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CH8 8.1 - Removal of Weeds and Rank Vegetation

The Town of Lapel desires to require the owners of real property in the Town limits of Town of Lapel to maintain their lots by mowing noxious weeds and other vegetation; and Whereas, Indiana Code [36-7-10.1](#) has set forth requirements regarding ordinances for the mowing of weed and other vegetation and the method for collecting unpaid bills incurred by the Town and Town desires to comply fully with these statutory provisions.

a. Owners required to cut:

1. Owners of real property located within the corporate limits of the Town of Lapel, Indiana, shall cut and remove weeds and other rank vegetation growing on such property unless such vegetation is part of an established agricultural enterprise and is currently being used for pasture or for production of hay.
2. The Lapel Town Council through the Clerk/Treasurer shall be responsible for the administration of this ordinance.
3. "Weeds" subject to removal under this ordinance shall be those weeds or grasses which are one (1) foot or longer in length and "other rank vegetation" subject to removal under this ordinance shall be vegetation growing in excessive luxuriance and vigor which is at least one (1) foot in length or more. For the purpose of this ordinance, the term "length" and "height" shall be synonymous. A weed or piece of vegetation if standing in one (1) foot or greater in height and same bend or falls over, such that its length continues to be equal to one (10) foot in length or more, is in violation of the terms of this ordinance.
4. Any property owner who fails to remove weeds and other rank vegetation as defined in Section A (3) shall be deemed in violation of Section A (1). Notice of violation by the Town Clerk/Treasurer shall be made by First Class U.S.
 - Postal Service to the property owners address shown on records of the Madison County Treasurer. One letter within a calendar year shall be deemed sufficient notice for each and every lot, parcel and lands owned by the offender within the corporate limits of the Town in case of the party's failure to comply with the terms of Section A (1). The Town shall have the right to cut and remove weeds and rank vegetation upon the property owners failure to do so within seven (7) days after mailing the notice of violation.

5. The Town Clerk/Treasurer shall issue a bill to the property owner at the address shown on the records of the Madison County Treasurer, which bill shall include the administrative costs of \$20.00 plus the actual removal costs incurred by the Town either by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100.00 and shall be shown by the records of the Town Clerk/Treasurer.
6. In the event the property owner disputes a notice of violation under Section A (4) or a bill issued under Section A (5), such property owner may file a written appeal with the Town Clerk/Treasurer for rescission or adjustment of such notices or bill within fourteen (14) days after the date of such notice or bill. Should the property owner fail to so appeal in writing within (14) days, said notice and /or billing shall be deemed final and no further appeal shall be permitted.
7. If the property owner fails to pay a bill under Section A (5) within thirty (30) days, the Town Clerk/Treasurer shall certify to the Madison County Auditor the amount of the bill plus the administrative cost of \$20.00 incurred in the certification. The Madison County Auditor shall place the total amount certified on the tax duplicate for the party affected. 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 Town of Lapel as provided in Indiana Code [36-7-10.1-4](#).

REPEALER All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE this ordinance shall become effective immediately upon passage and publication as provided by law.

Further Information

Ord. No. 1-1988, passed 7/13/88, repealed), Ord. No. 7-2006, passed 4/6/2006

Indiana Code [36-7-10.1](#) [36-7-10.1-4](#)

Date Passed: 7/13/1988