

ORDINANCE 1997-3

**AN ORDINANCE PERTAINING TO THE  
REMOVAL OF WEEDS AND RANK VEGETATION**

WHEREAS, I. C. 36-7-10.1-3 empowers the legislative body of a municipality to require by ordinance that the owners of real property located within the municipality cut and remove weeds and other rank vegetation growing on the property; and

WHEREAS, said statute authorized the municipality to establish procedures to abate such violation; and,

WHEREAS, I.C. 36-7-10.1-1 et seq. is applicable to all municipalities;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT BRANCH, INDIANA, AS FOLLOWS:

Section 1: The Town of Fort Branch, Indiana, hereby adopts the terms and provisions of Indiana Acts 1991, Public Law 89-1991, Section 3, in its entirety and any amendments thereto as compiled in Indiana Code, Section 36-7-10.1-1 through 36-7-10.1-5.

Section 2: The Town of Fort Branch, Indiana, hereby adopts the following provisions:

A. Definitions.

For purposes of this Ordinance the definition of "weeds and rank vegetation" shall include any grass, weeds, and/or plants which exceed twelve (12) inches in height and which are determined to be a nuisance by the Town Council. The definition of "weeds and rank vegetation" does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose.

B. Administration.

The Town Council of the Town of Fort Branch, Indiana, shall be the executive department of the Town responsible for the administration of this Ordinance and of Public Law 89-1991, Section 3, above referred to for the enforcement of nuisance violations.

C. Notice of Violation.

The Town Council of the Town of Fort Branch, Indiana, may require the owners of real property in the municipality to cut and remove weeds and other rank vegetation growing on that property. A five (5) day written notice to remove the vegetation must be

issued by the fiscal officer upon the landowner, if said landowner is a resident, or by registered or certified mail addressed to the last known address if the landowner is not a resident.

D. Abatement; Collection of bill; Disbursement.

If the landowner fails to remove the vegetation within the time prescribed, the municipality may remove the vegetation. The Clerk-Treasurer of the municipality must make a certified statement of the actual cost incurred by the municipality in the removal. The statement may be delivered to the owner of the property by a law enforcement officer of the Town of Fort Branch, Indiana, if the owner is a resident, or by registered or certified mail if the landowner is not a resident, and the owner shall pay the amount to the fiscal office. If the owner fails to pay the amount within ten (10) days after receiving the statement, a certified copy of the statement of the amount of the bill plus administrative costs incurred in the certification shall be filed in the office of the Auditor of Gibson County. The Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town of Fort Branch.

E. Appeal. The owner of real property who is provided notice of violation or a bill issued under this Ordinance may appeal said notice or bill. Any appeal must be in writing and received by the fiscal officer within five (5) days of owner's receipt of notice of violation or bill. A timely filed appeal will suspend further action until the matter may be heard by the Town Council. Upon receipt of owner's appeal, the fiscal officer shall place the owners's name on the agenda of the next meeting of the Town Council at which time the owner may have the opportunity to address the Council concerning the violation or bill. The Council's decision shall be final in all respects.

Section 3. The remedies authorized by this ordinance are in addition to any and all other remedies authorized by law.

Section 4. This Ordinance shall be in full force and effect from and after its passage and publication as by law required.

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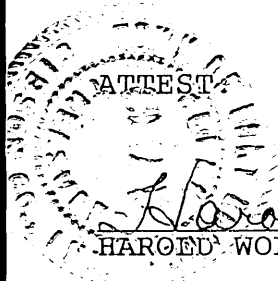
PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 4<sup>TH</sup> day of JUNE, 1997.

COUNCIL OF THE TOWN OF  
FORT BRANCH, INDIANA

Donald C. Robinson  
DONALD C. ROBINSON, President

Joseph P. Gilpatrick  
JOSEPH P. GILPATRICK, Member

Gerald L. Bledsoe  
GERALD L. BLEDSOE, Member



Harold Wolf  
HAROLD WOLF, Clerk-Treasurer