

**TOWN OF SELLERSBURG  
REGULAR TOWN COUNCIL MEETING  
316 E. UTICA STREET SELLERSBURG, INDIANA 47172**

**Agenda for  
February 10, 2025 at 6:00 p.m.**

**CALL TO ORDER AND ROLL CALL OF MEMBERS:**

**PRAYER:**

**PLEDGE OF ALLEGIANCE:** All Present.

**MOTION TO AMEND/ADOPT THE AGENDA AS PRESENTED:**

**APPROVAL OF MINUTES:**

Approval of minutes as submitted by the Clerk-Treasurer.

**APPROVAL OF ALLOWANCE CLAIMS:**

**APPROVAL OF PAYROLL ALLOWANCE DOCKET:**

**COMMENTS FROM PUBLIC ON AGENDA ITEMS (time limit of 5 minutes per person):**

**2024-2 CCMG BID AWARD:**

**ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE 2025 – OR – 002: An Ordinance Amending §§ 110.30-110.35 of the Code of Ordinances for the Town of Sellersburg, Indiana | Second Reading
2. ORDINANCE 2025 – OR – 004: An Ordinance Amending §§ 95.45 AND 95.46 of the Code of Ordinances for the Town of Sellersburg, Indiana.
3. ORDINANCE 2025 – OR – 005: An Ordinance Amending §§ 95.01; 95.02; 95.03; 95.15 and 95.16 of The Code of Ordinances for The Town of Sellersburg, Indiana.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. JTL On-Call Work Orders
2. Utility Billing Adjustment | Account 126107 | \$1044.59
3. 2025 Selective Insurance Commercial Policy | \$463.00 Additional Premium | \$196,759.00 to \$197,222.00
4. YMCA Annual Pledge

**GENERAL COMMENTS FROM THE PUBLIC (limited to 15 minutes total):**

**RECEIPT OF STAFF REPORTS:**

Charlie Smith, Town Manager  
Chief Russ Whelan  
Mike Harris (Jacobi, Toombs, & Lanz)  
Jacob "Jake" Elder, Town Attorney

**COMMENTS FROM COUNCIL MEMBERSHIP (Good of the Order):**

Randall Mobley, District 2  
Terry Langford, District 4  
Brad J. Amos, District 3  
Scott McVoy, District 1  
Matthew Czarnecki, At-Large  
Michelle Miller, Clerk-Treasurer

**ADJOURN:**

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**ORDINANCE NO. 2025 – OR – 002**

**AN ORDINANCE AMENDING §§ 110.30-110.35 OF THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body for Sellersburg, Indiana (the “Town”) and the President of this Council is the Town Executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the Town; and,

WHEREAS, this Council now desires to amend §§ 110.30-110.35.

**NOW THEREFORE BE IT ORDAINED** by this Town Council of Sellersburg, Indiana as follows:

**MOBILE FOOD TRUCKS**

§ 110.30 DEFINITION.

For the purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOBILE FOOD TRUCK. A self-contained food service operation, located in a readily movable, motorized, wheeled, or towed vehicles, used to store, prepare, display or serve food, drink and/or desert intended for individual portion service.

ICE CREAM TRUCK. Every motor vehicle in which ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale on the town streets.

§ 110.31 LICENSED BY CLARK COUNTY HEALTH DEPARTMENT.

No mobile food truck shall operate within the Town of Sellersburg limits unless it has been licensed by the Clark County Health Department and is in compliance with all the rules and regulations of the Clark County Health Department.

Penalty, see § 110.35

§ 110.32 LOCATION.

(1) No mobile food truck shall remain in any 1 location for more than 12 hours in a single day unless being hosted at a special event as approved by the Town Manager in writing.

(2) No mobile food truck shall be permanently affixed or attached to any location within the Town.

(3) No mobile food truck shall receive utility services by any means other than a temporary connection.

(4) No mobile food truck shall block, obstruct or interfere with vehicular, bicycle, or pedestrian flow or create a safety hazard to any vehicle, bicycle, or pedestrian on public or private property.

(5) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner.

(6) No mobile food vehicle unit shall locate in any parking lot, parking space, or parking facility owned, leased or managed by the town unless approval has been given by the Town Manager in writing.

(7) Food must be vended towards the curb side and not the street side of the mobile food truck.

(8) No mobile food vehicle unit shall operate within 50 feet of any facade of a ground level establishment that also sells food or beverages or operate within 50 feet of the perimeter of such an establishment's outdoor seating area, regardless of whether or not the mobile food vehicle unit is currently conducting business.

