



CHESTERTON TOWN CODE

PASSED AND ADOPTED June 23, 2002

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UNIFIED COMPREHENSIVE ZONING AND SUBDIVISION CONTROL ORDINANCE

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- 03 - Ordinance amending Town Code regarding Employee Leave Donation Policy
- 04 - Ordinance amending Ordinance 2007-29 which created Springdale Subdivision PUD
- 05 - Ordinance amending portions of the text of the Unified Comprehensive Zoning & Subdivision Control Ordinance delegating secondary plat approval to staff
- 06 - Ordinance amending Town Code regarding stormwater violations
- 07 - Ordinance amending Town Code regarding payment of fuel bills
- 08 - Ordinance amending Town Code regarding speed limit on Highland Drive and Sawgrass Drive
- 09 - Ordinance amending Town Code regarding employment, compensation and duties (Sec. 2-66 and 2-71)
- 10 - Ordinance establishing PUD (Coffee Creek Crossing)
- 11 - Ordinance regarding tax anticipation warrant loan
- 12 - Ordinance amending Town Code regarding sewer rates to be charged on 2009/2010
- 13 - Ordinance vacating a portion of public way (right-of-ways 21st and 22nd street)
- 14 - Ordinance amending Town Code regarding Fire Department fees (Sec. 8.9 - 8-16)
- 15 - 2009 Budget Ordinance
- 16 - Ordinance annexing Pope/Baulos property
- 17 - Ordinance amending Town Code regarding rate for garbage pickup and disposal/recycling for 2009-2011.

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
11/24/1997	1997-25	SEC 13-110 TO 13-112	AMEND CHAPTER 13 - HANDICAP PARKING
11/24/1997	1997-24		ANNEXATION - AMERICAN STORES PROPERTIES - (JEWEL/OSCO)
11/24/1997	1997-23	SEC 25-86(3) & SEC 10-10(d)	AMEND CHAPTER 25 AND CHAPTER 10
11/10/1997	1997-22		1998 SALARY ORDINANCE
10/13/1997	1997-21		ADDITIONAL APPROPRIATIONS
9/15/1997	1997-20		APPROPRIATIONS AND TAX RATES
9/8/1997	1997-19		AMEND 96-09 - 1997 SALARY ORDINANCE PRE-TREAT COORDINATOR
9/8/1997	1997-18		ESTABLISH PUD - PHASE V ESTATES OF SAND CREEK
8/25/1997	1997-17	SEC 13-57	AMEND CHAPTER 13
8/11/1997	1997-16		AMEND 96-09 1997 SALARY ORDINANCE BLDG CLERK
7/28/1997	1997-15		AMEND 96-09 1997 SALARY ORDINANCE SD LIFT TRK OPER, MECH HELPER
7/14/1997	1997-14	SEC 10-3, 10-7	AMEND CHAPTER 10
7/14/1997	1997-13		VACATING PUBLIC WAY - 13TH ST BETWEEN PARK & JEFFERSON
6/9/1997	1997-12		STOP SIGN - SANDCREEK DR NORTH @ MICHAEL DRIVE
6/9/1997	1997-11		ADDITIONAL APPROPRIATIONS
6/9/1997	1997-10		VACATING PUBLIC WAY - 1100N SANDCREEK DR TO 200E, 200E SOUTH OF 1100N FOR 1476 FT
6/9/1997	1997-09		VACATING PUBLIC EASEMENT - LOT 96 SANDCREEK DR S (1427 SANDCREEK DR S)
6/9/1997	1997-08		VACATING EASEMENT - 1615 NELSON DR
6/9/1997	1997-07		VACATING EASEMENT - 1655 NELSON DR
4/28/1997	1997-06	ART IV SEC 401 THRU 418	AMEND COMPREHENSIVE ZONING ORD AND ZONE MAP -PROVIDING FOR PUD
4/28/1997	1997-05	SEC 5-33	AMEND CHAPTER 5 - TOWN STANDARDS
3/10/1997	1997-04		AMEND 96-09 - 1997 SALARY ORDINANCE POLIC IN HOUSE SYSTEM ADMIN,OFFICE MGR
2/24/1997	1997-03		ANNEXATION - RHODA PROPERTY (COFFEE CREEK)
2/10/1997	1997-02		ANNEXATION - CHS PROPERTY
2/10/1997	1997-01		AMEND ZONE MAP - I-1 TO R-1 ZONING -(200W SOUTH OF EJ& E AND WEST OF NIPSCO POWERLINES (GULFVIEW ESTATES)

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/14/1998	1998-24		AMEND 98-20 1999 SALARY ORDINANCE
1/18/1999	1998-23		ESTABLISH PUD - AMERICAN STORES PROPERTIES, INC (JEWEL/OSCO)
12/14/1998	1998-22B	97-18,98-15	AMEND PUD - PHASE V ESTATES OF SANDCREEK
10/26/1998	1998-22A		STOP SIGN - DICKINSON RD & 1100N
10/26/1998	1998-21		AMEND 97-22 1998 SALARY ORDINANCE - UTIL ASST SUPT
10/26/1998	1998-20		1999 SALARY ORDINANCE
10/26/1998	1998-19		ADDITIONAL APPROPRIATIONS
10/26/1998	1998-18		ANNEXATION - CREGO PROPERTY NW CORNER 50W & 1050N
10/26/1998	1998-17		ESTABLISH PUD - 2ND ADD TO COFFEE CREEK CENTER @ MORGAN'S CORNER
9/28/1998	1998-16		ANNEXATION - TAMARACK DEVELOPMENT
9/28/1998	1998-15	97-18	AMEND PUD - PHASE V ESTATES OF SANDCREEK
9/28/1998	1998-14	REJECTED	AMEND COMPREHENSIVE ZONING ORD - GREEN SPACE ORD
9/8/1998	1998-13		APPROPRIATIONS AND TAX RATE
8/24/1998	1998-12		ESTABLISH PUD - 1ST ADD COFFEE CREEK CENTER
7/13/1998	1998-11		AMEND 97-22 1998 SALARY ORDINANCE - SD FLEET MAINT MANAGER
7/13/1998	1998-10		VACATING PUBLIC EASEMENT - 20' EASEMENT BETWEEN LOTS 9 & 10 DUNEWOOD ESTATES
7/13/1998	1998-09		ADDITIONAL APPROPRIATIONS
6/22/1998	1998-08		AMEND 97-22 1998 SALARY ORDINANCE - UTIL SUPT 1 TO 5
6/22/1998	1998-07	SEC 2-130 TO 2-134	AMEND CHAPTER 2 -ADMINISTRATION
6/22/1998	1998-06	SEC 16-1	AMEND CHAPTER 16
4/27/1998	1998-05	SEC 25-94 TO 24-100	AMEND CHAPTER 25
3/23/1998	1998-04		AMEND 97-22 1998 SALARY ORDINANCE PLAN COM MEMBER, BZA MEMBER
3/12/1998	1998-03		ESTABLISH PUD - JACK OREMUS INDUSTRIAL COMPLEX
2/9/1998	1998-02		VACATION OF PUBLIC WAY - 2 ALLEYS VICINITY OF WESTCHESTER AVE & 20TH TO 22ND ST(NORTH/SOUTH ALLEYS
1/26/1998	1998-01		ESTABLISH PUD - COFFEE CREEK CENTER

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/13/1999	1999-23		30MPH ZONE 1050N ;200E TO SR49
12/12/1999	1999-22	98-17,99-11, 99-16	AMEND PUD -2ND ADD COFFEE CREEK CENTER @ MORGAN'S CORNER
12/13/1999	1999-21		VACATION OF ALLEY - BETWEEN 111 WAVERLY & 1051 WABASH
11/22/1999	1999-20		ISSUANCE AND SALE OF BONDS - STORM WATER DRAINAGE
11/22/1999	1999-19		ESTABLISH REDEVELOPMENT COMMISSION
12/13/1999	1999-18	SEC 10-3, 10-5(A)	AMEND CHAPTER 10 - RATES & CHARGES GARBAGE PICKUP
10/25/1999	1999-17		2000 SALARY ORDINANCE
10/11/1999	1999-16	98-17, 99-11	AMEND PUD -2ND ADD COFFEE CREEK CENTER @ MORGAN'S CORNER
9/27/1999	1999-15		ADDITIONAL APPROPRIATIONS
9/13/1999	1999-14		APPROPRIATIONS & TAX RATES
7/26/1999	1999-13		SEPARATE WATERS METERS FOR SPRINKLERS
7/26/1999	1999-12	SEC 5-45(E)	AMEND CHAPTER 5 - BUILDING
5/10/1999	1999-11	98-17	AMEND PUD -2ND ADD COFFEE CREEK CENTER @ MORGAN'S CORNER
5/10/1999	1999-10	SEC 2-111 TO 2-121	AMEND CHAPTER 2 - (PERSONNEL POLICY)
5/10/1999	1999-09		30 MPH ZONE 11TH ST; 1050N TO 1100N
4/26/1999	1999-08	97-18.98-15.98-22	AMEND PUD -PHASE V ESTATES OF SANDCREEK
4/12/1999	1999-07		AMEND 98-20 - 1999 SALARY ORD - SD, POLICE, FIRE
3/8/1999	1999-06	SEC 24-24(b), 24-24(d), 24-24(e)	AMEND CHAPTER 24 - SUBDIVISION REGULATIONS
2/8/1999	1999-05		AMEND ZONING MAP - TAMARACK DEVELOPMENT - R1 ZONING
2/8/1999	1999-04		AMEND ZONING MAP - CREGO PROPERTY NW CORNER 50W & 1050N - R1 ZONING
1/18/1999	1999-03		AMEND 98-20 1999 SALARY ORD -UTILITY & TOWN HALL CUSTOMER RELATIONS, BUILDING INSPECT
1/18/1999	1999-02		AMEND 98-20 1999 SALARY ORD - TOWN HALL BLDG INSPECT
1/18/1999	1999-01	SEC 24-6, 24-78	AMEND CHAPTER 24 - SUBDIVISION REGULATIONS

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/18/2000	2000-26		AMEND 2001 SALARY ORD - 2000-22 - TOWN - GRANT /ECO DEV MGR, UTILITIES - GRANT/ECO DEV MGR, UTIL SERVICE BOARD MEMBER
11/27/2000	2000-25	98-12, 2000-18	AMEND PUD - 1ST ADD COFFEE CREEK CENTER
11/13/2000	2000-24		ADDITIONAL APPROPRIATIONS
9/25/2000	2000-23		LEFT TURNS PROHIBITED - CALUMET @ 1100 N
9/25/2000	2000-22		SALARY ORDINANCE 2001
10/9/2000	2000-21	SEC 25-88, SEC 25-34(b)	AMEND CHAPTER 25 - UTILITIES - SEWER CONNECTION FEES
9/18/2000	2000-20		APPROPRIATIONS & TAX RATES
9/11/2000	2000-19		FLOOD HAZARD AREAS
9/11/2000	2000-18	98-12	AMEND PUD - 1ST ADD COFFEE CREEK CENTER
8/28/2000	2000-17		VACATION EASEMENT - WEST OF NORTHERN BOUNDARY OF WILSON ST (READ PROPERTY)
8/28/2000	2000-16		VACATING PUBLIC WAY - INDIANA WEST OF WILSON ST (READ PROPERTY)
8/28/2000	2000-15		VACATION EASEMENT - WEST OF NORTHERN BOUNDARY OF WILSON ST (READ PROPERTY)
8/28/2000	2000-14		AMEND 2000 SALARY ORD -1999-17 - UTILITY TOWN ENG
8/14/2000	2000-13		AMEND 2000 SALARY ORD -1999-17 - TOWN - TOWN ENG
11/13/2000	2000-12		ANNEXATION TAMARACK DEVELOPMENT
7/24/2000	2000-11		FLOOD HAZARD AREAS
6/26/2000	2000-10		ADDITIONAL APPROPRIATIONS
6/26/2000	2000-09	97-18, 98-15, 98-22, 99-08	AMEND PUD - PHASE V ESTATES OF SAND CREEK
6/12/2000	2000-08	98-17, 99-11, 99-16, 99-22	AMEND PUD - 2ND ADD COFFEE CREEK CENTER @ MORGAN'S CORNER
5/8/2000	2000-07		AMEND 2000 SALARY ORD -1999-17 - FD - ASST FIRE CHIEF, CHIEF FIRE INSPECT
4/24/2000	2000-06		VACATION OF PUBLIC WAY - 22ND ST (2123 UNION & 2205 UNION)

5/8/2000	2000-05	2000-03	AMEND PUD - 4TH ADD COFFEE CREEK CENTER
4/10/2000	2000-04	98-02	AMEND ORDINANCE VACATING ROW
2/28/2000	2000-03		ESTABLISH PUD - 4TH ADD COFFEE CREEK CENTER
3/13/2000	2000-02	SEC 25-34(B)	AMEND CHAPTER 25 - UTILITIES -RATES & CHARGES FOR SEWAGE
1/24/2000	2000-01		AMEND 2000 SALARY ORD - 1999-17 - TOWN HALL - CLK I & CLK II, POLICE - CAPT, LT, SGT, CPL, 1ST CLS, PROB, EVID TECH, ERT, DT INST

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/10/2001	2001-34		PUD-TAMARACK PLAZA
11/26/2001	2001-33	SEC. 2-96	AMEND CHAPTER 2 - PERSONNEL POLICY HANDBOOK
11/26/2001	2001-32	98-01,2001-24	AMEND PUD - COFFEE CREEK CENTER
11/26/2001	2001-31	98-17,99-11,99-16,99-22,2000-08,2001-06	AMEND PUD - 2ND ADDITION TO COFFEE CREEK CENTER @ MORGAN'S CORNER
11/12/2001	2001-30		2002 SALARY ORDINANCE
10/22/2001	2001-29		ADDITIONAL APPROPRIATIONS
10/8/2001	2001-28	SEC 5-21	AMEND CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS - BLDG COM DUTIES PERFORMED BY CHIEF FIRE INSPECTOR
10/8/2001	2001-27		ESTABLISH TREE GIFT FUND
9/25/2001	2001-26		ESTABLISH POLICE DEPT GIFT FUND
9/17/2001	2001-25		APPROPRIATIONS AND TAX RATE
9/10/2001	2001-24	98-01	AMEND PUD - COFFEE CREEK CENTER
9/25/2001	2001-23		VACATION OF PUBLIC WAY - PARK AVENUE (620 S. 20TH & 702 s. 20TH)
8/27/2001	2001-22		AMEND 2001 SALARY ORD - 2000-22 - UTILITIES - UTIL SUPT, PLAN DIR, TOWN HALL - PLAN DIR
8/27/2001	2001-21	SEC 5-167(B), 5-174	AMEND CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS - UNSAFE BUILDINGS & PREMISES
8/13/2001	2001-20	97-18, 97-06, 98-15, 98-22, 99-08, 2000-09, 2001-10	AMEND PUD - PHASE V ESTATES OF SAND CREEK
8/13/2001	2001-19	98-12, 2000-18, 2000-25	AMEND PUD - 1ST ADD COFFEE CREEK CENTER
8/13/2001	2001-18		20 MPH SPEED LIMIT - SHANNON DRIVE
7/23/2001	2001-17		AMEND 2001 SALARY ORD - 2000-22 - UTILITIES SECRETARY
7/23/2001	2001-16		ESTABLISH FIRE DEPT GIFT FUND
7/9/2001	2001-15		AMEND ZONING MAP -SOUTHEAST CORNER DUNELAND COVE @ MICHAEL DRIVE - R3 TO R1
6/11/2001	2001-14		AMEND 2001 SALARY ORD - 2000-22 - ELECTRICAL INSPECTOR

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
5/29/2001	2001-13	NOT PASSED	PUD-TAMARACK PLAZA - REJECTED
5/29/2001	2001-12	NO ACTION	VACATION OF PUBLIC WAY - CHURCH ST - HABURJAK
5/29/2001	2001-11		ISSUANCE OF REVENUE BONDS - CONSTRUCTION & ADDITION TO SEWAGE WORKS
5/14/2001	2001-10	97-18, 98-22, 98-15, 99-08, 2000-09	AMEND PUD - PHASE V ESTATES OF SAND CREEK
5/14/2001	2001-09	SEC 5-41(5), SEC 5-41(6)	AMEND CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS - BLDG PERMITS, PLAN AUTHENTICATION
4/23/2001	2001-08		FINAL BOND ORD - SALE OF BONDS - CONSTRUCTION FOR STREET REPAIR
4/23/2001	2001-07		ADDITIONAL APPROPRIATIONS
4/23/2001	2001-06	98-17, 99-11, 99-16, 99-22, 2000-08	AMEND PUD - 2ND ADDITION TO COFFEE CREEK CENTER @ MORGAN'S CORNER
4/23/2001	2001-05		APPROPRIATING PROCEEDS OF G.O. BONDS
4/9/2001	2001-04		PRELIMINARY BOND ORD - ISSUANCE OF G.O. BONDS
3/26/2001	2001-03		REPEAL APPENDIX A ZONING & CHAPTER 24 - ADOPT UNIFIED COMPREHENSIVE ZONING & SUBDIVISION CONTROL ORD & ZONING MAP
1/22/2001	2001-02		AMEND 2001 SALARY ORD - 2000-22 - TOWN COUNCIL - CLEANER, POLICE - CLEANER, FIRE - EMT & ENG
1/22/2001	2001-01		ESTABLISH PUD - 3RD ADD COFFEE CREEK CENTER

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
11/25/2002	2002-36		TEMPORARY LOAN TO GENERAL FUND
11/25/2002	2002-35		ADDITIONAL APPROPRIATIONS
11/25/2002	2002-34		2003 SALARY ORDINANCE
10/28/2002	2002-33		SPEED LIMIT - 25 MPH 19TH ST WASHINGTON TO PORTER
10/28/2002	2002-32		PUD - PUMPKIN PATCH
10/28/2002	2002-31		PUD - ESTATES OF SANDCREEK PHASE VI
10/28/2002	2002-30		VACATION OF ROW - PARK AVENUE (701 S 21ST & 621 S 21ST)
10/28/2002	2002-29		ANNEXATION - SIGLER PROPERTY (1087 N 100 E)
9/9/2002	2002-28		AMEND PERSONNEL POLICY APPENDIX C (LEAVE OF ABSENCE MILITARY RESERVE MEMBERS)
10/28/2002	2002-28A	SEC 6-1	AMEND CHAPTER 6 -ELECTIIONS
10/28/2002	2002-27	SEC 2-2	AMEND CHAPTER 2 - ADMINISTRATION
10/28/2002	2002-26		VACATION OF ROW - WESTCHESTER AVENUE (1002 S 14TH & 918 S 14TH)
8/23/2002	2002-25		AMEND 2001-30 2002 SALARY ORDINANCE (UTILITY ENG, TOWN ENG)
8/12/2002	2002-24		STOP SIGN - 100E & 1050N (NORTH/SOUTH)
8/12/2002	2002-23		CHANGE METHOD OF RECOVERING COST OF WATER FOR FIRE PROTECTION (FIRE HYDRANT FEES)
10/28/2002	2002-22		VACATION OF ROW - WESTCHESTER AVENUE (1003 S 15TH & 917 S 15TH)
8/12/2002	2002-21		PUD - ROSE HILL ESTATES
8/12/2002	2002-20		AMEND ZONING MAP (GENERAL)
8/26/2002	2002-19		AMEND PUD - 3RD ADDTION COFFEE CREEK CENTER (2001-01)
8/26/2002	2002-18		AMEND PUD - 1ST ADDITION COFFEE CREEK CENTER (98-12, 2000-18, 2000-25, 2001-19)
6/24/2002	2002-17		AMEND 2001-30 2002 SALARY ORDINANCE (ASST PLAN DIR)
6/24/2002	2002-16		ADOPTION OF NEW CHESTERTON TOWN CODE
6/24/2002	2002-15		AMEND PUD - 2ND ADDITION COFFEE CREEK CENTER @ MORGAN'S CORNER (98-17,99-11,99-16,99-22,200-08,2001-06)
6/24/2002	2002-14		AMEND PUD - ESTATES OF SANDCREEK PHASE V (97-18,98-15,98-22,99-08,2000-09,2001-10,2001-20)

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
6/24/2002	2002-13		AMEND 2001-30 2002 SALARY ORDINANCE (BLDG INSPECTOR, BLDG I PART TIME, BLDG II PART TIME, FIRE ASST CHIEF/CHIEF FIRE INSPECTOR/BLDG COMMISSIONER)
5/28/2002	2002-12	APPENDIX A ZONING SEC 1000-23(A)(1), 1000-24(A), 1000-24(B)(2)(f), 1000-37, APPENDIX I)	AMEND ZONING AND SUBDIVISION ORDINANCE
5/28/2002	2002-11		AMEND ZONING MAP (R1 ZONING FOX ANNEXATION)
5/28/2002	2002-10		AMEND ZONING MAP (R1 ZONING RADTKE/THOESSEN ANNEXATION)
5/13/2002	2002-09		AMEND ANNEXATION ORDINANCE-RADTKE/THOESSEN (2002-07)
3/25/2002	2002-08		AMEND 2001-30 2002 SALARY ORDINANCE (DEL - UTIL ASST SUPT, TOWN ENG (HRLY) ADD TOWN ENG YEARLY SALARY)
3/25/2002	2002-07		ANNEXATION - RADTKE/THOESSEN
4/22/2002	2002-06		AMEND PUD - 4TH ADDITION COFFEE CREEK CENTER (2000-03,2000-05)
4/22/2002	2002-05		AMEND PUD - COFFEE CREEK CENTER (98-01, 2001-24)
2/25/2002	2002-04		AMEND 2001-30 2002 SALARY ORDINANCE (STREET COMMISSIONER)
1/28/2002	2002-03	APPENDIX A ZONING SEC 301(D)(4), 712, 714	AMEND ZONING AND SUBDIVISION ORDINANCE
1/14/2002	2002-02		AMEND 2001-30 2002 SALARY ORDINANCE (UTILITY -ADMIN SUPPORT)
1/28/2002	2002-01		ANNEXATION - FOX PROPERTY

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/8/2003	2003-26		VACATION OF ALLEY - CHESTERTON FEED AND GARDEN
10/27/2003	2003-25		ANNEXATION - 100E/TREMONT RD (EAST OF SR 49 AND SOUTH OF US 20)
10/27/2003	2003-24		SALARY ORDINANCE 2004
10/27/2003	2003-23		AMEND & RESTATE PUMPKIN PATCH PUD (2002-32, 2003-18)
10/27/2003	2003-22B		VACATION OF WESTCHESTER AVE & 14TH (1001 S 14TH & 917 S 14TH)
10/27/2003	2003-22		VACATION OF WESTCHESTER AVE & 14TH (1001 S 14TH & 917 S 14TH)
8/25/2003	2003-21	SEC 13-54(U)	AMEND CHAPTER 13 MOTOR VEHICLES & TRAFFIC (PARKING E MORGAN AVE)
9/8/2003	2003-19		AMEND 2002-34 2003 SALARY ORDINANCE (NEW DIV COM & OFC MGR/SEC)
8/25/2003	2003-18		AMEND PUMPKIN PATCH PUD (2002-32)
8/25/2003	2003-17		AMEND PUD -ESTATES OF SANDCREEK VI (2002-31)
8/25/2003	2003-16		AMEND PUD - 370 INDIAN BOUNDARY LLC (98-23 PUD DISTRICT ORDINANCE)
9/8/2003	2003-15		AMEND ZONING MAP - CORRECTIONS TO MAP (CHANGE AREA IN LEGAL DESCRIPTION FROM R1 TO I1)
8/11/2003	2003-14	SEC 13-54(U)	AMEND CHAPTER 13 MOTOR VEHICLES & TRAFFIC (PARKING E MORGAN AVE)
7/28/2003	2003-13		AMEND PUD 2ND ADD COFFECREEK CENTER @ MORGANS CORNER (98-17,99-11, 99-16, 99-22, 2000-08, 2001-06, 2002-15)
6/23/2003	2003-12		AUTHORIZE BORROWING MONEY FROM SEWER UTILITIES -TAX ANTICIPATION LOAN
7/14/2003	2003-11		AMEND 2002-34 2003 SALARY ORDINANCE (GRANT ADMINISTRATOR)
6/23/2003	2003-10		ANNEXATION - DTM PROPERTIES LLC (.82 ACRES) (ABERCROMBIE)
6/9/2003	2003-09		AMEND ZONING MAP - R1 TO R2 (ANNEXATION ORD 2003-02)
5/27/2003	2003-08	SEC 13-3	AMEND CHAPTER 13 MOTOR VEHICLES & TRAFFIC (TOWING FEE)
4/17/2003	2003-07		AMEND 2002-34 2003 SALARY ORDINANCE (ENG UTILITIES (1-3), MS4 COORD, MVH SR EQUIP OPER, DRIVER (1-3))
2/24/2003	2003-06		VACATION OF UTILITY EASEMENT IN PIONEER POINTE SUBDIVISION
2/24/2003	2003-05	SEC 5-44, 5-81	AMEND CHAPTER 5 BUILDING (FEES AND CONTRACTOR REGISTRATION)
2/11/2003	2003-04		STOP SIGN ALL DIRECTIONS 14TH & JEFFERSON
2/11/2003	2003-03		AMEND ZONING MAP - ESTABLISH AS R1 (SIGLER PROPERTY)
2/11/2003	2003-02		ANNEXATION - DTM PROPERTIES LLC (ABERCROMBIE)
1/27/2003	2003-01		CORRECTING SCRIVENER'S ERROR ORDINANCE 2002-21 (ROSE HILL ESTATES PUD)

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
11/22/2004	2004-21	SECS. 25-83(A) & (B)	AMEND CHAPTER 25 UTILITIES
		25-85(A)(1 THRU 4) 25-86(C)	25-83(A) & (B) HAS EFFECTIVE DATES OF 01/01/05 AND 01/01/06
10/25/2004	2004-20		ESTABLISH 20MPH LAUREL CREEK DR
10/25/2004	2004-19	SEC. 5-3	AMEND CHAPTER 5 BUILDING
10/11/2004	2004-18		2005 SALARY ORDINANCE
9/13/2004	2004-16		ADDITIONAL APPROPRIATIONS
8/23/2004	2004-15		STOP SIGNS - ALL DIRECTIONS 11TH & 1050 N
8/23/2004	2004-14		VACATION OF EASEMENT - LOT 9 SANDCREEK SUBDIVISION (ROBERT WELSH)
8/9/2004	2004-13	SEC 10-10	AMEND CHAPTER 10 GARBAGE, RECYCLING, REFUSE, AND RUBBISH - RATES AND CHARGES
7/26/2004	2004-12		AMEND 2003-24 - 2004 SALARY ORDINANCE (GRANT ADM, ASST PLAN DIR, ENG, PLAN DIR)
7/12/2004	2004-11		AMEND 2003-24 - 2004 SALARY ORDINANCE (PD - CHF,DIV COM, SGT, CPL,1ST CLS,PRB, CC PARTTIME)
6/28/2004	2004-10	SEC 5-22(A)	AMEND CHAPTER 5 BUILDING
6/14/2004	2004-09		VACATION OF ROW - LINCOLN ST EAST OF CALUMET (325 S. CAL)
6/28/2004	2004-08		VACATION OF ROW - ALLEY BETWEEN JACKSON AND 16TH (STRIKER 1611 BRDWY)
6/28/2004	2004-07		PUD - TOUCH OF GREEN
4/26/2004	2004-06	SEC 16-29 THRU 16-37	AMEND CHAPTER 16 -OFFENSES MISCELLANEOUS PROVISIONS - ADD ALARM ORDINANCE
4/26/2004	2004-05		AMEND ZONING MAP - FNB, DAVIES-RENSBERGER, ET AL R2 TO B3 (CALUMET/100 E AT 1100N
4/12/2004	2004-04		AMEND 2003-24 -SALARY ORDINANCE (SD -STREET FOREMAN, FLEET MAINT MNGR)
3/8/2004	2004-03		AMEND 2003-24 - SALARY ORDINANCE (EDC,EDE,EDP,AST EDP,CFD VOL ENG)
1/26/2004	2004-02		AMEND 98-12 PUD 1ST ADD COFFEE CREEK CENTER (HILTON GARDEN SIGNS)
1/12/2004	2004-01	SEC 25-94 THRU 25-101, 25-34(B) & SEC 10-10	AMEND CHAPTER 25 UTILITIES AND CHAPTER 10 GARBAGE, RECYCLING, REFUSE AND RUBBISH

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/12/2005	2005-23		APPROPRIATIONS AND TAX RATES
12/12/2005	2005-22	SEC 10-10(C)	AMEND CHAPTER 10 GARBAGE, REFUSE
11/28/2005	2005-21		AMEND ZONING MAP - B2 - B1 FIFTH THIRD BANK, 220 BROADWAY
11/14/2005	2005-20		ADDITIONAL APPROPRIATIONS
11/14/2005	2005-19	APPENDIX A 502, 504,610, ART XII	AMEND ZONING AND SUBDIVISION ORDINANCE
9/19/2005	2005-18		APPROPRIATIONS AND TAX RATES
10/10/2005	2005-17		PARKS & RECREATION - SALE OF BONDS
9/12/2005	2005-16		AMEND 2004-18 - 2005 SALARY ORDINANCE
9/12/2005	2005-15		2006 SALARY ORDINANCE
8/22/2005	2005-14	SEC 5-44, 5-81	AMEND CHAPTER 5 BUILDING CODE
8/22/2005	2005-13		AMEND 2004-18 - 2005 SALARY ORDINANCE
8/22/2005	2005-12		STOP SIGNS - 14TH & INDIANA
8/22/2005	2005-11		STOP SIGN - TEXAS CONNECTION PHASE I & II PARKVIEW TERRACE SUBDIVISION
9/26/2005	2005-10		VACATION OF PUBLIC WAY - 426 S 17TH, 419 S JACKSON, 1750 BROADWAY
9/26/2005	2005-09		REJECTED - CHAPTER 13 PROHIBITED PARKING E MORGAN AVE
8/8/2005	2005-08		AMEND 2004-18 - 2005 SALARY ORDINANCE
8/8/2005	2005-07		INTERIM RATES STORM WATER MANAGEMENT
6/13/2005	2005-06		AMEND 2004-18 - 2005 SALARY ORDINANCE
5/23/2005	2005-05		AMEND 2004-18 - 2005 SALARY ORDINANCE
4/25/2005	2005-04	SEC 13-54(V)	AMEND CHAPTER 13 PROHIBITED PARKING 108 N CALUMET
4/11/2005	2005-03	SEC 5-22 (B)	AMEND CHAPTER 5 BUILDING CODE
3/28/2005	2005-02		TEMPORARY LOAN TO GENERAL FUND
2/14/2005	2005-01	SEC 25-83(A)(1), 83(A)(1)	AMEND CHAPTER 25 UTILITIES,EFF ON PASS, EFFECTIVE 01/01/2006
6/27/2005	2005-02RD	RDC	ADDITIONAL APPROPRIATIONS
1/24/2005	2005-01RD	RDC	ADDITIONAL APPROPRIATIONS

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
11/27/2006	2006-28	98-01,2001-24, 2002-05	AMEND COFFEE CREEK PUD - VILLAGE GREEN TOWNHOUSES AT COFFEE CREEK CENTER
11/13/2006	2006-27	2002-18, 98-12, 2000-18, 2000-25, 2001-19	AMEND FIRST ADDITION COFFEE CREEK CENTER
10/9/2006	2006-26		2007 SALARY ORDINANCE
9/25/2006	2006-25		APPROPRIATIONS AND TAX RATES
9/11/2006	2006-24	SEC 5-44	AMEND CHAPTER 5 BUILDING CODE
9/25/2006	2006-23	SEC 25-83(A), 25-83(B)	AMEND CHAPTER 25 UTILITIES
10/9/2006	2006-22	SEC 24-200 TO 24-204	ADD TO CHAPTER 24 STORM WATER MANAGEMENT
8/28/2006	2006-21	APPENDIX A 510	AMEND ZONING AND SUBDIVISION CONTROL ORD
8/14/2006	2006-20	APPENDIX BSEC 1-9	AMEND FINES ORDINANCE VIOLATION BUREAU
8/14/2006	2006-19	SEC 11-16, 11-17	AMEND CHAPTER 11 HEALTH AND SANITATION (WEED HEIGHT AND ENFORCEMENT)
7/10/2006	2006-18	SEC 16-2	AMEND CHAPTER 16 OFFENSES AND MISCELLANEOUS PROVISIONS - HANDGUN LICENSE FEES
6/26/2006	2006-17		AMEND 2005-15 - 2006 SALARY ORDINANCE
6/26/2006	2006-16	SEC 5-43(C)	AMEND CHAPTER 5 BUILDING CODE
6/30/2006	2006-15	SEC 24-1 TO 24-105	AMEND CHAPTER 24 STORM WATE MANAGEMENT
7/24/2006	2006-14		VACATION UTILITY EASEMENT -LOT 2 & 3 INDIAN BOUNDARY ESTATES
7/10/2006	2006-13	DID NOT PASS	REJECTED - VACATION OF PUBLIC WAY 117,123,131 18TH
6/12/2006	2006-12		ANNEXATION DUNELAND COMMUNITY CHURCH OF NAZARENE (1100 N & 50 W)
5/22/2006	2006-11	SEC 13-54(U)	AMEND CHAPTER 13 MOTOR VEHICLES AND TRAFFIC PROHIBITED PARKING ON E MORGAN AVE
5/8/2006	2006-10		VACATION OF PUBLIC WAY - 604, 518 S 21ST ST
5/8/2006	2006-09	DID NOT PASS	REJECTED - VACATION OF PUBLIC WAY 2401,2391 TEXAS
4/10/2006	2006-01RD	RDC	ADDITIONAL APPROPRIATIONS
4/10/2006	2006-08		AMEND 2005-15 - 2006 SALARY ORDINANCE

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
4/10/2006	2006-06	DID NOT PASS	REJECTED -COFFEE CREEK PLAZA PUD (GK DEVELOP)
4/10/2006	2006-05	APPENDIX A510, 704 (H)	AMEND ZONING AND SUBDIVISION CONTROL ORD
2/13/2006	2006-04	CHAPTER 24	ESTABLISHED CHAPTER 24
1/23/2006	2006-03		AMEND 2005-15 - 2006 SALARY ORDINANCE
1/9/2006	2006-02	APPENDIX C	AMEND PERSONNEL POLICY EMPLOYEE LEAVE DONATION POLICY
1/9/2006	2006-01	SEC 25-1 TO 25- 80	AMEND CHAPTER 25 UTILITIES

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
10/8/2007	2007-28		VACATION OF UTILITY, DRAINAGE, & DETENTION EASEMENT - ABERCROMBIE LOT 136, OUTLOT D
9/27/2007	2007-27		2008 APPROPRIATIONS AND TAX RATES
	2007-26		
10/8/2007	2007-25		2008 SALARY ORDINANCE
9/24/2007	2007-24		ESTABLISH IMPACT FEE - PARK & RECREATIONAL INFRASTRUCTURE - NEW DEVELOPMENTS
8/27/2007	2007-23	CHAPTER 13-20	BETWEEN BRDWY & INDIANA, FROM CALUMET TO 4TH EASTBOUND
8/27/2007	2007-22	2002-31, 2003-17	AMEND PUD - THE HIGHLANDS - ESTATES OF SANDCREEK PHASE VI
8/27/2007	2007-21		ESTABLISH PUD - ESTATES OF SANDCREEK PHASE VII
8/13/2007	2007-20	CHAPTER 13-54(V)	PROHIBITED PARKING - GATEWAY BLVD - SR 49 TO VILLAGE PT
7/23/2007	2007-19	ORD 2007-08	AMEND ORD 2007-08 SCRIVENERS ERRORS
8/13/2007	2007-18		VACATION OF PUBLIC WAY - JEFFERSON AVE BETWEEN 515 S 21ST & 601/603 S 21ST
7/23/2007	2007-17		ANNEXATION -I-80 PARTNERS, RICHARD & REGINA SPITALER, NIPSCO
7/9/2007	2007-16	ORD 2007-06	AMEND ORD 2007-06 - SCRIVENERS ERRORS
7/9/2007	2007-15		ANNEXATION - OLSON FARMS LLC - (65.909 ACRES)
6/25/2007	2007-14	CHAPTER 5-46 & 5-50	AMEND CHAPTER 5 - BUILDING CODE
5/29/2007	2007-13	CHAPTER 16-40 TO 16-42	AMEND CHAPTER 16 - FIREWORKS ORDINANCE
5/29/2007	2007-12	MS4 ENG, TOWN ENG	AMEND 2007 SALARY ORDINANCE
4/23/2007	2007-11	MS4 TECH, MECHANIC	AMEND 2007 SALARY ORDINANCE
4/23/2007	2007-10	CHAPTER 10-9	AMEND CHAPTER 10 SECTION 9, DUMPING OF GRASS CLIPPINGS
4/9/2007	2007-09		VACATION OF UTILITY EASEMENT - VENTURI LOT 1 & FLAGSTICK
5/29/2007	2007-08		ANNEXATION - LARRY & CHRISTINE WRIGHT (SPRINGDALE SUBDIVISION)
3/26/2007	2007-07		VACATION PORTION OF PUBLIC WAY - BETWEEN 703 S 22ND & 619 S 22ND
4/9/2007	2007-06		ANNEXATION - OLSON FARMS LLC & LEL COMPANY - (67.288 ACRES)

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
2/26/2007	2007-05	BLDG,PARK, STREET, POLICE,FIRE	AMEND 2007 SALARY ORDINANCE
3/12/2007	2007-04	CHAPTER 9	AMEND CHAPTER 9 - FLOOD HAZARD AREAS
2/12/2007	2007-03		ESTABLISH RAINY DAY FUND
1/4/2007	2007-02		TEMORARY LOAN WARRANT-GENERAL FUND
1/2/2007	2007-01		TAX ANTICIPATION LOAN - BORROW FROM CHESTERTON UTILITY SERVICE BOARD

CROSS REFERENCE TOWN CODE TO ORDINANCES

DATE	ORDINANCE NUMBER	TOWN CODE	BRIEF DESCRIPTION OF ORDINANCE
12/8/2008	2008-18		SALARY ORDINANCE 2009
12/8/2008	2008-17		AMEND TOWN CODE - REFUSE AND RECYCLING RATES 2009-2011
10/27/2008	2008-16		ANNEXATION - POPE/BAULOS PROPERTY
	2008-15		2009 BUDGET ORDINANCE
8/25/2008	2008-14	CHAPTER 8-9 THRU 8-16	AMEND TOWN CODE - FIRE DEPARTMENT FEES
8/11/2008	2008-13		VACATION PORTION OF PUBLIC WAY - BETWEEN 620 S. 21ST ST AND 702 S. 21ST ST.
12/8/2008	2008-12		AMEND TOWN CODE - SEWER RATES 2009-2010
6/23/2008	2008-11		TAX ANTICIPATION WARRANT LOAN
7/28/2008	2008-10		ORDINANCE ESTABLISHING PUD - COFFEE CREEK CROSSING
7/28/2009	2008-09	CHAPTER 2-66 AND 2-71	AMEND TOWN CODE - TOWN MANAGER
5/27/2008	2008-08		AMEND TOWN CODE - 20 MPH SPEED LIMIT HIGHLAND DR AND SAWGRASS DRIVE
4/28/2008	2008-07	CHAPTER 2-2(N)	AMEND TOWN CODE - PAYMENT OF FUEL BILLS
4/28/2008	2008-06	CHAPTER 24-1, 24-32(D) AND (E), 24-37(B), 24-38(A), 24-53(D), 24-58(B)	AMEND TOWN CODE - CHAPTER 24 STORM WATER VIOLATIONS
4/14/2008	2008-05	APPENDIX A - 1000-24, 1000-38(D), ARTICLE VII, CHECKLIST B	AMEND TOWN CODE - APPENDIX A UNIFIED COMPREHENSIVE ZONING & SUBDIVISION ORDINANCE - SECONDARY PLAT APPROVAL
3/24/2008	2008-04	2007-29 SPRINGDALE SUBDIVISION PUD	AMEND ORD 2007-29 SPRINGDALE SUBDIVISION PUD
2/11/2008	2008-03	APPENDIX C - EMPLOYEE LEAVE DONATION POLICY	AMEND TOWN CODE - APPENDIX C - TOWN PERSONNEL POLICY
1/14/2008	2008-02		ORDINANCE ESTABLISHING PUD - SAND CREEK FARMS
1/14/2008	2008-01	MS4 ENGINEER SALARY	AMEND ORD 2007-25 2008 SALARY ORDINANCE

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Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the “Chesterton Town Code,” and may be so cited.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the Town Council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Town Council may be fully carried out.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Computation of time. The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded and the next day shall be included.

Corporate limits, Town limits. The term “corporate limits” or “Town limits” shall mean the legal boundaries of the Town of Chesterton, except as otherwise provided by law.

Council, Town Council. The term “Council” or “Town Council” shall mean the Town Council of the Town of Chesterton.

County. The words “the county” or “this county” shall mean the County of Porter, in the State of Indiana.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other Town officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to

perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority. All words giving joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month. The word “month” shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing, and a word importing the plural shall include the singular.

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

Officers generally. Whenever any officer is referred to by title, such as “Clerk-Treasurer,” “Chief of Police,” etc., such reference shall be construed as if followed by the words “of the Town of Chesterton.”

