

AN ORDINANCE REGULATING
THE STORAGE OF JUNK

WHEREAS, the Town of Osgood has the power under Indiana Code 36-8-2-4 to regulate conduct, use, or possession of property that endangers the public health, safety or welfare of the residents of the Town of Osgood; and,

WHEREAS, the UNSHELTERED storage within the corporate limits of the Town of Osgood of old, unused, stripped, junked, abandoned or unlicensed automobiles or vehicles, or vehicles not in a good, safe and usable operating condition, and of any vehicles, machinery, implements, equipment, appliances or other personal property of any kind, which is no longer safely usable for the purpose for which it was manufactured, or any unused building materials, fixtures, junk, trash, garbage or debris, all of which are hereinafter referred to as "junk," constitutes a hazard to the public health, safety and welfare of the residents of the Town of Osgood.

IT IS HEREBY ORDAINED as follows:

Section 1. Definition of Terms.

- A. **Owner** means any person, individual, firm, business, corporation or organization possessing, leasing, renting or holding title to any real estate within the corporate boundaries of the Civil Town of Osgood, Indiana.
- B. **Junk** means UNSHELTERED 1) old, unused, stripped, junked or abandoned automobiles or vehicles not in a good, safe and usable operating condition; 2) any vehicles, machinery, implements, equipment, appliances or other personal property of any kind, which is no longer safely usable for the purpose for which it was manufactured; or 3) any unused building materials, fixtures, junk, trash, garbage or debris.
- C. **Unsheltered** means storage that is not within a completely enclosed building.

Section 2. The UNSHELTERED storage within the corporate limits of the Town of Osgood of junk, except in duly licensed and regulated junk

yards, within the corporate limits of the Town of Osgood, is hereby declared unlawful and to be a NUISANCE, a danger to the public health, safety and welfare.

Section 3. Any owner found to be in violation of the above-section of this Ordinance shall be given a written notice thereof, issued by the Clerk-Treasurer of the Town of Osgood, Indiana, which notice, together with a copy of this Ordinance, shall be served by the Osgood Town Marshal or its Deputy, or by certified mail, return receipt requested, to the last known address of the owner and notifying said owner that he/she/it has fifteen (15) days within which to bring said property into compliance with this Ordinance.

Section 4. Enforcement.

If owner fails to bring the property into compliance with this Ordinance within the prescribed fifteen (15) days, either by the proper disposal or removal in a lawful manner from the corporate limits of the Town of Osgood, of said junk within the time prescribed, or by the sheltering of said junk, said owner shall be subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500), and the Town of Osgood shall be entitled to seek and obtain a mandatory injunction from the Ripley County Circuit Court, pursuant to Indiana Code 36-1-6-4 for the purposes of requiring any person violating the terms of this Ordinance to remove in a lawful manner said junk found to exist on private property, and to seek enforcement of the payment of any penalty prescribed herein. In addition, if the Town of Osgood seeks enforcement of said ordinance through the courts, all court costs and attorney fees incurred by said Town, shall be added to any penalty herein.

Section 5. The Clerk-Treasurer for the Town of Osgood or the Town's attorney are hereby authorized to file said civil action for mandatory injunctive relief on behalf of the Civil Town of Osgood.

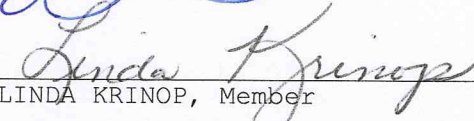
Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or other provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

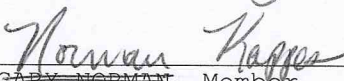
Section 7. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SO ORDAINED this 18th day of February, 2008.

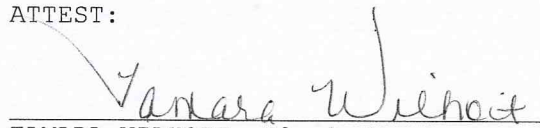
TOWN COUNCIL FOR TOWN OF OSGOOD,

By: 
JEFFREY J. VOLZ, President


LINDA KRINOP, Member


GARY NORMAN, Member
Norman Kappes

ATTEST:


TAMARA WILHOIT, Clerk-Treasurer