

ORDINANCE NO. 341

AN ORDINANCE FOR THE REMOVAL OF WEEDS AND OTHER RANK VEGETATION  
IN THE TOWN OF MIDDLEBURY, INDIANA

WHEREAS, Indiana Code Sections 36-1-3-1 et. seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Town Council of the Town of Middlebury is the Town legislative body and is by law authorized to adopt ordinances and resolutions for the performance of functions for the Town of Middlebury;

WHEREAS, Indiana Code Section 36-7-10.1 et seq. provides authorization for the Town Council of the Town of Middlebury to adopt an ordinance requiring the cutting and removal of weeds and other rank vegetation growing on property in the Town of Middlebury, Indiana;

WHEREAS, the Town Council of the Town of Middlebury, Indiana deems it to be within the public interest to further the public safety, health, welfare, general aesthetics, and common good within the Town of Middlebury that such an ordinance be established;

NOW, THEREFORE, BE IT ORDAINED, ORDERED, RESOLVED, AND ESTABLISHED by the Town Council of the Town of Middlebury, Indiana, as follows:

1. IDENTIFICATION OF ORDINANCE. This Ordinance may be identified and referred to as the Middlebury Weed Control Ordinance.

2. DEFINITION. For purposes of this Ordinance, "weeds and other rank vegetation" shall mean grass and other vegetation that is unkept and unmowed over a period of time and left to grow to a height in excess of eighteen (18) inches. The term shall not include:

- a. Agricultural and vegetable crops such as corn, wheat, hay, and pasture;
- b. Designated wetlands, parklands, and forest preserves;
- c. River banks, creek banks, and drainage ditches from the centerline of the waterway to the area within ten feet (10') of the top edge of each bank.

3. VIOLATION OF ORDINANCE. Weeds and other rank vegetation are prohibited in the Town of Middlebury and the existence of which shall constitute a violation of this Ordinance subjecting the landowner to a civil fine of up to Two Hundred Dollars (\$200.00). Each day a violation continues after receipt of a notice of violation shall constitute a separate offense. The civil fine shall be in addition to the cost collection procedures set forth in Indiana Code §36-7-10.1-4.