Owner. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or any holder of a beneficial interest in the whole or in a part of such building or land.

Person. The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships, trustees, bodies politic and corporate or any other group acting as a unit as well as to individuals.

Personal property. Includes every species of property except real property, as herein described.

Preceding, following. The words “preceding” and “following” mean next before and next after, respectively.

Property. The word “property” shall include real and personal property.

Public place. The term “public place” shall mean any street or highway, sidewalk, park, schoolyard or open space adjacent thereto and any lake or stream.

Quorum. The word “quorum” shall mean a majority of the members of the Council, Board, Commission or Committee holding office, unless otherwise specifically provided in this Code.

Real Property shall include lands, tenement and hereditaments.

Reasonable time, reasonable notice. In all cases where any provision shall require any act to be done in a “reasonable time” or “reasonable notice” to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty or compliance with such notice.

Shall, may. The word “shall” is mandatory; the word “may” is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street dedication between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.

Signature or subscription includes a mark when the person cannot write.

State. The words “the state” or “this state” shall be construed to mean the State of Indiana.

Street. The word “street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, viaducts and all other public highways in the Town.

Tenant or occupant, The word “tenant” or “occupant,” applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The word “Town” shall mean the Town of Chesterton, Indiana.

Written or in writing. The term “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word “year” shall mean a calendar year.

Sec. 1-3. Catchlines of sections.

The catchlines or headings of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. Unauthorized alterations or tampering with Code.

It shall be unlawful for any person in the Town to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby.

Sec. 1-5. Recording, proof of publication of ordinances.

All ordinances passed by the Town Council shall be recorded by the Town Clerk-Treasurer in a book of ordinances. The original shall be filed in the Clerk-Treasurer's office, and due proof of publication of all ordinances requiring publication, by the affidavit of the printer or publisher, shall be procured by the Clerk-Treasurer and attached thereto, or written and attested thereto, or written and attested upon the face of such ordinances.

Sec. 1-6. Effective date of ordinance.

All ordinances passed by the Town Council, requiring publication, shall take effect from and after the due publication thereof, unless therein otherwise expressly provided.

Ordinances not requiring publication shall take effect from their passage and upon being signed and attested to, unless otherwise expressly provided.

Sec. 1-7. Effect of repeal of ordinances.

- A. When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.
- B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.
- C. Wherever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the part of the ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying the same, when such publication shall be required to give effect thereto. When publication is not required, the repealing or modifying ordinance shall take effect immediately upon passage.

Sec. 1-8. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such

unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-9. General penalty.

Wherever in this Code or in any ordinance of the Town, or rule or regulation promulgated by an officer or an agency thereof under the authority invested by law or ordinance, any act is prohibited, required, or is made or declared to be unlawful or an offense, or no specific penalty is provided therefore, the violation of any such provision of this Code, ordinance, rule or regulation shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) for a first violation, and by a fine not to exceed seven thousand five hundred dollars (\$7,500.00) for a second or subsequent violation. Every day any violation of this Code or any such ordinance, rule or regulation shall continue shall constitute a separate offense.

Sec. 1-10. Offenses punishable under separate provisions.

In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the Town, the prosecuting officer may elect under which to proceed, but not more than one (1) recovery shall be had against the same person for the same offense.

Sec. 1-11. Supplementation of Code.

- A. By contract or by Town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Town Council. A supplement to the Code shall include all substantive permanent and general parts or ordinances passed by the Town Council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- C. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate subdivisions;

2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing sections or other subdivision numbers;
4. Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this division,” etc., as the case may be, or to “sections, ___ to _____” (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-12. Ordinances saved from repeal generally.

Nothing contained in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- B. Any ordinance promising or guaranteeing the payment of money for the Town, or authorizing the issuance of any bonds of the Town or any evidence of the Town’s indebtedness, or any contract or obligation assumed by the Town;
- C. Any ordinance fixing salaries of officers or employees of the Town not inconsistent with such Code;
- D. Any appropriation ordinance;
- E. Any right or franchise granted by the Town Council to any person, firm, or corporation;
- F. Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, or in any way affecting any street or public way in the Town;
- G. Any ordinance providing for local improvements or assessing taxes therefore;
- H. Any ordinance establishing traffic regulations for specific streets or portions thereof;

- I. Any ordinance providing for the boundaries of the Town or of any ward or district therein;
- J. Any ordinance annexing property to the Town;
- K. Any ordinance levying taxes, not in conflict or inconsistent with the provisions of this Code;
- L. Any ordinance enacted on or after June 24, 2002;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-13. Ordinance Violations Bureau.

The Town Council establishes pursuant to IC 33-6-3 et seq. as the same may be amended from time to time an Ordinance Violations Bureau. The Clerk-Treasurer or her designee shall be appointed Violations Clerk of the Ordinance Violations Bureau to be the administrator of the Bureau. The schedule of ordinance and code provisions of the Town are subject to admission of violation before the Violations Clerk and the amount of civil penalty to be assessed a violator who elects to admit a violation under the provisions of this section is attached hereto and marked as Appendix “B”. All provisions of IC 33-6-3 Sections 1 through 5 as they exist now and may be amended in the future are adopted as part of this section as if the same were reprinted herein in its entirety.

Sec. 1-14. Utility Service Violations Bureau.

The Town Council establishes, pursuant to I.C. § 36-1-6-9, a Utility Service Violations Bureau for the purpose of enforcing violations in Section 25 of the Chesterton Town Code. The Utility Service Board established by Section 25-1 shall hear and determine charges that users of the Utility have violated Section 25 and shall, on a showing of a violation by proof by a preponderance of the evidence, impose a penalty in the form of a fine not to exceed the amount set forth in I.C. § 36-1-3-8 (10), as may be amended from time to time. After hearing evidence and allowing the user an opportunity to cross-examine the evidence presented, the Board shall issue a determination in writing no later than thirty (30) days after the hearing. The determination shall be final unless an appeal is made to the Porter Superior Court no later than thirty (30) days after the date the determination is rendered.

Sec. 1-15. Storm Water Utility Violations Bureau.

The Town Council establishes, pursuant to I.C. § 36-1-6-9, a Storm Water Utility Violations Bureau for the purpose of enforcing violations of Chapter 24 of the Chesterton Town Code. The Storm Water Management Board established by Section 24-1 shall hear and determine charges that users of the Storm Water Utility have violated Chapter 24 and shall, on a showing of a violation by proof by a preponderance of the evidence, impose a penalty in the form of a fine not to

exceed the amount set forth in I.C. § 36-1-3-8 (10), as may be amended from time to time. After hearing evidence and allowing the user an opportunity to cross-examine the evidence presented, the Board shall issue a determination in writing no later than thirty (30) days after the hearing. The determination shall be final unless an appeal is made to the Porter Superior Court no later than thirty (30) days after the date the determination is rendered.

Chapter 2

ADMINISTRATION

- Art. I In General, §§ 2-1 – 2-15**
- Art. II. Town Council, §§ 2-16 – 2-55**
Div. 1. Generally, §§ 2-16 – 2-30
Div. 2. Meetings, §§ 2-31 – 22-55
- Art. III. Officers and Employees, §§ 2-56 –2-104**
Div. 1. Generally, §§ 2-56 – 2-65
Div. 2. Town Manager, §§ 2-66 – 2-80
Div. 3. Town Attorney, §§ 2-81 – 2-95
Div. 4. Personnel Policy, § 2-96 – 2-99
Div. 5. Public Purchases, §§ 2-100 – 2-104

ARTICLE I. IN GENERAL

Sec. 2-1. Promotional fund.

- A. *Established.* A fund, the Chesterton Promotional Fund, is hereby established. The Town Council is hereby authorized to budget and appropriate funds from the general fund to pay the expenses incurred in promoting the betterment of the municipality.
- B. *Permissible expenditures.* Expenditures from this fund may include, but are not necessarily limited to the following:
1. Membership dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.
 2. Direct expenses for travel, meals, and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.
 3. Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel.
 4. Commemorative plaques, certificates, or objects such as commemorative keys.
 5. Other purposes which are deemed by the Town Council to directly relate to promotion of betterment of the Town.
- C. *Town Council's approval prerequisite to expenditures; claims for expenses.* No expenses shall be allowed from this fund without prior authorization and approval of the Town Council. Claims for expenses under this section shall be allowed as prescribed by law.

Sec. 2-2. Claim payments.

The Clerk-Treasurer of the Town is authorized to make claim payments in advance of council allowance for the following kinds of expenses:

- A. Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
- B. Licenses or permit fees;
- C. Insurances premiums;
- D. Utility payments or utility connection charges;
- E. Federal grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- F. Grants of state funds authorized by statute;
- G. Maintenance or service agreements;
- H. Leases or rental agreements;
- I. Principal and interest payable on bonds;
- J. Payroll;
- K. State, federal, or county taxes;
- L. Expenses that must be paid because of emergency circumstances; or
- M. Expenses described in an ordinance.
- N. Fuel bills

Each payment of expenses must be supported by a fully itemized claim.

The Town Council or Board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

Secs. 2- 3 – 2-15. Reserved.

ARTICLE II. TOWN COUNCIL

DIVISION 1. GENERALLY

Sec. 2-16. Election of President and Vice-President; terms.

At the first regular meeting of the calendar year, the Council shall elect one Council Member to serve as President of the Council and one Council Member to serve as Vice-President. Council members so elected shall hold such office until the election at the first meeting of the following calendar year.

Sec. 2-17. President's powers and duties.

The President shall also have the following powers and duties by virtue of his office:

- A. He shall sign the minutes after the Council has approved them.
- B. He has the right to order the Police to remove from the meeting such person or persons as are necessary to maintain order.

Sec. 2-18. Vice-President to act in absence of President; election of Chairman Pro Tem.

- A. In the absence of the President, the Vice-President shall assume the duties and powers of the President.
- B. In the absence of the President and Vice-President, the Clerk-Treasurer shall call the meeting to order and the Council Members shall immediately proceed to elect a Council Member to serve as Chairman Pro Tem.

Secs. 2-19– 2-30. Reserved.

DIVISION 2. MEETINGS

Sec. 2-31. Regular.

The Town Council shall meet in regular session (except in case of emergency or extraordinary circumstances) on the second and fourth Monday of each calendar month at 7:00 p.m. in the Town Hall or other room selected. Any regular meeting may be adjourned to a designated future day and hour. At such adjourned meeting any business may be transacted at the regular meeting of which the adjourned meeting is a continuation. At such adjourned meeting, the Town Council shall not be limited to the completion of particular items of business that had actually been entered upon and left unfinished at the regular meeting unless the order of adjournment of such meeting expressly limits the work of the adjourned meeting.

Sec. 2-32. Special.

Special meetings or executive sessions of the Town Council may be held by the Council at any time at the request of any Town Council Member upon proper notice. The call of a special meeting or executive session shall be by the Clerk-Treasurer who shall give notice to the Town Council following Indiana's Open Door Law. The minute records shall show the issuance of the call. Special meetings may be called at a regular or adjourned meeting. Where the call is made at such a meeting, no notice need be served on any Council Member present at such meeting.

Sec. 2-33. Quorum.

A majority of all the elected members of the Town Council shall constitute a quorum. Official action of the Town Council shall consist of a majority vote of the quorum present except where a state statute or rule of the Council provides differently.

Sec. 2-34. Robert's Rules to govern; exception.

Robert's Rules of Order shall govern the meetings of the Town Council where such are not inconsistent with this division.

Sec. 2-35. Call to order; reading of minutes.

The President of the Town Council shall take the chair at the hour fixed for the opening of the meeting and shall immediately call the same to order. Reading of the minutes shall be dispensed with unless a motion passed by a majority of those present calls for such reading.

Sec. 2-36. Preservation of order; appeal from decision of chair.

- A. The President shall preserve order and decorum. He may speak to points of order in preference to other members, and shall decide questions of order, subject to an appeal by any member. Upon the appeal, no member shall speak more than twice without leave of the chair.
- B. The question on an appeal shall be in the following form: Shall the decision of the chair stand as the decision of the Council.

Sec. 2-37. Voting on questions.

The President shall put questions that are in order, to a vote in the following form: "All those in favor of the motion please say 'aye'." After the affirmative vote is expressed, the President shall direct all those opposed to say 'No.'

Sec. 2-38. Matters affecting members collectively and individually in official capacity to take precedence.

Matters affecting the Town Council collectively and any Council Members individually in their official capacity shall have preference over all other questions except motions to adjourn.

Sec. 2-39. Order of business.

The order of business shall be as follows unless this rule is suspended by a two-thirds vote of the Council:

- A. Call to order and pledge to the flag;
- B. Roll call;
- C. Approval of the minutes of the preceding meeting;
- D. Consideration of claims;
- E. Petitions and comments from the floor;
- F. Reports from Town officers and departments;
- G. Public hearings, bid openings and remonstrances;
- H. Ordinances or resolutions;
- I. Communications;
- J. Old business;
- K. New business;
- L. Comments from the Council;
- M. Adjournment.

Sec. 2-40. Minutes to be kept.

The Clerk-Treasurer shall keep a written record of the minutes of all meetings of the council, including adjourned and special meetings.

Secs 2-41 – 2-55. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Secs. 2-56 – 2-65. Reserved.

DIVISION 2. TOWN MANAGER

Sec. 2-66. Authorized; compensation and terms of employment; limitation on term.

The Town Council may employ a Town Manager to be the administrative head and economic development coordinator of the town government and may fix his compensation and terms of employment. The Manager may be employed to serve.

- A. At the pleasure of the legislative body; or
- B. For a definite tenure not to exceed the longest remaining term in office of a member of the legislative body, in which case he may be dismissed only for cause.

Sec. 2-67. Qualifications.

The Town Council may not employ one of its members as the Manager.

Sec. 2-68. Bond.

The Manager must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of his duties.

Sec. 2-69. Acting Manager authorized.

The Town Council may appoint a qualified person to perform the duties of the Manager whenever he is absent or unable to perform his duties.

Sec. 2-70. Issuance of warrants or execution of notes or bonds prohibited.

The Town Council may not authorize the Manager to issue or execute bond, notes, or warrants of the Town.

Sec. 2-71. Powers and duties.

The Manager, under the direction of the Town Council, is responsible for the administrative duties of the Council. Unless a written order of the Town Council or further ordinance amending this section provides otherwise, the Manager:

- A. Shall be the lead/contact person for the Chesterton Town Council in regards to economic development initiatives and issues, planning functions, citizen issues, public

relations and any other duties designated by the Town Council. Additionally, the Town Manager shall seek out, obtain and administer grants for all departments of the Town of Chesterton;

- B. Shall attend the meetings of the Town Council, the Advisory Plan Commission, Redevelopment Commission and any other Board, Commission, or Committee meetings as directed by the Town Council and shall recommend actions he/she considers advisable;
- C. Shall supervise and coordinate the operations of Chesterton town departments. Personnel matters involving Department Heads are to be determined by the Town Council, with the advice of the Town Manager;
- D. To the extent it does not conflict with Indiana state law, the Town Manager shall hire, after receiving the recommendation of the applicable Department Head, town employees who are authorized to be hired by the Town Council according to pay schedule and standards fixed by the Town Council;
- E. To the extent it does not conflict with Indiana state law, the Town Manager shall suspend, discharge, remove, and transfer town employees after receiving the recommendation of the applicable Department Head, if necessary or desirable for the welfare of the Town. It is understood that the discipline of certain town employees is governed by state law, including, but not limited to, police officers and firefighters. The provisions of this subsection shall in no way interfere with the appropriate procedures set forth in state law for disciplinary matters in such cases;
- F. Shall administer and enforce all ordinances, orders, and resolutions of the Council;
- G. Shall see that all statutes that are required to be administered by the Town Council or a Town official subject to the control of the Town Council are faithfully administered;
- H. The Town Manager shall become qualified and assume the role of NIMS Coordinator for the Town of Chesterton;
- I. Shall see that Town budget estimates are prepared by all departments and shall submit them to the Town Council for review, consideration and ultimate adoption;
- J. Shall execute contracts on behalf of the Town Council for materials, supplies, services, or improvements, after completion of the appropriations, notice, and appropriate compliance with state bid statutes;
- K. Shall assist in the enforcement of the Town of Chesterton Comprehensive Plan, Town Code and any other applicable laws, rules and/or regulations; and
- L. May receive service of summons on behalf of the Town;

M. Shall update, modify and keep current the Chesterton town website.

Secs. 2-72 – 2-80. Reserved.

DIVISION 3. TOWN ATTORNEY

Sec. 2-81. Office created.

There is hereby created and established the position of Town Attorney.

Sec. 2-82. Qualifications.

The position of Town Attorney shall be filled and held by an attorney licensed to practice law in the state.

Sec. 2-83. Appointment; term.

The Town Attorney shall be appointed by the Town Council and shall serve at the pleasure of the Council.

Sec. 2-84. Compensation.

The Town Attorney shall receive compensation based upon a contract with the Town and the salary ordinance and shall receive additional compensation for the prosecution and defense of legal actions in an amount to be from time to time determined by the Town Council.

Sec. 2-85. Duties.

- A. The Town Attorney shall draw all contracts, ordinances and legal documents that may be required of him by the Town Council and other Town Boards and he shall prosecute or defend, as the case may require, all actions brought by or against the Town or any political subdivision or agency thereof.
- B. The Town Attorney shall be the legal advisor of all the Board Officers, officials or appointees of the Town in relation to their official acts.

Secs. 2-86 – 2-95. Reserved.

DIVISION 4. PERSONNEL POLICY

Sec. 2-96. Personnel Policy.

The Town Council adopts a Personnel Policy Handbook, Town of Chesterton Employees that is attached as Appendix “C” to the Code. The Personnel Policy Handbook may be amended at any time by the Town Council by a motion made, seconded, and approved by a majority of the entire Council.

Secs. 2-97 – 2-99. Reserved.

DIVISION 5. PUBLIC PURCHASES.

Sec. 2-100. Purchasing Agency.

The Town Council is the purchasing agency for the Town and the Utility Service Board is the purchasing agency for the Chesterton Utility with all of the powers and duties authorized under Indiana Code 5-22, entitled “Public Purchasing”.

Sec. 2-101. Purchasing Agent.

The Town Department Heads and the Utility Superintendent shall be the purchasing agent for the Town Council and Utility Service Board respectively with all the powers and duties authorized under I.C. 5-22, entitled “Public Purchasing”.

Sec. 2-102. Supplies Manufactured in the United States.

Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased, unless the Town Council for Town purposes or the Utility Service Board for Utility purposes, determines that any of the following apply:

- A. The supplies are not manufactured in the United States in reasonably available quantities;
- B. The prices of the supplies manufactured in the United States exceed by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- C. The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- D. The purchase of supplies manufactured in the United States is not in the public interest.

Sec. 2-103. Purchases Less than \$25,000.00.

The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000.00 on the open market without inviting or receiving quotes or bids so long as the purchase is in the Purchasing Agent’s budget or the Purchasing Agent receives the express authority from the Purchasing Agency.

Sec. 2-104. Purchase of Services.

The Purchasing Agencies of the Town may purchase services in whatever manner they determine to be reasonable.

Chapter 3

RESERVED

Chapter 4

ANIMALS AND FOWL

Sec. 4-1. Running at large prohibited.

It shall be unlawful, and the same is hereby declared a nuisance, for the owner, keeper, custodian or possessor of any dog, horse, or any four (4) legged animal or domestic fowl to permit such animal or fowl to roam or run at large in the Town.

Sec. 4-2. Leashes, muzzles, etc., required.

It shall be unlawful, and the same is hereby declared to be a nuisance, for the owner, keeper, custodian or possessor of any such animal or fowl to permit or take such animal or fowl upon any public highway, street, alley or ground unless such animal or fowl shall be securely and effectually controlled by means of a leash, muzzle, halter, bridle, collar or other device as the size and type of animal or fowl shall dictate.

Sec. 4-3. Keeping, harboring, etc., noisy animals or fowl prohibited.

It shall be unlawful, and the same is hereby declared to be a nuisance, for any person to keep, harbor or possess any animal or fowl, which by loud and frequent barking, howling, yelping or other animal noises disturbs the peace and quiet or which shall disturb or interrupt other persons in the full use and enjoyment of their property.

Sec. 4-4. Capture, destruction of animals at large authorized.

The Porter County Animal Control Officer or any Police Officer of the Town shall have the right to capture any animal or fowl found running at large or which is insecurely or ineffectually controlled upon any public street, highway, alley or ground. The destruction of any animal or fowl shall be in accordance with the rules and procedures established by the Porter County Animal Control Department and pursuant to any contract between the Town and the Porter County Animal Control.

Sec. 4-5. Confinement, observation of animals biting persons.

Any animal or fowl that bites or inflicts injury upon a human being shall be confined and observed for a period of time established by procedures of the Porter County Animal Control.

Sec. 4-6. Impoundment of animals and fowl captured running at large; notice to owners; registry of impounded animals

The Porter County Animal Control Officer or Police Department shall impound any such animal or fowl found running or roaming at large and shall immediately give notice of such impoundment to the owner if known and if such owner can be found. A record of animals captured

by the Police Department shall be maintained providing a description of such animal and location where animal was found or captured.

Sec. 4-7. Redemption of impounded animals and fowl.

While any animal or fowl is being held at the Police Department, pursuant to section 4-6 of this chapter, the owner thereof upon proof of ownership, immunization and animal license tag necessary under the laws of the State for keeping and possessing of such animal has been paid and are current, may redeem it. However, if such animal or fowl has been transferred to the custody of the Porter County Animal Control pursuant to any contract then the conditions of release of such animal or fowl shall be established by the rules established by that agency.

Secs. 4-8 – 4-9. Reserved

Sec. 4-10. Nuisance declared.

It shall be unlawful, and the same is hereby declared to be a nuisance, for the owner, keeper, custodian or possessor of any animal or fowl to allow the same to defecate or leave its waste on any public or private property other than the property of its owner. Any person as previously described who permits any animal or fowl to defecate or leave its waste upon an unauthorized place shall be required to immediately remove the excrement, or be subject to the penalties contained in Section 1-13 of this Code.

Sec. 4-11. Keeping of certain animals prohibited.

- A. It shall be unlawful for any person to keep, harbor, or maintain any other types of animals not specifically mentioned in this section other than the common types of pets such as parakeets, canaries, turtles, tropical fish, hamsters, gerbils, cats, and dogs.
- B. No person shall keep or permit to be kept any animal that is commonly known as a wild animal as a pet. For purposes of this section, a “wild animal” is one that is generally known to roam at large in regions of its origin, and would not be harbored by any person were it not for said animal’s capture.
- C. No person shall keep or permit to be kept any dangerous or vicious animal as a pet. For purposes of this section a “dangerous or vicious animal” shall mean any animal that constitutes a physical threat to human beings or other animals, or any animal that is known to have attacked or injured a person or other animal on a previous occasion, or any animal that has known vicious propensities attributed to its species.
- D. It shall be unlawful and the same is hereby declared to be a nuisance for any person to keep, harbor, or possess any farm animals in the Town on any premises which has open land of less than one-half (0.5) acre in lot area, whether or not the premises is also used as a residence, this section shall not apply to 4-H projects. For purposes of this section “farm animals” shall mean cattle, cows, horses, sheep, swine, lambs, goats, poultry, rabbits, and any other animals generally considered as indigenous to agriculture.

Sec. 4-12. Racing pigeons.

Notwithstanding the provisions of section 4-11 of the Code, racing pigeons shall be allowed to be kept in the Town in strict accordance with the following guidelines:

- A. A racing pigeon is a bird that is a member of the family Columbidae, which through selective past breeding has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as racing homer, homing pigeon, or carrier pigeon.
- B. There shall be no more than seventy-five (75) racing pigeons kept on any parcel of land one-half (1/2) acre or larger.
- C. There shall be no more than twenty (20) racing pigeons on any parcel of land less than one-half (1/2) acre in size.
- D. The racing pigeons are not allowed to be set outside their home structure during the day or night except for two (2) short exercise periods which shall not take place if the pigeons have been fed within four (4) hours prior to the exercise period.
- E. Racing pigeons shall be kept in a loft of sufficient size and design and constructed of such material that it can be maintained in a clean and sanitary condition, which at least one (1) square foot of floor space in any loft for each pigeon kept therein. Additionally, all pigeons shall be fed within the confines of the loft.
- F. Racing pigeons shall not be permitted to perch or set on property of others.
- G. All feed for said pigeons shall be stored in containers so as to protect against intrusion by rodents and other vermin.
- H. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the State of Indiana, Porter County and the Town.

Chapter 5

BUILDINGS AND BUILDING REGULATIONS

- Art. I Building Commissioner, 5-1 – 5-20**
- Art. II In General, 5-22 – 5-35**
- Art. III Building Code, 5-36 – 5-80**
- Art. IV Building Contractors, 5-81 – 5-100**
- Art. V Moving Buildings, 5-101 – 5-165**
 - Div. 1. Generally, 5-101 – 5-115
 - Div. 2. Permit, 5-116 – 5-165
- Art. VI Unsafe Buildings, 5-166 – 5-174**
- Art. VII Numbering of Buildings 5-175 – 5-177**

ARTICLE I. BUILDING COMMISSIONER

Sec. 5-1. Office created; appointment; term.

There is hereby created and continued in the Town, the office of Building Commissioner. The Chief Fire Inspector of the Fire Department shall assume all duties, rights, powers and responsibilities of the Building Commissioner set forth in the Code.

Sec. 5-2. Reserved.

Sec. 5-3. Duties; right-of-entry.

It shall be the duty of the Building Commissioner or his designee to approve all building permits in accordance with the provisions of this chapter and to have charge of and enforce all ordinances now in force and/or which may hereafter be established, together with all Town, State and Federal laws and regulations, pertaining to the erection, construction, alteration, repair or removal of buildings and other structures in the Town or pertaining to the use and occupancy of real estate in the Town and to perform such other duties as may be imposed upon him by the Town Council. He shall examine and inspect buildings in the course of erection, alteration, repair or removal throughout the Town as often as practicable and see that all ordinances, laws and regulations in relation thereto are complied with. Whenever violation of or failure to comply with any ordinance of the Town or any State or Federal law or regulation comes to the attention of the Building Commissioner or his designee he shall take all steps necessary to enforce the applicable provisions of the pertinent ordinances, laws and regulations. For the purpose of carrying out his duties the Building Commissioner or his designee shall have the right at all times to enter buildings and premises in the Town for the purpose of inspecting the same and ascertaining whether or not applicable ordinances, laws and regulations are being complied with.

Sec. 5-4 – 5-21. Reserved.

ARTICLE II. IN GENERAL

Sec. 5-22. Maintenance and clean up of sidewalks and streets during construction.

- A. At all times during construction, the person owning the property shall maintain the sidewalks and streets in front of and adjacent to the building site so as to prevent damage thereto by construction vehicles as well as to maintain the same free from accumulations of dirt and debris. To this end, silt retention structures must be erected and maintained at all building or construction sites until the Building Commissioner has determined that adequate ground cover has been established, even if occupancy permit has been given. For purposes of this section, a “silt retention structure” is defined as a structure that must prevent sediment from washing onto roadways or adjoining properties by restricting the storm water runoff from the site. All silt retention structures shall required approval of the Building Commissioner.

- B. The Building Commissioner is authorized and empowered to refuse to make periodic inspections and approvals, as well as to instruct the Plumbing Inspector and Electrical Inspector to refrain from making inspection approvals if the sidewalks and streets, as aforesaid, have not been maintained as herein set forth. In no event shall an occupancy permit be granted until any damage to sidewalks or streets contiguous to or adjacent to the building site has been repaired and cleaned. The Building Commissioner is also explicitly authorized and empowered to issue a stop work order in accordance with Sec. 5-49 for any violation of Sec. 5-22.A.

Sec. 5-23. Establishment of final grade prerequisite to issuance of occupancy permit.

The Building Commissioner shall not issue an occupancy permit for any structure the subject of a building permit until the final grade for such structure and building site has been completed and established in accordance with applicable ordinances of the Town.

Sec. 5-24. Cleanup of site and removal of waste prerequisite to issuance of occupancy permit.

The Building Commissioner shall not issue an occupancy permit for any structure the subject of a building permit until the building site on which such structure is located has been cleaned and waste and discarded construction material have been removed therefrom.

Sec. 5-25. Permit no defense.

In any action or prosecution brought in any court to enforce any of the provisions of this chapter or to convict any person for violation of any part of this chapter, the fact that a permit may have been issued shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Building Commissioner constitute a defense, but each and all of the terms and provisions of this chapter shall at all times be strictly enforced and complied with.

Secs. 5-26 – 5-35. Reserved.

ARTICLE III. BUILDING CODE

Sec. 5-36. Title.

This article, and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the Town of Chesterton, Indiana,” may be cited as such, and will be referred to herein as “this Code.”

Sec. 5-37. Purpose.

The purpose of this Code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

Sec. 5-38. Authority.

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever in this Code it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other Officer of the Town, this shall be construed to give such Officer only the discretion of determining whether this Code has been complied with; and no such provision shall be construed as giving any Officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by ordinances or to enforce this Code in an arbitrary or discriminatory manner. Any variations from adopted building rules are subject to approval under IC 22-13-2-7(b).

Sec. 5-39. Scope.

The provisions of this Code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the Town.

Sec. 5-40. Adoption of rules by reference.

The following building rules, codes and standards are hereby adopted by reference.

- A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this Code and shall include later amendments to those articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:
 - 1. *Article 13 – Building Codes*
 - a. Fire and Building Safety Standards (675 IAC 13-1)
 - b. Indiana Building Code, 1998 Edition (1997 UBC, Vol. 1, 2 & 3 CABO/ANSI A117.1 – 1972) (675 IAC 13-2.3)
 - c. Indiana Handicapped Accessibility Code (675 IAC 13-2.3-13)

2. *Article 14 – One and Two Family Dwelling Codes*
 - a. Indiana Residential Code 2001 Edition (675 IAC 14-4.2) (IRC 2000 Edition)
 - b. Standard for Permanent Installation of Manufactured Homes (675 IAC 14.2 – 200 Appendix E)
 3. *Article 15 – Industrialized Building Systems and Mobile Structure Systems*
 - a. Special Administrative Rules for Industrialized Building Systems and Mobile Structure Systems (675 IAC 15-1)
 - b. Indiana Mobile Structures Code (675 IAC 15-2)
 4. *Article 16 – Plumbing Codes*
 - a. Indiana Plumbing Code 1999 Edition (UPC 1997 Edition) (675 IAC 16-1.3)
 5. *Article 17 – Electrical Codes*
 - a. Indiana Electrical Code (NFPA 70-1999) (675 IAC 17-1.5)
 6. *Article 18 – Mechanical Codes*
 - a. Indiana Mechanical Code 1997 Edition (IMC, 1996 Edition) (675 IAC 18-1) (675 IAC 18-1.3)
 7. *Article 19 – Energy Conservation Codes*
 - a. Indiana Energy Conservation Code (CABO 1992 Edition) (675 IAC 19-3)
 8. *Article 20 – Swimming Pool Codes*
 - a. General Provisions and Definitions (675 IAC 20-1.1)
 - b. Public Swimming Pools (675 IAC 20-2)
 - c. Public Spas (675 IAC 20-3)
 - d. Residential Swimming Pools (675 IAC 20-4)
 9. *Article 22 – Flammable and Combustible Liquids and Gases*
 - a. Flammable and Combustible Liquids and Gases Code (675 IAC 22-1)
 - b. Indiana Fire Code 1998 Edition (675 IAC 22-2.2) (UFC 1997 Edition)
- B. Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner.

Sec. 5-41. Application for permits.

- A. Applications for building permits shall be filed with the Building Commissioner of the Town. The application shall include:
 1. Legal description of property included in the application;
 2. Site plan showing the structure, or improvement, and meeting with the requirements listed herein;
 3. Sanitary sewer permits as required by the Utility; and
 4. Dedication of right-of-way when and where it is required. Such dedications shall be acceptable to the Town Council or Utility Service Board, whichever is applicable.
 5. No building permit shall be issued for the foregoing purpose, unless the application for the permit is accompanied by a plat or sketch of the proposed location showing lot boundaries with plans and specifications showing the work to be done. In addition, the attached AFFIDAVIT ON PLAN AUTHENTICATION shall be provided.

6. The Building Commissioner or his designated representative may revoke a building permit or approval issued under the provisions of this chapter in the event there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based, including but not limited to, those set forth in sub-section (5) above.
 7. A copy of construction plans showing elevations, floor plans and all plumbing and electrical with dimensions for all.
 8. All street name and regulatory signs must be installed per Town Standards prior to any building permits being issued for development.
- B. The site plan submitted as part of the application for review shall include and conform to the following:
1. Be submitted in triplicate for all uses other than single- or two-family dwelling;
 2. Be drawn in scale sufficient to show the required details with clarity. The preferred scale shall be one (1) inch equals twenty (20) feet;
 3. Show all property lines and right-of-way dimensions;
 4. Show the location of all existing and all proposed improvements on the property, the front, side, and rear yard setback dimensions, and distances-between structures;
 5. Show existing and proposed easements, their purposes, and their widths;
 6. Show what provisions will be made to handle stormwater runoff. Single- or two-family homes may show direction of flow by arrows on site plan. Business, industrial, or multi-family dwellings not included above will show existing and proposed surface elevations, finished floor elevations, and the engineering calculations for surface water runoff;
 7. The site plan will show proposed connections to sanitary sewers, storm sewers, and water, and location, size and depth of same; business and industrial structures shall also show the type and location of the sediment-grease traps, the type and location of backflow devices for water and the location of fire protection devices such as hydrants;
 8. Business and industrial sites shall designate all uses to be conducted within said sites and the items to be stored within the boundaries of same;
 9. Show means and access to and from Town rights-of-way;
 10. In multi-family, business or industrial sites the number and location of parking spaces shall be shown, including all disability parking spaces;
 11. Site plans adjacent to or located in a flood plain area shall be prepared by a professional engineer, licensed in the State of Indiana. Forms are available from the Town Engineer for this;
 12. Business and industrial site plans shall show the proposed landscaping, fencing and/or walls, and location of all utilities; and
 13. Show the name, address and telephone number of the person responsible for the preparation of the site plan.

AFFIDAVIT ON PLAN AUTHENTICATION

_____, being first duly sworn upon his/her oath says:

As the person eligible and responsible for obtaining a permit or permits as required in Section 5-41(A)(5) of the Chesterton Town Code, and based upon information contained within these plans, I certify that these plans are identical to those released for construction by the Indiana Department of Fire and Building Services. I also understand that if it is determined that these plans are not identical, all permits obtained as a result of their submittal may be revoked as stated in Section 5-41(A)(6) of the Chesterton Town Code, and that I will be subject to penalties for perjury.

Affiant's Signature

Printed Name

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 20__

Notary Public

My Commission Expires:

Resident of _____ County

Sec. 5-42. Permit – Required.

A permit shall be obtained before beginning excavation, construction, alteration or repair of any building or structure, the cost of which exceeds one thousand dollars (\$1,000.00) and not involving any change of use or additional lot coverage. A permit is required for all plumbing and electrical construction, alteration or repair to any structure or building regardless of cost. All

permits shall be issued by the Building Commissioner using forms furnished by the Building Commissioner and all fees provided for herein shall be paid to the Clerk-Treasurer.

Sec. 5-43. Same – Compliance with other ordinances; minimum standards for municipal improvements.

- A. All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances.
- B. A Town’s minimum standards for municipal improvements, two (2) copies of which are on file in the office of the Clerk-Treasurer for public inspection, shall be used for the design, layout and construction of streets, curbs, sidewalks, storm sewers, water facilities, sewer lines and other public facilities as described therein. In addition, these standards shall apply to all construction in the Town, not simply those for subdivisions and planned unit developments.
- C. All requests for waivers of the Town’s minimum standards for municipal improvements shall be made on a Petition for Waiver of Minimum Standards, which petition form shall be made available by the Clerk-Treasurer. The completed petition shall be accompanied by a non-refundable filing fee of \$50.00 to cover the administrative expenses associated with processing and reviewing the petition. Upon receipt of a completed petition and payment of the filing fee, the request for waiver shall be forwarded to the Town Council. The Town Council shall make a preliminary determination whether to consider the waiver. If the Town Council determines to consider the waiver, it shall forward the request to the Department Heads for a recommendation and shall place the matter on the agenda for the next Town Council meeting. In considering a request for waiver, the Town Council may impose reasonable conditions on the property for which the waiver is sought. The decision to grant or deny or to conditionally grant a request for waiver of Town Standards is a matter within the sole discretion of the Town Council.

Sec. 5-44. Same – Fees – Duration of permits.

- A. Building permits required by section 5-42 shall be issued upon prior payment of application and inspection fees according to the following schedule:

<u>Building or Permit Type</u>	<u>Permit Fee</u>	<u>Minimum Permit Fee</u>
Single Family New Construction	\$.22 sq. ft	\$400.00
Multi-Family New Construction	\$.29 sq. ft.	\$750.00
Residential Addition	\$.22 sq. ft.	\$100.00
Residential Remodel	\$.15 sq. ft.	\$ 50.00
Residential Repair/Replace	\$.02 per dollar of job cost (not to exceed \$750.00)	\$ 50.00

Commercial New Construction	\$.27 sq. ft.	\$500.00
Commercial Addition	\$.27 sq. ft.	\$200.00
Commercial Remodel	\$.20 sq. ft.	\$100.00
Commercial Repair/Replace	\$.03 per dollar of job cost (not to exceed \$1,000.00)	\$100.00
Industrial New Construction	\$.28 sq. ft.	\$500.00
Industrial Addition	\$.28 sq. ft.	\$200.00
Industrial Repair/Replace	\$.03 per dollar of job cost (not to exceed \$1000.00)	\$150.00
Accessory Structures Residential	\$.16 sq. ft.	\$50.00
Accessory Structures Commercial	\$.20 sq. ft.	\$50.00
Mechanical Equipment Furnace, A/C, Boiler, Air Handler, Hood Exhaust	\$30.00 per unit	
Pools	\$50.00	
Fences	\$50.00	
Decks/porches	\$30.00	
Signs	\$.65 sq. ft.	\$35.00
Temporary Structures	\$50.00	
Driveway Residential	\$30.00	
Parking Lot Commercial/Industrial	\$50.00	
Parking Lot Seal Coating	\$25.00	
Cell Tower/Antenna Tower	\$350.00	
Demolition	\$100.00	

When calculating square footage, the total square footage shall include the living area, basement, and crawl space.

A non-refundable deposit shall be paid upon submission of a building permit application for all new construction in the following amounts:

New Residential	\$200.00
New Multi-Family	\$300.00
New Commercial	\$300.00
New Industrial	\$300.00

This non-refundable deposit shall be deducted from the total building permit cost as a credit at the time the building permit is issued.

Any builder, owner, or contractor requesting more than the thirteen (13) standard inspections, the same being stake, pre-pour foundation, backfill, underground electrical, electrical service, underground plumbing, rough plumbing, rough framing, rough

mechanical, insulation, and occupancy, shall pay a fee of forty dollars (\$40.00) for each of the additional inspections required.

A reinspection fee of fifty dollars (\$50.00) per reinspection must be paid before reinspection of any rejected residential construction and eighty-five dollars (\$85.00) for rejected commercial or industrial construction.

For any structure that has been declared a total loss, whether by fire, tornado, flood, or otherwise, a permit will be issued, and permit fees calculated, as if new construction.

For Residential Remodel, Residential and Commercial Accessory Structures, there will be a twenty-five dollar (\$25.00) inspection fee for each inspection.

- B. An occupancy permit fee of forty dollars (\$40.00) shall be assessed.
- C. Temporary occupancy permits may be issued provided a fee of twenty-five dollars (\$25.00) has been paid prior to issuance.
- D. There will be in addition to the fees set forth above, a thirty-five dollar (\$35.00) plumbing permit application fee, inspection fee of six dollars (\$6.00) per fixture in the structure with a minimum charge of fifty dollars (\$50.00) for all plumbing in structure.
- E. Before any electrical permit is issued for installation or alteration of the electrical wiring, devices, appliances, or equipment the persons making application for such permit shall pay to the Clerk-Treasurer the following fee:

1. One and Two Family Residential

Service Type	Application Fee	Inspection Fee
Temporary Electric	\$30.00	\$50.00
100 amp	\$30.00	\$50.00
200 amp	\$30.00	\$50.00
400 amp	\$50.00	\$85.00
All other service	\$30.00	\$50.00

Rejected one or two family residential electrical work shall be reinspected at a cost of fifty dollars (\$50.00) per inspection.

Miscellaneous residential electrical work (room additions and remodeling) shall be inspected at a cost of fifty dollars (\$50.00) per inspection.

Miscellaneous commercial electrical work shall be inspected at a cost of eighty-five dollars (\$85.00) per inspection.

2. Multi-family/Business/Industrial

Service Type	Application Fee	Inspection Fee
Temporary Electric	\$50.00	\$30.00
100 amp	\$30.00	\$95.00
200 amp	\$30.00	\$95.00
400 amp	\$50.00	\$175.00
3 phase	\$75.00	\$250.00
All other service	\$50.00	\$210.00

Rejected multi-family/business/industrial electrical work shall be reinspected at a cost of eighty-five (\$85.00) per hour with a minimum charge of eighty-five (\$85.00).