(9) No mobile food vehicle unit shall locate within one block from the perimeter of any special event or festival unless prior approval has been granted by either the organizer/operator of the special event or the Town Manager in writing if a Town event.

(10) No mobile food vehicle unit shall locate within a residential neighborhood unless solicited by the governing HOA for an official neighborhood event.

(a) The location of the unit shall not impede normal traffic flow of the neighborhood including resident access to property.

(b) The serving window shall not face the roadway.

(c) The mobile food vehicle unit shall not remain at the location for longer than 6 hours or unless approved by the Town Manager in writing.

(11) The food truck operator shall comply with all Town parking regulations.

Penalty, see § 110.35

§ 110.33 LICENSE REQUIRED.

(1) Any vendor wishing to operate a mobile food vehicle must first apply for a mobile food license on a form prescribed by the Sellersburg Town Council. The application fee shall be \$125 which shall be paid at the time the application is submitted.

(2) Vendors shall provide proof of commercial general liability insurance coverage in the amount of not less than \$1,000,000 and execute a release agreement.

(3) Vendor shall provide proof of a current Clark County Health Department Food Establishment Permit valid for the calendar year of application.

(3) Separate applications shall be required for each mobile food vehicle.

(4) If the application is in order, the Permitting Office of the Town shall issue a mobile food vehicle license to the applicant. A license shall be valid through the thirty-first day of December of the year that the license was issued.

(5) Any failure to comply with the regulations in this section may result in the revocation, suspension of the license, or the town not renewing the mobile food vehicle license.

Penalty, see § 110.35

§ 110.34 GENERAL REGULATIONS.

(1) It shall be unlawful for any person, including any religious, charitable or nonprofit organization to operate a mobile food vehicle within the town without a license.

(2) A mobile food vehicle must hold all requisite Health Department, business, and resale licensures to sell food and beverages.

(3) A separate license is required for each mobile food vehicle. The license must be prominently displayed on the food truck.

(4) A license issued under this section shall expire on the thirty-first day of December of the year the license was issued.

(5) The operator of the mobile food vehicle must comply with the motor vehicle laws of the State of Indiana.

(6) Mobile food vehicles shall not interfere with or obstruct the free passage of pedestrians or vehicles along any street, sidewalk, road, or parking lot drive aisle or operate in such a way that would endanger the safety or property of the public. On public streets, a mobile food vehicle shall not park within 30 feet of any intersection, bus stop, crosswalk, driveway, alleyway, building entrance or walk-up window or within 15 feet of any fire hydrant. No mobile food vehicle unit may be located in or operated in an alleyway.

(7) Mobile food vehicles may operate at events on public property if they have a vendor agreement with the event coordinator and or the Town.

(8) No mobile food vehicle shall be equipped with any external electronic sound. Ice Cream Truck is exempt from this subsection.

(9) Except as provided herein, all signs must be permanently affixed to or painted on the mobile food vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; be animated or produce any rotation, motion, or movement. Each mobile food vehicle shall be permitted to display one sandwich board sign that does not exceed four feet in

height, two feet in width or eight square feet in total area. Each sandwich board sign shall be located within ten feet of the location of the food truck. The sign may be located within the public right-of-way, provided there is a minimum clearance distance of five feet between the sign and the food truck. The sign shall be removed each day by the license holder or his, her or its designated representative.

(10) All exterior lights shall contain opaque, hood shields to direct the illumination downward.

(11) All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water, grease or oil into the storm water inlets, sanitary sewers or on the street is allowed.

(12) Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any town street or alley.

(13) All mobile food truck vehicles shall be equipped at all times with an operating ABC Fire Extinguisher.

Penalty, see § 110.35

#### § 110.35 ENFORCEMENT, PENALTIES.

(1) The Town Manager or their designee shall be vested with enforcement authority to issue citations for violations of this section in conformance with this code.

(2) Violations of this section shall be subject to penalty and enforcement provisions as follows:

- (a) 1<sup>st</sup> Notice of Operating without a License: Warning
- (b) 2<sup>nd</sup> Notice of Operating without a License or First offense as License Holder: \$150 fee;
- (c) Second offense as License Holder: \$300 fee;
- (d) 3<sup>rd</sup> Notice of Operating without a License or Third offense as License Holder: \$450 fee; and mobile food truck license revoked for one calendar year.

(3) Any penalties shall be paid to the Town of Sellersburg via the Sellersburg Permitting Office within 30 days of issuance. Failure to submit payment will result in civil action and two-year ban from license issuance or renewal.

