

ORDINANCE NO. 93-9-6-1

AN ORDINANCE PROHIBITING AND PROVIDING FOR THE DISPOSAL OF UNUSED, ABANDONED, JUNK AND INOPERABLE MOTOR VEHICLES, TRAILERS, VANS, CAMPERS, AND THE BEDS, BODIES AND PARTS THEREOF; AND THE ABANDONMENT, PLACEMENT AND HARBORING OF UNUSED, AND UNSAFE, AND ABANDONED, JUNK AND INOPERABLE MACHINES AND APPLIANCES, AND THE BODIES AND PARTS THEREOF; PROVIDING FOR THE PAYMENT OF THE REMOVAL THEREOF AND THE CLEANING OF THE PREMISES; AND FENCING OF DULY LICENSED AND OPERATED SALVAGE YARDS AND JUNK YARDS; AND THE REMOVAL OF VEGETATION FROM PROPERTY; AND THE DECLARING A LIEN AND PENALTY FOR THE COSTS INCURRED.

WHEREAS, the abandonment, placement and harboring of unused, abandoned, junk and inoperable motor vehicles, trailers, vans, campers, and the beds, bodies and parts thereof; and the abandonment, placement and harboring of unused, unsafe, and abandoned, junk and inoperable machines and appliances, and the bodies and parts thereof tends to impede the proper flow of traffic upon the public streets and thoroughfares of the Town of New Providence, Indiana; and to interfere with the quiet and peaceable enjoyment of the citizens of said Town, and to reduce the value of private property within the Town; and tends to invite plundering and motor vehicle stripping; and tends to create, and creates, hazards of fire, the harboring and breeding of small animals and vermin, and poses a genuine threat and danger to the safety and health of the public generally, and especially small children who are attracted to the same, and generally tends to interfere with the comfort and well-being of the citizens of said Town, and further tends to create circumstances compatible with the creation and extension of urban

blight and deterioration; and,

WHEREAS, such vehicles, trailers, vans, campers, machines, and appliances, and their beds, bodies and parts thereof, in their unused, abandoned, junk and inoperable condition constitute a genuine nuisance, both public and private; and it is hereby so declared; and,

WHEREAS, the unrestricted growth of vegetation upon real estate located within the Town limits, presents conditions which are detrimental to the citizens of the Town; and

WHEREAS, adequate protection of the public health, safety, morals, economic welfare and general well-being of the citizens of the Town of New Providence require that such conditions be regulated, prohibited and abated;

NOW, THEREFORE, BE IT ORDAINED BY THE Town Council of the Town of New Providence, Indiana, that:

SECTION 1. It shall be unlawful for any person to store or allow to remain in the open upon public or private property within the Town of New Providence, Indiana, any disassembled, unused, abandoned, unlicensed, junk or inoperable motor vehicle, trailer, van, camper, or the bed, body or part thereof, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, for a period of five (5) or more days on any public property, or for a period of fifteen (15) or more days on any private property, unless it is in connection with an automotive or appliance sales or repair business enterprise which operates under a duly issued and exhibited store license and is located in a properly zoned area.

SECTION 2. Whenever the President of the Town Council of the Town of New Providence, Indiana, or the Town Marshall of the Town of New Providence, Indiana, shall find any vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, placed or stored in the open upon public property within the corporate limits of the Town of New Providence, Indiana, he shall issue and deliver an order to the owner of such vehicle, trailer, van, camper, unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, to remove the same within three (3) days, and he shall also place a notice of such order upon said vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof. If such order is not complied with within three (3) days, the Town Marshall shall cause such vehicle, trailer, van, camper, machine or appliance, or the bed, body or part thereof, to be removed by a junk or salvage yard or wrecker service, and the cost and expense of such removal by the junk or salvage yard or wrecker service shall be paid by the owner of such vehicle, trailer, van, camper, machine or appliance, or the bed, body or part thereof.

SECTION 3. Whenever the President of the Town Council of the Town of New Providence, Indiana, or the Town Marshall of the Town of New Providence, Indiana, shall find any such vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, placed or stored in the open upon private property

within the corporate limits of the Town of New Providence, Indiana, he shall issue and deliver an order to the owner of such vehicle, trailer, van, camper, unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, to remove the same within ten (10) days, and he shall also place a notice of such order upon said vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof and he shall also serve a copy of such notice upon the owner of said privately owned real estate and also upon the owner of said vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, if the latter's name and whereabouts be known. If no such occupant or no such real estate owner can be found, a notice affixed to any building on the real estate shall constitute sufficient notice to the owner and occupant thereof and to the owner of the vehicle, machine, or appliance. If there is no building on the real estate, said notice may be affixed elsewhere on the real estate. If such vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, is not removed within ten (10) days pursuant to said order and notice, and if said order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the Town Marshall of the Town of New Providence, Indiana, shall cause such vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or

the bed, body or part thereof to be removed by a junk or salvage yard or wrecker service, and the cost and expense of such removal by the junk or salvage yard or wrecker service shall be paid by the owner of such vehicle, trailer, van, camper, or any unused, unsafe, abandoned, junk or inoperable machine or appliance, or the bed, body or part thereof, and, until paid, shall constitute a lien on such real estate. Notice of such lien shall be filed in the office of the County Recorder of Clark County, Indiana, within sixty (60) days of such removal, and the enforcement thereof shall be in the manner provided by the laws of the State of Indiana for the enforcement of a mechanic's lien upon real estate.

