

Ordinance No. 2024-02

**ORDINANCE AMENDING AND RESTATING ORDINANCE 2014-02
REGULATING NOXIOUS WEEDS AND RANK VEGETATION WITHIN
THE TOWN OF CLEAR LAKE, INDIANA**

WHEREAS, Ordinance 2014-02, adopted May 12, 2014, which established an ordinance regulating noxious weeds and rank vegetation within the Town of Clear Lake as permitted by Indiana Code § 36-7-10.1-3; and

WHEREAS, the Town Council wishes to amend and restate Ordinance 2014-02;

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Clear Lake, Indiana, that:

(A) The purpose of this section is to provide for the removal of weeds and rank vegetation in the Town of Clear Lake, Indiana.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS WEEDS. Noxious weeds shall include weeds as defined in *IC 15-16-7-2* “as amended” and the following weeds:

- (a) Shatter cane.
- (b) Poison Ivy.
- (c) Poison oak.
- (d) Poison sumac.
- (e) Quackgrass (*Elytrigia repens*).
- (f) Carolina horsenettle (*Solanum carolinense*).
- (g) Cocklebur (*Xanthium strumarium*).
- (h) Wild mustard (*Brassica kaber* var. *pinnatifida*).

OWNER. The person or persons identified as the owner on the tax records for the subject real estate in the office of the Steuben County Assessor.

RANK VEGETATION. Any vegetable matter which exceeds the height of nine inches as measured from the ground or any vegetation that harbors insects or disease that constitutes a hazard to life, health or property. **RANK VEGETATION** does not include: (1) trees, bushes or shrubs which have been planted or cultivated by the landowner; (2) agricultural crops, such as hay and pasture; or (3) vegetable matter cultivated in plant beds.

TOWN. The Town of Clear Lake, a municipal corporation located in Steuben County, Indiana.

(C) All owners of real property located within the corporate limits of the town shall cut and remove noxious weeds and other rank vegetation growing on the property. Real estate designated as wetlands by the Army Corps of Engineers or a Natural Resources Protection Area are exempted from this section. Additionally, densely wooded lots, banks of streams, open drains and areas maintained in their natural state in public parks are also exempted from this section.

(D) Upon determination by the Town Marshal, or other duly authorized Town employee, that noxious weeds and/or rank vegetation exist, as defined in this section, a written notice shall be issued to the property owner that the noxious weeds and/or rank vegetation must be removed within ten (10) days of service of the notice. The notice shall contain the address of the subject real estate, the date of the notice, the address and telephone number of the Clear Lake Town Hall and an advisement to the property owner that if the noxious weeds and/or rank vegetation are not removed within ten (10) days, the town will remove the noxious weeds and/or rank vegetation and seek recovery of the actual costs of said removal.

(E) The notice required by division (D) of this section shall be served upon the owner of the subject real estate having a single owner, or at least one of the owners of the real estate with multiple owners, by either personal service or by certified mail return receipt requested at the last address of the owner for the property as indicated in the records of the County Auditor on the date of the notice. If notice cannot be given, either by personal service or certified mail, the notice shall be given by first class mail and shall be deemed to be served four days after mailing.

(F) If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail or first class mail, a continuous abatement notice may be posted at the property at the time of abatement instead of being sent by certified mail or first class mail. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the town or its contractor.

(G) If the owner fails to remove the noxious weeds and/or rank vegetation within the time prescribed in the notice, or any extension of that time granted to the owner by the Town Council, the town may remove, or cause to be removed, the noxious weeds and/or rank vegetation.

(H) In the event that the town removes, or causes to be removed, the offending noxious weeds and/or rank vegetation, the Clerk-Treasurer shall prepare a written statement of the cost incurred by the town for the removal. The statement shall be served upon the owner of the subject real estate in the same manner as the service of notice detailed in division (E) of this section.


(I) After the certified statement is served upon the owner as prescribed in division (H) of this section, the owner shall have ten days from service of such statement to pay the same to the Clerk-Treasurer. If the landowner fails to pay the same within ten days of service the cost shall become a lien upon the subject real estate and the Clerk-Treasurer shall file a certified statement of the cost incurred for the removal with Auditor of Steuben County for inclusion on the tax duplicate against the property upon which the work was performed.

(J) Any appeal of the removal notice or statement for costs must be made within ten calendar days of the date of the removal notice or statement of costs, whichever is applicable. Any appeal must be in writing and shall be made to the Town Council, which shall set the matter for hearing. The hearing may be at a special or regular meeting of the Town Council. After the hearing, the Town Council shall issue written findings. Enforcement shall abate during the appeal to the Town Council.

Penalty, see § 10.99

BE IT FURTHER ORDAINED that an emergency exists requiring its immediate effectiveness, and this amended and restated Ordinance shall be in full force and effect from and after its passage by the Town Council, and publication as provided by I.C. 36-5-2-10(b).

PASSED AND ADOPTED by the Town Council of the Town of Clear Lake, Indiana, this 16th day of July, 2024.



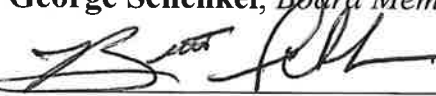
Molly Weber, President



Dan Rippe, Board Member



George Schenkel, Board Member




Brent Schlosser, Board Member



Bert Elliott, Board Member

ATTEST:



Nathan Striker, Clerk-Treasurer