

**ORDINANCE NO. 2009-OR 22**  
**TO AMEND ORDINANCE NO 2008-OR-43**  
**AN ORDINANCE TO CONTROL THE GROWTH OF WEEDS AND NOXIOUS PLANTS**

**WHEREAS**, in 2007 the Common Council of the City of Jeffersonville (the "Council") adopted Ordinance NO. 2007-OR-7, An Ordinance to Control the Growth of Weeds or Noxious Plants Within the City; and

**WHEREAS**, it is important to the public health, safety and welfare that the City have an effective ordinance for controlling the growth of weeds and noxious plants;

All premises shall be maintained free from weeds or plant growth in excess of ten inches. Weeds shall be defined as all grasses, annual plants and vegetation.

Cultivated flowers, prairie landscaping, gardens, trees, shrubs, bushes, agricultural crops such as hay, pasture, multi-acre parcels which do not abut residential uses or public property, wooded areas or wetlands, or other ornamental plants are not included.

**§93.40 Definition.**

For the purposes of this chapter, the following are deemed to be weeds or noxious plants:

- (1) Canada thistle (*Cirsium arvense*), at any height
- (2) Johnson grass and Sorghum alumum (*Sorghum halepense*), at any height
- (3) Bur cucumber (*Sicyous angulatus*), at any height
- (4) Shattercane (*Sorghum bicolor*), at any height
- (5) Grass in excess of ten (10) inches
- (6) Columbus grass, (Sorghum Alum Parodji)
- (7) Poison Ivy, Poison Oak, and Sumac

**§93.41 Municipal Department Responsible for Administration.**

Unless specifically stated elsewhere in this chapter, the Building Commissioner will be responsible for the administration of actions taken under this chapter including, but not limited to, the issuance of notices to landowners and other persons, the issuance of certifications of cost to the County Auditor, and the administration of the appeals procedure.

**§93.42 Clearing Lots of Weeds, Noxious Plants Required; Nuisance.**

Weeds and Plant Growth is:

- a. Any developed parcel of land or yard as defined by the Jeffersonville Zoning Ordinance, which has weeds and plant growth exceeding ten inches in height and covers more than 50% of the land or yard; or
- b. Any multi-acre parcel that exceeds three (3) acres of undeveloped land or more, excluding Agriculturally Zoned Property, which has weeds and plant growth exceeding ten inches in height shall be mowed a minimum of 25 feet from any residential use and public property.
- c. The growth of weeds or noxious plants that is injurious to public health and is a nuisance.

**§93.43 Inspection: Notice of Violation.**

The Building Commissioner is entitled to enter upon the premises of any real property within the city to determine compliance with this chapter. If the Building Commissioner determines there is a violation of this ordinance, he shall (1) hand deliver a notice to the owner of the real estate; and/or (2) send notice by first class mail to the owner at the address listed with the Clark County Auditor's office or (3) conspicuously post a written notice of violation(s) on the property requiring removal of the vegetation within ten (10) days. The notice must also inform the landowner that failure to comply will result in the City removing the vegetation at the landowner's expense. The notice must also inform the landowner of his/her right to appeal the Building Commissioner's determination according to the procedure set out in §93.46, below. The Building Commissioner will determine the identity of the landowner and the landowner's address from the tax duplicate records of the Clark County Auditor.

**§93.44 Failure to Remove; Notice of Abatement.**

If the landowner fails to remove the vegetation within the time prescribed, the Building Commissioner may cause the City or its agent to remove the vegetation. The Building Commissioner must then prepare a certified statement of the actual costs the City incurred in removing of the vegetation plus any additional administration costs incurred in the city's effort to enforce this ordinance. The certified statement of costs must be delivered to the landowner of the property by certified mail at his/her last know address as determined by the tax duplicate records of the Clark County Auditor. The landowner must pay the amount specified in the certified statement to the Building Commissioner or Clerk-Treasurer within ten (10) days after receiving the statement. If the landowner fails to pay the amount within the required time, a certified statement of the landowner's failure to pay the cost will be filed with the office of the Clark County

Auditor. Pursuant to Indiana Code 36-7-10.1-4, the Auditor will then place the amount claimed on the tax duplicate against the property affected by the work. The amount will thereafter be collected and disbursed to the general fund of the City, as are other property taxes.

**§93.45 Lien Upon Property/Definition of Owner.**

**OWNER.** Any person, agent, firm or corporation having a legal or equitable interest in the property.

In addition to the above procedure, if any landowner, agent, firm, or corporation having a legal or equitable interest in said property fails to remove weeds and noxious plants within the time specified in the notice provided for in §93.43, above, and the city, or its agent, must remove the vegetation, the Building Commissioner may file with the County Recorder a lien against the property, going back up to one (1) full year from the date in which the first bill was mailed to the Owner. This lien may be foreclosed as are other similar liens, and to include any or all bills owed to the City within the stated one (1) year time frame as listed above.

Any additional cost created by the necessity of the city having to cut or remove such weeds or noxious plants, and foreclose such lien, may be added to the cost of enforcing compliance with this ordinance.

**§93.46 Notice of Appeal.**

Any landowner may appeal to the Board of Public Works and Safety with regard to any action under this chapter. An appeal of the removal of weeds and noxious plants, or the costs associated with the removal, must be submitted in writing and be received within five (5) days of the initial notice of violation or within ten (10) days of receipt of the certified statement of costs. The Board of Public Works and Safety will review an appeal of any notice of violation or statement of cost under this chapter at its next regularly scheduled meeting.

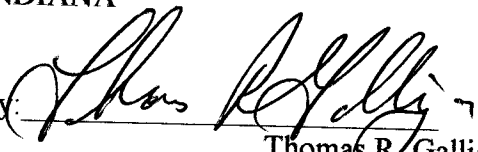
**IT IS HEREBY FURTHER ORDAINED** that the Clerk and Treasurer of the City of Jeffersonville must cause notice of the passage of this Ordinance to be published in the Jeffersonville Evening News within thirty (30) days of its adoption.

This Ordinance shall be in full force and effect from and after its passage and approval.

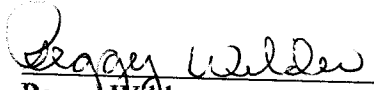
This Ordinance shall be in full force and effect upon its adoption.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

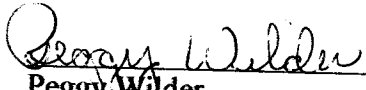
COMMON COUNCIL OF  
THE CITY OF JEFFERSONVILLE,  
INDIANA

By:   
Thomas R. Galligan  
Presiding Officer

ATTEST:

  
Peggy Wilder  
Clerk-Treasurer

Presented by me as Clerk-Treasurer to the Mayor of said City of Jeffersonville  
this 2<sup>nd</sup> day of June 2009.

  
Peggy Wilder  
Clerk Treasurer

This Ordinance approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

  
Thomas R. Galligan, Mayor