

DETRIMENTAL PLANTS AND DUTIES OF CENTER TOWNSHIP TRUSTEE

- **Does the Township Trustee have reason to believe “detrimental plants” may be on the real estate?**
 - If yes, Township Trustee must give owner or person in possession of the real estate 48 hours’ notice
 - After 48 hours’ notice, the Township Trustee, or an agent of the Township Trustee, may enter the real estate to investigate. **[See sample notice]**
 - If no, then no further action needs to occur.
- **Did the Township Trustee discover a “detrimental plant” on the real estate?**
 - Detrimental plants (Indiana Code § 15-16-8-1) include:
 - Canada thistle (*Cirsium arvense*)
 - Johnson grass (*Sorghum halepense*)
 - Columbus grass (*Sorghum almum*)
 - Bur cucumber (*Sicyos angulatus*)
 - Shattercane (*Sorghum bicolor* Moench spp. *Drummondii* deWet)
 - **In residential areas only:**
 - Noxious weeds (Indiana Code § 15-16-7-2 (as of July 1, 2018)) include:
 - Canada thistle (*Cirsium arvense*)
 - Johnson grass (*Sorghum halepense*)
 - Columbus grass (*Sorghum almum*)
 - Bur cucumber (*Sicyos angulatus*)
 - Shattercane (*Sorghum bicolor* Moench spp. *Drummondii* deWet)
 - Common waterhemp (*Amaranthus rudis*) and tall waterhemp (*Amaranthus tuberculatus*)
 - Marestail or horseweed (*Conyza canadensis*)
 - Palmer amaranth or carelessweed (*Amaranthus palmeri*)
 - Poison hemlock (*Conium maculatum*)
 - Powell amaranth (*Amaranthus powellii*)
 - Rough pigweed (*Amaranthus retroflexus*)
 - Smooth pigweed (*Amaranthus hybridus*)
 - Rank vegetation
 - Not defined in Indiana Code
 - If yes, then the Township Trustee must give written notice to the owner or person in possession of the real estate instructing him or her to destroy the detrimental plants within 5 days of receipt of notice. **[See sample notice]**

- The owner or person in possession of the real estate has **5 days from the date notice was received** to destroy the plants.
 - **Notice is considered received if:**
 - Sent by mail, whichever is earlier:
 - The date of signature of receipt of the mailing or
 - Three (3) business days after the date of the mailing
 - Personally delivered:
 - On the date of delivery
 - If the owner **does not destroy the plants within 5 days**, then the Township Trustee must destroy the detrimental plants within **3 days (a total of 8 days after notice was received)**.
 - Trustee may hire a person to destroy the plants.
 - Anyone who, at the Trustee’s direction, enters the property to destroy the plants cannot be held civically or criminally liable for damage to crops, livestock or other property while destroying the plants (with the exception of gross negligence or purposeful destruction of property).
 - If no, then no further action needs to occur.
- **Did the Township Trustee destroy any detrimental plants?**
 - If yes, then the Township Trustee must obtain or create an itemized bill for the work done to remove the plants.
 - After obtaining or creating an itemized billing, the Township Trustee shall pay for the costs of the removal.
 - If no, no further action needs to occur.
- **Did the Township Trustee pay for detrimental plants to be destroyed?**
 - If yes, then the Township Trustee must prepare a statement that contains the following: [**See sample statement**]
 - Certification of costs including:
 - Costs of the work done
 - Cost of the chemicals
 - \$20 per day for each day the Township Trustee (or a member of the Township Trustee’s staff) supervised the destruction of the detrimental plants.
 - Description of the real estate where the plants were destroyed
 - A request that the owner or person in possession of the real estate pay the costs described above.
 - If no, then no further action needs to occur.
- **Did the Township Trustee prepare the statement regarding the costs of work?**
 - If yes, then the Township Trustee must provide the statement to the following persons:
 - The owner or person possessing the real estate by:
 - Certified mail or

