

ORDINANCE 97-2

Legal Notice

**LEGAL ORDINANCE
ORDINANCE 97-2**

Public Nuisance

Notice is hereby given the taxpayers of Stinesville, Monroe County, Indiana, that proper legal officers of the town of Stinesville at their regular meeting place at the Fire Station, at 7:00 o'clock, p.m., on July 3, 1997, will adopt the following ordinance:

TITLE 3

PUBLIC NUISANCE

SMC. 3.01 REFUSE AND WEEDS.

(a) **DEPOSIT OF REFUSE.** It is unlawful for any person to throw, place, or scatter any garbage, rubbish, trash, or other refuse over upon any premises, street, alley, either public or private, or to suffer or permit any garbage, rubbish, trash or other refuse to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to latter remove, cover, or burn it. This provision shall not restrict the filling of low lands within the Town with brick, cold ashes, dirt, gravel, sand, and stone after the appropriate permit has been obtained from the Town Engineering Department.

(b) **USE OF TOWN REFUSE CONTAINERS.** It is unlawful for any person to deposit household or commercial refuse in any receptacle maintained on a sidewalk or at any other public location by the Town for disposal of refuse by pedestrians.

(c) **EXCESSIVE GROWTH.** It is unlawful for the owner of any lot or tract of ground within the Town to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of one (1) foot or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

(d) **INSPECTIONS.** It shall be the duty of the Police Department to make a careful inspection upon request of any lots, grounds and tracts of land situated within the corporate limits of the Town for the purpose of determining whether there is a violation of this code and ordinance.

(e) **REMOVAL NOTICE.** Whenever the Police Department finds refuse, weeds, or other vegetation on property within the Town which is in such a condition as to violate this code and ordinance, a written report of the complaint and findings shall be filed with the Clerks Office. The Clerk shall issue a written notice to the landowner to remove the refuse or vegetation within five (5) days of the date of notice. Notice shall be served by certified mail upon the landowner, to the landowner's last known address, with a first class letter sent on the same date.

(f) **FAILURE TO REMOVE.** (1) The Police Department shall reinspect the property within the ten (10) days after the date of the notice to determine whether the violation has been cured. If the landowner has failed to remove the refuse or vegetation, or has failed to pursue an appeal pursuant to this code and ordinance, a written report of these findings shall be filed with the Clerks Office. The Police Department may issue to the landowner a citation for ordinance violation which states the relevant offense(s) of the Stinesville Municipal Code, and which assesses the appropriate penalty. The penalty, as established in "SMC. 3.01(j)" shall be paid to the Clerks Office within date stated on citation in full satisfaction of the assessed penalty. If such payment is not made within the prescribed period, proceedings may be filed in a court of competent jurisdiction.

(2) In addition to subsection (1) above, if the landowner, upon reinspection, failed to remove the refuse or vegetation or failed to pursue an appeal pursuant to this code and ordinance, the Town through its Street Commissioner may remove the refuse or vegetation. The Town may also pursue any other appropriate legal remedies.

(g) **COST OF REMOVAL BY TOWN.** If the landowner fails to remove the refuse or vegetation and the Town removes it, the Clerk shall make a certified statement of the actual cost incurred by the Town for the removal. The statement shall be served on the landowner by certified mail. The landowner shall pay the amount in the statement to the Town Clerks Office within ten (10) days after receiving it. If the landowner should fail to pay within the ten (10) day period, a certified copy of the statement of cost shall be filed in the office of the Monroe County Auditor. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected as taxes are collected and disbursed to the general fund of the Town.

(h) **APPEAL OF REMOVAL NOTICE.** An appeal of the written removal notice must be made in writing, within five (5) days of the date of the removal notice to the Town Council, which shall issue its written findings. All appeals from written findings of the Council shall be made to courts of competent jurisdiction within ten (10) days.

(i) **VEHICLES HAULING REFUSE.** (1) It is unlawful to transport refuse, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.

(2) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the Town shall cause such materials to be removed at the expense of the person responsible, who shall be liable to the Town the cost of removal.

(j) **VIOLATIONS.** Violations of the provisions of this code and ordinance are declared a public nuisance.

Any person who violates any provisions of this code and ordinance shall be subject to a fine of not less than fifty (50) dollars and not more than one hundred (100) dollars for each violation. Each day that a violation continues shall constitute a separate violation.

SMC. 3.02 COMMERCIAL REFUSE HAULING AND COLLECTION.

(a) **REFUSE CONTAINERS.** All establishments and institutions which are served by commercial refuse collection services shall keep their containers covered and sanitary at all times.

(b) **COLLECTION PRACTICES.** Collection shall be made only during the hours of five a.m. (5:00) to ten p.m. (10:00).

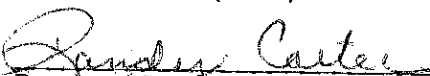
(c) **VIOLATIONS.** Any person, firm, or corporation who violates any of the provisions of this code and ordinance shall be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each violation. Each day that a violation continues shall constitute a separate violation.

Lois Pursell
Clerk-Treas.
J-6/18

Passed by the Board of Trustees of the Town of Stinesville, Indiana, this day of July, 1997.

BOARD OF TRUSTEES

"Yes" votes (AYES)


Pres.: Randy Carter

"No" votes (NAYS)

Pres.: Randy Carter

Legal Notice

LEGAL ORDINANCE ORDINANCE 97-2 Public Nuisance

Notice is hereby given the taxpayers of Stinesville, Monroe County, Indiana, that proper legal officers of the town of Stinesville at their regular meeting place at the Fire Station, at 7:00 o'clock p.m., on July 3, 1997, will adopt the following ordinance.

