

ORDINANCE NO. 5-2026

AN ORDINANCE OF THE TOWN OF MOORESVILLE, INDIANA,
ESTABLISHING THE POSITION OF CODE ENFORCEMENT OFFICER AND
PROVIDING PROCEDURES FOR NOTICE, CONTEST, AND ENFORCEMENT OF
VIOLATIONS

WHEREAS, the Town of Mooresville ("Town") has authority under Indiana law, including Indiana Code 36-1-3 and Indiana Code 36-1-6, to adopt and enforce ordinances protecting the public health, safety, and welfare; and

WHEREAS, the Town has adopted provisions of its Code of Ordinances governing, among other things, tall grass and weeds, exterior property maintenance, the condition of buildings and structures, and other nuisances; and

WHEREAS, the Town Council finds that designating a Code Enforcement Officer to assist with consistent and fair enforcement of such ordinances, within defined limits and procedures, will promote public health, safety, and welfare, protect property values, and enhance the appearance of the Town; and

WHEREAS, the Town Council further finds that providing a clear process for written notice of violations, a reasonable opportunity to correct violations, an opportunity to contest alleged violations, and referral to a court of competent jurisdiction where disputes remain will promote fairness, transparency, and due process;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Mooresville, Indiana, as follows:

Section 1: Code Enforcement Officer; designation

- a. The position of Code Enforcement Officer ("Officer") is established.
- b. The Officer shall be an existing Town employee designated by the Town Council by motion or resolution. The Officer shall serve at the pleasure of the Town Council and may be removed at any time.
- c. The Officer shall carry out the duties set forth in this Ordinance as part of the employee's existing responsibilities.

Section 2: Scope of authority

- a. The Officer is authorized to investigate and initiate enforcement regarding violations under Chapter 91 (Nuisances) of the Town Code of Ordinances, as amended.
- b. The Officer's authority under this Ordinance is limited to:
 - i. Observing and documenting apparent violations from public property, public rights-of-way, or other locations where the Officer is lawfully present, including property upon which the Officer has express permission or legal authority to be present;
 - ii. Issuing written Notices of Violation and related correspondence as provided in this Ordinance;
 - iii. Receiving and reviewing timely written contests and issuing written decisions withdrawing or upholding Notices of Violation in accordance with this Ordinance; and

- iv. Referring alleged violations to the Town Attorney for filing in a court of competent jurisdiction when the Town elects to pursue an ordinance-violation action.
- c. This Ordinance does not authorize the Officer to enter private property without the consent of the owner or occupant, a warrant, court order, or other lawful authority independent of this Ordinance.
- d. Receipt of a complaint or report of a potential violation does not obligate the Officer to investigate or initiate an enforcement action. The Officer may use discretion whether to investigate complaints and pursue enforcement, and may prioritize matters based on relevant considerations, including the availability of resources, the severity of the reported violation, and the duration of the alleged violation.

Section 3: Notice of violation; correction period

- a. When the Officer determines that a violation appears to exist, the Officer may initiate enforcement by issuing a written Notice of Violation.
- b. If the Officer has reason to believe that more than one violation exists on the same property at approximately the same time, the Officer shall, when practicable, consolidate all such violations into a single Notice of Violation.

- c. The Officer shall serve the Notice of Violation by any of the following methods: (1) certified mail, (2) hand delivery, or (3) leaving the Notice at the front door of the property. The Notice shall be directed to:
 - i. The current occupant of the property, and if different, the record owner of the property.
- d. Each Notice of Violation shall, at a minimum, include the following:
 - i. The street address or other sufficient description of the property at which the alleged violation is located;
 - ii. The date the Notice of Violation is issued;
 - iii. A statement identifying the specific section or sections of the Town Code of Ordinances alleged to have been violated;
 - iv. A brief description of the facts constituting the alleged violation;
 - v. A statement identifying the correction period within which the owner shall correct the violation.
 - vi. A statement that if the violation is not fully corrected by the end of the correction period specified in the Notice, the Town may seek civil penalties and indicate the amount sought;
 - vii. A statement that the owner, within the period specified in the Notice, may submit a written response (a) contesting the basis of the alleged violation, (b) asserting that the violation has been corrected, or (c) setting forth any other facts the person believes

relevant to whether enforcement should proceed, using any submission method identified in the Notice.

