

**ORDINANCE ESTABLISHING**  
**WEED CONTROL REGULATIONS AND PENALTIES FOR NON-REMOVAL**

**ORDINANCE NO. 2013- 12**

**SECTION I- UNLAWFUL GROWTH**

It shall be unlawful for any person to allow or permit any weeds, grasses or noxious or rank vegetation to be or remain upon any property owned, leased, occupied by or under the control of such person after the receipt of the notice referred to below in Section II. It shall be the duty of every owner of real estate within the corporate limits of the Town to cut and remove all weeds, grasses, or other noxious or rank vegetation from the property at least four times each year to a height of 4 inches as follows:

- Once between May 1 and May 15; once again between June 1 and June 15; once again between July 1 and July 15; and once again between August 1 and August 15.

(B) Further, in addition to the four (4) required mowings provided for herein, no property owner shall permit weeds and grasses to grow to a height exceeding 8 inches an average height.

**SECTION II- NOTICE TO REMOVE**

(A) No person shall fail, neglect or refuse to properly cut or remove such weeds or clean such premises so owned by him or her within seven days after the date of mailing of a notice in written form that such premises are overgrown with weeds, grasses or noxious or rank vegetation therefrom.

(B) Notices herein provided shall be mailed by regular mail to an owner of record of the property at the last address of the owner as indicated in the records of the county auditor on the date the notice is mailed. A copy of said notice shall also be posted in a prominent place on the property.

(C) An owner of the property may appeal the action required in the notice to the Town Board by filing a written request in the office of the Clerk-treasurer within seven days after the date of mailing of the notice of violation.

**SECTION III- REMOVAL; COSTS**

(A) If a landowner fails to remove the vegetation within the time prescribed, the Town may remove the vegetation by hiring independent labor or employing its own agents. The Clerk-treasurer shall make a certified statement of the actual cost incurred by the Town in the removal of said vegetation. The statement of costs shall be delivered by

the town by first-class mail to the owner of the property and the owner shall pay the amount to the Clerk-treasurer within 10 days after receiving said statement. In the event of the failure of a landowner to pay the amount within the prescribed time, a certified copy of the statement of costs shall be filed in the office of the Auditor of Jay County. The Auditor of Jay County shall then place the amount claimed by the town on the tax duplicate against the property affected by the work and said amount shall be collected as taxes and shall be disbursed to the general fund of the town.

(B) In the event of the failure of a landowner to pay the amount within the prescribed time, the Clerk-treasurer shall also record the statement of costs containing all necessary information to identify the landowner and the location of the real estate in the office of the Recorder of Jay County. The cost to record and release the statement of costs shall be added thereto.

#### SECTION IV- ENFORCEMENT

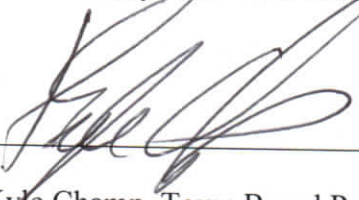
It shall be the duty of the town board to establish policies and regulations concerning the enforcement of this chapter, including but not limited to, the methods and rates of pay to be allowed for those individuals to perform services on behalf of the Town under the terms of this chapter.

#### SECTION V- PENALTY

Anyone who upon receipt of the notice referred to in Section II above fails, refuses or neglects to cut a remove the weeds, grasses or noxious growth from the premises under his or her control within five days from the receipt of said notice shall be subject to a fine of \$50.00 The penalty provided by this section shall be in addition to any liability imposed under section 3 of this ordinance in the prosecution of anyone under the terms of this section shall in no way affect the right of the town to remove weeds, grasses and other noxious vegetation and make the cost of said removal a lien upon the real estate as provided for in Section III.

Passed by the Town Council of the Town of Redkey, Indiana on this 21 day of

~~October~~, 2013.  
*November*

  
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Kyle Champ, Town Board President

Attest:

  
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Debbie James, Clerk-Treasurer