

ORDINANCE 2025-12

AN ORDINANCE AMENDING CHAPTER 92 OF THE CITY OF AUBURN CODE OF ORDINANCES.

SUMMARY

This ordinance amends and restates Chapter 92, entitled "Litter" of the City of Auburn Code of Ordinances.

_____ Recorder's Office

_____ Auditor's Office

_____ x _____ Clerk's Office

_____ Other

_____ x _____ Publish Public Hearing

_____ Publish O/R after adoption

ORDINANCE NO. 2025-12

**AN ORDINANCE TO AMENDING CHAPTER 92
OF THE CITY OF AUBURN CODE OF ORDINANCES**

SECTION 1. That Chapter 92 entitled “Litter” of the City of Auburn Code of Ordinances is hereby amended as follows and restated in Exhibit “A”:

92.01 LITTER IN PUBLIC PLACES

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the city or upon private property.

92.02 TRUCK LOADS CAUSING LITTER

No person shall drive or move any truck or other vehicle within the city unless the vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

92.03 HAULING LOOSE MATERIAL; DEBRIS ON STREET; REMOVAL

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.

92.04 DROPPING LITTER FROM AIRCRAFT

No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object.

92.05 SWEEPING LITTER INTO GUTTERS PROHIBITED

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

92.06 MERCHANTS TO KEEP SIDEWALKS FREE OF LITTER

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

92.07 POSTING NOTICES PROHIBITED

No person shall post or affix any notice, poster, or other paper or device which is calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized by law.

92.08 LITTER ON PRIVATE PROPERTY

No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

92.09 OWNER TO MAINTAIN PREMISES FREE OF LITTER

The owner or person in control of any private property shall at all times maintain the premises free of litter and outside storage. However, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

92.10 VEHICLES PLACED BETWEEN STREET AND SIDEWALK

No person shall place any finished or unfinished vehicle, equipment, or machine in any parkway or public area between the paved surface of the street and sidewalk, crosswalk, or private property line for any time unless it is paved expressly for parking pursuant to prior authority granted by the Board of Public Works and Safety.

92.11 LITTER ON VACANT LOTS

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by that person or not.

92.12 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY CITY

A. Notice to remove

The ~~Chief of Police, Captain, or Sergeant~~Administrator of the Building, Planning, and Development Department, the Code Enforcement Officer, any Officer of the Auburn Polic Department, and any employee of the City designated in writing by the Administrator of the Building, Planning, and Development Department ~~is~~are authorized and empowered to notify the owner of any open or vacant private property within the city, or the agent of such owner, to properly dispose of litter located on the owner's property, which is dangerous to public health, safety, or welfare. A notice shall be sent by ~~registered or certified first class~~ mail, addressed to the owner at his last known address, or the notice shall be delivered to the residence of the owner as disclosed by the Auditor's office in DeKalb County or may be deposited on the premises in a conspicuous place.

B. Action upon noncompliance

Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within ten days after receipt of written notice, or within ten days after the date of the notice in the event it is returned to the city by the U.S. Post Office Department because of its inability to make delivery, provided the notice was properly addressed to the last known address of the owner or agent, the work of disposing of the litter shall be done or caused to be done by

the city. All authorized officers, employees, and contracting agents of the city are expressly authorized to enter into and upon private property for the purpose of removing and disposing of the litter. No person shall interfere with, hinder, or refuse to allow any person so authorized to enter into and upon private property.

- C. Cost constitutes lien and placing on tax duplicate
- D. The actual cost to the city for removing and disposing of the litter shall be a lien in favor of the city against the property, and all such cost, together with any penalty applicable thereto, shall be collected in the manner hereinafter set forth. In all cases where the full amount due the city is not paid to the Clerk-Treasurer by the owner of the property within 30 days after the removal and disposal of the litter, the costs shall become delinquent, and a penalty of 10% of the amount of the costs shall attach thereto and shall be included in the lien and shall be collectible in addition to the cost. Whenever a delinquency occurs for nonpayment of the cost, the Clerk-Treasurer shall file in the County Recorder's office a notice of lien setting forth the name or names of the owner or owners of each property on which the cost has become delinquent and further setting forth the description of the property as shown by the records of the County Auditor's office, the amount of the delinquent cost, and the amount of penalty thereon. The lien shall attach to the property described in the notice of lien from the time of the recording of the notice of lien. The Clerk-Treasurer is further directed to certify to the County Auditor a true copy of the notice of lien, and the amount of the delinquent cost and penalty thereon shall be charged to the property on the tax duplicate and shall be collected in the same manner that taxes are collected by law. The notice of lien so filed, recorded, and certified in accordance with the provisions hereof shall be prima facie evidence that the provisions of this section or chapter have been fully complied with and that the work has been done in accordance with the provisions hereof. Such notice shall be full notice to any person that the amount of the lien constitutes a charge and lien against the property therein described and that the charge is due and collectible. Upon collection of the cost and penalty, the County Auditor or other appropriate county official shall pay over to the Clerk-Treasurer of the city the amount of the cost so collected, together with one-half of the penalty. He shall retain for the use and benefit of the county the remaining one-half of the penalty as a fee for the collection.