TITLE 3 PUBLIC NUISANCE CHM. 301 REFUSE AND DEBRIS

(a) **DEPOSIT OF REFUSE.** It is unlawful for any person to throw, place, or scatter any garbage, rubbish, trash, or other refuse over upon any premises, street, alley, either public or private, or to suffer or permit any garbage, rubbish, trash or other refuse to be placed or deposited on the premises owned, occupied or controlled by such person, either with or without the intent to litter, remove, cover, or burn it. This provision shall not restrict the filling of low lands within the town with brick, cold ashes, dirt, gravel, sand, and stone after the appropriate permit has been obtained from the town engineering Department.

(b) **USE OF TOWN REFUSE CONTAINERS.** It is unlawful for any person to deposit household or commercial refuse in any receptacle maintained on a sidewalk or any other public space by the town for disposal of refuse by pedestrians.

(c) **EXCESSIVE GROWTH.** It is unlawful for the owner of any lot or tract of ground within the town to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of one (1) foot or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

(d) **INSPECTIONS.** It shall be the duty of the Police Department to make a semi-annual inspection upon request of any lot, grounds and tracts of land situated within the corporate limits of the town for the purpose of determining whether there is a violation of this code and ordinance.

(e) **REMOVAL NOTICE.** Whenever the Police Department finds refuse, weeds, or other vegetation on property within the town which is in such a condition as to violate this code and ordinance, a written report of the complaint and findings shall be filed with the Clerk's Office. The Clerk shall issue a written notice to the landowner to remove the refuse or vegetation within five (5) days of the date of notice. Notice shall be served by certified mail upon the landowner to the address or other known address with a first class postmark on the immediate date.

(f) **FAILURE TO REMOVE.** (1) The Police Department shall impound the property within the ten (10) days after the date of the notice to determine whether the violation has been made. If the landowner has failed to remove the refuse or vegetation, or has failed to pursue an appeal pursuant to this code and ordinance, a written report of these findings shall be filed with the Clerk's Office. The Police Department may issue to the landowner a citation for ordinance violation which states the relevant offense(s) of the Stinesville Municipal Code, and which assesses the appropriate penalty. The penalty as established in "CHM. 301C" shall be paid to the Clerk's Office within the date stated in citation or full satisfaction of the assessed penalty. If such payment is not made within the prescribed period, proceedings may be filed in a court of competent jurisdiction.

(2) In addition to subsection (1) above, if the landowner, upon receipt, failed to remove the refuse or vegetation or failed to pursue an appeal pursuant to this code and ordinance, the town through its Street Commissioner may remove the refuse or vegetation. The town may also pursue any other appropriate legal remedies.

(g) **COST OF REMOVAL BY TOWN.** If the landowner fails to remove the refuse or vegetation and the town removes it, the Clerk shall make a certified statement of the actual cost incurred by the town for the removal. The statement shall be served on the landowner by certified mail. The landowner shall pay the amount in the statement to the Town Clerk's Office within ten (10) days after receiving it. If the landowner should fail to pay within the ten (10) day period, a certified copy of the statement of cost shall be filed in the office of the Monroe County Auditor. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected as taxes are collected and disbursed to the general fund of the town.

(h) APPEAL OF REMOVAL NOTICE

An appeal of the written removal notice must be made in writing within five (5) days of the date of the removal notice to the town Council which shall issue its written findings. All appeals from written findings of the Council shall be made to courts of competent jurisdiction within ten (10) days.

(i) **HAZARDOUS MATERIALS REMOVAL.** (1) It is unlawful to transport radium, stone or other materials that are likely to fall from a vehicle unless such materials are covered underhose to prevent their deposit on public and private property.

(2) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the town shall cause such materials to be removed at the expense of the person responsible, who shall be liable to the town the cost of removal.

(j) **VIOLATIONS.** Violations of the provisions of this code and ordinance are declared a public nuisance.

Any person who violates any provision of this code and ordinance shall be subject to a fine of not less than fifty (50) dollars and not more than one hundred (100) dollars for each violation. Each day that a violation continues shall constitute a separate violation.

CHM. 302 COMMERCIAL REFUSE HAULING AND COLLECTION

(a) **REFUSE CONTAINERS.** All establishments and institutions which are served by commercial refuse collection services shall keep their containers covered and sanitary at all times.

(b) **COLLECTION PRACTICES.** Collection shall be made only during the hours of five a.m. (5:00) to ten a.m. (10:00).

(c) **VIOLATIONS.** Any person, firm or corporation who violates any of the provisions of this code and ordinance shall be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each violation. Each day that a violation continues shall constitute a separate violation.

Lois Pursell
Clerk-Treas.
10/18

Passed by the Board of Trustees of the Town of Stinesville, Indiana, this 3 day of July, 1997.

BOARD OF TRUSTEES

"Yes" votes (AYES)
Randy Carter
Pres.: Randy Carter
C. Ann Louderbarger, V.P.
V. Pres.: C. Ann Louderbarger
Reginald Payton
Member: Reginald Payton

"No" votes (NAYS)
Pres.: Randy Carter
C. Ann Louderbarger
V. Pres.: C. Ann Louderbarger
Member: Reginald Payton

ATTEST:
Lois Pursell
clerk-treas.: Lois Pursell