

ORDINANCE NO. 2020-01

AN ORDINANCE REQUIRING THE REMOVAL OF REFUSE FROM REAL ESTATE IN THE TOWN OF LA PAZ, INDIANA

WHEREAS, there are a number of properties in the Town of La Paz, Indiana which have an accumulation of garbage, which leads to health and sanitation issues and a decline in property value for nearby property owners;

WHEREAS, the Town Council of the Town of La Paz, Indiana, believes it is necessary to take action against such properties in order to protect the health and welfare of the residents of the Town of La Paz;

WHEREAS, the Town Council of the Town of La Paz, Indiana believes that accumulations of garbage are a public nuisance that detract from the appearance of properties and neighborhoods and negatively affect neighboring properties; and

WHEREAS, the Town Council of the Town of La Paz, Indiana deems it necessary to specifically address any offensive accumulation of garbage within the town limits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LA PAZ, INDIANA, AS FOLLOWS:

The following Chapter of the Town Code of the Town of La Paz, Indiana, is hereby adopted:

01. Definitions. For purposes of this Chapter, certain words and phrases shall have the following meanings:
 - a. Garbage: Any and all refuse accumulation of animal, fish, fowl, fruit, or vegetable matter that results from the preparation, use, cooking of meats, fish, fowl, fruit or other substances, including lawn cuttings, green shrubbery and leaves.
 - b. Trash and Rubbish: Material other than garbage resulting from ordinary household and commercial operations including, but not limited to, such items as metal, cardboard, bottles, ashes, papers, magazines and newsprint, boxes, rags, small cartons, litter, glass, ashes, tin cans, paper, grass, brush, fallen tree limbs, fallen trees, logs, cloth, offal or any other discarded materials which are unsightly or unsanitary or both.
 - c. Commercial Incinerator: An incinerator designed or used for public, private or commercial use, meeting the standards of the Incinerator Institute of America with reference to the particular use for which said incinerator is employed, or meeting the standards set by the Indiana Department of Environmental Management (IDEM) from time to time hereafter.

animal-proof watertight containers of metal, plastic or similar rigid materials not exceeding ninety six (96) gallons in capacity and two hundred sixty (260) pounds in weight. Provided, however, that garbage, trash or rubbish in watertight plastic trash or garbage bags may be placed for collection not than 6:00 p.m. on the date preceding the collection day as designated by the Town Council of the Town of La Paz, Indiana. All receptacles shall be placed conveniently for collection within five (5) feet of the designated collection route.

04. Right to Removal. Any resident, property owner or tenant within the Town shall be entitled to garbage and refuse removal services, subject to rules and regulations which shall be established by the Town Council, provided however, that owners or tenants of commercial and industrial properties shall arrange for their own collection services at their own expense. The Town shall not be required to give service to any user who has not paid for the service.
05. Rates and Charges. The Town Council is hereby authorized to establish by resolution a schedule of rates and charges to be assessed for residential garbage removal services. The charges shall be placed on every residential sewer customer's utility statement and will be payable in advance and billed monthly. The Town Council shall amend the rates and charges as necessary. All revenue generate from the collection of fees and service charges from trash collection shall be deposited into the general fund.
06. Supervision. The Town Council shall at all times exercise supervision over the collection of garbage and refuse directly or through such other person as it may appoint. The Council is empowered to enter into contracts and agreements with a private garbage collector and make any necessary rules having due regard for the public health, appearance and sanitary conditions of the Town. Owners of commercial and industrial properties are permitted to employ any garbage and refuse collector of their choosing, however, all residential garbage and refuse removal shall be under the supervision of the Town Council and all residential property owners or tenants shall be assessed charges for their services. Each user will be deemed to be residential based upon the rate classification adopted by the sewer utilities and the charges shall be included on the water and/or electric utility bill sent the user.
07. Multi-family Dwellings. The owner of all residential buildings containing four (4) or more residential units shall provide metal containers or dumpsters of at least two (2) cubic yards capacity meeting the specifications of the municipality's contract trash collection service for the benefit of tenants of the building at the owner's expense. The municipal collection service shall not be obligated to pick up trash or refuse from any such location not in compliance with this provision.
08. Recycling Bins. Bins located by the Town of La Paz or its contractors for collection of recyclable materials shall, together with their contents, be deemed to be property of the Town of La Paz.

Anyone, other than a Town employee or employer of a firm contracting with the Town to provide service, attempting to gain entry to the bins, removing material there from or in any way damaging the bins shall have committed an infraction punishable by a fine of up to Three Hundred Dollars (\$300.00) for each such violation. The Town Clerk shall be empowered and authorized to receive the fines so imposed.

- 09 Violations. It shall be unlawful for any person to place or allow to be placed or accumulated upon his property any garbage, trash and/or refuse to the extent that it becomes unsightly or unsanitary.
- 10 Removal. Upon discovering any refuse or receiving any complaint regarding any garbage, trash and/or refuse or accumulation thereof or receipt of a complaint thereupon, it shall be the duty of the Clerk-Treasurer or such other representative as the Town Council may designate to notify the property owner and/or all persons holding a substantial interest in such real estate in writing of the violation of this Ordinance and demand on behalf of the Town the immediate removal thereof. The Clerk-Treasurer or said representative shall provide written notice of the violation twice, at least forty-eight (48) hours apart, to each property owner that has never received notice of a violation of this Ordinance; the Clerk-Treasurer or other representative shall only provide one written notice to each property owner who has previously received at least one (1) written notice for a violation of this Ordinance. In the event that the property owner fails to remove the refuse within ten (10) days from the date of the mailing of the notice, the Clerk Treasurer shall notify the Town Street Department of the violation and the Town Street Department shall proceed as authorized and provided for in this Ordinance.
- 11 Failure to Comply With Ordinance. Any owner of real estate within the Town who shall fail, neglect, or refuse to remove any garbage, trash, and/or refuse or accumulation of thereof found upon his real estate shall be subject to having such refuse or accumulation of refuse and weeds cut or removed by the Street Department at a cost of not less than Thirty-five Dollars (\$35.00) per hour for each with a minimum charge of Twenty Dollars (\$20.00) per job plus any removal costs and administrative costs which may have been incurred by the Town.
- 12 Costs of Removal. Within seven (7) days after any garbage, trash or refuse is removed from any real estate or weeds cut or removed within the Town by the Street Department, the Street Department shall prepare and file with the Clerk-Treasurer the name of the owner of the real estate from which such refuse or weeds were removed by the Town and the cost or penalty against the property for removal of refuse or weeds. In any suit to collect said sum from the property

owner or any other interested party, the Town shall be entitled to collect its court costs and attorney fees.

- 13 Fines. Any property owner or other interested party who fails or refuses to remove refuse from their property or otherwise violates any provision of this ordinance shall be subjected to a fine imposed daily not to exceed \$100.00 per day. Each day a violation occurs is considered a separate offense.

PASSED and ADOPTED by the Town Council of the Town of La Paz, Indiana, this 12 day of March, 2020.

**TOWN COUNCIL
TOWN OF LA PAZ, INDIANA**

By Ryan Young

By Roger Evers

By Kelli Elong

ATTEST:

Lorraine Dove
Lorraine Dove, Clerk-Treasurer

YEA

NAY

X

—

✓

—

By

Kelli Chavez
Kelli Chavez, Member

By

Ryan Young
Ryan Young, Member

ATTEST:

Lorraine Dove
Lorraine Dove, Clerk-Treasurer