

TOWN OF FORT BRANCH, INDIANA
ORDINANCE NO. 2022-4

AN ORDINANCE PROHIBITING STORING, OR ALLOWING TO
REMAIN, TRASH CANS, TRASH CONTAINERS AND TRASH
DUMPSTERS ON OR NEAR THE STREET IN THE TOWN OF
FORT BRANCH, INDIANA

WHEREAS, the Town Council of the Town of Fort Branch, Indiana (Hereafter referred to as "Town Council"), is responsible for the performance of various functions of the Town of Fort Branch, Indiana (hereafter referred to as "Town"), and

WHEREAS, the Town Council has identified storing, or allowing to remain, trash cans, trash containers, and trash dumpsters on or near public streets, presents a safety hazard with regard to safely utilizing the public streets for purposes of safe travel and for purposes of emergency response to emergency situations; and

WHEREAS, after careful consideration, the Town Council now desires to prohibit storing, or allowing to remain, trash cans, trash containers, and trash dumpsters on or near public streets of the Town of Fort Branch, with penalties assessed, for violation of this prohibition.

AND NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT BRANCH, INDIANA, that this Ordinance Prohibiting the storing, or allowing to remain, Trash Cans, Containers and Trash Dumpsters on or near the public streets of the Town of Fort Branch, Indiana, is hereby adopted as follows:

SECTION 1. Any type of trash can, trash container, trash dumpster, or other items used for the purpose of the disposing of refuse, trash, garbage, or debris shall not be stored, or allowed to remain, on or near any sidewalk, street, or public right-of-way of the Town of Fort Branch,

SECTION 2. Trash cans, trash containers, trash dumpsters, or other items used for the purpose of collection may be stored, or allowed to remain, overnight near the street, but must be immediately returned to the home or other building once collection has been completed. Large trash dumpsters may be stored, or allowed to remain, on the street with a permit obtained from the Town Hall.

SECTION 3: Penalties for any violation of this Ordinance, shall be assessed, as follows:

- a. The Town Marshall, Clerk Treasurer, or Council of the Town of Fort Branch may issue a notice to the owner(s) and/or person(s) or entity(s) in possession of premises requiring that within twenty four (24) hours of the date of the notice the person(s) or entity(s) shall abate the nuisance by removing the trash can, trash container, and trash dumpster from on or near the street and return the trash can, trash container, and trash dumpster to the home. The notice shall be in writing and worded so as to sufficiently identify the Homeowner, Entity, or Rentor, and the Street where the violation occurred. The notice shall also contain a statement that if the required action is not completed within twenty-four (24) hours of the date of the notice,

then the person(s) or entity(s) shall be subject to a fine of twenty-five dollars (\$25) per day for each day the violation continues. The notice shall also state that if the required action is not completed within forty-eight (48) hours of the date that the notice is delivered, then the Town may remove the specified trash can, trash container, and trash dumpster, at the expense of the owner. If removal by the town remains unpaid for a period of more than 15 days after completion of the removal, then the Town shall send notice to the owner and any other person or entity having a substantial interest in the premises requiring full payment within 15 days after the date of delivery of said notice, then the Town shall certify the amount owed to the County Auditor.

- b. If the violation is deemed to be a threat to public health or safety, the enforcement authority may order the violation to cease and desist immediately, regardless of whether a notice has been issued.
- c. The citation and order of abatement shall be deemed properly served if a copy is sent by certified return receipt mail, hand delivered by an employee of the Town, placed in a conspicuous place on the residence of the Owner, or Renter, or by any other method of service acceptable pursuant to Indiana Code.
- d. Any person found guilty of violating any of the provisions of this ordinance or who does not obey within the time fixed any order issued pursuant to this ordinance shall be subject to a fine in the amount of Twenty-Five Dollars (\$25) for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
- e. A person adjudged to have committed a violation of this Ordinance is liable for the court costs, fees, and attorney fees. No costs shall be assessed against the enforcement authority in any such action.

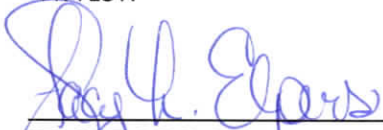
SECTION 4: Nothing in this Ordinance shall prohibit the Town from having any trash cans, trash containers, or trash dumpsters, in violation of this ordinance removed, provided the Town has adhered to proper statutory procedure.

SECTION 5: This Ordinance shall be in full force and effect from and after passage and publication thereof as required by law.

SECTION 6: This Ordinance 2022-4 is in effective as of the signing and adoption by the Town Council of Fort Branch, Indiana on this 25th day of August 2022.

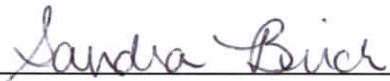
PASSED AND ADOPTED by the Counsel of the Town of Fort Branch, Indiana, this 25th day of August 2022. This Ordinance shall be effective upon passage.

ATTEST:



STACY ELPERS, CLERK TREASURER

TOWN COUNCIL OF FORT BRANCH, INDIANA



SANDRA BIRCH, COUNCIL PRESIDENT

SCOTTY DELONG, COUNCIL MEMBER



ROBERT REINHART, COUNCIL MEMBER

