

ORDINANCE NO. 2021-5

AN ORDINANCE FOR THE CONTROL OF INOPERABLE, ABANDONED, AND UNLICENSED VEHICLES IN THE TOWN OF FARMERSBURG, INDIANA

BE IT ORDAINED by the Town Council of the civil Town of Farmersburg, Indiana, that:

WHEREAS, the Town Council of the Town of Farmersburg in Sullivan County, Indiana hereby adopts an ordinance for the control of inoperable, abandoned, and unlicensed vehicles the Town of Farmersburg, Indiana.

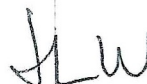
NOW THEREFORE, by the powers vested in the Town Council of the Town of Farmersburg in Sullivan County, Indiana, it is hereby ORDERED and ORDAINED that:

SECTION I: DEFINITIONS:

- A. "Vehicle" shall mean any device in, upon or by which a person or property is, or may be, transported or drawn upon a highway or street, not moved by human power, by use of wheels, treads, or runners, to include but not limited to automobile, truck, trailer, motorcycle, tractor, buggy or wagon.
- B. "Street or Highway" shall include the right of way of any street or highway and shall mean the entire width between the boundaries of any way open to use by the public for purpose of vehicular traffic.
- C. "Real Property" shall mean any real property located within the corporate boundaries of the Town of Farmersburg, Indiana, not designated as a street, alleyway or highway.
- D. "Junked Vehicle" shall include any vehicle not operable or wrecked, any vehicle that has outlived its usefulness in its original form and purpose, or any vehicle that cannot be moved or propelled by its own power, whether or nor discarded and abandoned but the owner thereof.
- E. Occurrence shall be defined as each abandoned vehicle that is in violation of said ordinance and for each day that such violation exists.

SECTION II: It shall be unlawful and a nuisance for any person, corporation, company, partnership, or landowner to leave any inoperable, abandoned or unlicensed vehicle, or to leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town of Farmersburg, Indiana for such time and under such circumstances as to cause such vehicle to appear to have been abandoned, junked, to be no longer than ten (10) days.

SECTION III: No person, corporation, company, partnership, or landowner in possession of or in control of, any real property, whether as a landowner, tenant, occupant, or lessee shall allow any partially dismantles, non-operating, wrecked, junked, or discarded vehicle or parts of a vehicle to remain on such property longer than ten (10) days, except any vehicle or parts of vehicles placed in or stored in



an enclosed storage area, garage, or a fenced-in area maintained in such a manner as to ensure that the vehicle shall not be viewed from any public street or highway within the Town of Farmersburg, Indiana.

- A. The fact that a vehicle is not currently licensed by the State of Indiana, or another state, and not expired, shall be prima facie evidence that said vehicle is non-operating and is a junked vehicle.
- B. Any antique vehicle must also be so classified and licensed by the State of Indiana or another state; age alone will not qualify a vehicle as an antique.

SECTION IV: BE IT FURTHER ORDAINED, that upon complaint, issued to either the Town Council or the Farmersburg Police Department and upon verification from the same, the Town Council or Police Department shall issue to the person, company, corporation, partnership, landowner, tenant, occupant, or lessee of any real property a notice of noncompliance with this ordinance. A period of ten (10) days after the notice is issued shall be allowed for said person, company, corporation, partnership, landowner, occupant, tenant, or lessee to comply with this ordinance.

SECTION V: In the event that the aforementioned has not complied with this ordinance within the given ten (10) day period, a fine of the sum of Fifty Dollars (\$50.00) shall be issued for each vehicle in violation of the provisions of this ordinance and for each day that the violation exists. Each day the violation exists shall constitute a separate occurrence, as well as each separate abandoned vehicle in violation of this ordinance.

SECTION VI: Said fine is to be paid at the Town Hall within a ten (10) day period after the citation is issued. In the event that the payment is not made within the prescribed time period, review Section VII of this ordinance for prescribed repercussions. After the total sum of Five-Hundred Dollars (\$500) or ten (10) days has lapsed, the Farmersburg Police Department may use Section VII of this ordinance.

SECTION VII: In addition thereto, the Town of Farmersburg, Indiana may undertake the expense of correcting any violation and pursuant to IC 36-7-10-3 should the person, company, landowner, tenant, occupant, or lessee not comply with the stated time period, the Town Council of the Town of Farmersburg, Indiana shall hire the removal and have removed any vehicle or part of a vehicle which reasonably appears to be in violation of this ordinance. Upon completion of the removal, an itemized statement of cost for the removal shall be prepared by the Clerk/Treasurer, and upon approval from the Town Council, the afore noted itemized statement shall be mailed, by certified mailing to the person, corporation, company, partnership, landowner, tenant, occupant, or lessee requesting payment of the associated costs of the removal within ten (10) days after receipt. Should the costs of removal not be paid within the ten (10) day period, the Clerk/Treasurer shall file a copy of the certified statement in the Office of the Auditor of Sullivan County, Indiana. The Auditor shall place the amount claimed in the statement on the tax statements of real estate. The amount claimed shall be collected as taxes are collected. In lieu of a lien on the property, the Police Department or Clerk Treasurer may submit their findings to the Town Attorney, who will then summon the responsible party into the proper court of jurisdiction. The Town of Farmersburg will request full restitution of payment, in addition to court costs and attorney fees.

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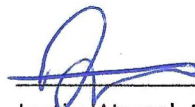
THIS ORDINANCE supersedes and replaces all prior ordinances which may be in conflict.

THIS ORDINANCE shall be effective upon the passage and publication as required by law and a copy of said ordinance shall be kept in the office of the Town Hall of Farmersburg, Sullivan County, Indiana.

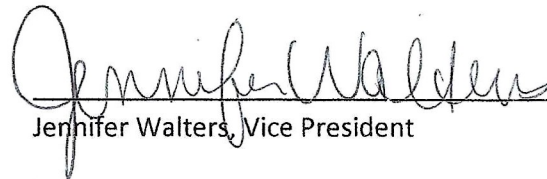
Confirmed as passed and in place by the Town Council of the Town of Farmersburg on

April 18, 2021

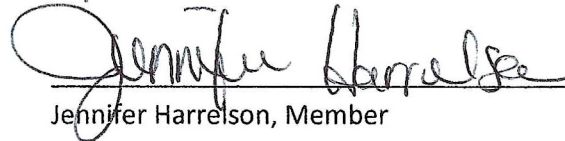
Town of Farmersburg, Indiana
Council Members



Justin Wassel, President



Jennifer Walters, Vice President

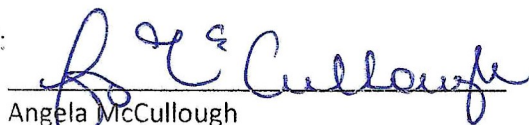


Jennifer Harrelson, Member



Courtney Strain, Member

ATTEST:



Angela McCullough
Clerk/Treasurer