92.99 PENALTY

Whoever violates any of the provisions of this chapter shall be fined in an amount not exceeding \$300. Each day the violation is committed or permitted to continue shall constitute a separate offense.


SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

First Reading 07/01/2025
Second Reading 07/15/2025

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this
15th day of July, 2025.


James Finchum, Councilmember

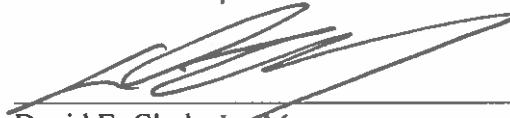
ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 15th day of
July, 2025.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 15th day of July, 2025.


David E. Clark, Jr., Mayor

VOTING:

AYE

NAY

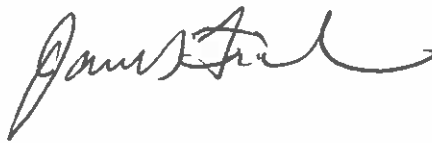
Natalie DeWitt



Rod Williams



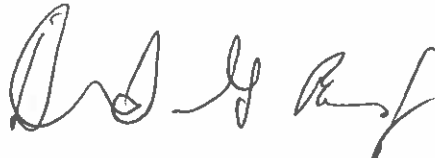
James Finchum



Dan Braun



David Bundy



Kevin Webb



Emily Prosser

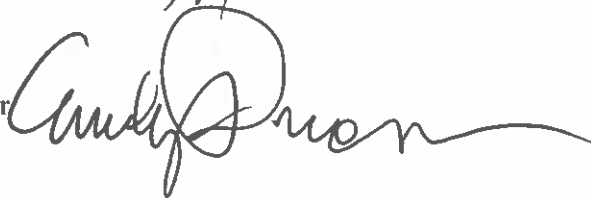


Exhibit "A"

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A. Notice to remove

The Administrator of the Building, Planning, and Development Department, the Code Enforcement Officer, any Officer of the Auburn Police Department, and any employee of the City designated in writing by the Administrator of the Building, Planning, and Development Department are authorized and empowered to notify the owner of any open or vacant private property within the city, or the agent of such owner, to properly dispose of litter located on the owner's property, which is dangerous to public health, safety, or welfare. A notice shall be sent by first class mail, addressed to the owner at his last known address, or the notice shall be delivered to the residence of the owner as disclosed by the Auditor's office in DeKalb County or may be deposited on the premises in a conspicuous place.

B. Action upon noncompliance

Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within ten days after receipt of written notice, or within ten days after the date of the notice in the event it is returned to the city by the U.S. Post Office Department because of its inability to make delivery, provided the notice was properly addressed to the last known address of the owner or agent, the work of disposing of the litter shall be done or caused to be done by the city. All authorized officers, employees, and contracting agents of the city are expressly authorized to enter into and upon private property for the purpose of removing and disposing of the litter. No person shall interfere with, hinder, or refuse to allow any person so authorized to enter into and upon private property.

C. Cost constitutes lien and placing on tax duplicate

D. The actual cost to the city for removing and disposing of the litter shall be a lien in favor of the city against the property, and all such cost, together with any penalty applicable thereto, shall be collected in the manner hereinafter set forth. In all cases where the full amount due the city is not paid to the Clerk-Treasurer by the owner of the property

within 30 days after the removal and disposal of the litter, the costs shall become delinquent, and a penalty of 10% of the amount of the costs shall attach thereto and shall be included in the lien and shall be collectible in addition to the cost. Whenever a delinquency occurs for nonpayment of the cost, the Clerk-Treasurer shall file in the County Recorder's office a notice of lien setting forth the name or names of the owner or owners of each property on which the cost has become delinquent and further setting forth the description of the property as shown by the records of the County Auditor's office, the amount of the delinquent cost, and the amount of penalty thereon. The lien shall attach to the property described in the notice of lien from the time of the recording of the notice of lien. The Clerk-Treasurer is further directed to certify to the County Auditor a true copy of the notice of lien, and the amount of the delinquent cost and penalty thereon shall be charged to the property on the tax duplicate and shall be collected in the same manner that taxes are collected by law. The notice of lien so filed, recorded, and certified in accordance with the provisions hereof shall be prima facie evidence that the provisions of this section or chapter have been fully complied with and that the work has been done in accordance with the provisions hereof. Such notice shall be full notice to any person that the amount of the lien constitutes a charge and lien against the property therein described and that the charge is due and collectible. Upon collection of the cost and penalty, the County Auditor or other appropriate county official shall pay over to the Clerk-Treasurer of the city the amount of the cost so collected, together with one-half of the penalty. He shall retain for the use and benefit of the county the remaining one-half of the penalty as a fee for the collection.

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