

ORDINANCE NO. 2020-5

**ORDINANCE OF THE CITY OF WESTPORT ESTABLISHING PENALTIES  
FOR GARBAGE AND RUBBISH**

WHEREAS, the Westport Town Council has received numerous complaints from citizens regarding rubbish, litter, junk, inoperative vehicles, scrap metal, ashes, solid waste and other debris located on private property that are visible from the both public and/or private property; and

WHEREAS, the Westport Town Council desires to make Westport a more aesthetically pleasant and attractive place in which to live and work; and

WHEREAS, there does not appear to be adequate legal remedies available to the Town for eliminating such unsightly garbage and rubbish under existing Town ordinances; and

WHEREAS, it is in the best interest of the public to forbid such rubbish and garbage within the Town's limits;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westport that:

Section 1: Definitions

**TRASH.** All putrid waste materials of every kind, including but not limited to such items as tree trimmings, cans, glass, paper, appliances, tires, wheels, metal devices, parts, and televisions, whether or not those items are a health hazard.

**UNWHOLESOME SUBSTANCE.** Garbage and any other putrescible material which may provide food or breeding places for rats, mice or other disease-carrying animals or insects.

Section 2: Inoperative or Unlicensed Motor Vehicles

It shall be a violation of this Ordinance for any person or other legal entity responsible for or in control of any private property within the Town whether as owner, lessee, tenant, occupant or otherwise to allow any partially dismantled, wrecked, junked, discarded or otherwise inoperative or unlicensed motor vehicle to remain on any private property for longer than thirty (30) days. For such vehicles located on public property or a

public roadway the time period for removal by its owner shall be within ten (10) days of written notice being placed on the motor vehicle. This Ordinance shall not apply with regard to any motor vehicle in an enclosed building so as not to be visible from any public place or from any other private property. This Ordinance shall further not apply to a motor vehicle in an appropriately zoned storage lot which is surrounded by a privacy fence which is no less than six (6) feet in height. Such privacy fence must completely obscure the entire area which it surrounds and may not leave gaps or other openings through which the storage lot is visible.

### Section 3: Garbage and Rubbish

It shall be a violation of this Ordinance for any residence and/or any private property within the Town, whether as Owner, lessee, tenant, occupant or otherwise to allow any Trash or Unwholesome Substance to remain on or around any residence or any private property within the Town whatsoever.

### Section 4: Penalties

Any person, group or other legal entity shall receive notification of said violation of this Ordinance by the designated agent of the Town. If said violation is not corrected with ten (10) days, in addition to any other sanctions set out herein, any person, group or other legal entity violating any of the terms of this Ordinance shall be fined at a rate of \$25.00 per day until such time as the violation is corrected. Each day a violation continues may constitute a separate offense. It is the intent of the Town that multiple violations should be fined more severely.

### Section 5: Compliance with State Regulations

Notwithstanding the requirements set out herein, the manner of containing, storing and disposing of any of the Trash, Unwholesome Substance and/or Inoperable or Unlicensed Motor Vehicles as listed in this Ordinance shall also be in compliance with all federal and Indiana statutes, and the rules and regulations of the Indiana Department of Health.

### Section 6: Savings Clause

If any section of this Ordinance shall be deemed unenforceable and/or not in compliance with any applicable statute or law by a court of competent jurisdiction, then to the extent permissible all other sections of this Ordinance shall remain in full force and effect.

### Section 7: Repealing Clause

All sections of any previous Ordinances and/or Resolutions that are inconsistent

and/or contradictory to the above provisions of this Ordinance are hereby repealed.

Section 8: Effective Date

This Ordinance shall be in full force and effect upon and after its passage by the Town Council of Westport, Indiana or as otherwise mandated by statute and/or rule.

ADOPTED AND PASSED by the Town Council of the Town of Westport, Indiana, this 16th day of June, 2020.

AYES

NAYS

Harry Gray III  
John [Signature]  
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Council Members

Council Members

Presented to me by the Town Council of Westport, Indiana on this 16th day of June, 2020.

[Signature]  
Clerk-Treasurer