

IC 15-16-7

Chapter 7. Weed Control Board

IC 15-16-7-1

"Authorizing body"

Sec. 1. As used in this chapter, "authorizing body" means the body that has the power to adopt ordinances under IC 36-1-3-6.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-2

"Noxious weed"

Sec. 2. As used in this chapter, "noxious weed" refers to the following:

- (1) Canada thistle (*Cirsium arvense*).
- (2) Johnson grass (*Sorghum halepense*).
- (3) Columbus grass (*Sorghum almum*).
- (4) Bur cucumber (*Sicyos angulatus*).
- (5) Shattercane (*Sorghum bicolor* (L.) Moench spp. drummondii (Steud.) deWet).

As added by P.L.2-2008, SEC.7.

IC 15-16-7-3

Establishment of weed control board

Sec. 3. The authorizing body of any county may establish a weed control board by adopting an ordinance:

- (1) on the authorizing body's own initiative; or
- (2) after receiving a petition signed by five percent (5%) of the registered voters of the county.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-4

Board members; terms; officers; traveling expenses

Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

- (1) One (1) township trustee of the county.
- (2) One (1) soil and water conservation district supervisor.
- (3) One (1) representative from the agricultural community of the county.
- (4) One (1) representative from the county highway department or an appointee of the county commissioners.
- (5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-5

Executive director; employees

Sec. 5. The weed control board may:

- (1) appoint an executive director; and
- (2) employ necessary technical, professional, and other assistants.

The board shall fix the qualifications, duties, and salaries of these employees subject to the approval of the county council.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-6

County highway supervisor and soil and water conservation district supervisor duties

Sec. 6. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall:

- (1) serve as inspectors for the weed control board;
- (2) make periodic inspections; and
- (3) report their findings to the board and the executive director, if any.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-7

Board's powers and duties

Sec. 7. The powers and duties of the weed control board include the following:

- (1) Taking all necessary and proper steps to control and contain noxious weeds that have adverse significance on agricultural production in Indiana.
- (2) Entering upon any land, public or private, at any reasonable time after giving forty-eight (48) hours notice to the person in possession of the land to inspect for noxious weeds, unless permission is granted to enter earlier.
- (3) Purchasing supplies, material, and equipment.
- (4) Acquiring by gift or purchase, holding, or disposing of, any real property in the name of the board, to include facilities as offices, laboratories, operational buildings, rights-of-way, and easements.
- (5) Making contracts to carry out the duties of the board.
- (6) Entering into cooperative agreements with appropriate organizations to assure technical assistance in developing and carrying out the purposes of the board.
- (7) Identifying problems determined to be of importance to the public welfare and developing control programs appropriate to a situation.
- (8) Undertaking investigations to determine the extent of infestation of noxious weed species, along with the effect of the infestation on agricultural production in the county.
- (9) Employing the latest technological advances to control and contain noxious weeds in the county.
- (10) Accepting gifts, grants of money, services, or property for

any use consistent with the objectives of the board.

(11) Exercising all other powers necessary to carry out the purposes of this chapter.

(12) Performing additional duties as the authorizing body may prescribe.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-8

Marijuana eradication program

Sec. 8. In addition to the weed control board's powers and duties under section 7 of this chapter, the weed control board may establish a marijuana eradication program to eliminate and destroy wild marijuana plants within the county. The program is funded by amounts appropriated by the county:

(1) under IC 33-37-8; and

(2) from the county general fund.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-9

Property owners; obligation to control noxious weeds; removal notice

Sec. 9. (a) The weed control board shall require persons who own:

(1) real estate; or

(2) easements, rights-of-way, or other similar interests in real estate;

in the county to control and contain noxious weeds growing on the real estate.

(b) A five (5) day written notice to remove any noxious weeds shall be issued by the board. The notice may be served:

(1) by certified or registered mail addressed to the latest address of the person or to the person's resident agent; or

(2) personally by the sheriff.

(c) The weed control board shall notify the township trustee when the board has sent a notice to a person to remove noxious weeds growing on real estate in the township.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-10

Cutting and destroying noxious weeds by board; statement of costs to property owner

Sec. 10. (a) If a person fails to begin a program recommended by the weed control board to control and contain noxious weeds within the time prescribed in section 9 of this chapter, the weed control board may pay the following costs incurred in cutting or destroying noxious weeds under this chapter:

(1) Chemicals.

(2) Equipment.

(3) Labor at a rate per hour to be fixed by the weed control board commensurate with local hourly wages.

(b) When the work has been performed, the person doing the work

shall file an itemized bill for the work in the office of the weed control board. When the bill has been approved, the weed control board shall pay the bill from the county general fund unless the county has established a separate fund for the weed control board. The weed control board shall certify the cost of the work, adding to the bill twenty dollars (\$20) per day for each day that a member of the weed control board or the board's agent supervises the performance of the services required under this chapter as compensation for services. The certified statement of costs must include a description of the real estate on which the labor was performed.

(c) The certified statement of costs prepared under subsection (b) must be provided:

- (1) to the owner or person possessing the real estate by:
 - (A) certified mail; or
 - (B) personal service; and
- (2) by mail to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality.

The statement must request that the person pay the cost of performing the service under subsection (b) to the weed control board.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-11

Failure to pay for weed removal; amount placed on tax duplicate; disposition of funds

Sec. 11. (a) If the owner or person in possession of the property does not pay the amount set forth in the statement under section 10(b) of this chapter within ten (10) days after receiving the certified statement under section 10(c) of this chapter, the weed control board shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located.

(b) The auditor shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in section 12 of this chapter, the amount claimed shall be collected as taxes are collected.

(c) After an amount described in subsection (b) is collected, the funds must be deposited in the weed control board fund, if one has been established by the county, for use at the discretion of the weed control board. If a weed control board fund has not been established by the county, the funds collected must be deposited in the county general fund.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-12

Cutting and destroying weeds by the board on governmental property

Sec. 12. (a) This subsection applies to real estate owned by the

state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement under section 10(b) of this chapter for real estate owned by the state and shall charge the appropriate fund for the amount.

(b) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16). The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the weed control board the amount set forth in the certified statement under section 10(b) of this chapter for real estate owned by the municipality.

(c) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement under section 10(b) of this chapter for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-13

Duties of the county auditor concerning certified statement of costs

Sec. 13. Except as provided in section 12 of this chapter, the county auditor, upon receiving and filing the weed control board's certified statement as prescribed in this chapter, shall:

- (1) immediately place the amounts on the tax duplicate of the county;
- (2) collect the amounts at the next tax paying time, in the same manner as other state, county, or township taxes are collected, including penalties, forfeitures, and sales; and
- (3) after the amount has been collected, place the amount in the proper fund.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-14

Cooperative extension service; technical assistance

Sec. 14. The Purdue University cooperative extension service shall provide technical assistance to any weed control board in order to control and contain the growth and spread of noxious weeds.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-15

Violation; failure to comply with board

Sec. 15. Any person who fails to begin a program recommended by the weed control board to control and contain noxious weeds within the time prescribed under section 9 of this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.7.