

ORDINANCE NO. 2020-07-14-2

**GARBAGE AND TRASH CONTROL ORDINANCE FOR
THE TOWN OF POSEYVILLE, INDIANA**

WHEREAS, the Poseyville Town Council, (hereinafter referred to as "Council"), believes the best interest of the Town and its residents will be served for all property in the Town to be kept free of garbage and trash;

WHEREAS, this Ordinance shall replace and repeal Ordinance No. 1997-10-06-2 upon this Ordinance becoming effective after legal publication.

NOW THEREFORE, BE IT ORDAINED BY THE POSEYVILLE TOWN COUNCIL AS FOLLOWS:

1. **GARBAGE AND TRASH DEFINITIONS:** The following words and phrases when used in this Ordinance shall have the following meanings:

- a. Garbage – Garbage shall be defined as all putrescible material that may provide food or breeding environment for rats, mice, or disease carrying animals or insects.
- b. Trash – Trash shall be defined as all non-putrid waste materials of every kind including but not limited to such items as tree trimmings, cans, glass, paper, wood, and metal devices and parts whether or not such items are a health hazard.

2. **PREMISES SHALL BE KEPT FREE OF GARBAGE AND TRASH:** All persons, firms, and corporations within the corporate limits of the Town of Poseyville shall keep their premises free from garbage and trash. However, while awaiting scheduled garbage or trash collection all persons may accumulate and store garbage and trash in barrels or containers approved by the Town or State Board of Health.

3. **LITTERING PROHIBITED:** No person shall deposit garbage or trash on public or private property within the Town of Poseyville, except that garbage and trash deposited into barrels.

4. **VIOLATION:** Any person, firm, and entity who does not comply with Section 2 and Section 3 of this Ordinance shall constitute a violation of this Ordinance.

5. **NOTICE OF VIOLATION:** When it shall come to the attention of the Town Marshall that a premises is not being kept free from garbage and trash, the Town Marshall shall issue a five (5) day written notice to remove the garbage and trash, and the notice shall be served upon the landowner and occupant by personal service or by Certified Mail, return receipt requested, at the last known addresses of the landowner and occupant.

In the event the Town Marshall does not have the occupant's name, the Town Marshall shall request the occupant's name from the landowner and the landowner shall provide the occupant's name to the Town Marshall within two (2) days of the request.

The notice shall list the location of the real estate concerned, require abatement of the violation within five (5) days of the date of the notice and briefly describe the enforcement and collection procedures. The notice shall also notify the owner and occupant that a fine shall be assessed as follows for each parcel of real estate in violation of this Ordinance:

- a. First failure by owner or the occupant to abate a violation within the five (5) day period during a calendar year – \$25.00 fine;
- b. Second failure by owner or the occupant to abate a violation within the five (5) day period during a calendar year - \$100.00 fine;
- c. Third failure by owner of the occupant to abate a violation within the five (5) day period during a calendar year - \$250.00 fine;

6. **REMOVAL BY TOWN – COLLECTION COSTS:** In addition to the fines stated herein, the Town may require the property owner on which garbage or trash is located to remove the garbage or trash. If after reasonable notice the owner of the premises fails to remove the garbage or trash, the Town through its agents or employees may go on the property and remove the garbage or trash and submit a bill for removal costs to the property owner. If the property owner fails for a period of six (6) months to pay the removal costs, the Town may certify the amount due to the Auditor of Posey County for collection as real estate taxes and become a lien against the property pursuant to I.C. 36-1-6-2.

7. **LIEN ON PROPERTY:** The cost of cutting and removing the weeds, grass, and other rank vegetation, administrative costs, fines and interest shall be a lien upon the real estate affected and shall also be enforceable and collected by foreclosure proceedings in the civil courts of the state the same as other liens are enforced and collected.

8. **APPEAL RIGHTS:** An appeal of the written removal notice issued pursuant to this Chapter must be made in writing within five (5) days of the date of the removal notice and must be submitted to the Clerk-Treasurer which shall set this matter for hearing before the Town Council of Poseyville. An Appeal of the certification of costs issued pursuant to this Chapter must be made in writing with five (5) days of the date of certification of costs and must be submitted to the Clerk-Treasurer which shall set the matter for hearing before the Town Council of Poseyville. Following the hearing, the Town Council of Poseyville shall issue its written findings. All appeals from the written findings of the Town Council of Poseyville shall be made to Courts of competent jurisdiction with ten (10) days of the date of the findings.

9. **CONSTRUCTION:** Should any section or part of this Ordinance be declared invalid for any reason, the remainder of this ordinance shall not be affected

10. **EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon passage and approval by the Town Council of Poseyville, Indiana.

PASSED, ORDAINED AND ESTABLISHED this 14th day of July, 2020.

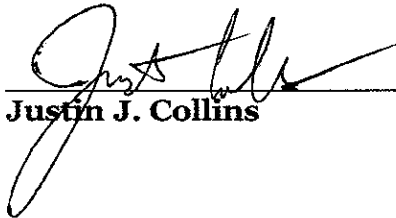
Town Council of Poseyville, Indiana



Bruce C. Baker

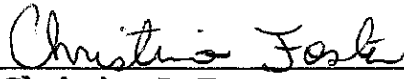


Michael A. Baehl



Justin J. Collins

ATTEST:



Christina L. Foster
Clerk-Treasurer