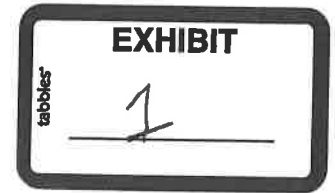


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Clarksville Code of Ordinances

**CHAPTER 97: WEEDS**

Section

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§ 97.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

WEED. Any undesirable, uncultivated plant. As used in this chapter, **WEEDS, GRASS AND RANK VEGETATION** do not include agricultural crops such as hay and pasture.

(Ord. 94-G-03, passed 8-8-94)

§ 97.02 EXCESSIVE GROWTH PROHIBITED.

It is unlawful for the owner of any lot or tract of ground within the town to allow it to be overgrown with weeds, grass, or rank vegetation beyond the height of one foot, or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

(Ord. 94-G-03, passed 8-8-94) Penalty, see § 97.99

§ 97.03 INSPECTIONS.

It shall be the duty of the Office of the Building Commissioner of the town to make a careful inspection of any lots, grounds and/or tracts of land situated within the corporate limits of the town for the purpose of determining whether there is a violation of this chapter.

(Ord. 94-G-03, passed 8-8-94; Am. Ord. 2010-G-02, passed 7-19-10)

§ 97.04 REMOVAL NOTICE.

(A) Whenever the Building Commissioner finds grass, weeds, or rank vegetation on property within the town which is in such a condition as to violate this chapter, the Building Commissioner shall issue a written notice to the landowner to remove the grass, weeds or rank vegetation within five days of the date of receipt of the notice. The notice shall state that, if the landowner is found to again be in violation of this chapter, during that season, the property owner will receive notice at the property at the time of mowing instead of being sent a certified letter. The initial notice shall be served by certified mail upon the landowner, to the landowner's last known address, with a first class letter sent on the same date.

(B) A landowner who has been issued a notice of violation under this chapter may appeal the notice of violation to the Town Council within 5 days of receiving the notice. Such appeal must be in writing and filed with the Clerk-Treasurer during regular business hours for that office. Upon receipt of an appeal of the notice, the Town Council will hear the matter at the next regularly scheduled Town Council meeting, or a Town Council meeting within 30 days of the filing of the appeal. The applicant and the Building Commissioner will be notified of the time and date of the hearing by first class mail. The landowner filing an appeal must appear before the Town Council at the designated time to present information and/or evidence as to why he/she believes that he/she should not have been issued a notice of violation.

(Ord. 94-G-03, passed 8-8-94; Am. Ord. 2003-G-04, passed 4-29-03; Am. Ord. 2012-G-09, passed 7-2-12)

§ 97.05 FAILURE TO REMOVE; REMEDIES.

(A) The Building Commissioner shall inspect the property within the ten days following the date of the notice to determine whether the violation has been cured. If the landowner has failed to remove the grass, weeds or rank vegetation, the Building Commissioner, his or her deputy or designee may issue to the landowner a citation for an ordinance violation which states the relevant offense(s) of this chapter, and the matter shall be prosecuted in the appropriate court by the Town Attorney.

(B) In addition, if the landowner upon reinspection has failed to remove the grass, weeds or rank vegetation, the town through its Building Commissioner may enter the property and remove the grass, weeds or rank vegetation. The town may also pursue any other appropriate legal remedies.

(C) If a landowner is found to again be in violation of this chapter during that season, the Building Commissioner shall post notice of a continuous abatement at the property at the time of abatement. 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 municipality or county, or its contractors.

(Ord. 94-G-03, passed 8-8-94; Am. Ord. 2012-G-09, passed 7-2-12)

§ 97.06 COST OF REMOVAL BY THE TOWN.

(A) (1) If the landowner fails to remove the grass, weeds or rank vegetation and it is subsequently removed by the town, the Building Commissioner shall make a certified statement of the actual costs incurred by the town for the removal together with an administrative fee of \$25 plus the cost of sending the notice required herein. The statement shall be sent by certified mail, return receipt requested, or an equivalent service permitted under IC 1-1-7-1 to:

(a) The owner of record of real property with a single owner; or

(b) At least one of the owners of real property with multiple owners; 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.

(2) The landowner shall pay the amount of the statement to the Building Commissioner within ten days of the receipt of the statement.

(B) If the landowner fails to pay within the specified ten-day period, a certified copy of the statement of cost with the administrative fee shall be filed in the Office of the Clark County Auditor. The Auditor shall place the amount claimed on the tax duplicate of the property affected by the removal by the town. The amount shall be collected as taxes are collected, and dispersed to the general fund of the town.

(Ord. 94-G-03, passed 8-8-94; Am. Ord. 2010-G-02, passed 7-19-10) Penalty, see § 97.99

§ 97.07 PUBLIC NUISANCE DECLARED.

Violations of the provisions of this chapter are declared a public nuisance.

(Ord. 94-G-03, passed 8-8-94) Penalty, see § 97.99

§ 97.99 PENALTY.

Any person, firm or corporation who violates any provision of this chapter shall be subject to a fine not to exceed \$2,500.00 for each violation. Each day that a violation continues shall be considered a separate violation.

(Ord. 94-G-03, passed 8-8-94)

