

ORDINANCE NO. <sup>2nd</sup> 8-10-2016

TRASH CONTROL ORDINANCE

WHEREAS, Indiana Code Sections 36-1-3-1 et.seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Town Board of the Town of Roann is the Town legislative body and is by law authorized to adopt ordinances and resolutions for the performance of functions for the Town of Roann;

WHEREAS, Indiana Code Section 36-7-10.2 et.seq. provides authorization for the Town Board of the Town of Roann to adopt an ordinance requiring the control and removal of trash, rubbish and other debris left on or about property in the Town of Roann, Indiana; and

WHEREAS, the Town Board of the Town of Roann, Indiana deems it to be within the public interest to further the public safety, health, welfare, general aesthetics, and common good with the Town of Roann that such an ordinance be established;

BE IT HEREBY ORDERED, RESOLVED and ESTABLISHED that the owners and occupiers of real estate situated within the geographical limits of the Town of Roann are hereby required to promptly dispose of and remove trash, rubbish and other debris thereon. No person shall allow any trash, rubbish or other debris to accumulate on any real property owned, leased or controlled by him within the Town of Roann, Indiana. All such trash, rubbish and other debris are hereby declared to be a public nuisance and may be abated in accordance with law. Each owner and/or occupier of real estate shall further remove their trash receptacle from the tree lawn/street edge as soon as practicable following weekly trash pick up.

Upon it being called to the Town Marshall's attention that an owner or occupier of real estate situated within the geographical limits of the Town of Roann has permitted trash, rubbish and/or other debris to accumulate upon his real estate, the Town Marshall shall confirm said violation and provide notice to the owner or occupier to remove and dispose of the trash, rubbish and/or other debris. In the event the owner or occupier shall fail and refuse to remove and dispose of the trash, rubbish and/or other debris within a period of seven (7) days from the date of such notice by the Town Marshall, the Town Marshall shall notify the Clerk-Treasurer of the Town of Roann who shall give a written notice to such owner or occupier to remove and dispose of the trash, rubbish and/or other debris. Such notice shall be served by certified mail upon the person owning, leasing or controlling the real property to said person's last known address. Notice shall be deemed completed and received upon mailing.

In the event the owner or occupier shall fail and refuse to remove and dispose of the trash, rubbish and/or other debris within a period of ten (10) days from the date of such notice, the Town of Roann, through its own workforce or through a private contractor hired by the Superintendent, may enter and remove and dispose of the trash, rubbish and/or other debris. The Town of Roann may also pursue any other appropriate remedies available at law or in equity. Said removal of trash, rubbish and/or other debris shall be done at a cost of Two Hundred Dollars (\$200.00), or the actual expense incurred by the Town, whichever is greater, to the owner or occupier. The statement of costs shall be delivered to the owner or occupier of the real estate by certified mail, and the owner or occupier of said real estate shall have a period ten (10) days in which to pay the amount to the Clerk-Treasurer.

In the event the owner or occupier fails to pay the sum within the period of ten (10) days, a certified copy of the statement of costs shall be filed in the Wabash County Auditor's Office and the Auditor shall place the amount claimed on the tax duplicate against the lands of the owner or occupier affected by the work, and the amount shall be collected as taxes are collected.

Any person who owns, leases, or controls real property and is aggrieved by a notice to abate or a bill submitted following failure to comply, may appeal. Such appeal shall be made in writing and shall be delivered personally to the Roann Town Board within not more than seven (7) days from the date the notice or bill was received. The Roann Town Board may, but it not required, to conduct a hearing on request of an aggrieved person pursuant to this ordinance.

Pursuant to Indiana Code 36-7-10.1-3, once an initial notice of a violation of this ordinance is provided by certified mail, the Town shall post a continuance abatement notice at the property at the time of the abatement. The continuance abatement notice shall serve as notice to the real property owner that each subsequent violation of this ordinance during the same calendar year for which the initial notice of the violation was provided may be abated by the Town of Roann or its contractors.

This ordinance shall be in full force and effect from and after its passage by the Town Board.

Dated this 15 day of November, 2016.

TOWN OF ROANN

  
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JAMES PELL, President

  
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RICHARD MORRIS, Board Member

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SUSAN FLOOR, Board Member

ATTEST:



ROBERT M. FERGUSON, JR.  
Clerk-Treasurer, Town of Roann