

ORDINANCE 2-09

**AN ORDINANCE REQUIRING THE CUTTING AND REMOVAL
OF RANK VEGETATION AND WEEDS IN THE TOWN OF ORESTES**

WHEREAS, the Town Council ("Council") of Orestes finds that the existence of rank vegetation and weeds within the town limits is detrimental to the appearance, health and well being of the town, and the existence of the same constitutes a nuisance which should be prohibited and abated; and

WHEREAS, pursuant to the provisions of Indiana Code 36-7-10.1-3 the Council now desires to ordain that such rank vegetation and weeds be defined, and that the failure to remove any such excess vegetation be outlawed and prohibited, to provide for the procedure and notice under which the town may enter real property to abate a violation of the ordinance if the owner fails to do so; and to provide for reasonable fines for the failure to comply with the provisions of the ordinance.

NOW, THEREFORE BE IT ORDAINED by the Town Council of Orestes as follows:

Section One: It shall be unlawful for the owner, contract purchaser, lessee, or occupant of any premises (hereafter "the responsible person") within the corporate limits of the town, to allow, suffer, or permit any grass, weeds, or random vegetation of any kind, to grow or mature 6" or higher, herein defined as "rank vegetation and/or weeds", on any part of the premises. The foregoing standard shall apply to any and all parts of the premises, including area along sidewalks, alleys, fences, around structures, and any other areas that must be cut and maintained by hand. The foregoing standard shall not apply to agricultural crops, nor to trees, bushes or shrubs that are trimmed and maintained as such; provided such do not obstruct or impede vehicle or pedestrian traffic.

Section Two: The Town Marshall is responsible for the administration of this ordinance. When any premises within the town limits shall be in violation of section one, the Town Marshall shall determine the name(s) of the responsible person(s), and notify the same in writing of the violation and the requirement to remove the grass, weeds, or random vegetation within ten days of such notification.

Section Three: Shall any responsible person fail to cut and remove the weeds or rank vegetation within ten days of notification, the town, through its own officials, employees or agents may enter upon the premises for the purpose of abating the violation. Upon such abatement, the Clerk Treasurer of the town shall promptly, but not later than 30 days from the date of abatement, issue a bill to the owner of the premises for the costs incurred by the town in abating the violation, including administrative costs and the removal costs. Notice made by regular mail addressed to the current mailing address for tax statements for the premises shall constitute sufficient notice. Any such owner shall be entitled to appeal the notice of a violation or a bill issued by seeking the same within 10 days of receipt of notice to the town council. All such appeals shall be made in writing and delivered to the clerk treasurer. The town council shall consider such appeal at the next regularly scheduled meeting following the receipt of the appeal by the clerk treasurer.

Section Four: Shall any responsible person fail to so remove the grass, weeds, or random vegetation within ten days of such notification, such responsible person shall be deemed to be in violation of this ordinance and may be fined in an amount of not more than five hundred dollars (\$500.00). Further, a violation may be found to have occurred for each day, or any part thereof, that such responsible person fails to comply with the

provisions of this ordinance after having been provided the notice required within section two.

Section Four: Ordinance 2-03 is hereby repealed.

Section Five: This ordinance shall be effective upon passage by the Council, signature of the Clerk-Treasurer, and publication as by law required.

SO ORDAINED by the Town Council of the Town of Orestes, Indiana, on the 28th day of July, 2009.

TOWN COUNCIL OF TOWN OF ORESTES

BY John I. Shettle
President

Debbie J. Atwood
Member

Frank Ward
Member

ATTEST:

Erin A. Atwood
Clerk/Treasurer