

## CHAPTER 95: NUISANCES

### Section

#### *Weeds*

- 95.01 Certain vegetation declared nuisance
- 95.02 Destruction of weeds
- 95.03 Cost of destruction a lien on property
- 95.04 Notice to destroy weeds; procedure
- 95.99 Penalty

#### **WEEDS**

### **§ 95.01 CERTAIN VEGETATION DECLARED NUISANCE.**

The maintenance of thistles, burdock, jimson weeds, ragweeds, milkweeds, poison ivy, poison oak, iron weeds, and all other noxious weeds and rank vegetation is declared a public nuisance, and every owner, occupant or person in control of any lot or land within the city shall cause the lot or land within the city to be kept free from these noxious weeds by destroying them by spraying with a chemical compound approved by the Board of Health, or by cutting, digging under, or burning.

Penalty, see § 95.99

*Statutory reference:*

*Public health, safety, and welfare, see  
I.C. 36-8-2-4*

### **§ 95.02 DESTRUCTION OF WEEDS.**

Whenever noxious weeds or rank vegetation included within the provisions of § 95.01 exceed a height of 12 inches, the Street Commissioner shall

serve written notice on the owner, occupant, or person in control of the lot or lands to destroy the same within 7 days in the manner provided in § 95.01. If those weeds or rank vegetation are not destroyed within the 7-day period, the Street Commissioner shall destroy the weeds or rank vegetation and the cost of the destruction shall be paid for by the city.

### **§ 95.03 COST OF DESTRUCTION A LIEN ON PROPERTY.**

The Street Commissioner shall report the cost of the destruction to the Clerk-Treasurer who shall cause the costs to be placed on the tax duplicate and to be assessed against the lot or land so benefitted. The costs shall be a lien on the lot or land and shall be collected in the same manner as general taxes are collected.

### **§ 95.04 NOTICE TO DESTROY WEEDS; PROCEDURE.**

(A) The notice provided for in § 95.02 shall be served by regular mail to the owner of the lot or land as listed on the tax duplicate at the mailing address shown thereon.

(B) If no mailing address is shown on the tax duplicate, it shall be sufficient to publish the notice once in a newspaper of general circulation in the city.

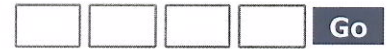
**§ 95.99 PENALTY.**

*Weeds.* Notwithstanding the assessment of costs under the provisions of § 95.03, and in addition thereto, the owner, occupant, or person in charge of the lot or land who shall fail to comply with the notice rendered under § 95.03 shall be fined not more than \$1,000.

(Am. Ord. 24-2008, passed 12-8-2008)

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Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

IC 36-7-10.1

**Chapter 10.1. Removal of Weeds and Rank Vegetation**

IC 36-7-10.1-1

**Application of chapter**

Sec. 1. This chapter applies to each municipality or county.

*As added by P.L.89-1991, SEC.3.*

IC 36-7-10.1-2

**Exclusions from application**

Sec. 2. This chapter does not apply to the following:

(1) An ordinance adopted before May 15, 1991.

(2) An action taken by a municipal corporation under IC 36-1-6-2.

*As added by P.L.89-1991, SEC.3.*

IC 36-7-10.1-3

**Ordinance; notice requirement**

Sec. 3. (a) The legislative body of a municipality or county may by ordinance require the owners of real property located within the municipality or the unincorporated area of the county to cut and remove weeds and other rank vegetation growing on the property. As used in this chapter, "weeds and other rank vegetation" does not include agricultural crops, such as hay and pasture.

(b) An ordinance adopted under subsection (a) must specify the following:

(1) The department of the municipality or county responsible for the administration of the ordinance.

(2) The definitions of weeds and rank vegetation.

(3) The height at which weeds or rank vegetation becomes a violation of the ordinance, specifying the appropriate heights for various types of weeds and rank vegetation.

(4) The procedure for issuing notice to the owner of real property of a violation of the ordinance, including any procedures for issuing a continuous abatement notice under subsection (d).

(5) The procedure under which the municipality or county, or its contractors, may enter real property to abate a violation of the ordinance if the owner fails to abate the violation.

(6) The procedure for issuing a bill to the owner of real property for the costs incurred by the municipality or county in abating the violation, including administrative costs and removal costs. The cost of sending notice under subsection (c) is an administrative cost that may be billed to the owner under this subdivision.

(7) The procedure for appealing a notice of violation or a bill issued under the ordinance.

(c) An ordinance adopted under subsection (a) must provide that a notice sent to the property owner must be sent by first class mail or an equivalent service permitted under IC 1-1-7-1, to:

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(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice.

(d) If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail, first class mail, or equivalent service under subsection (c), a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail, first class mail, or equivalent service as required under subsection (c). A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the

municipality or county, or its contractors.

*As added by P.L.89-1991, SEC.3. Amended by P.L.113-2010, SEC.130; P.L.137-2012, SEC.119; P.L.203-2013, SEC.28.*

#### **IC 36-7-10.1-4**

##### **Failure of real property owner to pay bill; methods of collection**

Sec. 4. (a) Except as provided in subsection (b), if the owner of real property fails to pay a bill issued under section 3 of this chapter within the time specified in the ordinance, the department specified in the ordinance shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. 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 municipality or county.

(b) If the owner of real property fails to pay a bill issued under section 3 of this chapter within the time specified in the ordinance, the municipality or county may bring an action in an appropriate court to collect the amount of the bill, plus any additional costs incurred in the collection, including court costs and reasonable attorney's fees. If the municipality or county obtains a judgment under this subsection, the municipality or county may obtain a lien in the amount of the judgment on any real or personal property of the owner.

*As added by P.L.89-1991, SEC.3. Amended by P.L.203-2013, SEC.29.*

#### **IC 36-7-10.1-5**

##### **Disbursement of bill collections to general fund of department enforcing ordinance**

Sec. 5. Notwithstanding section 4 of this chapter, the municipality or county may provide that the amounts collected shall be disbursed to the general fund of the department specified to enforce the ordinance.

*As added by P.L.89-1991, SEC.3.*

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