Any builder, owner, contractor requesting more than the four (4) standard inspections, underground, service, rough, and final, shall pay a fee of eighty-five (\$85.00) per hour for each inspection with a minimum charge of eighty-five (\$85.00) for each additional inspection requested.

3. Upgrades of existing service

Service Type	Application Fee	Inspection Fee
60-100 amp	\$20.00	\$40.00
60-200 amp	\$20.00	\$40.00
100-200 amp	\$20.00	\$40.00
200-400 amp	\$30.00	\$50.00
400-3 phase	\$50.00	\$125.00

- E. Every permit issued by the Town pursuant to this chapter shall expire and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit or has not been completed within one hundred eighty (180) days from the date of such permit except that new residential, business and industrial structures shall have eighteen (18) months to be completed from the date of such permit before the permit expires. Before any uncompleted work can be recommenced after the expiration of a permit, a new permit shall be first obtained and a new fee shall be paid in accordance with this chapter.

Sec. 5-45. Same – Review of application.

Prior to the issuance of any building permit, the Building Commissioner shall:

- A. Review all building permit application to determine full compliance with the provisions of this Code.

- B. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- C. Review building permit applications for major repairs within the floodplain area having special flood hazards to determine that the proposed repair;
 - 1. Uses construction materials and utility equipment that are resistant to flood damage, and
 - 2. Uses construction methods and practices that will minimize flood damage.
- D. Review building permit applications for new construction or substantial improvements within the floodplain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes);
 - 1. Is protected against flood damage,
 - 2. Is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and
 - 3. Uses construction methods and practices that will minimize flood damage.

Sec. 5-46. Inspections – By Building Commissioner; requirement of as-built site plan drawing prior to occupancy.

After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to ensure full compliance with the provisions of this Code and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this Code. Prior to the Prepour Foundation Walls inspection, a written document signed and sealed by a registered Indiana Land Surveyor must be submitted certifying the top of the footing elevation.

Sec. 5-47. Same – By Fire Chief.

The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Building Commissioner.

Sec. 5-48. Town’s right of entry.

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed upon him by this Code.

Sec. 5-49. Stop work order.

Whenever any work is being done contrary to the provisions of this Code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

Sec. 5-50. Certificate of occupancy.

- A. Prior to an Occupancy Permit being issued, the parkway area (area between the curb edge of the road pavement and the sidewalk) shall be sodded. If the lot does not have a parkway area, then no less than eight (8) feet of sod shall be placed between the curb edge of the road pavement and the building or structure.
- B. Prior to an Occupancy Permit being issued, an as-built site plan drawing must be submitted signed and sealed by a registered Indiana Land Surveyor, meeting all of the requirements of Section 5-41 of the Chesterton Town Code and identifying all of the improvements including, but not limited to, the following: building layouts, infrastructure, top of the footing elevation, top of the foundation walls elevation, finished garage floor elevation, final grading elevations for the parcel and extending at least twenty (20) feet into surrounding parcels, and drainage flow arrows.
- C. No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this Code shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Code. It shall be unlawful to occupy any such building or structure unless a full, partial or temporary certificate of occupancy has been issued by the Building Commissioner.

Sec. 5-51. Work standards.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

Sec. 5-52. Violations.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, convert, demolish, equip, use, occupy or maintain any building or structure, in the Town, or cause or permit the same to be done, contrary to or in violation of the provisions of this Code.

Sec. 5-53. Remedies.

The Building Commissioner may in the name of the Town bring actions in the Superior or Circuit Courts of Porter County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Code.

Sec. 5-54. Effective date.

This Code shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission, and publication as required by law.

Secs. 5-55 – 5- 80. Reserved.

ARTICLE IV. BUILDING CONTRACTORS

Sec. 5-81. Registration required.

Every building contractor who desires to engage in business as a building contractor in the Town shall apply in the office of the Clerk-Treasurer for a “contractor registration” and shall pay a registration fee of one hundred dollars (\$100.00), payable to the Town for a new registration. The registration shall be effective for a period of one (1) year from the date of issuance and all renewals of the registration, if done within thirty (30) days of the expiration date of the registration, shall be at the rate of fifty dollars (\$50.00) per renewal. If a renewal of registration is not completed within thirty (30) days after expiration, the registration fee will be one hundred dollars (\$100.00) for a new registration. All registrations in existence at the time of passage of this section shall be required to pay the fifty-dollar (\$50.00) registration renewal fee at the expiration of their present registration, provided that the registration is renewed within thirty (30) days from its expiration date. It shall be unlawful for any building contractor to engage in business as a building contractor in the Town without having procured the aforementioned registration. This section applies to, and registrations are only required for, any job that requires a building permit as the same may be required under the Code.

Sec. 5-82. Building contractor.

The term “building contractor” shall mean and include any person who, for a fixed sum price, fee percentage, or any compensation, shall build, construct, alter, repair, add to, subtract from, or erect any building or structure within the Town. The terms shall include, but not be limited to, all ancillary contractors, including carpentry, concrete, cement finishing, masonry, demolition, electrical, plumbing, escalator, excavating, fencing, garage, heating and air conditioning, insulators, painter, pavers, plastering and dry wall, roof and siding, sewers, well installers, steel, sheet metal, but shall not include any private person doing the above work on his own private home or accessory structure for same.

Sec. 5-83. Industrial.

Any person registering as a manufacturer or processor of portable goods or products or registering as the power, light or telephone utility serving the Town and desiring to do electrical work in their own establishments shall be issued and “industrial permit” as prescribed in form by the Council upon payment of permit fees as set forth in section 5-44 of this article.

Sec. 5-84. Bond required.

All building contractors in the Town shall file with the Clerk-Treasurer a recorded unified licensed bond in the sum of five thousand dollars (\$5,000.00) to ensure the compliance with the Code in performing his duties as a licensed contractor. All building contractors shall furnish to the Clerk-Treasurer certificates of insurance showing compliance with Indiana workers’ compensation and occupational disease laws, certificates of insurance illustrating minimum combined single limits of five hundred thousand dollars (\$500,000.00) per occurrence for bodily injury and property

damage. The unified licensed bond required and such insurance policies shall be maintained so long as the licensee continues to do business in the Town. Any violation of this section shall cause the Building Commissioner to issue a stop work order at each place the building contractor is engaging in business in the Town until this section is complied with.

Sec. 5-85. Reserved.

Sec. 5-86. Issuance; posting same: revocation of permits: appeals.

Every permit shall be in writing signed by the Clerk-Treasurer or her designee but the Clerk-Treasurer shall not sign or issue any permit without the written approval of the Building Commissioner. Every permit after issuance shall be posted in plain view at all times at the location of the construction or other work. The issuance of a permit in any case shall not be construed under any circumstances as a waiver of any of the requirements of any ordinances of the Town. All ordinances, laws and regulations applicable thereto shall at all times be strictly kept and complied with. If at any time the Building Commissioner or his designee shall discover that the applicant to whom such permit was issued has in any way violated his rights thereunder or any law or regulation the Building Commissioner, or his designee shall forthwith revoke such permit and after any such revocation it shall be unlawful for any person, firm or corporation to proceed directly or indirectly with any building work in the Town. Any interested party may appeal any revocation order made by the Building Commissioner to the Town Council at its next regular meeting.

Sec. 5-87. Reserved.

Sec. 5-88. Duties of holder.

It shall be the duty of a permit holder under this division to notify the Building Commissioner as to the progress of all electrical work. The permit holder shall not conceal any of the electrical work until an inspection is made. The contractor will make arrangements for electrical inspections twenty-four (24) hours in advance.

Sec. 5-89. No defense to violations.

In any action or prosecution brought in any court to enforce any of the provisions of this article or to convict any person for violation of any part of this article, the fact that a permit may have been issued shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Electrical Inspector constitute a defense, but each and all of the terms and provisions of this article shall at all times be strictly enforced and complied with.

Sec. 5-90. Enforcement.

The enforcement of Chapter 5, Article IV, shall be the responsibility of the Building Commissioner or his designee.

Secs. 5-91 – 5-100. Reserved.

ARTICLE V. MOVING BUILDINGS

DIVISION 1. GENERALLY

Sec. 5-101. Sidewalks and curbs to be protected.

It shall be unlawful for any person to move any building across or on a sidewalk or curb without securely planking or bridging the same in such manner that the sidewalk or curb shall not be injured. Such planking or bridging shall be done at the sole cost of the person doing such moving.

Sec. 5-102. Move to be made without reasonable delay; not be parked on street at night, exception.

- A. Any person moving any building or similar structure on any street, alley or public place in the Town shall proceed without unreasonable or unnecessary delay. No building shall be left standing on any street, alley, sidewalk, curb or public grounds within the Town overnight. If it becomes necessary for the person making such move to leave the building standing overnight, the mover shall make arrangements at his expense to park such building in a place other than on a street, alley, sidewalk or public ground unless the Town Council specifies otherwise in such permit.
- B. Any building or similar structure left standing on any street, alley or public ground without permission as provided in paragraph (a) of this section may be towed away at the owner's expense.

Secs. 5-103 – 5-115. Reserved.

DIVISION 2. PERMIT

Sec. 5-116. Required; bond.

It shall be unlawful for any person to move any building or similar structure on, along or upon any street, alley or public ground of the Town without first obtaining a written permit from the Town Council and providing an indemnifying bond as hereinafter provided.

Sec. 5-117. Application; fee.

Any person desiring to move any building or similar structure on any street, alley or public ground of the Town shall file a written application for a permit with the Council at least fifteen (15) days in advance of such moving. Such application shall identify the building (or structure) to be moved, designate the starting point and destination of such move and the proposed route, and provide the date and time such moved is desired. The application shall be accompanied by a filing fee of one hundred forty dollars (\$140.00).

Sec. 5-118. Prerequisite conditions to issuance.

- A. Before any application for a permit required by this division shall be granted, the applicant shall:
 - 1. File an indemnity bond in favor of the Town in such amount as the Council shall direct.
 - 2. Provide for adequate traffic direction and control at the cost of the applicant.
 - 3. File a copy of the applicant's liability insurance policy with the Council illustrating a minimum combine single limit for bodily injury and property damage of five hundred thousand dollars (\$500,000.00) per occurrence, with the Town named therein as an additional insured. Such indemnity bond shall be returned intact within sixty (60) days of the date of such moving unless the Town shall notify the applicant in writing that it has incurred damage as a result of such move, in which case such bond shall be retained by the Town until such damage is rectified.

- B. In granting such permit, the Council shall specify the route, date, and time of such move. The Council may make such changes in the route, date, and time of such move as specified in the application, as the Council deems necessary.

Secs. 5-119 – 5-165. Reserved.

ARTICLE VI. UNSAFE BUILDINGS

Sec. 5-166. Short title.

This article shall be known and may be cited as the “Chesterton Unsafe Building Law.”

Sec. 5-167. Definitions.

- A. The definitions of “substantial property interest” set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

- B. The description of an “unsafe building” and unsafe premises” contained in Indiana Code 36-7-9-4 is incorporated by reference herein as if copied in full and reads as follows:
 - 1. For purposes of this chapter, a building or structure, or any part of a building or structure, that is:
 - a. In an impaired structural condition that makes it unsafe to a person or property;
 - b. A fire hazard;
 - c. A hazard to the public health;
 - d. A public nuisance;
 - e. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
 - f. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;is an unsafe building.

 - 2. For purposes of this chapter:
 - a. An unsafe building; and
 - b. The tract of real property on which the unsafe building is located; are considered unsafe premises.

Sec. 5-168. State law adopted by reference.

Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Town Unsafe Building Law. All proceedings within the Town for the inspection, repair, and removal of unsafe building shall be governed by such law and the provisions of this article. If the provisions of this article conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, the provisions of the state statute shall control. Two (2) copies of IC 36-7-9-1 through 36-7-9-28 are on file for public review in the office of the Clerk-Treasurer.

Sec. 5-169. Declared public nuisances; abatement required.

All buildings or portions thereof within the Town that are determined after inspection by the Building Commissioner to be unsafe as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

Sec. 5-170. Enforcement.

The Building Commissioner, as chief administrative officer of the Building Department, is the enforcement authority and shall be authorized to administer and to proceed under the provisions of the unsafe building law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. The Town Council shall be the hearing authority under the provisions of the unsafe building law for all proceedings that may be held under IC 36-7-9.

Sec. 5-171. Officer's authority of enforcement.

Whenever in the building regulations of the State or the Town unsafe building law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other Officer of the Town, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

Sec. 5-172. Work standards.

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good, workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one and two-family dwellings, promulgated by the State Administrative Building Council, shall be considered standard and acceptable practice for all matters covered by this article or orders issued pursuant to this article by the Building Commissioner.

Sec. 5-173. Fund established.

An unsafe building fund is hereby established in the operating budget of the Town in accordance with the provisions of IC 36-7-9-14.

Sec. 5-174. Violations; penalties.

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the article or IC 36-7-9-28. Any violation of this article shall be subject to the general penalty provision found in Section 1-9 of the Code.

ARTICLE VII. NUMBERING OF BUILDINGS

Sec. 5-175. Multi-Family Dwelling Structures

- A. It shall be the duty of the owner(s) or manager(s) of every multi-family dwelling structure in the Town to identify by letters or numbers, the number of such multi-family dwelling. The letters or numbers shall not be less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numbers.
- B. In the event that more than one (1) such multi-family dwelling structure is located on a single zoning lot or within a development bearing a common name, each separate multi-family dwelling structure shall have a separate and distinct number or letter. The letters or numbers shall not be less than three (3) inches high and not more than five (5) inches high, and place on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

Sec. 5-176. One and Two Family Dwellings

- A. It shall be the duty of the owner(s) or occupant(s) of each one and two family dwelling hereafter erected in the Town to have placed on such structure, at the time of occupancy thereof, letters or numbers not less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible for the street. The numbers shall not be spelled out or placed in Roman numerals.
- B. It shall be the duty of the owner(s) or occupant(s) of each one and two family dwelling existing as of August 11, 1975, in the Town to have placed on such structure letters or numbers not less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

Sec. 5-177. Public accommodations.

It shall be the duty of the owner(s) or occupant(s) of each structure of public accommodation in the Town to have placed on such structure, letters or numbers not less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

Chapter 6

ELECTIONS

Sec. 6-1. Division of Town into districts for election purposes.

- A. *District Boundaries.* In accordance with IC 36-5-2, the districts for the purpose of conducting elections of the Town Officers in the Town of Chesterton, Porter County, Indiana shall be as follows:
1. *District 1:* Commencing at the intersection of Third Street and Broadway Avenue; thence easterly along the center line of Broadway Avenue to the center line of Calumet Road; thence northerly along the center line of Calumet Road to the center line of Conrail Railroad right-of-way; thence easterly along the center line of the Conrail Railroad right-of-way to the center line of State Road 49 right-of-way; thence southerly along the center line of State Road 49 right-of-way to the center line of Porter Avenue; thence easterly along the center line of Porter Avenue to the west right-of-way line of County Road 250 East, also known as Friday Road; thence south along the west right-of-way line of County Road 250 East to the south right-of-way line of Porter Avenue; thence west along the south right-of-way line of Porter Avenue to a point, located 827 feet east of the west line of the northwest quarter, section 5; thence south $0^{\circ} 37' 55''$ east 1328 feet to the south line of the northwest quarter, section 5; thence $88^{\circ} 46' 20''$ west 827 feet along said line to the southwest corner of said northwest quarter, section 5; thence south $1^{\circ} 10' 09''$ east 1173 feet along the east line of section 6 to a point; thence north $88^{\circ} 46' 20''$ west 1,070 feet more or less to a point; thence south to the center line of County Road 1100 north; thence west along the center line of County Road 1100 north to the center line of County Road 150 east also known as Dickinson Road; thence north $1^{\circ} 09' 07''$ west along the center line of Dickinson Road 2,114 feet to a point; thence north $89^{\circ} 59' 02''$ west 1326 feet to a point; thence north $0^{\circ} 47' 29''$ west along the west line of the east half of the east half section 6 to the south right-of-way line of Porter Avenue; thence westerly along the south right-of-way line of Porter Avenue to a point 505 west of the center line of County Road 150 east, also known as Dickinson Road; thence south $0^{\circ} 20' 24''$ east 400 feet to a point; thence $89^{\circ} 36' 36''$ west to the east right-of-way line of State Road 49; thence south along the east right-of-way line of State Road 49 to a point 1886 feet north of the south line of section 6; thence east 211 feet along a line parallel with the south line of said section 6 to a point; thence south along a line 1262 feet west of and parallel with the east line of the southwest quarter of section 6 to a point 764 feet north of the south line of section 6; thence east to the center line of Coffee Creek; thence southeasterly along the center line of Coffee Creek to a point 250 feet north of the south line of section 6; thence south 250 feet to the south line of said section 6 also the center line of County Road 1100 north; thence east along the center line of County Road 1100 north to the center line of Dickinson Road; thence south along the center line of Dickinson Road extended to the north right-of-way line of the Norfolk and Western

Railroad; thence east along said north right-of-way line to a point 960 feet east of the north-south center line of section 7; thence south along a line parallel to and 960 feet east of said north-south center line of said section 7 to the center line of County Road 1050 north; thence east along the center line of County Road 1050 north to the center line of County Road 200 east to the northwest corner of section 17; thence south to the south line of the northwest corner of section 17; thence east to the north-south center line of the southwest quarter of section 17; thence south along the north-south center line of the southwest quarter of said section 17 to the north right-of-way line of the Indiana Toll Road; thence westerly along the north right-of-way line of the Indiana Toll Road to the west line of section 18; thence north along said west line to the northeast corner of section 18; thence northerly and westerly along the previously annexed boundary and the westerly boundary of the right-of-way line of State Road 49 to the south right-of-way line of County Road 1100 north; thence west along the south right-of-way line of County Road 1100 north to the center line of Fifth Street; thence north along the center line of Fifth Street to the center line of Park Avenue; thence east along the center line of Park Avenue to Third Street extended; thence north along the center line of Third Street to the point of beginning.

2. *District 2:* Commencing at the intersection of Porter Avenue and Third Street; thence south along Third Street and Third Street extended to the center line of Park Avenue; thence west along the center line of Park Avenue to the center line of Fifth Street; thence south along the center line of Fifth Street to a point 1,343 feet south of the north line of section 6; thence north $89^{\circ} 35' 21''$ west 1,308 to a point; thence north $00^{\circ} 14' 35''$ east to the center line of County Road 1100 north; thence west along the center line of County Road 1100 north to the center line of Eleventh Street; thence north along the center line of Eleventh Street to the center line of Porter Avenue; thence east to the point of beginning.
3. *District 3:* Commencing at the intersection of Third Street and Broadway; thence southerly along the center line of Third Street to the center line of Porter Avenue; thence west along the center line of Porter Avenue to the center line of Eleventh Street; thence south along the center line of Eleventh Street to the center line of Washington Avenue extended; thence west along the center line of Washington Avenue extended and Washington Avenue to the center line of Jackson Boulevard; thence north along the center line of Jackson Boulevard to the center line of Porter Avenue; thence east along the center line of Porter Avenue to the center line of Seventeenth Street; thence north along the center line of Seventeenth Street to the center line of Morgan Avenue; thence east along the center line of Morgan Avenue to the center line of Fifteenth Street; thence north along the center line of Fifteenth Street to the center line of Broadway; thence east on Broadway to the point of beginning.
4. *District 4:* Commencing at the south line of the Michigan Central Railroad right-of-way and the center line of Fifteenth Street; thence southerly along the center line of Fifteenth Street to the center line of West Morgan Avenue; thence west along the

center line of West Morgan to the center line of Seventeenth Street; thence south along the center line of Seventeenth Street to the center line of Porter Avenue; thence west along the center line of Porter Avenue to the center line of Jackson Boulevard; thence south along the center line of Jackson Boulevard to the center line of Washington Avenue; thence east along the center line of the Eleventh Street also known as Meridian Road, to the north right-of-way of the Norfolk & Western Railroad; thence west along the center line of the Norfolk & Western Railroad to the southwest corner of the northeast quarter of the northeast quarter of section 11; thence north to the center line of County Road 1100 north; thence following the corporate limits of the Town of Chesterton to the west and to the east to the point of beginning.

5. *District 5*: All areas remaining within the corporate limits of the Town of Chesterton lying north of the northern boundaries of Districts 1, 3 and 4 as depicted on the official district map of the Town of Chesterton on file in the office of the Clerk-Treasurer of the Town of Chesterton.

B. *Election of Town Council generally*. The Town Council of the Town shall consist of one (1) member for each district herein reestablished. The members of the Town Council are to be elected-at-large by the voters of the whole Town.

C. Reestablishment of districts. The division of the Town into districts for election purposes shall be made again in the year 2002 and every ten (10) years after that and whenever required to assign annexed territory to a municipal legislative body district, or in any other year deemed appropriate by the Town Council.

Sec. 6-2. Same - Preparation of ballots.

The Clerk-Treasurer shall cause the voters' registration board and the Election Board of the county to cause appropriate ballots for voting machines to be established for the election of the five (5) Council Members as provided in section 6-1 of this chapter.

Chapter 7

EXCAVATIONS

Art. I. Generally §§ 7-1 – 7-30

Art. II. Street, Sidewalks and Public Places §§ 7-31 – 7-38

ARTICLE I. GENERALLY

Sec. 7-1. Permit - Required.

It shall be unlawful for any person to excavate or remove any sand, soil or earth from the surface of any land within the corporate limits of the Town for the purpose of gift, sale, offsite fill or other construction usage unless such person shall first have procured from the Town Council, or their designee, a permit for such purpose.

Sec. 7-2. Same - Application.

Any person desiring to remove any sand, soil or earth within the corporate limits of the Town shall make application to the Town Council, or their designees, such application to include a drawing showing the location and elevation to which the proposed excavation will be made in relationship to the elevation of adjoining streets, highways, if any, and/or adjoining improved streets and highways within any reasonable distance, then the Town Engineer shall determine the elevation below which no excavation shall be made.

Sec. 7-3. Same – Fee.

Upon the approval of the application for a permit, the applicant shall pay the sum of fifty dollars (\$50.00) per permit for each parcel of land to be excavated to the Clerk-Treasurer.

Sec. 7-4. Same – Indemnity bond.

Upon arrival of the application for a permit required by this chapter the applicant shall give bond with surety to be approved by the Town Council, the form thereof to be approved by the Town Attorney, to be conditioned that the person removing sand, soil or earth shall conform with the ordinances, specifications, rules, regulations, and conditions prescribed by the Town Council, or their designee, and shall protect and save harmless the Town from any and all liability, damages and expenses which such Town may sustain by reason of granting of such permit.

Sec. 7-5. Same – Restrictions on issuance.

No permit shall be issued for the removal of any such soil, sand or earth, which shall be unduly detrimental to the adjoining or surrounding properties or shall be unduly detrimental to the safety, health or general welfare of the public.

Sec. 7-6. Same - Issuance.

Upon compliance with sections 7-1 through 7-5 of this chapter and the obtaining of all approvals provided therein, the permit required by section 7-1 of this chapter shall be issued, and the licensee named in said license may, thereafter, conduct removal operations as per the terms of said license and all applicable ordinances, rules, regulations and conditions prescribed as a condition precedent to issuance thereof.

Sec. 7-7. Restoration of surface.

Upon completion of the operation for which a permit required by the chapter is granted or when the permit therefore has expired, by the passage of time or otherwise, permittee shall, within the time fixed by the Town Council or its designee, cause such land to be restored to existing grade or grade fixed by the Town Engineer in absence of existing grade. Such excavation shall be filled with dirt or such other material as shall be approved by the Council.

Sec. 7-8. Performance bond.

Where the application for permit indicates that removal of material will be below existing grade level, or below grade fixed by the Town Engineer in the absence of existing grades, or below water table leaving an excavation, then, and in that event, the applicant shall in addition to the indemnity bond required in section 7-4 of this chapter, furnish a performance bond conditioned upon restoring the land to its former grade or to a grade approved by the Town Engineer, and such amount to be fixed by the Council, which shall not be less than the estimated cost of refilling the excavation and bringing the land back to the original grade based upon the maximum amount of sand or other material anticipated to be removed as set forth in the application for permit. Such performance bond shall further provide that as a condition thereof the permittee shall conform to the ordinances of the Town and any and all regulations and conditions prescribed by the Town Council, or its designee.

Sec. 7-9. Precautions to be taken to prevent scattering of dirt, etc.

All persons shall make reasonable provisions to prevent sand, dirt or other loose earth from blowing or spilling over and upon the premises of others or upon any public way during any excavation operation or while any sand, dirt or loose earth is being transported from the site.

Sec. 7-10. Exemption from chapter.

The provisions of this chapter other than section 7-11 shall not apply to work necessary for the erection or alteration of a building or structure pursuant to a valid building permit issued by the Building Commissioner, provided that such person shall diligently and without unnecessary or unreasonable delay prosecute such improvement work to completion.

Sec. 7-11. Notification to owners and protection of adjacent property.

Whenever there shall be any excavation hereafter started upon any lot or piece of land and there shall be a building or buildings on an adjoining lot standing upon or near the boundary of such lot the person making such excavations shall notify the owner or agent of such building thereof in writing at least ten (10) days before commencing such excavation except in cases where the Building Commissioner declares an emergency to exist, then such Building Commissioner shall have the right to name the length of time of notice to adjoining property owners or agents. Any person who shall excavate to a greater depth than ten (10) feet below sidewalk grade in front of same shall at his own cost and charge save and protect the owners of adjoining property and adjoining sidewalk from injury or damage resulting from such excavations. In case the excavation is ten (10) feet or less below the sidewalk in front of same, the owner or owners of adjoining property shall protect, underpin or make perfectly stable his or their property, at their own cost and expense. Permission to enter adjoining property in order that work may be done must be granted by adjoining property owners provided they shall be indemnified for any injury done to said property.

Secs. 7-12 – 7-30. Reserved.

ARTICLE II. STREETS, SIDEWALKS AND PUBLIC PLACES

Sec. 7-31. Permit – Required.

It shall be unlawful for any person to excavate in any of the streets, alleys or public grounds of the Town without first obtaining a permit as provided in this article.

Sec. 7-32. Same – Application; determination of cost of restoration.

Any person desiring to make any opening in any of the streets, alleys, or public grounds of the Town's, or to excavate therein, shall file an application in triplicate, provided by the Town, with the Clerk-Treasurer. Such application shall include plans and specifications and shall be filed fifteen (15) days in advance of the proposed date of excavation so that the Town Engineer may review the plans and inspect the proposed site. The Town Engineer shall determine the cost that would be required to fill and/or repave the excavation if such should become necessary.

Sec. 7-33. Same – Bond, insurance requirements.

- A. No permit required by this article shall be issued until the applicant desiring to make an opening and/or excavate has filed a bond, approved by the Council or its authorized agent, equal to one hundred twenty-five (125) percent of the Town Engineer's estimated cost of required filling and/or repaving or this bond requirement is specifically waived, in writing, by the Council or its authorized agent for one (1) or more of the following reasons:
 - 1. Town Engineer's estimate of costs associated with the filling and/or repaving the excavation is less than one thousand dollars (\$1,000.00).

2. The costs associated with the necessary filling and/or repaving is included in a bond that may be required by other ordinances of the Town such as those involving the construction of sanitary sewers, storm sewers, water mains, streets, curb and gutters, and sidewalks, etc.

Such bond, if required, shall be used to complete the work should the permit holder fail to do so and to pay for any damages occasioned by his failure to perform.

- B. In addition to the bond requirements, proof of liability insurance to save the Town harmless for any injury or damage to persons or property resulting directly or indirectly from the work, must be provided with the permit application.
- C. Bond and liability insurance requirements shall remain in full force and effect for a period of one (1) year after such work is completed.

Sec. 7-34. Same – Notification of Street Commissioner and Engineer; issuance.

Upon the filing of the application for a permit, as provided in this article, the Clerk-Treasurer shall notify the Street Commissioner and Town Engineer of such fact, and if such application is satisfactory and such bond and liability insurance is sufficient as to form and surety, the Street Commissioner and Town Engineer shall approve the application and the Clerk-Treasurer shall issue to such applicant a permit to do the work set forth in the application.

Sec. 7-35. Same – Fee.

At the time of filing an application for a permit, as provided for in the article, the applicant shall pay to the Clerk-Treasurer an application fee in the amount of fifty dollars (\$50.00) for a street cut permit and thirty-five dollars (\$35.00) for any necessary sidewalk cuts that may be made, as set forth in the form provided by the Town, which fees shall become a part of the street fund of the Town.

Sec. 7-36. Time limit on openings; extension of time; approval of Street Commissioner or Engineer prerequisite to resurfacing.

No opening in any street, alley or public grounds of the Town shall remain open for a period of greater than ten (10) consecutive days. The Street Commissioner may grant an extension of time if for good and sufficient reasons. The applicant shall resurface no area until he has obtained approval of the Street Commissioner or the Town Engineer.

Sec. 7-37. Barriers and lights.

Any person who makes any excavation or trench within any street, alley or sidewalk, shall erect and maintain, at the place of such excavation, trench, obstruction or hindrance, sufficient guards and barriers to protect all persons using the street, alley or sidewalk. All guards and barriers

shall conform to standards found in the most current edition of the Manual on Uniform Traffic Control Devices.

Sec. 7-38. Removal of guards.

It shall be unlawful for any person to take down or remove any barrier, signal or light placed by any builder, contractor or any other person, at or near any trench or excavation, for the purpose of giving notice or warning of such obstruction.

Chapter 8

FIRE PREVENTION AND PROTECTION

- Art. I. Obstruction of Fire Prevention Equipment, § 8-1
- Art. II. Smoke Detectors, §§ 8-2 – 8-7
- Art. III. Fire Lanes, § 8-8
- Art. IV. Hazardous Materials Spills §§ 8-9 – 8-16

ARTICLE I. OBSTRUCTION OF FIRE PREVENTION EQUIPMENT

Sec. 8-1. Obstruction of Fire Prevention equipment.

No person shall place or keep any post, fence, growth, trash, storage, snow or other material or thing near any fire hydrant or Fire Department connection of fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to said equipment or hydrant. A minimum five (5) foot clear space shall be maintained around the circumference of all fire hydrants except as otherwise required or approved by the Fire Chief. The provisions of this article shall also apply to fire hydrants, Fire Department connections or fire protection system control valves that are located on private property.

ARTICLE II. SMOKE DETECTORS.

Sec. 8-2. Definitions.

As used in this article:

Corridor shall be defined as a hallway or other area on each floor providing access to individual dwelling areas within a multiple dwelling unit or rental unit.

Mobile home rental shall be defined as any mobile home or trailer occupied by or offered for occupancy to an individual or individuals as a residence on a rental basis.

Multiple family dwelling unit shall be defined as any building that contains living quarters for two (2) or more occupancies, and shall include hotels, motels, boarding houses, sleeping room houses, buildings of mixed occupancy, having any residential units, nursing homes, convalescent homes, licensed half-way houses, or lodging houses.

Sleeping area shall be defined as the area of a unit in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke detector shall be defined as a device which detects particles or products or combustion other than heat, approved by Underwriters' Laboratories, Inc., or Factory Mutual, equipped with a test button, and may be either battery powered, minimum nine (9) volt, or one hundred ten (110) volt A.C. and which conforms to the Uniform Building Code Standard No. 43-6 as amended from time to time.

Sec. 8-3. Installation.

- A. Detectors shall be installed in the following properties:
 - 1. All new single and multiple family dwellings.
 - 2. All existing two (2) family or multiple family dwellings.
 - 3. All rental dwellings either single or multiple.
 - 4. All new and existing trailer homes.
 - 5. All new and existing apartment homes.
 - 6. All new and existing hotels, motels and rooming houses.
 - 7. All new and existing dwellings above business property.
- B. When activated, all smoke detectors shall provide an audible alarm of at least eighty-five (85) decibels at ten (10) feet, and such alarm shall be capable of persisting for at least four (4) minutes.
- C. If a smoke detector is alternating current powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of alternating current powered detectors shall conform to all electrical standards adopted by the Town. A smoke detector rewired under this article shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any Town electrical standard, the Town electrical standard shall take precedence.

Sec. 8-4. Maintenance.

It shall be unlawful for any person to tamper with or remove any smoke detector except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement must be reinstalled or replaced so that it is in place during normal sleeping hours. At every change of tenant in every multiple family dwelling unit or mobile home rental, smoke detectors shall be tested to see that they are in operable condition.

Sec. 8-5. Responsibility.

Every owner, manager or agent of any multiple family dwelling unit or mobile home rental shall be responsible for the installation and maintenance of all smoke detectors. This requirement applies to smoke detectors required by any State or Federal law as well as by this article, unless otherwise required by State or Federal law.

Sec. 8-6. Certificates of compliance.

Between January 1st and January 31st each year the owner of each dwelling unit and mobile home in which a smoke detector has been installed shall certify in writing on forms prescribed by the Town to the Fire Inspection Division of the Fire Department that the required maintenance has been performed on all detectors in the owner's units and that the detectors are in good working condition in the owner's units and that the detectors are in good working condition as of the date of certification. Each owner shall certify to each new occupant of any dwelling unit and mobile home covered by this article that all smoke detectors required have been installed and are in proper working condition.

Sec. 8-7. Enforcement.

The Building Department and the Fire Department of the Town shall be charged with the duty of enforcing the terms of this article.

ARTICLE III. FIRE LANE

Sec. 8-8. Fire Lane.

Fire lanes may be established adjacent to businesses within the Town and in accordance with standards established by the Fire Chief. Fire lanes will have signage clearly indicating that parking is prohibited for any vehicle except for fire vehicles. Violators may be cited in accordance to I.C. 9-21-16-5.5.

ARTICLE IV. HAZARDOUS MATERIALS SPILLS

Sec. 8-9. Authorization

The Fire Department is authorized and directed to impose the charges set forth in this chapter on the owner of a vehicle or responsible party (as defined in I.C. 13-11-2-19) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in I.C. 13-11-2-96(b)) on a public highway, including a highway that is a part of the interstate system, that is responded to by the Fire Department and that members of the Fire Department assisted in extinguishing, containing or cleaning up.

Sec. 8-10. Fees

The charges to be imposed pursuant to this chapter are as follows:

- A. For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, two hundred fifty dollars (\$250.00) per response vehicle, except a command/control vehicle which is one hundred dollars (\$100.00) per vehicle.
- B. For each hour or fraction thereof as on-scene assistance, one hundred fifty dollars (\$150.00) per response unit and fifty dollars (\$50.00) per command/control vehicle.
- C. For expendable materials such as absorption materials, emulsifiers, or other agents used in clean up operations, the actual replacement costs of those materials.
- D. For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

Sec. 8-11. Report to State Fire Marshal

The Fire Department shall include a copy of the Fire Incident Report in the form prescribed by the State Fire Marshal, if the services provided for an event requires a Fire Incident Report, with the bill for payment of the service charge, and the billing must take place within thirty (30) days after the services are provided.

Sec. 8-12. Collection of money by Town.

The Fire Department or an agent engaged on its behalf is authorized to collect the charges imposed under this Chapter. Any money that is collected pursuant to this Chapter may be used to pay principal and interest on a loan under I.C. 22-12-6.5; or used for the purchase of equipment, buildings and property, fire fighting, fire protection, and other emergency services.

Sec. 8-14. Report to Town Council

The Fire Department shall submit a report to the Town Council before April 1st of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

Sec. 8-15. Recovering of unpaid fees

The Fire Department is authorized to maintain a civil action to recover any unpaid service charges pursuant to this Chapter and utilize the services of the Town Attorney.

Sec. 8-16. Fee changes

The Fire Department shall give notice pursuant to I.C. 5-3-1 of the amount of the service charge for each service the Fire Department provides before the schedule of service charges is initiated pursuant to this Chapter and when there is a change in the amount of a service charge.

Chapter 9

FLOOD DAMAGE PREVENTION AND CONTROL

Sec. 9-1. Statutory Authorization.

The Indiana Legislature has in I.C. 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of Chesterton does hereby adopt the following floodplain management regulations.

Sec. 9-2. Findings of Fact.

- (1) The flood hazard areas of Chesterton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Sec. 9-3. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

- (6) Make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.

Sec. 9-4. Objectives.

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions.
- (5) To minimize damage to public facilities and utilities such as water and gas main, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax based by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) to ensure that potential homebuyers are notified that property is in a flood area;

Sec. 9-5. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A Zone - portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory Structure (appurtenant structure) - a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) - any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal - a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding - a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) - the elevation of the one-percent annual chance flood.

Basement - that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - See “Structure”.

Community - a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) - a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility - a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development - any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site; preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing structures and facilities such as painting, re-zoning; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure - a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate - a certified statement that verifies a structure's elevation information.

Emergency Program - the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment - the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction - any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA - the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) - the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) - an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management regulations - this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Flood Protection Grade (FPG) - the elevation of the regulatory flood plus two feet at any given location in the SFHA. (See "Freeboard").

Floodproofing (dry floodproofing) - a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate - a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway - the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard - a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe - those portions of the floodplain lying outside the floodway.

Functionally dependent facility - a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) - the exceptional hardship that would result from a failure to grant the requested variance. The Town Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade - the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure - any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Site and Structures.

Increased Cost of Compliance (ICC) - the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) - an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) - an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) - an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade - the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor - the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6.a; or
- (6) the top of the floor level or any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and
 - b) such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured home, park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment - a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number - the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first version).

Market value - the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation - sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) - the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum of 1929 (NGVD) as corrected in 1929 - a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction - any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 - a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction - includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) - the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

One-percent annual chance flood - the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Participating community - any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) - is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Post-FIRM construction - construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction - construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation - a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance - anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle - a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program - the phase of the community’s participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood - the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Sec.

9-7. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss - flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 - that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) - those lands within the jurisdictions of the Town of Chesterton subject to inundation by the regulatory flood. The SFHAs of the Town of Chesterton are generally identified as such on the Flood Insurance Rate Map of the Town dated March 15, 1984, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of those parts of unincorporated Porter County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Porter County by the Federal Emergency Management Agency and dated April 1, 1982, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a

prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension - the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance - a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation - the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation - the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone - the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone - a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A - (see definition for A zone)

Zone B, C, and X - areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Sec. 9-6. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs within the jurisdiction of Chesterton.

Sec. 9-7. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs (currently including all or portions of East Arm Little Calumet River, Coffee Creek, Sand Creek, and Peterson Ditch) shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town of Chesterton dated August, 1979, and the corresponding Flood Boundary Floodway Map dated March 15, 1984, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs delineated as an "A Zone" on the FIRM of the Town of Chesterton shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (3) For the SFHAs of those parts of unincorporated Porter County that are within the extraterritorial jurisdiction of the Town of Chesterton or that may be annexed into the Town of Chesterton:
 - a) The regulatory flood elevation, floodway, and fringe limits of studied SFHAs shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Porter County dated October 1, 1981 and the corresponding Flood Boundary Floodway Map dated April 1, 1982, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

- b) If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation, floodway, and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources.

Sec. 9-8. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Sec. 9-9. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 9-10. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 9-11. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Sec. 9-12. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,

- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 9-13. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the Town of Chesterton, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Sec. 9-14. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be punishable by a fine not exceeding \$2,500.00 for a first violation and \$7,500.00 for a second or subsequent violation of the Ordinance.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Chesterton Building Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Sec. 9-15. Designation of Administrator.

The Town Council of Chesterton hereby appoints the Chesterton Building Commissioner to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Sec. 9-16. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (1) Application stage.
 - a) A description of the proposed development;
 - b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
 - c) A legal description of the property site;
 - d) A site development plan showing existing and proposed development locations and existing and proposed land grades;
 - e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
 - f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
 - g) Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;
- (2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Sec. 9-17. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sec. 9-22 and Sec. 9-24 (1) and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Sec. 9-16;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Sec. 9-16;
- (11) Review certified plans and specifications for compliance.
- (12) Stop Work Orders
 - a) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

- b) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of Permits

- a) The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

Sec. 9-18. General Standards.

In all SFHAs the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance; and,
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.
- (11) Whenever any portion of the SFHA is authorized for use, the volume of space, which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - a) The excavation shall take place in the floodplain and in the same immediate watershed in which the authorized fill or structure is located;
 - b) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same immediate watershed in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
 - c) The fill or structure shall not obstruct a drainage way leading to the floodplain;
 - d) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,
 - e) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

Sec. 9-19. Specific Standards.

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Sec. 9-18, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a) Construction or placement of any new structure having a floor area greater than 400 square feet;
 - b) Structural alterations made to:
 - (i) an existing (previously unaltered structure), the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);
 - (ii) any previously altered structure
 - c) Reconstruction or repairs made to a damaged structure that are valued at more than 50% of the market value of the structure (excluding the value of the land) before damage occurred;
 - d) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f) Reconstruction or repairs made to a repetitive loss structure;
- (2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Sec. 9-19 (4).
- (3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

- a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Sec. 9-17 (10).
 - b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- (4) **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and
 - (ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
 - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - (vi) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
 - (vii) where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary

to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

- (5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent landfill in accordance with the following:
- a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - b) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
 - c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e) The top of the lowest floor including basements shall be at or above the FPG.
- (6) **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
- a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - b) Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and
 - c) The interior grade of the crawlspace must be at or above the base flood elevation; and
 - d) The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and

- e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
- f) Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
- g) Utility systems within the crawlspace must be elevated above the flood protection grade.

