



Tim Scott

1ST District Council Member
Common Council President

NEWS RELEASE

Subject: Letter from First District Council Member Tim Scott to City of South Bend Administration Regarding Drewry's Site
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Contact: tscott@southbendin.gov

FOR IMMEDIATE RELEASE

Letter from First District Council Member Tim Scott to City of South Bend Administration Regarding Drewry's Site

The following letter was sent from First District Council Member and Council President Tim Scott to Mayor Pete Buttigieg; Tracy Skibins, Director of Code Enforcement; Stephanie Steele, Corporation Counsel; and Eric Horvath, Director of Public Works this morning:

Dear Mayor Buttigieg, Ms. Skibins, Ms. Steele and Mr. Horvath,

Once again, the Drewry's site occupies space on the front page of the South Bend Tribune as it continues to be a detriment to the residents of the Northwest side. The Indiana Department of Environmental Management (IDEM) has discovered cancer-causing asbestos on the site.

Asbestos on the Drewry's site will cause cancer. Any risk of exposure to asbestos to the residents around the Drewry's site through air borne asbestos fibers blown by the wind or carried through water runoff when rain water washes down the neighborhood streets is absolutely unacceptable. Drewry's is the textbook definition of a nuisance property with a high risk to the residents' health and safety.

It is time to protect the residents of South Bend's Northwest side, since the owner from Arizona will not.

Enough is enough, the City has tried to work with the owner to clean up this site for years with no cooperation. This site needs to be properly cleared and cleaned and it needs to start today.

I demand the City to proceed immediately clean up under the following City ordinances:

1. South Bend Municipal Code section 16-53(b) states: *No owner, occupant, tenant, or any other person having a substantial interest in any real or personal property within the City, or any agent thereof, shall permit or allow to remain on or within such property or upon public ways abutting such real property any materials, trash, garbage, debris or any other matter which is detrimental to public health, comfort, safety or to the aesthetic well-being of the community.*



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2. Code section 16-53(c)(4) states that “demolition remains” constitute a public nuisance.
3. Code section 16-53(c)(14) states that “any real or personal property which is infected with contagious disease *or is likely to cause an immediate health hazard*” is also a public nuisance.
4. Code Section 16-55 states: **Notice prior to abatement by City.** The Board of Public Works or its designee shall give *forty-eight (48) hours’ notice*, in writing, *to remove from any real or personal property within the City any object or condition which is deemed to be a public nuisance under Section 16-53 of this article.* Such notice shall be given to the owner of record or their agent, and to any tenant or occupant of the property upon which nuisance exists. Notice to the record owner may be mailed to their last known address. Notice to any tenant or occupant may be given by posting same in a prominent place upon the premises where the nuisance is located.
5. **Sec. 16-56 states: Failure to comply with notice to abate.** Failure, neglect, or refusal by the record owner or their agent, or the tenant or occupant, to comply with the terms of the notice given pursuant to [Section 16-55](#) shall constitute a violation of this article. Each day's failure, neglect or refusal to abate the nuisance following notice pursuant to [Section 16-55](#) shall constitute a separate offense under this Article.
6. **Sec. 16-57** permits abatement by the City: *Upon the failure, neglect or refusal of any party to whom notice to abate a nuisance has been given under [Section 16-55](#) or whenever a nuisance exists which creates a health or safety hazard requiring immediate abatement in order to protect public health or safety, the Board of Public Works or its designee may abate the nuisance, keeping accurate account of all costs, and bill them to the record owner or to the person shown to have the right of exclusive possession of the property. Appropriate legal action may be taken to collect such costs if they remain unpaid forty-five (45) days after the billing date. Unpaid costs may be made a lien against the property.*

The City is dutybound to protect the health and welfare of its residents. Immediate action is necessary to fulfill this duty.

Sincerely,

Tim Scott
South Bend Common Council, First District

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