

**ORDINANCE NO. 2025-05-13-01**

**WEED, GRASS, GARBAGE, AND TRASH CONTROL ORDINANCE  
FOR THE TOWN OF POSEYVILLE, INDIANA**

**WHEREAS**, the Poseyville Town Council finds that the maintenance of clean and safe premises within the corporate limits of the Town is in the best interest of public health, safety, and welfare;

**WHEREAS**, Indiana Code 36-7-10.1-1 et seq. provides municipalities with the authority to regulate and control weeds, garbage, trash, and other nuisances;

**WHEREAS**, the Town of Poseyville, Indiana wishes to repeal and replace Ordinance 2020-17-14-1 and 2020-07-14-2 with a comprehensive ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POSEYVILLE, INDIANA AS FOLLOWS:**

**SECTION 1. DEFINITIONS**

**A "Occupant"**: A person who resides in, on, or occupies real estate.

**B. "Owner"**: The person listed as the property owner in the Posey County Auditor's records.

**C. "Person"**: Includes individuals, organizations, associations, legal representatives, agents, and governmental bodies.

**D. "Weeds, Grass, and Rank Vegetation"**: Includes but is not limited to:

1. Uncultivated plants or vegetative matter exceeding nine (9) inches in height.
2. Detrimental plants as defined in IC 15-3-4-1.
3. Fallen trees, tree stumps over thirty-six (36) inches, and dead plant material.
4. Vegetation obstructing public ways or creating visual or safety hazards.
5. Any plant or vegetation constituting a safety or health hazard.

**E. "Garbage"**: All putrescible material capable of breeding rats, mice, or disease-carrying animals or insects.

**F. "Trash"**: All non-putrid waste material including tree trimmings, cans, glass, paper, wood, and metal parts, regardless of health hazard.

## **SECTION 2. MAINTENANCE OF PREMISES**

### **A. Vegetation Control**

Owners, occupants, or persons with interest in any real estate within the Town shall:

1. Cut and remove all weeds, grass, and rank vegetation on their property.
2. Cut and remove such vegetation from sidewalks, gutters, and from the street or alley up to the centerline.
3. Remove or clear mowed grass from the street within one (1) hour after mowing.

### **B. Garbage and Trash Control**

All persons, firms, and corporations shall keep their premises free from garbage and trash. Temporary accumulation in approved containers is permitted prior to scheduled collection.

## **SECTION 3. LITTERING PROHIBITED**

No person shall deposit garbage or trash on public or private property, except into containers approved by the Town or the State Board of Health.

## **SECTION 4. VIOLATIONS AND NOTICE PROCEDURES**

Upon observation of a violation, the Town Marshal shall issue a written notice requiring abatement within five (5) days. Notices shall be personally delivered to both the property owner and the occupant, if applicable. If either party resides outside the area, the notice shall be sent via certified mail to their last known address.

The notice shall include:

1. The location of the property.
2. Description of the violation.
3. Enforcement procedures.

4. The applicable fines:

- **First Violation in Calendar Year: \$50**
- **Second Violation in Calendar Year: \$100**
- **Third and Subsequent Violations in Calendar Year: \$250**

## **SECTION 5. REMOVAL BY TOWN – COLLECTION COSTS**

If violations are not abated within the time specified:

1. The Town may remove the vegetation, garbage, or trash through its agents or contractors.
2. A certified bill for removal costs, violation fines, administrative costs, and attorney fees shall be sent to the owner and occupant.
3. Payment must be made to the Town of Poseyville within ten (10) days.
4. Unpaid costs shall be certified to the Posey County Auditor for collection as real estate taxes pursuant to IC 36-1-6-2 or the Tax Refund Exchange and Compliance System (TRECS).
5. Collected costs will be distributed to the appropriate Town funds.

## **SECTION 6. LIEN ON PROPERTY**

All costs associated with violation abatement, including removal, fines, and administrative costs, shall constitute a lien against the property and may be enforced through foreclosure proceedings in a court of competent jurisdiction. In addition, the Town may certify any unpaid amounts to the Indiana Tax Refund Exchange and Compliance System (TRECS) for collection through the intercept of state income tax refunds.

## **SECTION 7. APPEALS**

Appeals must be submitted in writing to the Clerk-Treasurer:

- **Within 5 days** of a removal notice or cost certification.

- The Town Council shall hold a hearing and issue written findings.
- Further appeals must be filed in a court of competent jurisdiction within **10 days** of the Town Council's findings.

## **SECTION 8. SEVERABILITY**

If any part of this ordinance is found to be invalid, the remaining portions shall remain in full force and effect.

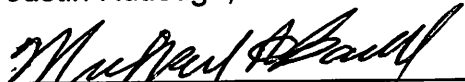
## **SECTION 9. EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and approval by the Town Council of Poseyville, Indiana.

**PASSED ORDAINED AND ESTABLISHED** this 13<sup>th</sup> day of May, 2025

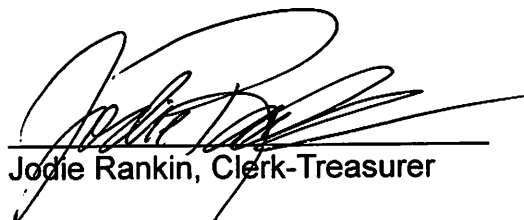
**TOWN COUNCIL OF POSEYVILLE, INDIANA**

  
Justin Rutledge, President

  
Michael Baehl, Member

  
Randall Rankin, Member

**ATTEST:**

  
Jodie Rankin, Clerk-Treasurer