Section 4: Expedited procedure for imminent danger

- a. Notwithstanding the other provisions of this Ordinance, if the Officer determines that a violation presents an imminent danger to life, health, or safety, the Officer may designate the matter for expedited enforcement.
- b. For purposes of this Section, “imminent danger” means a condition creating a substantial risk of serious bodily injury, death, or significant property damage unless corrective action is taken before the ordinary time periods in this Ordinance expire.
- c. A Notice of Violation issued under this Section shall state:
 - i. that the matter has been designated for expedited enforcement due to imminent danger;
 - ii. the facts supporting that determination;
 - iii. the corrective action required; and
 - iv. the time within which correction must occur, which shall be not less than seventy-two (72) hours from the date of the Notice, unless emergency action is authorized and pursued under other applicable law.
- d. If the violation is not corrected within the time stated in the Notice, and the Town determines further action is necessary, the Town may

seek immediate judicial relief or pursue any other remedy authorized by applicable law.

- e. A person who receives a Notice under this Section may submit a written contest to the Officer within forty-eight (48) hours of the date of the Notice. The Officer shall issue a written decision within twenty-four (24) hours of receiving the contest. If the Officer upholds the Notice, the correction period shall resume as of the date of the decision, and the owner shall have the remaining correction time to cure the violation. If no timely contest is submitted or the violation remains uncorrected, the Town may proceed under Section 4(d).

Section 5: Contesting the violation

- a. Any person who receives a Notice of Violation may contest the alleged violation by submitting a timely written response to the Officer.
- b. A written contest must be received by the Officer within the correction period stated in the Notice, which shall be not less than fifteen (15) days and not more than thirty (30) days from the date of the Notice of Violation. For violations designated for expedited enforcement under Section 4, the contest procedures in Section 4(e) shall apply in lieu of this subsection.
- c. The Officer shall issue a written decision either withdrawing or upholding the Notice of Violation and shall serve the decision on the person who submitted the contest and on the record owner at the

address(es) to which the Notice was sent, by any method of service authorized under this ordinance.

- d. If the Officer upholds the Notice of Violation, the written decision shall:
 - i. Briefly state the reasons for upholding the Notice;
 - ii. State that the correction period is tolled as of the date the Officer receives a timely written contest and shall resume as of the date of the Officer's written decision upholding the Notice; that the owner and any responsible party shall have the remaining portion of the original correction period, but in no event fewer than five (5) days from the date of the written decision, to fully correct the violation; and
 - iii. State that if the violation is not fully corrected within that remaining or extended period, the Town may seek civil penalties and other relief by filing an ordinance-violation action in a court of competent jurisdiction.

Section 6: Uncontested violations; Fines and Exterior Abatement

- a. If the correction period expires without the violation being fully corrected and no timely written contest has been submitted, the Town may assess an administrative civil fine in accordance with this Ordinance.

- b. The Town may, at its option and without obtaining a court order, cause the violation to be abated by its employees, agents, or contractors, to the extent permitted by applicable Indiana law and subject to the limits in this subsection.
- c. Abatement without a court order under this section is limited to exterior conditions on the property, such as tall grass and weeds, exterior rubbish and debris, and other similar nuisance conditions that can be corrected without entering any building or enclosed structure and without removing, hauling away, or disturbing any large, heavy, or potentially dangerous items.
- d. Before the Town undertakes abatement under this section, the Officer shall serve a written Notice of Intent to Abate at least forty-eight (48) hours before abatement begins.
- e. The Town shall maintain records of all actual and reasonably necessary costs incurred in connection with abatement, including labor, equipment, materials, contractors, and related administrative expenses, and may issue a written invoice to the record owner stating the total amount due.
- f. The invoice shall state a due date not less than thirty (30) days from the date of mailing. Unpaid invoices may be collected by any lawful means, including civil action or use of any lien or collection procedures authorized by Indiana law or other Town ordinances.