(7) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (i) outside a manufactured home park or subdivision;
 - (ii) in a new manufactured home park or subdivision;
 - (iii) in an expansion to an existing manufactured home park or subdivision; or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
- b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- c) Recreational vehicles placed on a site shall either:
 - (i) be on site for less than 180 days; and,
 - (ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick

disconnect type utilities and security devices, and has no permanently attached additions); or

- (iii) meet the requirements for “manufactured homes” as stated earlier in this section.

Sec. 9-20. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

Sec. 9-21 Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Sec. 9-22 Standards for Identified Floodways.

Located within SFHAs, established in Sec. 9-7, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/

improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 9 -18 through Sec. 9-21 have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Sec. 9-23. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Sec. 9-18 through Sec. 9-21 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Sec. 9-24 Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

- (1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper construction in a floodway permit or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sec. 9-18 through Sec. 9-21 have been met.

- (2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe, and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 9-18 through Sec. 9-21 have been met.

- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Sec. 9-25. Designation of Variance and Appeals Board.

The Chesterton Advisory Plan Commission as established by Town Council of Chesterton shall hear and decide appeals and requests for variances from requirements of this ordinance.

Sec. 9-26. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Porter Circuit or Superior Court or provided by Indiana law for appeals of decisions of the Plan Commission.

Sec. 9-27. Variance Procedures.

In passing upon such applications, the Plan Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;

- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Sec. 9-28. Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to Sec. 9-22 or Sec. 9-24 (1) may be granted.
- (3) Any variance granted in a floodway subject to Sec. 9-22 or Sec. 9-24 (1) will require a permit from the Indiana Department of Natural Resources.

- (4) Variances to the Provisions for Flood Hazard Reduction of Sec. 9-19, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- (7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Sec. 9-29).
- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Sec. 9-29).

Sec. 9-29. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a Town official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Sect. 9-30. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

Sec. 9-31. Special Conditions.

Upon the consideration of the factors listed in Sec. 9-25 through Sec. 9-30, and the purposes of this ordinance, Chesterton's Advisory Plan Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Sec. 9-32. Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Chapter 10

GARBAGE, RECYCLING, REFUSE AND RUBBISH

Sec. 10-1. Purpose.

The purpose of this chapter is to eliminate unhealthy, unsanitary and unsightly conditions in the Town caused by the deposit and accumulation of refuse, garbage and rubbish, and at the same time, in so far as practicable, to limit the volume or bulk of the refuse, garbage and rubbish which the Town or its collector will be required to pick up and remove, thereby keeping at a minimum the equipment and labor which the Town or its collector will require for these purposes.

Sec. 10-2. Definitions.

The following terms are defined as follows with respect to the provisions of this chapter:

- A. *Container* means a container for the storage of garbage, refuse or rubbish, which is:
 - 1. Provided with a handle and tight fitting cover,
 - 2. Watertight,
 - 3. Substantially made of galvanized iron or other non-rusting material, and
 - 4. Of a size that may be conveniently handled by the collector.
- B. *Garbage* includes animal, fruit, vegetable and other waste resulting from the preparation of food and drink.
- C. *Recycling material* includes but is not limited to newspapers, aluminum, tin, metal cans, glass, and plastic containers.
- D. *Refuse* includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community, except dead animals.
- E. *Rubbish* includes all other refuse not falling within the term "garbage," except those objects too large to be placed in cans.

Sec. 10-3. Containers to be provided by owners or occupants of premises.

All premises where garbage, refuse or rubbish accumulates shall, by the owner or occupants thereof, be provided with a container or containers for the storage of such refuse, garbage and rubbish. Such containers shall be kept covered and reasonably clean at all times. They shall be placed alongside of, but not in, the alley or street along which the refuse truck will travel to collect

the same and in a position readily accessible to the collector, or at such other locations as the Street Commissioner shall designate.

Refuse containers shall not be placed outside of the residence for pick up earlier than one (1) day prior to the scheduled pick up day. Refuse containers shall not be left out more than one (1) day after the scheduled pick up day.

First time violations of this section shall be prosecuted through the Ordinance Violations Bureau.

Sec. 10-4. Garbage, etc., to be stored in containers.

No person shall permit garbage, refuse or rubbish to accumulate upon premises owned or occupied by him unless it is stored and kept in containers.

Sec. 10-5 Removal of refuse too large to fit in containers.

In addition to refuse, garbage and rubbish placed in containers, the Town or its collector will pick up and remove such other types and classes of refuse, too large to be placed in containers, as would ordinarily be accumulated by an average family living on the ordinary lot or plot of ground, provided such refuse is neatly piled or stacked in a convenient place to be picked up, in a manner so that the same may be easily handled and is compressed in bulk. If the owner or occupant of any such premises desires for the Town to pick up any wooden boxes, paper boxes or cartons, or brush, he shall break up and compress the same to as small a bulk as practicable and cut such into lengths not exceeding four (4) feet. All other out of the ordinary accumulations of refuse, such as those resulting from the operation of a business or from construction repair or remodeling work shall be removed or disposed of by the owner or occupant of the premises at his own expense and shall not be handled by the Town.

Sec. 10-6. Owners, occupants to keep premises free from unreasonable accumulations.

It shall be the duty of all owners and occupants of premises in the Town to keep the same free at all times from unreasonable accumulations of refuse, garbage and rubbish.

Sec. 10-7. Special pickups.

At the request of the owner and upon payment of the schedule of rates established by the Town or its collector, additional items shall be picked up.

Sec. 10-8. Recycling containers and contents.

As used in this section, the term “recycling containers” shall mean eighteen (18) gallon yellow plastic containers stamped as “City of Chesterton” or “Town of Chesterton” and issued by the Town to its residents for the purpose of holding recyclable items.

Town recycling containers are the property of the Town and are to be used for the sole purpose of housing recyclable items. The contents within said containers become the property of the Town at the time the same are placed at the curbside for collection.

It shall be unlawful for any person, firm, corporation or business, other than the successful bidder under contract with the Town for removal of recyclable items, to remove any items in or adjacent to the Town recycling containers, including, but not limited to, newspapers, aluminum cans, plastic jugs and glass bottles or containers.

Sec. 10-9. Dumping of grass clippings; recycling sites.

- A. The dumping of grass clippings and other yard waste on any public way shall be prohibited, except as otherwise provided in this section. The dumping of grass clippings, leaves, brush and other yard waste vegetation shall be permitted at the Town yard waste recycling station located at 609 Grant Avenue, or at any other place said yard recycling site shall be hereafter maintained by the Town. The dumping of all other materials, including but not limited to refuse, construction debris, concrete, and metal shall be prohibited. The dumping of approved yard waste at the Town yard waste station shall be limited to yard waste from residences and other real property located within the Town. It shall be a violation of this section for any individual to dump grass clippings and other yard waste from any residence or other real property located outside the Town. Initial violations of this section shall be prosecuted through the Ordinance Violations Bureau as set forth in Section 1-13 of the Chesterton Town Code. Subsequent violations shall subject the violator to the General Penalty Provisions of Section 1-9 of the Chesterton Town Code.

Sec. 10-10. Pickup, disposal and recycling charges; addition to sewer rates and charges.

- A. *Charges levied.* There shall be added to the sewage rate schedules as found in Ordinance No. 92-08 charges for the service of providing garbage pickup and disposal, including recycling pickup and disposal to all structures containing four (4) or less separate residential units in the Town.
- B. *Contract for service by Town.* The garbage pickup and disposal service, including recycling, to be provided shall be done by contract on an annual basis or upon any other time interval deemed appropriate by the Town Council to an outside entity that as a regular part of its business performs the task of garbage pickup and disposal including recycling pickup and disposal.
- C. *Service costs and charges.* The charge for garbage pickup and disposal including recycling pick up and disposal shall be ten dollars fifty cents (\$10.50) per month per residential household served. This contract price to the Town which was let in accordance to public bidding laws for garbage pickup and disposal, including recycling, incidental costs associated with the providing of the aforementioned services and other factors the Town Council deems necessary, including assisting

the defraying of some of the costs for composting, brush and leaf pickup in residential areas. The ten dollars fifty cents (\$10.50) per month charge per residential household served is mandatory for all residential households contained in structures that have four (4) or less separate residential units in the Town. Units that are unoccupied for thirty (30) or more continuous days and for which the owners of said units give written notice to the Town prior to the units being unoccupied for said time frame, shall be exempt from the charge provided for in this section for each full thirty-day (30) period that the unit is continuously unoccupied. In the event a unit is unoccupied for only a portion of a thirty-day (30) time period, there shall be no prorating of the exemption provided above and the full monthly charge shall apply. All charges assessed in accordance with this section are the ultimate responsibility of the owner of the property served.

- D. Billing and payment.* The payment shall be invoiced and included with the bi-monthly sewer and utility bill. As provided for by I.C. 36-9-23-31, all rates and charges that are not paid within twenty (20) days from and after the billing date are declared delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall attach thereto. The amount of the rates and charges, the penalty and a reasonable attorney's fee may be recovered by the Town in a civil action in its name. Additionally, payments and/or penalties that have been due and unpaid for at least ninety (90) days may be filed as a lien against the real property in accordance with I.C. 36-9-23-33.
- E. Deposit of fees into Town fund.* All fees collected pursuant to this section, less the amount paid to the Chesterton Utility for billing and collection, shall be deposited in the Town General Fund and shall be used exclusively to defray the expense of providing the services set forth in this section, including administrative costs in accordance with IC 36-9-23-25.

Chapter 11

HEALTH AND SANITATION

Art. I. In General, 11-1 – 11-15

Art. II. Weeds, 11-16 – 11-18

ARTICLE I. IN GENERAL

Secs. 11-1 – 11-15. Reserved.

ARTICLE II. WEEDS

Sec. 11-16. Unlawful to allow growth in excess of ten (10) inches.

It shall be unlawful for the owner, owners, occupant or occupants of real estate within the Town to permit weeds or other vegetation to grow and mature on such real estate to a height in excess of ten (10) inches; provided, however, that this section shall not apply to trees and shrubbery.

Violations of this section shall be included on Appendix B of the Chesterton Town Code and processed, for first time offenders, through the Ordinance Violations Bureau with a fine of \$100.00 to be assessed. Subsequent violations of this section by the violator shall subject said violator to the General Penalty provision of the Chesterton Town Code found at Section 1-9.

Sec. 11-17. Notice of violations; correction by Town upon owner or occupant's failure to comply with notice.

The Building Commissioner shall have the authority to determine, from time to time, where violations of this Article exist. Upon determining that a violation exists, the Building Commissioner shall notify all persons with a substantial interest in the property upon which the violation exists that such violation shall be corrected within ten (10) days after the receipt of the notice. In the event the violation is not corrected within that time, the Building Commissioner shall have the right to have such violation corrected in any manner he deems reasonable and fit.

Sec. 11-18. Collection of costs of correction of violation by Town.

Any cost incurred by the Town in correcting a violation of this article shall be taxed against the offending property owner and placed upon the tax records for collection.

Chapter 12

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

Sec. 12-1. Purpose and Authority.

The Town Council of the Town hereby finds that a business registration procedure should be established for the purpose of protecting the public health, safety, and welfare of the community. The Town is authorized by I.C. 36-8-2-10 to regulate the operation of businesses, crafts, professions and occupations within its corporate boundaries. Additionally, I.C. 36-1-3-4 grants said Town all powers necessary or desirable to conduct its affairs.

Sec. 12-2. Business Defined.

For the purposes of this chapter, the term “business” shall mean an enterprise involving the selling, storing or processing of goods or commodities, or the rendering of services. Business shall include all commercial (whether wholesale or retail) operations as well as industrial enterprises engaged in the manufacture, processing or assembling of parts in the finished or unfinished products, and the repair or reconditioning of products, appliances, machines or other goods. Coin operated centers shall be included such as laundromats, video games, pinball machines, pool tables, and the like. Business shall also include all home occupations that fit within the above definition of business and apartment complexes. For the purposes of this chapter, an apartment complex shall be any structure that contains more than four (4) separate residential units in the Town.

Sec. 12-3. Prima Facie Evidence of Doing Business.

The placing or permitting of any business sign or notice on or within any premises; any publication or opening of any business by advertisement in any newspaper or telephone book, or by any poster, circular, letter or card, or by any other method of attracting public notice thereto; or by acquiring or using any premises in the Town for business purposes shall be prima facie evidence of doing business and the liability of such person or entity to obtain and pay for a business registration as required by this chapter.

Sec. 12-4. Business Registration Permit Required and Application.

- A. All businesses conducted in any part of the Town, unless specifically exempted by this chapter, shall be required to have a business registration permit. A separate business registration permit shall be required for each location of a business that is conducted in multiple locations in the Town.
- B. Forms for all business registration permits shall be prepared and kept on file in the office of the Clerk-Treasurer.

- C. Upon receipt of an application for a business registration permit, the Office of the Clerk-Treasurer shall refer such application to the proper department within said Town for making required inspections.
- D. All business registration permits issued by the Clerk-Treasurer shall be for a term of one (1) year, commencing February 1st and expiring January 31st of the following year. All business registration permits are required to be renewed on an annual basis no later than January 31st of each year. In the event the renewal is not done on a timely basis, the applicant shall be subjected to being cited for a violation of this chapter and fined accordingly. However, upon the publication date of this Ordinance, all existing businesses in the Town shall have a sixty (60) day period in which to register their business and therefore become in compliance with the chapter. All business registration permits issued between the passage of this chapter and January 30, 1996 shall not be required to be renewed until January 31, 1997.
- E. All business registration permits issued by the Clerk-Treasurer are non-transferable.

Sec. 12-5. Display of Permit.

All persons or entities duly issued a permit shall display such permit prominently at the business so permitted.

Sec. 12-6. Permit Required.

It shall be unlawful for any person or entity, either directly or indirectly, to conduct or maintain any business or premises for which a permit is required by this chapter, unless a valid permit is issued by the Clerk-Treasurer and kept in effect at all times. The permit requirement applies to residents and non-residents alike; provided, however, no such permit shall be required of any person for the mere delivery of merchandise into the Town.

Sec. 12-7. Records.

All applications for and permits issued by the Town shall be kept and maintained by the Clerk-Treasurer.

Sec. 12-8. Exemptions.

This chapter shall not apply to the businesses covered by the chapter commonly known as the Peddler's Ordinance that is found at Sec. 18-1 through 18-10 of the Code and the licensing of building contractors that is found at Sec. 5-81 through 5-84 of the Code and businesses operated out of a home that do not involve the storing or processing of goods or commodities.

Sec. 12-9. Inspection of Business.

The Clerk-Treasurer may have businesses inspected by designated Town officials to determine compliance with the requirements of this chapter.

Sec. 12-10. Buildings and Premises to Comply with Town Regulations.

No permit shall be issued for any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of this chapter, the Code and all State or Federal codes.

Sec. 12-11. Issuance for Unlawful Activities Prohibited.

No permit shall be issued for the conduct of any business or performance of any act which is in violation or which would involve a violation of any ordinance of the Town or law, rule or regulation of the State of Indiana or of the United States.

Sec. 12-12. Change of Location.

The location of any business for which a permit has been issued may be changed, provided that ten (10) days prior notice of the change of location is given to the Clerk-Treasurer and the new location meets with all of the requirements for the issuance of the original permit.

Sec. 12-13. Permit Expiration.

Any permit issued pursuant to the provisions of this chapter shall expire upon any of the following conditions:

- A. Discontinuance of the permittee's business; or
- B. Transfer or sale of the business to another individual, partnership, corporation or other legal entity, of the sale, assignment or transfer, directly or indirectly, of at least fifty-one percent (51%) of the corporate stock from any shareholder.

Sec. 12-14. Citations.

Violations of this chapter shall be prosecuted through the Ordinance Violations Bureau.

Chapter 13

MOTOR VEHICLES AND TRAFFIC

- Art. I. In General, §§ 13-1 – 13-14**
- Art. II. Operation of Vehicles, §§ 13-15 – 13-35**
- Art. III. Taxicabs §§ 13-36 – 13-50**
- Art. IV. Stopping, Standing and Parking §§ 13-51 – 13-84**
 - Div. 1. Generally, §§ 13-51 – 13-65
 - Div. 2. Snow Emergency Regulations §§ 13-66 – 13-84
- Art. V. Bicycles, §§ 13-85 – 13-109**
- Art. VI. Parking Facilities for Physically Disabled Persons, §§ 13-110 – 13-113**

ARTICLE I. IN GENERAL

Sec. 13-1. Minimum traffic accident report fee.

The minimum fee for a traffic accident report shall be five dollars (\$5.00).

Sec. 13-2. Motor inspection fee.

The Town hereby established a fee of five dollars (\$5.00) for the inspection of motor vehicles pursuant to IC 9-17-2-12 to be deposited in a fund of the Town now created called “Law Enforcement Continuing Education Fund” to be used for law enforcement purposes for the Town’s Police Department.

Sec. 13-3. Impound fee.

The Town hereby establishes a fee of fifteen dollars (\$15.00) to be collected from the owner of any motor vehicle impounded by the Chesterton Police Department. The fee shall be collected by the Police Department prior to release of the motor vehicle. All fees received pursuant to this Section shall be deposited into the general fund of said Town.

Secs. 13-4 – 13-14. Reserved.

ARTICLE II. OPERATION OF VEHICLES

Sec. 13-15. Local Ordinances, Authority.

- A. The Town Council has the authority pursuant to I.C. 9-21-1-2 and 3 to establish ordinances with respect to the control of local streets and highways in the Town regarding the listed items of the statutes and future amendments thereto.
- B. Any ordinance concerning traffic control shall adhere to the guidelines established by the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways and any future amendments thereto.

Sec. 13-16. U-turns.

No motor vehicle shall be operated on any public street in such a manner as to cause it to make a turn of more than ninety (90) degrees at any time, and no "U" turns shall be permitted by any motor vehicle on any street or intersection in Town.

Sec. 13-17. Entrance and exit at public parking areas.

No motor vehicle shall be driven into or from any public parking area except in conformity with the entrance and exit signs posted therein.

Sec. 13-18. Danger-double arrow signs.

Signs with the word "Danger" and a double arrow thereon shall be placed where a street or alley dead-ends, terminates or changes direction at an angle greater than forty-five (45) degrees, and it shall be unlawful for a vehicle to be driven beyond these signs at these two (2) points.

Sec. 13-19. Danger-slow-corner signs.

Signs with the word "Danger-slow-corner" thereon shall be placed approximately one hundred (100) feet back from intersections on such streets as the Town Council may, from time to time, determine to be particularly hazardous. As any person operating a motor vehicle approaches any such "Danger-slow-corner" sign, he shall reduce the speed of such vehicle to not more than twenty (20) miles per hour and proceed across such intersection with caution.

Sec. 13-20. One-way streets and alleys.

At locations and areas determined by them to present special traffic conditions or hazards, the Town Council may, from time to time, at various locations, cause to be erected "One-Way Traffic" and "One-Way, Do Not Enter" signs, with an arrow on the one-way traffic signs indication the direction of traffic on such streets or alleys and from and after the erection and display of such signs, it shall be unlawful to disregard, disobey, or travel in a direction other than that indicated on such sign. From time to time, the Street Department may be required in the performance of its duties to travel in a direction other than indicated on the sign as expressly authorized by the sign.

Violations of this Section shall be included on Appendix B to the Chesterton Town Code and processed, for first time offenders, through the Ordinance Violations Bureau with a fine of fifty dollars (\$50.00) to be assessed. In the event the fine is not paid within thirty (30) days from the offense, the matter shall be filed with a Court of competent jurisdiction and the general penalty provision of said code found at Section 1-9 shall apply. Any subsequent violations of this ordinance by the violator shall subject said violator to the general penalty provision of said code found at Section 1-9. All amounts collected pursuant to this Section shall be deposited in the Town General Fund.

Sec. 13-21. Speeding.

- A. It shall be unlawful for any person to operate any motor vehicle at a speed greater than that established by the Town Council from time to time for the Town generally and for particular locations.
- B. The Street Commissioner is herewith authorized and directed to post speed limit signs for control of traffic upon both side of the public highways upon which the Town Council has established speed limits in conformity with State law.

Sec. 13-22. Regulations for certain school premises.

- A. The administration of the Duneland School Corporation is herewith authorized and directed to post signs for control of traffic in conformity with the plats accompanying Ordinance No. 80-2 relative to the parcels of real estate comprising the premises of the Duneland School Corporation located within Town limits.
- B. It shall be unlawful for any person or persons to operate any motor vehicle at a speed greater than ten (10) miles per hour upon any driveway, parking area, alley, fire lane, road or street within the confines of each of the parcels of real estate described in paragraph (A) of this Section.
- C. It shall be unlawful for any person to operate any motor vehicle in the direction of travel other than that posted upon any driveway, parking area, alley, fire lane, road or street within the confines of the real estate described in paragraph (A) of this Section. It shall be unlawful for any person to park or remain standing any motor vehicle in any area upon the real estate described in paragraph (A) of this Section posted as a fire lane, or in an area designated as a no parking area.
- D. It shall be unlawful for any person to operate a motor vehicle and disregard and fail to heed and stop at any stop sign posted upon the real estate described in paragraph (A) of this Section.
- E. It shall be unlawful for any person to operate any motor vehicle upon any lawn, grass or unimproved ground located with the confines of the real estate described in paragraph (A) of this Section.

Sec. 13-23. Weight restrictions during certain periods.

- A. At all times during a period of days (not to exceed ninety (90) days by one (1) calendar year) which shall be those days as designated by the Town Council when,

in the opinion and judgment of the Council, it becomes necessary by reason of deterioration, rain, snow or other climatic conditions to prohibit the operation of vehicles or impose restrictions as to the weight of vehicles to be operated on streets and highways within the Town, it shall be unlawful for any person to drive, operate, cause to be operated or be in physical control, upon any public road, street, or highway within the Town limits, excepting therefrom any highways in the State highway system and the State maintained routes thereof, any motor vehicle or combination of vehicles having a combined total gross weight, including load, in excess of ten thousand (10,000) pounds, unless a written permit therefore shall have been first obtained from the Street Commissioner.

- B. Any permit issued by the Street Commissioner as referred to in paragraph (A) of this Section shall specify and direct in writing the streets and highways of the Town that may be utilized by the permittee.
- C. The limitation of gross weight of vehicles operating on the streets and highways as referred to in paragraph (A) of this section shall be effective upon a directive from the Town Council to the Street Commissioner to erect and maintain signs designating such gross weight limitations at each end of that portion of any road, street, or highway affected thereby and at intersecting roads, streets or highways. Such limitations of gross weight of vehicles shall cease upon a directive from the Town Council to the Street Commissioner to remove such signs.

Sec. 13-24. Truck weight, parking and height restrictions.

- A. For the purposes of this section, the word “truck” shall mean any motor vehicle designed, used and maintained primarily for the transportation of property, unless the vehicle has a maximum capacity of one and one-half (1 ½) tons or less unloaded. Recreational vehicles, tow trucks and vehicles owned and maintained by the Town are not included as trucks for the purposes of this Section.
- B. It shall be unlawful for any person, firm or corporation to drive, tow or pull upon or over the streets or alleys of the Town, other than those streets paved with concrete, Porter Avenue and Fifteenth Street, any vehicle which at such time shall weigh over thirty (30) tons with the load it is carrying.
- C. It shall be unlawful for any person, owner or driver to park or cause to park any truck, semi-trailer or any combination of the two (2) upon any street or alley in an area zoned for residential use pursuant to the Chesterton Zoning and Subdivision Ordinance except for expeditious delivery, pickup of materials or construction use.
- D. It shall be unlawful for any person, owner or driver to park or cause to be parked any truck, semi-trailer or any combination of the two (2) upon any lot zoned for residential use pursuant to the Chesterton Zoning and Subdivision Ordinance, except for expeditious delivery, pickup of materials or construction use.
- E. Except for expeditious delivery, pickup of materials or construction use at a residence in the following area all trucks which have a height (measured from the ground) of ten (10) feet or higher shall be banned from:
 - 1. Wilson Street from Porter Avenue north to Indiana Avenue;
 - 2. Landman from Porter Avenue north to Indiana Avenue;
 - 3. Jeffery Street from Porter Avenue north to Indiana Avenue;

4. Bowser Avenue from Wilson Street east to Roosevelt Street;
 5. Morgan Avenue from Wilson Street east to Roosevelt Street; and
 6. Indiana Avenue from Wilson Street east to Roosevelt Street
- F. If a Police Officer of the Town finds a vehicle in violation of this Section, such Officer is hereby authorized to require the driver or other person in charge of the vehicle to remove such vehicle so that it is no longer in violation of this Section; if any such person so directed shall fail or refuse to move such vehicle or vehicle is unattended, then the Police Officer is hereby authorized to provide for the removal of the offending vehicle to any nearby available garage or other place.

Sec. 13-25. Stop or yield intersections.

- A. Upon the receipt of an engineering and traffic investigations report, the Town Council may by motion designate through highways and erect stop or yield signs at specific entrances thereto or may designate any intersection as a stop or yield intersection and erect like signs at one or more entrances to such intersection.
- B. Every stop sign and yield sign shall be manufactured and installed in conformance with the Indiana Manual of Uniform Traffic Control Devices for Streets and Highways as provided under IC 9-21-2 et seq. and 9-21-3-1.
- C. The Street Commissioner of the Town is hereby directed and authorized to post signs according to law and in accordance with this Section.
- D. Every driver of a vehicle shall stop or yield in obedience to any such sign as the case may be in the Town before entering such intersection except when directed to proceed by a Police Officer or traffic control signal.
- E. The Ordinance Violations Bureau provision of the Code shall apply to violations of this section.

Sec. 13-26. No passing zones.

No passing zones on 11th Street shall be established as follows:

- A. A no passing zone shall be established on 11th Street for northbound traffic beginning at the north edge of the intersection of 11th Street and Country Road 1100 North and proceed north for seven hundred and eighty-five (785) feet.
- B. A no passing zone shall be established on 11th Street for southbound traffic beginning six hundred and seventy (670) feet north of the north edge of the intersection of Chestnut Boulevard and 11th Street and proceed south for six hundred and seventy (670) feet.
- C. A no passing zone shall be established on 11th Street for both northbound and southbound traffic two hundred and sixty-five (265) feet south of the center of the drive for Westchester Intermediate School and shall proceed north for six hundred and thirty-five (635) feet.

Sec. 13-27. Trucks prohibited.

All trucks or motor vehicles in excess of three (3) tons' gross vehicle weight (GVW), shall be prohibited from operation upon the alleyway located between 107 and 109 South Calumet Road.

Secs. 13-28 – 13-35. Reserved.

ARTICLE III. TAXICABS

Sec. 13-36. Definitions.

As used in this article:

Taxicab shall mean any motor vehicle used for carrying passengers for hire within the Town limits and the immediate surrounding territory, to destinations designated by the passengers, and not on regular routes.

Taxicab service shall mean the business or occupation of operating taxicabs and furnishing taxicab service to the public.

Sec. 13-37. Required marking.

Every vehicle operated by the company shall have the name of the company painted on the exterior body in letters of suitable size, so that the vehicle can readily be identified when in motion.

Sec. 13-38. Insurance required.

It shall be unlawful for any person to operate a taxicab in the Town, unless such person is placed on file with the Clerk-Treasurer, prior to the issuance of a license, a policy of insurance in full force and effect, issued by a reputable insurance company authorized to conduct business in the State of Indiana, insuring owner, operator and driver of the taxicab against liability to the extent of three hundred thousand dollars (\$300,00.00) for one (1) accident, and one hundred thousand dollars (\$100,000.00) property damage. Such policy of insurance must remain in full force and effect at all times, a copy of which will be retained by the Clerk-Treasurer and said policy shall not be allowed to lapse or be cancelled without the consent of the Town Council.

Sec. 13-39. Drivers to have written character references on file with Town.

No taxicab shall be at any time operated by any driver until there shall have been filed with the Clerk-Treasurer a written character reference, stating that he is of good moral character, which reference shall be signed by two (2) or more reputable householders residing in the Town, and not related to the driver.

Sec. 13-40. Driver's photograph to be displayed in vehicle.

No taxicab shall be operated at any time unless a photograph of the driver operating the taxicab is prominently displayed so as to be visible to all passengers riding in the taxicab, under which photograph shall be printed his name and address, and the name of the owner of the taxicab.

Sec. 13-41. License – Required.

It shall be unlawful for any person to operate or propel, or cause to be operated or propelled, any taxicab on or along any avenue, street or alley within the corporate limits of the Town, until such person shall have first obtained a license, signed by the Clerk-Treasurer, to so operate such taxicab, and shall have paid the fee therefore as provided in Section 13-44 of this chapter.

Sec. 13-42. License – Application.

Any person operating taxicabs shall submit the name of the company at the time of application for a license required by this division, and will operate under one name only. The application for a license must be the bona fide owner or owners of the of the vehicle, and the name of each person owning or operating the vehicle shall be registered with the license, with the Clerk-Treasurer, description, make and model of the vehicle and record of inspections. This record shall be available to the public at any reasonable time.

Sec. 13-43. Qualifications of applicants.

No license issued under this division to engage in the business of operating a taxicab shall be issued to or held by anyone who is not a person of good character, or who has been convicted of a felony, or whose license to operate a motor vehicle has been revoked during the preceding year, nor shall such license be issued to or held by any group of persons, firm or corporation if any officer or shareholder thereof is ineligible for a license under the foregoing conditions.

Sec. 13-44. Fee.

The initial fee for a license required by this division shall be fifty dollars (\$50.00) per car used as a taxicab, to be paid upon the application for a license herein provided, which said sum shall be refunded in the event that a license is denied. Thereafter the license fee to be paid for each car used as a taxicab licensed under this division shall pay the sum of twenty-five dollars (\$25.00) per year, payable in advance on the first business day in the month of January. No refund shall be allowed for any unexpired part of the period for which any license is issued.

Sec. 13-45. Transferability.

No license issued under this division shall be transferred from one taxicab to another, of from one person to another, or from one firm or corporation to another.

Sec. 13-46. Suspension or revocation.

Any license issued under the terms of this division may be suspended or revoked by the Town Council if such taxicab is found not to be in a safe and clean condition, and not in compliance with inspection requirements, and the terms of this article and the statutes and administrative regulations of the State. The Town Council shall have the further right, privilege

and power to revoke the license owned by any person operating one or more taxicabs in violation of the terms of this article, where one or more of such taxicabs fails to meet the requirements hereof.

Secs. 13-47 – 13-50. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 13-51. Two-hour parking.

- A. When and where signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of time longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. in that area designated as two-hour parking zone.
- B. When and where signs area erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of longer than two (2) hours in an area designated as a two-hour parking zone.
- C. If any vehicle shall remain parked in any location set forth in (A) or (B) above for longer than two (2) hours, the owner or driver of such vehicle shall be subject to the penalties provided in this Code and such vehicle may be towed or removed from such location at the expense of the owner of such vehicle.

Sec. 13-52. Obedience to signs, markings.

No motor vehicle shall be parked or permitted to remain stationary at any location where official signs, painted roadway markings or painted curbs prohibit such stopping or standing.

Sec. 13-53. Method of parking.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the curb or the edge of the roadway except as otherwise provided in the Code.

Sec. 13-54. Prohibited parking areas.

No motor vehicle shall be parked or permitted to remain stationary in any of the following prohibited areas:

- A. On a sidewalk.
- B. In front of a public or private driveway.
- C. Within an intersection.
- D. Within fifteen (15) feet of a fire hydrant.
- E. On a crosswalk, or within twenty (20) feet of a crosswalk at an intersection.
- F. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway. This does not apply to off-street parking spaces where parking does not block the view of the stop sign.
- G. Within fifty (50) feet of the nearest railroad crossing.
- H. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking).
- I. In any alley at any time or for any length of time, except during that period of time in which such vehicle is actually being loaded or unloaded.

- J. No vehicle shall be parked in the traveled portion of any road or right-of-way in the Town so as to obstruct the flow of traffic on the right-of-way.
- K. No vehicle shall be parked along Morgan Avenue at 7th Street, Chesterton Boulevard and 6th Street from the intersection of said streets to a point twenty-five (25) feet west of each intersection.
- L. No vehicle shall be parked on 7th Street and Chesterton Boulevard at their intersections with Morgan Avenue from the intersection of said streets to ten (10) feet north of Morgan Avenue.
- M. No vehicle shall be parked for a distance of ten (10) feet west of the alleys between 8th and 7th Street, 7th and Chesterton Boulevard, all along Morgan Avenue.
- N. No vehicle shall be parked on the west side of 5th Street, from Broadway to Indiana Avenue.
- O. No vehicle shall be parked along the north side of Lincoln Avenue at 8th Street from the intersection of said streets to a point twenty feet (20') west of said intersection.
- P. No vehicle shall be parked along Morgan Avenue at 7th Street from the intersection of said streets to a point twenty feet (20') East of said intersection.
- Q. No vehicle shall be parked along the east side of Chesterton Boulevard at Morgan Avenue from the intersection of said streets to a point twenty feet (20') North of said intersection.
- R. No vehicle shall be parked for a distance of twenty feet (20') south of the alley between Morgan Avenue and Indiana Avenue along the East side of Chesterton Boulevard.
- S. No vehicle shall be parked along the east side of 6th Street at Morgan Avenue from the intersection of said streets to a point twenty feet (20') north of said intersection.
- T. No vehicle shall be parked for a distance of twenty feet (20') south of the alley between Morgan Avenue and Indiana Avenue along the west side of 6th Street.
- U. No vehicle shall be parked on Morgan Avenue from its intersection at Calumet Avenue to the Coffee Creek bridge.
- V. No vehicle shall be parked on Gateway Boulevard from its intersection at Village Pointe to State Road 49.

Sec. 13-55. Violations; penalty.

Any person accused of a violation of Article IV of Chapter 13 and the parking regulations set forth in Section 13-22 and 13-75 of the Code may settle and compromise such infraction by paying to the Town the sum of ten dollars (\$10.00) within ten (10) days from the date of the date of the citation. Such payment shall be made at the Police Station. In the event the ten dollars (\$10.00) fine is not paid within ten (10) days from the date of the citation, the fine for the violation will automatically increase to twenty-five dollars (\$25.00) payable at the Police Station. Failure to pay the twenty-five dollars (\$25.00) fine within thirty (30) days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction. In the event the citation is sent to a court of competent jurisdiction, the offender shall be subject to the general penalty provision found at Section 1-9 of the Code for the offense.

The fact that a vehicle which is parked or remaining stationary in violation of the Code as provided for in this Section is registered in the name of a person shall be considered prima facie

proof that such person was in control of the vehicle at the time such vehicle was parked or allowed to remain stationary.

Secs. 13-56 – 13-65. Reserved.

DIVISION 2. SNOW EMERGENCY REGULATIONS

Sec. 13-66. Definitions.

As used in this division:

Even numbered side of a street shall mean that side of the street that has even numbered house numbers, or a majority of even numbered house numbers, over its entire length.

Odd numbered side of a street shall mean that side of the street that has odd numbered house numbers, or a majority of odd numbered house numbers, over its entire length.

Sec. 13-67. When effective.

Whenever two (2) or more inches of snow has fallen on the Town's streets and alleys the same is hereby declared to be a snow emergency and the parking regulations and prohibitions set forth in this division shall be in effect until the Town Council or the Street Commissioner shall have declared such snow emergency to have ceased.

Sec. 13-68. Parking restricted on certain streets.

During any snow emergency no parking shall be allowed between the hours of 12:00 midnight and 8:00 a.m. on the following enumerated streets.

EAST – WEST STREETS:

1100 North, from Dickinson Road to Pearson Road

Broadway, full length.

Indian Boundary Road, from Calumet Road to Sand Creek Drive North.

Porter Avenue, from 250 East to 23rd Street.

Wabash Avenue, from Calumet Road to Waverly Road.

Woodlawn Avenue, from 15th Street to Calumet Road.

Rail Road, full length

Voyage Boulevard.

1050 North, from 200 East to State Road 49

Gateway Boulevard.

NORTH – SOUTH STREETS:

5th Street, from Broadway to 1050 North.

8th Street, from Porter Avenue to Wabash Avenue.

11th Street, from Porter Avenue to 1050 North.

15th Street, from Washington Avenue to Woodlawn Avenue.

23rd Street, from 1100 North to Wood Street.

Calumet Road, from Taylor Street south to 1100 North.

Waverly Road, from Wabash Avenue to Woodlawn Avenue.

Council Drive.

Plaza Drive.

Dickinson Road, from Porter Avenue to 1050 North.

Jackson Boulevard., from Broadway north to railroad tracks.

4th Street, from Wabash to Broadway.

Village Point.

100 East, from Calumet Road to Rail Road.

Kelle Drive.

Sec. 13-69. Parking regulations for other streets.

During any snow emergency, parking and the presence of automobiles on all streets in the Town other than those specifically set forth in Section 13-68 above shall be as follows:

- A. On even numbered days of the month, no parking between the hours of 8:00 a.m. and midnight shall be allowed on the odd numbered side of such street.
- B. On odd numbered days of the month, no parking between the hours of 8:00 a.m. and midnight shall be allowed on the even numbered side of such street.

Sec. 13-70. Parking in alleys.

During any snow emergency no parking shall be allowed on any alley in the Town between the hours of 8:00 a.m. and midnight.

Sec. 13-71. Street Commissioner's authority to prohibit parking.

The Street Commissioner is hereby authorized and empowered to prohibit parking in the streets and alleys of the Town at any time, even though that time period may conflict with other provisions of this division, for the purpose of snow removal, emergencies, repairs, and maintenance upon the following conditions:

- A. Whenever the Street Commissioner shall determine that parking should be prohibited upon any street or alley in order to expedite the orderly and efficient removal of snow, or for the purpose of repairs and maintenance, or in any emergency, as so determined by the Street Commissioner, the Street Commissioner shall cause signs to be posted within the right-of-way of such street or alley, at least every three hundred (300) feet, which shall be substantially as follows:

NO PARKING FROM _____ TO _____
Street Commissioner, Town of Chesterton.

And each such sign shall be at least eight and one-half (8 ½) inches by eleven (11) inches in size.

- B. Such signs shall prohibit parking for no more than eight (8) hours and shall be posted for at least four (4) hours before it shall be lawful to tow or remove vehicles parked on any street or alley so posted.

Sec. 13-72. Towing of vehicles authorized.

The Police Department is hereby authorized to have removed and towed away by commercial towing service any vehicle parked or remaining stationary on any street or alley in contravention of the provisions of this division upon the following conditions:

- A. The Police Department shall cause any vehicle violating any provisions of this division to be impounded, an impound form completed, and a citation shall be issued to the owner of such vehicle for the violation of the provisions of this division.
- B. The Police Department shall cause such vehicle to be removed by a commercial towing service, which service shall remove such vehicle to a place maintained, off any public street and alley, by such towing service and such towing service shall

hold such vehicle until a proper release form executed by the Police Department shall be presented by the owner, of the owner's authorized representative, to such towing service.

Sec. 13-73. Towing service's liability for damages; charges; hours of redemption.

- A. Any commercial towing service removing and towing a vehicle under the provisions of this division shall use ordinary care and responsibility in the removal, towing and storage of such vehicle and shall not be liable for any damages or injury to such vehicle which is not occasioned by the negligence of such towing service and shall impose and collect before release of such vehicle to the owner or the owner's duly authorized representative, a towing charge in accordance with current rates and a storage charge as is appropriate, and in no event shall such vehicle be released by the commercial towing service until a proper release form executed by the Police Department has been presented to such towing service. No towing service shall be obligated to release such vehicle except between the hours of 8:00 a.m. and 5:00 p.m.

Sec. 13-74. Prima facie proof of violations.

The fact that a vehicle that is parked or remaining stationary in violation of the provisions of this division is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time such vehicle was parked or allowed to remain stationary.

Sec. 13-75. Penalties.

Any person accused of a violation of this division may settle and compromise such infraction by paying to the Town the sum of ten dollars (\$10.00) within ten (10) days from the date of the date of the citation. Such payment shall be made at the Police Station. In the event the ten dollars (\$10.00) fine is not paid within ten (10) days from the date of the citation, the fine for the violation will automatically increase to twenty-five dollars (\$25.00) payable at the Police Station. Failure to pay the twenty-five dollar (\$25.00) fine within thirty (30) days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction. In the event the citation is sent to a court of competent jurisdiction, the offender shall be subject to the general penalty provision found at Section 1-9 of the Code for the offense.

Secs. 13-76 – 13-84. Reserved.

ARTICLE V. BICYCLES

Sec. 13-85 Bicycle, definition.

“Bicycle” means any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Sec. 13-86. Traffic laws apply to persons riding bicycles and skateboards.

Every person riding a bicycle or a skateboard upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State, declaring rules of the road applicable to vehicles or by the traffic ordinances of this Town applicable to the driver of a vehicle, except as to special regulations in this article excepting those provisions of laws and ordinances which by their nature can have no application.

Sec. 13-87. License; application; fee.

An application for a bicycle license and sticker may be made on a form provided by the Town and submitted to the Chief of Police. A license fee shall be set and paid to the Clerk-Treasurer or designee before each license is granted. The fee will be commensurate with the current cost of the stickers to the Town.

Sec. 13-88. Same – Issuance; denial; records.

The Chief of Police is authorized to issue a bicycle license required under this article upon receiving a proper application. The Chief of Police shall not issue a license for any bicycle that he knows, or has reasonable grounds to believe that, the applicant is not the owner of or entitled to the possession of such bicycle. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom it was issued, and the number on the frame of the bicycle for which it was issued.

