

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 344 be amended to read as follows:

- 1 Page 52, between lines 6 and 7, begin a new paragraph and insert:
2 "SECTION 29. IC 36-7-10.1-3, AS AMENDED BY P.L.113-2010,
3 SECTION 130, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The legislative body of a
5 municipality or county may by ordinance require the owners of real
6 property located within the municipality or the unincorporated area of
7 the county to cut and remove weeds and other rank vegetation growing
8 on the property. As used in this chapter, "weeds and other rank
9 vegetation" does not include agricultural crops, such as hay and
10 pasture.
11 (b) An ordinance adopted under subsection (a) must specify the
12 following:
13 (1) The department of the municipality or county responsible for
14 the administration of the ordinance.
15 (2) The definitions of weeds and rank vegetation.
16 (3) The height at which weeds or rank vegetation becomes a
17 violation of the ordinance, specifying the appropriate heights for
18 various types of weeds and rank vegetation.
19 (4) The procedure for issuing notice to the owner of real property
20 of a violation of the ordinance, **including any procedures for**
21 **issuing a continuous abatement notice under subsection (d).**
22 (5) The procedure under which the municipality or county, or its
23 contractors, may enter real property to abate a violation of the
24 ordinance if the owner fails to abate the violation.
25 (6) The procedure for issuing a bill to the owner of real property
26 for the costs incurred by the municipality or county in abating the
27 violation, including administrative costs and removal costs. The
28 cost of sending notice under subsection (c) is an administrative
29 cost that may be billed to the owner under this subdivision.
30 (7) The procedure for appealing a notice of violation or a bill

1 issued under the ordinance.
2 (c) An ordinance adopted under subsection (a) must provide that a
3 notice sent to the property owner must be sent by certified mail, return
4 receipt requested, or an equivalent service permitted under IC 1-1-7-1
5 to:
6 (1) the owner of record of real property with a single owner; or
7 (2) at least one (1) of the owners of real property with multiple
8 owners;
9 at the last address of the owner for the property as indicated in the
10 records of the county auditor on the date of the notice.
11 **(d) If an initial notice of the violation of an ordinance adopted**
12 **under this section was provided by certified mail or equivalent**
13 **service under subsection (c), a continuous abatement notice may be**
14 **posted at the property at the time of abatement instead of by**
15 **certified mail or equivalent service as required under subsection**
16 **(c). A continuous abatement notice serves as notice to the real**
17 **property owner that each subsequent violation during the same**
18 **year for which the initial notice of the violation was provided may**
19 **be abated by the municipality or county, or its contractors."**
20 Renumber all SECTIONS consecutively.
(Reference is to SB 344 as printed January 27, 2012.)

Senator HOLDMAN