

EDINBURGH TOWN COUNCIL**ORDINANCE NO. 2013-8****AN ORDINANCE PROHIBITING TRESPASSING
AT THE BLUE RIVER DAM**

WHEREAS, the Town of Edinburgh ("Town") owns the Blue River Dam ("Dam") which is located within the Town's municipal limits;

WHEREAS, in the summer of 2013, the Dam has shown signs of deterioration and weakness in holding the waters of the Blue River at bay;

WHEREAS, individuals have entered the area surrounding the Dam to fish or observe the Blue River and/or the Dam;

WHEREAS, the Edinburgh Town Council ("Council") deems the Dam is not currently safe for persons to trespass on or around the Dam; any and all access points to the Dam and property owned by the Town surrounding the Dam;

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. SECTION 1: PROHIBITION OF TRESPASSING

- a. It shall be unlawful for any person to do the following regarding the Dam;
 - i. Trespass on any part of the Dam;
 - ii. Trespass on any real property owned by the Town that is adjacent to the Dam;
 - iii. Gain access to areas of the Dam by way of access points owned by the Town;
 - iv. Access or use any part of Dam without the expressed consent of the Town or its agents;
- b. For purposes of this Ordinance, trespass is defined by Indiana Code 35-43-2-2

II. SECTION 2. VIOLATION – PENALTIES

- a. Any person who violates this ordinance shall be guilty of an ordinance violation in the amount of fifty dollars (\$50.00) for each such violation.

III. SECTION 3. PUBLIC NOTICE

a. ~~In accordance with Indiana Code 36-5-2-10(b) and Indiana Code 5-3-1-2(h),~~

this Ordinance shall be published in newspapers of general circulation in Johnson, Shelby, and Bartholomew Counties one (1) time within thirty (30) days after it is adopted by Council.

IV. SECTION 4. REPEALER

a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

V. SECTION 5. SEVERABILITY


a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.


VI. SECTION 6. EFFECTIVE DATE

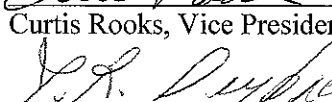
a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.


ADOPTED this 28th day of October, 2013.


EDINBURGH TOWN COUNCIL


Ron Hoffman, Council President


Curtis Rooks, Vice President


John R. Drybread, Member


Kami Ervin, Member


Jeffrey A. Simpson, Member

ATTEST


Scott Finley, Clerk-Treasurer