

IC 36-7-10.1

Chapter 10.1. Removal of Weeds and Rank Vegetation

IC 36-7-10.1-1

Application of chapter

Sec. 1. This chapter applies to each municipality or county.

As added by P.L.89-1991, SEC.3.

IC 36-7-10.1-2

Exclusions from application

Sec. 2. This chapter does not apply to the following:

- (1) An ordinance adopted before May 15, 1991.
- (2) An action taken by a municipal corporation under IC 36-1-6-2.

As added by P.L.89-1991, SEC.3.

IC 36-7-10.1-3

Ordinance; notice requirement

Sec. 3. (a) The legislative body of a municipality or county may by ordinance require the owners of real property located within the municipality or the unincorporated area of the county to cut and remove weeds and other rank vegetation growing on the property. As used in this chapter, "weeds and other rank vegetation" does not include agricultural crops, such as hay and pasture.

(b) An ordinance adopted under subsection (a) must specify the following:

- (1) The department of the municipality or county responsible for the administration of the ordinance.
- (2) The definitions of weeds and rank vegetation.
- (3) The height at which weeds or rank vegetation becomes a violation of the ordinance, specifying the appropriate heights for various types of weeds and rank vegetation.
- (4) The procedure for issuing notice to the owner of real property of a violation of the ordinance.
- (5) The procedure under which the municipality or county, or its contractors, may enter real property to abate a violation of the ordinance if the owner fails to abate the violation.
- (6) The procedure for issuing a bill to the owner of real property for the costs incurred by the municipality or county in abating the violation, including administrative costs and removal costs. The cost of sending notice under subsection (c) is an administrative cost that may be billed to the owner under this subdivision.
- (7) The procedure for appealing a notice of violation or a bill issued under the ordinance.

(c) An ordinance adopted under subsection (a) must provide that a notice sent to the property owner must be sent by certified mail, return receipt requested, or an equivalent service permitted under IC 1-1-7-1 to:

- (1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;
at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice.
As added by P.L.89-1991, SEC.3. Amended by P.L.113-2010, SEC.130.

IC 36-7-10.1-4

Failure of real property owner to pay bill; collection of bill as delinquent taxes; disbursement of collections

Sec. 4. If the owner of real property fails to pay a bill issued under section 3 of this chapter within the time specified in the ordinance, the department specified in the ordinance shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the municipality or county.

As added by P.L.89-1991, SEC.3.

IC 36-7-10.1-5

Disbursement of bill collections to general fund of department enforcing ordinance

Sec. 5. Notwithstanding section 4 of this chapter, the municipality or county may provide that the amounts collected shall be disbursed to the general fund of the department specified to enforce the ordinance.

As added by P.L.89-1991, SEC.3.