

Town of Dune Acres

ORDINANCE 2021-01

AN ORDINANCE OF THE TOWN COUNCIL, AMENDING CHAPTER 14, OF THE DUNE ACRES TOWN CODE BY THE ADDITIONS OF SECTIONS 14-1 to 14-4, 14-10 to 14-13

Chapter 14 - ENVIRONMENT [7]

(7) **Cross reference**— Buildings and building regulations, ch. 10

(7) **State Law reference**— Environment, IC 13-11-1-1 et seq. (Back), Prohibited Invasive Terrestrial plants IC 18-3-25, Invasive Species Council IC 15-26-10-3

ARTICLE I. - IN GENERAL

Sects 14-5 – 14-9, 14-14 - 14-20- Reserved

Sec 14-1 – Indiana Invasive Species Council

The Indiana Invasive Species Council (IISC), established by IC 15-16-10-3 (2017).

Sec 14-2 – Introduce

Introduce means to knowingly transport, plant, transplant, or propagate a tree, shrub, vine, or other vascular plant on private or public property within the Town.

Sec 14-3 – Official Indiana Invasive Species Council Plant List

The list of invasive plant species created and maintained by IISC (currently located at <https://www.entm.purdue.edu/iisc/invasiveplants.html>) as that list exists and amended from time to time.

Sec 14-4 – Listed Plant

A vascular plant of any species included on the Official IISC Invasive Plant List

ARTICLE II. - ENVIRONMENTAL PRESERVATION [8]

(8) **Cross reference**— Administration, ch. 2; hunting, fishing and trapping, § 6-44 et seq.

Secs. 14-14 - 14-20. - Reserved.

Editor's note— Ord. No. 2007-6, § I, adopted December 18, 2007, repealed §§ 14-19 and 14-20 in their entirety, which pertained to the office of environmental commissioner, and authority and responsibilities of environmental commissioner, respectively. Section 14-19 derived from Ord. No. 94-4, § I, adopted December 8, 1994; section 14-20 derived from original codification.

Sec. 14-10. – Prohibited Species of Vegetation

No person, business, organization, or other entity shall introduce within the Town any plant species included on the Official IISC Invasive Plant List.

Sec. 14-11. – Removal of Vegetation

Any Listed Plant that is introduced after the effective date of this ordinance shall be removed by the property owner within thirty (30) days of written notification from the Town that will be delivered via first class mail. If after thirty (30) days from date the notice of Ordinance violation was sent, the Listed Plants have not been removed by the property owner, the Town or its contractors may enter onto the property and remove the Listed Plants and the owner charged a cost reimbursement amount due as determined by the Town.

The cost reimbursement invoice shall be mailed to the property owner and include all costs incurred by the town in removing the Listed Plant(s) including administrative costs and removal costs. Should the property owner fail to pay the cost reimbursement invoice within ten (10) days, the Town, may, pursuant to I.C § 36-7-10-1.4 certify the costs to the Porter County Auditor for placement upon the tax duplicate or bring an action in the Porter Superior Court to collect the amounts owed plus any administrative and legal costs and to obtain a lien in the amount of any judgment on any real or personal property of the property owner.

Sec. 14-12. – Appeal

Within thirty (30) days of receipt the property owner may appeal the notice of Ordinance violation relating to the Listed Plants by filing their written request for appeal with the Office of the Dune Acres Clerk-Treasurer by hand delivery, email or via first class mail. Upon receipt of the appeal, the Town Council shall consider the appeal at the next regularly scheduled meeting to rule upon the appeal and hear the property owner's and town's evidence.

Sec. 14-13. – Existing Listed Plants Exempt

Residents are encouraged to take whatever actions necessary to remove Invasive Species from private property. However, a Listed Plant that exists on the effective date of this ordinance is exempt from the provisions of Section 14-11.

Sec. 14-21. - Environmental Committee.

The Environmental Commissioner shall have the authority to appoint an Environmental Committee. The Committee shall consist of at least Three residents of the Town appointed by the Environmental Commissioner, none of whom shall hold an elected

office for the Town. At least One of the members shall be familiar with the native flora of the Town. Once appointed, each member of the Committee shall serve for a term commensurate with the then-current term of the Environmental Commissioner. The Environmental Committee shall advise and consult with the Commissioner on such matters within the Environmental Commissioner's authority and responsibility. All of the Environmental Committee meetings are open meetings in which the residents of the Town may attend and give their input into environmental matters.
(Ord. No. 94-4, § II, 12-8-1994)

Sec. 14-22. - Public safety cooperative agreements.

The Town may enter into cooperative agreements with other governmental entities subject to written approval by the Town Council pursuant to IC 36-1-7-1—36-1-7-12.

Sec. 14-23. - Destruction of flora prohibited.

It shall be unlawful for any person to damage, or willfully destroy any flora in the public areas of the Town at any time.

Sec. 14-24. - Depositing of waste material in approved containers.

All persons are required to deposit any and all kinds of refuse, rubbish, waste material, whether liquid or solid, in approved garbage or trash containers, or in drains connected with approved septic tanks. No person shall throw, place, or deposit trash or garbage in any road or parkway, public place or park or private property. An active compost pile on private property shall be considered a suitable receptacle for vegetable refuse.
Sects 14-25 – 14-29 Reserved

**ARTICLE III. – LANDSCAPER AND GROUNDS MAINTENANCE
CONTRACTOR REGISTRATION**

Sec. 14-30 - Landscaper and Grounds Maintenance Contractor Registration

(a) No person, firm, partnership or other entity shall contract, either orally or in writing, for landscaping services or lawn or grounds maintenance services within the Town of Dune Acres without first registering with the Town. However, any person, firm, partnership or other entity exempted under Section 10-30 (1)(E) of the Town Code will also be exempted from registering under this

section.

(b) As used in this section "landscaping services or lawn or grounds maintenance services" includes, but is not limited to, the planning and the planting of trees, shrubs, flowers, bulbs and other plants for the purpose of beautifying the premises; grading; the application of fertilizers and top soil; installation of lawn sod or seed; brush and leaf removal; herbicide application; tree trimming and tree removal; lawn mowing and trimming; irrigation; landscape illumination or lighting; and mechanical snow removal.

(c) The registration will be administered in accordance with Section 10-30 of the Town Code. However, the annual fee shall be \$25 and those persons, firms, partnerships or other entities regulated solely by this section shall be exempt from the insurance and bonding requirements of Section 10-30.
(Ord 2015-02, 2/17/2015; Ord 2015-04, 4/21/2015)

Adopted this 15th day of June, 2021



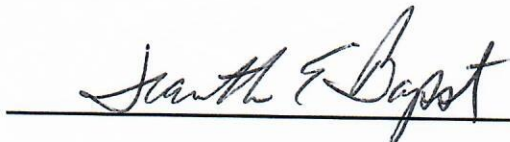
Richard Hawksworth, President, Town Council

Peter Bomberger, Member, Town Council



Alexander Stermer, Member, Town Council

Attest:



Jeannette E. Bapst, Clerk-Treasurer