

ORDINANCE NO. 1-99

AN ORDINANCE DECLARING ABANDONED REFRIGERATORS
TO BE A PUBLIC NUISANCE AND PROHIBITING AND AUTHORIZING
THE ABATEMENT OF SUCH ABANDONED REFRIGERATORS
WITHIN THE TOWN OF ORESTES

WHEREAS, the Town Council of Orestes now hereby deems the storage or placement of any discarded, abandoned, or unused icebox, refrigerator or similar container of an airtight character, in any place where the same is accessible to children to be a risk to the safety of the community; and

WHEREAS, the Town Council now hereby finds that the storage, keeping or placement of any such discarded, abandoned or unused icebox, refrigerator, or similar container in any place where the same is accessible to children should be and hereby now is declared to be prohibited.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Orestes, Indiana as follows:

SECTION 1. It shall be unlawful for any person to store, place, or permit any discarded, abandoned, or unused icebox, refrigerator, or similar container of any airtight character, in any place where the same is accessible to children, without first removing all doors, locks, and automatic catches thereto so as to prevent any person or child from becoming imprisoned in the container.

SECTION 2. The provisions of section 1 above, shall not apply to the delivery, transfer, or removal of any such icebox, refrigerator, or container from one location to another while in transit, provided that the icebox, refrigerator, or other container shall not be left unattended for any period of time, and that said items shall be checked for the presence of persons or children therein.

SECTION 3. The Town Council now hereby declares that the presence, storage, or placement of any discarded, abandoned, or unused icebox, refrigerator, or similar container of any airtight character, in any place where the same is accessible to children, without first removing all doors, locks, and automatic catches thereto so as to prevent any person or child from becoming imprisoned in the container, constitutes a public nuisance.

SECTION 4. The Town Marshall of the Town is now hereby authorized to enter upon the premises where any such discarded, abandoned or similar container of an airtight character, and which item is not in accordance with the provisions stated herein above, and to take such item into possession and may otherwise remove all doors, locks, and automatic catches thereto so as to prevent any person or child from becoming imprisoned in the container. Providing, however, that the Town Marshall shall not so take any such action until he has made a diligent search to locate and notify the owner of any such item of the requirements of this ordinance. Any such owner of the items so notified shall immediately and forthwith take all actions to bring the item in compliance with the provisions of this ordinance.

SECTION 5. Penalty. Whoever violates the provisions of this ordinance shall, upon a finding that a violation has occurred, be fined not less than Twenty Five and no/100 (\$25.00) Dollars nor more than Two Hundred Fifty and no/100 (\$250.00) Dollars.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Town Council, and publication as by law provided.

SO ORDAINED this 24th day of August, 1999.

TOWN COUNCIL OF TOWN OF
ORESTES

BY John J. Shettle
President

Debra J. Atwood
Member

Member

ATTEST:

Erin A. Atwood
Clerk/Treasurer

PREPARED BY:
TIMOTHY S. LANANE
TOWN ATTORNEY