

TOWN OF OWENSVILLE, INDIANA
ORDINANCE NO. 2022-5

ACCUMULATION OF JUNK, WASTE, GARBAGE, OR REFUSE
WHERE VISIBLE FROM A PUBLIC PLACE OR RIGHT-OF-WAY,
NUISANCE, PROVIDING FOR THE ABATEMENT THEREOF
AND PRESCRIBING A PENALTY

WHEREAS, the Town of Owensville has an existing ordinance on this subject, but the existing ordinance being obsolete, the Town Council feels that it is incumbent upon them to repeal any existing ordinances pertaining to the accumulation of junk, waste, garbage, or refuse where visible from a public place or right-of-way, nuisance and to adopt a new ordinance for the purpose and understanding of regulating the accumulation of junk, waste, garbage, or refuse where visible from a public place or right-of-way, nuisance, providing for the abatement thereof and prescribing a penalty.

AND NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE OWENSVILLE, INDIANA:

SECTION 1. That the accumulation of junk, waste, garbage, and refuse upon real property located within the corporate limits of the Town of Owensville, Indiana, where such accumulation is visible from a public place or public right-of-way are declared to be a nuisance.

SECTION 2. For the purpose of this ordinance, the following terms shall have the following meaning:

- a. JUNK. Any old iron or other metal, glass, paper, cordage, or other discarded material which maybe treated or prepared so as to be used again in some form.
- b. WASTE. Any valueless or unproductive materials allowed to lie in random fashion on the realproperty.
- c. GARBAGE. Any materials from a house, market, or store consisting of offal, paper, tin cans,ashes, food scraps, and the like.
- d. REFUSE. Any material consisting of the leavings, dregs, cinders, sediment, scum, dross, or thelike, resulting from any construction, manufacturing, or similar processes.
- e. PUBLIC PLACE. Any sidewalk, street, highway, alley, park, or other state, county, or municipallyowned property.
- f. PRIVATE PROPERTY. All property which is not classified within the definition of public place andis located within the corporate limits of the Town of Owensville.
- g. PERSON. All-natural persons, firms, partnerships, and corporations.

- h. OWNER. The last known record titleholder of any real property located within the corporate limits of the Town of Owensville.

SECTION 3: No person shall allow the accumulation of any junk, waste, garbage or refuse upon any real property of which they are the owner and said property is located within the corporate limits of the Town of Owensville.

SECTION 4: Whenever the Town Marshall of the Town of Owensville has cause to believe that there exists an accumulation of junk, waste, garbage or refuse on any real property within the corporate limits of the Town of Owensville, he shall promptly report such violation of this ordinance to the Town Clerk of Owensville. Upon receiving such report, the Town Clerk shall promptly issue a written notice to the owner of the real property where the violation exists, giving the owner fifteen (15) days from the date of the letter to bring said real property into compliance with the requirements of this ordinance.

SECTION 5: That if after receiving notice of the violation of this ordinance the owner of the real property in violation of the said ordinance has not brought their property into compliance with the ordinance within fifteen (15) days of the date of the notice, that a fine in the amount of \$10.00 per day up to the fifteenth (15th) day from the date of the notice shall be levied against the owner of said real property. The owner of the real property has thirty (30) days to pay said fine.

SECTION 6: That if compliance with this ordinance is not forthcoming, the Town Council and Town Clerk may proceed to take the necessary action to bring the real property in compliance with this ordinance by directing the Supervisor of the Street Department to proceed on the sixteenth (16th) day to properly remove any junk, waste, garbage, or refuse accumulated on the real property which is in violation of this ordinance. The property owner will then have thirty (30) days to pay the expenses incurred by the Town of Owensville to clean up said real property. If not paid by property owner within thirty (30) days of the written notice, the Clerk Treasurer shall file a lien against the said real property until released by the Clerk Treasurer when satisfied.

SECTION 7: Cost of the removal of junk, garbage, waste, or refuse incurred by the Town of Owensville is as follows:

1. The cost to clean up junk violations will be \$200.00 per person per hour with a minimum charge of \$400.00.
2. The cost to use the Town of Owensville's backhoe or dump truck will be \$150.00 each per hour.
3. Severe cases will have to be reviewed on a case-by-case basis by the Town Council of Owensville, Indiana to determine costs of cleanup on said real property.

SECTION 8: This Ordinance shall be in full force and effect from and after passage and publication thereof as required by law.

SECTION 9: This Ordinance 2022-5 repeals Ordinance 1984-4 as of the signing and adoption by the Town Council of Owensville, Indiana on this 2nd day of May, 2022.

PASSED AND ADOPTED by the Counsel of the Town of Owensville, Indiana, this 2nd day of May 2022.
This Ordinance shall be effective upon passage.

ATTEST:



VANESSA RIGGS, CLERK/TREASURER

TOWN COUNCIL OF OWENSVILLE, INDIANA



DWAYNE MATSEL, COUNCIL PRESIDENT



COREY TAYOR, COUNCIL MEMBER



CLYDE SCOTT, COUNCIL MEMBER