pests carrying said virus and other diseases to breed; and,

WHEREAS, the Town Council for the Town of Osgood has determined the need to regulate property, both real or personal, on which water is permitted to collect, stand and stagnate, providing a potential breeding ground for mosquitoes and other pests.

BE IT, THEREFORE, HEREBY ORDAINED:

1. That use of and possession of property, both real or personal, on/in which there is allowed water to collect, stand and stagnate shall be deemed to constitute a **public nuisance**, and a danger to the public health, safety and welfare of its citizenry and, therefore, **illegal** within the corporate limits of the Town of Osgood.

2. That the owner, user or possessor of said real estate shall be required to take all necessary corrective actions to remove and abate said public nuisance.

3. That the owner, user or possessor of said property and those having a substantial interest therein shall be given written notice by the Clerk-Treasurer for the Town of Osgood and served by the Osgood Town Marshal or his deputies, directing the owner, user or possessor to remove and abate said nuisance and bring said property into compliance within ten (10) days of service of said notice.

4. That failure of said owner, user or possessor to remove and abate said public nuisance within ten (10) days of service of said notice,

shall result in employees of the Town of Osgood entering upon said real estate or premises for purposes of taking all necessary corrective action thereon to bring said property into compliance.

5. That the costs of said corrective action shall be certified by the Clerk-Treasurer for the Town of Osgood to said property owner, user or possessor, and those having a substantial interest therein, at their last known addresses, and giving fifteen (15) days to pay said costs to the Town of Osgood.

6. That the failure of the owner, user or possessor to pay said costs of corrective action within fifteen (15) days of said notice shall entitle the Clerk-Treasurer of the Town of Osgood to certify said costs to the County Auditor for purposes of establishing a lien on said real estate for said costs, and for collection by the Ripley County Treasurer pursuant to I.C. 36-1-6-2. In addition, said property owner shall be assessed a penalty of One Hundred Dollars (\$100) per day of violation.

7. That in addition to the costs of abatement, the owner, user or possessor of property shall be subject to a fine of up to Two Hundred Fifty Dollars (\$250).

8. That nothing in this Ordinance shall prevent the Town of Osgood from asserting a claim for said costs against the property owner, user or possessor by filing an action in the Ripley County courts to bring the property into compliance herewith.

SO ORDAINED this 17 day of November, 2009.

TOWN COUNCIL FOR THE TOWN OF OSGOOD,

By: Linda Krinop
LINDA KRINOP, President

Norman Kappes
NORMAN KAPPES, Member

Vickie D. Holliday
VICKIE D. HOLIDAY, Member

ATTEST:

Tamara Wilhoit
TAMARA WILHOIT, Clerk-Treasurer