

SUPPLEMENT NO. 7
July 2008

CODE OF ORDINANCES

City of

MUNCIE, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 1-08, passed February 4, 2008.

See the References to Ordinances Table for further information.

Remove old pages

xix, xx
Checklist of up-to-date pages

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(following Table of Contents)

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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DIVISION 7. HISTORIC PRESERVATION
AND REHABILITATION COMMISSION*

Sec. 34.100. Creation.

There is established an Historic Preservation and Rehabilitation Commission with the membership, powers, and duties as set forth in section 34.100 through 34.102.

(Ord. No. 28-07, § 1, 9-10-07)

Sec. 34.101. Membership.

(A) Upon December 6, 1976, the nine original members of the historic preservation subcommittee of the bicentennial commission shall be appointed by the mayor with the affirmation of the common council as the historic preservation and rehabilitation commission. The commission shall be convened by the city clerk within 30 days of affirmation and shall choose by lot two members to serve one year, two members to serve two years, two members to serve three years, three members to serve four years from January 1, 1977. The commission shall inform the mayor of the results of the choosing by lot, and the expiration date of the appointment of each commissioner shall be placed on his or her certificate of appointment. All future appointments shall be for four years from January 1 except to fill unexpired terms. Upon the expiration of the terms of appointment, each member shall continue to serve until a replacement shall be appointed by the mayor and confirmed by the common council. In appointments to the commission, the mayor may be guided by the following general principles. The desirability of having on the commission:

- (1) An architectural historian;
- (2) A person interested in local history;
- (3) A representative of the common council;
- (4) A representative of county government;
- (5) Representatives of historical preservation areas or districts.

***Editor's note**—Ord. No. 28-07, § 1, adopted Sept. 10, 2007, amended former Division 7, §§ 34-100—34.105, in its entirety which pertained to the same subject matter and derived from Ord. No. 239-76, 12-6-76; Ord. No. 656-80, 5-4-81; Ord. No. 117-83, 12-19-83; Ord. No. 66-89, 95-89; Ord. No. 10-91, 6-3-91.

- (6) A staff member designated by the mayor as the historic preservation officer, who is knowledgeable in the field of historic preservation. Such historic preservation officer will serve as a nonvoting member of the commission.

(B) Members of the historic preservation and rehabilitation commission shall serve without compensation for their services as commissioners.

(Ord. No. 28-07, § 1, 9-10-07)

Sec. 34.102. Powers and duties.

The Historic Preservation and Rehabilitation Commission shall have the following powers and duties.

- (A) Adopt bylaws and policies for carrying out the powers and duties set forth in this section.
- (B) Utilize the personnel and resources of the office of community development with the approval of the director of the office of community development and the personnel and resources of the College of Architecture and Planning of Ball State University as they are made available.
- (C) Prepare an historic preservation plan. The plan shall include maps, surveys, and recommendations for the creation of historic preservation areas which may include buildings, sites, objects, structures and other single properties which may be designated as historic landmarks or areas containing multiple properties which may be designated as historic districts. Such plan shall be presented to the common council, which shall take action to approve, amend and approve, or disapprove the plan. On approval of a plan by a resolution of the common council such separate historic landmarks or historic districts, shall be designated in the following manner:
 - (1) On approval of a plan by a resolution of the common council, the owners of more than 50 percent of the real estate within any area considered by the plan may petition the Common

Council for such area to be designated as historic preservation district or landmark. Such petition shall contain a scale drawing and legal description of the area proposed to be included, together with the names and addresses of all of the owners of real estate within the proposed area. Notice of the filing of such petition, together with the anticipated date of the designation of the district by the council, shall be mailed by the city clerk, at the expense of the petitioners, to all property owners not signing the petition and to the City of Muncie Historic Preservation and Rehabilitation Commission. The petition shall be verified and shall include a copy of the notice and the names and addresses of all persons or entities to which it was mailed. The petition shall be signed by all owners of real estate in the district seeking establishment of the district. Upon receipt of the petition, the historic preservation and rehabilitation commission, by its designee, shall, within 60 days of filing, verify that the signers of the petition constitute the owners of more than 50 percent of the real estate in the district and that the notice was duly mailed to all real estate owners in the district not signing the petition. The common council shall consider such petition and approve, or disapprove such petition, by ordinance, which ordinance shall contain the legal description of such area and shall, if approved, be recorded in the office of the county recorder, at the expense of the commission.

