

ORDINANCE NO. 1998- 2

**AN ORDINANCE REQUIRING REMOVAL  
OF WEEDS AND RANK VEGETATION  
WITHIN THE TOWN OF WESTPORT, INDIANA**

WHEREAS, Indiana Code 36-7-10-1-3 authorizes a town council to require the owners of real property within a town to cut and remove weeds and other rank vegetation growing on the property;

NOW THEREFORE be it ordained by the town council of Westport, Indiana:

**Section 1.** As used in this ordinance, "weeds and other rank vegetation" does not include agricultural crops, such as hay and pasture.

**Section 2.** The town Street Dept shall be responsible for administering this ordinance.

**Section 3.** "Weeds and rank vegetation" shall include Canada thistle, Johnson grass, sorghum alumun, bur cucumber, shattercane, and noxious weeds growing in a residential area.

**Section 4.** The owner of any real estate within the town shall cut and remove any weeds and rank vegetation growing at a height of ten (10) inches or more, or grass at a height of ten (10) inches or more.

**Section 5.** Upon request of the town council, the town clerk shall send a written notice by certified mail, return receipt requested, to the owner of real estate upon which noxious weeds or rank vegetation is growing. The notice shall specify a date, no

sooner than five (5) days after the date the notice is mailed, for cutting or destruction of the weeds or rank vegetation. The notice shall inform the owner that if the weeds or rank vegetation are not cut or destroyed by the date stated in the notice, the town council shall cause them to be cut or removed in a reasonable and practical manner as determined by the town council.

**Section 6.** If the weeds or rank vegetation are not cut or destroyed within the time allowed by the notice, the town council may cause them to be cut or destroyed and may hire a person to enter onto the real estate for that purpose. The persons entering the property to cut or destroy rank vegetation are not civilly or criminally liable for damage to other property while on the premises, except for gross negligence or willful or wanton destruction.

**Section 7.** The person who performs the work shall submit an itemized bill to the town clerk, who shall pay the bill from town funds. The town clerk shall then send by certified mail to the owner of real estate a certified statement of costs, which shall include all costs for mailing notices.

**Section 8.** If the owner does not pay the amount set forth in the statement within ten (10) days after receiving it, the town clerk shall file a copy of the certified statement in the office of the county auditor. The auditor shall place the total amount certified on the tax duplicate for the property from which

rank vegetation was removed, and the total amount shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the town.

Adopted this 13 day of July, 1998.

WESTPORT TOWN COUNCIL

Clifford W. Byard  
Valley W. Pray III  
J. Kramer

Barbara Hayden  
Clerk-Treasurer

NOTICE TO REMOVE WEEDS

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is to notify you that weeds and rank vegetation are present on the following real estate owned by you in the town of Westport:

As owner of this property, you are responsible to cut, remove, or destroy weeds and rank vegetation. Removal must be complete by midnight on \_\_\_\_\_. After that time, the town will hire a person to enter the property and cut or destroy the rank vegetation in the manner determined by the town council. **As owner of the property, you will be responsible for all costs.**

Upon your failure to pay the costs for removal or destruction of weeds, the costs will be certified to the Decatur County Auditor for collection as real estate taxes are collected.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk-Treasurer