

ORDINANCE NO. 2005- 8

**AN ORDINANCE PROHIBITING OUTDOOR WOOD AND
OTHER FIRED FURNACES IN THE CITY OF LOOGOOTEE**

WHEREAS, the Common Council has determined that outdoor fired furnaces ought not be permitted to exist in the City of Loogootee;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Loogootee, as follows:

1. Definition: Outdoor fired furnaces include outdoor furnaces, stoves or boilers fired by wood, or any other flammable material, and the term "outdoor fired furnaces" applies to all such outdoor fired devices.

2. Nuisance: Outdoor fired furnaces are hereby declared to be a public nuisance.

3. Prohibition: No person shall install, use or maintain an outdoor fired furnace within the corporate limits of Loogootee, Indiana.

4. Notice: Any person who violates this ordinance shall be given notice to abate the nuisance within three (3) days by the City through any official, officer, employee or agent. Notice may be served in any reasonable manner including, without limitation, by hand delivery, by certified mail, by first-class mail, or by publication.

5. Enforcement:

a. Any person who violates this ordinance and who fails or refuses to abate the nuisance after having been given notice shall be fined in the sum of \$50.00. Each day the nuisance continues after the deadline date in the notice shall be deemed a separate offense.

b. Persons who abate the nuisance after the deadline date, and who elect to admit a violation of this ordinance, may admit such violation and pay such fine to the VIOLATIONS CLERK of the Ordinance Violations Bureau.


c. The City shall also have the power, instead of or in addition to the \$50.00 fine, to bring a civil action against the violator pursuant to Ind. Code Section 36-1-6-4, and request the Martin Circuit Court to order the violator to abate the nuisance.

d. Any existing outdoor fired furnaces located within the corporate limits of the City are exempted, provided that the outdoor fired furnaces are properly vented so as not to be a public nuisance because of smoke, odor or other cause.

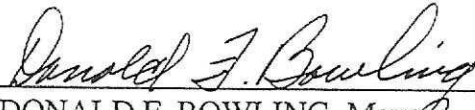
6. Effective Date: This Ordinance shall become effective upon its publication as provided by law.

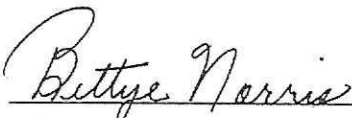
PASSED AND ADOPTED by the Common Council of the City of Loogootee, this 12th day of December, 2005.


DONALD F. BOWLING, Mayor

ATTEST: 
BETTYE NORRIS, City Clerk-Treasurer

This Ordinance approved and signed by me on the 12th day of December, 2005 at the hour of 8:20 P. M.


DONALD F. BOWLING, Mayor

ATTEST: 
BETTYE NORRIS, City Clerk-Treasurer