

## ORDINANCE NO. 2002-4

### AN ORDINANCE ESTABLISHING THE OBLIGATION OF ALL PROPERTY OWNERS IN THE TOWN OF WESTVILLE TO CUT AND REMOVE WEEDS AND OTHER RANK VEGETATION GROWING ON THEIR PROPERTY AS PROVIDED UNDER I.C. 36-7-10.1 et.seq.

WHEREAS, it has been brought to the attention of the Town Council of the Town of Westville that certain Property Owners have allowed grass, weeds and other rank vegetation to grow on their property to an unsightly height; and

WHEREAS, it is the duty of every Property Owner to maintain their property in a sightly manner; and

WHEREAS, unmaintained grass, weeds and other rank vegetation contribute to blight in our community, cause a decrease in property values, discourage neighbors from maintaining their properties, thereby discouraging persons from moving into our community and encouraging persons to move out of our community; and

WHEREAS, weeds, grasses and rank vegetation that exceed the maximum height, as defined in this Ordinance, constitute a public nuisance.

BE IT HEREBY ORDAINED by the Town Council of the Town of Westville, LaPorte County, Indiana, as follows:

#### SECTION 1

Definitions:

1. *Weeds, grasses and rank vegetation* shall mean any natural, organic growth outside any structure. Such definition shall not include agricultural crops planted for such purpose, trees or bushes.
2. *Maximum Height* shall mean five (5) inches and be measured from the base of the natural, organic growth to its outermost point, not necessarily five (5) inches above the ground.

#### SECTION 2

Requirements:

1. Property owners of all real property located within the town limits of Westville shall cut, clear, trim and keep all weeds, grasses and rank vegetation on their property below the Maximum Height.

#### SECTION 3

Determination of Violation/Notification of Property Owner

1. Upon being notified that a property may not be in compliance with the requirements of this Ordinance, the Town Marshall or if he is unavailable, another qualified Town employee, shall investigate the potential violation. For purposes of examining the weed,

grass and rank vegetation growth, the Town Marshall or other qualified Town employee shall be allowed to enter on the property.

2. If, in the determination of the Town Marshall, the weed, grass and rank vegetation growth exceed the Maximum Height, he/she shall send a letter to the property owner, certified mail/return receipt requested, at the address as it appears on the County's Auditor's records for tax purposes, stating the nature of the violation. A copy of the letter shall also be delivered and placed in a conspicuous location on the property. Such notice shall give the property owner seven (7) days to correct the noted violations.

#### **SECTION 4**

##### Appeal

1. If the property owner believes its property is not in violation of the conditions stated in the notice then, within the seven (7) days noted in Section 3, Part 2, the property owner shall deliver written objections/responses to the Clerk/Treasurer, who shall immediately forward such to each Town Council Member. A meeting between the Town Council, the property owner and Town Marshall shall take place on or before the next monthly meeting of the Council. Prior to such appeal, no action shall be taken by the Town.

#### **SECTION 5**

##### Corrective Action by the Town

1. If no corrective action is taken by the property owner within seven (7) days of sending notice as provided in Section 3, Part 2 or within three (3) days after the meeting provided in Section 4, Part 1, should the Town Council determine that the property owner's objections are not valid, the Town may take all reasonable steps to eliminate the nuisance and to bring the property into compliance with this Ordinance, including the entering upon the property (consistent with Indiana Code Sec 36-1-6-2) to cut, mow and/or trim the weeds, grass and rank vegetation to bring all such into a uniform height below the Maximum Height.

#### **SECTION 6**

##### Penalty/Lien for Cost

1. Any violation of this Ordinance that goes unresolved in excess of seven (7) days from the date notice is sent to the property owner pursuant to Section 3, shall result in the imposition of a fine of \$50.00 per day, starting at day eight (8), with each succeeding day of noncompliance being considered a separate offense.
2. All costs incurred by the Town to bring the property into compliance with this Ordinance shall be charged to the property owner. A bill citing the amount shall be sent to the property owner. Should the Town fail to receive payment or an objection within 30 days of sending such bill, the Clerk/Treasurer shall certify to the County Auditor the amount of the bill, plus the amount to prepare such certification. Pursuant to Indiana Code 36-7-10.1-4, the County Auditor shall take steps to place the amount on the tax duplicates. Should a property owner object to the amount of the bill, the property owner may petition the Town Council for relief.

**SECTION 7**

Repeal of Previous Ordinances

- 1. Unless this Ordinance is deemed invalid or void, by a court of competent jurisdiction, this Ordinance shall supercede all prior ordinances relating to the cutting of Weeds and Grass.

**SECTION 8**

Citation to Indiana Statutes

- 1. All citations to Indiana statutes shall include any subsequent amendments to such statutes or any renumbering or recodification of such. Should any cited Indiana statute be repealed, this Ordinance shall remain in full effect, unless such would violate any Indiana statute.


**SECTION 9**

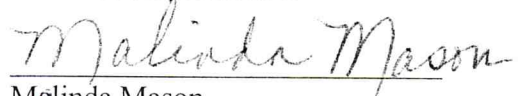
Effective Date

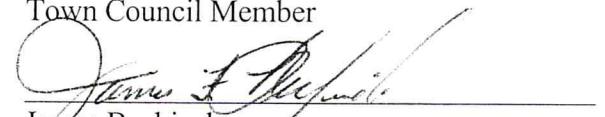
- 1. This Ordinance shall be effective upon publication.

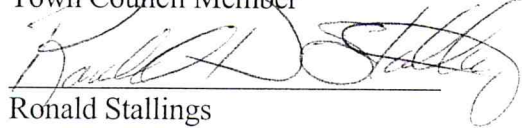
ALL OF WHICH IS ORDAINED by the Town Council of the Town of Westville this 14<sup>th</sup>  
 day of May, 2002.

  
 \_\_\_\_\_  
 Regina Ruddell  
 Town Council Member

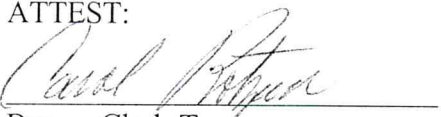
  
 \_\_\_\_\_  
 Robert Mekola  
 Town Council Member

  
 \_\_\_\_\_  
 Melinda Mason  
 Town Council Member

  
 \_\_\_\_\_  
 James Bechinske  
 Town Council Member

  
 \_\_\_\_\_  
 Ronald Stallings  
 Town Council Member

ATTEST:

  
 \_\_\_\_\_  
 By: Clerk-Treasurer  
 Town of Westville, Indiana