- (2) Following the approval of the plan and adoption of an ordinance designating a historic district as provided in subsection 34.102 (C)(1) herein, the owners of more than 50 percent of the real estate within any area designated to be a historical district, may petition the common council for

the dissolution of the historical district. Such petition shall contain a scale drawing and legal description of the district and the names and addresses of all the owners of real estate within the district. Notice of the filing of such petition, together with the anticipated date of the dissolution of the district by the common council, shall be mailed by the city clerk, at the expense of the petitioners, to all the property owners not signing the petition and to the City of Muncie Historic Preservation and Rehabilitation Commission. The petition shall be verified and shall include a copy of the notice and the names and addresses of all persons or entities to which it was mailed. The petition shall be signed by all owners of real estate in the district seeking dissolution of the district. Upon receipt of the petition, the historic preservation and rehabilitation commission, by its designee, shall, within 60 days of filing, verify that the signers of the petition constitute the owners of more than 50 percent the real estate in the district and that the notice was duly mailed to all real estate owners in the district not signing the petition. Thereafter, the council shall consider such petition and approve or disapprove such petition by ordinance, subject to the procedures governing ordinances, such ordinance shall contain the name, the legal description of the district and shall be recorded in the office of the county recorder at the expense of the petitioners.

- (3) Owners of property located in areas included in the plan and adjacent to a historic preservation district may petition the common council to amend the historic preservation district boundaries to add their property into the historic preservation district, provided owners of more than 50 percent of the property in the area to be

added to the historic district petition the common council for the area to be added. The historic district addition petition shall contain a scale drawing and legal description of the existing historic preservation district and the proposed addition area, together with the names and addresses of all of the owners of real estate within the proposed historic district addition area. Notice of the filing of such historic district addition petition, shall be mailed by the city clerk, at the expense of the petitioners, to all property owners in the historic district addition area not signing the historic district addition petition, to all property owners in the existing historic district, and to the City of Muncie Historic Preservation and Rehabilitation Commission. The historic district addition petition shall be verified and shall include a copy of the notice and the names and addresses of all persons or entities to which it was mailed. The petition shall be signed by all owners of real estate seeking to join the district. Upon receipt of the petition, the historic preservation and rehabilitation commission, by its designee, shall, within 60 days of filing, verify that the signers of the petition constitute the owners of more than 50 percent of the real estate to be added to the district and that the notice was duly mailed to all real estate owners in the addition area not signing the petition. Owners of property within the existing historic district may, within 30 days of mailing of the notice, petition. The council in favor of, or opposing, the proposed change in the historic preservation district boundaries, provided owners of more than 50 percent of the property in the existing district sign said petition. Such petition in support of, or opposing, the addition to the historic district shall,

within 60 days of filing, be verified in the same manner as the original petition. The council shall consider the petition for addition of property to the historic district and any such petition from the existing district owners in support or opposition to the addition, and shall approve or disapprove the addition petition by ordinance, subject to the procedures governing ordinances; such ordinance shall contain the name, the legal description of the area to be added and legal description of the revised district boundaries including the newly added property and shall be recorded in the office of the county recorder at the expense of the petitioners.

