

ORDINANCE 2017-24

TO AMEND THE ELLETTSVILLE ZONING ORDINANCE ON  
LAWN AND YARD MAINTENANCE IN RESIDENTIAL DISTRICTS

BE IT ORDAINED AND ADOPTED by the Town Council of Ellettsville, Indiana:

**Section 1.** The following revisions are hereby made to Ordinance § 152.056, Residential Districts Lawn and Yard Maintenance.

When an existing section of the ordinance is being amended, the text of the existing provision will appear in this style type, additions will appear **in this style type**, and deletions will appear ~~in this style type~~.

§ 152.056 RESIDENTIAL DISTRICTS LAWN AND YARD MAINTENANCE.

- (A) ~~Purpose. One of Ellettsville's most valuable assets is its neighborhoods. A community of well-maintained properties can enhance property values, increase civic pride, and improve the quality of life for the residents of the town. Poorly maintained homes and apartments can lower neighborhood property values; negatively affect neighborhood pride; and contribute towards crime as well as health and safety hazards. Therefore, this section establishes minimum standards and governs the responsibility of person for the control cutting and removal of weeds, noxious weeds and rank growth that may be present on any property or premises in the town.~~
- (B) ~~It shall be the duty of the Director of Planning or designee, Town Health Officer, or any deputy health officer, upon notification of any such existing condition, to inspect the real estate in question, and if upon inspection the Health Officer or deputy health officer, determines that the real estate is in violation, the Health Officer shall issue a ten-day written notice to remove the grass, weeds, or rank vegetation. Written notice shall be served on the landowner as specified in § 152.056(B).~~
- (C) ~~Weeds, noxious weeds or rank growth may include but are not limited to brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other plant species which may potentially create, directly or indirectly, a health hazard or may endanger public safety. The property owner is responsible for the removal of regulated vegetation, materials and/or debris from the site.~~
- (D) ~~Every person partnership, or corporation owning, occupying or controlling land located in the town, without regard to its level of development, excluding natural wooded areas, shall eradicate all "regulated vegetation" thereon.~~

- (E) Property owners shall maintain turf grass at a height not to exceed nine inches. Owners of all vacant lots are required to destroy all "regulated vegetation," excluding natural wooded areas, regardless of the degree of development of the lot. The property owner is responsible for the removal of "regulated vegetation," materials and/or debris from the site.
- (F)(A) The abutting property owners shall maintain the area between the curb and sidewalk and shall maintain the right-of-way area between their property line and the street pavement. Such areas shall be kept in good condition and repair, and free from debris. Turf grass and weeds shall be maintained at a height not to exceed nine (9) inches. The only exception to the maintenance provisions shall be the determination of the Director of Planning or Street Commissioner that the physical characteristics of the right-of-way make said maintenance hazardous for the property owner.
- (G) (B) Plants which have thorns, spines or prickles shall not be planted within four (4) feet of the public sidewalk or maintained in the Town's right-of-way.
- (H) (C) Plants and vegetation shall not be maintained in any way which that prohibits the free use of public property or which impedes pedestrian traffic.
- (I) If the landowner fails to remove the grass, weeds, or rank vegetation within the time prescribed, the Health Officer or Director of Planning may send written directive to the Street Commissioner or the Street Department to remove the grass, weeds, or rank vegetation, and the Town Clerk-Treasurer shall produce a certified statement within ten business days of the actual cost incurred by the town in the removal. The statement shall be delivered to the owner of the real estate by certified mail, and the owner shall have not more than 30 days within which to pay the amount to the Clerk-Treasurer.
- (J) If the landowner fails to pay the sum within the time prescribed, a certified copy of the statement of costs shall be filed in the office of the County Auditor, and the Auditor shall place the amount claimed on the tax duplicate against the lands of the landowner affected by the work. The amount shall be collected as taxes are collected and when collected shall be disbursed to the General Fund of the town.
- (K) Any person receiving a fine notice as specified in § 152.055 to remove grass, weeds, or rank vegetation and does not cause the grass, weeds, or rank vegetation to be removed within ten days of the time of the notice commits a Class E ordinance violation and shall be subject to a fine for each day that the failure to comply shall continue in effect subsequent to the date of the notice. The fine shall be \$25 per day.
- (L) The town will send one certified return receipt letter for notice of violation, which serves as a continual abatement notice for the calendar year. If there are further violations of the ordinances, as listed under § 152.055 throughout the year and the town mows the weeds or vegetation on the owner's behalf, the property owner will receive notice at the property

instead of by certified mail return receipt. This notice will be delivered at the time of mowing.

**Section 2.** This ordinance shall take effect upon final publication as provided by law.

This Ordinance was adopted by the Ellettsville Town Council on the 27<sup>th</sup> day of December, 2017 at the Ellettsville Town Hall, Ellettsville, Indiana.

**ELLETTSVILLE TOWN COUNCIL**



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Brian Scott Oldham, President

**Attest:**



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Sandra Hash, Ellettsville Clerk-Treasurer