Within fifteen (15) days after such removal, the owner of said real estate shall remove all debris and waste materials therefrom and shall cut and remove any weeds and rank vegetation growing thereon, and on default of such owner to clean and remove such debris and waste material from such real estate or to cut and remove any weeds and rank vegetation growing thereon, the same shall be done by the Town of New Providence and the cost and expense thereof shall be a lien on such real estate. The cost and expense of such removal shall be at the rate of \$7.50 per hour for labor and a reasonable hourly charge for all machinery and equipment used in such removal and for the value of all materials, if any, used therein. Notice of such lien shall be filed in the office of the County Recorder of Clark County, Indiana, within sixty (60) days after such removal, and the enforcement thereof shall be in the manner provided by the laws

of the State of Indiana for the enforcement of a mechanic's lien upon real estate.

SECTION 4. Whenever the President of the Town Council of the Town of New Providence, Indiana, or the Town Marshall of the Town of New Providence, Indiana, shall find weeds and rank vegetation growing upon private property within the corporate limits of the Town of New Providence, Indiana, which exceeds 12 INCHES in height, he shall issue and deliver an order to the owner of such property to remove the same within ten (10) days, and he shall also place a notice of such order on any improvement located on said property, or post said notice in such a way to insure that the owner of said property will be given notice of the order, and he shall also serve a copy of such notice upon the owner of said privately owned real estate, if the latter's name and whereabouts be known. If no such occupant or no such real estate owner can be found, a notice affixed to any building on the real estate shall constitute sufficient notice to the owner and occupant thereof. If there is no building on the real estate, said notice may be affixed elsewhere on the real estate. If the weeds and rank vegetation growing thereon, is not removed within ten (10) days pursuant to said order and notice, and if said order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the weeds and rank vegetation growing thereon, shall be removed by the Town of New Providence and the cost and expense thereof shall be a lien on such real estate. The cost and expense of such removal shall be at the rate of \$7.50 per hour

for labor and a reasonable hourly charge for all machinery and equipment used in such removal and for the value of all materials, if any, used therein. Notice of such lien shall be filed in the office of the County Recorder of Clark County, Indiana, within sixty (60) days after such removal, and the enforcement thereof shall be in the manner provided by the laws of the State of Indiana for the enforcement of a mechanic's lien upon real estate.

SECTION 5. All motor vehicles, trailers, vans, campers, machines and appliances lodged on the premises of any dealer, garage, repairman, or repair agency, for repairs, while under repair or while awaiting the arrival of parts for repair, shall remain in the open no longer than sixty (60) days and, while so remaining, shall be kept in a neat and orderly arrangement.

SECTION 6. All auto salvage yards and/or junk yards that are duly operated and licensed by the State of Indiana shall be screened or fenced by a solid board fence eight (8) feet in height, and the entrance and exits thereof shall also be made of solid material eight (8) feet in height.

SECTION 7. Excepting Section 4 and 6 of this Ordinance, the provisions of this ordinance shall not apply to auto salvage yards and/or junkyards that are duly operated and licensed by the State of Indiana.

SECTION 8. Any person, firm and corporation who violates any of the provisions of this ordinance or who interferes in any way whatsoever with the due process of enforcement of this ordinance or who does not obey within the time fixed any order

issued pursuant to this ordinance, and who shall be found guilty thereof, shall be subject to a fine and penalty in the amount of Fifty Dollars (\$50.00). Each motor vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

SECTION 9. If any clause, sentence, paragraph, section, or portion of this ordinance for any reason shall be adjudged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which judgment was rendered.

SECTION 10. This ordinance repeals and replaces Ordinance No. 93-5-10-1.

SECTION 11. This ordinance shall be in force and effect from and after its adoption and after the expiration of 15 days from the date of publication of the Ordinance in The Evening News.

Adopted this 8 day of NOVEMBER, 1993.

TOWN COUNCIL
OF THE TOWN OF NEW PROVIDENCE

Mary Wright Powell
President

Wigil Hunt
Member

Kevin Gibson
Member

Ruth Sparks
Clerk-Treasurer