

ORDINANCE 2013- 2

AN ORDINANCE TO AMEND THE STINESVILLE TOWN CODE
CONCERNING WEEDS

BE IT ORDAINED AND ADOPTED by the Town Council of Stinesville, Indiana:

Section 1. Ordinance 1997-2 regarding public nuisances, refuse and weeds, and Ordinance 2007-1 amending Ordinance 1997-2 are hereby repealed in their entirety and replaced with the following language.

Section 2. A. Definitions.

For purposes of this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning.

NUISANCE. An activity or condition that arises from unreasonable, unwarranted or unlawful use by a person of his own property which works an injury to the public and produces material annoyance, inconvenience and discomfort or that interferes with others' right to reasonable use and enjoyment of their property. Includes causing or permitting a condition to exist which injures or endangers the public health, safety or welfare.

WEEDS AND RANK VEGETATION. Includes any undesirable, uncultivated plant. Includes grass, weeds, or vegetation that is abandoned, neglected, disregarded, or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more. Also includes uncontrolled, uncultivated growth of annual and perennial plants. The definition of **WEEDS AND RANK VEGETATION** does not include shrubs, trees, cultivated plants, vegetation planted for some useful or ornamental purpose, or agricultural crops such as hay. In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious weeds or detrimental plants.

Section 3. B. Inspections.

It shall be the duty of the Stinesville Police Department to make a careful inspection upon request of any lots, grounds and tracts of land situated within the corporate limits of the Town to carry out their duties in the enforcement of this ordinance. Prior to entering upon any premises, the police officer making the inspection shall furnish sufficient identification and information to enable the landowner to determine the purpose of the

inspection and that the police officer conducting the inspection is an authorized representative of the Town.

Section 4. C. Excessive Growth of Grass, Weeds or Rank Vegetation.

It is unlawful for the owner of any property within the Town to allow it to become overgrown with grass, weeds, noxious plants, or rank vegetation beyond the height of twelve (12) inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

Whenever the Police Department finds the growth of grass, weeds or rank vegetation on property within the Town which is in such a condition as to violate this ordinance, the Police Department shall file a written report with the Town Clerk-Treasurer. The Town Clerk-Treasurer shall issue a written notice of violation to the landowner to cut or remove the grass, weeds or rank vegetation within ten (10) days of the date of the notice. Notice shall be served by first class mail to the violator or owner of property, addressed to:

- (a) The owner of record of real property with a single owner; or
- (b) at least one (1) of the owners of real property with multiple owners
at the last address of the owner for property as indicated in the records of the County Auditor on the date of the notice.

The Town will send the property owner only one (1) notice of violation by first class mail.

Section 5. D. Failure to Remove; Penalties.

Any person receiving a notice of violation to remove grass, weeds, or rank vegetation and does not cause the grass, weeds, or rank vegetation to be removed within ten (10) days of the time of the notice commits an ordinance violation, and shall be subject to a fine for each offense of not less than twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense, and not less than one hundred dollars (\$100.00) for each subsequent offense. Each day's violation shall constitute a separate offense. The Violations Clerk of the Ordinance Violations Bureau may accept written appearances, waivers of trial, admissions of violations and payment of civil penalties imposed for violations of this ordinance.

If a person charged with a violation subject to this section wants to exercise the right to a trial, the person shall appear before the Violations Clerk and deny the violation or enter a written denial with the Violations Clerk. Waivers, admissions, and denials must be filed with the Violations Clerk within ten (10) days of the date of the issuance of the code or ordinance violation notice or citation.

If a person:

- (1) denies a code or ordinance violation before the Violations Clerk or enters a written denial with the Violations Clerk; or
- (2) fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation;
- (3) fails to deny or admit the violation within ten (10) days of the date of the issuance of the code or ordinance violation notice citation;

the Violations Clerk shall report this fact to the Town Attorney.

Section 6. Alternate Enforcement Procedure.

If the landowner fails to remove the grass, weeds, or rank vegetation within the time prescribed, the Town may remove the grass, weeds, or rank vegetation and the Town Clerk-Treasurer shall produce a certified statement within ten (10) business days of the actual cost incurred by the Town in the removal. Costs shall include administrative and removal costs. The statement shall be delivered to the owner of real estate by regular mail, and the owner shall have not more than thirty (30) days within which to pay the amount to the Clerk-Treasurer.

If the landowner fails to pay the sum within the prescribed time limit, a certified copy of the statement of costs shall be filed with the County Auditor, who will place the total amount certified on the tax duplicate for the property affected, and the total amount, including interest, shall be collected as delinquent taxes are collected, pursuant to Indiana Code 36-7-10.1-3 and 36-7-10.1-4.

Section 7. Continuing Abatement Notice.

Once an initial notice of the violation is provided by first class mail pursuant to Section 5, the Town may post a continuous abatement notice at

the property at the time of abatement instead of sending further abatement notices by first class mail. A continuous abatement notice serves as notice to the property owner that each subsequent violation during the same year for which the initial notice of violation was provided may be abated by the Town or its contractors.

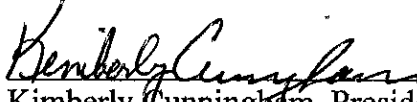
Section 8. Appeal Procedure.

An appeal of the written notice of violation must be made in writing to the Town Council within five (5) days of the date of removal notice. The Town Council shall schedule a hearing on the appeal at its next regularly scheduled meeting. All appeals from written findings of the Town Council shall be made to courts of competent jurisdiction within ten (10) days.

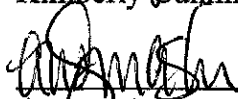
Section 9. This ordinance shall be in full force and effect after its adoption and publication as required by law.

This ordinance was passed and adopted by the Stinesville Town Council on the 2nd day of July, 2013.

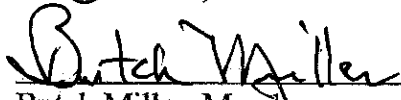
Stinesville Town Council



Kimberly Cunningham, President



Andrea Asher, Vice President



Butch Miller, Member

ATTEST:



Lois Pursell, Clerk/Treasurer

This Ordinance was published in the *Ellettsville Journal* on the 10th day of July, 2013.