

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1122 be amended to read as follows:

- 1 Page 7, between lines 28 and 29, begin a new paragraph and insert:
- 2 "SECTION 7. IC 36-7-10.1-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The legislative
- 4 body of a municipality or county may by ordinance require the owners
- 5 of real property located within the municipality or the unincorporated
- 6 area of the county to cut and remove weeds and other rank vegetation
- 7 growing on the property. As used in this chapter, "weeds and other rank
- 8 vegetation" does not include agricultural crops, such as hay and
- 9 pasture.
- 10 (b) An ordinance adopted under subsection (a) must specify the
- 11 following:
- 12 (1) The department of the municipality or county responsible for
- 13 the administration of the ordinance.
- 14 (2) The definitions of weeds and rank vegetation.
- 15 (3) The height at which weeds or rank vegetation becomes a
- 16 violation of the ordinance, specifying the appropriate heights for
- 17 various types of weeds and rank vegetation.
- 18 (4) The procedure for issuing notice to the owner of real property
- 19 of a violation of the ordinance.
- 20 (5) The procedure under which the municipality or county, or its
- 21 contractors, may enter real property to abate a violation of the
- 22 ordinance if the owner fails to abate the violation.
- 23 (6) The procedure for issuing a bill to the owner of real property
- 24 for the costs incurred by the municipality or county in abating the

1 violation, including administrative costs and removal costs.

2 (7) The procedure for appealing a notice of violation or a bill  
3 issued under the ordinance.

4 **(c) An ordinance adopted under subsection (a) must provide**  
5 **that a notice sent to the property owner must be sent by certified**  
6 **mail, return receipt requested, to:**

7 **(1) the owner of record of real property with a single owner;**  
8 **or**

9 **(2) at least one (1) of the owners of real property with multiple**  
10 **owners;**

11 **at the last address of the owner for the property as indicated in the**  
12 **records of the county auditor on the date of the notice."**

13 Page 13, between lines 2 and 3, begin a new paragraph and insert:

14 "SECTION 13. IC 36-9-23-32, AS AMENDED BY P.L.131-2005,  
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2010]: Sec. 32. (a) Fees assessed against real property under  
17 this chapter or under any statute repealed by IC 19-2-5-30 constitute a  
18 lien against the property assessed. The lien is superior to all other liens  
19 except tax liens. Except as provided in subsections (b) and (c), the lien  
20 attaches when notice of the lien is filed in the county recorder's office  
21 under section 33 of this chapter.

22 (b) A fee is not enforceable as a lien against a subsequent owner of  
23 property unless the lien for the fee was recorded with the county  
24 recorder before the conveyance to the subsequent owner. If the property  
25 is conveyed before the lien can be filed, the municipality shall notify  
26 the person who owned the property at the time the fee became payable.  
27 The notice must inform the person that payment, including penalty fees  
28 for delinquencies, is due not more than fifteen (15) days after the date  
29 of the notice. If payment is not received within one hundred eighty  
30 (180) days after the date of the notice, the amount due may be  
31 expensed as a bad debt loss.

32 (c) A lien attaches against real property occupied by someone other  
33 than the owner only if the utility notified the owner within twenty (20)  
34 days after the time the utility fees became sixty (60) days delinquent.  
35 However, the utility is required to give notice to the owner only if the  
36 owner has given the general office of the utility written notice of the  
37 address to which the owner's notice is to be sent. **A notice sent to the**  
38 **owner under this subsection must be sent by certified mail, return**  
39 **receipt requested, to:**

40 **(1) the owner of record of real property with a single owner;**  
41 **or**

42 **(2) at least one (1) of the owners of real property with multiple**  
43 **owners;**

44 **at the last address of the owner for the property as indicated in the**  
45 **records of the county auditor on the date of the notice.**

46 (d) The municipality shall release:

1           (1) liens filed with the county recorder after the recorded date of  
2           conveyance of the property; and  
3           (2) delinquent fees incurred by the seller;  
4           upon receipt of a verified demand in writing from the purchaser. The  
5           demand must state that the delinquent fees were not incurred by the  
6           purchaser as a user, lessee, or previous owner, and that the purchaser  
7           has not been paid by the seller for the delinquent fees."  
8           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1122 as printed January 25, 2010.)

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Representative Tyler