

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 993

AN ORDINANCE REPEALING AND REPLACING ARTICLE III OF CHAPTER 14 OF THE ST. JOHN TOWN CODE PERTAINING TO THE REGULATIONS FOR REMOVAL OF WEEDS AND RANK VEGETATION, AND REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana is reviewed its existing regulations contained in the St. John Town Code pertaining to Weeds and Rank Vegetation, as found in Article III of Chapter 14 of the Town Code; and

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, has been advised that further clarification has been recommended with regard to the duties of officers, as well as the proper procedures needed concerning the removal of weeds and other rank vegetation; and

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, has determined that it is necessary, advisable, and in the best interests of the residents of the Town that the existing regulations contained in the Town Code found in Article III of Chapter 14 for removal of weeds and other rank vegetation should be amended and modified in order to provide further clarification of the duties and responsibilities of Town Officers, as well as to provide for further clarification in the procedures for the removal of weeds and other rank vegetation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That Article III, entitled "WEEDS AND RANK VEGETATION", of Chapter 14, entitled "NUISANCES", of the St. John Town Code, be, in the same is hereby amended to read and provide as follows:

"CHAPTER 14"
NUISANCES

ARTICLE III. WEEDS AND RANK VEGETATION

Sec. 14-41. Authority of the Town Council

The Town Council shall have the power and authority to require the owners of real estate within the geographical limits of the Town to cut and remove weeds and other rank vegetation growing thereon.

(Code 1983, 36-5-2(j), § 1)

State law reference-Similar provision, IC 36-7-10-3(b).

Sec 14-42. Exemption.

This article does not apply to land zoned RD.

Sec. 14-43. Notice to Remove.

A Five (5) day written notice to remove weeds or other rank vegetation shall be issued by the Town Clerk-Treasurer. This written notice shall be made after a written report and investigation is provided by the Town Building and Planning Department. The written notice shall be served by an Officer of the Town Police Department upon the landowner, if the landowner is a resident of the Town, or by registered mail addressed to the landowner at the last known address, if he is not a resident of the Town.

(Code 1983, 36-5-2-9(j), § 2)

State law reference-Similar provisions, IC 36-7-10-3(b).

Sec. 14-44. REMOVAL BY TOWN.

(a) If the landowner fails to remove such weeds or rank vegetation within the aforementioned Five (5) day period, the Town Council may act to remove such weeds and rank vegetation, and the Clerk-Treasurer shall make a certified statement of the actual costs incurred by the Town. Such removal, which statement shall be delivered to the Owner of such real estate by an Officer of the Town Police Department, or by registered mail, and the landowner shall not have more than Ten (10) days within which to pay the amount of the billing statement to the Clerk-Treasurer.

(b) If the landowner fails to pay said sum within the time prescribed, a certified copy of the statement of costs shall be filed in the Offices of the Lake County Auditor, and the County Auditor shall place the amount so claimed on the tax duplicate against the land of the landowner affected by the work, and the amount shall be collected as taxes are collected, and when collected shall be disbursed to the General Fund of the Town.

(Code 1983, 36-5-2-9(j), § 3,4)

State law reference-Similar provisions, IC 36-7-10-3(d)."

SECTION TWO: That the existing provisions of Article III, entitled "Weeds and Rank Vegetation", of Chapter 14, of the St. John Town Code, entitled "Nuisances", are repealed in their entirety and replaced with the provisions described in SECTION ONE of this Amendatory Ordinance.

SECTION THREE: That all existing Ordinances, and Town Code provisions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR: If any section, clause, provision, or portion of this Ordinance shall

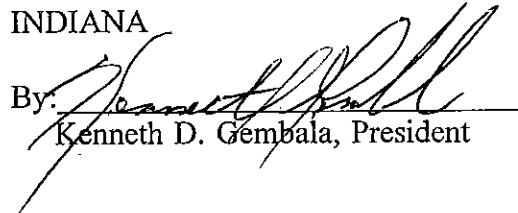
be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FIVE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

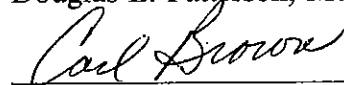
SECTION SIX: That two (2) copies of the amendatory Ordinance herein are on file in the Office of the Clerk-Treasurer of the Town for Public review and inspection.

PASSED AND ADOPTED BY THE TOWN COUNCIL, OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 28th DAY OF Sept., 1995.

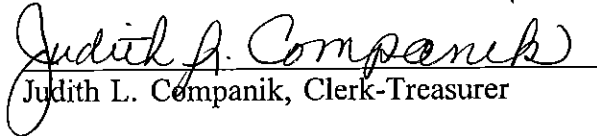
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA

By: 
Kenneth D. Gembala, President


Douglas E. Patterson, Member


Carl Brown, Member

ATTEST:


Judith L. Companik, Clerk-Treasurer