**Detrimental Plant, Noxious Weeds, and Rank Vegetation Policy
Washington Township, Decatur County, Indiana**

**Resolution 2023-20**

WHEREAS, Indiana Code 15-16-8 et seq. gives the township trustee the duty to monitor and control Detrimental Plants growing on real estate located in the Township, including Noxious weeds and Rank Vegetation in residential areas;

WHEREAS, the Board of Washington Township of Decatur County, Indiana is the Township and legislative body and is by law authorized to adopt policies for the protection of the public health safety, and general welfare of its residents;

WHEREAS, Detrimental Plants, Noxious Weeds, and Rank Vegetation, when allowed to grow uncontrolled on real estate in Washington Township are unsightly, detrimental to property values, and a hazard to health;

WHEREAS, the purpose of this Policy is to regulate and control the growth and require the cutting and/or removal of Detrimental Plants on all parcels of real estate, and Noxious Weeds and Rank Vegetation in all residential areas of Washington Township;

NOW THEREFORE, BE IT ADOPTED by the Board of Washington Township, Decatur County, Indiana:

SECTION 1: Definitions

1. “Detrimental Plants” shall include the following:
 (1) Canada thistle (Cirsium arvense);
 (2) Johnson grass (Sorghum halepense);
 (3) Columbus grass (Sorghum almum);
 (4) Bur cucumber (Sicyos angulatus);
 (5) Shattercane (Sorghum bicolor (L.) Moench spp. drummondii (Steud.) deWet);
 (6) Common waterhemp (Amaranthus rudis) and tall waterhemp (Amaranthus tuberculatus);
 (7) Marestail (Conyza canadensis);
 (8) Palmer amaranth or carelessweed (Amaranthus palmeri);
 (9) Poison hemlock (Conium maculatum);
 (10) Powell amaranth (Amaranthus powellii);
 (11) Rough pigweed (Amaranthus retroflexus);
 (12) Smooth pigweed (Amaranthus hybridus); and
 (13) In residential areas only, noxious weeds and rank vegetation.
The term does not include agricultural crops.
2. “Noxious Weeds and Rank Vegetation” shall include any vegetable matter, weed, or grass, that is not cultivated in plant beds by the landowner, and which exceeds the height of seven (7) inches or creates a visual obstruction at street intersections. Also included is any vegetation, living or dead, that acts as a habitat for mosquitoes, flies, bees, mice, snakes, rats, or other insects or animals that pose a hazard to the public health, or that has developed mold, an unpleasant odor, or any other cause for removal.
3. “Visual Obstruction” means any combination of fencing, hedges, trees, shrubs, or other vegetation which limits the visibility of persons at intersecting or intercepting streets and alleys between three feet and ten feet above the ground, measured in a vertical plane of the sidewalk area.

SECTION 2: Rights of Trustee

1. The Township Trustee has the right to enter property to identify weed or grass control issues. The trustee must first have reason to believe the plants are present. They must give the property owner a 48 hour notice of entering their property. Then the trustee can enter the property to assess the area and determine if the weeds are present.

SECTION 3: Duty of Property Owner

1. It shall be the duty of any owner of real estate within the geographical limits of Washington Township to destroy all Detrimental Plants growing upon such real estate by:
2. cutting or mowing and, if necessary, by plowing, cultivating, or smothering; or
3. using chemicals in the bud stage of growth or earlier, to prevent detrimental plants from maturing on the person's real estate.
4. It shall be the duty of any owner of real estate in residential areas within the geographical limits of Washington Township to cut and remove all Noxious Weeds and Rank Vegetation growing upon such real estate when such weeds and vegetation exceed a height of seven (7) inches, as measured from the ground, including but not limited to that portion of such real estate as is adjacent to or abutting upon any sidewalk, alley or street.

SECTION 4: Failure to Perform Duties

1. In the event any owner of real estate located within the geographical limits of Washington Township fails to perform the duties set forth herein, the Township shall prepare and forward to the property owner a written notice calling for the cutting and removal of such Detrimental Plants, Noxious Weeds and/or Rank Vegetation within five days of the date of the notice (“notice of violation”). The notice of violation shall be served upon the property owner by certified first class mail or an equivalent service permitted under IC 1-1-7-1, return receipt requested at the last known address as recorded in the Decatur County Auditor’s office.
2. If, after receipt of a notice of violation, any owner of real estate located within the geographical limits of Washington Township fails to perform the duties set forth herein within five days of receiving such notice, the Township may undertake to remove or to have removed the Detrimental Plants. The property owner shall be responsible for all costs associated with the removal of the violation(s). If the property owner fails to pay the bill, the amount of the bill will be added to the property tax bill under Indiana Code 36-1-6-2.