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

“Aye”

“Nay”

\_\_\_\_\_  
Brad Amos  
Council President

\_\_\_\_\_  
Brad Amos  
Council President

\_\_\_\_\_  
Terry Langford  
Council Vice President

\_\_\_\_\_  
Terry Langford  
Council Vice President

\_\_\_\_\_  
Scott McVoy  
Council 2<sup>nd</sup> Vice President

\_\_\_\_\_  
Scott McVoy  
Council 2<sup>nd</sup> Vice President

\_\_\_\_\_  
Matthew Czarnecki  
Council Member

\_\_\_\_\_  
Matthew Czarnecki  
Council Member

\_\_\_\_\_  
Randall Mobley  
Council Member

\_\_\_\_\_  
Randall Mobley  
Council Member

\_\_\_\_\_  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

FIRST READING

DATE: \_\_\_\_\_

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN

SECOND READING

DATE: \_\_\_\_\_

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**ORDINANCE NO. 2025 – OR – 004**

**AN ORDINANCE AMENDING §§ 95.45 AND 95.46 OF THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body for Sellersburg, Indiana (the “Town”) and the President of this Council is the Town Executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the Town; and,

WHEREAS, this Council now desires to amend §§ 95.45 and 95.46.

**NOW THEREFORE BE IT ORDAINED** by this Town Council of Sellersburg, Indiana the following:

1. Sections 95.45 and 95.46 are hereby repealed and replaced as follows:

2. **§ 95.45 DEFINITIONS.**

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

**ENFORCEMENT AUTHORITY.** The town manager or designee, in cases of appeal, the Town Council.

**LANDSCAPED AREA.** All planting areas on a parcel made attractive by the use of hard or soft landscaping materials which is suitable for the growth and maintenance of flowers, bushes, and/or other landscaping which includes surfaced walk, patio, and/or similar area, fences, walls and associated earthworks, and water features; however, it shall not include areas within the footprint of buildings/structures and driveways.

**PROPERTY OWNER.** The person occupying the property, the holder of legal title, or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

**RANK VEGETATION.** The uncontrolled, uncultivated growth of annuals and perennial plants.

**WEEDS; GRASSES.** Includes thistles, johnson grass, sorghum, alum (i.e., allium), bur cucumber, crabgrass, shattercane, and/or any plant/vine found on the Indiana invasive species list as provided by the State’s Cooperative Extension Service, but shall not include shrubs, trees, cultivated plants, or crops.

**YARD; FRONT, BACK, SIDE.** Any lot or track of ground that does not include landscaped areas, driveway, sidewalk, home, or accessory structure that extends to the property line of the property owner.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(C) The state’s Cooperative Extension Service shall be the referenced technical authority for the enforcement authority with respect to the definition of exempt matters, shrubs, trees, cultivated plants, and crops.

(D) Agricultural crops such as hay and pasture are exempt from this subchapter.

3. **§ 95.46 EXCESSIVE GROWTH PROHIBITED.**

It is unlawful within the town for weeds; grasses or rank vegetation to be allowed to be overgrown past the height of nine inches in any yard or twelve inches within a landscaped area or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

4. This ordinance supersedes any and all other previously enacted ordinances that may be in effect and shall further be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

**So Ordained** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

*[Signature page to follow]*



“Aye”

“Nay”

\_\_\_\_\_  
Brad Amos  
Council President

\_\_\_\_\_  
Brad Amos  
Council President

\_\_\_\_\_  
Terry Langford  
Council Vice President

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Terry Langford  
Council Vice President

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Scott McVoy  
Council 2<sup>nd</sup> Vice President

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Scott McVoy  
Council 2<sup>nd</sup> Vice President

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Matthew Czarnecki  
Council Member

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Matthew Czarnecki  
Council Member

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Randall Mobley  
Council Member

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Randall Mobley  
Council Member

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Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

FIRST READING

DATE: \_\_\_\_\_

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN

SECOND READING

DATE: \_\_\_\_\_

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**ORDINANCE NO. 2025 – OR – 005**

**AN ORDINANCE AMENDING §§ 95.01; 95.02; 95.03; 95.15 and 95.16 OF THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA.**

**WHEREAS**, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body for Sellersburg, Indiana (the “Town”) and the President of this Council is the Town Executive; and,

**WHEREAS**, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the Town; and,

**WHEREAS**, this Council now desires to amend §§ 95.45 and 95.46.

**NOW THEREFORE BE IT ORDAINED** by this Town Council of Sellersburg, Indiana the following:

1. Sections 95.01; 95.02; 95.03; 95.15 and 95.16 are hereby repealed and replaced as follows:

**§ 95.01 PUBLIC NUISANCE.**

(A) In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and the statutes of Indiana as a public nuisance may, when found to exist within the town limits, be treated as such and be proceeded against as provided in this chapter, or in accordance with any other provisions of law. Whenever the word *nuisance* is used in this chapter, it refers to a public nuisance. A nuisance is also defined as whatever is: (1) injurious to health; (2) indecent; (3) offensive to the senses; or (4) an obstruction to the free use of property to essentially interfere with the comfortable enjoyment of life or property, is a nuisance, and is subject to the terms of this chapter.