- (4) As defined by the National Register; a building, site, structure, object or other single property listed on or determined eligible for listing on the National Register of Historic Places may also be designated as a local historic landmark by an ordinance introduced by a member of the common council and approved by a majority of common council. The ordinance if approved shall be recorded in the office of the county recorder at the expense of the Commission.
 - (5) An local landmark property located in an area considered by the plan will be considered as a validated petitioner in favor of historic district designation by virtue of the fact that the property is already designated as a local landmark.
- (D) Within any area designated by ordinance as a historic preservation district, site, or landmark, pursuant to subsection 34.102(C) above, the commission shall have the following powers and duties:
- (1) The commission shall issue a certificate of appropriateness before any one or more of the following actions is taken by any property owner: demolition of a building or structures;

moving a building; making changes in the exterior contours of existing buildings by additions, reconstructions, alterations, changes of material, sandblasting, or maintenance involving exterior color change; any new construction of a principal building or accessory building or structure subject to view from a public street, changes in the streetscape including radically altering pavement materials, curbs, walls, fences, walks, and lighting.

- (a) The Commission shall base all decisions on the appropriateness of proposed changes in the Emily Kimbrough Historic District on the "Design Guidelines for the Emily Kimbrough Historic District." If the proposed change is not addressed in these guidelines, the decision will be based on the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Decisions on proposed changes to individual local landmarks and in local districts designated after this date will be based on the "Secretary of the Interior's Standards" until such time as specific guidelines for those buildings or districts are developed and adopted by the historic preservation and rehabilitation commission.
- (2) An application for a building permit, demolition permit, sign permit, or moving permit, within an historic preservation district, shall be deemed to be an application for a certificate of appropriateness. Within five working days, the historic preservation officer shall meet with the applicant and aid the applicant in preparing the application for a certificate of appropriateness.
- (3) An application for a certificate of appropriateness, other than for the purposes specified in division (D)(2) above, shall be filed with the historic preservation officer on the form prescribed by the commission.
- (4) The historic preservation officer shall forward application for a certificate of appropriateness to the historic preservation and rehabilitation commission which shall serve as the board of review and consider the application. In considering the merits of such application, the historic preservation and rehabilitation commission shall be guided by the standards set forth in IC 36-7-11-4 through 36-7-11-18 as from time to time amended in addition to guidelines and standards referenced in 34.102(D)(1)(a). Within 45 days after the filing of the application, the historic preservation and rehabilitation commission shall either issue a certificate of appropriateness with or without condition, or deny the application, stating in writing the reason for such denial. The commission may grant an extension of the 45-day limit if the applicant agrees to it. If the certificate of appropriateness application is denied, the applicant may appeal the denial to the circuit court in such manner as appeals from the decisions of the building commissioner.
- (5) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any building or structure, which will not involve a change in any exterior features or to prevent construction, reconstruction, alteration, demolition, or moving of any building, structure, or use which the building director or other official having such power may certify as required by the public safety because of an unsafe or dangerous condition.

- (6) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.
- (E) Promote public interest in historic preservation by initiating and carrying on a public relations and community education program.
- (F) Advise and assist owners of historic landmarks or properties located in historic districts in the preservation of those properties.
- (G) Aid, assist, and encourage the formation of neighborhood development committees. These committees will advise the commission in matters relating to the preservation and rehabilitation or restoration of the neighborhood where members of the committee live or hold property.
(Ord. No. 28-07, § 1, 9-10-07)

Sec. 34.103. Certificate of appropriateness required.

It shall be unlawful to carry out any act for which a certificate of appropriateness is required without first acquiring the certificate. Any person who acts in such an unlawful manner shall be fined a sum not to exceed \$1,000.00 for each such act.

Sec. 34.104. Demolition permit.

The building director shall not issue a demolition permit for any structure located within or on any historic preservation district, site, or landmark established by ordinance, unless a certificate of appropriateness has first been issued by the historic preservation and rehabilitation commission, or unless a court of competent jurisdiction, pursuant to an appeal by a person to whom the commission has denied such certificate, so orders. (Ord. No. 656-80, 5-4-81)

Sec. 34.105. Decision subject to review.

