

## ORDINANCE 1957

### AN ORDINANCE AMENDING CHAPTER 12, ARTICLE II, OF THE MUNSTER CODE OF ORDINANCES PERTAINING TO WEEDS AND RANK VEGETATION

**WHEREAS**, the Town Council of the Town of Munster is the municipal legislative body of the unit; and

**WHEREAS**, the Town of Munster, its staff, and consultants have reviewed and recommended changes to the Munster, Indiana Code regarding weeds and rank vegetation within the Town of Munster; and

**WHEREAS**, the Town of Munster, after due deliberation, has concluded that amending Article II. Weeds and Rank Vegetation, within Chapter 12. Nuisances, is appropriate; and

**WHEREAS**, the Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to amend Article II. Weeds and Rank Vegetation, within Chapter 12. Nuisances, of the Munster Code of Ordinances;

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows:

1. Section 12-21, of Article II, Weeds and Rank Vegetation, of Chapter 12, Nuisances, is hereby amended to read as follows:

#### **Sec. 12-21. Definitions.**

The following definitions shall apply throughout this Article:

- (a) *Adjacent* means the sharing of a common property line, common highway or right-of-way, a common easement, or common utility or transportation corridor.
- (b) *Code official* means the Town of Munster Building Department, Police Department, Fire Department, and/or Code Enforcement official, or any duly authorized representative.
- (c) *Developed lot* means any lot upon which a primary structure has been erected.
- (d) *Grass* means any of various green plants having simple leaves and generally cultivated for lawns.
- (e) *Owner* means the person, firm, partnership, trust, or corporation, including municipal corporation, owning real property in the Town.
- (f) *Rank vegetation* means any plants, trees, brush, grass, weeds, poison ivy, ragweed, or other poisonous or harmful weeds of any kind, that have grown abundantly without being cut or grazed for some time; are shockingly conspicuous, malodorous, and/or flagrant; tend to overgrow or choke out plants that are more desirable; may conceal filthy deposits, pests, or vermin; includes dead or dying trees, overgrown tree limbs, branches, stumps, or other

parts of trees. This term does not include the legal and controlled cultivation of crops, a garden, or plants or flowers planted in landscaping beds or pots.

- (g) *Undeveloped lot* means any lot upon which a primary structure has not been erected. This term includes a lot with a primary structure under construction.
- (h) *Weeds* means any uncultivated plants occurring naturally which tend to dominate or drive out grass and desirable plants. See also *rank vegetation*.

2. Section 12-23, of Article II, Weeds and Rank Vegetation, of Chapter 12, Nuisances, is hereby amended to read as follows:

**Sec. 12-23. Enforcement procedures.**

The enforcement procedures set forth in Article I shall apply to a violation of Article II, unless an alternative procedure is set forth herein:

- (a) *Responsible party*. The owner of real property in the Town of Munster is liable for all violations of Article II, and any violations occurring on the property while under the control of a tenant or other responsible party is a civil issue between the owner and the tenant and is not a valid defense of the owner to prosecution by the Town for a violation of this Article. (I.C. 36-7-10.1-3)
- (b) *Method of service*. Notice of a violation of Article II shall be deemed properly served if a copy is:
  - (1) sent by first class mail to the address of the real property, and
  - (2) sent by first class mail to the last known address of the property owner (or at least one of the owners if multiple owners) of the real property, as shown in the records of the Lake County Auditor on the date of the Notice.
- (c) The Notice and correction order for a violation of Article II shall allow a period of seven (7) days from the time of service of the Notice to abate the nuisance.
- (d) If the nuisance is not abated within seven (7) days, the Town may abate the nuisance and seek recovery of costs of associated with abatement in accordance with Section 12-11(g). Any notice of violation issued under this section may be appealed to the Town Manager if written notice of appeal is served upon the Town Manager's Office within seven (7) calendar days of the notice.
- (e) *Additional notice of violation*. The code official may provide additional notice by posting conspicuously on the real property that a violation of this Article exists and it must be abated within seven (7) days. The notice shall list the address of the real property, the date of the notice, the name and office phone number of the code official, and a warning that if the nuisance is not abated within seven (7) days the Town will abate the nuisance and seek recovery of costs associated with abatement.
- (f) *Continuous abatement notice*. The code official may issue repeated notices of violation to a property owner upon each occurrence, or in his/her discretion, may issue a *continuous abatement notice* to serve as notice to the property owner that each subsequent violation during the same calendar year for which the initial notice of violation was provided may be abated by the Town or its contractors without further notice to the property owner. If the initial notice of the violation was provided by first class mail, then the continuous abatement

notice may be posted at the property at the time of abatement instead of providing notice of the continuous abatement notice by first class mail.

- (g) *Other enforcement.* Upon the failure, neglect, or refusal of the property owner to timely remedy the violation that exists on the real property within the prescribed seven (7) day period shall be deemed a violation of this Article, as amended from time to time, and the code official, through the Town attorney, may institute all available civil enforcement actions concurrently, including,
  - (1) The Town may abate the nuisance as set forth in Section 12-11(g);
  - (2) The Town may file a civil action in the Lake Circuit or Superior Court and/or request an injunction to abate the violation of these provisions as a public nuisance and to recover its costs of proceedings, including reasonable attorney fees; and
  - (3) The Town may issue a citation/ticket requiring the property owner and/or occupant to appear in the Lake Superior Court, County Division, as designated by Lake County Local Rule, which is the court of proper venue and jurisdiction for the enforcement of a citation/ticket issued under this Article.

3. Section 12-24, of Article II, Weeds and Rank Vegetation, of Chapter 12, Nuisances, is hereby amended to read as follows:

**Sec. 12-24. Penalty.**

- (a) Any property owner violating this Article shall, in addition to the enforcement actions set forth in this Article, be punished as provided in Section 1-7.
- (b) The fines associated with a citation issued for a violation of this Article are not eligible to be paid through the Town's Ordinance Violations Bureau.

4. Section 12-31, of Article II, Weeds and Rank Vegetation, of Chapter 12, Nuisances, is hereby amended to read as follows:

**Sec. 12-31. Excessive growth of weeds and rank vegetation prohibited.**

It is a violation of this Code and declared a public nuisance for an owner of a lot in the Town of Munster to permit, suffer, or allow weeds and/or rank vegetation to be, remain, or grow on his/her property to a height or length exceeding six (6) inches on a developed lot or ten (10) inches on an undeveloped lot, measured from the ground or base of the weeds and/or rank vegetation; or, by virtue of the proximity of the weeds and/or rank vegetation to a public road, sidewalk, alley, dwelling or structure of another, would cause damage or injury to any person, personal property, or real property of another if the weeds and/or rank vegetation would fall; or the weeds and/or rank vegetation interfere or obstruct vehicular or pedestrian traffic by negatively impacting the visibility of any vehicular or pedestrian traffic.

This Ordinance shall take effect upon the date of its publication which shall occur within thirty (30) days after passage.

Now, therefore, be it **ORDAINED** that the above-referenced Ordinance is hereby enacted.

**ORDAINED and ADOPTED** by the Town Council of the Town of Munster, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF MUNSTER,  
LAKE COUNTY, INDIANA**

By: \_\_\_\_\_  
David B. Nellans, President

ATTEST:

\_\_\_\_\_  
Wendy Mis, Clerk-Treasurer