

ORDINANCE NO 08-04
ORDINANCE OF THE TOWN OF ST JOE

**An Ordinance Concerning HEALTH and PUBLIC SAFETY as it relates to
RANK VEGETATION AND NOXIOUS WEEDS**

WHEREAS, the present Ordinance 70 “Nuisance” in the Town of St. Joe does not adequately address the increasing problems caused by **Rank Vegetation and Noxious Weeds**.

WHEREAS, each real estate owner in the Town of St. Joe has the responsibility to maintain his or her real estate in a manner which does not present a health or safety hazard to owners of adjacent parcels of real estate, and

WHEREAS, each real estate owner in the Town of St. Joe has the responsibility to maintain his or her real estate in a manner which does not detract from the appearance of the neighborhood and the value of real estate in the vicinity.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of St. Joe, Indiana, that:

Section 1. **REQUIRED MAINTAINANCE**

- A. The owners of real estate located within the Town of St. Joe shall cut or remove rank vegetation from an area within the public right-of-way and within one hundred fifty feet (150’) of an adjacent real estate owner or within one hundred fifty feet (150’) of a public right-of-way.
- B. If an owner of real estate has a variance, the owner of the real estate shall maintain the real estate in accordance with the conditions of the variance.
- C. The owners of real estate located within the Town of St. Joe shall remove and eliminate all noxious weeds.

Section 2. **DEFINITIONS**

- A. Rank vegetation shall mean any plant exceeding six inches (6”) in height. Trees, shrubberies, flowers, ornamental grasses, and agricultural crops exceeding six inches (6”) are not to be considered rank vegetation unless they constitute an extreme deviation from the aesthetic appearance of the existing neighborhood.
- B. Noxious weeds shall include the following weeds but not limited to these weeds listed, but also includes weeds classified as noxious by the State of Indiana.
 - 1. Canada Thistle (Cirsium arvense)
 - 2. Johnson grass and Sorghum album (Sorghum Halepense)
 - 3. Bar cucumber (Sicyos angulatus)
 - 4. Shattercane (Sorghum bicolor (L) Moench spp. Drummondii (Steud.) de Wet).
 - 5. Poison Ivy (Toxicodendron radicans)

6. Poison Sumac (*Rhus Glabra*)
 7. Poison Oak
 8. Quackgrass (*Elytrigia repens*)
 9. Carolina horsenettle (*Xanthium strmarium*)
 10. Cocklebur (*Xanthium strmarium*)
 11. Wild Mustard (*Brassicac kaber var. pinnatifida*)
 12. Dandelions
- C. Wooded areas shall mean an area densely covered with trees, and
- D. Wetlands shall mean a swampy or marshy area and include the areas immediately surrounding ponds, river beds, and streams.

Section 3. EXCLUSIONS

This ordinance shall not apply to:

- A. Wooded areas;
- B. Wetlands; or
- C. Wildlife projects conducted and funded by educational institutions or local, state or federal government entities.

Section 4. INVESTIGATION

An owner of real estate within the Town of St. Joe or residents of the Town of St. Joe may file a written complaint with the Town Clerk Treasurer. The Clerk will refer the complaint to the Town Board Members or the Town Manager to investigate. If the investigation indicates that there is a violation of the ordinance significant enough to warrant enforcement, the Clerk Treasurer will issue a notice to the owner in accordance with Section 5. The town may initiate an enforcement action on its own without a complaint being filed with Clerk Treasurer if the town becomes aware of a violation of the ordinance which the town believes is significant enough to warrant enforcement.

Section 5. NOTICE OF VIOLATION

Upon discovering a parcel of real estate containing rank vegetation, unmanaged or neglected vegetation growth, noxious weeds. The Town Board shall instruct the Clerk Treasurer to give the owner of the real estate a written notice to cut and remove rank vegetation, remove or eliminate the noxious weeds. The owner shall have five (5) business days to abate the violation from the real estate. Service of this notice is adequate if given to the owner of the real estate in person or sent by first-class mail. To the owner at the address listed with the DeKalb County Auditor's Office.

Section 6. **FAILURE TO COMPLY**

Should any person who has been provided written notice fail, neglect, or refuse to cut or remove the rank vegetation and/or fail, neglect or refuse to remove and eliminate the noxious weeds from the real estate within five (5) business days as required by the notice, a representative of the Town of St. Joe may enter upon the premises and cause the rank vegetation to be cut or removed and/or cause the noxious weeds to be removed and eliminated.

Section 7. **BILL ISSUED TO OWNER**

In the event the Town of St. Joe is forced to cut or remove rank vegetation and/or remove and eliminate the noxious weeds, the Clerk-Treasurer shall issue a bill to the owner of the real estate for Seventy-five Dollars (\$75.00) or the actual cost of the abatement, if greater. The Clerk Treasurer shall keep record of the billing and collect the same as the Clerk Treasurer does other charges of the Town. Payment shall be due to the Clerk Treasurer fifteen (15) days after the bill is mailed to the owner.

Section 8. **FAILURE TO PAY**

If the owner fails to pay the bill within thirty (30) days, the city may collect the bill in any manner available by law. The Clerk Treasurer may also certify to the DeKalb County Auditor the amount of the bill plus any additional administrative costs incurred in the certification. The Auditor shall place the total amount certified on the tax duplicate for the property affected, and total amount, including any accrued interest, shall be collected as delinquent taxes and shall be disbursed to the general fund of the Town of St. Joe as provided by IC 36-7-10.1-4.

Section 9. **OTHER ORDINANCES**

All ordinances and parts of ordinances inconsistent or in conflict with terms of this ordinance are repealed to the extent of such inconsistency or conflict. This ordinance specifically repeals Ordinance 70, as it relates to Rank Vegetation and Noxious Weeds.

Section 10. **EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and adoption, approval and publication according to the laws of the State of Indiana.
This Ordinance is duly passed by the St. Joe Town Board of St. Joe, Indiana March 10, 2008

ORDINANCE NO 15-01
ORDINANCE OF THE TOWN OF ST. JOE

**An Ordinance Concerning HEALTH and PUBLIC SAFETY as it relates to
RANK VEGETATION AND NOXIOUS WEEDS**

WHEREAS, the present Ordinance No. 08-04 in the Town of St. Joe does not adequately cover the costs incurred by the Town in the event the Town of St. Joe is forced to cut or remove rank vegetation and/remove and eliminate the noxious weed.

WHEREAS, this Ordinance increases the fine associated with the present Ordinance 08-04,
Section 7: BILL ISSUED TO OWNER

Section 7. BILL ISSUED TO OWNER

In the event the Town of St. Joe is forced to cut or remove rank vegetation and/or removed and eliminated the noxious weeds, the Clerk Treasurer shall issue a bill to the owner of the real estate for One-Hundred Fifty Dollars (\$150.00) or the actual cost of abatement, if greater. The Clerk Treasurer shall keep record of the billing and collect the same as the Clerk Treasurer does other charges of the Town. Payment shall be due to the Clerk Treasurer fifteen (15) calendar days after the bill is mailed to the owner.

Section 10. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and adoption, approval and publication according to the laws of the State of Indiana. This Ordinance is duly passed by the St. Joe Town Board of St. Joe, Indiana on the 22nd of June 2015.