- Personal delivery
 - The auditor of state **if the real estate is owned by the State of Indiana**
 - The fiscal officer of a municipality **if the real estate is owned by a municipality**
 - If no, then no further action needs to occur.
- **Did the owner or person possessing the real estate pay the Township Trustee within 10 days after receiving the statement regarding the cost of work?**
 - If yes, then no further action needs to occur.
 - If no, then the Township Trustee must file a copy of the statement with the County Auditor's office.
 - The Auditor shall place the amount claimed in the statement on the tax duplicate of the real estate.
 - The amount claimed shall be collected as taxes are collected.
 - After the amount is collected, the funds shall be provided to the Township Trustee.

**NOTICE OF TOWNSHIP TRUSTEE'S INTENTION
TO INSPECT REAL ESTATE FOR DETRIMENTAL PLANTS**

Notice is hereby given pursuant to Indiana Code § 15-16-8-4(e) that the Township Trustee of Center Township, Clinton County, Indiana, (hereinafter "Trustee") has reason to believe detrimental plants as defined in Indiana Code § 15-16-8-1 are located on real estate you either own or which is currently in your possession. This notice serves to notify you that the Trustee, or an agent of Trustee, may enter your real estate located at _____

_____ after forty-eight (48) hours or receipt of this notice, which is the earlier of the date you signed for receipt of the mailing, three business days after the date of the mailing, or the date of delivery if this notice was personally served on you, to investigate whether there are detrimental plants on the real estate.

Date: _____

Township Trustee of Center Township,
Clinton County, Indiana

By: _____
Kevin Evans, Trustee

NOTICE TO DESTROY DETRIMENTAL PLANTS

Notice is hereby given pursuant to Indiana Code § 15-16-8-4(e) that detrimental plants as defined in Indiana Code § 15-16-8-1 are located on real estate you either own or which is currently in your possession. This notice serves to inform you that you must destroy any and all detrimental plants located on your real estate within five (5) days of receipt of this notice, which is the earlier of the date you signed for receipt of the mailing, three (3) business days after the date of the mailing, or the date of delivery if this notice was personally served on you.

If the detrimental plants are not removed within five (5) days of receipt of this notice, the Township Trustee of Center Township, Clinton County, Indiana, (hereinafter "Trustee") or an agent of the Trustee, may enter your real estate located at _____

_____ to remove the detrimental plants located on your real estate within three (3) days. If the Trustee, or an agent of the Trustee, enters your real estate to destroy the detrimental plants located thereon, the individual entering your property cannot be held civilly or criminally liable for damage to crops, livestock, or other property while carrying out the work of destroying the detrimental plants.

If the Trustee, or an agent of the Trustee, destroys the detrimental plants located on your property, you will receive a certified statement which provides the costs associated with the removal of the detrimental plants, and you will be required to pay these costs within ten (10) days after receipt of the certified statement. If you fail to pay the costs associated with the removal within ten (10) days after receipt of the certified statement, the Trustee shall file the certified statement with the Clinton County Auditor's Office. The Clinton County Auditor shall place the amount claimed on the certified statement on the tax duplicate for your real estate and the amount claimed shall be collected as taxes are collected.

Date: _____

Township Trustee of Center Township,
Clinton County, Indiana

By: _____
Kevin Evans, Trustee

**CERTIFICATION OF COSTS ASSOCIATED
WITH THE DESTRUCTION OF DETRIMENTAL PLANTS**

Location and description of real estate on which work was performed: _____

Description of work performed: _____

Costs or expenses of work performed: _____

Costs or expenses of chemicals utilized: _____

Dates Township Trustee's Office supervised the work performed: _____

\$20 per day for supervision by Township Trustee's Office: _____

Total costs or expenses due and owing to the Center Township Trustee: _____

The owner or person in possession of the real estate located at _____

is requested to pay the total costs provided above within ten (10) days of the receipt of this certification.

Date: _____

Township Trustee of Center Township,
Clinton County, Indiana

By: _____
Kevin Evans, Trustee