A decision of the historic preservation and rehabilitation commission is subject to judicial review under IC 4-21.5-1 et seq., the same as if it were a decision of a state agency.
(Ord. No. 28-07, § 1, 9-10-07)

Secs. 34.106—31.119. Reserved.

DIVISION 8. MUNICE CABLE TELEVISION COMMISSION

Sec. 34.120. Creation.

(A) There is created the Muncie Cable Television Commission, which shall consist of five members.
(Ord. No. 21-94, 5-9-94)

Sec. 34.121. Nomination and appointment; qualifications.

(A) The members of the commission shall be appointed by the mayor. The mayor shall designate one member as chairman.

(B) No more than three of the commissioners may be members of the same political party.

(C) Members shall serve terms of four years; however, the first appointments to the commission shall be to terms which shall be staggered as follows: Two terms of four years, one term each of three, two and one year so that thereafter appointments will be made in different years. All appointments thereafter, except to fill a vacancy and serve the balance remaining in a term, shall be for four years.

(D) No commissioner or member of the commissioner's immediate family may be employed by or have any financial interest in the city's cable television franchisee, or any entity engaged in the manufacture or sale of any service or equipment subject to regulation by the commission, or which engages for profit in the business of communication by wire or radio or the electromagnetic spectrum.

(E) Members may only be removed before the end of their term for just cause.

(F) At least one of the members shall be an attorney, and at least one member shall be a certified public accountant.
(Ord. No. 21-94, 5-9-94)

Sec. 34.122. Powers and duties.

The cable television shall have the following powers and duties.

- (A) Adopt bylaws to provide for governing its activities and to carry out the powers and duties of this section;
- (B) Utilize the personnel and resources of the City of Muncie, with the approval of the mayor, to carry out its duties;
- (C) Employ attorneys, financial analysts, technical consultants and such other providers of services as may be necessary, in its judgment, to carry out its duties.
- (D) Recommend to the common council ordinances necessary for the regulation of activities of the franchisee;
- (E) Hold hearings and receive evidence when necessary to gather information or receive public input in order to perform its duties;
- (F) Propose, negotiate and recommend to the common council and the mayor for their adoption and execution amendments to the existing franchise agreement, and renewals or new agreements upon expiration of existing ones;
- (G) Regulate the activities of the franchisee as more fully in Title V, sections 55.01 through 55.02 of this Code of Ordinances, and such other ordinances as may be enacted.

(Ord. No. 21-94, 5-9-94)

Secs. 34.123—34.144. Reserved.

DIVISION 9. PUBLIC TRANSPORTATION CORPORATION

Sec. 34.145. Establishment of urban mass transportation system.

The establishment and maintenance of an urban mass transportation system is necessary to

the welfare of the general public, and it expands the economy and social opportunities available to the residents of the city and benefits those who for economic reasons, reasons of health, reasons of age, and demonstrated unfit to operate a motor vehicle, cannot freely move about except through the services rendered by an urban mass transportation system.

(Ord. No. 81-682, 5-4-81)

Cross references—Smoking on public transit vehicles, see § 130.27; consuming or spilling food or beverages on public transit vehicles, § 130.28.

Sec. 34.146. Creation of municipal corporation; board of directors.

(A) There is created a municipal corporation which shall be known as the Muncie Public Transportation Corporation for the purposes of purchasing the existing public transportation system owned by Southeastern Trailways, Inc. and establishing a mass transportation system pursuant to the authorities contained in the Acts of the Indiana General Assembly for 1965, Chapter 337.

State law reference—Similar provisions, IC 36-9-4.

(B) The corporation shall have a board of directors consisting of five members.

(Ord. No. 81-682, 5-4-81)

Sec. 34.147. Maximum territorial boundaries; map.

The maximum territorial boundaries of the services of the public transportation corporation shall be a parallel line two miles outside the corporate limits of the city, as they presently exist or as they change from time to time for any reason. A map showing the exact boundaries shall be prepared and certified by the public transportation corporation and available for public inspection in its office, and the corporation shall furnish a certified copy thereof to any public official requesting it. Services of the public transportation corporation, within the boundaries, shall be established by the board to serve the purposes of this subchapter and conforming with the Urban Mass Transportation Act of 1965, Chapter 337

(Ord. No. 81-682, 5-4-81)

State law reference—Similar provisions, IC 36-9-4.

