

LITTERING (G-1-1994)

An ordinance providing for the prevention of litter in the Town of Swayzee, Indiana

Purpose of Ordinance

The purpose of this ordinance is to promote the health and general welfare of the people of the Town of Swayzee by prohibiting the throwing, casting, or re-depositing of litter in or upon any private or public property within the Town limits.

SECTION 1: DEFINITION:

“LITTER” – for the purpose of this ordinance, litter is defined as ashes, filth, excrement, boards, slop, cinder, old tires, sawdust, wood or metal shavings, rubber, lumber scraps, boxes, barrels, crates, cans, bottles, cartons, paper, trash, rubbish, debris, garbage, manure, grass cuttings, tree limbs, plowed/removed snow, discarded food, clothing or any other offensive or disagreeable substance thrown, cast, dropped, discharged or deposited by anyone in or upon public or private property, including streams and water sources.

SECTION 2: VIOLATIONS: No person shall sweep, throw, cast or otherwise place or deposit litter of any kind in or upon any curb, gutter, street, alley, boulevard, highway, right-of-way viaduct, sidewalk, vacant or occupied lot, vacant building, pond, stream or water source, or other public or private property.

- (1) No person within any vehicle shall throw, cast, place, drop, spill or deposit litter upon any private or public property.
- (2) It shall be the duty of the owner or occupant of any real estate to maintain the sidewalk, lawn space and that portion of the street lying between the curb line and property line free from litter. Such owner or occupant is prohibited from sweeping or otherwise moving litter from their property into the gutters or streets, or onto adjoining property. Failure to comply with this section shall constitute an ordinance violation.
- (3) The owner lease, agent or other person having control, charge, authority or management over vacant property shall keep said property free and clear of any and all litter. Failure to comply with this section shall constitute an ordinance violation.
- (4) Snow that is pushed, blown, plowed or removed, must be conducted in such a manner as to keep the snow upon the property in which it is being removed from. Failure to comply with this section shall constitute an ordinance violation.
- (5) No trash, refuse or garbage shall be removed, hauled or conveyed within town limits, unless the vehicle is used for removal, hauling, or conveying is tightly covered by screen, wire mesh or tarpaulin. Such a vehicle shall be loaded and driven in a manner that none of the contents may be spilled, dropped or blown from it.
- (6) Occupants of all premises shall be required to provide adequate receptacles for garbage disposal, equipped with tight lids or covers and such lids and covers shall be kept in place at all times. All receptacles shall be placed in easily accessible locations on the premises but not on streets or alleys where they may obstruct refuse and garbage collection. Failure to comply with this constitutes an ordinance violation.

SECTION 3: ENFORCEMENT:

The town attorney, the nuisance abatement officer, or the town marshal/deputy marshal acting as agent for the Swayzee Town Council, can and shall take immediate legal action to enforce this ordinance. Responsible parties shall not be fined less than \$50 and no more than \$2,500 per offense.

(1) Each day that a violation occurs or continues shall constitute a separate offense under this ordinance.

If the property owner, landowner, or tenant fails to remove such litter as defined within this ordinance, the Town of Swayzee may remove the items of litter at the expense of the property owner, landowner, or tenant. The town clerk must take a certified statement of the actual cost incurred by the town in removal. The statement must be delivered to the owner of the property by a law enforcement officer of the town, or by registered/certified mail and the landowner shall pay the amount to the Town of Swayzee. If the property owner, landowner or tenant fails to pay the amount within 10 days, after receiving the statement, a certified copy of the statement costs shall be filed in the office of the Grant County Auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the unit. Any monetary value acquired from the removal or disposal of such items shall be deposited within the Towns general fund.

(a) The town clerk/treasurer shall issue a certified statement to the property owner at the address shown on record which shall include the administrative cost of \$20 plus the actual removal costs incurred by the town by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100 and shall be shown by the records of the town clerk/treasurer.
