

**Vigo County Health Department
TIRE STORAGE ORDINANCE
Chapter 57
AMENDED**

3-57-1 PURPOSE

The purpose of this ordinance is to protect the public health and welfare by declaring improperly stored tires as a public nuisance and a significant health hazard.

WHEREAS, both large and small accumulations of tires in the County of Vigo, State of Indiana, pose a serious health nuisance and potential health hazard. Tires capable of accumulating water provide an optimal breeding ground for mosquitoes thereby promoting the spread of West Nile Virus, Encephalitis, and also provide a habitat for pests.

3-57-2 DEFINITIONS:

“**TIRE**” is defined as a continuous solid or pneumatic rubber covering or any other resilient material product designed to encircle a wheel, which is used on a vehicle or any other equipment.

“**VECTOR**” is defined as any insect or living carrier capable of transmitting microorganism and diseases from one organism to another.

“**COMMERCE**” is defined as any individual, trade, industry, production, partnership, company, business, production, dealing, firm, establishment, enterprise, venture or organization.

“**STORAGE**” is defined as the accumulation of tires in a manner that does not constitute disposal of tires in an approved manner immediately.

“**PROPER STORAGE**” is defined as permanent solid impermeable covered enclosure.

“**IMPROPER STORAGE**” is defined as a non-permanent, permeable or non-permeable, un-firm and unstable in shape cover (ie: tarp).

“**IMPERMEABLE**” is defined as not allowing fluids to pass through.

“**ENCLOSURE**” is defined as an area sealed off artificially or naturally.

NOW THEREFORE, BE IT ENACTED BY ORDINANCE AS FOLLOWS:

3-57-3 STORAGE OR ACCUMULATION OF TIRES

(a) No person or commerce shall cause or permit the management, storage, collection of tires, except in full compliance with the provisions of this Ordinance.

(b) Persons or Commerce who produce or otherwise accumulate tires shall do so in a manner that complies with this Ordinance as outlined below:

- (1) controls vectors that pose a threat to human health;
- (2) does not pose a threat to human health or environment; and
- (3) does not pose a fire hazard.

3-57-4 ENFORCEMENT PENALTIES FOR IMPROPER STORAGE

- (a) There shall be fines fixed at an amount of \$50.00 (fifty dollars) for first offense; \$100.00 (one hundred dollars) for second offense; and \$250.00 (two hundred fifty dollars) for the third and subsequent offenses.
- (b) Each and every day in which a violation of any provisions of this chapter exists shall constitute a separate violation.
- (c) The penalties will be due one week from the date that fines are levied.
- (d) One reminder will be sent out via certified mail if the fines have not been paid, giving the violator one more week for payment to be received
- (e) Failure to Pay. When the full amount levied by the County is not paid by the owner within ninety (90) days after receipt of the original fine, then, and in that case, the Vigo County Commissioners shall cause to be recorded in the County Recorder's Office a sworn statement showing the violation The recordation of such sworn statement shall constitute a lien on the property, and shall remain in force and effect for the amount due in principal and interest, plus any costs of court and for collection until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of real estate taxes and further, shall be subject to a delinquent penalty the same as real estate taxes in the event same is not paid in full on or before the date the tax bill upon which said charges appear to become delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

3-57-5 ENFORCEMENT PENALTIES FOR REFUSAL TO PRODUCE DOCUMENTATION OF PROPER DISPOSAL

- (a) There shall be fines fixed at an amount of \$100.00 (one hundred dollars) for first offense; and \$250.00 (two hundred fifty dollars) for second offense and subsequent offenses.
- (b) Each and every day in which a violation of any provisions of this chapter exists shall constitute a separate violation.
- (c) The penalties will be due one week from the date that fines are levied.
- (d) One reminder will be sent out via certified mail if the fines have not been paid, giving the violator one more week for payment to be received
- (e) Failure to Pay. When the full amount levied by the County is not paid by the owner within ninety (90) days after receipt of the original fine, then, and in that case, the Vigo County Commissioners shall cause to be recorded in the County Recorder's Office a sworn statement showing the violation The recordation of such sworn statement shall constitute a lien on the property, and shall remain in force and effect for the amount due in principal and interest, plus any costs of court and for collection until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of real estate taxes and further, shall be subject to a delinquent penalty the same as real estate taxes in the event same is not paid in full on or before

the date the tax bill upon which said charges appear to become delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

3-57-6 VIGO COUNTY ABATEMENT

(a) Owner, occupant or lessee must produce proof of proper disposal of the tire/tires to the Vigo County Health Department within forty-eight (48) hours of receiving a citation for improper storage.

(b) If any owner, occupant or lessee of any lot or parcel of lot or parcel of real estate shall fail to remove or abate tires after receiving notice as provided in 3-57-3, the Vigo County Commissioners may cause the same to be removed or otherwise abated. When the Vigo County Commissioners have affected the removal of such nuisance, they shall prepare a sworn statement showing the cost of the work performed and they shall bill the owner of record. Such bill shall be in the minimum amount of Twenty-five Dollars, (\$25.00) and shall be due and payable at the time of receiving the statement.

(c) Failure of Owner to Pay. When the full amount due the County is not paid by the owner within ninety (90) days after receipt of the statement as provided in 2-(b), then, and in that case, the Vigo County Commissioners shall cause to be recorded in the County Recorder's Office a sworn statement showing the cost and expense incurred for the work, date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien on the property, and shall remain in force and effect for the amount due in principal and interest, plus any costs of court and for collection until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of real estate taxes and further, shall be subject to a delinquent penalty the same as real estate taxes in the event same is not paid in full on or before the date the tax bill upon which said charges appear to become delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

3-57-7 CUMULATIVE ENFORCEMENT

The enforcement provisions provided herein shall be cumulative and may be employed singularly or jointly at the discretion of the County during the seasonal time from beginning April 1st and ending November 1st of the same year.

3-57-8 REPEALER

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

3-57-9 SEVERABILITY CLAUSE

If any section, provision, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

3-57-10 EFFECTIVE DATE

This Ordinance has been passed and adopted this 23rd day of April, 2013, by the Vigo County Board of County Commissioners and shall become effective upon completion of publication as required in I.C. 36-2-4-8.

Vigo County Board of Commissioners

Signatory, Bud Wren

Signatory, MBC

Signatory, _____

ATTEST: Signatory,

Timothy M. Lepore
Auditor, Vigo Co.