Sec. 34.148. Governed by state law.

The public transportation corporation shall be governed by the provisions of the Urban Mass Transportation Act of 1965, of the Indiana Acts, Chapter 337, and the amendments thereto.
(Ord. No. 81-682, 5-4-81)

State law reference—Similar provisions, IC 36-9-4.

TRAFFIC SCHEDULES

Sched. V.

<i>Street</i>	<i>Restricted Zone</i>	<i>Side</i>	<i>Time Limit</i>	<i>Ord. No.</i>
Willard	Ebright to point 100 ft. west of Ebright	North	30 min.	
Willard	30 ft. west of Mulberry to 70 ft. west of Mulberry	South	15 min. 6:00 a.m. to 10:00 p.m.	
Windsor	Dudley to Rowan	East	15 min.	
5th	Hoyt to Elliott	South	3 hr.	
5th	Perkins to Fort	West	3 hr.	
6th	Perkins to Chevrolet Plant	Both	3 hr.	
6th	Chevrolet Plant to Perkins	Both	2 hr. 7:00 a.m. to 4:00 p.m.	
6th	Walnut to alley west of Walnut	North	15 min.	403-78
7th	Perkins to Chevrolet Plant	Both	3 hr.	
8th	Hoyt to Elliott	South	2 hr.	
8th	Penn to Macedonia	Both	3 hr.	
8th	Sampson to Perkins	South	2 hr.	
9th	Penn to Blaine	Both	3 hr.	
9th	Perkins to Pierce	Both	3 hr.	
9th	Pierce to Hoyt	North	3 hr.	
12th	Macedonia to Mock	Both	3 hr.	
20th St.	From the alley East of Walnut Street to Mulberry Street	North and South	No parking 7:00 a.m. to 5:00 p.m. Mon. thru Fri.	1-08

(Ord. No. 27-93, § 2, 7-12-93; Ord. No. 50-96, § 1, 12-9-96; Ord. No. 67-96, § 1, 2-3-97; Ord. No. 55-97, § 1, 12-1-97; Ord. No. 9-98, 5-11-98)

CHAPTER 98. NUISANCES

Secs. 98.01—98.04. Reserved.

Division 1. Weeds and Rank Vegetation

- Sec. 98.05. Definitions.
- Sec. 98.06. Duty of property owners.
- Sec. 98.07. Inspections.
- Sec. 98.08. Violations.
- Sec. 98.09. Violation notices.
- Sec. 98.10. Appeals of violation notices.
- Sec. 98.11. Failure of property owner to remedy violations.
- Sec. 98.12. Cost of removal by city.
- Sec. 98.13. Hearing in the city court of Muncie.
- Sec. 98.14. Appeals deadlines.
- Sec. 98.15. Unpaid fees to be treated as delinquent taxes.
- Secs. 98.16—98.19. Reserved.

