

WHITE RIVER TOWNSHIP BOARD

RESOLUTION 2011-07

A RESOLUTION OF THE WHITE RIVER TOWNSHIP BOARD APPROVING A "TALL WEEDS CONTROL POLICY" FOR WHITE RIVER TOWNSHIP

WHEREAS, Indiana Code 36-6-4-3 and Indiana Code 15-16-8-1 *et. seq.* authorize the Township Trustee to control noxious weeds and rank vegetation in residential areas of White River Township; and

WHEREAS, the Township Trustee has proposed this resolution to document the policies the Township Trustee intends to use to guide the Township Trustee in exercising its authority to control noxious weeds and rank vegetation;

NOW, THEREFORE, the White River Township Board hereby approves the following as the "Tall Weeds Control Policy" (the "Policy") of White River Township:

Section 1. Definitions. For the purpose of this Policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

HEALTH CONCERNS. The concerns that arise from plants of high pollen content, toxic or poisonous plants, or plants that are conducive to harboring rodents and insects.

OWNER, PROPERTY OWNER, and REAL PROPERTY OWNER. These terms shall mean the person or entity identified by the tax records held by the Johnson County Auditor as being the owner of the subject property.

SAFETY CONCERNS. The concerns arising from vegetation that causes a safety risk when it obstructs the line of sight for traffic or masks natural or human-made objects in the landscape, such as ditches, sinkholes, rocks, etc.

RESIDENTIAL AREAS. Real property with a residential district zoning classification and real property designated as a minor plat and used for residential purposes. However, in the case of minor plats, only the area within two hundred (200) feet surrounding any residential structure on such plat or parcel is subject to this Policy.

WEEDS and RANK VEGETATION. Plants consisting of broadleaf and grassy weeds, trees, shrubs, brush, or other invasive or unsightly vegetation (excluding non-volunteer: trees, bushes, shrubs, landscaping flowers, and landscaping plants) that could constitute a health or safety concern to people or animals or decrease the value of land. As used in this Policy, "weeds" and "rank vegetation" shall not include agricultural crops, such as hay and pasture.

Section 2. Violations. Persons owning or possessing real property in residential areas of the Township shall cut and remove weeds and rank vegetation from their real property. It shall

be a violation for persons owning or possessing real property in residential areas to allow weeds and/or rank vegetation to reach the height of twenty-four (24) inches.

Section 3. Enforcement. When the Trustee determines that a violation of this Policy exists, the Trustee shall cause a notice to be sent to the owner(s) of the property 1) by certified mail - return receipt requested and 2) by first class mail, using the address maintained by the County Auditor's office for mailing of tax bills. The notice may alternatively be served personally upon the owner of the property. The notice shall inform the owner of the violation of this Policy; shall direct the owner to cut or remove the Weeds and Rank Vegetation within five (5) days, as provided under I.C. 15-16-8-4(b); shall inform the owner that if the violation is not corrected the Trustee may elect to abate the violation and bill the property owner for the costs incurred by the Trustee, including administrative costs and removal costs; and shall advise the owner that the owner may appeal the notice of violation by submitting to the Township Board, via the Trustee's office, within the time prescribed in the notice for abating the violation, a written notice of appeal stating the basis of the appeal and requesting a hearing at the next meeting of the Township Board. The violation notice may also be directed and provided to a possessor of the property.

In the event that the owner or possessor of the property fails to remedy the violation, the Trustee may take corrective action, which may include retaining a private contractor to remedy the violation. The Trustee is authorized to cause the violation to be remedied in a manner most practical to the Trustee not more than eight (8) days after notice is received by the owner or person in possession of the property.

The Trustee shall maintain an itemization of the costs incurred by the Trustee in abating the violation, including administrative costs, and shall provide the owner a certified bill for the cost and expense of the corrective action, which bill shall be paid by the owner within ten (10) days after receiving the bill. The Trustee may also bill a possessor of the property for the cost and expense of the corrective action.

If the certified bill is not paid when due, the Trustee shall file a copy of the certified bill in the office of the county auditor, and such amount will be placed on the property tax bill for the property affected, to be collected as property taxes are collected.

Section 4. Appeals. An owner or possessor of property may appeal a notice of violation or a bill issued under this Policy by filing a request for appeal with the Township Board within the time provided in the notice for abating the violation or paying the bill. Upon a request for an appeal being filed by a property owner, the Township Board shall hold a hearing at which the owner or possessor of the property may present evidence in defense of the violation or bill issued.

Section 5. Guidelines. This Policy is to be interpreted as guidelines and its implementation and enforcement is subject to the discretion of the Township Trustee.

Section 6. This Resolution shall be in full force and effect from and after its passage and approval by the White River Township Board, Johnson County, Indiana.

ADOPTED by the White River Township Board of White River Township, Johnson County, Indiana, this _____ day of _____, 2011.

AGAINST

IN FAVOR

Greg Rainbolt, Chairman

Greg Rainbolt, Chairman

Margaret "Peggy" Young, Secretary

Margaret "Peggy" Young, Secretary

Dave Pollard, Member

Dave Pollard, Member

ATTEST:

Mark Messick, White River Township Trustee

Tabled — 3.0

Board felt Trustee had authority to make this policy without board approval. See transcribed notes for July 2011 board meeting pages 8-12.