

CONTROL OF WEEDS (G-3-1994)

This ordinance serves as an amendment to the Indiana Code providing for the prevention and control of weeds as a public nuisance.

SECTION 1: WEEDS

- (b) The term real estate, as used in this code section, shall include the lot area, curtilage, lawn space, curb space and sidewalk area abutting that real estate.
- (c) Weeds and other vegetation allowed growth of a height of 9 or more inches, and all weeds and other vegetation which do not grow to a height of 9 inches or more after reaching the flowering state are a public nuisance.
- (d) No person shall fail to cut and remove from any real estate owned, leased or occupied by that person, all weeds or other rank vegetation declared a public nuisance under subsection (b) of this code section.

SECTION 2: ENFORCEMENT:

Upon request by the nuisance abatement officer or police department, the nuisance abatement officer shall issue a notice to any property owner in violation of this ordinance, which notice shall state that the owner has 5 days in which to remove the weeds or mow the property. This notice can be served by the nuisance abatement officer, Swayzee Police Department, certified or registered mail, or posted on said property and will only be on notice once per calendar year. The town reserves the right to maintain the posted property per 7 inches of growth after the first ordinance violation has been commenced in that calendar year.

If the property owner, landowner, or tenant fails to remove the vegetation within the time prescribed, the Town shall remove the vegetation at the cost of the property owner, landowner, or tenant. The Swayzee Town Clerk must take a certified statement of the actual cost incurred by the town in removal. The statement must be delivered to the owner of the property by a law enforcement officer of the town, or by registered, or certified mail and the property owner, landowner, or tenant shall pay the amount to the Town of Swayzee. If the property owner, landowner, or tenant fails to pay the amount within 10 days, after receiving the statement, a certified copy of the statement costs shall be filed in the office of the Grant County Auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the unit.

- (e) The town clerk/treasurer shall issue a certified statement to the property owner at the address shown on record which shall include the administrative cost of \$20 plus the actual removal costs incurred by the Town by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100 and shall be shown by the records of the town clerk/treasurer.
- (f) A person who violates any provision of this ordinance shall be fined upon conviction no less than \$50 and no more than \$250 per violation. Each day a violation occurs or continues constitutes a separate offense.