Division 2. Dwellings, Structures, Excavations

- Sec. 98.20. Declared a public nuisance.
- Sec. 98.21. Board of health may order structure to be repaired, cleaned.
- Sec. 98.22. Notice to be issued upon failure to meet requirements.
- Sec. 98.23. Reinspection after the end of allotted time.
- Sec. 98.24. Second notice to be issued for continued violation.
- Sec. 98.25. Second notice to be posted.
- Sec. 98.26. Second notice to be recorded in county recorder's office.
- Sec. 98.27. Liable to penalties after second notice.
- Sec. 98.28. Authority to issue notice to vacate premises.
- Sec. 98.29. Extending and revoking vacating order.
- Sec. 98.30. Owner liable for costs incurred by city.
- Sec. 98.31. Board of health may make repairs.
- Sec. 98.32. Notice of such repairs to be served.
- Sec. 98.33. Owner to allow such repairs to take place.
- Sec. 98.34. Repairs to constitute a debt in favor of city.
- Sec. 98.35. When dwelling declared unfit for habitation.
- Sec. 98.36. When a vacant building shall be declared unfit.
- Sec. 98.37. Notice to owner to remove unfit structure.
- Sec. 98.38. Reoccupying dwelling pending removal prohibited.
- Sec. 98.39. Owner may seek hearing on decision.
- Sec. 98.40. Application for demolition order if owner fails to comply.
- Sec. 98.41. Demolition to include filling in excavation.
- Sec. 98.42. Revolving fund created.
- Sec. 98.43. Board to have information on maintenance of housing.
- Sec. 98.44. Applying for reconsideration of notice of alleged violation.
- Sec. 98.45. Board to set date for informal conference.
- Sec. 98.46. Applicant permitted to present his grounds at conference.
- Sec. 98.47. Decision of the conference.

- Sec. 98.48. Person may obtain judicial review on final decision.
- Sec. 98.49. Person appealing must file bond.
- Sec. 98.99. Penalty.

DIVISION 1. WEEDS AND RANK VEGETATION*

Secs. 98.01—98.04. Reserved.

Sec. 98.05. Definitions.

For purposes of this ordinance, the following definitions shall apply:

(A) *Weeds and/or rank vegetation* are defined to be any vegetable matter which exceeds the height of 12 inches; provided however that such definition does not include:

- (1) Trees, bushes or shrubs which have been planted or cultivated by the landowner and which do not block sidewalks, streets, and alleys;
- (2) Agricultural crops, such as hay and pasture; or
- (3) Vegetable matter cultivated in plant beds.

(Ord. No. 12-01, § 1, 5-7-01)

Sec. 98.06. Duty of property owners.

It shall be the duty of all owners of real property located within the corporate limits of the City of Muncie to cut and/or remove weeds and other rank vegetation growing on the property that they own.

(Ord. No. 12-01, § 2, 5-7-01)

Sec. 98.07. Inspections.

It shall be the duty of the building commissioner or his designated agent to make a careful inspection of any lots, grounds and tracts of land

***Editor's note**—Ord. No. 12-01, §§ 1—11, adopted May 7, 2001, repealed former sections 98.10—98.14 in their entirety and enacted new provisions as herein set out. Former sections 98.10—98.14 pertained to similar subject matter and derived from the Code of 1968 and the following: Ord. No. 105-B, 7-7-69; Ord. No. 204-76, 7-12-76; Ord. No. 69-85, 1-6-86.

situated within the corporate limits of the city for the purpose of determining whether there is a violation of sections 98.05—98.14. (Ord. No. 12-01, § 3, 5-7-01)

Sec. 98.08. Violations.

Upon determination by the building commissioner or his designated agent that weeds and/or rank vegetation, as defined in this ordinance, exist on any lots, grounds, or tracts of land situated within the corporate limits of the city, he shall issue a written violation notice to the property owner that the weeds and/or rank vegetation must be removed within five (5) business days. In the event that the building commissioner or his designated agent shall determine that a written violation notice is to be issued, the property owner shall be assessed an administrative fee of \$125.00 for a notice, an administrative fee of \$150.00 for a second notice, and an administrative fee of \$175.00 for each and every subsequent violation notice issued in the same calendar year. The assessment of such fees may be appealed as provided in section 98.10 and, provided a property owner does not prevail on appeal, may be enforced as provided.

(Ord. No. 12-01, § 4, 5-7-01; Ord. No. 55-04, § I, 1-11-05; Ord. No. 81-05, 4-15-06; Ord. No. 81-05, 1-9-06)

Sec. 98.09. Violation notices.