(B) No owner, occupant, tenant, or any other person having a substantial interest in any real or personal property within the town, or agent thereof, shall permit or allow to remain on or within the property or upon public ways abutting the real property any materials, trash, garbage, debris, or any other matter which is detrimental to the public health, comfort, safety, or the anesthetic well-being of the town.

(C) The following conditions shall be considered to constitute public nuisances for the purpose of this chapter; provided, however, this enumeration shall not be deemed or construed to be conclusively limited or restrictive, and is by way of example or illustration:

- (1) Litter.
- (2) Grass over nine inches high.
- (3) Fallen trees, dead trees, piled limbs, and rotten or decayed firewood.
- (4) Storage of boxes, appliances, furniture, household items and tires.
- (5) Demolition remains, including, but not limited to, discarded lumber from any sources.
- (6) Open excavations uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced real property within the town, including open foundations.
- (7) Accumulated garbage and trash and any garbage or trash which is not kept securely in receptacles which are to be closed at all times except when being filled or emptied.
- (8) Structure defaced with paint or wording.
- (9) Any portion of real property which emits an unwholesome odor.
- (10) Any wastewater filth, offal, garbage, rubbish, animal waste, or human excrement which is deposited, allowed, or caused to be upon any public or private property.
- (11) Any water or other substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage or sump discharge that was not established prior to the adoption of this ordinance.
- (12) Any dead domestic or wild animal.
- (13) The erection of a dam or any other obstruction by a private party which prevents the natural flow of water and causes it to collect or pool upon any public property, easement, or right-of-way.
- (14) Any real or personal property which is infected with contagious disease and is likely to cause an immediate health hazard.
- (15) The placing or accumulation on or within any real or personal property, or the permitting of same, of any matter which attracts or may attract rodents, insects, domestic animals, or wild animals in such a manner as to create a health hazard or unsanitary or dangerous condition.
- (16) Any real or personal property used as a place of residence or habitation for sleeping that is maintained in such a way as to be dangerous or detrimental to life or health due to the lack of or defects in water, drainage, heating, plumbing or ventilation.
- (17) Any dilapidated or condemned building, structure, or dwelling that is so out of repair that it constitutes a fire hazard liable to catch on fire or communicate fire to surrounding properties or was involved in a previous fire event that has not been repaired. Also, any dilapidated fence, whether made of wood, chain link, wire, or other fencing material, regardless of whether such fence constitutes a fire hazard.
- (18) Any noxious odors, smoke, dust, or noise that emits from the premises into the surrounding atmosphere which creates an uncomfortable condition to surrounding properties.
- (19) The storage of explosive, combustible, or other inflammable material which creates a safety or health risk.
- (20) Any trees, shrubbery, weeds, snow, fences or other material which obstruct public ways or cause a visual barrier for vehicular traffic.

(21) Any junk automobiles, broken concrete, scrap metals, or automobile parts including, but not limited to, iron, steel, tin, zinc, copper, aluminum, or alloy being stored on real or personal property unless allowed by the town's Zoning Code.

(22) Any growth of weeds, grass or other rank vegetation as defined in § 95.45, including, but not limited to, ragweed, goldenrod, milkweed, Canadian thistle, dandelions, plantain and other broadleaf weeds, buckthorn, poison ivy, poison sumac, and burdock, which is either:

(a) Neglected, disregarded or not adequately managed or controlled, cut, mown, or removed; or

(b) Has attained a height of nine inches or more; or

(c) Is actually or immediately detrimental to the public health, safety, or welfare.

(23) Any animal or vegetable matter, or other substance liable to become putrid, offensive or unhealthy within the town.

(24) All obstructions caused or permitted on any street or sidewalk, or public or private alley to the danger or annoyance or inconvenience of the public, and all stones, dirt, carcasses, offal, filth, slop, vegetable matter or other articles thrown or placed by any person on or in any street, alley, sidewalk or other public place which in any way may cause or is liable to cause any injury or inconvenience or annoyance to the public within the town.

(25) A semi-trailer, defined as every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its road load rests upon or is carried by another vehicle, used as temporary or permanent stationary storage, that is located on public or private property.