Sec. 13-89. Same – Sticker; attachment.

The Chief of Police, upon issuing a bicycle license required by this article, shall also issue a license and sticker bearing the license number assigned to that bicycle. The Chief of Police, or his designated representative, shall cause such license to be firmly attached to the frame of the bicycle so that it is plainly visible. No person shall remove a license sticker from a bicycle during the period of time for which it was issued.

Sec. 13-90. Reserved.

Sec. 13-91. Notice required upon transfer of ownership.

Upon the sale or transfer of the ownership of a bicycle which has been licensed under this article, the new owner may notify the Chief of Police of the sale and give his name, address and

other necessary information so that the record can be amended accordingly within thirty (30) days of the sale.

Sec. 13-92. Parking.

- A. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.
- B. The Town Council may designate bicycle parking zones on the streets of the Town as it may deem necessary. When signs are erected indicating a bicycle parking zone, no person shall park a vehicle in any such bicycle parking zone.

Sec. 13-93. Riding on sidewalks.

No person shall ride a bicycle or a skateboard upon any sidewalk adjacent to a business in the Town. No person shall ride a bicycle or a skateboard on any other sidewalks so as to interfere with pedestrian traffic.

Sec. 13-94. Violations.

It is a violation of this article for any person to do any act forbidden or fail to perform any act required by this article. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article. These regulations applicable to bicycles or skateboards apply whenever a bicycle or a skateboard is operated upon any street or upon any public path set aside for the exclusive use of bicycles or skateboards, subject to those exceptions stated herein.

Sec. 13-95. Penalties.

Any person violating any of the provisions of this Article who is of legal age to possess a State operator's license, whether or not they possess one, shall be prosecuted through the Ordinance Violations Bureau. Any person violating any of the provisions of this article who is under the legal age to possess a State operator's license shall receive a notice of violation that will be forwarded to the offender's parents or guardian.

Secs. 13-96 – 13-109. Reserved.

**ARTICLE VI. PARKING FACILITIES FOR PHYSICALLY HANDICAPPED
(DISABLED) PERSONS.**

Sec. 13-110. Compliance with ADA.

Notwithstanding any requirements of this Article VI, a person who complies with:

- A. Title III of the Americans with Disabilities Act of 1990 (42 USC 12181); and
- B. The Americans With Disabilities Act Guidelines adopted by the United States Department of Justice;
- C. Complies with this Article.

Sec. 13-111. Reservation of spaces and parking facility providing for self-parking.

- A. Except as provided in subsection (D), each parking facility that provides parking spaces for self-parking by employees or visitors must have accessible parking spaces reserved according to the following schedule:

TOTAL NUMBER OF PARKING SPACES IN FACILITY	MINIMUM NUMBER OF RESERVED SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 spaces over 1,000

- B. A parking facility may provide accessible parking spaces in a different location from other parking spaces if the location of the accessible spaces results in equivalent or greater access by the shortest accessible route of travel to an accessible entrance of:
 - 1. A building, if the parking facility serves a specific building; or
 - 2. The parking facility, if the parking facility does not serve a specific building.
- C. This subsection applies to a building with more than one (1) accessible entrance that has parking adjacent to the entrances. Accessible parking spaces for a building

described in the subsection must be dispersed and located closest to the accessible entrances.

- D. This subsection applies to a facility that provides medical care or other services for persons with mobility impairments. A facility described in this subsection must provide accessible parking spaces according to the following schedule:
1. An outpatient facility or unit: Ten percent (10%) of the total number of parking spaces.
 2. A facility or unit that specializes in treatment or services for persons with mobility impairments: Twenty percent (20%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.
- E. The reserved space or spaces under this chapter must be reserved by posting immediately adjacent to and visible from the space or spaces a vertical sign measuring at least forty-eight (48) inches from the base of the sign, located in a manner that will not be obscured by a vehicle parked in the space, and bearing the following:
1. The international symbol of accessibility.
 2. Letters and numbers that have a width to height ratio between 3:5 and 1:1 and a stroke width to height ratio between 1:5 and 1:10.
 3. Characters and numbers that are sized according to the distance from which the characters and numbers are read, with the minimum height measured by an uppercase "X". Lowercase characters may be used.
- F. The characters and background of a sign required under subsection (E) must be eggshell, matte, or another nonglare finish. Characters and symbols used on a sign must contrast with the background of the sign.

Sec. 13-112. Size and location of parking spaces.

- A. Except as provided in subsection (B), the size and location of parking spaces required under this chapter must conform to the following standards:
1. An accessible parking space must be at least ninety-six (96) inches wide.
 2. An access aisle adjacent to an accessible parking space must be at least sixty (60) inches wide and may not be restricted by a built-up curb ramp, planters, curbs, wheel stops, or any other obstructions.
 3. Two (2) adjacent accessible parking spaces may share a common access aisle.

4. An access aisle:
 - a. Must be part of an accessible route to the building or facility; and
 - b. Must either merge with the accessible route or have a curb ramp to the accessible route that complies with the rules governing curb ramps.
 5. An accessible parking space and an access aisle must have a surface slope of not more than 1:50 (two percent (2%)) in all directions.
 6. An accessible parking space and an access aisle must be designated with blue lines.
 7. An accessible parking space and at least one (1) vehicle access route to the accessible parking space must have a minimum vertical clearance of at least ninety-eight (98) inches.
- B. A parking facility must designate at least one (1) accessible parking space of every eight (8) accessible parking spaces as a van accessible parking space. A van accessible parking space must have an access aisle at least ninety-six (96) inches wide. Notwithstanding Section 13-111(C) of this article, a parking facility may group all van accessible parking spaces in a single location.
- C. Notwithstanding subsection (B), a parking facility that:
1. Is in existence on June 30, 1996; and
 2. Conforms to the specifications for the size and location of parking spaces under this section as the specifications were in effect on June 30, 1996;

is not required to conform with subsection (B) until the first time the parking facility is resurfaced or restriped after June 30, 1996.

Sec. 13-113. Physically Disabled parking spaces.

- A. The Town Council may by motion designate parking spaces to be reserved for the use of physically disabled persons only, and erect signs as required by law designating said space as “physically disabled parking only”.
- B. It shall be unlawful for any person to park a motor vehicle which does not have displayed an unexpired physical disability parking permit issued under I.C. 9-14-5, an unexpired disabled veteran’s registration plate under I.C. 9-18-18, or an unexpired physical disability registration plate or decal issued under I.C. 9-18-22, in any space in Town designated as “physical disability parking only.” Any motor vehicle displaying an unexpired physical disability parking permit, an unexpired disabled veteran’s registration plate, or an unexpired physical disability registration plate or decal issued under the laws of another State may stand or park in a space

reserved for physically disabled persons, only when the vehicle is being used to transport a physically disabled person.

- C. It is a defense that a physically disabled person was using a motor vehicle that was parked in the reserved space.
- D. The Police Department is authorized to have towed away at the offender's expense any vehicle parked in spaces designated as "physical disability parking only."
- E. The fine for violations of Section 13-113 (B) shall be one hundred dollars (\$100.00) for each offense. If the fine is not paid within thirty (30) days from the offense, this matter shall be filed with a court of competent jurisdiction and the general penalty provisions of the Code shall apply. This fine may be in addition to any costs of towing which may be required under the circumstances.

Chapter 13

MOTOR VEHICLES AND TRAFFIC

- Art. I. In General, §§ 13-1 – 13-14**
- Art. II. Operation of Vehicles, §§ 13-15 – 13-35**
- Art. III. Taxicabs §§ 13-36 – 13-50**
- Art. IV. Stopping, Standing and Parking §§ 13-51 – 13-84**
 - Div. 1. Generally, §§ 13-51 – 13-65
 - Div. 2. Snow Emergency Regulations §§ 13-66 – 13-84
- Art. V. Bicycles, §§ 13-85 – 13-109**
- Art. VI. Parking Facilities for Physically Disabled Persons, §§ 13-110 – 13-113**
- Art. VII. Golf Carts, §§ 13-121 – 13-127**

ARTICLE I. IN GENERAL

Sec. 13-1. Minimum traffic accident report fee.

The minimum fee for a traffic accident report shall be five dollars (\$5.00).

Sec. 13-2. Motor inspection fee.

The Town hereby established a fee of five dollars (\$5.00) for the inspection of motor vehicles pursuant to IC 9-17-2-12 to be deposited in a fund of the Town now created called “Law Enforcement Continuing Education Fund” to be used for law enforcement purposes for the Town’s Police Department.

Sec. 13-3. Impound fee.

The Town hereby establishes a fee of fifteen dollars (\$15.00) to be collected from the owner of any motor vehicle impounded by the Chesterton Police Department. The fee shall be collected by the Police Department prior to release of the motor vehicle. All fees received pursuant to this Section shall be deposited into the general fund of said Town.

Secs. 13-4 – 13-14. Reserved.

ARTICLE II. OPERATION OF VEHICLES

Sec. 13-15. Local Ordinances, Authority.

- A. The Town Council has the authority pursuant to I.C. 9-21-1-2 and 3 to establish ordinances with respect to the control of local streets and highways in the Town regarding the listed items of the statutes and future amendments thereto.
- B. Any ordinance concerning traffic control shall adhere to the guidelines established by the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways and any future amendments thereto.

Sec. 13-16. U-turns.

No motor vehicle shall be operated on any public street in such a manner as to cause it to make a turn of more than ninety (90) degrees at any time, and no "U" turns shall be permitted by any motor vehicle on any street or intersection in Town.

Sec. 13-17. Entrance and exit at public parking areas.

No motor vehicle shall be driven into or from any public parking area except in conformity with the entrance and exit signs posted therein.

Sec. 13-18. Danger-double arrow signs.

Signs with the word "Danger" and a double arrow thereon shall be placed where a street or alley dead-ends, terminates or changes direction at an angle greater than forty-five (45) degrees, and it shall be unlawful for a vehicle to be driven beyond these signs at these two (2) points.

Sec. 13-19. Danger-slow-corner signs.

Signs with the word "Danger-slow-corner" thereon shall be placed approximately one hundred (100) feet back from intersections on such streets as the Town Council may, from time to time, determine to be particularly hazardous. As any person operating a motor vehicle approaches any such "Danger-slow-corner" sign, he shall reduce the speed of such vehicle to not more than twenty (20) miles per hour and proceed across such intersection with caution.

Sec. 13-20. One-way streets and alleys.

At locations and areas determined by them to present special traffic conditions or hazards, the Town Council may, from time to time, at various locations, cause to be erected "One-Way Traffic" and "One-Way, Do Not Enter" signs, with an arrow on the one-way traffic signs indication the direction of traffic on such streets or alleys and from and after the erection and display of such signs, it shall be unlawful to disregard, disobey, or travel in a direction other than that indicated on such sign. From time to time, the Street Department may be required in the performance of its duties to travel in a direction other than indicated on the sign as expressly authorized by the sign.

Violations of this Section shall be included on Appendix B to the Chesterton Town Code and processed, for first time offenders, through the Ordinance Violations Bureau with a fine of fifty dollars (\$50.00) to be assessed. In the event the fine is not paid within thirty (30) days from the offense, the matter shall be filed with a Court of competent jurisdiction and the general penalty provision of said code found at Section 1-9 shall apply. Any subsequent violations of this ordinance by the violator shall subject said violator to the general penalty provision of said code found at Section 1-9. All amounts collected pursuant to this Section shall be deposited in the Town General Fund.

Sec. 13-21. Speeding.

- A. It shall be unlawful for any person to operate any motor vehicle at a speed greater than that established by the Town Council from time to time for the Town generally and for particular locations.
- B. The Street Commissioner is herewith authorized and directed to post speed limit signs for control of traffic upon both side of the public highways upon which the Town Council has established speed limits in conformity with State law.

Sec. 13-22. Regulations for certain school premises.

- A. The administration of the Duneland School Corporation is herewith authorized and directed to post signs for control of traffic in conformity with the plats accompanying Ordinance No. 80-2 relative to the parcels of real estate comprising the premises of the Duneland School Corporation located within Town limits.
- B. It shall be unlawful for any person or persons to operate any motor vehicle at a speed greater than ten (10) miles per hour upon any driveway, parking area, alley, fire lane, road or street within the confines of each of the parcels of real estate described in paragraph (A) of this Section.
- C. It shall be unlawful for any person to operate any motor vehicle in the direction of travel other than that posted upon any driveway, parking area, alley, fire lane, road or street within the confines of the real estate described in paragraph (A) of this Section. It shall be unlawful for any person to park or remain standing any motor vehicle in any area upon the real estate described in paragraph (A) of this Section posted as a fire lane, or in an area designated as a no parking area.
- D. It shall be unlawful for any person to operate a motor vehicle and disregard and fail to heed and stop at any stop sign posted upon the real estate described in paragraph (A) of this Section.
- E. It shall be unlawful for any person to operate any motor vehicle upon any lawn, grass or unimproved ground located with the confines of the real estate described in paragraph (A) of this Section.

Sec. 13-23. Weight restrictions during certain periods.

- A. At all times during a period of days (not to exceed ninety (90) days by one (1) calendar year) which shall be those days as designated by the Town Council when,

in the opinion and judgment of the Council, it becomes necessary by reason of deterioration, rain, snow or other climatic conditions to prohibit the operation of vehicles or impose restrictions as to the weight of vehicles to be operated on streets and highways within the Town, it shall be unlawful for any person to drive, operate, cause to be operated or be in physical control, upon any public road, street, or highway within the Town limits, excepting therefrom any highways in the State highway system and the State maintained routes thereof, any motor vehicle or combination of vehicles having a combined total gross weight, including load, in excess of ten thousand (10,000) pounds, unless a written permit therefore shall have been first obtained from the Street Commissioner.

- B. Any permit issued by the Street Commissioner as referred to in paragraph (A) of this Section shall specify and direct in writing the streets and highways of the Town that may be utilized by the permittee.
- C. The limitation of gross weight of vehicles operating on the streets and highways as referred to in paragraph (A) of this section shall be effective upon a directive from the Town Council to the Street Commissioner to erect and maintain signs designating such gross weight limitations at each end of that portion of any road, street, or highway affected thereby and at intersecting roads, streets or highways. Such limitations of gross weight of vehicles shall cease upon a directive from the Town Council to the Street Commissioner to remove such signs.

Sec. 13-24. Truck weight, parking and height restrictions.

- A. For the purposes of this section, the word “truck” shall mean any motor vehicle designed, used and maintained primarily for the transportation of property, unless the vehicle has a maximum capacity of one and one-half (1 ½) tons or less unloaded. Recreational vehicles, tow trucks and vehicles owned and maintained by the Town are not included as trucks for the purposes of this Section.
- B. It shall be unlawful for any person, firm or corporation to drive, tow or pull upon or over the streets or alleys of the Town, other than those streets paved with concrete, Porter Avenue and Fifteenth Street, any vehicle which at such time shall weigh over thirty (30) tons with the load it is carrying.
- C. It shall be unlawful for any person, owner or driver to park or cause to park any truck, semi-trailer or any combination of the two (2) upon any street or alley in an area zoned for residential use pursuant to the Chesterton Zoning and Subdivision Ordinance except for expeditious delivery, pickup of materials or construction use.
- D. It shall be unlawful for any person, owner or driver to park or cause to be parked any truck, semi-trailer or any combination of the two (2) upon any lot zoned for residential use pursuant to the Chesterton Zoning and Subdivision Ordinance, except for expeditious delivery, pickup of materials or construction use.
- E. Except for expeditious delivery, pickup of materials or construction use at a residence in the following area all trucks which have a height (measured from the ground) of ten (10) feet or higher shall be banned from:
 - 1. Wilson Street from Porter Avenue north to Indiana Avenue;
 - 2. Landman from Porter Avenue north to Indiana Avenue;
 - 3. Jeffery Street from Porter Avenue north to Indiana Avenue;

4. Bowser Avenue from Wilson Street east to Roosevelt Street;
 5. Morgan Avenue from Wilson Street east to Roosevelt Street; and
 6. Indiana Avenue from Wilson Street east to Roosevelt Street
- F. If a Police Officer of the Town finds a vehicle in violation of this Section, such Officer is hereby authorized to require the driver or other person in charge of the vehicle to remove such vehicle so that it is no longer in violation of this Section; if any such person so directed shall fail or refuse to move such vehicle or vehicle is unattended, then the Police Officer is hereby authorized to provide for the removal of the offending vehicle to any nearby available garage or other place.

Sec. 13-25. Stop or yield intersections.

- A. Upon the receipt of an engineering and traffic investigations report, the Town Council may by motion designate through highways and erect stop or yield signs at specific entrances thereto or may designate any intersection as a stop or yield intersection and erect like signs at one or more entrances to such intersection.
- B. Every stop sign and yield sign shall be manufactured and installed in conformance with the Indiana Manual of Uniform Traffic Control Devices for Streets and Highways as provided under IC 9-21-2 et seq. and 9-21-3-1.
- C. The Street Commissioner of the Town is hereby directed and authorized to post signs according to law and in accordance with this Section.
- D. Every driver of a vehicle shall stop or yield in obedience to any such sign as the case may be in the Town before entering such intersection except when directed to proceed by a Police Officer or traffic control signal.
- E. The Ordinance Violations Bureau provision of the Code shall apply to violations of this section.

Sec. 13-26. No passing zones.

No passing zones on 11th Street shall be established as follows:

- A. A no passing zone shall be established on 11th Street for northbound traffic beginning at the north edge of the intersection of 11th Street and Country Road 1100 North and proceed north for seven hundred and eighty-five (785) feet.
- B. A no passing zone shall be established on 11th Street for southbound traffic beginning six hundred and seventy (670) feet north of the north edge of the intersection of Chestnut Boulevard and 11th Street and proceed south for six hundred and seventy (670) feet.
- C. A no passing zone shall be established on 11th Street for both northbound and southbound traffic two hundred and sixty-five (265) feet south of the center of the drive for Westchester Intermediate School and shall proceed north for six hundred and thirty-five (635) feet.

Sec. 13-27. Trucks prohibited.

All trucks or motor vehicles in excess of three (3) tons' gross vehicle weight (GVW), shall be prohibited from operation upon the alleyway located between 107 and 109 South Calumet Road.

Secs. 13-28 – 13-35. Reserved.

ARTICLE III. TAXICABS

Sec. 13-36. Definitions.

As used in this article:

Taxicab shall mean any motor vehicle used for carrying passengers for hire within the Town limits and the immediate surrounding territory, to destinations designated by the passengers, and not on regular routes.

Taxicab service shall mean the business or occupation of operating taxicabs and furnishing taxicab service to the public.

Sec. 13-37. Required marking.

Every vehicle operated by the company shall have the name of the company painted on the exterior body in letters of suitable size, so that the vehicle can readily be identified when in motion.

Sec. 13-38. Insurance required.

It shall be unlawful for any person to operate a taxicab in the Town, unless such person is placed on file with the Clerk-Treasurer, prior to the issuance of a license, a policy of insurance in full force and effect, issued by a reputable insurance company authorized to conduct business in the State of Indiana, insuring owner, operator and driver of the taxicab against liability to the extent of three hundred thousand dollars (\$300,00.00) for one (1) accident, and one hundred thousand dollars (\$100,000.00) property damage. Such policy of insurance must remain in full force and effect at all times, a copy of which will be retained by the Clerk-Treasurer and said policy shall not be allowed to lapse or be cancelled without the consent of the Town Council.

Sec. 13-39. Drivers to have written character references on file with Town.

No taxicab shall be at any time operated by any driver until there shall have been filed with the Clerk-Treasurer a written character reference, stating that he is of good moral character, which reference shall be signed by two (2) or more reputable householders residing in the Town, and not related to the driver.

Sec. 13-40. Driver's photograph to be displayed in vehicle.

No taxicab shall be operated at any time unless a photograph of the driver operating the taxicab is prominently displayed so as to be visible to all passengers riding in the taxicab, under which photograph shall be printed his name and address, and the name of the owner of the taxicab.

Sec. 13-41. License – Required.

It shall be unlawful for any person to operate or propel, or cause to be operated or propelled, any taxicab on or along any avenue, street or alley within the corporate limits of the Town, until such person shall have first obtained a license, signed by the Clerk-Treasurer, to so operate such taxicab, and shall have paid the fee therefore as provided in Section 13-44 of this chapter.

Sec. 13-42. License – Application.

Any person operating taxicabs shall submit the name of the company at the time of application for a license required by this division, and will operate under one name only. The application for a license must be the bona fide owner or owners of the of the vehicle, and the name of each person owning or operating the vehicle shall be registered with the license, with the Clerk-Treasurer, description, make and model of the vehicle and record of inspections. This record shall be available to the public at any reasonable time.

Sec. 13-43. Qualifications of applicants.

No license issued under this division to engage in the business of operating a taxicab shall be issued to or held by anyone who is not a person of good character, or who has been convicted of a felony, or whose license to operate a motor vehicle has been revoked during the preceding year, nor shall such license be issued to or held by any group of persons, firm or corporation if any officer or shareholder thereof is ineligible for a license under the foregoing conditions.

Sec. 13-44. Fee.

The initial fee for a license required by this division shall be fifty dollars (\$50.00) per car used as a taxicab, to be paid upon the application for a license herein provided, which said sum shall be refunded in the event that a license is denied. Thereafter the license fee to be paid for each car used as a taxicab licensed under this division shall pay the sum of twenty-five dollars (\$25.00) per year, payable in advance on the first business day in the month of January. No refund shall be allowed for any unexpired part of the period for which any license is issued.

Sec. 13-45. Transferability.

No license issued under this division shall be transferred from one taxicab to another, of from one person to another, or from one firm or corporation to another.

Sec. 13-46. Suspension or revocation.

Any license issued under the terms of this division may be suspended or revoked by the Town Council if such taxicab is found not to be in a safe and clean condition, and not in compliance with inspection requirements, and the terms of this article and the statutes and administrative regulations of the State. The Town Council shall have the further right, privilege

and power to revoke the license owned by any person operating one or more taxicabs in violation of the terms of this article, where one or more of such taxicabs fails to meet the requirements hereof.

Secs. 13-47 – 13-50. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 13-51. Two-hour parking.

- A. When and where signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of time longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. in that area designated as two-hour parking zone.
- B. When and where signs area erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of longer than two (2) hours in an area designated as a two-hour parking zone.
- C. If any vehicle shall remain parked in any location set forth in (A) or (B) above for longer than two (2) hours, the owner or driver of such vehicle shall be subject to the penalties provided in this Code and such vehicle may be towed or removed from such location at the expense of the owner of such vehicle.

Sec. 13-52. Obedience to signs, markings.

No motor vehicle shall be parked or permitted to remain stationary at any location where official signs, painted roadway markings or painted curbs prohibit such stopping or standing.

Sec. 13-53. Method of parking.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the curb or the edge of the roadway except as otherwise provided in the Code.

Sec. 13-54. Prohibited parking areas.

No motor vehicle shall be parked or permitted to remain stationary in any of the following prohibited areas:

- A. On a sidewalk.
- B. In front of a public or private driveway.
- C. Within an intersection.
- D. Within fifteen (15) feet of a fire hydrant.
- E. On a crosswalk, or within twenty (20) feet of a crosswalk at an intersection.
- F. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway. This does not apply to off-street parking spaces where parking does not block the view of the stop sign.
- G. Within fifty (50) feet of the nearest railroad crossing.
- H. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking).
- I. In any alley at any time or for any length of time, except during that period of time in which such vehicle is actually being loaded or unloaded.

- J. No vehicle shall be parked in the traveled portion of any road or right-of-way in the Town so as to obstruct the flow of traffic on the right-of-way.
- K. No vehicle shall be parked along Morgan Avenue at 7th Street, Chesterton Boulevard and 6th Street from the intersection of said streets to a point twenty-five (25) feet west of each intersection.
- L. No vehicle shall be parked on 7th Street and Chesterton Boulevard at their intersections with Morgan Avenue from the intersection of said streets to ten (10) feet north of Morgan Avenue.
- M. No vehicle shall be parked for a distance of ten (10) feet west of the alleys between 8th and 7th Street, 7th and Chesterton Boulevard, all along Morgan Avenue.
- N. No vehicle shall be parked on the west side of 5th Street, from Broadway to Indiana Avenue.
- O. No vehicle shall be parked along the north side of Lincoln Avenue at 8th Street from the intersection of said streets to a point twenty feet (20') west of said intersection.
- P. No vehicle shall be parked along Morgan Avenue at 7th Street from the intersection of said streets to a point twenty feet (20') East of said intersection.
- Q. No vehicle shall be parked along the east side of Chesterton Boulevard at Morgan Avenue from the intersection of said streets to a point twenty feet (20') North of said intersection.
- R. No vehicle shall be parked for a distance of twenty feet (20') south of the alley between Morgan Avenue and Indiana Avenue along the East side of Chesterton Boulevard.
- S. No vehicle shall be parked along the east side of 6th Street at Morgan Avenue from the intersection of said streets to a point twenty feet (20') north of said intersection.
- T. No vehicle shall be parked for a distance of twenty feet (20') south of the alley between Morgan Avenue and Indiana Avenue along the west side of 6th Street.
- U. No vehicle shall be parked on Morgan Avenue from its intersection at Calumet Avenue to the Coffee Creek bridge.
- V. No vehicle shall be parked on Gateway Boulevard from its intersection at Village Pointe to State Road 49.

Sec. 13-55. Violations; penalty.

Any person accused of a violation of Article IV of Chapter 13 and the parking regulations set forth in Section 13-22 and 13-75 of the Code may settle and compromise such infraction by paying to the Town the sum of ten dollars (\$10.00) within ten (10) days from the date of the date of the citation. Such payment shall be made at the Police Station. In the event the ten dollars (\$10.00) fine is not paid within ten (10) days from the date of the citation, the fine for the violation will automatically increase to twenty-five dollars (\$25.00) payable at the Police Station. Failure to pay the twenty-five dollars (\$25.00) fine within thirty (30) days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction. In the event the citation is sent to a court of competent jurisdiction, the offender shall be subject to the general penalty provision found at Section 1-9 of the Code for the offense.

The fact that a vehicle which is parked or remaining stationary in violation of the Code as provided for in this Section is registered in the name of a person shall be considered prima facie

proof that such person was in control of the vehicle at the time such vehicle was parked or allowed to remain stationary.

Secs. 13-56 – 13-65. Reserved.

DIVISION 2. SNOW EMERGENCY REGULATIONS

Sec. 13-66. Definitions.

As used in this division:

Even numbered side of a street shall mean that side of the street that has even numbered house numbers, or a majority of even numbered house numbers, over its entire length.

Odd numbered side of a street shall mean that side of the street that has odd numbered house numbers, or a majority of odd numbered house numbers, over its entire length.

Sec. 13-67. When effective.

Whenever two (2) or more inches of snow has fallen on the Town's streets and alleys the same is hereby declared to be a snow emergency and the parking regulations and prohibitions set forth in this division shall be in effect until the Town Council or the Street Commissioner shall have declared such snow emergency to have ceased.

Sec. 13-68. Parking restricted on certain streets.

During any snow emergency no parking shall be allowed between the hours of 12:00 midnight and 8:00 a.m. on the following enumerated streets.

EAST – WEST STREETS:

1100 North, from Dickinson Road to Pearson Road

Broadway, full length.

Indian Boundary Road, from Calumet Road to Sand Creek Drive North.

Porter Avenue, from 250 East to 23rd Street.

Wabash Avenue, from Calumet Road to Waverly Road.

Woodlawn Avenue, from 15th Street to Calumet Road.

Rail Road, full length

Voyage Boulevard.

1050 North, from 200 East to State Road 49

Gateway Boulevard.

NORTH – SOUTH STREETS:

5th Street, from Broadway to 1050 North.

8th Street, from Porter Avenue to Wabash Avenue.

11th Street, from Porter Avenue to 1050 North.

15th Street, from Washington Avenue to Woodlawn Avenue.

23rd Street, from 1100 North to Wood Street.

Calumet Road, from Taylor Street south to 1100 North.

Waverly Road, from Wabash Avenue to Woodlawn Avenue.

Council Drive.

Plaza Drive.

Dickinson Road, from Porter Avenue to 1050 North.

Jackson Boulevard., from Broadway north to railroad tracks.

4th Street, from Wabash to Broadway.

Village Point.

100 East, from Calumet Road to Rail Road.

Kelle Drive.

Sec. 13-69. Parking regulations for other streets.

During any snow emergency, parking and the presence of automobiles on all streets in the Town other than those specifically set forth in Section 13-68 above shall be as follows:

- A. On even numbered days of the month, no parking between the hours of 8:00 a.m. and midnight shall be allowed on the odd numbered side of such street.
- B. On odd numbered days of the month, no parking between the hours of 8:00 a.m. and midnight shall be allowed on the even numbered side of such street.

Sec. 13-70. Parking in alleys.

During any snow emergency no parking shall be allowed on any alley in the Town between the hours of 8:00 a.m. and midnight.

Sec. 13-71. Street Commissioner's authority to prohibit parking.

The Street Commissioner is hereby authorized and empowered to prohibit parking in the streets and alleys of the Town at any time, even though that time period may conflict with other provisions of this division, for the purpose of snow removal, emergencies, repairs, and maintenance upon the following conditions:

- A. Whenever the Street Commissioner shall determine that parking should be prohibited upon any street or alley in order to expedite the orderly and efficient removal of snow, or for the purpose of repairs and maintenance, or in any emergency, as so determined by the Street Commissioner, the Street Commissioner shall cause signs to be posted within the right-of-way of such street or alley, at least every three hundred (300) feet, which shall be substantially as follows:

NO PARKING FROM _____ TO _____
Street Commissioner, Town of Chesterton.

And each such sign shall be at least eight and one-half (8 ½) inches by eleven (11) inches in size.

- B. Such signs shall prohibit parking for no more than eight (8) hours and shall be posted for at least four (4) hours before it shall be lawful to tow or remove vehicles parked on any street or alley so posted.

Sec. 13-72. Towing of vehicles authorized.

The Police Department is hereby authorized to have removed and towed away by commercial towing service any vehicle parked or remaining stationary on any street or alley in contravention of the provisions of this division upon the following conditions:

- A. The Police Department shall cause any vehicle violating any provisions of this division to be impounded, an impound form completed, and a citation shall be issued to the owner of such vehicle for the violation of the provisions of this division.
- B. The Police Department shall cause such vehicle to be removed by a commercial towing service, which service shall remove such vehicle to a place maintained, off any public street and alley, by such towing service and such towing service shall

hold such vehicle until a proper release form executed by the Police Department shall be presented by the owner, of the owner's authorized representative, to such towing service.

Sec. 13-73. Towing service's liability for damages; charges; hours of redemption.

- A. Any commercial towing service removing and towing a vehicle under the provisions of this division shall use ordinary care and responsibility in the removal, towing and storage of such vehicle and shall not be liable for any damages or injury to such vehicle which is not occasioned by the negligence of such towing service and shall impose and collect before release of such vehicle to the owner or the owner's duly authorized representative, a towing charge in accordance with current rates and a storage charge as is appropriate, and in no event shall such vehicle be released by the commercial towing service until a proper release form executed by the Police Department has been presented to such towing service. No towing service shall be obligated to release such vehicle except between the hours of 8:00 a.m. and 5:00 p.m.

Sec. 13-74. Prima facie proof of violations.

The fact that a vehicle that is parked or remaining stationary in violation of the provisions of this division is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time such vehicle was parked or allowed to remain stationary.

Sec. 13-75. Penalties.

Any person accused of a violation of this division may settle and compromise such infraction by paying to the Town the sum of ten dollars (\$10.00) within ten (10) days from the date of the date of the citation. Such payment shall be made at the Police Station. In the event the ten dollars (\$10.00) fine is not paid within ten (10) days from the date of the citation, the fine for the violation will automatically increase to twenty-five dollars (\$25.00) payable at the Police Station. Failure to pay the twenty-five dollar (\$25.00) fine within thirty (30) days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction. In the event the citation is sent to a court of competent jurisdiction, the offender shall be subject to the general penalty provision found at Section 1-9 of the Code for the offense.

Secs. 13-76 – 13-84. Reserved.

ARTICLE V. BICYCLES

Sec. 13-85 Bicycle, definition.

“Bicycle” means any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Sec. 13-86. Traffic laws apply to persons riding bicycles and skateboards.

Every person riding a bicycle or a skateboard upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State, declaring rules of the road applicable to vehicles or by the traffic ordinances of this Town applicable to the driver of a vehicle, except as to special regulations in this article excepting those provisions of laws and ordinances which by their nature can have no application.

Sec. 13-87. License; application; fee.

An application for a bicycle license and sticker may be made on a form provided by the Town and submitted to the Chief of Police. A license fee shall be set and paid to the Clerk-Treasurer or designee before each license is granted. The fee will be commensurate with the current cost of the stickers to the Town.

Sec. 13-88. Same – Issuance; denial; records.

The Chief of Police is authorized to issue a bicycle license required under this article upon receiving a proper application. The Chief of Police shall not issue a license for any bicycle that he knows, or has reasonable grounds to believe that, the applicant is not the owner of or entitled to the possession of such bicycle. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom it was issued, and the number on the frame of the bicycle for which it was issued.

Sec. 13-89. Same – Sticker; attachment.

The Chief of Police, upon issuing a bicycle license required by this article, shall also issue a license and sticker bearing the license number assigned to that bicycle. The Chief of Police, or his designated representative, shall cause such license to be firmly attached to the frame of the bicycle so that it is plainly visible. No person shall remove a license sticker from a bicycle during the period of time for which it was issued.

Sec. 13-90. Reserved.

Sec. 13-91. Notice required upon transfer of ownership.

Upon the sale or transfer of the ownership of a bicycle which has been licensed under this article, the new owner may notify the Chief of Police of the sale and give his name, address and

other necessary information so that the record can be amended accordingly within thirty (30) days of the sale.

Sec. 13-92. Parking.

- A. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.
- B. The Town Council may designate bicycle parking zones on the streets of the Town as it may deem necessary. When signs are erected indicating a bicycle parking zone, no person shall park a vehicle in any such bicycle parking zone.

Sec. 13-93. Riding on sidewalks.

No person shall ride a bicycle or a skateboard upon any sidewalk adjacent to a business in the Town. No person shall ride a bicycle or a skateboard on any other sidewalks so as to interfere with pedestrian traffic.

Sec. 13-94. Violations.

It is a violation of this article for any person to do any act forbidden or fail to perform any act required by this article. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article. These regulations applicable to bicycles or skateboards apply whenever a bicycle or a skateboard is operated upon any street or upon any public path set aside for the exclusive use of bicycles or skateboards, subject to those exceptions stated herein.

Sec. 13-95. Penalties.

Any person violating any of the provisions of this Article who is of legal age to possess a State operator's license, whether or not they possess one, shall be prosecuted through the Ordinance Violations Bureau. Any person violating any of the provisions of this article who is under the legal age to possess a State operator's license shall receive a notice of violation that will be forwarded to the offender's parents or guardian.

Secs. 13-96 – 13-109. Reserved.

Sec. 13-110. Compliance with ADA.

Notwithstanding any requirements of this Article VI, a person who complies with:

- A. Title III of the Americans with Disabilities Act of 1990 (42 USC 12181); and
- B. The Americans With Disabilities Act Guidelines adopted by the United States Department of Justice;
- C. Complies with this Article.

Sec. 13-111. Reservation of spaces and parking facility providing for self-parking.

- A. Except as provided in subsection (D), each parking facility that provides parking spaces for self-parking by employees or visitors must have accessible parking spaces reserved according to the following schedule:

TOTAL NUMBER OF PARKING SPACES IN FACILITY	MINIMUM NUMBER OF RESERVED SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 spaces over 1,000

- B. A parking facility may provide accessible parking spaces in a different location from other parking spaces if the location of the accessible spaces results in equivalent or greater access by the shortest accessible route of travel to an accessible entrance of:
 - 1. A building, if the parking facility serves a specific building; or
 - 2. The parking facility, if the parking facility does not serve a specific building.
- C. This subsection applies to a building with more than one (1) accessible entrance that has parking adjacent to the entrances. Accessible parking spaces for a building described in the subsection must be dispersed and located closest to the accessible entrances.

- D. This subsection applies to a facility that provides medical care or other services for persons with mobility impairments. A facility described in this subsection must provide accessible parking spaces according to the following schedule:
1. An outpatient facility or unit: Ten percent (10%) of the total number of parking spaces.
 2. A facility or unit that specializes in treatment or services for persons with mobility impairments: Twenty percent (20%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.
- E. The reserved space or spaces under this chapter must be reserved by posting immediately adjacent to and visible from the space or spaces a vertical sign measuring at least forty-eight (48) inches from the base of the sign, located in a manner that will not be obscured by a vehicle parked in the space, and bearing the following:
1. The international symbol of accessibility.
 2. Letters and numbers that have a width to height ratio between 3:5 and 1:1 and a stroke width to height ratio between 1:5 and 1:10.
 3. Characters and numbers that are sized according to the distance from which the characters and numbers are read, with the minimum height measured by an uppercase "X". Lowercase characters may be used.
- F. The characters and background of a sign required under subsection (E) must be eggshell, matte, or another nonglare finish. Characters and symbols used on a sign must contrast with the background of the sign.

Sec. 13-112. Size and location of parking spaces.

- A. Except as provided in subsection (B), the size and location of parking spaces required under this chapter must conform to the following standards:
1. An accessible parking space must be at least ninety-six (96) inches wide.
 2. An access aisle adjacent to an accessible parking space must be at least sixty (60) inches wide and may not be restricted by a built-up curb ramp, planters, curbs, wheel stops, or any other obstructions.
 3. Two (2) adjacent accessible parking spaces may share a common access aisle.
 4. An access aisle:
 - a. Must be part of an accessible route to the building or facility; and

- b. Must either merge with the accessible route or have a curb ramp to the accessible route that complies with the rules governing curb ramps.
 - 5. An accessible parking space and an access aisle must have a surface slope of not more than 1:50 (two percent (2%)) in all directions.
 - 6. An accessible parking space and an access aisle must be designated with blue lines.
 - 7. An accessible parking space and at least one (1) vehicle access route to the accessible parking space must have a minimum vertical clearance of at least ninety-eight (98) inches.
- B. A parking facility must designate at least one (1) accessible parking space of every eight (8) accessible parking spaces as a van accessible parking space. A van accessible parking space must have an access aisle at least ninety-six (96) inches wide. Notwithstanding Section 13-111(C) of this article, a parking facility may group all van accessible parking spaces in a single location.
- C. Notwithstanding subsection (B), a parking facility that:
- 1. Is in existence on June 30, 1996; and
 - 2. Conforms to the specifications for the size and location of parking spaces under this section as the specifications were in effect on June 30, 1996;

is not required to conform with subsection (B) until the first time the parking facility is resurfaced or restriped after June 30, 1996.

Sec. 13-113. Physically Disabled parking spaces.

- A. The Town Council may by motion designate parking spaces to be reserved for the use of physically disabled persons only, and erect signs as required by law designating said space as “physically disabled parking only”.
- B. It shall be unlawful for any person to park a motor vehicle which does not have displayed an unexpired physical disability parking permit issued under I.C. 9-14-5, an unexpired disabled veteran’s registration plate under I.C. 9-18-18, or an unexpired physical disability registration plate or decal issued under I.C. 9-18-22, in any space in Town designated as “physical disability parking only.” Any motor vehicle displaying an unexpired physical disability parking permit, an unexpired disabled veteran’s registration plate, or an unexpired physical disability registration plate or decal issued under the laws of another State may stand or park in a space reserved for physically disabled persons, only when the vehicle is being used to transport a physically disabled person.

- C. It is a defense that a physically disabled person was using a motor vehicle that was parked in the reserved space.
- D. The Police Department is authorized to have towed away at the offender's expense any vehicle parked in spaces designated as "physical disability parking only."
- E. The fine for violations of Section 13-113 (B) shall be one hundred dollars (\$100.00) for each offense. If the fine is not paid within thirty (30) days from the offense, this matter shall be filed with a court of competent jurisdiction and the general penalty provisions of the Code shall apply. This fine may be in addition to any costs of towing which may be required under the circumstances.

ARTICLE VII. OPERATION OF GOLF CARTS.

Sec. 13-121. Local Ordinance, Authority. The Town Council has the authority, pursuant to I.C. 9-2-1-3.3 to adopt by ordinance additional traffic regulations concerning the use of golf carts on streets within the jurisdictional limits of the Town.

Sec. 13-122. Definitions. “Golf cart” shall have the meaning set forth in I.C. 9-13-2-69.7, as may be amended from time to time.

Sec. 13-123. UseLocal Ordinance, Authority

Sec. 13-121. Local Ordinance, Authority

Chapter 14

RESERVED

Chapter 15

NUISANCES

Sec. 15-1. Definitions.

For the purposes of this article, the word “nuisance” is hereby defined as the doing of any unlawful act, or the omitting to perform a duty, or the suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injuries or endangerment to the comfort, repose, health or safety of others; or
- B. Is offensive to the senses; or
- C. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- D. In any way renders other persons insecure in life or the use of property; or
- E. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Sec. 15-2. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- A. Noxious weeds and other rank vegetation.
- B. Accumulations of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- C. Any condition that provides harborage for rats, mice, snakes and other vermin.
- D. Any building or other structure which is in such a dilapidated condition, that it is unfit for human habitation, kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- E. All unnecessary or unauthorized noises and annoying vibrations, including noises.
- F. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- G. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- H. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- I. Any building, structure or other place or location where any activity which is in violation of local, State or Federal law is conducted, performed or maintained.
- J. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

- K. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- L. The unauthorized obstruction of any public street, road or sidewalk.
- M. Any abandoned vehicle.

