

**TOWN OF ST. JOHN, LAKE COUNTY, INDIANA**

**ORDINANCE NO.: 1522**

**AN ORDINANCE AMENDING TOWN CODE SECTIONS 14-41, 14-42, 14-43, 14-44, AND 14-45 REGARDING WEEDS AND RANK VEGETATION REGULATIONS IN THE TOWN OF ST. JOHN, 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, has reviewed the existing regulations of the Town regarding weeds and rank vegetation on real properties within the Town; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has been advised and informed that Indiana Code §36-7-10.1 *et seq.* has been recently amended to include new procedures and notices for the removal of weeds and rank vegetation; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has been advised and informed that amendments are necessary to Town Code, which regulates weeds and rank vegetation, to update the abatement and notice provisions to property owners consistent with revised Indiana Code §36-7-10.1-3; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the current text provisions pertaining to weed and rank vegetation regulations and the new and revised statutory provisions, now concurs that it is advisable, appropriate, and in the best interests of the residents and property owners of the Town of St. John that certain text provisions of the Town Code, as amended from time to time, be amended and modified pertaining to weed and rank vegetation regulations.

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

**SECTION ONE:** That Section 14-41, entitled **Authority of Town Council**, of Article III, entitled **WEEDS AND RANK VEGETATION**, of Chapter 14, entitled **NUISANCES**, of the St. John Town Code, be and the same is hereby amended to read and provide as follows:

**“Sec. 14-41 Authority of Town Council.**

The Town Council shall have the power and authority to require the owners of real property within the geographical and corporate limits of the Town to cut and remove weeds and rank vegetation growing thereon pursuant to the provisions of Indiana Code §36-7-10.1-1 *et seq.*, as amended from time to time.”

**SECTION TWO:** That Section 14-42, entitled **Exemption**, of Article III, entitled **WEEDS AND RANK VEGETATION**, of Chapter 14, entitled **NUISANCES**, of the St. John Town Code, be and the same is hereby replaced to read and provide as follows:

**“Sec. 14-42 Permitting Certain Weeds to Grow-Declared Nuisance.**

It shall be considered a public nuisance to allow any noxious, toxic, or weeds and rank vegetation to grow on any property within the corporate and geographical limits of the Town of St. John. For purposes of this section, “weeds and rank vegetation” shall mean “any growth of weeds, grass, or other rank vegetation on property which is neglected, disregarded, or not cut, mown or otherwise removed and/or which has attained a height of nine inches (9”) or more”.

**SECTION THREE:** That Section 14-43, entitled **Notice to Remove**, of Article III, entitled **WEEDS AND RANK VEGETATION**, of Chapter 14, entitled **NUISANCES**, of the St. John Town Code, be and the same is hereby amended to read and provide as follows:

**“Sec. 14-43 Notice to Remove.**

At least a five (5) day written notice to remove weeds and rank vegetation shall be issued by the Office of the Town Manager or such employee or employees designated by the Town Manager and shall be served upon the landowner by a Town employee or by certified mail, return receipt requested, addressed to the landowner’s last known mailing address as indicated on the Lake County Auditor records. The Notice to the landowner shall include the following: 1) the address of the real property; (2) the date of the notice; (3) the address and telephone number of the Town employee issuing the Notice; and (4) a warning that in the event that the weeds and rank vegetation is not removed within five (5) calendar days after delivery of the Notice, the Town will abate the nuisance and seek recovery of the actual costs involved in the removal.”

**SECTION FOUR:** That Section 14-44, entitled **Removal by Town**, of Article III, entitled **WEEDS AND RANK VEGETATION**, of Chapter 14, entitled **NUISANCES**, of the St. John Town Code, be and the same is hereby amended to read and provide as follows:

**“Sec. 14-44 Removal by Town.**

(a) In the event that the landowner fails or refuses to remove the weeds and rank vegetation within the time prescribed in the Notice issued pursuant to Section 14-43, the Town Manager may authorize Town employees or hire an independent contractor to remove such weeds and rank vegetation and the Town Clerk-Treasurer shall make a certified statement of the actual costs incurred by the Town, which statement shall be delivered to the landowner by a Town employee or first class mail, and such landowner shall have not more than ten (10) days within which to pay such amount to the Office of the Clerk-Treasurer. Actual costs shall include the weeds and rank vegetation removal expense, administrative expenses, and mailing expenses.

(b) If the landowner fails to pay the actual costs 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 Auditor shall place the amount so claimed on the tax duplicate against the land of the landowner effected 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.”

**SECTION FIVE:** That Section 14-45, entitled **Landowner’s Right to Appeal**, of Article III, entitled **WEEDS AND RANK VEGETATION**, of Chapter 14, entitled **NUISANCES**, of the St. John Town Code, be and the same is hereby added to read and provide as follows:

**“Sec. 6-135 Landowner’s Right to Appeal.**

(A) Upon receipt of a Notice to abate or bill for abatement, the landowner, or his duly authorized representative, may notify the Town of any objection to the Notice to abate or bill. This objection correspondence shall be in writing to the Town Manager and shall specify the street address, legal description of real property involved, and reason for objection to the Notice to abate or bill. Any such correspondence must be received by Town within the amount of time set out in the Notice to abate or bill.

(B) Upon receipt of such correspondence, the employee issuing the Notice to abate or bill shall provide copies of the Notice and file documents to the Town Manager, who shall cause the objection to be investigated. No further action shall be pursued against that landowner to abate the nuisance or pay the bill for abatement until resolution of the objection thereto. The Town Manager shall notify the landowner of the final decision on the objection and the decision of the Town Manager shall be final.”

**SECTION SIX:** That all existing Town Code Sections not amended hereby or added hereto are hereby ratified, reaffirmed, and shall remain in full force and effect.


**SECTION SEVEN:** That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed and declared to be null, void, and of no legal effect.

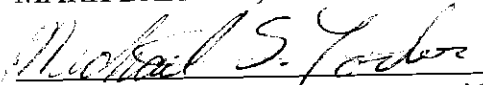
**SECTION EIGHT:** That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

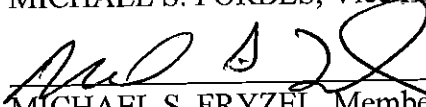
**SECTION NINE:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, in conformance with applicable law.


ALL OF WHICH IS PASSED AND ADOPTED THIS 9<sup>d</sup> DAY OF September, 2010, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

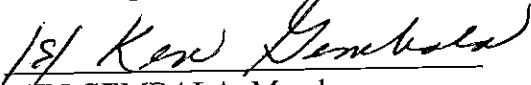
TOWN OF ST. JOHN, LAKE COUNTY,  
INDIANA, TOWN COUNCIL

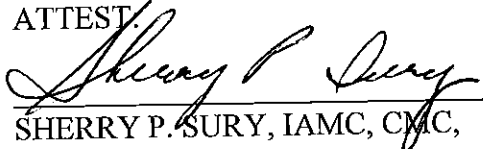
  
MARK BARENIE, President

  
MICHAEL S. FORBES, Vice President

  
MICHAEL S. FRYZEL, Member

  
GREGORY J. VOLK, Member

  
KEN GEMBALA, Member

ATTEST.  
  
SHERRY P. SURY, IAMC, CMC,  
Clerk-Treasurer