

**ORDINANCE NO. 2014-8**

**AN ORDINANCE AMENDING THE TOWN CODE TO DEAL WITH THE UNAUTHORIZED DISCARDING OF TRASH ON PUBLIC OR PRIVATE PROPERTY WITHOUT AUTHORIZATION OF THE OWNER.**

**WHEREAS**, the Town council of the Town of Cloverdale, Indiana (the "Town Council") has experienced a number of unauthorized dumping of trash and waste material on real estate within the town, and;

**WHEREAS**, the costs of disposing of this improper dumping is being borne by innocent property owners within the town, and;

**WHEREAS** the existence of trash and other debris creates a serious problem not only of health and safety but damaging the appearance of the town as it seeks development :

**BE IT ADOPTED**

That Section 6-45 and 6-48 of the Town Code be amended to substantially increase the fine for the above improper conduct .

**Section 6-45 is to have the following subsection (5) added:**

**Section § 6-45-(5)**

- a. A nuisance includes the unauthorized dumping of any significant amount of trash or waste on any real estate in the town without the permission of the owner
- b. Due to the problems experienced by the Town this type of nuisance is subject to a special fine provision as set out below in Section 6-48 (a).

**Section 6-48 (a) is to read as follows**

Any person, firm or corporation, or anyone acting in behalf thereof, who is found to be in violation of this Article shall be fined in an amount of Twenty-five dollars (\$25) for the first violation and Fifty Dollars (\$50) for second violation in the same year. Provided that a violation of Section 6-45 (5) dealing with the unauthorized dumping of any significant amount of trash or waste shall be subject to a fine of Thirty Five Hundred Dollars for each incident. In addition, if any fine is collected by court action the offender shall be required to pay in addition any court costs and reasonable attorney fees.

This ordinance supersedes and replaces any rule regulation or ordinance that conflicts with its provisions.

All remaining provisions in Section 6 remain in full force and effect.

This ordinance is effective as of the date of passage and publication as required by law. **ADOPTED and PASSED** on this 8<sup>TH</sup> day of JULY, 2014.

TOWN COUNCIL OF THE  
TOWN OF CLOVERDALE, INDIANA

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer

Draft date 4-9-14