Sec. 15-3. Prohibited.

Any person who causes, permits, maintains or allows the creation or maintenance of a nuisance shall be punished as provided in Section 1-9 of this Code.

Sec. 15-4. Notice to abate.

Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, a duly designated officer of the Town may give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

Sec. 15-5. Contents of notice.

The notice to abate a nuisance issued under the provisions of this article shall contain:

- A. An order to abate the nuisance or to request hearing within a stated time, which shall be reasonable under the circumstances.
- B. The location of the nuisance, if the same is stationary.
- C. A description of what constitutes the nuisance.
- D. A statement of acts necessary to abate the nuisance.
- E. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town may abate such nuisance and assess the cost thereof against such person.

Sec. 15-6. Service of notice.

The notice to abate a nuisance shall be served as authorized by law.

Sec. 15-7. Abatement by Town.

Upon failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, a duly designated officer or employee of the Town may proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Sec. 15-8. Recovery of Town's costs.

- A. Any and all costs incurred by the Town in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed and shall be certified by the Clerk-Treasurer to the County Auditor who shall cause such costs to be placed upon the tax duplicate of the owner of such

property and such costs shall then be collected from the owner as other taxes are collected.

- B. In addition, such costs shall be a debt that may be collected by the Town in an appropriate civil action.

Sec. 15-9. Chapter to be supplemental.

The provisions of this chapter are hereby declared to be supplemental to all other ordinances of the Town.

Chapter 16 -

OFFENSES AND MISCELLANEOUS PROVISIONS

- Art. I. In General, §§ 16-1 – 16-15
- Art. II. Parades, Assemblages, Pickets, §§ 16-16 – 16-26
- Art. III. Alarm Systems §§ 16-29 – 16-37
- Art. IV. Consumer Fireworks §§ 16-40 – 16-42

ARTICLE I. IN GENERAL

Sec. 16-1. Discharging Firearms Prohibited.

- A. It shall be unlawful for any person to discharge or cause to be discharged any firearm within the corporate boundaries of the Town except;
 - 1. By a law enforcement officer commissioned by the State of Indiana or the United States of American; or
 - 2. When located within a qualified practice facility by a person of proper age.
- B. A “qualified practice facility” shall mean a place that;
 - 1. Has secured a use variance from the Board of Zoning Appeals pursuant to I.C. 36-7-4-900, et seq., and complies in all other ways with the Code;
 - 2. Is located within a fully enclosed building or structure specifically designed for the safe containment of projectiles and the abatement of noise;
 - 3. Complies with all Occupational, Health and Safety Administration (OSHA) rules and regulations concerning lead exposure; and
 - 4. Complies with any and all applicable Federal, State and local statutes, ordinances, rules, regulations and laws.
- C. A “person of proper age” shall mean a person who is at least eighteen (18) years of age unless under the direct supervision of a person who is at least eighteen (18) years of age.

Sec. 16-2. Hand gun license application fee.

The Town establishes the following handgun license application fees:

Four (4) year handgun license: Ten dollars (\$10.00), five dollars (\$5.00) of which shall be refunded if the license is not issued.

Lifetime handgun license (no current valid Indiana handgun license): Fifty dollars (\$50.00), thirty dollars (\$30.00) of which shall be refunded if the license is not issued.

Lifetime handgun license (current valid Indiana handgun license): Forty dollars (\$40.00), thirty dollars (\$30.00) of which shall be refunded if the license is not issued.

The application fees shall be deposited in a Law Enforcement Continuing Education Fund, to be used for law enforcement training duties.

Sec. 16-3 Curfew for Minors

- A. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:
 - 1. between 12 a.m. and 5 a.m. on Saturday or Sunday;
 - 2. after 10 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday.
 - 3. before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday;
- B. It is a curfew violation for a child less than fifteen (15) years of age to be in a public place after 10 p.m. or before 5 a.m. on any day.

Sec. 16-4 Defenses

- A. It is a defense to a violation under this Chapter that a child was emancipated:
 - 1. under IC 31-37-19-27 or IC 31-6-4-15.7 (before its repeal);
 - 2. by virtue of having married; or
 - 3. in accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct;
- B. It is a defense to a violation under this Chapter that the child engaged in the prohibited conduct while:
 - 1. accompanied by the child's parent, guardian or custodian;
 - 2. accompanied by an adult specified by the child's parent, guardian or custodian;
 - 3. participating in, going to, or returning from:
 - a. lawful employment;
 - b. a school sanctioned activity;
 - c. a religious event;
 - d. an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - e. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom on speech and the right of assembly; or
 - f. an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
 - 4. participating in an activity undertaken at the prior written direction of the child's parents, guardian or custodian; or
 - 5. engaged in interstate or international travel from a location outside Indiana to another location outside of Indiana.

Violations of the regulations set forth in this Ordinance shall be included in Appendix B to the Chesterton Town Code and processed for first time offenders, through the Ordinance Violations

Bureau with a fine of One Hundred Dollars (\$100.00) to be assessed. In the event the fine is not paid within thirty (30) days from the offense, the matter shall be filed with a Court of competent jurisdiction and the general penalty provision of said Code, found at Section 1-9, shall apply. Any subsequent violations of this Ordinance by the violator shall subject said violator to the general penalty provision of said Code found at Section 1-9. All amounts collected pursuant to this section shall be deposited in the Town General Fund

Secs. 16-5 – 16-15. Reserved.

ARTICLE II. PARADES, ASSEMBLAGES, PICKETS

Sec. 16-16. Definition.

As used in this article the term “parade” shall mean any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in this Town.

Sec. 16-17. Permit – Required.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police.

Sec. 16-18. Same – Application.

- C. A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer not less than ten (10) days before the date on which it is proposed to conduct the parade.
- D. The application for a parade permit shall set forth the following information:
 - 1. The name, address and telephone number of the person seeking to conduct such parade;
 - 2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - 3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 - 4. The date when the parade is to be conducted;
 - 5. The route to be traveled, the starting point and the termination point;
 - 6. The approximate number of person who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;
 - 7. The hours when such parade will start and terminate;
 - 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - 9. The location by streets of any assembly areas for such parade;
 - 10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
 - 11. The interval of space to be maintained between units of such parade;
 - 12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
 - 13. Any additional information that the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.

- E. The Chief of Police, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than ten (10) days before the date such parade is proposed to be conducted.
- F. It is the policy of the Town that the Chief of Police shall consider applications filed hereunder on less than 10 days notice so long as the application is complete, meets the standards for issuance of 16-19, and the Chief of Police has a reasonable opportunity to review the application prior to the parade.

Sec. 16-19. Same – Standards for issuance.

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of the other traffic contiguous to its route;
- B. The conduct of the parade will not require the diversion of so great a number of Police Officers of this Town to properly police the line of movement and the areas contiguous thereto as to prevent normal Police protection to this Town;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this Town other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper Fire and Police protection of, or ambulance service to, areas contiguous to such assembly areas;
- E. The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire;
- F. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without reasonable delays en route;
- H. The parade is not being held for the sole purpose of advertising any product, cause, goods or event and is not designed to be held purely for private profit.

No such permit, however shall be granted unless bond in such amount as determined by the Chief has first been filed with the Town as security for the payment of any damages or injury which may occur as the result of the parade; provided, however, that for cause shown the Chief may waive the requirement of such bond.

Sec. 16-20. Same – Notice of denial.

If the Chief of Police disapproves the application for a parade permit, he shall mail to the applicant within two (2) days after the date upon which the application was filed, a notice of his action.

Sec. 16-21. Same – Alternative.

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within four (4) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this article.

Sec. 16-22. Same – Contents.

Each parade permit shall state the following information:

- A. Starting time;
- B. Minimum speed;
- C. Maximum speed;
- D. Maximum interval of space to be maintained between the units of the parade;
- E. The portions of the streets to be traversed that may be occupied by the parade;
- F. The maximum length of the parade in miles or fractions thereof;
- G. Such other information as the Chief of Police shall find necessary to the enforcement of this article.

Sec. 16-23. Same – Revocation.

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon a determination that the applicant or proposed parade no longer meets one or more of the standards for issuance as set forth in this article.

Sec. 16-24. Same – Possession.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 16-25. Compliance with permit, laws, etc., required.

A permittee under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances.

Sec. 16-28. Exceptions.

This article shall not apply to:

- A. Funeral processions;
- B. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
- C. A governmental agency acting within the scope of its functions.

ARTICLE III. ALARM SYSTEMS

Sec. 16-29. Definitions.

The following definitions shall be applicable for the purposes of this Article.

- A. Alarm Conditions: Alarms activated by lawful violation of a user's property or other violations that the systems were designed to protect against, acts of God, other violent conditions or by outside agencies of external forces not under the control of the owner, lessee or his employee or agent.
- B. Alarm Equipment Supplier: Any person, firm or corporation that sells, leases or installs automatic protection devices or signaling devices that transmit alarms upon receipt of a stimulus from a detection apparatus or manually operated system.
- C. Alarm System: An assembly of equipment and devices such as a solid-state unit, arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Department is expected to respond.
- D. Alarm User: Any person on whose premises an alarm system is maintained within the Town of Chesterton except for alarm systems on motor vehicles. Also included are those systems that employ an audible signal emitting sounds or a flashing light or beacon designed to alert or signal persons outside the premises.
- E. Central Station: A facility whose prime purpose is to monitor incoming alarm signals 24 hours a day and relay the signal information to the appropriate authorities.
- F. Direct Line: A telephone line leading directly into the communications center of the Police Department that is for use only to report signals on a person-to-person basis.
- G. False Alarms: The activation of an alarm system caused by improper operation, negligence of the owner or lessee or its employee or agent or equipment malfunction; provided, however, that the term "false alarm" shall not include alarm activation caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by an alarm user or alarm equipment supplier.
- H. Local Alarms: A signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.
- I. Person: Any individual, partnership, corporation, association, or society, but such term does not include the Town of Chesterton.
- J. Police Chief: The Chief of the Police Department of the Town of Chesterton, or his authorized representative or designee.
- K. Public Trunk Line: A telephone line leading into the communications center of the Police Department that is for the purpose of handling emergency and administrative calls on a person-to-person basis.
- L. Signaling Device: An electrically operated instrument that automatically sends visual and/or audible signals to be registered by indicators at a monitor panel at the receiving terminal, or central station.
- M. Town: Town of Chesterton

Sec. 16-30. Permitted Devices

- A. No person shall use or cause or permit to be used, an alarm system utilizing signaling devices that automatically select a public trunk line of the Police Department of the Town and then reproduce any prerecorded message to report any robbery, burglary, fire or other emergency.
- B. With the exception of local alarms, only signaling devices shall be permitted to be installed in the Town for the purpose of reporting any robbery, burglary, fire or other emergency to the Police Department of the Town.

Sec. 16-31. Automatic Telephone Dialing Systems Prohibited.

- A. It shall be unlawful for any person to sell, offer for sale, install, maintain, lease, operate or assist in the operations of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public directly to request emergency service from the Police Department of the Town.
- B. The Police Chief or his designee, upon becoming aware of an automatic telephone dialing system installed or operated in violation of this section, shall order, in writing, the owner, operator or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order.
- C. Any automatic telephone dialing system installed prior to the effective date of this Article shall be removed within 30 days of the effective date of this Article.

Sec. 16-32. Monitoring System.

The Metropolitan Board of Police Commissioners of the Town of Chesterton is authorized to contract for and maintain the installation of a uniform monitoring system (Board) to receive visual and audible signals over direct lines.

Sec. 16-33. Inspection.

The Chief of Police shall have the right to inspect, at reasonable times, any alarm system on the premises where it is intended to be used to determine whether it is being used in conformity with the provisions of this Article.

Sec. 16-34. Local Alarms.

Local alarms with any externally audible alert shall not make a sound similar to that of Civil Defense warning systems, and such alarms in residential districts must have an automatic cutoff after fifteen (15) minutes of sounding.

Sec. 16-35. Testing of Equipment.

- A. No alarm system designed to transmit alarm conditions directly to the Police Department shall be tested or demonstrated without first notifying the Police Department. Notification is not required to test or demonstrate alarm devices not

transmitting alarm conditions directly to the Police Department, unless reports of the alarm conditions are to be relayed to the Police Department.

- B. Failure to notify the Police Department prior to testing an alarm system shall constitute a false alarm and shall be subject to the penalty provisions under this Article.

Sec. 16-36. Disconnection.

- A. When alarm conditions are discovered by the Police Department that evidence a failure to comply with the requirements of this Article, the Police Chief is authorized to demand that the owner or lessee of the alarm system, or its representative, disconnect the alarm system until it is made to comply with the requirements of this Article.
- B. Any person affected by the Police Chief's order to disconnect an alarm system shall have the right to request the Board of Metropolitan Police Commissioners to review the decision or action taken by the Police Chief by requesting review in writing within ten (10) days after any adverse action or decision has been made by the Police Chief. The Board may affirm, modify or reverse any decision made by the Police Chief.
- C. In the event the Town finds it necessary to order an alarm system disconnected, the Town shall incur no liability by such action to the extent allowed by law.

Sec. 16-37. Violations and Penalties.

No alarm user may have more than two (2) false alarms in any calendar month. Each additional false alarm shall constitute a violation of this Article and shall result in a fine of \$50.00 and shall be prosecuted in accordance with the Ordinance Violations Bureau. In the event the fine is not paid within thirty (30) days from the offense, the matter shall be filed with a Court of competent jurisdiction and the general penalty provisions of the Code found at section 1-9 shall apply. All amounts collected pursuant to this section shall be deposited in the Town General Fund. Any alarm person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any other provisions of this Article shall be subject enforcement in a Court of competent jurisdiction in accordance with the General Penalty Provisions of Town Code found at 1-9.

ARTICLE IV. CONSUMER FIREWORKS

Sec. 16-40.

The terms “Consumer Firework” and “Firework” shall have the meaning set forth in I.C. 22-11-14-1 as the same may be amended from time to time. Two copies of I.C. 22-11-14-1 are on file in the office of the Chesterton Clerk Treasurer for inspection by the public.

Sec. 16-41.

The use, ignition or discharge of consumer fireworks within the corporate limits of the Town of Chesterton shall be unlawful and in violation of this Article at any time with the exception of the following:

- A. Within the hours of 5 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9 in any year;
- B. Between the hours of 10 a.m. and 12 midnight on July 4;
- C. Between the hours of 10 a.m. on December 31 and 1 a.m. on January 1 in any given year.

Sec. 16-42. Violations and Penalties.

- A. A first violation of this Ordinance shall subject the offender to a One Hundred Dollar (\$100.00) fine before the Chesterton Violations Bureau. Any subsequent violations of this Ordinance shall subject the offender to the General Penalty Provisions found in Section 1-9 of the Chesterton Town Code.

Chapter 17

PARKS AND RECREATION

Art. I. In General, §§ 17-1 – 17-15

Art. II. Park and Recreation Board, §§ 17-16 – 17-30

Art. III. Use Regulations, §§ 17-31 – 17-37

ARTICLE I. IN GENERAL

Sec. 17-1. Department created.

Under the provisions of IC 36-10-3 there is hereby created a Town Department of Parks and Recreation.

Sec. 17-2. Operating fund.

- A. There is hereby created, pursuant to IC 36-10-3-22, as amended, a special nonreverting operating fund for the use of the Park and Recreation Board.
- B. The Park and Recreation Board may make expenditures from the fund created by this Section without appropriation.

Sec. 17-3. Capital fund.

There is hereby created, pursuant to IC 36-10-3-20, a special nonreverting capital fund for the purpose of acquiring land for the park system of the Town.

Secs. 17-4 – 17-15. Reserved.

ARTICLE II. PARK AND RECREATION BOARD

Sec. 17-16. Creation; composition; qualifications of members.

A Park and Recreation Board shall be created composed of four (4) members appointed by the Executive of the municipality on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.

Sec. 17-17. Terms; vacancies.

Upon establishment of the Board created by this article, the terms of the members, after those initially appointed, shall be four (4) years. All terms expire on the first Monday of January, but a member shall continue in office until a successor is appointed. If the Executive of the municipality does not make an appointment for a new term by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the Executive of the municipality shall appoint a new member for the remainder of the unexpired term.

Sec. 17-18. Officers.

At its first regular meeting in each year, the Board created by this article shall elect a President and Vice-President. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President. The Board may select a Secretary either from within or without its own membership.

Sec. 17-19. Powers, duties.

The Board created by this article shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in IC 36-10-3.

Sec. 17-20. Annual budget; acceptance of gifts, etc.

The Board created by this article shall prepare and submit an annual budget in the same manner as other departments of the Town as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for parks and recreation purposes.

Secs. 17-21 – 17-30. Reserved.

ARTICLE III. USE REGULATIONS

Sec. 17-31. General duties of persons using parks.

Each person using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

Sec. 17-32. Prohibited acts.

It shall be unlawful for any person using the parks to either perform or permit to be performed any of the following acts:

- A. Throw, discharge, or otherwise place or caused to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing in such waters, any substance, matter or thing, liquid or solid, which will or may result in pollution of said waters.
- B. Carry, possess, or drink any alcoholic liquor in any park.
- C. Violate any rule for use of the parks, made or approved by the Park and Recreation Board.
- D. Prevent any person from using any park, or any of its facilities or interfere with such compliance with this article and the rules applicable to such use.
- E. Swim, bath, or wade in any water or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with

such regulations as are herein set forth or may hereafter be adopted by the Town Council or the Park and Recreation Board.

- F. Engage in special activities including model airplanes, golf practice, ice-skating, games and picnics except at locations specifically designated for such activities by the Park Superintendent. Areas for such activities may be reserved by groups for use at specified times.
- G. Drive or park any automobile or motor vehicle except on a street, driveway or parking lot in any park; or to park or to leave any such vehicle in any place other than one established for public parking.
- H. Bring any dangerous animal into any park and it shall be unlawful to permit any dog to be in any park unless such dog is on a leash not more than six (6) feet long and in no event shall equines be allowed to be brought into or harbored in any of the parks of the Town.
- I. For any person other than employees and officials of the Park and Recreation Board to vend, sell, peddle or offer for sale any commodity or article within the park, unless a use permit is obtained.
- J. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever or erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park; provided that, these provisions shall not apply to any properly authorized government official in pursuit of his official duties.

Sec. 17-33. Hours parks are open.

- A. The Park and Recreation Board shall establish days and hours during such days that parks, or any of them, shall be open to the public and it shall be unlawful for any person other than Town personnel conducting Town business therein, to occupy or be present in such parks, or any of them, during any hours in which the park or parks are not open to the public.
- B. The Park Superintendent may declare any section, or part of any park, or any park, closed to the public at any time and for any interval of time, either temporarily or at regular stated intervals.

Sec. 17-34. Use permits.

- A. Whenever any group, association or organization desires to use park facilities for a particular purpose, such as picnics, parties, etc., a representative of such group, association or organization shall first obtain a permit from the Park Superintendent for such purposes. The Park and Recreation Board may adopt an application form to be used by the Park Superintendent for such situations.
- B. The Park Superintendent shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public if such group, association or organization meets all of the conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the Town from any liability of any kind or character and to protect Town property from damage and to ensure cleanup of such park after use by such group, association or organization.

- C. The Park and Recreation Board has the authority to adopt a schedule of fees for the use of park facilities.

Sec. 17-35. Picnics.

- A. No person in a park shall picnic or lunch in a place other than those designated for that purpose. The Park Superintendent or his designee shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this.
- B. No person in a park shall use any portion of the picnic areas of any of the buildings or structures therein for the purposes of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

Sec. 17-36. Enforcement.

The Park Superintendent and his designees are herewith granted authority to enforce the provisions of this article and the Police Department and the members thereof are herewith specifically directed and authorized to enforce the provisions of this article.

Sec. 17-37. Dunes Friendship Land Park, Rules and Regulations.

- A. The Department of Parks and Recreation has approved and the Town Council adopts the following rules and regulations for Dunes Friendship Land Park. These rules and regulations are:
 1. No obscene language or disorderly behavior on park property
 2. No pets are allowed within the Dunes Friendship Land play structure.
 3. No bikes are allowed within the Dunes Friendship Land play structure.
 4. No skates are allowed within the Dunes Friendship Land play structure.
 5. No skateboards are allowed within the Dunes Friendship Land play structure.
 6. No roller blades are allowed within the Dunes Friendship Land play structure.
 7. There will be a curfew one (1) hour after sunset in the Dunes Friendship Land play structure.
 8. There is a marked height restriction for the children's portion of the Dunes Friendship Land play structure. Parents are allowed to be in the area with their children but only children under the marked height are allowed in the children's area.
 9. No children over eight (8) years of age shall be allowed to play in the fenced in area at the Dunes Friendship Land Park.
 10. Any vandalism within the Dunes Friendship Land play structure or any other park property that is overseen by the Department of Parks and Recreation will not be tolerated. Any persons caught vandalizing Town parks will be prosecuted to the full extent of the law.
 11. Any violations of the above rules will result in the offender being asked to leave the park on the day in question. A second offense will result in the offenders

being banned from the park in question. The third offense will result in the offender being banned from all Town parks.

- B. Violations of this article shall be prosecuted through the Ordinance Violations Bureau.

Chapter 18

PEDDLERS, HAWKERS, SOLICITORS AND ITINERANT VENDORS

Sec. 18-1. Definition.

As defined in this chapter:

Peddlers, hawkers, itinerant vendors and solicitors, shall include any transient person who engages temporarily in the making or selling of any goods, wares or merchandise of any kind whatsoever, including the sale, or soliciting for sale of photographs and magazine subscriptions within the Town, regardless of whether such goods, ware or merchandise are peddled from house to house, sold or hawked upon the streets or other public places, or sold from any room, building, structure or lot rented or leased for the purpose of carrying on such business, for present or future delivery, by telephone or otherwise.

Transient person shall mean any person who does not reside within the boundaries of the Duneland School Corporation.

Sec. 18-2. License – Required.

It shall be unlawful for any hawker, peddler, solicitor or other itinerant vendor in goods, wares or merchandise, to offer the same for sale in this Town without having first obtained a license therefore.

Sec. 18-3. Same – Application.

Not less than twenty-four (24) hours prior to the issuance of any license by the Clerk-Treasurer, as provide herein, an applicant for a license, as a condition precedent to the issuance of such license, shall furnish the Clerk-Treasurer a written application in triplicate on a form to be furnished by the Town known as “Peddler’s Application Form No. 1,” in which each and every question shall be answered under oath. Such form is to be examined and approved by the Clerk-Treasurer, and the Clerk-Treasurer is directed to refuse to issue a license to a person who has not answered each and every question thereon under oath.

The Chief of Police shall direct the investigation of the application for a license and may deny same provided that written reasons are submitted to the Clerk-Treasurer by the Chief of Police and given to the applicant.

Sec. 18-4. Same – fee.

The amount to be paid for a license under this chapter shall be five dollars (\$5.00) for one (1) day and twenty-five dollars (\$25.00) for one (1) week, in conformity with the application. Any sponsored event where there is to be more than ten (10) peddlers, hawkers, solicitors and itinerant vendors, as defined in Section 18-1, shall be permitted and required to have one (1) license

covering all vendors for the sum of fifty dollars (\$50.00) per day, said application to be completed by an authorized member of the sponsoring group.

The fees required under this section shall be paid at the time the application is submitted to the Clerk-Treasurer in order to cover the expenses of processing the application. In the event that a license is not issued, the town will retain the processing fee.

Sec. 18-5. Same – Issuance.

The Clerk-Treasurer shall make out all licenses granted to peddlers, hawkers, itinerant vendors and solicitors under this chapter and each license shall be properly signed by the Clerk-Treasurer, the President of the Town Council and the Chief of Police, upon the Clerk-Treasurer having received from the applicant the proper sum for such license and all other terms of this chapter having been complied with.

Sec. 18-6. Same – Term.

No license shall be issued under this chapter for less than one (1) day, or longer than one (1) week.

Sec. 18-7. Same – Exhibition upon demand required.

It shall be unlawful for any peddler, hawker, itinerant vendor, solicitor, or other person to refuse to show his license when requested to do so by any person to whom he shall offer to sell any goods, wares, or merchandise, or to any Police Officer of this town when so requested.

Sec. 18-8. Restrictions as to hours of sale.

It shall be unlawful for any peddler, hawker, itinerant vendor, solicitor, or other person to sell, solicit for sale any goods, wares or merchandise within the Town except between the hours of 9:00 a.m. and 5:00 p.m. of each week day and 9:00 a.m. and 12:00 noon on Saturday of each week.

Sec. 18-9. Exemptions.

The provisions of this chapter shall not apply to sales made to the dealers by commercial travelers, or to sheriffs, constables, administrators, guardians, receivers, or other properly elected and qualified officers, nor to sales by producers of farm or dairy products, where such produce was raised or produced on the premises of the seller, nor shall it apply to the sale of newspapers by one who has a regular and established route for sale of the same.

Sec. 18-10. Violations; penalty.

Violations of this chapter shall be prosecuted in accordance with the Ordinance Violations Bureau.

Chapter 19

ECONOMIC DEVELOPMENT

Art. I. Economic Development, §§ 19-1 – 19-3

ARTICLE I. ECONOMIC DEVELOPMENT

Sec. 19-1. Findings.

It is hereby found that a need exists for the financing of economic development and pollution control facilities as authorized by IC 36-7-12-1 et seq.

Sec. 19-2. Creation of Department and Commission.

There is hereby created the Town Department of Development and the Town Development Commission, which Commission shall consist of three (3) members.

Sec. 19-3. Appointment of Commission members; terms.

Members of the Development Commission shall be nominated and appointed, and shall serve for the terms as provided in IC 36-7-12-1 et seq.

Chapter 20

RESERVED

Chapter 21

POLICE

- Art. I. In General, §§ 21-1 – 21-15
- Art. II. Metropolitan Board of Police Commissioners, §§ 21-16 – 21-30
- Art. III. Police Reserves, §§ 21-31 – 21-35

ARTICLE I. IN GENERAL

Sec. 21-1. Management and control of Department.

The operation and management of the Town Police Department shall be governed by provisions of the State law applicable to the management and control of Metropolitan Police Departments.

Sec. 21-2. Mandatory retirement age.

- A. All Police Officers hired and employed by the Town after the effective date of Ordinance 77-4 shall retire upon reaching the age of sixty years (60).
- B. All Police Officers of the Town employed as of March 28, 1977 who shall have completed twenty (20) years of active service as Police Officers in the Town, under the Metropolitan Police Pension Fund, so as to be eligible to receive a pension, such eligibility having been attained prior to reaching the age of sixty (60) years, shall retire upon attaining the age of sixty (60) years.
- C. In the event any Police Officer employed by the Town as of March 28, 1977 who is a member of the Metropolitan Police Pension Fund, shall not have served twenty (20) years of active service so as to be eligible for a pension from such pension fund, shall be allowed to complete twenty (20) years of active service so as to be eligible for a pension, and shall retire upon attaining twenty (20) years of active service.
- D. This section shall not contradict nor avoid any other requirements of the Indiana Code with regard to eligibility for service as a Police Officer, including, but not limited to, ability to perform duties as a Police Officer of the Town.

Sec. 21-3. Fee for video taped information.

- A. The Police Department shall hereafter charge a fee of fifty dollars (\$50.00) to provide a copy of videotape that was taken by the Police Department involving an incident or accident, traffic arrest, and any other type of traffic enforcement for which there is videotape taken by the Police Department. The fifty-dollar (\$50.00) fee is to be charged for each incident or each tape. In the event that the same incident or accident involves two (2) separate tapes, the charge shall be fifty dollars (\$50.00) for each tape. The person or party requesting a copy of such tape or tapes

shall be responsible for providing a blank tape or tapes for copying and reproduction purposes.

- B. All fees received by the Police Department for said reproduction of video tapes shall be deposited in a separate account to be known as the “Law Enforcement Continuing Education Fund” and may be expended by the discretion of the Chief Administrative Officer of the Department for any department purpose reasonably related to keeping of incident or accident reports and records or traffic enforcement pursuant to I.C. 9-29-11-1(b)(3) and any future amendments thereto.

Secs. 21-4 – 21-15. Reserved.

ARTICLE II. METROPOLITAN BOARD OF POLICE COMMISSIONERS

Sec. 21-16. Created.

Pursuant to the referendum of May 2, 1967, and in accordance with IC 36-8-9-1 et seq., the Town Council herein establishes a Metropolitan Board of Police Commissioners.

Sec. 21-17. Title, composition.

The Board of Police Commissioners created by this article shall be identified as the Chesterton Board of Police Commissioners, which Board shall consist of three (3) members to be appointed by the Town Council.

Sec. 21-18. Qualifications.

The Commissioners appointed pursuant to this article shall be of good character and shall be legal residents of the Town and not more than two (2) of the Commissioners shall be of the same political party.

Sec. 21-19. Terms; filling of vacancies.

Upon the expiration of the terms of the initial members, the successors of such members of the Board of Police Commissioners shall be elected, as aforesaid, for a three (3) year term. Any vacancy occurring during a term of office shall be filled by the majority vote of the Town Council by a replacement member who shall serve out the term of the member whose office has become vacant and such replacement member shall be affiliated with the same political party as that of the member whose office was vacated.

Sec. 21-20. Compensation.

Each member of the Board of Police Commissioners shall be compensated at the rate as set by the Town Council from time to time for his services as a member of such Board, payable monthly out of the treasury of the Town.

Sec. 21-21. Oath.

Each Commissioner before entering upon his duties shall take and subscribe to an oath before the Clerk of the Circuit or Superior Court of the county, as prescribed under IC 36-8-9-3.

Sec. 21-22. Bond.

Each Commissioner, before entering upon his duties, shall give bond in the penal sum of five thousand dollars (\$5,000.00), payable to the State, conditional upon the faithful and honest discharge of his duties, which bond shall be approved by the Town Council.

Sec. 21-23. To appoint Chief of Police.

The Board of Police Commissioners shall appoint one (1) person to serve as Chief of the Police force.

Sec. 21-24. Appointment of employees.

The Board of Police Commissioners shall have the power to appoint such other employees as are necessary to carry on the work of the Police Department.

Sec. 21-25. Compensation of Police Department members.

The Commissioners shall recommend to the Town Council who shall fix and determine the compensation to be paid members of the Police Department, so long as compensation is just and reasonable and in compliance with the laws of the State of Indiana.

Sec. 21-26. Suspension or removal of Police Department members.

The Board of Police Commissioners shall have the authority to suspend or remove any person or persons from the Police Department, if in accordance with IC 36-8-9-4, 36-8-3-4 and 36-8-3-4.1 and any future amendments.

Sec. 21-27. Removal of Commissioners.

Each Commissioner shall be subject to removal from office by the Town Council for any cause the Town Council deems sufficient.

Secs. 21-28 – 21-30. Reserved.

ARTICLE III. POLICE RESERVES

Sec. 21-31. Establishment of Police Reserves.

The Police Reserve Unit is hereby established that is limited to a maximum of fifteen (15) members, to be appointed by the Metropolitan Board of Police Commissioners with the approval of the Town Council.

Sec 21-32. Benefits.

- A. That to the extent sums of money for benefits are appropriated by the Town Council, Police Reserves may:
 - 1. Receive a uniform allowance;
 - 2. Receive compensation for time lost from other employment because of court appearances;
 - 3. Be insured for life, accident and sickness coverage; and
 - 4. A Police Reserve may be covered by medical treatment and burial expense provisions of the Workers' Compensation Law (IC 22-3-2 through IC 22-3-6) and the Workers' Occupational Disease Law (IC 22-3-7). If compensability is at issue, the administrative procedures of IC 22-3-2 through IC 22-3-6 and IC 22-3-7 shall be used to determine the issue.
- B. Police Reserves are not eligible to participate in any pension program provided for regular members of the Department.

Sec. 21-33. Training and probationary period.

A Police Reserve Officer may not be appointed until he has completed the training and probationary period specified by rules of the Police Department.

Sec. 21-34. Prohibition of powers.

A Police Reserve Officer may not make an arrest, conduct a search or seizure of a person or property, or carry a firearm, unless the Police Reserve Officer successfully completes a pre-basic course under IC 5-2-1-9(f).

Sec. 21-35. Rules and regulations governing.

The Metropolitan Board of Police Commissioners shall promulgate and establish rules and regulations of the Police Department concerning Police Reserves.

Chapter 22

RESERVED

Chapter 23

STREETS, SIDEWALKS AND PUBLIC PLACES

- Art. I. In General, §§ 23-1 – 23-15
- Art. II. Culverts, §§ 23-16 – 23-30
- Art. III. Snow Removal, § 23-61

ARTICLE I. IN GENERAL

Sec. 23-1. Obstructions prohibited; removal at property owner's expense.

- A. It shall be unlawful for any person to plant or maintain any shrubs, bushes, trees or other form of vegetation or material in such a manner that it obstructs or hinders the passage of pedestrians on sidewalks or vehicular traffic on streets or alleys within the Town.
- B. It shall be unlawful for any person to erect, build or maintain any building, fence, barricade, gate or structure of any kind in such a manner that it obstructs the passage of pedestrians upon sidewalks or crosswalks or vehicular traffic on the streets or alleys within the Town. This paragraph shall not apply to any obstruction made in accordance with the building code ordinances or street excavation ordinance and under permits issued in accordance therewith.
- C. It shall be unlawful for any person to plant or maintain any fence, barricade or structure at any intersection of any roads, streets, alleys, highways or vehicular right-of-way within the limits of the Town, which in the opinion of the Town Council, obstructs unreasonably the vision of motorists or pedestrians approaching such intersection.
- D. Any cost incurred by the Town correcting or removing any violation as herein provided shall be taxed against the offending property owner and placed upon the tax records for collection.
- E. It shall be unlawful for any person to dump, place, or deposit any mud, dirt, stone, woodchips, or other debris upon any roadway.

Sec. 23-2. Posting of notices, etc., on utility poles or public property restricted.

- A. No person shall post, paint, print, paste, stencil, tack, nail or otherwise affix any notice, mar, poster, handbill, advertisement, campaign poster, or any other sign whatsoever, except traffic signs and directive signs, upon any utility pole or tree on any street, park or public ground located within the Town.
- B. This section shall not apply to the posting of any legal notice required to be posted by law.

Sec. 23-3. Littering prohibited.

It shall be unlawful for any person to throw or place any handbill, paper, garbage, refuse and rubbish, as the same are defined in section 10-2 of the Code, upon the streets, alleys, walks or public places within the Town.

Sec. 23-4. Placement and use of poles and wires restricted.

- A. All persons and the owners and operators of public utilities using pole lines, with wires within the corporate limits of the Town in, across or along a public street, alley or public place, shall be required to raise the wires, guy wires and such other appurtenances to such pole lines belonging and replace poles, when necessary to permit the construction of any public improvement of any street, sewer, or sidewalk or roadway or the moving of any building along any street, alley or public place in the Town, and to, when necessary, remove and replace the poles or pole lines to a new position in the street, alley or public place so as to accommodate such public improvement or moving of buildings in the incorporated Town.
- B. All such persons and the operators of public utilities, using pole lines with wires within the corporate limits of the Town, as mentioned in paragraph (A) of this section, shall be required to so construct and maintain their poles and pole lines and wires in and upon the streets, alleys and public places of the Town in such a manner so as not to interfere with the ingress or egress to private property within the Town and that when any property owner, within the Town, builds or constructs a roadway or driveway, as ingress and egress to and from his property from the public streets or alleys of the Town, any pole, wires, guy wires, or other appurtenances to such pole line belonging, of the public utilities mentioned in paragraph (A) of this section, interfering with the free and reasonable use of such driveway or roadway, shall be removed and replaced to a new position in the street, alley or public place, so as to accommodate such property owner to the free and unobstructed use of such roadway or driveway, leading from the public street or alley in or upon his property.
- C. In the construction of public improvements, or the moving of buildings, the Town Council or the Engineer in charge of the work for the Town, shall have authority to determine that the wire lines or pole lines, crossing the street, alley or public place in the line of the improvement or which might interfere with the free and unobstructed use of roadways or driveways on private property, described in this section, shall be required to be removed, or the wires raised and shall issue a certificate to the contractor of such improvements, or to the person doing the work or to the property owner to procure from the Clerk-Treasurer a permit, as hereinafter provided, and such contractor or person shall take such certificate issued by the Engineer or by the Town Council, to the Clerk-Treasurer, and shall inform the Clerk-Treasurer as to the wires to be raised or the poles to be removed by the owners thereof, specifying the particular place and specific time of passing through or along the streets where such poles or wires obstruct and interfere with the construction of such improvements or interfere or obstruct the free and reasonable use of roadways or driveways from public streets or alleys to private property or where the same obstruct or interfere with the passage of the machinery used in such

construction or obstructs the moving of buildings, and such Clerk-Treasurer shall issue a permanent permit to such contractor or person or property owner upon payment of five dollars (\$5.00) and upon issuing such permit the Clerk-Treasurer shall prepare an order on the owner or owners of the poles and wires, to be prepared to raise the wires or remove the poles at the time and place set forth in the permit to such contractor or person and the Clerk-Treasurer shall serve such order, as a notice, on the owner or owners of such pole lines or the agent thereof or on its local representative within such Town, not less than twenty-four (24) hours before the time fixed in such order or notice for the raising of the wires or removal of the wires or poles in order that the same shall not interfere with or obstruct such public improvements or obstruct the passage of any machinery used by the person or contractor making such improvements, or that such poles or wires will not obstruct or interfere with the free and reasonable use of property within the Town.

- D. Any such utility owning and operating pole lines and wires, as set out in paragraph (A) of this section, who shall fail to comply with the request and notice provided for in paragraph (C) of this section, shall, upon such failure be liable to the Town for the penalty as prescribed in Section 1-9 of this Code for each and every day in default, and each day shall be a separate offense, and that sum or sums may be collected in any court of competent jurisdiction for and on behalf of the Town.

Secs. 23-5 – 23-15. Reserved.

ARTICLE II. CULVERTS

Sec. 23-16. Definitions.

Unless the context of this article specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Inspector shall mean Building Commissioner, Street Commissioner, or designee.

Watercourse shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

Sec. 23-17. Purpose.

The purpose of this article is to maintain watercourses, whether natural or artificial, along the public roads within the Town by regulating the installation, use and maintenance of private culverts along public roads within the Town.

Sec. 23-18. Installation prerequisite; to commencement of construction on abutting property in certain instances.

To accomplish the purposes hereof, the owners of all real estate, and improvements thereon within the Town, and abutting any street, alley or right-of-way in which there is now located or shall in the future be located a culvert, is hereby required at his expense to install, use and maintain

such culvert, prior to the commencement of any construction on such real estate according to the provisions of this article.

Sec. 23-19. Determination of need for culvert upon building permit applications.

- A. Upon any application for a building permit, the Inspector shall initially determine by personal inspection whether or not a culvert would be necessary in order to maintain the watercourse in, near and upon the real estate involved in the application for a building permit and adjacent properties.
- B. If the Inspector shall determine that a culvert is necessary, the Inspector shall require that such culvert be installed and be in accordance with the written instructions of the Inspector setting forth the location, diameter, which shall be no less than twelve (12) inches, length and depth of burial of such culvert, which installations shall be done prior to the issuance of a building permit.

Secs. 23-20 – 23-60. Reserved.

ARTICLE III. SNOW REMOVAL

Sec. 23-61. Generally.

It shall be unlawful for any person to move snow, slush or ice, or cause the same to be moved from any driveway, parking lot, alley, sidewalk or other parcel of land and deposit same upon any street or alley in the Town. The Street Department is exempt from the provisions of this article while performing its official job duties.

Chapter 24

STORM WATER MANAGEMENT

- ART. I. In General §§ 24-1 – 24-15**
- ART. II. Storm Water Management Board §§ 24-16 – 24-29**
- ART. III. Illicit And Illegal Discharge §§ 24-30 – 24-49**
- ART. IV. Storm Water Runoff From Construction Sites §§ 24-50 – 24-100**
- ART. V. Post-Construction Storm Water Management §§ 24-101 – 24-199**
- ART. VI. Rates and Charges §§ 24-200 – 24-299**
- ART. VII. Violations and Enforcement §§ 24-300 – 24-314**

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

Agricultural Conservation Practices shall mean practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include grass waterways, sediment basins, terraces, and grade stabilization structures.

Agricultural Land Disturbance shall mean tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this Chapter, the term does not include land disturbing activities for the construction of agricultural related facilities, such as:

1. Barns;
2. Buildings to house livestock;
3. Roads associated with infrastructure;
4. Agricultural waste lagoons and facilities;
5. Lakes and ponds;
6. Wetlands; and
7. Other infrastructure.

Average Annual Post-Development Total Suspended Solids Load shall mean the amount of the total suspended solids load after the completion of construction activities and the achievement of permanent stabilization based on the average reading of the total suspended solids loadings from all storms less than or equal to the two year/24-hour storm.

Best Management Practices (“BMPs”) shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, or other management practices, including treatment practices and operating procedures, undertaken to prevent or reduce the discharge of pollutants directly or indirectly into the municipal separate storm sewer system, approved BMPs shall be compiled by the Town of Chesterton from time to time.

