

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1309

AN ORDINANCE AMENDING ORDINANCE NO. 1302, AN ORDINANCE
PROHIBITING LITTERING IN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has passed and promulgated a nuisance ordinance which addresses certain activities as being nuisances and therefore prohibited in the Town of St. John; and

WHEREAS, the aforesaid nuisance ordinance prohibits the collection, storing, or depositing of offal, filth, rubbish, trash, and other substances which become injurious to the health, comfort, or property of individuals or the public in general; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, did, on June 26, 2003, pass an ordinance prohibiting littering in the Town of St. John, including discarded literature, advertising material, and flyers, among other things; and

WHEREAS, it has come to the attention of the Town Council of the Town of St. John, Lake County, Indiana, that said ordinance should be amended to permit and allow the affixing of literature, advertising material, and flyers to the door, doorframe, or doorknob of a residence; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, does now find that Ordinance No. 1302 should be amended accordingly in order to protect and preserve the health, safety, and general welfare of the citizens of the Town of St. John.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana, that Ordinance No. 1302 shall be amended as shall now read as follows:

SECTION ONE. A person who knowingly, or intentionally places, leaves, or deposits refuse on property of another person or entity except in a container specifically provided for refuse, commits the offense of littering.

SECTION TWO. "Refuse" shall be defined as and shall include solid and semi-solid waste, rubbish, trash, and offal. "Refuse" shall also include discarded literature, advertising material, and flyers. Such items shall be considered within this definition when not placed in appropriate and proper receptacles for the same. This definition of "refuse" shall not include current versions of a daily, weekly, semi-weekly, or tri-weekly newspaper of general circulation including accompanying advertising materials. Notwithstanding anything in this section to the contrary, "refuse" shall not include literature, advertising material, and flyers when affixed to the door, doorframe, or doorknob of a residence.

SECTION THREE. The violation of any provision of this ordinance, as amended from time to time, in addition to any penalties prescribed under applicable state law, shall be as follows:

- A. First offense \$100.00 fine.
- B. Second offense \$250.00 fine.

- C. Third offense \$500.00 fine.
- D. Fourth offense and each offense thereafter \$1,000.00 fine.

SECTION FOUR. Notwithstanding any other ordinance to the contrary, this ordinance shall be enforceable by the St. John Police Department, the St. John Building Commissioner, and/or their authorized representatives.

BE IT FURTHER ORDAINED that when not in conflict herewith, the terms and provisions of Ordinance No. 1302 shall remain in full force and effect.

BE IT FURTHER ORDAINED that all existing ordinances, or parts thereof, in conflict with the provisions of this ordinance, are hereby deemed null, void, and of no legal affect, and are specifically repealed.

BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this ordinance.

BE IT FURTHER ORDAINED that the Town Council declares an emergency and this ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to law.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 28 day of August, 2003.

Aye 5 Nay 0

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

Michael S. Forbes
MICHAEL S. FORBES, President

Kristie L. Aldridge
KRISTIE L. ALDRIDGE

William M. Winterhaler
WILLIAM M. WINTERHALER

Jerome J. Rudy
JEROME J. RUDY

Gregory J. Volk
GREGORY J. VOLK

ATTEST:

Sherry P. Sury
SHERRY P. SURY
Clerk-Treasurer