
Detailed Fiscal Analysis

Background and bill summary

Current law allows townships and counties to remove vegetation that either is growing or encroaching on the public right-of-way and requires townships to destroy all brush, briars, burrs, vines, and noxious weeds growing within the limits of a township road. These provisions, however, do not allow township workers or county engineer employees to enter onto private property and remove vegetation that is located wholly on private property, even if the vegetation hinders the sight lines of motorists traveling on township or county roads. The bill would give township trustee's and county engineer authority to do so, provided certain procedures are followed. Finally, the bill outlines procedures under which landowners may seek restitution for property damage that results from the removal of vegetation.

Under the bill, if a board of township trustees or a county engineer determines that vegetation located on land near a township road constitutes a danger to the traveling public, the township or county engineer's office must send written notice to the landowner and allow 15 days for the removal of the offending vegetation. If the described vegetation is not removed within that timeframe, the township or county engineer department may direct its employees to enter private property in order to remove the obstructing plant matter, provided that sufficient notice is given. The bill also contains other notification requirements concerning the owners or occupants of a residence containing vegetation that needs removed.

Recouping removal costs—report to county auditor

Once township or county engineer department employees enter private property and remove vegetation, the bill allows them to record the associated costs and report them to the county auditor. The amount would be entered on the tax duplicate and placed as a lien on the land, would be collected as other taxes, and returned to the township or county general fund. Presumably, if a township or county engineer's department chose to file such a report with the county auditor, this procedure would allow some of these removal costs to be recouped.

Ditch and culvert cleaning

The bill also creates a process whereby townships can order property owners, given a period of not less than 15 days, to clean obstructed culverts or ditches on private property if these blockages threaten to flood roadways or other public property. The 15-day notification requirement would not apply in emergencies. If the landowner fails to remove the material, the bill allows the township to remove the material, the cost of which is to be paid from the township general fund. The bill allows townships to recoup ditch cleaning costs through the same form of report as described in the preceding section. Under this procedure, townships could recoup some or most of their ditch cleaning costs.

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