The notice required by section 98.08 shall be served by the office of the city engineer upon the property owner by posting such notice in a conspicuous place on the subject premises and by mailing a copy by first class mail to the last known address of the property owner of record. Notice shall be deemed to have been given on the date the notice is deposited into the U.S. Mail. (Ord. No. 12-01, § 5, 5-7-01)

Sec. 98.10. Appeals of violation notices.

Any violation notice issued under sections 98.05—98.14 may be appealed by the property owner to the board of public works. The property owner will be sent an appeal/hearing date with the property owner's violation notice. If the property owner wishes to appeal, the owner or the

owner's designee will be required to appear before the board of public works on the date assigned. The board of public works will conduct an informal hearing and after considering the information provided by the street commissioner's designated agent and by the property owner, the board of public works will render a decision. If the property owner's appeal is denied by a majority vote of those present and voting at a duly constituted meeting of the board of public works, the property owner shall be required to cut and/or remove the weeds and rank vegetation by the date specified by the board of public works. (Ord. No. 12-01, § 6, 5-7-01)

Sec. 98.11. Failure of property owner to remedy violations.

If the property owner fails to cut and/or remove the weeds and rank vegetation or appeal the violation notice received from the office of the building commissioner within the time limits prescribed in sections 98.05—98.14, the property owner shall be deemed to have granted permission to the street commissioner's designated agent to enter the premises for the purpose of cutting and/or removing such weeds and rank vegetation. The office of the building commissioner shall inform the street commissioner or the street commissioner's designated agent to cut and/or remove such weeds and rank vegetation from the subject property. (Ord. No. 12-01, § 7, 5-7-01)

Sec. 98.12. Cost of removal by city.

If the city by or through the street commissioner's designated agent removes weeds and rank vegetation to abate the violation of sections 98.05—98.14, the street commissioner shall prepare and deliver to the office of the building commissioner a statement of costs listing the actual costs of removing the weeds and rank vegetation, plus the administrative expenses incurred by the city as a result of the enforcement of sections 98.05—98.14. The office of the building commissioner shall issue to the property owner a citation for appearance in the city court of Muncie for the purpose of establishing the amount of money due the city for the violation of sections

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Sec.
59-98	11- 9-98	50.13
60-98	11- 9-98	163.01—163.05
63-98	12- 7-98	152.15(C)
64-98	12- 7-98	161.035
66-98	12- 7-98	162.01—162.13
7-99	4- 5-99	90.26
37-99	10- 4-99	158.05(27)—(30)
57-99	2-23-00	161.02(D), 161.03(A)(3), (B)(4), (C)(4)
58-99	2-23-00	161.21(D)(3), (4)
59-99	2-23-00	161.035(A)(4), (B)(5), (C)(5)
60-99	1-10-00	Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
61-99	1-10-00	Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
62-99	1-10-00	Ch. 80, Sched. VI
9-00	4- 3-00	Rpld 90.01—90.13, 90.20—90.26 Added 90.01—90.16
10-00	4- 3-00	121.01—121.06
14-00	5- 8-00	159.06(B)(1)
15-2000	5- 8-00	117.08
24-00	7-10-00	158.05(31)
25-00	7-10-00	158.05(32)
27-00	8- 7-00	100.100
56-00	11-13-00	100.100
3-01	5- 7-01	Rpld 96.40—96.45 Added 96.40—96.49
12-01	5- 7-01	Rpld 98.10—98.14 Added 98.05—98.14
18-01	7- 9-01	Rpld 90.01—90.16 Added 90.01—90.23
37-01	10- 1-01	161.05
41-01	9-10-01	Ch. 80, Sched. XIII
44-01	10- 1-01	Ch. 80, Sched. VI, Ch. 80, Sched. IV
45-01	10- 1-01	Ch. 80, Sched. IV
51-01	12- 3-01	77.99
2-02	2- 4-02	121.03, 121.05
3-02	2- 4-02	158.05(33)—(37)
4-02	3- 4-02	Rnbd 72.99 as 72.59 Added 72.61—72.69, 72.71—72.77
8-02	4- 1-02	Ch. 80, Schedules. IV, VI
9-02	4- 1-02	Ch. 80, Sched. XVI
10-02	4- 1-02	Ch. 80, Schedules. IV, VI
11-02	4- 1-02	Ch. 80, Schedules. IV, VI
13-02	5-13-02	Rpld 77.11
14-02	5-13-02	96.44
15-02	6- 3-02	Rpld 155.01—155.07, 155.10—155.16, 155.20—155.23, 155.25—155.27, 155.30—155.34, 155.40—155.50 Added 155.01—155.07, 155.10—155.16,