Clean Water Act (“*the Act*”) shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), any subsequent amendments thereto, and all rules and regulations promulgated pursuant to said Act.

Clearing shall mean any activity that removes the vegetative surface cover.

Construction Activity shall mean land disturbing activities and land disturbing activities associated with the construction of infrastructure and structures. These include construction projects resulting in land disturbance of one (1) acre or more and include, but are not limited to, such activities as clearing and grubbing, grading, excavating, and demolition.

Construction Plan shall mean a representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A Storm Water Pollution Prevention Plan (SWPPP) is a part of the Construction Plan.

Construction site access shall mean a stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Discharge of a Pollutant shall mean any addition of any pollutant, or combination of pollutants, into any waters of the state.

Drainage Way shall mean any channel that conveys surface runoff throughout the site.

Dry weather violation shall mean a violation of this Chapter occurring more than twenty-four (24) hours after a wet weather event and up to a subsequent wet weather event.

Erosion shall mean the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion and Sediment Control Measure shall mean a practice or a combination of practices, to control erosion and resulting sedimentation.

Erosion and Sediment Control Permit shall mean the permit issued by the Town of Chesterton that authorizes construction activities on one (1) or more acres of land.

Erosion and Sediment Control System shall mean the use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Final Stabilization shall mean that all land disturbing activities have been completed and a uniform, perennial vegetative cover with a density of at least seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. For construction projects on land used for agricultural purposes, final stabilization means that the land is returned to its preconstruction agricultural use.

Grading shall mean the cutting and filling of land surface to a desired slope or elevation.

Hazardous Materials shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge shall mean any direct or indirect non-storm water discharge to the Municipal Separate Storm Sewer System ("MS4"), except as exempted by this Chapter.

Illicit Connections shall mean either of the following: (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4, and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Town of Chesterton; or (2) Any drain or conveyance from a residential, commercial or industrial land use connected to the MS4 not documented in plans, maps, or equivalent records or previously allowed, permitted, or approved by the Town of Chesterton.

Impervious Surface shall mean surfaces, such as pavement and rooftops that prevent the infiltration of storm water into the soil.

Individual Lot shall mean a single parcel of land, whether or not located within a larger common plan of development or sale.

Individual Lot Operator shall mean any individual engaged in construction activity on an individual lot.

Individual Lot Owner shall mean a person who has financial control of construction activities for an individual lot.

Industrial Activity shall mean activities subject to National Pollutant Discharge Elimination System ("NPDES") Industrial Permits as defined in 327 IAC 15-6 ("Rule 6").

Land Disturbance or land disturbing activities shall mean any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading. This term does not include routine ditch or road maintenance or minor landscaping projects.

Larger Common Plan of Development or Sale shall mean a plan, undertaken by a single project site owner, or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Maximum Extent Practicable (MEP) shall mean the statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve.

Measurable Storm Event shall mean a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Municipal Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, rivers, creeks, lakes, conduits of water on or underneath the ground, man-made channels, or storm drains), which are owned, monitored, or operated by the Town of Chesterton and that discharge into the waters of the United States.

MS4 Jurisdiction shall mean the town boundaries of the Town of Chesterton.

MS4 Operator shall mean the person responsible for development, implementation, and enforcement of the requirements in 327 IAC 15-13 (“Rule 13”) for the Town of Chesterton MS4 jurisdiction, or his designated representative.

National Pollutant Discharge Elimination System Storm Water Discharge Permit (NPDES Permit) shall mean a permit issued by the Indiana Department of Environmental Management (IDEM) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, a group, or on a general area-wide basis.

Notice of Intent (NOI) shall mean a written notification indicating intent to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES permit.

Notice of Termination (NOT) shall mean a written notification indicating that all land disturbing activities have ceased and that the project closure requirements of the erosion and sediment control permit have been satisfied.

Operator shall mean any individual engaged in construction activity.

Peak Discharge shall mean the maximum rate of flow during a storm, usually in reference to a specific design storm event.

Person shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Permanent Stabilization shall mean the establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Permit Holder shall mean any person, partnership, corporation, or landowner who holds, or has been issued an NPDES or Erosion and Sediment Control Permit.

Permitted Facility shall mean any facility subject to a NPDES permit.

Phasing of Construction shall mean sequential development of smaller portions of a large project site.

Pollutant shall mean anything that causes or contributes to pollution or thermal pollution, including, but not limited to, heat, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Project Site shall mean the entire area on which construction activity is to be performed.

Project Site Owner shall mean the entity required to submit an application for the Erosion and Sediment Control Permit under this Chapter and required to comply with the terms of this Chapter, including either a developer or a person who has financial and operational control of construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.

Runoff shall mean waters derived from melting snow or rain falling within a tributary drainage basin that exceed the infiltration capacity of the soils of that basin, flow over the surface of the ground, or are collected in channels or conduits.

Sediment shall mean solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation shall mean the settling and accumulation of unconsolidated sediment carried by storm water runoff.

Soil shall mean the unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.

Storm Water shall mean any surface or subsurface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan (SWPPP) shall mean a document which describes the BMPs and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Storm Water Quality Measure shall mean a practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

Strip Development shall mean a single or multi-lot, commercial project site where the individual lot(s) front on an existing road.

Subdivision shall have the same meaning as that found in the Chesterton Subdivision Control Ordinance.

Temporary Stabilization shall mean the covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

Total Suspended Solids Load shall mean a measure of the concentration of sediment and other solid particles suspended in the water column of a stream, lake or other body of water.

Town shall mean the Town of Chesterton, Indiana, acting by and through the Town Council of Chesterton, Indiana, or any duly authorized officials and Boards acting in its behalf and designated to enforce and administer this Chapter.

Tracking shall mean the deposition of soil that is transported from one (1) location to another by tires, tracks of vehicles, or other equipment.

Trained Individual shall mean an individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of course work that enable the individual to make judgments regarding storm water control or treatment and monitoring.

Wastewater shall mean any water or other liquid, other than uncontaminated storm water.

Wet weather event shall mean an occurrence of storm water runoff, snow melt runoff, or ice melt runoff as determined at a particular site.

Wet weather violation shall mean a violation of this Chapter that occurs during a wet weather event or within twenty-four (24) hours following the culmination of a wet weather event.

Sec. 24-2. Management Structure.

- A. The Chesterton Town Council hereby re-establishes the Storm Water Management Board for the Town as the same has operated in the past pursuant to I.C. 8-1.5-5 *et seq.*; and hereby establishes the following pattern of organization and administrative arrangements under which said Town will exercise its authority and discharge its responsibility for Storm Water Management. The Department of Storm Water Management (“Department”) shall consist of the following:
 - 1. A Storm Water Management Board (“Board”);
 - 2. A Storm Water Superintendent (“Superintendent”);
 - 3. A Storm Water Commissioner;
 - 4. A MS4 Operator;
 - 5. A Storm Water Secretary;
 - 6. A Storm Water Attorney.

- B. There may be, as may be provided for in the Department’s budget, such other employees as are necessary to operate and maintain the system.

Sec. 24-3 - 24-15. Reserved.

ARTICLE II. STORM WATER MANAGEMENT BOARD

Sec. 24-16. Composition; Qualifications; Terms of Members; Appointments; Filling Vacancies.

- A. The Board shall consist of three (3) members, who shall be chosen by the Town Council and shall serve in accordance with I.C. 8-1.5-5-4. No more than two (2) of the directors shall be of the same political party. Members shall serve terms of three (3) years, and terms shall be staggered.
- B. Any vacancy occurring during a term of office of a member of the Board shall be filled by the appointing authority by a replacement member who shall be of the same political party and shall serve out the remaining term of the member whose office has become vacant.

Sec. 24-17. Officers and Rules of Procedure.

The Board shall, during the month of January of each year, elect a President and Vice President, who shall serve in such offices until December 31st of the year in which they were elected. The Board shall establish its own rules and procedure for the conduct of its meetings.

Sec. 24-18. Meetings.

The Board shall conduct public meetings at least once each month.

Sec. 24-19. Powers and Duties.

- A. The Board has general supervisory powers over the MS4, with responsibility for the detailed supervision of the MS4 to be vested in the Superintendent, who is responsible to the Board for the business and technical operation of the MS4. The Board may:
 - 1. Fix the number and compensation of employees;
 - 2. Adopt rules governing the appointment of employees including making proper classifications and rules to:
 - a. Determine the eligibility of applicants;
 - b. Determine by competitive examination the relative fitness of applicants for positions;
 - c. Establish eligible lists arranged according to the ratings secured;
 - d. Provide for the appointment of those having the highest ratings; and
 - e. Provide for the promotion of employees;
 - 3. Appoint a Superintendent of the MS4. The Board shall make the appointment on the basis of fitness to manage the MS4, taking into account executive ability and knowledge;
 - 4. Hire attorneys when required for the operation of the MS4;
 - 5. Hire professional or expert personnel when required for the operation of the MS4;
 - 6. Submit a budget of its financial needs for the next year in the detail required by the municipal legislative body;
 - 7. After a public hearing, recommend to the legislative body reasonable and just

- 8. rates and charges for services to the users of the Storm Water Utility;
 - 8. Appropriate, lease, rent, purchase, and hold all real and personal property of the Department;
 - 9. Enter upon lands for the purpose of surveying or examining the land to determine the location of any structures or systems within the MS4 jurisdiction;
 - 10. Award contracts for:
 - a. The purchase of capital equipment; or
 - b. The construction of capital improvements; or
 - c. Other property or purposes that are necessary for the full and efficient construction, management, and operation of the Department;
 - 11. Adopt rules for the safe, economical, and efficient management and protection of the MS4;
 - 12. Deposit at least weekly with the municipal fiscal officer all money collected from the Storm Water Utility to be kept in a separate fund subject to the order of the Board; and
 - 13. Make monthly reports to the fiscal officer of the receipts and disbursements of money belonging to the Department and an annual report of the condition of the Storm Water Utility.

- B. The Board may purchase by contract electricity, water, gas, power, or any other commodity or service for the purpose of furnishing the commodity or service to the users of the Storm Water Utility.

- C. If the Board wants to purchase the commodity or service from a public utility and the parties cannot agree on a rate or charge to be paid for it, either party may apply to the commission or other appropriate State or Federal regulatory agency to establish a fair and reasonable rate or charge to be paid for the commodity or service.

Sec. 24-20. Superintendent.

- A. The Superintendent shall:
 - 1. Appoint, supervise, or dismiss all employees of the Department;
 - 2. Employ unskilled labor when needed, without competitive examination;
 - 3. Investigate all claims against the Department;
 - 4. Oversee the operation of the Department and any construction work, repairs, or alterations to the system; and
 - 5. Advise the Board in all matters that will bring about an efficient and economical operation and maintenance of the Department.

- B. The Superintendent is entitled to the compensation for his services that is determined by salary ordinance of the Town.

- C. Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Department personnel.

Sec. 24-21. MS4 Operator.

The MS4 Operator has responsibility for the technical operation of the MS4, subject to the supervision of the Superintendent. In addition to such duties as assigned by the Superintendent, the MS4 Operator shall have those responsibilities as detailed in 327 IAC 15-13 et seq.

Sec. 24-22 - 24-29. Reserved.

ARTICLE III. ILLICIT AND ILLEGAL DISCHARGE

Sec. 24-30. Applicability.

This Article shall apply to all landowners, permit holders, developers, other entities in possession, or other persons acting with or without the consent of a landowner which affects any real estate located within the MS4 jurisdiction.

Sec. 24-31. Responsibility for Administration.

The Department shall administer, implement, and enforce the provisions of this Chapter within the MS4 jurisdiction. Any powers granted or duties imposed upon the Town may be delegated in writing by the Town to persons or entities acting in the beneficial interest of or in the employ of the Town.

Sec. 24-32. Discharge Prohibition.

- A. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than storm water.
- B. Exempted Discharges. The following discharges are exempt from discharge prohibitions established by this Article:
 - 1. Water line flushing or other potable water sources, landscape or agricultural irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space pumps, air conditioning condensation, springs, non-commercial washing of passenger vehicles, natural riparian habitat or wet-land flows, swimming pools containing less than one parts per million (PPM) chlorine, fire fighting activities, and any other water source not containing pollutants.
 - 2. Discharges specified in writing by the Town as being necessary to protect public health and safety.
 - 3. Dye testing is an allowable discharge, but requires a verbal notification to the Town prior to the time of the test.
 - 4. Non-storm water discharges permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.
- C. Prohibition of Illicit Connections. No person shall construct use, maintain or permit any illicit connection to the MS4, including any illicit connection made prior to the adoption of this Article, regardless of whether the connection was permissible under law or practice prevailing at the time of the connection.

- D. Violations involving the discharge of hazardous or non-hazardous materials. In addition to any other remedies provided under this Chapter, violations of Section 23-32(A) may be prosecuted through the Ordinance Violations Bureau established by Section 1-13 of the Town Code. A first offense involving the discharge of non-hazardous materials shall be punishable by a fine of one hundred dollars (\$100) per occurrence. Second and subsequent offenses shall be punishable by a fine of two hundred fifty dollars (\$250) per occurrence. Each day that a violation is found to exist shall constitute a separate violation. Violations involving discharge of hazardous materials shall be punishable by a fine of two hundred fifty dollars (\$250) per occurrence. In addition, the Town shall be entitled to enforce offenses involving the discharge of hazardous materials through any combination of fines, injunctive relief, and the use of the administrative hearing process set forth in this Chapter.
- E. Violations involving the illicit connection of hazardous materials. In addition to any other remedies provided under this Chapter, violations of Section 23-32(C) may be prosecuted through the Ordinance Violations Bureau established by Section 1-13 of the Town Code. All illicit connections shall immediately be disconnected. In addition, a first offense involving the illicit connection of non-hazardous materials shall be punishable by a fine of one hundred dollars (\$100) per occurrence. Second and subsequent offenses shall be punishable by a fine of two hundred fifty dollars (\$250). Each day that a violation is found to exist shall constitute a separate violation. Violations involving connection of hazardous materials shall be punishable by a fine of two hundred fifty dollars (\$250) per occurrence. The Town shall be entitled to enforce offense involving the illicit connection of hazardous materials through any combination of fines, injunctive relief, and the use of the administrative hearing process set forth in this Chapter.

Sec. 24-33. Suspension of MS4 Access.

- A. Illicit Discharges in Emergency Situations. The Town may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened illegal discharge or any discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, to the MS4 or any watercourse, whether or not contained within the MS4. If the violator fails to comply with a suspension order issued in an emergency, the Town may take such steps as deemed necessary to prevent or minimize damage to the MS4 or any watercourse, whether or not contained within the MS4.
- B. Detection of Illicit Discharge. Any person discharging in violation of this Article may have their access to discharge to the MS4 terminated in order to abate or reduce an illicit discharge. The Town will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town for reconsideration and a hearing.
- C. Reinstatement of Access. No person whose discharge access has been suspended or terminated may reinstate MS4 access without the prior approval of the Town.

Sec. 24-34. Industrial or Construction Activity Discharges.

Any person engaged in industrial and/or construction activity and subject to a NPDES permit shall comply with all provisions of such permit. Prior to allowing any such person to discharge into the MS4, the Town may require proof of compliance with said permit in a form acceptable to the Town.

Sec. 24-35. Monitoring of Discharges.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

- A. The Town shall be permitted to enter and inspect facilities subject to regulation under this Article as necessary to determine compliance. If a facility has security measures in force, which require proper identification and clearance before entry into its premises, necessary arrangements shall be made to allow access to representatives of the Town.
- B. Facility operators shall allow the Town ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- C. The Town shall have the right to set up on any permitted or non-permitted facility such devices as the Town deems necessary to conduct monitoring and/or sampling of a facility's storm water discharge.
- D. The Town may require the owner or operator of a facility to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility at its own expense. All devices used to measure storm water flow and quality shall be calibrated at a minimum in accordance with manufacturer's specifications to ensure their accuracy.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the permit holder at the written or oral request of the Town and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator of the facility.
- F. Unreasonable delays in allowing the Town access to a permitted or non-permitted facility is a violation of this Article. The operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Town reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.
- G. On the proper showing that access to a facility is being denied and that probable cause exists to believe there is a violation of this Article, or the need to inspect and/or sample is necessary to verify compliance with this Article or any Order issued here under, the Town may seek the issuance of a search warrant from a court of competent jurisdiction.

- H. The Town may require a SWPPP from commercial facilities which, in the opinion of the MS4 Operator, have the potential to pollute receiving waters within the MS4 jurisdiction based on past activities at the site or the nature of the commercial activity.

Sec. 24-36. Requirement to Use Best Management Practices (BMPs).

The Town will adopt requirements identifying BMPs for any activity, operation, or facility, which may cause or contribute to pollution or contamination of the MS4. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of these structural and non-structural BMPs. Further, any person responsible for an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a SWPPP as necessary for compliance with requirements of the NPDES permit.

Sec. 24-37. Notification of Spills.

- A. Notwithstanding any other requirements of law, any person who has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the MS4 shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the MS4 Operator in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the MS4 Operator within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for no less than three (3) years from the date of the discharge.
- B. Violations. In addition to any other remedies provided under this Chapter, violations of this Section may be prosecuted through the Ordinance Violations Bureau established by Section 1-13 of the Town Code. The first offense of any section of this Chapter shall be punishable by a fine of one hundred dollars (\$100). Second and subsequent fines shall be punishable by a fine of two hundred fifty dollars (\$250) per occurrence. Each day that a violation is found to exist shall constitute a separate violation.

Sec. 24-38. Enforcement.

- A. Notice of Violation. In addition to any other remedies provided under this Chapter, whenever the Town finds that a person has violated any provision or requirement of this Article, the Town may order compliance by written notice of violation to the responsible person. Such notice may require the violator to cure or mitigate the violation by

requiring the performance of any or all of the following:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or illegal discharges;
3. That illegal discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be completed by the Town with the expense charged to the violator.

- B. Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination to the Board. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within thirty (30) days from the date of receipt of the notice of appeal unless the hearing is extended by agreement. The decision of the Board shall be in writing and shall be final, subject to the right of appeal to the Superior Court of Porter County, filed within thirty (30) days from the date of the decision of the Board.
- C. Abatement. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation within thirty (30) days of the decision of the Board, provided no appeal has been filed with the Superior Court, then representatives of the Town are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 24-39. Costs of Abatement.

In the event the Town abates a violation in accordance with Section 38(C) of this Article, the owner of the property will be notified of all costs of abatement, including administrative costs, within fifteen (15) days from the date the violation is abated. The costs of abatement shall be paid by the owner of the property. If the amount due is not paid within thirty days, the costs of abatement shall become a fee and special assessment against the property and shall constitute a lien on the property for the amount of the assessment pursuant to I.C. 8-1.5-5-29(b).

Sec 24-40. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Town may petition to a court of competent jurisdiction for a preliminary or permanent

injunction restraining the person from activities which would create further violations or compelling the person to abate or remediate the violation. In addition to all other remedies available, the Town may recover reasonable attorneys' fees, court costs and all other expenses associated with enforcing the provisions of this Article.

Sec. 24-44 - 24-49. Reserved.

ARTICLE IV. STORM WATER RUNOFF FROM CONSTRUCTION SITES

Sec. 24-50. Applicability.

- A. Unless expressly provided otherwise, the requirements of this Article shall apply to all construction sites with a land disturbance greater than or equal to one (1) acre, or a land disturbance of less than one (1) acre provided that it is part of a larger common plan of development or sale that will disturb more than one (1) acre, initiated after the adoption of this Chapter.
- B. In determining whether a construction site is subject to this Article, the following shall apply:
 - 1. Off-site construction activities that provide services including, but not limited to, road extensions, sewer, water, and other utilities, to a permitted project site, shall be considered a part of the permitted project site when the activity is under the control of the project site owner.
 - 2. Multi-lot project sites shall be subject to this Section, unless the total combined land disturbance on all individual lots is less than one (1) acre and the individual lots are not part of a larger common plan of development or sale. The land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, taking into consideration the following:
 - a. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
 - b. For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - c. To calculate land disturbance on all other types of project sites, including industrial and commercial project sites, the following apply:
 - i. Where lots are one (1) acre or greater in size, a minimum of one (1) acre of land disturbance shall be considered as the expected lot disturbance.
 - ii. Where the lots are less than one (1) acre in size, the total land area shall be considered disturbed.
- C. For purposes of this Article, strip developments are considered as one (1) project site and shall comply with this Article.
- D. Provided other applicable permits contain provisions requiring immediate implementation of erosion and sediment control measures, this Article shall not apply to the following:
 - 1. Persons involved in agricultural land disturbing activities or forest harvesting activities;
 - 2. Landfills that have been issued a certification of closure under 329 IAC 10;
 - 3. Coal mining activities permitted under I.C. 14-34;
 - 4. Municipal solid waste landfills accepting waste pursuant to a permit issued by the

5. IDEM under 329 IAC 10 containing equivalent storm water requirements; or
Road and regulated drain maintenance.

Sec. 24-51. Project Site Owner Responsibilities.

Each project site owner subject to this Article shall:

1. Ensure that a Construction Plan/SWPPP is completed and submitted in accordance with Section 24-56 of this Article;
2. Ensure compliance with this Article during the land disturbing activity and the implementation of the SWPPP;
3. Ensure that all construction activity takes place pursuant to a valid Erosion and Sediment Control Permit issued in accordance with this Article;
4. Complete and submit a Notice of Intent (NOI) in accordance with Section 24-57 of this Article;
5. Complete and submit a Notice of Termination Letter (NOT) in accordance with Section 24-60 of this Article;
6. Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this Article and the approved Construction Plan/SWPPP; and,
7. Inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the requirements of this Article, the conditions and standards included in the Construction Plan/SWPPP and the schedule for proposed implementation.

Sec. 24-52. Individual Lot Owner or Operator Responsibilities.

- A. An individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with the activities on individual lots.
- B. For an individual lot where land disturbance is expected to be one (1) acre or more and the lot does not lie within a project site permitted under this Article, the individual lot owner shall:
 1. Complete and submit a NOI in accordance with this Article; and
 2. Ensure that a Construction Plan/SWPPP is completed, submitted and followed in accordance with this Article.
- C. For an individual lot where the land disturbance lies within a project site permitted under this Article, the individual lot operator is not required to submit an NOI or a Construction Plan/SWPPP. The individual lot operator shall comply with the provisions and requirements of the Construction Plan/SWPPP developed by the project site owner and the requirements under this Article. At the time of building permit application, the individual lot operator shall submit a lot site plan demonstrating compliance with all required erosion and sediment control measures.

Sec. 24-53. General Requirements for Storm Water Quality Control

- A. All storm water quality measures and erosion and sediment controls necessary to comply with this Article must be implemented in accordance with the Construction Plan/SWPPP.
- B. A project site owner shall meet the following requirements, at a minimum:
 - 1. Sediment-laden water flowing from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.
 - 2. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.
 - 3. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
 - 4. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
 - 5. Storm water runoff leaving a project site must be discharged in a manner that is consistent with Town Code and all applicable state or federal laws.
 - 6. The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:
 - a. A copy of the valid erosion and sediment control permit and any applicable NPDES permit number;
 - b. The name, company name, telephone number, e-mail address (if available), and address of the project site owner, or a local contact person; and
 - c. The location of the construction plan, if the project site does not have an on-site location to store and keep a copy of the plan.
 - 7. The Construction Plan/SWPPP shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off.
 - 8. The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the Construction Plan/SWPPP and the schedule for proposed implementation.
 - 9. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
 - 10. Appropriate measures shall be planned and installed as part of an erosion and

sediment control system.

11. All storm water quality measures must be designed and installed under the guidance of a trained individual.
 12. Sediment control measures for sheet flow areas.
 13. Sediment control measures for concentrated flow areas.
 14. Sediment control measures for storm sewer inlet protection.
 15. Runoff control measures (e.g. diversions, rock check dams, slope drains, etc.)
 16. Storm water outlet protection specifications.
 17. Grade stabilization structure locations and specifications.
 18. Sediment control associated with dewatering and directional boring operations.
 19. Erosion and sediment control provisions for stream/channel crossings
 20. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
 21. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
 22. Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water runoff.
 23. Un-vegetated areas that are scheduled or likely to be left inactive for fifteen (15) calendar days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be re-stabilized using appropriate methods to minimize the erosion potential.
 24. During the period of construction activities, all storm water quality measures necessary to meet the requirements of this Article shall be maintained in working order.
 25. A self-monitoring program that contains all requirements in Sec. 24-58 of this Article.
 26. Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
 27. Achieve final stabilization.
- C. Individual building lots within a permitted project shall meet the following requirements:
1. Erosion and sediment control requirements associated with activities on individual lots.
 2. Installation and maintenance of a stable construction site access.
 3. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 4. Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been

achieved.

5. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
6. Erosion and sediment control specifications for individual building lots.
7. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
8. Each individual residential lot shall meet the criteria for final stabilization.

D. Violations. In addition to any other remedies provided under this Chapter, violations of this Section may be prosecuted through the Ordinance Violations Bureau established by Section 1-13 of the Town Code.

1. Dry weather violations. Dry weather violations of this Section shall be punishable by a fine of one hundred dollars (\$100) for a first offense. Second and subsequent violations shall be punishable by a fine of two hundred fifty dollars (\$250) per occurrence. Each day that a violation is found to exist shall constitute a separate violation. Violations that are not remedied after a second or subsequent violation may result in a stop work order.
2. Wet weather violations. Wet weather violations of this Section shall be punishable by a fine of two hundred fifty dollars (\$250) per occurrence. Each day that a violation is found to exist shall constitute a separate violation. Second and subsequent wet weather violations of this Section may, in addition to any fine issued, result in a stop work order.

Sec. 24-54. Erosion and Sediment Control Permit

No construction activity or land disturbing activity shall occur unless the MS4 Operator has issued an Erosion and Sediment Control Permit under this Article.

Sec. 24-55. Erosion and Sediment Control Permit application and procedure

Any person who commences any construction activity or land disturbing activity shall first obtain an Erosion and Sediment Control Permit by submitting the Construction Plan/SWPPP, along with an application fee of \$250.00, plus an additional \$10.00 for each lot. The application fee shall cover the administrative expense of reviewing the application for compliance with this Article. The MS4 Operator shall review the Construction Plan/SWPPP for compliance with this Article. In no event shall any construction or land disturbing activities occur prior to the expiration of sixty (60) days from the date the Construction Plan/SWPPP is received by the MS4 Operator.

Sec. 24-56. Requirements for Construction Plan/Storm Water Pollution Prevention Plan

- A. The Construction Plan/SWPPP must be prepared, signed and sealed by a Registered Professional Engineer, and must be designed to, at the least, meet the general

requirements in section 24-53 of this Article and must specifically include the following:

1. Cover Sheet (24" x 36") that includes:
 - a. An index indicating the location, in the construction plans, of all information required by this subsection; and
 - b. A vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.
2. General Note Sheet (24" x 36") that includes:
 - a. Description of the nature and purpose of the project;
 - b. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions;
 - c. General construction sequence of how the project site will be built, including phases of construction;
 - d. Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS);
 - e. Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site; and
 - f. Listing of all General Requirements for Storm Water Quality Control in Section 24-53 (B) of this Article.
3. Primary Plat Sheet (24" x 36") that includes:
 - a. Project site map showing lot numbers, lot boundaries, and road layout and names; and
 - b. Legal description of the project site, to the nearest quarter section, township, and range, and including the civil township.
4. Existing Project Site Layout Sheet (24" x 36") at a 1:20 (unless otherwise approved by the MS4 Operator) that includes:
 - a. Location of all existing topographic features and structures on the project site;
 - b. Location and name of all wetlands, lakes, and water courses on or adjacent to the project site;
 - c. Existing topography at a one (1) foot contour interval to indicate drainage patterns;
 - d. One hundred (100) year floodplains, floodway fringes, and floodways, or a notation if none exist;
 - e. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NCRS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map;
 - f. Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site; and
 - g. Land use of all adjacent properties.
5. Final Project Site Layout Sheet (24" x 36") at a 1:20 scale (unless otherwise approved by the MS4 Operator) that includes:
 - a. Location of all proposed site improvements, including roads, utilities, lot

- delineation and identification, proposed structures, and common areas;
 - b. Proposed final topography at a one (1) foot contour interval to indicate drainage patterns;
 - c. One hundred (100) year floodplains, floodway fringes, and floodways, or a notation if none exist;
 - d. Proposed topographic information; and
 - e. Finished Garage Floor Elevations labeled for all lots.
- 6. Overall Grading and Drainage Plan Sheet (24" x 36") at a 1:20 scale (unless otherwise approved by the MS4 Operator) that includes:
 - a. Proposed final topography at one (1) foot contour interval to indicate drainage patterns;
 - b. The five (5) year storm frequency peak discharge for the project site pre-construction, and the one hundred (100) year storm frequency peak discharge for the project site post-construction;
 - c. Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels;
 - d. Location, size, and dimensions of features, such as permanent retention or detention facilities, including existing or manmade wetlands, used for the purpose of storm water management;
 - e. Delineated and labeled drainage sub-basins;
 - f. Drainage arrows and spot elevations to delineate the surface run-off flow route;
 - g. Finished Garage Floor Elevations for all lots;
 - h. Locations where storm water might be directly discharged into ground water, such as abandoned wells or sinkholes, or a notation if none exists;
 - i. Locations of specific points where storm water discharge will leave the project site; and
 - j. Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
- 7. Stockpile Plan Sheet (24" x 36") that includes:
 - a. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site;
 - b. Location of all soil stockpiles and borrow areas;
 - c. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site and under the control of the project site owner;
 - d. Proposed topographic information;
 - e. Identification of areas where concrete truck washout is permissible and required erosion control measures for this activity; and
 - f. Identification of stable construction site access for all construction traffic ingress and egress to the project site.
- 8. Erosion Control General Note Sheet (24" x 36") that includes:
 - a. Temporary stabilization sequence of implementation;
 - b. Permanent stabilization sequence of implementation;
 - c. Construction sequence describing the relationship between implementation of storm water quality measures and stages of

- d. construction activities;
 - e. Self-monitoring program including plan and procedures;
 - f. A description of potential pollutant sources associated with the construction activities, that may reasonably be expected to add a significant amount of pollutants to storm water discharges; and
 - g. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
9. Post-Construction Storm Water Pollution Prevention Plan Sheets (24" x 36") at a 1:20 scale (unless otherwise approved by the MS4 Operator) that includes:
- a. A description of potential pollutant sources from the proposed land use, that may reasonably be expected to add a significant amount of pollutants to storm water discharges;
 - b. Location, dimensions, detailed specifications, and construction details of all post-construction storm water quality measures;
 - c. A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds;
 - d. A sequence describing when each post-construction storm water quality measure will be installed;
 - e. Storm water quality measures that will remove or minimize pollutants from storm water run-off; and
 - f. Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat;
 - g. A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.
- B. The MS4 Operator may, upon finding reasonable cause, require modification to the Construction Plan/SWPPP if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested must be submitted to the appropriate entity within fourteen (14) calendar days of a request for a modification. In no event shall construction activity takes place prior to the expiration of forty-five (45) days after the date the revised plans are submitted to the MS4 Operator.

Sec. 24-57. Notice of Intent.

- A. Information Requirements. The following information must be submitted with a complete NOI letter under this Article:
- 1. Name, mailing address, and location of the project site for which the notification is submitted.

2. The project site owner's name, address, telephone number, e-mail address (if available), ownership status as federal, state, public, private, or other entity.
 3. Contact person (if different than project site owner), person's name, company name, address, e-mail address (if available), and telephone number.
 4. A brief description of the construction project, including a statement of the total acreage of the project site. Total acreage claimed in the NOI letter shall be consistent with the acreage covered in the construction plan.
 5. Estimated dates for initiation and completion of construction activities. Within forty-eight (48) hours of the initiation of construction activity, the project site owner must notify the MS4 Operator and the IDEM of the actual project start date.
 6. The latitude and longitude of the approximate center of the project site to the nearest fifteen (15) seconds, and the nearest quarter section, township, range, and civil township in which the project site is located.
 7. Total impervious surface area, in square feet, of the final project site including structures, roads, parking lots, and other similar improvements.
 8. The number of acres to be involved in the construction activities.
 9. Proof of publication in a newspaper of general circulation in the Town that notified the public that a construction activity is to commence, that states, "(Company name, address) is submitting an NOI letter to notify the Town and the IDEM of our intent to comply with the requirements under 327 IAC 15-5 to discharge storm water from construction activities for the following project: (name of the construction project, address of the location of the construction project). Runoff from the project site will discharge to (stream(s) receiving the discharge(s))."
 10. A written certification by the MS4 Operator that:
 - a. The storm water quality measures included in the Construction Plan/SWPPP comply with the requirements of this Article and that an erosion and sediment control permit has been issued;
 - b. The measures required by this Article will be implemented in accordance with the Construction Plan/SWPPP;
 - c. If the projected land disturbance is one (1) acre or more, the Town has been sent a copy of the Construction Plan/SWPPP for review;
 - d. Storm water quality measures beyond those specified in the Construction Plan/SWPPP will be implemented during the life of the permit if necessary to comply with this Article; and
 - e. Implementation of storm water quality measures will be inspected by trained individuals.
 11. The name of receiving water or, if the discharge is to the MS4, the name of the MS4 Operator and the ultimate receiving water.
 12. The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).
- B. All NOI letters shall be sent at least forty-eight (48) hours prior to the initiation of land disturbing activities at the site to the following:
 Attention: Rule 5 Storm Water Coordinator
 Indiana Department of Environmental Management

Office of Water Quality, Urban Wet Weather Section
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

and to:

MS4 Operator
Town of Chesterton
726 Broadway
Chesterton, IN 46304-2229

Sec. 24-58. Self-Monitoring Requirements.

- A. A self-monitoring program that includes the following must be implemented at all permitted project sites:
1. A trained individual shall perform a written evaluation of the project site a minimum of one (1) time per week and by the end of the next business day following each measurable storm event.
 2. The evaluation must address the maintenance of existing storm water quality measures to ensure they are functioning properly and identify additional measures necessary to remain in compliance with all applicable statutes and rules.
 3. Written evaluation reports must include:
 - a. the name of the individual performing the evaluation;
 - b. the date of the evaluation;
 - c. problems identified at the project site; and
 - d. details of corrective actions recommended and completed.
 4. All evaluation reports for the project site must be made available to the MS4 Operator or other designated entity within forty-eight (48) hours of a request.
 5. Evaluation reports must be maintained for a period of two (2) years from date of NOT.
 6. All evaluation reports will be scanned and submitted in electronic format (CD-ROM) to the Town of Chesterton no later than ninety (90) days from the date of NOT.
- B. Violations. The failure to file self-monitoring reports required by this Section may be prosecuted through the Ordinance Violations Bureau established by Section 1-13 of the Town Code. Dry weather violations of this Section shall be punishable by a fine of one hundred dollars (\$100) for a first offense. Second and subsequent dry weather violations shall be punishable by a fine of two hundred fifty dollars (\$250). Each day that a violation is found to exist shall constitute a separate violation. We weather violations of this Section shall be punishable by a fine of two hundred fifty dollars (\$250). Each day that the violation is found to exist shall constitute a separate violation. Violations that are not remedied after a second or subsequent violation may result in a stop work order.

Sec. 24-59. Inspection and Violations.

- A. The Town shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Construction Plan/SWPPP as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Town shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Town at least two working days before the following:
 - 1. Start of construction;
 - 2. Installation of erosion and sediment control measures;
 - 3. Completion of site clearing;
 - 4. Completion of rough grading;
 - 5. Completion of final grading;
 - 6. Close of the construction season; and
 - 7. Completion of final landscaping.
- B. The Town or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section 24-58.
- C. All persons engaging in construction activities on a project site shall be responsible for complying with the Construction Plan/SWPPP and the provisions of this Article.
- D. The MS4 Operator shall investigate potential violations of this Article to determine which person may be responsible for the violation. The MS4 Operator shall, if appropriate, consider public records of ownership, building permits issued by local units of government, and other relevant information, which may include site inspections, Construction Plans/SWPPPs, permit applications, and other information related to the specific facts and circumstances of the potential violation.

Sec. 24-60. Project Termination.

- A. The project site owner shall plan an orderly and timely termination of land disturbing activities, including the implementation of storm water quality measures that are to remain on the project site.
- B. Except as provided in Section 24-60(C), the project site owner shall submit a NOT letter to the MS4 Operator or other designated entity certifying that each of the following conditions have been met:
 - 1. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.
 - 2. All temporary erosion and sediment control measures have been removed.
 - 3. All post-construction certified BMPs and associated control devices have been installed and documented with the MS4 jurisdiction.
- C. The project site owner may submit an NOT letter to obtain early release from compliance with this Article if the following conditions are met:

1. The remaining, undeveloped acreage does not exceed three (3) acres, with contiguous areas not to exceed one (1) acre.
 2. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
 3. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.
 4. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
 5. All permanent storm water quality measures have been implemented and are operational.
- D. The MS4 Operator shall verify the information in the NOT letter. Provided the information in the NOT letter is verified, the MS4 Operator shall issue a written approval of the NOT letter to the project site owner. Upon receipt of written approval of the NOT letter from the MS4 Operator, the Erosion and Sediment Control Permit shall no longer be valid and the project site owner shall no longer be responsible for compliance with this Article, except to the extent that any BMPs constitute infrastructure for which the project site owner remains responsible pursuant to any applicable guarantee issued in favor of the Town.
- E. Following receipt of a written approval from the MS4 Operator, the project site owner shall notify in writing all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with this Article. The remaining individual lot owners do not need to submit an NOT letter. The notice must contain a verified statement that each of the conditions in Section 24-60(B) has been met. The notice must also inform the individual lot owners of the requirements to:
1. Install and maintain all appropriate erosion and sediment control measures as part of the approved Construction Plan/SWPPP.
 2. Follow all requirements of Section 24-52.

Sec. 24-61. Duration of Erosion and Sediment Control Permit.

- A. A permit issued under this Article is granted for a period of five (5) years.
- B. Once the five (5) year permit term duration is reached, the permit issued under this Article will be considered expired, and, as necessary for construction activity continuation, a new permit application would need to be submitted in accordance with subsection (c).
- C. To obtain a renewal permit, the information required under Section 24-56(A) of this Article must be submitted to the MS4 Operator ninety (90) calendar days prior to the expiration of the permit. Coverage under a renewal permit will begin on the date of expiration from the previous five (5) year permit term. The Construction Plan/SWPPP

shall be updated and submitted according to this Article, unless the MS4 Operator certifies that an updated Construction Plan/SWPPP is not required.

Sec. 24-62. Enforcement.

- A. Stop-Work Order; Revocation of Permit. In the event that any person holding or acting pursuant to an Erosion and Sediment Control Permit pursuant to this Article violates the terms of the permit or performs construction activity that fails to implement measures in the Construction Plan/SWPPP to reduce and eliminate erosion, the MS4 Operator may issue an immediate stop work order.
- B. Failure to Maintain Storm Water Quality Measures. If remaining storm water quality measures are not properly maintained by the owner or occupier of the property, the Town may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4.
- C. Inspection of Records. Construction Plans/SWPPPs, self-inspection logs, and other supporting documentation associated with the project site must be made available to the MS4 Operator within forty-eight (48) hours of any such request.
- D. Violation and Penalties. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Article. Any person violating any of the provisions of this Article shall be subject to the general penalty provisions found in Section 1-9 of the Chesterton Town Code, with each day during which any violation of any of the provisions of this Article is committed, continued, or permitted, constituting a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Article shall be required to bear the expense of such restoration.

Sec. 24-63 - 24-100. Reserved.

ARTICLE V. POST-CONSTRUCTION STORM WATER MANAGEMENT

Sec. 24-101. Applicability.

The requirements of this Article shall apply to the owners of all parcels of real estate subject to and constructed in accordance with Article IV of this Chapter. In determining whether a parcel of real estate is subject to or exempted from the requirements of this Article, the applicability requirements of Sec. 24-50(A) to (D) shall govern.

Sec. 24-102. General Requirements for Post-Construction Storm Water Management.

- A. The owner of any parcel of real estate subject to the requirements of this Article shall comply with all storm water quality measures and practices required by Sec. 24-56(A)(9) of this Chapter and identified in the Construction Plan/SWPPP.
- B. The owner of any parcel of real estate subject to the requirements of this Article shall install and maintain at the owner's cost east post-construction storm water quality measure approved as part of the Construction Plan/SWPPP or approved and implemented according to Sec. 24-103 of this Article.
- C. The owner of any parcel of real estate subject to the requirements of this Article shall permit monitoring and inspection of all storm water quality measures and practices approve as part of the Construction Plan/SWPPP or approved and implemented according to Sec. 24-103 of this Article.

Sec. 24-103. Performance Criteria.

All persons subject to this Article shall employ storm water quality measures approved as part of the Construction Plan/SWPPP, provided that such storm water quality measures are achieving elimination of 80% or more of the average annual post-development total suspended solids load. In the event that the storm water quality measures approved as part of the Construction Plan/SWPPP are not meeting this criteria, the owner shall be responsible for implementing, at the owner's expense, a recognized storm water quality measure in order to achieve this performance criteria.

Sec. 24-104. Monitoring and Inspection.

