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CH8 - HAZARDOUS MATERIALS

CH8 8 .1 - Removal of Weeds and Rank Vegetation

The Town of Lapel desires to require the owners of real property in the Town limits of Town of Lapel to maintain their lots by mowing noxious weeds and other vegetation; and Whereas, Indiana Code [36-7-10.1](#) has set forth requirements regarding ordinances for the mowing of weed and other vegetation and the method for collecting unpaid bills incurred by the Town and Town desires to comply fully with these statutory provisions.

a. Owners required to cut:

1. Owners of real property located within the corporate limits of the Town of Lapel, Indiana, shall cut and remove weeds and other rank vegetation growing on such property unless such vegetation is part of an established agricultural enterprise and is currently being used for pasture or for production of hay.
2. The Lapel Town Council through the Clerk/Treasurer shall be responsible for the administration of this ordinance.
3. "Weeds" subject to removal under this ordinance shall be those weeds or grasses which are one (1) foot or longer in length and "other rank vegetation" subject to removal under this ordinance shall be vegetation growing in excessive luxuriance and vigor which is at least one (1) foot in length or more. For the purpose of this ordinance, the term "length" and "height" shall be synonymous. A weed or piece of vegetation if standing in one (1) foot or greater in height and same bend or falls over, such that its length continues to be equal to one (10) foot in length or more, is in violation of the terms of this ordinance.
4. Any property owner who fails to remove weeds and other rank vegetation as defined in Section A (3) shall be deemed in violation of Section A (1). Notice of violation by the Town Clerk/Treasurer shall be made by First Class U.S.
 - Postal Service to the property owners address shown on records of the Madison County Treasurer. One letter within a calendar year shall be deemed sufficient notice for each and every lot, parcel and lands owned by the offender within the corporate limits of the Town in

case of the party's failure to comply with the terms of Section A (1). The Town shall have the right to cut and remove weeds and rank vegetation upon the property owners failure to do so within seven (7) days after mailing the notice of violation.

5. The Town Clerk/Treasurer shall issue a bill to the property owner at the address shown on the records of the Madison County Treasurer, which bill shall include the administrative costs of \$20.00 plus the actual removal costs incurred by the Town either by using its own employees or an independent contractor. The actual removal costs shall be no less than \$100.00 and shall be shown by the records of the Town Clerk/Treasurer.
6. In the event the property owner disputes a notice of violation under Section A (4) or a bill issued under Section A (5), such property owner may file a written appeal with the Town Clerk/Treasurer for rescission or adjustment of such notices or bill within fourteen (14) days after the date of such notice or bill. Should the property owner fail to so appeal in writing within (14) days, said notice and /or billing shall be deemed final and no further appeal shall be permitted.
7. If the property owner fails to pay a bill under Section A (5) within thirty (30) days, the Town Clerk/Treasurer shall certify to the Madison County Auditor the amount of the bill plus the administrative cost of \$20.00 incurred in the certification. The Madison County Auditor shall place the total amount certified on the tax duplicate for the party affected. The total amount including any accrued interest shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town of Lapel as provided in Indiana Code [36-7-10.1-4](#).

REPEALER All ordinances or part s of ordinances in conflict herewith are hereby repealed.

SEVERABILILTY Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE this ordinance shall become effective immediately upon passage and publication as provided by law.

Further Information

Ord. No. 1-1988, passed 7/13/88, repealed), Ord. No. 7-2006, passed 4/6/2006

Indiana Code [36-7-10.1](#) [36-7-10.1-4](#)

Date Passed: 7/13/1988

CH8 8 .2 - Waste Disposal Regulation

- a. For the purposes of this section, the following terms and words have the meanings stated below unless those meanings are inconsistent with the context of their use.

1. "Garbage" means putrescible wastes resulting from the consumption, cooking, growing, handling, preparation or storage of food.
 2. "Hazardous material" means explosives, pathological wastes, and radioactive chemicals and materials, but is not limited to those items.
 3. "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any other entity recognized as a person by law.
 4. "Refuse" means all putrescible and non-putrescible solid wastes and includes ashes, dead animals, construction and industrial ashes, rubbish, and street sweepings.
 5. "Rubbish" means all non-putrescible wastes, including ashes, boxes, broken glass, cans, crockery, dirt, grass, metal ware, sweepings, weeds, wood, or litter of any kind.
- b. No person shall allow any garbage, hazardous material, refuse or rubbish to accumulate upon any premises within the Town or upon or along the sidewalks, gutters, alleys, or streets immediately abutting any premises.
- c. The owner, occupant or lessee of property within the Town shall dispose of the materials listed in (a) and not to permit the accumulation of such materials.
- d. The superintendent of utilities shall inspect, from time to time, the various lots, parts of lots and parcels of land lying within the Town and the adjacent and abutting alleys, public ways and gutters. If he or she shall find that material has accumulated in violation of this section, then notice of that fact shall be given to the owners, occupants or lessees of such property. These persons shall immediately remove and dispose of the accumulated material.
- e. Any person who violates any provision of this section shall be fined not less than Fifteen Dollars (\$15.00) nor more than Fifty Dollars (\$50.00). ('82 Code, Ord. No. 9-1982, passed 12/22/82)
- f. The monthly charge for trash disposal and curbside recycling shall be assessed against each business and residential utility customer receiving service, in the amount of \$8.91 per month, to replace the current \$6.25 per month fee per utility customer. (Ord. 7-1997, passed 12/17/96)

OUTSIDE STORAGE

That on any lot which contains any type of residential or business use, trash, garbage, scrap metal, or waste, shall not be kept or stored outside of an enclosed building. The term "waste" shall include but not be limited to: all discarded household furniture, appliances, building materials, tools, toys, automotive and other mechanical parts, and other household fixtures and equipment or parts thereof which are not in use within the subjects premises. Storage of such items shall be restricted to the area within the principal residential or business building or to an enclosed accessory building such as garage, shed, or storage building. Exterior storage of such items is forbidden.

Outdoor storage of items not enumerated in the above paragraph, at the location of any type of residential or business use, must be obscured from view by fencing of new materials, screen, or landscaping which obscures the view at all items. The height of the materials stored shall not exceed the height of the fencing of new materials, screening, or landscaping described above. Outdoor storage shall not be permitted in the required

front yard, set-back area, or permitted closer to the right-of-way than the front plane of the building nearest the front lot line whichever is the farthest from the right-of-way line.

All commercial dumpsters and similar trash and waste disposal containers shall be screened from public view and adjoining properties by fencing constructed of new materials, screening, or landscaping which is effective in blocking the view at all times. If a wall surrounding such a dumpster or similar trash and waste disposal container is attached to the principal structure, it shall be constructed of the same building materials and in the same architectural style as the principal structure. No more than one side of the surrounding wall shall be left open. Any fence or wall required shall have a maximum height so that the container stored shall not exceed the eight by the fence, screening, landscaping, or structure.

Any person who violates the provisions of this section shall be fined not less than \$5.00 per day, nor more than \$10.00 per day, up to a total of \$5,000.00. (Ord.10-2001,passed 10/18/2001)

Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

Date Amended: 10/18/2001