

# WEEDS, GRASS AND RANK VEGETATION CONTROL

Ordinance No. 2017-3

WHEREAS, The Town of Fairview Park is a residential community wherein the citizens have chosen to invest in their residences by means of aesthetics and landscaping, and/or choose to reside in said Town.

WHEREAS, being the fact that the Town of Fairview Park is mainly a residential community and not a rural setting, the citizens of the Town expect and desire the Town to be urban setting, and;

WHEREAS, to achieve the desires and expectations of the citizens of the Town of Fairview Park as to quality of life that is expected in an urban setting, the Board of the Town does and hereby adopts the following "Town of Fairview Park Weed, Grass and Rank Vegetation Control Ordinance".

## **Title.**

This Article shall be known and may be cited as the "Town of Fairview Park Weed, Grass and Rank Vegetation Control Ordinance".

## **Definitions.**

Lot or Parcel of Lot or Parcel of Real Estate. Shall be included in addition to those grounds within their respective boundaries of all of the grounds lying to the center of the street or alley or alleys where said street or alley is not improved.

The word weed as herein used shall include specifically the following rank and uncultivated growth or matter:

I.C. § 36-7-10.1-3, authorizes the Town to remove weeds and rank vegetation and to collect monies for the same.

amaranthus retroflexus (rough green pigweed)

ambrosia elatior (common ragweed)

ambrosia trifida (giant ragweed)

arctium minus (burdock)

bidens grandiosa (beggarticks)

cannabis sativa (marijuana)

chenopodium album (lambs quarter)

cirsium arvense (common thistle)

concoluvuls, all species (bindweed)

remex, all species (docks)

rhus radicans (poison ivy)

solanum carolinense (horse nettle)

sonchus arvensis (saw thistle)

xanthium pennsylvanicum (cocklebur)

**Removing grass and/or weeds.**

The elimination of said grass and/or weeds by cutting, spraying or other effective means.

**Rank Vegetation.**

Shall have the meaning of: Any and all junk, rubbish, or debris which is harmful to the general public health and welfare or may detract from the appearance of the neighborhood.

**Weeds, Grass and Rank Vegetation; Nuisance.**

a. It shall be unlawful for the owner, occupant or lessee of any lot or parcel of lot of real estate within the corporate limits of the Town to allow, suffer or permit grass and/or any weeds of any kind to grow or mature upon any such premises to a height of over eight inches (8").

b. It shall be the duty of the owner, occupant or lessee of any lot or parcel of lot or parcel of real estate within the corporate limits of the Town, to cut grass and/or weeds on such property at least four (4) times between May 1 and October 31 of each calendar year.

c. Whenever and wherever grass and weeds shall exist of a height of over eight inches (8"), covering or partly covering the surface of any lot or parcel of lot or parcel of real estate within the corporate limits of the town, the same shall be deemed a nuisance and a violation.

d. It shall be unlawful for the owner, occupant or lessee of any lot or parcel of lot or parcel of real estate within the corporate limits of the Town to allow, suffer or permit rank vegetation of any kind to collect or remain upon such premises.

e. Whenever and wherever rank vegetation shall collect or remain covering or partially covering the surface of any lot or parcel of lot or parcel of real estate within the limits of the Town, the same shall be deemed a nuisance and a violation of this Article.

**Notice to Owners.**

a. Ten (10) days to abate nuisance - It shall be the duty of the Town Marshall (or any designated Department) to inspect from time to time the various lots or parcels of lots or parcels of real estate lying within the corporate limits of the Town, and if it shall find that weeds and/or grass are permitted to grow in violation of this Article, or rank vegetation is permitted to collect or remain on any such lots or parcel of lots or parcel of real estate, it shall be his duty to ascertain the names of the owners, occupants or lessees of said property and to notify such owners, occupants or lessees in writing, that such weeds and/or grass shall

be cut and removed or otherwise destroyed, or such rank vegetation shall be removed, within ten (10) days from the date of such notice.

b. Notice shall be sent to the owner of record as the name and address appears on the tax statement from the Treasurer's Office of Vermillion County, by certified mail. If any lot or parcel of lot or parcel of real estate is not occupied or leased, and the owner is a non-resident of the Town, or his residence is unknown, or if notice is returned by Postal Department because of its inability to make delivery thereof, the Town of Fairview shall cause a notice to cut, remove or otherwise destroy the weeds and/or grass and/or rank vegetation to be published in some daily newspaper of general circulation in such town at least one each week for two (2) successive weeks.

c. Continuous Abatement. If an initial notice of violation and abatement has been issued to the owner of record as provided in Subsection b. above, a continuous notice of abatement may be posted at the property at the time of abatement. This continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same calendar year for which the initial notice of violation was provided may be abated by the Town or its contractors and the costs and fees associated with the abatement shall be assessed against the property as provided below.

#### **Failure of Owner To Abate Nuisance.**

a. If any owner, occupant or lessee of any lot or parcel of lot or parcel of real estate shall fail to cut or remove or otherwise destroy or abate such weeds and/or grass and/or rank vegetation after receiving notice as provided above, it shall be the duty of the Town of Fairview Park to cause the same to be cut or removed or otherwise destroyed or abated. When the Town of Fairview Park has effected the cutting, removal or destruction or abatement of such nuisance the Town of Fairview Park shall prepare a sworn statement showing the cost of the work performed and it shall bill the owner of record. Such bill shall be due and payable at the time of receiving the statement.

#### **Failure of Owner to Pay**

If the full amount due the Town is not paid by such owner within thirty (30) days after such invoice for the work has been issued, as provided above, the Town of Fairview park shall certify to the County Auditor a sworn statement showing the cost and expense incurred for the work, date the work was done and the location of the property on which said work was done. The certification of such sworn statement shall constitute a lien and privilege on the property. The amount of the bill shall include 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, all as provided in I.C. § 36-7-10.1.

**Penalties.**

Any person violating any of the provisions of this Article shall upon conviction thereof be fined in an amount not exceeding Three Hundred Dollars (\$300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Separability.**

If any section, subsection, sentence, clause, phrase, or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Passed by the Board of the Town of Fairview Park, Indiana, this \_\_\_\_\_ day of May, 2017.

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Larry E. Natalie

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James Hall

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Tonya L. Smith

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Jim Moore

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Larry Wilson

ATTESTED: \_\_\_\_\_  
Milisa Carty, Clerk-Treasurer