### **§ 95.02 REPORTING OF NUISANCE.**

It shall be the duty of all officers and employees of the Town to report the existence of nuisances as outlined in §95.01.

### **§ 95.03 INSPECTION OF PREMISES.**

For this purpose, the Town Manager, Building Inspector, Code Enforcement Officer, or other employees designated by the Town Council shall be permitted to visit any parcel within the limits of the Town to observe from a public right of way, public utility or drainage easement to ascertain and discover any nuisance and to make examination thereof. For this purpose and upon written permission by the owner of the property being inspected or court order listing the same, may enter into or upon any building, lot, grounds or premises, within the limits of this Town to ascertain and discover any nuisances and to make examination thereof.

## ***ABATEMENT PROCEDURES***

### **§ 95.15 ABATEMENT OF NUISANCES.**

(A) When a public nuisance is found to exist, the Town Manager, Building Inspector, Code Enforcement Officer, or other employees designated by the Town Council shall notify the property owner or persons known to have a substantial interest in the property to abate the conditions which are deemed to be a public nuisance under this subchapter.

(B) Notification to abate shall be issued according to applicable law. Notification shall state the nature of the nuisances, the penalty for neglect or refusal to abate the nuisance, and the period of time allowed to abate the nuisance.

(C) Whenever a nuisance is found to exist within the town, the Town Manager, Building Inspector, Code Enforcement Officer, or other employees designated by the Town Council shall give a minimum of five days, but not more than 60 days written notice to the owner or person known to have a substantial interest in the property.

(D) The notice to abate a nuisance issued under the provisions of this subchapter shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance;
- (5) A statement that if the nuisance is not abated or corrected and no request for hearing is made within the prescribed time, the town will abate such nuisance and assess the costs thereof against such person.

(E) The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

#### **§ 95.16 FAILURE TO ABATE.**

(A) The failure, neglect, or refusal by any owner to abate the nuisance as prescribed in the notice to abate given under this subchapter shall be considered a violation of this subchapter, and each subsequent day of noncompliance shall be considered a separate violation.

(B) Upon failure, neglect, or refusal of any party to comply with the notice to abate given under § 95.15, or whenever a nuisance exists which creates a safety or health hazard requiring immediate abatement in order to protect public safety or health, and after all persons known to have a substantial interest in the property where the nuisance exists have been given a reasonable opportunity to bring the property into compliance and have not done so, the town may abate the nuisance and bill the cost of abatement to the record property owner and to persons shown to have the exclusive possession of the property. In the event town employees are used to abate the nuisance, the hourly rate charged by the town shall be \$100 per hour per employee for the first violation and said rate shall increase by \$50 per hour per employee for all subsequent violations. In addition to the hourly rate, all costs involved with the disposal of any material removed from the property shall be assessed to the property owner. This hourly rate shall be adjusted from time to time by the Town Council by resolution in order to be assured that the costs of enforcement are completely paid for by the owner and not other taxpayers. Any and all costs incurred by the town in the abatement of a nuisance under the provisions of this subchapter shall constitute a lien against the property upon which the nuisance existed, which lien shall be filed, proved, and collected by certifying the costs of the abatement to the County Auditor as provided by law. In enforcing the provisions of this subchapter, the town shall also be entitled to collect reasonable attorney fees and court costs in addition to any other fines and penalties as provided by this section and by law.

(C) The costs established in division (B) above which shall be assessed to the property owner, are separate and distinct and shall be in addition to any penalties up to \$2,500, upon conviction of the Unsafe Building Commission.

2. This ordinance supersedes any and all other previously enacted ordinances that may be in effect and shall further be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

“Aye”

“Nay”

\_\_\_\_\_  
Brad Amos  
Council President

\_\_\_\_\_  
Brad Amos  
Council President

\_\_\_\_\_  
Terry Langford  
Council Vice President

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Terry Langford  
Council Vice President

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Scott McVoy  
Council 2<sup>nd</sup> Vice President

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Scott McVoy  
Council 2<sup>nd</sup> Vice President

\_\_\_\_\_  
Matthew Czarnecki  
Council Member

\_\_\_\_\_  
Matthew Czarnecki  
Council Member

\_\_\_\_\_  
Randall Mobley  
Council Member

\_\_\_\_\_  
Randall Mobley  
Council Member

\_\_\_\_\_  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

FIRST READING

DATE: \_\_\_\_\_

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN

SECOND READING

DATE: \_\_\_\_\_

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYE \_\_\_\_\_ NAY \_\_\_\_\_ ABSTAIN