MUNICE CODE

Ord. No.	Date Passed		Code Sec.
			155.20, 155.21, 155.25—155.27, 155.30—155.34, 155.40—155.50
18-02	6- 3-02	Rpld	116.01—116.06 116.20—116.32,
		Added	116.01—116.30, 116.40
21-02	6- 3-02		164.01—164.18
24-02	8- 5-02		12.03—12.08
42-02	9- 8-02		12.06, 12.07
45-02	10- 7-02		Ch. 80, Sched. III
47-02	11- 4-02		152.35(D)(2)
53-02	12- 2-02		Ch. 80, Sched. XX
54-02	12- 2-02		Ch. 80, Sched. IV
55-02	12- 2-02		Ch. 80, Sched. IV, Sched. VI
56-02	12- 2-02		Ch. 80, Sched. II, Sched. III
58-02	1- 6-03		Ch. 80, Sched. IV
4-03	2- 4-03		121.01
5-03	3- 3-03		97.01
11-03	5- 8-03		Ch. 80, Sched. XVII
16-03	8- 4-03	Rpld	90.01—90.24
		Added	90.01—90.27
25-04	10- 4-04		55.02
28-03	10- 6-03		96-80—96.86
34-03	12- 1-03		158.05
17-04	8- 2-04		161.21
41-04	10- 4-04		77.34
			Ch. 80, Sched. IV
42-04	10- 4-04		Ch. 80, Sched. VIII
43-04	10- 4-04		90.23
46-04	12- 6-04		Ch. 80, Schedules. III, XVI
47-04	12- 6-04		Ch. 80, Schedules. I, II
50-04	4- 4-05		150.211(C)(6), (7), 150.214.5(B)(3)(c), (f), 150.214.7
55-04	1-11-05		98.08, 98.15
14-05	2- 7-05		116.01, 116.02, 116.31
16-05	3- 7-05		Ch. 80, Sched. XVII
17-05	3- 7-05		Ch. 80, Sched. I
18-05	3- 7-05		Ch. 80, Schedules. III, XVI
19-05	2- 7-05		Ch. 80, Sched. XIII
27-05	5- 2-05		Ch. 80, Sched. IV
32-05	6- 6-05		Ch. 80, Sched. XVII
33-05	6- 6-05		Ch. 80, Sched. X
38-05	6- 6-05	Rpld	158.05(25)
46-05	6- 6-05		Ch. 80, Sched. XIII
51-05	8- 1-05		Ch. 80, Schedules. II, XVI
70-05	10- 3-05		101.01—101.09
81-05	1- 9-06		98.08
5-06	2- 6-06	Rpld	92.01—92.06
		Rnbd	92.07—92.09
		as	92.08—92.10
		Added	92.01—92.07
10-06	4- 3-06		158.05(44)
11-06	4- 3-06		158.05(45)
41-06	7-10-06		77.30, 77.99(F), (G)

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Sec.
53-06	12- 4-06	Ch. 80, Sched. XIII
54-06	1- 9-07	34.102(C)(1.5)
56-06	12- 4-06	90.01, 90.28
57-06	12- 4-06	90.07(B)
58-06	12- 4-06	90.29
21-07	7- 9-07	Ch. 80, Sched. XIII
26-07	8- 6-07	70.99
28-07	9-10-07	Rpld 31.100—31.105
		Added 31.100—31.105
1-08	2- 4-08	Ch. 80, Sched. V

