

**ORDINANCE NUMBER 2013-1-3**  
**ORDINANCE AMENDING WEED CONTROL ORDINANCE**

WHEREAS, the Town of Eaton, Indiana currently has an ordinance requiring the removal of weeds and rank growth upon properties located within the corporate boundaries of the Town; and

WHEREAS, the State of Indiana has recently adopted a statute which allows for a continuous abatement notice procedure to be adopted by a municipality; and

WHEREAS, the Town Council of the Town of Eaton, Indiana desires to amend its current weed control ordinance to adopt the continuous abatement notice procedure; and

WHEREAS, the Town of Eaton, Indiana desires to amend its current Weed Control Ordinance to address other matters necessary to meet its needs.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATON, INDIANA;

Section 1. The section entitled "REMOVAL WEEDS AND RANK GROWTH REQUIRED" under Ordinance 2008-06-01 shall be hereby amended as follows:

For purposes of this Ordinance, the following definition shall apply:

1. Weeds and/or rank vegetation are defined to be any vegetable matter which exceeds the height of Ten (10) inches; provided however that such definition does not include:
  - a. trees, bushes or shrubs that have been planted or cultivated by the landowner and which do not block sidewalks, streets and alleys;
  - b. Agriculture crops, such as hay pasture; and
  - c. Vegetable manner cultivated in plant beds.

The owner of any lot or parcel land within the Town, shall at least twice in the months of April, May, June, July, August, September and October remove all weeds and rank vegetation of any kind growing upon the property.

Section 2. The section entitled "NOTICE TO REMOVE" under Ordinance 2008-06-01 shall be hereby amended as follows:

The Town Council shall require the owners of real property in the Town to cut and remove weeds or other rank vegetation growing on the property. A 24 hour written notice to remove the vegetation shall be issued by the Police Chief or his designated agent upon the land owner, to his/her last known address by first class mail. A copy of the violation notice will be on file at the Eaton Town Office. The notice shall state that this is a continuous abatement notice informing the property owner that each subsequent violation during the same year for which the notice of violation was provided will be removed by the Town. The Town shall cause a continuous abatement notice to be posted on the property.

Section 3. The subsection entitled "REMOVAL BY TOWN; COLLECTION COSTS" under Ordinance 2008-06-01 shall be hereby amended to as follows:

(A) If the land owner failed to remove the vegetation within the time described, the Town shall remove the vegetation. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the Town in the removal, including any administrative fees. The statement shall be delivered to the owner of the property by a law enforcement officer of the Town, or by first class mail, and the owner shall then make payment to the Town at the Clerk-Treasurer's Office. The charges for the removal of vegetation shall be as follows:

1. A flat fee of One Hundred Twenty-five Dollars (\$125.00) for a lot the size of 100 feet x 60 feet or less.

2. An additional fee of Twenty-one Cents (\$.21) per square foot for lots exceeding 6,000 square feet in size.

Section 4. A new subsection entitled "FINES" shall be added as follows:

A fine in the sum of One Hundred Dollars (\$100.00) shall be assessed for each violation of said ordinance.

Section 5. All remaining provisions under Ordinance 2008-06-01 shall remain in force and effect.

Section 6. This Ordinance shall be effective upon passing.

Passed and adopted by the Town Council of the Town of Eaton, Indiana, on the 10<sup>th</sup> day of July, 2013.

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST: Vicki Hargis  
Clerk-Treasurer

Louise Hicks  
\_\_\_\_\_  
Council Member

Bruce Bowles  
\_\_\_\_\_  
Council Member

[Signature]  
\_\_\_\_\_  
Council Member

**ORDINANCE NUMBER 2015-7-2**  
**ORDINANCE AMENDING WEED CONTROL ORDINANCE**

WHEREAS, the Town of Eaton, Indiana currently has an ordinance requiring the removal of weeds and rank growth upon properties located within the corporate boundaries of the Town; and

WHEREAS, the State of Indiana has recently adopted a statute which allows for a continuous abatement notice procedure to be adopted by a municipality; and

WHEREAS, the Town Council of the Town of Eaton, Indiana desires to amend its current weed control ordinance to adopt the continuous abatement notice procedure; and

WHEREAS, the Town of Eaton, Indiana desires to amend its current Weed Control Ordinance to address other matters necessary to meet its needs.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATON, INDIANA;

Section 2. The section entitled "NOTICE TO REMOVE" under Ordinance 2013-7-3 shall be hereby amended as follows:

The Town Council shall require the owners of real property in the Town to cut and remove weeds or other rank vegetation growing on the property. A three (3) day written notice to remove the vegetation shall be issued by the Police Chief or his designated agent upon the land owner, to his/her last known address by first class mail. A copy of the violation notice will be on file at the Eaton Town Office. The notice shall state that this is a continuous abatement notice informing the property owner that each subsequent violation during the same year for which the notice of violation was provided will be removed by the Town. The Town shall cause a continuous abatement notice to be posted on the property.

Section 3: The subsection entitled "REMOVAL BY TOWN; COLLECTION COSTS" under Ordinance 2013-7-3 shall be hereby amended to as follows:

(A) If the land owner failed to remove the vegetation within the three (3) day period, the Town shall remove the vegetation. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the Town in the removal, including any administrative fees. The statement shall be delivered to the owner of the property by a law enforcement officer of the Town, or by first class mail, and the owner shall then make payment to the Town at the Clerk-Treasurer's Office. The charges for the removal of the vegetation shall be as follows:

1. A flat fee of One Hundred Twenty-Five Dollars (\$125.00) for a lot the size of 100 feet x 60 feet or less.

2. An additional fee of Twenty-One Cents (\$0.21) per 100 square foot for lots exceeding 6,000 square feet in size.

Section 4. The subsection entitled "FINES" shall be hereby amended to as follows:


A fine in the sum of One Hundred Dollars (\$100.00) shall be assessed for each violation of said ordinance that the land owner failed to remove within the three (3) day period.


Section 5. All remaining provisions under Ordinances 2008-6-01 and 2013-7-3 shall remain in force and effect.

Section 6. This Ordinance shall be effective upon passing.

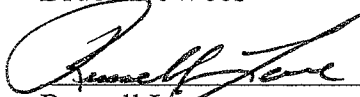
Passed and adopted by the Town Council of the Town of Eaton, Indiana, on the 14<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Lowan Hicks, Council President

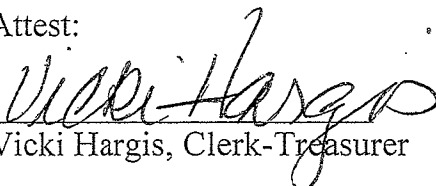
  
\_\_\_\_\_  
Mike Foster

  
\_\_\_\_\_  
Daniel Blankenship

  
\_\_\_\_\_  
Bruce DeWees

  
\_\_\_\_\_  
Russell Love

Attest:

  
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Vicki Hargis, Clerk-Treasurer