

## **IC 32-26-5**

### **Chapter 5. Cutting Live Fences Between Adjoining Lands**

#### **IC 32-26-5-1**

##### **Height and width of hedge or live fence**

Sec. 1. A hedge or other live fence grown along the lines dividing properties owned by different persons in Indiana shall be cut and trimmed down to the height of not more than five (5) feet and to a width of not more than three (3) feet once in each calendar year.

*As added by P.L.2-2002, SEC.11.*

#### **IC 32-26-5-2**

##### **Complaint; written notice**

Sec. 2. (a) Upon receiving a complaint in writing signed by an owner of land adjoining a hedge or fence to which this chapter applies alleging that the owner of the fence has neglected to cut and trim the hedge or fence, the township trustee shall examine, within five (5) days after receiving the complaint, the hedge or other live fence.

(b) If the hedge or other live fence that is the subject of the complaint under subsection (a) has not been cut and trimmed, the township trustee shall give the owner of the hedge or other live fence written notice to cut and trim the hedge or other live fence and to remove the brush to the owner's property within thirty (30) days after receiving the notice.

(c) The notice required under subsection (b) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence. If the owner of properties divided by the hedge or other live fence is not a resident of the township where the hedge or other live fence is located, the notice shall be served by mailing a copy of the notice to the owner directed to the owner's last known post office address.

(d) If the owner or the owner's agents or tenants do not cut and trim the fences and remove the brush, the trustee shall, immediately after the expiration of thirty (30) days, cause the hedge or other live fence to be cut and trimmed and the brush removed to the owner's property.

(e) The trustee shall recover all expenses incurred under subsection (d) by bringing a suit against the owner of the property on which the hedge or live fence is situated before the circuit court or the superior court of the county in which the hedge or other live fence is situated. Collection of the expenses and any judgment recovered shall be without relief from valuation or appraisal laws.

*As added by P.L.2-2002, SEC.11. Amended by P.L.201-2011, SEC.12.*

#### **IC 32-26-5-3**

##### **Actions and proceedings; recovery of cutting and trimming expenses**

Sec. 3. The prosecuting attorney shall prosecute a suit under this chapter in the name of the state on relation of a township trustee. The prosecuting attorney shall receive ten dollars (\$10) collected as part of the cost of the suit, for bringing a suit under this section.

*As added by P.L.2-2002, SEC.11.*