

ORDINANCE NO. 1480

AN ORDINANCE PROHIBITING TRASH, ABANDON
VEHICLES, LITTER, AND OTHER ITEMS FROM
BEING UPON PREMISES WITHIN THE TOWN OF ORESTES

WHEREAS, The Town Board of Orestes now hereby deems the accumulation and keeping of trash, abandon vehicles, litter and other items to be unsightly, unsanitary and potentially a hazzard to the citizens of the Town of Orestes, Indiana, and

WHEREAS, it is hereby declared to be the purpose of this Ordinance to achieve the clean-up of unsightly properties in the Town, and further it is declared to be the intent of the Town Board that this Ordinance be broadly construed to accomplish that purpose;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Trustees of the Town of Orestes, Indiana:

Section 1. DEFINITIONS. For the purpose of this Ordinance the following terms, phrases, words, abbreviations, and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) "Abandon Vehicle" shall mean any motor vehicle which is found upon property, which vehicle is not in the possession of any person; or, if in the possession of any person, the person having possession is not the legal owner, and cannot establish his right to possession of the vehicle, and the vehicle is not wholly within a building on the premises.

(B) "Building" includes any structure and shall be construed as if followed by the words "or part thereof".

(C) "Inoperable Vehicle" means any vehicles found, stored, or locked on property which meets either of the following criteria, and is not contained within a garage or other building:

(1) Mechanically inoperable. A vehicle is mechanically inoperable if it cannot be started and driven upon request

of the Town Marshall or his authorized representative.

(2) Unlicensed or unregistered. A vehicle is unlicensed or unregistered if it does not have a current, valid license plate and registration.

(D) "Litter" means odds and ends left lying about the premises.

(E) "Premises" or "Property" means any real property within the corporate limits of the Town, which is not a street, highway, alley, or other public right-of-way.

(F) "Trash" means refuse, rubbish, tree branches, limbs, leaves, paper, cardboard, tin cans, vegetable matter, garbage, ashes, wood shavings, straw, boxes, discarded furniture, discarded appliances, discarded auto parts, discarded tires, and any other item or object which fits within the general definition of "trash".

(G) "Unstacked Firewood" means firewood which is either unstacked or not cut to uniform length, and which is not stored within a building or structure on the premises.

Section 2. PROHIBITED ACTS AND DEFENSES.

(A) It shall be unlawful for the owner, contract purchaser, lessee, or occupant of any premises within the corporate limits of the Town of Orestes to allow, suffer, or permit any abandoned vehicle, inoperable vehicle, litter, trash, or unstacked firewood to be upon the premises.

(B) The foregoing provisions about abandoned or inoperable vehicles shall not apply to a junk yard or licensed storage facility within the Town. Also, the foregoing provisions concerning abandoned or inoperable vehicles shall not apply to commercial garages or repair shops wherein vehicles are undergoing ordinary repair on property properly licensed to do so within the Town.

Section 3. INSPECTIONS; NOTICE OF VIOLATION.

(A) It shall be the duty of the Town Marshal of the Town to conduct periodic inspections of all property and premises within the corporate limits of the Town. If violations are found, it shall be the Town Marshal's duty to ascertain the names of the owners, contract purchasers, lessees, or occupants of the property or premises, and to provide notification in writing to remove any and all items that

constitute a violation of this Ordinance, providing ten (10) days from the date of notice to correct the violation. If any property or premises is not occupied or leased, and the owner is a non-resident of the Town, and his residence cannot be ascertained, then the owner shall be notified by publication in one daily newspaper of general circulation published in the county, once each week for two (2) successive weeks.

(B) It shall be unlawful for any such owners, contract purchasers, lessees, or occupants to fail or refuse to remove any and all items that are set forth upon the notice from the Marshal within ten (10) days from the date of notice, or from the date of the last publication of the notice.

Section 4. PENALTY. Whoever violates the provisions of this Ordinance shall, upon a finding that a violation has occurred, be fined not less than Twenty-Five (\$25.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars. If such person fails to correct the violation within ten (10) calendar days after the Court enters judgment, or if the person suffers a second or subsequent judgment hereunder within two (2) calendar years from his last judgment, the person shall be fined not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage by The Board of Trustees of the Town of Orestes, and publication as by law provided.

PASSED AND ADOPTED by the Board of Trustees of the Town of Orestes, this 10th day of May, 1988.

TOWN BOARD OF TOWN OF ORESTES

BY Todd A. Cox
Board Member

Carol Smith
Board Member

Board Member

ATTEST:

Julie E. Cox
Clerk/Treasurer