Section 7: Contested violations; Court Referrals

- a. If the Officer upholds the Notice of Violation after a timely written contest under Section 5 and the remaining or extended correction period expires without the violation being fully corrected, the Town may file the alleged violation in a court of competent jurisdiction as an ordinance-violation action.
- b. In a case designated for expedited enforcement under Section 4, the Town may seek immediate judicial relief without waiting for expiration of the ordinary correction or contest periods.
- c. The Town may refer the case to a court of competent jurisdiction and seek the following relief:
 - i. An order authorizing the Town, its employees, agents, or contractors to enter upon the property, at reasonable times and in a reasonable manner, for the limited purpose of abating or remedying the violation, including entry into buildings or enclosed structures and the removal, hauling away, or disturbance of vehicles, large appliances, machinery, or other heavy or potentially dangerous items, if the owner or responsible party fails to do so within the time specified by the court, consistent with applicable Indiana law.
 - ii. Recovery of all actual and reasonably necessary costs incurred by the Town to abate or remedy the violation, including but not

limited to costs of labor, materials, equipment, contractors, and related administrative or legal expenses.

iii. Such additional relief as authorized by law and deemed appropriate by the court, including orders directing abatement of the violation.

iv. The imposition of fines in accordance with this Ordinance.

d. Nothing in this Ordinance limits the Town's authority under other ordinances or Indiana statutes, including but not limited to unsafe building, health, or emergency powers, to seek court orders or other relief, or to abate conditions inside buildings when authorized by law.

Section 8: Fines

a. In all instances, the Town may seek a civil penalty assessed according to the following schedule:

i. For a first offense, fifty dollars (\$50.00), plus five dollars (\$5.00) per day, up to a maximum total penalty of five hundred dollars (\$500.00) per Notice of Violation;

ii. If the defendant was found responsible for one (1) prior violation within two (2) calendar years, one hundred dollars (\$100.00), plus ten dollars (\$10.00) per day for each such day, up to a maximum total penalty of one thousand dollars (\$1,000.00) per Notice of Violation; and

- iii. If the defendant was found responsible for two (2) or more prior violations within two (2) calendar years, two hundred fifty dollars (\$250.00), plus twenty dollars (\$20.00) per day for each such day, up to a maximum total penalty of two thousand five hundred dollars (\$2,500.00) per Notice of Violation.

Section 9: Records and administration.

- a. The Officer shall maintain accurate written or electronic records of:
 - i. All Notices of Violation issued under this Ordinance, including dates of issuance and service, the method of service used, properties involved, code sections cited, and a brief description of the alleged violations;
 - ii. Any written responses or other materials submitted by owners, occupants, or other responsible parties contesting alleged violations;
 - iii. The Officer's written decisions withdrawing or upholding Notices of Violation under Section 5; and
 - iv. Referrals and filings made with the court under Section 7, including the date of filing and the court case number, if known.
- b. The Officer shall provide records and information reasonably requested by the Town Attorney or other counsel representing the Town in ordinance-violation proceedings and shall cooperate in the preparation and presentation of cases, including by testifying in court when requested.

- c. The Officer shall periodically provide summary information to the Town Council regarding the number and nature of Notices issued, contests received and resolved, and matters referred to court.
- d. This Ordinance does not grant the Officer authority to waive or alter the substantive requirements of any provision of the Town Code of Ordinances or Unified Development Ordinance. The Officer's role is limited to investigation, documentation, notice, review of written contests, and referral for judicial determination.

Section 10: Collection and deposit of funds.

- a. Any civil penalties, costs, fees, or other sums collected under this Ordinance shall be paid to the Town Clerk-Treasurer, or the Clerk-Treasurer's designee, in accordance with standard Town procedures.
- b. The Town Clerk-Treasurer shall be responsible for the accounting, deposit, and administration of all funds collected under this Ordinance in accordance with applicable law and the Town's financial procedures.
- c. All such funds shall be deposited into the Town fund or funds required or permitted by applicable law, as determined by the Town Clerk-Treasurer in consultation with the Town Council if necessary.
- d. The Code Enforcement Officer shall not personally receive, retain, deposit, or administer collected funds, but may direct persons to the proper office for payment and coordinate with the Clerk-Treasurer regarding recordkeeping and case status.

Section 11: Severability.

- a. If any provision of this Ordinance is held invalid, the remaining provisions shall remain in full force and effect. The provisions of this Ordinance are severable.

Section 12: Conflicts.

- a. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict. This Ordinance does not alter the substantive definitions of nuisances or other violations in Chapter 91 of the Town Code of Ordinances.

