

ORDINANCE NO. 2021-02C

PROHIBITING THE DUMPING OF LITTER, YARD WASTE OR ORGANIC DEBRIS
WITHIN THE TOWN; PROVIDING DEFINITIONS AND PENALTIES; STATING EXCEPTIONS

WHEREAS, the Town Council of the Town of Pottawattomie Park has determined it to be necessary to adopt an Ordinance to protect property ownership and preserve the aesthetic appearance within the Town; and

WHEREAS, the improper disposal of solid wastes can be injurious to human health, plant and animal life; can contaminate surface and ground waters; can provide harborage to vermin and disease vectors; can interfere unreasonably with the enjoyment of life or property; can negatively impact the value of affected and adjacent properties; can degrade aesthetic appreciation of the natural environment; and can significantly diminish current and future economic development potential within the Town; and

WHEREAS, it is the desire and duty of the Town Council of the Town of Pottawattomie Park to protect human health, natural resources and the environment, and the future economic development potential of the Town; and

WHEREAS, the Town provides a service by which yard waste and organic debris can be disposed of;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pottawattomie Park, Indiana, as follows:

Section 1. The findings set out in this Ordinance are found to be true and correct by the Town Council of Pottawattomie Park and made a part hereof for all purposes.

Section 2. Definitions.

- (a) "Litter" is defined as trash, garbage or any items no longer wanted.
- (b) "Yard Waste" is defined as vegetative matter resulting from landscaping maintenance and land clearing projects and may include any naturally growing shrubs, chips, dirt, sticks, grass, live crops, plants, flowers, vegetation, gardens, trees, branches, and fruit or nuts that have fallen to the ground.
- (c) "Organic Debris" is defined as stumps, bushes, pieces of lumber and other organic matter, including animal waste, which naturally decomposes.

Section 3. Dumping is declared an unlawful act and is hereby prohibited.

- (a) A person commits an offense if the person intentionally places litter, yard waste or organic debris on private property owned by someone else or public property within the territorial limits of the Town.
- (b) It is the responsibility of homeowners who hire landscaping contractors, to instruct them of the content and meaning of this Ordinance.
- (c) A person who violates any provision of this Ordinance commits an offense.

Section 4. Provision of Proper Containers. It shall be unlawful and shall constitute a penal offense for any person, persons, firm or corporation to cause or permit the accumulation of Litter, Yard Waste or Organic Debris on their premises. It shall be the duty of all property owners or tenants occupying any premises to provide containers for the retention of any Litter, Yard Waste or Organic Debris as defined in this Ordinance. Said containers shall be provided with covers to prevent the scattering of its contents by wind or any other reason.

Section 5. Placement and Removal of Garbage & Trash Containers. All approved containers for Litter, Yard Waste or Organic Debris shall be placed at the designated pick-up site no earlier than 12 hours preceding the scheduled pick-up day. Said containers are to be removed from the pick-up site no later than 8:00 pm on the scheduled collection day.

Section 6. Exceptions.

- (a) The creation of a controlled, contained, properly maintained compost area located within your property, observing a 10-foot setback from your property line.

Section 7. Enforcement.

- (a) The Town Marshal and Code Compliance Officers are hereby given full power and authority to enforce this Ordinance.
- (b) It is a violation to hinder, molest or interfere with anyone authorized or empowered to perform any duty under this Ordinance.

Section 8. Penalty.

- (a) A person who commits a violation of this Ordinance will first be given a warning and will be provided information on the negative impacts of dumping and/or the accumulation of debris. A second offense will be deemed a Class "B" infraction and result in a fine of \$500.00. Each day any violation of any provision of this Ordinance shall continue shall constitute a separate offense.

(b) Nothing in this section shall be construed as to limit any civil action the Town may take to enforce the terms of this Ordinance.

BE IT ORDAINED THAT, if any portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other portion of this Ordinance.

BE IT FURTHER ORDAINED THAT, all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects, the Ordinances or parts of Ordinances are hereby ratified, re-established and confirmed.

This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law.

ADOPTED BY THE TOWN COUNCIL OF POTTAWATTOMIE PARK, INDIANA at a Public Meeting of July 12, 2021.

