

**AN ORDINANCE PROHIBITING THE PERMANENT
OCCUPATION OF RECREATIONAL VEHICLES FOR THE
TOWN OF WINAMAC, INDIANA**

Ordinance No. 8 of 2020

WHEREAS, the Town Council of the Town of Winamac, Indiana (the “**Town Council**”), is responsible for the performance of various functions for the Town of Winamac (the “**Town**”); and

WHEREAS, the Town Council has determined it is in the best interests of the citizens of the Town to prohibit the permanent occupancy of Recreational Vehicles, as that term is herein defined, within the corporate Town limits; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Winamac, Indiana, that this Ordinance Prohibiting the Permanent Occupation of Recreational Vehicles for the Town of Winamac, Indiana, is hereby adopted as follows:

SECTION I.

Parameters and Penalties

1. For purposes of this Ordinance, “Recreational Vehicle” shall mean any boat, trailer (including travel), recreational vehicle, camper, or equipment as sold as part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets, waterways, or highways by either self-propelled or not self-propelled means.

2. It shall be unlawful for any person to occupy or permit to be occupied for any period of time, a Recreational Vehicle within the corporate Town limits, as a primary residence.

(a) For purposes of this Ordinance, a person is deemed to be occupying a Recreational Vehicle as his/her primary residence, if he/she has occupied that Recreational Vehicle more than seven (7) days in a thirty (30) day period.

(b) This Section 2 shall not apply to a mobile home parked in a designated mobile home park, provided that no mobile home may be used for any purpose other than that of a single-family dwelling.

3. **Penalty.** Any person found in violation of this Ordinance may be fined not more than One Hundred Dollars (\$100.00) for each violation. Each day such violation is permitted to continue shall constitute a separate violation. A previous

violation may be considered in determining the penalty assessed. A finding that a violation has occurred or an admission that a violation has occurred is not required to assess and recover a penalty, if the recipient subject to the penalty agrees to pay the penalty, pursuant to either an agreed judgment or consent decree in a court action for an Ordinance violation.

- (a) A recipient may be fined not more than Two Hundred and Fifty Dollars (\$250.00) for each repeat violation. Each day such repeat violation is permitted to continue shall constitute a separate violation under this Section IV, Paragraph 5(a).
- (b) The Town may publish a list of the names of owners and occupants who have been cited for a repeat violation under this Ordinance, and the addresses of the affected properties. The Town Council shall determine the frequency of publication.

SECTION II.

Effective Date and Repeal of Conflicts

- 1. This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WINAMAC, INDIANA, THIS 10th DAY OF AUGUST, 2020.

THE WINAMAC, INDIANA TOWN COUNCIL

APPROVED:

OPPOSED:

Tom J. Murray, President

Tom J. Murray, President

James Watkins, Vice-President
President

James Watkins, Vice-

Alvin R. Parish, Council Member
Member

Alvin R. Parish, Council

David Schambers, Council Member
Member

David Schambers, Council

Judy Heater, Council Member
Member

Judy Heater, Council

ATTEST:

Melanie A. Berger, Clerk-Treasurer