

VILLAGE OF NASHVILLE
ORDINANCE 6-9-2011

AN ORDINANCE PROVIDING FOR THE RECOVERY OF COSTS RELATED TO
THE CLEANUP AND REMOVAL OF METHAMPHETAMINE LABORATORIES,
METHAMPHETAMINE-RELATED COMPONENTS, AND OTHER
CLANDESTINE DRUG LABORATORIES OR COMPONENTS

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1 – COST RECOVERY AUTHORIZATION AND PROCEDURE

(A) Clean up and removal of drug laboratories and related components. Whenever a methamphetamine laboratory, methamphetamine-related components, or any other clandestine drug laboratory or related components is discovered to exist upon any property within the Village of Nashville, the Village will clean up and remove the laboratory and/or components, or caused the laboratory and/or components to be cleaned up and removed by a qualified person or entity in accordance with all applicable laws and regulations.

(B) Liability for assessable costs. The owner and occupants of any property located within the Village on which a methamphetamine laboratory, methamphetamine-related components, or any other clandestine drug laboratory or related components is located, shall be jointly responsible for reimbursing the assessable costs of the cleanup and removal of the laboratory and/or components to the Village.

- (1) For purposes of this section, “assessable costs” means those costs for services incurred by the Village in connection with the cleanup and removal of a methamphetamine laboratory or related components or any other clandestine drug laboratory or related components, including, but not limited to, actual labor and material costs of the Village (including, without limitation, employee wages, fringe benefits, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and contractual costs), whether the services are provided by the Village or by a third party on behalf of the Village.
- (2) “Assessable costs” also include any attorney fees, litigation costs or other costs, charges, fines or penalties to the Village imposed by any court or state or federal governmental entities related to the laboratory and/or components.

(C) Notice of assessable costs. The Village shall provide the owner and occupants of the affected property with written notice of the completion of the cleanup and removal, the amount of assessable costs incurred in the cleanup and removal, and an order to pay the assessable costs to the Village. Notice may be given by the following means:

- (1) In writing, by first-class mail, addressed to the owner of the property at the last known address as shown by the Village tax records. The notice and

order shall at the same time also be mailed to the occupants of the property, if different than the owner. If the notice and order are served by mail, they shall be deemed received by the addressee two mail delivery days after deposit in the United States mail.

- (2) In writing, addressed to the owner and occupant of the property, posted in a conspicuous location at the property. The notice and order shall be deemed to have been served to the owner and/or occupant, as applicable, at the time the notice and order is posted at the property.
- (3) Notice may be given to the owner and/or occupant orally or by telephone but, in addition to the oral notice, notice shall be provided under either subsection (1) or (2) above.

(D) Due date. The owner and occupant are jointly liable for the assessable costs and shall pay the assessable costs to the Village within six (6) months after service of the notice provided under section (C) above.

SECTION 2 – PENALTY; LIEN; OTHER REMEDIES

(A) Delinquent costs; Lien. If the assessable costs are not paid when due, the assessable costs shall be considered delinquent and shall constitute a lien upon the affected real property. Such lien shall be of the same character and effect as a lien for real property taxes and shall include accrued interest and penalties. The Village Treasurer shall certify to the Village Assessor the fact that such assessable costs are delinquent and unpaid and the Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property. The lien may be enforced in the same manner provided and allowed by law for delinquent and unpaid real property taxes.

(B) Other remedies. In addition to the remedy set forth in section (A) above, the Village shall be entitled to pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from the owner and/or occupant.

(C) No limitation of liability. Neither the abatement by the Village of a methamphetamine laboratory, methamphetamine-related components, or any other clandestine drug laboratory or related components nor the subsequent recovery of assessable costs pursuant to this Ordinance shall limit the liability of the owner or occupant under applicable local, state or federal law, and shall not provide a defense to a criminal or other action by the Village or other authorized person or governmental agency against any person related to the possession or use of the laboratory or components, or any action to collect civil fines, damages, expenses or costs as authorized by law.

(D) Nuisance per se; Injunctive relief. A violation of this ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Village may bring an action for an injunction or other process against a person, to restrain, prevent, or abate any violation of this ordinance.

SECTION 3 – SEVERABILITY

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 4 – EFFECTIVE DATE

This ordinance shall take effect 20 days following its publication as permitted by law.

Aye: Kenyon, Hartwell, Coll, Scramlin, Dunham

Nay: Harwood, Zoerman

Absent: none

Ordinance No. 6-9-2011 Adopted.

Frank Dunham, President

Cathy Lentz, Clerk

I, Cathy Lentz, the Clerk for the Village of Nashville, hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the Village Council of the Village of Nashville at a regularly scheduled meeting held on June 9, 2011.

Cathy Lentz, Clerk

Adopted: 6-9-2011
Published: 6-25-2011
Effective: 7-14-2011