

**ORDINANCE NO. 2011- 12**

**AN ORDINANCE AMENDING ORDINANCE 2010-01  
(MOWING ORDINANCE) AND SECTION 11-5 OF CITY CODE  
CITY OF LEBANON, INDIANA**

WHEREAS, Indiana law provides for the City of Lebanon to enforce certain restrictions on the use and development of real estate within the City of Lebanon as codified in its Ordinances, pursuant to I.C. 36-7-4; and

WHEREAS, The City of Lebanon, adopted Ordinance 2010-01 ("Mowing Ordinance"), which regulates the mowing of weeds and grass on real estate within the City of Lebanon, Indiana, and imposes fines and costs for the violation of the Mowing Ordinance; and

WHEREAS, the Mowing Ordinance amended certain portions of Lebanon City Code ("City Code"), specifically Chapter 11, Sections 11-1, and 11-2 and Chapter 7, Section 7-82 were repealed and replaced with Chapter 11, Sections 1-1 through 11-5; and

WHEREAS, the Department of Planning and Zoning Administration enforces the Mowing Ordinance and levies and collects certain fines, costs and fees paid by owners of real estate for violations; and

WHEREAS, in the administration of the Mowing Ordinance, the Department of Planning and Zoning Administration has recommended to the Common Council of the City of Lebanon, Indiana, ("Council") that the Mowing Ordinance and City Code be amended to provide for the deposit of funds collected into a non-reverting Code Enforcement Fund, as codified and adopted in Ordinance No. 2011- 11, and to decrease the time allowed for payment of fines and costs prior to the imposition of a lien on the real estate to ensure payment by the violator, and not a subsequent purchaser; and

WHEREAS, the Council, after due deliberation, determines it is in the best interests of the of the citizens of the City of Lebanon to amend Section 11-3 of the Lebanon City Code to provide for the deposit of fines, costs and fees imposed due to violations into the non-reverting Code Enforcement Fund and decrease the amount of time for payment prior to placing a lien on the real estate from thirty (30) days to ten (10) days.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA:

1. Chapter 11, Section 11-3 of the City Code shall be amended as follows (stricken sections repealed and replaced with italicized sections):

**Sec. 11-3. COLLECTION OF FINES AND COSTS .**

(A) The Department shall send to the violator written notice of the amount due for the fine, costs of correction and administrative fee within five (5) business days of the accrual of the fine or completion of the corrective action. The notice shall advise the violator where and in what manner payment may be made, and that payment is due within ~~thirty~~ ten (30/10) days of issuance of the notice.

(B) (i) If an owner fails to pay the amount due within the time allowed, the Department shall certify to the Boone County Auditor the unpaid amount, along with any additional administrative costs incurred in the certification. The Boone County Auditor shall place the total amount certified on the real estate tax duplicate for the property affected, to be collected as delinquent taxes are collected. The funds collected shall be disbursed to the non-reverting Code Enforcement ~~general~~ fund of the Department.

2. In all other respects, Ordinance 2010-01 and Chapter 11, Sections 11-1 through 11-5, are hereby confirmed and ratified.

**ALL OF WHICH IS ADOPTED** this 8 day of August, 2011  
by the Lebanon City Council of the City of Lebanon, Indiana.

**LEBANON CITY COUNCIL**

Harold "Huck" Lewis  
Harold "Huck" Lewis, Mayor

Keith Campbell  
Keith Campbell

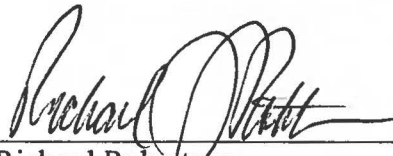
John D. Copeland  
John Copeland

Mike Kincaid  
Mike Kincaid


ABSENT  
Lana Kruse

Jeremy Lamar  
Jeremy Lamar

Steve Large  
Steve Large

  
Richard Robertson

**ATTEST:**

  
Debbie Ottinger,  
Clerk-Treasurer, City of Lebanon, Indiana