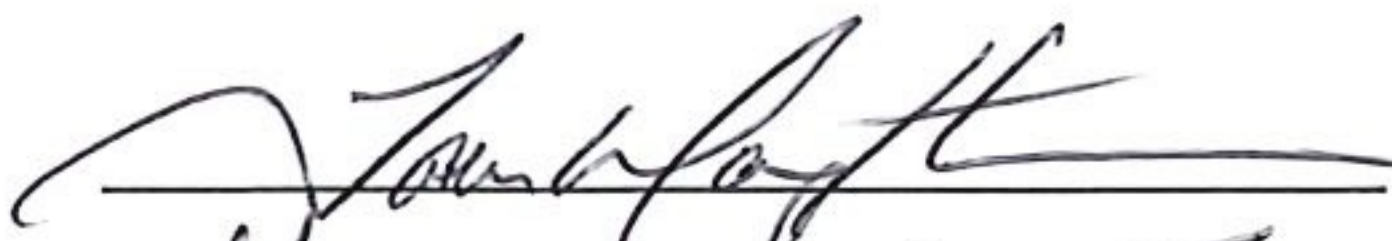
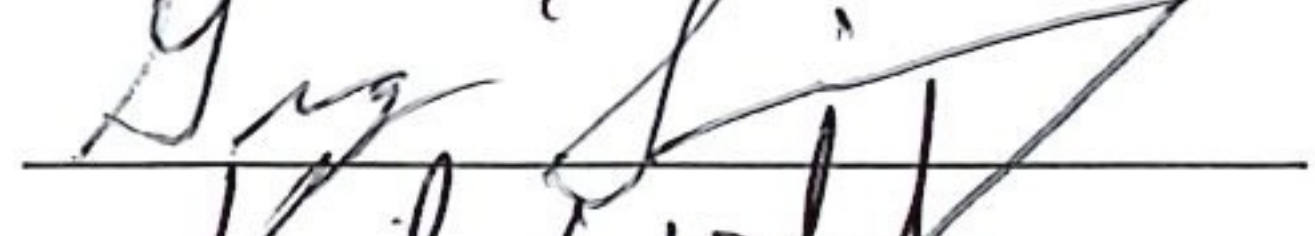
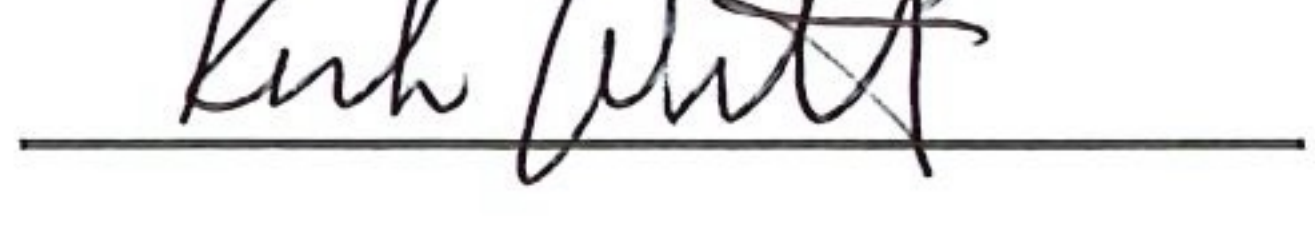
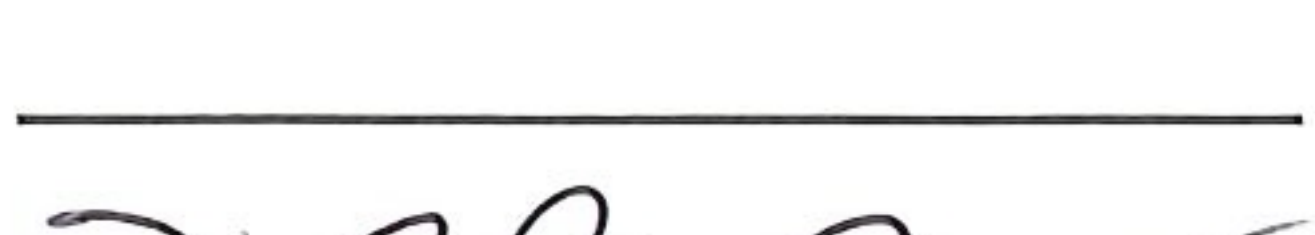
Section 13: Effective date.

- a. This Ordinance shall be in full force and effect upon passage and any publication required by applicable law.

*Adopted by the Town Council of the Town of Mooresville,
Indiana, this 4th day of August, 2026.*

MOORESVILLE TOWN COUNCIL

FOR:


Tom Warthen

Greg Swinney

Kirk Witt

Jeff Cook

Josh Brown

AGAINST:

ATTEST:


Dianna Wamsley, Clerk Treasurer