

ORDINANCE 2016- 13

AN ORDINANCE PROHIBITING RESIDENTS OF THE TOWN OF FARMLAND FROM LEAVING TRASH TOTERS, OR OTHER DISCARDED ITEMS, WITHIN TEN FEET OF THE PUBLIC STREET EXCEPT DURING DESIGNATED TIME PERIODS

WHEREAS, the Town Board of Farmland has determined that trash toters, and other discarded times, which are left near the street in the Town of Farmland are unsightly and detract from the general appearance of the Town.

WHEREAS, the Town Board has determined that trash toters and other discarded items shall be left near the street only during times which are designated for trash pick up service.

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF FARMLAND, RANDOLPH COUNTY, INDIANA, as follows:

Section 1. DEFINITIONS:

- a) a *trash toter* is the container supplied by the trash disposal service for residents to utilize for trash pick up or any other container in which trash is placed within with the intent that the trash pick up service will remove and properly dispose of the trash.
- b) The *scheduled trash pick up day* is the day of the week which the residents of Farmland are scheduled, by the trash disposal service, for removal of trash from the trash toters.

Section 2. No person, firm, organization or corporation shall permit a trash toter, trash, garbage or other discarded large items to be left in plain view within ten (10) feet of a public street, or in the area designated by the Town of Farmland for trash pick up, except for the following time period:

- a) 4:00 p.m. on the evening prior to the scheduled trash pick up day until 4:00 p.m. on the day following the scheduled trash pick up day.
- b) large items shall not be left at the curb more than 24 hours prior to the scheduled pickup day which is presently the first Thursday of the month.

For purposes of this section, the fact that a trash toter or other discarded material is found within twenty feet of a public street on real estate owned by a person, except with the designated time period, is prima facie evidence that the owner of such real estate is in violation of this Ordinance.

Section 3. No person, firm, organization or corporation which is a resident of the Town of Farmland, shall leave or store a trash toters, trash, garbage or other discarded items to be left in plain view within ten (10) feet of a public street, or in the area designated by the Town of Farmland for trash pick up, except for the following time period:

- 4:00 p.m. on the evening prior to the scheduled trash pick up day until 4:00 p.m. on the day following the scheduled trash pick up day.

Section 4. Any person, firm, or organization found to be in violation of this Ordinance shall be fined in an amount up to \$50.00.

Section 5. Each day a person, firm or organization continues to remain in violation of this Ordinance is a separate offense.

Section 6. It is a defense to this Ordinance if the trash toter in question (a) is stored within three (3) feet of the residence or (b) if the trash toter is stored as far as practical from the street.

Section 7. This Ordinance applies to residents of the Town of Farmland. Specifically, it is a defense to the Ordinance if the trash toter is being utilized by the Town of Farmland or any other tax exempt organization for a special event which is approved by the Town Board of Farmland.

Section 8. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

This Ordinance passed by the Town Board of the Town of Farmland, Randolph County, Indiana this _____, day of _____, 2017.

Town Board, President

Town Board, Member

Town Board, Member

ATTEST:

Clerk-Treasurer