

**TOWN OF MILLERSBURG  
P.O. BOX 278  
201 WEST WASHINGTON ST.  
MILLERSBURG, IN. 46543  
PHONE: (574) 642-3976**

**ORDINANCE-2006-4**

**ORDINANCE ESTABLISHING PROPER STORAGE OF MATERIAL;  
DISPOSAL OF CONSTRUCTION AND DEMOLITION WASTE**

**WHEREAS**, the Town Council of the Town of Millersburg, Indiana finds that construction and demolition waste presents not only a potential health and safety hazard to citizens of and visitors to the Town, but also a potential impediment to the continuing beautification of our community.

**NOW, THEREFORE**, it is hereby **ORDAINED** as follows:

Section 1. Definition:

Construction and Demolition waste will include but not be limited to: any plastic bag, wrapper, lumber, roofing material, sheathing, rubble, broken concrete, plaster and brick, conduit, pipe, wire, nails, metal, insulation and similar material which results from a construction, demolition or remodeling process.

Section 2. It shall be unlawful for any landowner to allow material or waste from construction or demolition to accumulate, causing any of the following:

- a. Causing danger to persons or animals in the immediate area.
- b. Allowing material or waste to leave the premises by natural occurrences to include but not limited to wind or rain.
- c. Allowing material or waste to fall from vehicles or containers used to transport waste or material onto roadways or properties of others.
- d. Allowing materials or waste to accumulate in a manner to harbor unwanted rodents, reptiles or animals, to include but not limited to, mice, rats, ground hogs, raccoons, snakes, and squirrels.

Section 3. All waste shall be secured in a dumpster or waste disposal container that will prevent the waste being visible from the street and from becoming airborne or leaving the premises.

Section 4. The landowner shall be responsible for the rental or purchase of such dumpster or waste container.

Section 5. The Marshal or Police Officer designated by the Town Council or the Marshal's Office shall notify the landowners in writing of any property found to be in violation. If the property is vacant, a copy of the violation shall be mailed by the Clerk Treasurer to the last known owner of record disclosed by the Office of the Auditor of Elkhart County. The written notice of violation shall notify such owner to correct such stated violation or violations within thirty, (30) days.

Section 6. In the event that such violation has not been corrected within such thirty, (30) day period, the Town Council Board shall authorize the Street Department to enter upon said premises and correct the unlawful act.

Section 7. The Street Department shall certify the cost of such correction to the Clerk Treasurer, who shall in turn certify such costs to the Auditor of Elkhart County be added to the tax statements and collected in the same manner as real estate taxes are collected upon such premises.

Section 8. It shall be unlawful for any person to fail to obey the directions of the notice served personally upon him, or by certified mail, pursuant to this ordinance.

Section 9. The Town Council, the Town of Millersburg, its officers, agents, employees, or other contractors, shall not be liable for loss or damage to property, during the removal of waste or material to correct the unlawful act pursuant to this ordinance.

Section 10. Penalty. Any person violating the provisions of this ordinance shall be subject to a penalty of not less than Two Hundred Fifty Dollars (\$250.00) for the first offense. If penalty is not paid within thirty, (30) days of notice of penalty, the penalty shall increase to Five Hundred Dollars (\$500.00).

Section 11. Any person violating the provisions of this ordinance a second time shall be subject to a penalty of not less than Five Hundred Dollars (\$500.00). If penalty is not paid within thirty, (30) days of notice of such penalty, the penalty shall increase to Seven Hundred Fifty Dollars (\$750.00).

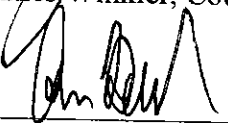
Section 12. The Town Council reserves the right to refuse use of town utilities until all penalties, fees, and fines are paid and shall have the right to turn off utilities until the same are paid.

This Ordinance shall be effective from and after its passage by the Millersburg Town Council and publication according to law.

ADOPTED, ESTABLISHED AND ORDAINED this 12 day of JULY, 2006.

**TOWN COUNCIL OF THE TOWN OF  
MILLERSBURG, INDIANA**

  
\_\_\_\_\_  
James Winkler, Council President

  
\_\_\_\_\_  
Dean Hawkins, Town Councilman

  
\_\_\_\_\_  
Abe Beachy, Town Councilman

ATTEST:

  
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Wanda R. Chupp, Clerk/Treasurer