- A. In General. The Town may monitor and inspect any approved storm water quality measure approved by the Town as part of a Construction Plan/SWPPP and maintained according to this Article or implemented pursuant to Sec. 24-103 of this Article in order to determine compliance with the performance criteria established by Sec. 24-103. In addition, the Town may enter onto any parcel pursuant to 24-35 of this Chapter for the purpose of monitoring or inspecting any storm water quality measure employed within the MS4 jurisdiction in order to determine compliance with this Article.
- B. Access to records. All persons subject to this Article shall make available for inspection by the Town all records of the installation and maintenance of any storm water quality

measure employed within the MS4 jurisdiction. Records related to the installation and maintenance of any such storm water quality measure shall be retained for a minimum of five (5) years after the date of the installation and/or maintenance and shall be made available to the Town during any monitoring and/or inspections by the Town.

Sec. 24-105. Enforcement of Violations.

The Town shall have all the remedies of enforcement found in Sec. 24-38 to 24-40 of this Chapter to enforce compliance with this Article, including the remedy of abatement.

Sec. 24-106 – 24-199. Reserved.

ARTICLE VI. RATES AND CHARGES

Sec. 24-200. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms in this Article shall be as follows:

- A. *Equivalent Residential Unit (ERU)* shall mean a unit value which is equal to the average amount of impervious surface area for a single family home within the MS4 jurisdiction of the Town of Chesterton. One (1) ERU has been determined to equal 3,585 square feet of impervious surface area.
- B. *Impervious Surface Area* shall mean the amount, measured in square footage, of the surfaces on a parcel of land, such as pavement and rooftops, that prevent the infiltration of storm water into the soil
- C. *Non-residential user* shall mean any user of a parcel of land or building located within the MS4 jurisdiction of the Town, which is not a residential user.
- D. *Residential user* shall mean any user of a parcel of land or building located within the MS4 jurisdiction of the Town, which is use primarily as a residence and contains two (2) or less single-family dwelling units.
- E. *User* shall mean the owner of a parcel of land or building located within the MS4 jurisdiction of the Town of Chesterton.

Sec. 24-201. Charges Levied. There shall be a storm water utility user fee assessed on each and every lot and parcel of real property within the MS4 jurisdiction of the Town of Chesterton in order that the storm water utility shall recover revenue, which is proportional to the cost of the operation and maintenance of the storm water system.

Sec. 24-202. Classes of Users. The classes of users of the storm water system shall be as follows:

- A. Residential
- B. Non-Residential

Sec. 24-203. Determination of Charges. The Town shall collect rates and charges from users of the storm water system, which rates and charges shall be payable as hereinafter provided and shall be in an amount, per calendar month, determined as follows:

	User Class	Base Rate	Variable Rate	Total
A.	Residential	\$4.15	\$1.95	\$6.10
B.	Non-Residential	\$4.15	\$1.95 per ERU	

Non-Residential Users with less than 3,585 square feet of impervious surface area will be billed at a rate of one (1) ERU. For Non-Residential Users, calculations of the ERU will be rounded to the nearest whole number.

Sec. 24-204. Billing. The rates and charges established by this Article shall be prepared, billed and collected by the Town in a manner provided by law and ordinance. The rates and charges for all users shall be prepared and billed bi-monthly, along with the billing provided for the purpose of collecting the rates and charges for sewage service and shall be due on the payment date set out on said bills. The

rates and charges shall be billed to the user. All charges not paid within twenty (20) days from and after the billing date are declared delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall attach thereto. Provided that, no penalties shall attach where, immediately preceding the delinquent bill, an owner has made twelve (12) consecutive bi-monthly payments on time. In the event of an action brought by the Town in its name to collect delinquent rates, in addition to any delinquent rates, charges and penalty, the Town may recover the costs of litigation and its reasonable attorney's fees. Additionally, payments and/or penalties that have been due and unpaid for at least ninety (90) days may be filed as a lien against the real property.

Sec. 24-205 – 24-299 Reserved.

ARTICLE VII. VIOLATIONS AND ENFORCEMENT

Sec. 24-300. General Enforcement Provisions.

Nothing in this Article shall be construed to limit the authority of the Town to pursue a violation of this Chapter as specifically provided in Sections 24-33, 24-38, 24-39, 24-40 and 24-62 of this Chapter.

Sec. 24-301. Administrative Hearings and Fines.

- A. When the MS4 Operator has cause to believe that a user has violated any provision of this Chapter, the MS4 Operator may initiate an administrative hearing before the Board, as provided in I.C. 36-1-6-9. The MS4 Operator shall provide notice of the hearing to the user no later than ten (10) days prior to the hearing and shall include in the notice:
 - 1. Specific details of the alleged violation;
 - 2. The date and time of the hearing and a statement that the user has the right to cross-examine witnesses and evidence and the right to present evidence regarding the alleged violation;
 - 3. A statement that the Board may consider the evidence and, upon a showing of a violation by the preponderance of the evidence, impose an administrative fine of up to \$2,500.00 for a first violation of this Article, and up to \$7,500.00 for a second or subsequent violation of this Article, or order other appropriate relief.

- B. The Board shall issue a determination whether the charged violation has been proved by a preponderance of the evidence and the amount of the fine, if any, in writing no later than thirty (30) days after the date of the hearing and a copy of the determination shall be provided to the user. The Board's determination shall be final unless a user files an appeal with the Porter Superior Court no later than thirty (30) days after the date of the determination.

Sec. 24-302. Civil Actions.

In lieu of an administrative hearing set forth in Sec. 24-301 of this Chapter, the Town may initiate an action in a court of competent jurisdiction to enforce any provision of this Chapter. The Town may petition for the issuance of a preliminary or permanent injunction in addition to any civil penalties that may be available. In addition to any injunctive relief and civil penalties that may be ordered by the Court, the Town shall be entitled to recover all attorneys fees, costs and litigation expenses, including the costs of any monitoring or testing conducted by the Town prior to or during litigation, as well as expert witness fees.

Sec. 24-303 - 24-314. Reserved.

Chapter 25

UTILITIES

- Art. I. In General, §§ 25-1 – 25-15**
- Art. II. Utility Service Board, §§ 25-16 – 25-29**
- Art. III. Sewers and Sewage Disposal, §§ 25-30– 25-150**
 - Div. 1. Generally, 25-30 – 25-80
 - Div. 2. Rates and Charges, §§ 25-81 – 25-150
- Art. IV. Water, §§ 25-151 – 25- 161**
 - Div. 1. Generally, §§ 25-151 – 25-161

ARTICLE I. IN GENERAL

Sec. 25-1. Management structure.

- A. The Town Council hereby re-establishes the Utility Service Board for the Town as the same has operated in the past pursuant to IC 8-1.5-3 et seq.; and hereby establishes the following pattern of organization and administrative arrangements under which said Town will exercise its authority and discharge its responsibility for utility service. For the management and administration of the Town of Chesterton Publicly Owned Treatment Work (POTW) there shall be:
 - 1. A Utility Service Board (Board);
 - 2. A Superintendent or Manager;
 - 3. A Utility Secretary;
 - 4. A Utility Attorney.
- B. There may be, as may be provided for in the sewage treatment Utility budget, such other employees as are necessary to operate and maintain the POTW.

Secs. 25-2 – 25-15. Reserved.

ARTICLE II. UTILITY SERVICE BOARD

Sec. 25-16. Composition; qualifications, terms of members; appointments; filling vacancies.

- A. The Board shall consist of five (5) members, who shall be freeholders and residents of the Town, three (3) of which members shall be appointed by the Town Council President and two (2) shall be appointed by the Town Council pursuant to IC 8-1.5-3-3. The appointments by the Town Council President shall be one member for a term of one (1) year, one member for a term of two (2) years, and one member for a term of three (3) years; after the initial appointment, all subsequent terms shall be for three (3) years. The terms of the members appointed by the Town Council shall be an initial appointment for one (1) member for a term of one (1) year, and one member for a term of two (2) years; all subsequent terms shall be for two (2) years pursuant to IC 8-1.5-3-3. Not more than two-thirds (2/3) of the members may be of the same political party.

Any vacancy occurring during a term of office of a member of the Board shall be filled by the appointing authority by a replacement member who shall serve out the term of the member whose office has become vacant.

Sec. 25-17. Compensation.

Each member of the Board shall be compensated for his services as a member of such Board at a sum to be determined and fixed by the Chesterton Town Council.

Sec. 25-18. Officers; rules of procedure.

The Board shall, during the month of January of each year, elect a Chairman, Vice-Chairman, and Secretary who shall serve in such offices until December 31st of the year in which they were elected. The Board shall establish its own rules and procedure for the conduct of its meetings.

Sec. 25-19. Meetings.

The Board shall conduct public meetings at least once each month.

Sec. 25-20. Powers and duties.

- A. The Board has general supervisory powers over the POTW with responsibility for the detailed supervision of the POTW to be vested in its Superintendent or Manager who is responsible to the Board for the business and technical operation of the POTW. The Board may:
1. Fix the number and compensation of employees;

2. Adopt rules governing the appointment of employees including making proper classifications and rules to:
 - a. Determine the eligibility of applicants;
 - b. Determine by competitive examination the relative fitness of applicants for positions;
 - c. Establish eligible lists arranged according to the ratings secured;
 - d. Provide for the appointment of those having the highest ratings; and
 - e. Provide for the promotion of employees;
3. Subject to IC 36-4-9-2, appoint a Superintendent or Manager of the Utility under its control who is responsible to the Board for the business and technical operation of the POTW. The Board shall make the appointment on the basis of fitness to manage the POTW, taking into account his executive ability and his knowledge of the utility industry;
4. Subject to IC 36-4-9-12, hire attorneys when required for the operation of the POTW;
5. Hire professional or expert personnel when required for the operation of the POTW;
6. Submit a budget of its financial needs for the next year in the detail required by the municipal legislative body;
7. Recommend to the legislative body reasonable and just rates and charges for services to the patrons of the POTW;
8. Appropriate, lease, rent, purchase, and hold all real and personal property of the Utility;
9. Enter upon lands for the purpose of surveying or examining the land to determine the location of any plant or appurtenances;
10. Award contracts for:
 - a. The purchase of capital equipment; or
 - b. The construction of capital improvements; or
 - c. Other property or purposes that are necessary for the full and efficient construction, management, and operation of the POTW;
11. Adopt rules for the safe, economical, and efficient management and protection of the POTW;
12. Deposit at least weekly with the municipal fiscal officer all money collected from the Utility to be kept in a separate fund subject to the order of the Board; and
13. Make monthly reports to the fiscal officer of the receipts and disbursements of money belonging to the Utility and an annual report of the condition of the Utility.

- B. The Board may purchase by contract electricity, water, gas, power, or any other commodity or service for the purpose of furnishing the commodity or service to the patrons of the municipally-owned POTW or to the municipality itself.
- C. If the Board wants to purchase the commodity or service from a public utility and the parties cannot agree on a rate or charge to be paid for it, either party may apply to the commission or other appropriate State or Federal regulatory agency to establish a fair and reasonable rate or charge to be paid for the commodity or service.
- D. The Board may discontinue water service by a waterworks to (1) a water consumer, or (2) any property, upon failure by the water consumer or the property owner to pay charges legally due for sewer or sewage disposal plant service. However, the water service may not be discontinued for non-payment of sewer or sewage disposal plant service charges until the charges have been due and unpaid for at least 30 days.
- E. Before water service is discontinued under subsection (D), the Board must give written notice to the water consumer or property owner of its intention to discontinue water service if the unpaid sewer or sewage disposal plant service charges are not paid before a date specified in the notice. The notice must be mailed not less than 10 days before water service is to be discontinued and addressed to the water consumer or the property owner at his last known address.

Sec. 25-21. Superintendent of the Utility.

- A. The Superintendent of the Utility shall:
 - 1. Appoint, supervise, or dismiss all employees of the POTW;
 - 2. Employ unskilled labor when needed, without competitive examination;
 - 3. Investigate all claims against the Utility;
 - 4. Oversee the operation of the POTW and any construction work, repairs, or alterations to the system; and
 - 5. Advise the Board in all matters that will bring about an efficient and economical operation and maintenance of the POTW.
- B. The Superintendent is entitled to the compensation for his services that is determined by the Board, subject to final approval of the Chesterton Town Council.
- C. The Superintendent shall give bond in a sum of not less than double to estimated amount of money that may be in his hands at any time. The bond shall be conditioned upon the faithful discharge of his duties and the payment to the proper person of all money in his hands. The bond is subject to the approval of the Executive of the municipality.
- D. The Superintendent may be removed by the Board for cause at any time after notice and a hearing.

- E. Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other POTW personnel.

Secs. 25-22 – 29. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 25-30. General Provisions

- A. Purpose and Policy – This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) and enables it to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of these regulations are:
1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
 2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 3. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 4. To promote reuse and recycling of industrial wastewater and sludge from the POTW;
 5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
 6. To enable the POTW to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all users of the POTW. The ordinance provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- B. Abbreviations – The following abbreviations, when used in this ordinance, shall have the designated meanings:
1. BOD -- Biochemical Oxygen Demand
 2. CFR -- Code of Federal Regulations
 3. COD -- Chemical Oxygen Demand
 4. EPA -- U. S. Environmental Protection Agency, Washington DC
 5. FOG -- Fats, Oils, and Grease
 6. gpd -- gallons per day
 7. IAC -- Indiana Administrative Code
 8. IC -- Indiana Code
 9. I/I -- Inflow and Infiltration
 10. IDEM -- Indiana Department of Environmental Management

- 11 MGD – Million Gallons per Day
- 12. mg/l -- milligrams per liter
- 13. NPDES -- National Pollutant Discharge Elimination System
- 14. POTW -- Publicly Owned Treatment Works
- 15. RCRA -- Resource Conservation and Recovery Act
- 16. SIC -- Standard Industrial Classification
- 17 SIU – Significant Industrial/Commerical User
- 18. TSS -- Total Suspended Solids

Sec. 25-31. Definitions.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- 1. **Act or “the Act”** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- 2. **Approval Authority** shall mean the Regional Administrator of the EPA, Region 5, Chicago, IL.
- 3. **Ammonia (NH₃N)** shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods” as defined in this section.
- 4. **Authorized Representative of SIU** shall mean:

A principal executive officer (i.e., president, secretary, treasurer, vice president) if the user is a corporation;

A general partner or proprietor if the user is a partnership or proprietorship, respectively;

or

A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

- 5. **Biochemical Oxygen Demand (or BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° celsius, usually expressed as a concentration (e.g., mg/l). The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods.”
- 6. **Board** shall mean the Utility Service Board of Chesterton, Indiana, or any duly authorized officials or Boards acting on its behalf.
- 7. **Building (or house) drain.** The lowest horizontal piping of a building drainage system that receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.

- a. **Sanitary.** A building drain that conveys sanitary or industrial sewage only.
 - b. **Storm.** A building drain that conveys storm water or other clean water drainage, but not sanitary or industrial sewage.
8. **Building (or house) lateral sewer.** An extension, privately owned, from the building drain to the public sewer or other place of disposal.
- a. **Sanitary.** A building sewer that conveys sanitary or industrial sewage only.
 - b. **Storm.** A building sewer that conveys storm water or other clear water drainage, but not sanitary or industrial sewage.
9. **Categorical Pretreatment Standard or Categorical Standard** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317), which apply to a specific category of industrial users and that appear in 40 CFR Chapter I., Subchapter N, Parts 405-471.
10. **Combined sewer** shall mean a sewer intended to receive both wastewater and storm or surface water.
11. **Discharge** shall mean to emit a substance into the sanitary sewer.
12. **Discharger (or contributor)** shall mean any person discharging into the public sewer system.
13. **Domestic Discharger** shall mean any discharger of sanitary sewage.
14. **Easement** shall mean an acquired legal right for the specific use of land owned by others.
15. **Environmental Protection Agency (EPA)** shall mean the US Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized officials of said agency.
16. **Eschericia Coliform (E. coli)** shall mean a member of the coliform bacteria common to the intestinal tract of man, animals, and birds, whose presence in sanitary sewage is an indicator of fecal contamination. E. coli is the recommended indicator for fresh waters.
17. **Existing Source** shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which standards will be applicable to such source if promulgated in accordance with Section 307 of the Act.
18. **Fats, Oils and Grease (FOG)** shall mean fats, oils and grease of animal or vegetable origin.
19. **Garbage** shall mean any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.
20. **General Industrial User** shall mean any user that does not meet the SIU criteria, but has been determined by the Superintendent to possibly have an impact on the POTW.
21. **Grab Sample** shall mean a sample that is taken from a discharge without regard to the flow in the discharge and over a period of time not to exceed 15 minutes.

22. *Industrial wastes* shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process, or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.
23. *Infiltration* shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)
24. *Infiltration/Inflow* shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
25. *Inflow* shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguishable from infiltration.)
26. *Inspector* shall mean the person or persons duly authorized by the Town and/or POTW through its Town Council and/or Board to inspect and approve the installation of building sewers and their connection to the public sewer system.
27. *Interference* shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
 - b. Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
 - c. Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent State or local regulations:
 - 1.) Section 405 of the Clean Water Act (33 U.S.C. 1345);
 - 2.) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - a.) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
 - b.) The rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941);
 - 3.) The Clean Air Act (42 U.S.C. 7401); and
 - 4.) The Toxic Substances Control Act (15 U.S.C. 2601).
28. *Major contributor* shall mean a contributor that:
 - a. Has a flow equal to or greater than 25,000 gallons per 24-hour period; or
 - b. Has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Federal Act; or
 - c. Has a flow greater than 5% of the flow carried by the Town sewage collection system receiving the waste; or

- d. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act, of State regulations; or
 - e. Is found by the Board, IDEM or the EPA to have significant impact, either singly or in connection with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
29. *Medical Waste* shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
30. *New Source* shall mean:
- a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with the section, provided that:
 - 1.) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - 2.) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3.) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - b. Any construction on a site at which an existing source is located which results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a. 2.) or 3.) above, but otherwise alters, replaces, or adds to existing process or production equipment.
 Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - 1.) Begun, or caused to begin, as a part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - 2.) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for

feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

31. *NPDES permit* shall mean the National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 95-217.
32. *Natural outlet* shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
33. *Non-contact Cooling Water* shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
34. *pH* shall mean the measure of the acidity or alkalinity of a solution, expressed in standard units.
35. *Pass Through* shall mean a discharge that exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with the discharge from other sources, is a cause of a violation of any requirement of the Town of Chesterton's NPDES permit, including an increase in the magnitude or duration of a violation.
36. *Person* shall mean any and all persons, natural or artificial, including any individuals, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
37. *Phosphorus (or P)* shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in this section.
38. *Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
39. *Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rule and regulations contained in the CFR as published in the Federal Register, under Section 307 of Public Law 95-217, under regulation 40 CFR Part 403 pursuant to the act, and amendments.
40. *Private sewer* shall mean a sewer that is not owned by public authority.

41. *Prohibited Discharge Standards or Prohibited Discharges* shall refer to the absolute prohibitions against the discharge of certain substances as these prohibitions appear in Sections 25-32 and/or 25-35 of this ordinance.
42. *Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
43. *Public sewer* shall mean a sewer which is owned and controlled by the POTW and will consist of the following increments:
 - a. *Collector sewer* shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
 - b. *Interceptor sewer* shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
 - c. *Pumping station* shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
44. *Publicly Owned Treatment Works (POTW)* shall mean the “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the Town of Chesterton for the public purpose of treating effluent for users within the corporate boundaries of the Town of Chesterton, as said boundaries may change from time to time, and for other outside contract customers, as may be determined by the Board in its sole discretion. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that convey wastewater to a treatment plant.
45. *Sanitary sewer* shall mean a sewer that carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.
46. *Septic Tank Waste* shall mean any sewage from holding tanks such as campers, trailers, and septic tanks.
47. *Sewage* shall mean the combination of the liquid and water-carried human excrement and gray-water wastes from residences (i.e., household showers, dishwashing operations, etc.), commercial buildings, industrial plants and institutions (including polluted cooling water). The three (3) most common types of sewage are:
 - a. *Sanitary sewage* shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary pumping facilities.
 - b. *Industrial sewage* shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
 - c. *Combined sewage* shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.
48. *Sewage works* shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

- 49. *Sewer* shall mean a pipe or conduit for carrying sewage.
- 50. *Shall* is mandatory; “may” is permissive.
- 51. *Significant Industrial/Commercial User (SIU)* shall mean:
 - a. A user subject to categorical pretreatment standards, or
 - b. A user that:

Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

Contributes a process wastestream that makes up to 5% or more of the average dry weather hydraulic or organic capacity of the POTW;

or

Is designated as such by the Superintendent on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

Is subject to a determination by the Superintendent that the user has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

- 52. *Significant Non-compliance* shall mean violations of wastewater discharge limits, compliance schedules, reporting requirements, as follows:
 - a. Violations of Wastewater Discharge Limits, including:
 - 1.) Chronic Violations – 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six- (6) month period;
 - 2.) Technical Review Criteria (TRC) – 33% or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six (6) month period.

There are two (2) groups of TRCs:

- a.) Group 1 for conventional pollutants such as BOD, COD, TSS, fats, oil and grease (FOG) TRC = 1.4 (40%)
- b.) Group 2 for all other pollutants TRC = 1.2 (20%)

- 3.) Any other violation(s) of an effluent limit (average or daily maximum) that the Superintendent believes has caused, alone or in combination with other discharges, interference (i.e., slug loads) or pass through; or endangered the health of the Treatment Plant personnel or the public; or
- 4.) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and resulted in the POTW’s

exercise of this emergency authority to halt or prevent such a discharge;
or

- b. Violation of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date;
 - c. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from due date;
 - d. Failure to accurately report non-compliance; or
 - e. Any other violation or group of violations that the Superintendent considers to be significant.
53. *Slug Load or Slug* shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards or limitations in Sections 25-32 and/or 25-35 of this ordinance.
54. *Standard Methods* shall mean the laboratory procedures set forth in the latest approved edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation or the latest “Standard Methods for the Examination of Water and Wastewater” edition cited by the NPDES permit.
55. *Storm sewer* shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
56. *Storm Water* shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
57. *Superintendent* shall mean the person designated by the Board to supervise the operation of the POTW, and charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
58. *Suspended solids* shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in “Standards Methods.”
59. *Total solids* shall mean the sum of suspended and dissolved solids.
60. *Town* shall mean the Town of Chesterton, Indiana, or any duly authorized officials acting on its behalf, including the Town Council, Utility Service Board and Superintendent.
61. *Toxic amount* shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (P.L. 94-217).

- 62. *Unpolluted water* shall mean water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
 - 63. *User or Industrial User* shall mean any source that discharges, causes, or permits the discharge of wastewater into the sewage works.
 - 64. *Utility* shall mean the Utility Service Board of the Town of Chesterton, Indiana.
 - 65. *Volatile organic matter* shall mean the material in the sewage solids transformed to gases or vapors when treated according to the procedures set forth in “Standard Methods.”
 - 66. *Wastewater* shall mean liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
 - 67. *Wastewater Treatment Plant or Treatment Plant* shall mean that portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.
 - 68. *Watercourse* shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- B. Any terms not defined herein, but defined in Section 25-81 of the Chesterton Town Code, shall have the same meaning herein.

Sec. 25-32. Prohibited Discharge.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. The following general prohibitions apply to all users of the POTW.
 - 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human excrement, garbage or other objectionable waste.
 - 2. No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial water.
 - 3. Storm water, surface water, ground water, artesian well water, roof run-off, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers, which have adequate capacity for their accommodation. Waters from industrial sources must be permitted by State and/or local authorities. No person shall use such sewers, however, without the specific permission of the Board and Storm Water Management Board.
 - 4. Unpolluted water from air conditioners or condensing systems shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Board. Where a storm sewer is not available, discharge may be

to a natural outlet approved by the Board and by the regulating agencies of the State of Indiana. Where a storm sewer, combined sewer or drainage ditch is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Board.

5. No new connection to sanitary sewers shall be made unless there is a capacity available to all downstream sewers, pumping stations, force mains and sewage treatment plant, including capacity for pollutant loading.
 6. No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Board, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this article and the NPDES permit.
 7. No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this article and the NPDES permit.
 8. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
 9. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located a public sanitary or combined sewer toilet facilities therein, and shall connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after the date of the official notice to do so, provided that said public sewer is within 200 feet of the property line, unless otherwise excused by the Board upon recommendation by the Superintendent.
- B. Specific Prohibitions. Under no circumstances shall any user introduce or cause to be introduced into the POTW any of the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 2. Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW;
 3. Solid or viscous substances in amounts that will cause obstruction of the flow in the POTW resulting in interference such as, but not limited to, ashes, cinders, sand, mud, straw, rocks, gravel, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference or pass through with the POTW;

5. Any wastewater, liquid or vapor having a temperature greater than 150°F (65°C), or that inhibits biological activity in the Treatment Plant resulting in interference or which causes the temperature at the introduction into the Treatment Plant to exceed 104°F (40°C);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, that will cause interference or pass through and/or in amounts exceeding 100 mg/l;
7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 25-36 (O.) of this ordinance;
9. Noxious or malodorous liquids, gases, solids, or other wastewater that, whether singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Waste water that imparts color, which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions that consequently impart color to the Treatment Plant's effluent, thereby violating the Town's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;
14. Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail a toxicity test;
15. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
16. Wastewater causing two (2) successive readings of more than 5% or one (1) single reading of more than 10% of the Lower Explosive Limit of an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW.
17. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the Treatment Plant.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 25-33. Private treatment or disposal of wastewater.

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 25-32(A.)(9.), the building sewer shall be connected to a private sewage system complying with the provisions of this article.

- B. Before commencement of construction of a private sewage disposal system, the owner shall first notify the Board through the Superintendent.
- C. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health and applicable county regulations.
- D. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 25-33(C), a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- F. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health or the Porter County health officer.

Sec. 25-34. Sewer connection permits.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit as provided in this Section.
- B. There shall be two (2) classes of building permits: One for residential service, and another for commercial and industrial service. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or designee. A sewer permit and inspection fee of \$25.00 for each unit located in a residential building and \$50.00 for each unit located in a single commercial or industrial building shall be paid to the Utility at the time the application is filed. The sewer permit and inspection fee required herein shall apply not only to new construction but also for repair or replacement of any sewer referred to in Article III of Chapter 25 of the Code.
- C. All costs and expenses incidental to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this article.
- F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. The size and slope of all building sewers shall be subject to the approval of the Superintendent or his designated representative, but in no event shall be less than six (6) inches. The slope of such six (6) inch pipe shall not be less than one-eighth (1/8) inch per foot.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the Superintendent and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, basement drains, sump pumps, exterior foundation drains, areaway drains or other sources of surface run-off ground water to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town, and the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Utility Billing Office when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent. Particular care shall be taken to prevent soil, rocks, or gravel from entering the sanitary sewer system.
- K. All excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- L. Sewage service shall not be provided to any customer outside the corporate limits of the Town unless under special contract, subject to approval by the Board after consideration of all factors addressed by this article.

Sec. 25-35. Specific discharge limitations.

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any wastewater containing any cations, anions, compounds or substances exceeding the concentrations listed below as measured at the point of discharge into the POTW or at the sampling manhole(s) approved by the Superintendent. Industrial processes shall have a sampling manhole directly after the pretreatment process, before other waste streams enter the sewer. Concentration based effluent limits may be changed to a mass based limit if the total mass discharged per day is deemed by the Superintendent to be low enough to not have a negative impact on the POTW, the Wastewater Treatment Plant or biosolids. Bioaccumulative chemicals will be monitored in the sludge produced by the Wastewater Treatment Plant.

The following pollutant limits are established to protect pass through and interference. No person shall discharge wastewater containing in excess of the following at any time:

LIST OF LIMITATIONS

Constituent	Limit (mg/l)
Arsenic	0.5
Cadmium	0.1
Chromium	5.0
Copper	0.1
Cyanide	0.3
Lead	1.0
Mercury	0.004
Molybdenum	1.0
Nickel	2.0
Selenium	1.0
Silver	1.0
Zinc	0.5
Total toxic organics	1.0

LIST OF LIMITATIONS RESULTING IN SURCHARGES*

Constituent	Limit (mg/l)
Ammonia-Nitrogen	30.0
BOD	200.0
Phosphorus	10.0
Suspended Solids	200.0

*Subject to excess surcharge rates as expressed in Section 25-85.

- a. These are general limits and are not specific to SIC classification. These limits may be lowered based on mass and current environmental laws and conditions.

- b. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise.
 - c. The Town reserves the right to establish more stringent standards or requirements on discharges to the POTW.
 - 2. Any wastewater containing toxic pollutants, which exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other pretreatment standards or regulations issued by EPA or the IDEM. A toxic pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.
 - 3. Where more than one standard (local, State or Federal) applies to discharge limitations for a particular pollutant, the standard, which shall apply is the most stringent of the appropriate limitations.
- B. No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, health, public property or constitute a nuisance. In forming an opinion as to the acceptability of any wastes, the Superintendent will give consideration to all factors addressed under this article including, but not limited to, the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the Treatment Plant, degree of treatability of wastes in the Treatment Plant and other pertinent factors. The substances prohibited are:
 - 1. Any wastewater, liquid or vapor having a temperature higher than 150°F or 65°C.
 - 2. Any water or waste containing fats, oils and grease (FOG), waxes, fatty acids, or soaps, whether emulsified or not, or as further defined by the method of their determination in accordance with Standard Methods, in excess of 100 mg/l or containing substances that may solidify or become viscous at temperatures between 32°F and 150°F or 0°C and 65°C, which may result in instances of obstruction, diminished flow capacity of the sanitary sewer lines or pumping stations, interference or pass through at the Treatment Plant.
 - 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to review and approval of the Superintendent.
 - 4. Any waters or wastes containing taste or odor producing substances, in such concentrations exceeding limits that may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - 5. Materials that exert or cause:
 - a. Concentrations of inert suspended solids exceeding 250 mg/l (such as, but not limited to, Fullers earth, lime slurries and lime residues) or

- concentrations of dissolved solids exceeding 600 mg/l (such as, but not limited to, sodium chloride and sodium sulfate).
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Excessive BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the Treatment Plant.
 - d. Excessive volume of flow or concentration of wastes constituting “slugs” as defined herein.
6. Any water or waste that causes corrosive structural damage to the POTW or appurtenances owned or operated by the Town.
 7. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the Wastewater Treatment Plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
 8. Any substances that will cause the Wastewater Treatment Plant or the Town to be in violation of the Town’s NPDES permit.
 9. It shall be unlawful for any person to place, deposit, permit or cause to be deposited, or discharge in any manner whatsoever, any substance into a sewer at a point different than the permitted sewer connection to the sanitary sewer system.
- C. The Superintendent may impose mass-based discharge limitations in terms of pounds of specific pollutants discharged per day for new commercial contributors or commercial contributors with an increase in discharges. These mass limitations may result in lower concentration-based specific discharge limits than those established in Section 25-35 of this article.
- D. A non-domestic discharger of any listed or characteristic hazardous wastes under the RCRA must immediately notify the Superintendent of the amount and frequency of the hazardous waste discharge.
- E. Existing industrial or major contributors shall be required to meet the discharge limitations established in Section 25-35(A) and (B) of this article within 90 days from the date of the adoption of this article.

Sec. 25-36. Pretreatment.

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 25-35 (A) and (B) of this article, and which in the judgment of the Superintendent, based upon all factors addressed in this article, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life, health or constitutes a public nuisance, the Superintendent may:
1. Require all new source general or significant industrial waste dischargers and/or major contributors and existing source general or significant industrial waste discharges and/or major contributors with any increase in discharges to submit

information on wastewater characteristics and obtain prior approval for discharge.

2. Reject the wastes in whole or in part for any reason deemed appropriate by the Superintendent.
3. Require pretreatment of such wastes to comply with the limits as defined by this article.
4. Require payment of a surcharge on any excessive flows or loading discharged to the Treatment Plant to cover the additional costs of having capacity for and treating such wastes.
5. Require users with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter at their expense.
6. Require users that operate vehicular wash facilities to provide, operate and maintain pretreatment facilities approved by the Superintendent to control solids and preclude the discharge of toxics to the POTW at their expense.
7. Require users that operate food preparation facilities to provide, operate and maintain pretreatment facilities approved by the Superintendent to control the discharge of FOG and solids to the POTW at their expense.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- B. In addition to meeting the discharge limits enumerated in Section 25-35(A) and (B) of this article, pretreatment of industrial wastes from contributing industries prior to discharge to the POTW is subject to the EPA Rules and Regulations as contained in 40 CFR Part 403 and New Sources of Pollution dated January 28, 1981, as amended, and the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
- C. Plans, specifications and any other pertinent information relating to pretreatment control facilities shall be submitted to the Superintendent for approval. No construction of such facilities shall be commenced until approval in writing is granted from the Superintendent and an IDEM construction permit is obtained. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Superintendent to determine that such facilities are being operated in conformance with the applicable Federal, State and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against POTW monitoring records.
- D. The Superintendent may require users to supply pertinent information on wastewater characteristics. This information may be requested on a monthly or quarterly basis. Such measurements, tests and analyses shall be made at the users' expense.
- E. When required by the Superintendent, the owner of any property serviced by a building sewer carrying non-residential wastes shall install a suitable control

manhole(s), together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole(s), when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole(s) shall be installed by the owner at his expense, and shall be maintained by the owners so as to be safe and accessible at all times. Agents of the Superintendent, the IDEM and the EPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

- F. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the sewer rate ordinance, Section 25-81 et seq., from samplings taken at the aforementioned structure at any period of time and of such duration and in such manner as the Superintendent may elect, or, at any place mutually agreed upon between the user and the Superintendent. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Superintendent. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the Superintendent.
- G. Periodically, at least once each calendar quarter, the Superintendent may monitor the discharge from any non-domestic source and bill the discharger the cost of monitoring and analyzing for any or all controlled pollutants. The Superintendent shall reserve the right to conduct additional inspection, testing, and monitoring as is deemed appropriate to ensure that dischargers are in compliance with provisions of this article.
- H. The Superintendent may assess charges and fees from any non-domestic discharger, which may include:
 - 1. Fees for any monitoring, inspections, surveillance and analyzing.
 - 2. Fees for reviewing plans, specifications and any other pertinent information relating to pretreatment control facilities and accidental discharge procedures.
 - 3. Other fees as the Utility may deem necessary to determine compliance with ordinance requirements.
 - 4. Other fees as the Utility may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Utility and/or Town.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the Utility. A schedule of applicable charges and fees shall be made available from the Utility.

- I. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or the Standard Methods number specified in the current NPDES permit, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for application for NPDES Permits and report thereof which shall

be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the Superintendent. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, health and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD5 and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

- J. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- K. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with Section 25-32.
- L. All discharges subject to local, State, or Federal regulations must retain and preserve for at least three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries relating to monitoring, sampling, and chemical analyses made by or in behalf of a discharge in connection with its discharge. All records that pertain to matters that are the subject of any enforcement or litigation activities brought by the Town must be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation concerning any appeals have expired.
- M. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.
 - 1. Specifications for grease, oil, and sand interceptors or traps shall be in accordance with the 1999 Indiana Plumbing Code section on grease interceptors and traps, section 675 IAC 16-1.3 or current edition of same. Copies of the aforementioned code and rules, regulations and codes are on file as required by law in the office of the Building Commissioner.
 - 2. Where installed, all grease, oil and sand interceptors or traps shall be maintained in continuously efficient operation at all times. The owner of the grease, oil, and sand interceptors or traps shall keep a log of cleaning and maintenance of traps. The log shall contain, at a minimum:
 - a. Time and date for cleaning of interceptor or trap;
 - b. Approximate amount of waste removed;
 - c. Person or company cleaning interceptor or trap;

- d. Method of waste disposal; and
- e. A copy of the manifest for waste disposal.

The maintenance log and copies of manifests shall be kept on the premises and readily available for inspection by the Superintendent, his representative or authorized representative of other environmental government agencies.

- 3. When an underground interceptor or trap is required, it shall be located outside the building structure in a readily accessible location for cleaning and inspection. The interceptor or trap shall have a minimum capacity of 1,000 gallons. The interceptor or trap shall:
 - a. Have no restroom facilities flowing into it;
 - b. Be properly baffled to trap grease and oil inside it; and
 - c. Have a sampling point for determination of its effectiveness.
- 4. When an inside interceptor or trap is required, it shall:
 - a. Be located in a readily accessible location for cleaning and inspection;
 - b. Not be connected to a food waste disposal unit or dishwasher, unless specifically required; and
 - c. Have a sample tap located at the interceptor or trap discharge for determination of its effectiveness.
- N. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- O. Hauled Wastewater.
 - 1. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 25-32 (B.) (8.) of this ordinance or any other requirements established by the Town. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.
 - 2. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Sec. 25-37. State/Federal requirements.

All provisions of this article and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be in effect.

Sec. 25-38. Pumping station specifications.

Any pumping station that is proposed to be utilized as part of a public sewer shall not be built or installed unless the pumping station is approved by the Superintendent. In granting approval for all pumping stations, the Superintendent shall be guided and directed by the technical specifications in

Town Standards. These specifications may be amended from time to time in the discretion of the Board by a motion made and approved by a majority of the appointed Board.

Sec. 25-39. Dilution.

No discharger shall be allowed to increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.

Sec. 25-40. Accidental discharges.

- A. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at the discharger's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review, and be approved by the Superintendent before construction of the facility. Review and approval of plans and operating procedures by the Superintendent shall not relieve the discharger from the responsibility to modify its facility as necessary to meet applicable requirements.
- B. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident to enable the Superintendent to take countermeasures to minimize damage to the POTW and receiving waters. Dischargers shall notify the Superintendent at (219) 926-1032, during normal business hours, Monday through Friday from 8:00 a.m. to 4:30 p.m. and at (219) 926-1136 during all other times. The notification shall include the location of the discharge, date and time of occurrence, type of waste, concentration and volume, and corrective actions that were taken.
- C. This notification shall be followed, within 10 days of the date of the occurrence, by a detailed written statement describing the accidental discharge, the causes, duration including times and dates of non-compliance, and the measures being taken to prevent future occurrences.
- D. Such notification will not relieve the users of a liability for any expense, loss, or damage to the sewer system, Treatment Plant or treatment process, or for any fines imposed by the Town by any regulations.
- E. In order that employees of users be informed of the requirements of this Article, users shall make available to their employees copies of this article and together with such other wastewater information and notices, which may be furnished by the Superintendent from time to time, directed toward more effective water pollution control. A notice shall be furnished and permanently posted on a user's bulletin board or other conspicuous place advising whom to call in case of accidental discharge in violation of this ordinance.

Sec. 25-41. Right of access.

- A. The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.

The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at his own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually, as a minimum to ensure their accuracy. Proof of such calibration must be submitted to the Superintendent by February 1 annually, unless otherwise notified in writing by the Superintendent.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this ordinance.

- B. While performing the necessary work on private properties referred to in Section 25-41(A) above, the Superintendent or duly authorized employees of the Utility shall observe all safety rules applicable to the premises established by the company.
- C. The Superintendent and other duly authorized employees of the Utility bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full

accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 25-42. Enforcement.

- A. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment, that is a part of the POTW. Any person violating this provision shall be subject to immediate arrest.
- B. Emergency Suspension Order – The Superintendent may immediately and without prior notice suspend a user’s discharge by way of an Emergency Suspension Order whenever a it appears that an actual or threatened discharge reasonably appears to presents an imminent or substantial endangerment to the health or welfare of persons, to the environment, to the operation of the POTW, or threatens to contaminate the resultant sludge and jeopardizes its disposal , or violates any discharge limits.

Any user notified of an Emergency Suspension Order of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the Emergency Suspension Order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or danger to any individuals. The Superintendent may allow the user to resume discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed.

Any user notified of the Emergency Suspension Order of wastewater treatment service must immediately cease all discharges. If the user fails to comply voluntarily with a Emergency Suspension Order, the Board may immediately commence judicial proceeding to compel the discharger’s compliance with the order. The Board can reinstate the wastewater treatment service and terminate judicial proceeding provided the discharger can prove the elimination of the non-complying discharge or conditions as outlined above.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

- C. Notice of Violation. Whenever the Superintendent finds that any user has engaged in conduct other than that set forth in subsection (B) above, which justifies revocation of a permit or suspension of service, the Superintendent will serve the user with a written Notice of Violation, either personally or by certificate or registered mail, stating the nature of the alleged violation. Within 10 days of the date of the receipt of a Notice of Violation, the user must respond personally or in writing to the Superintendent, advising of its position with respect to the allegations. Thereafter, the parties must meet to determine the seriousness of the allegations and where necessary, establish a plan for the satisfactory correction of the violation including

specific actions to be taken to alleviate the violation. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- D. **Compliance Order.** When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, the Superintendent may issue a Compliance Order to the user responsible for the discharge, directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued.

Where a violation of the Town's ordinance or if applicable pretreatment regulations occurs and is not corrected by timely compliance, the Board may order any user to show cause before them and state why the proposed action should not be taken. A written notice must be served on the user by personal service, certified or registered mail, specifying the time and place of a hearing to be held by the Board. The hearing will consider the violation, the proposed enforcement action, reasons why the enforcement action is to be taken, and shall direct the user to show cause before the Board as to why the proposed enforcement action should not be taken. The notice of the hearing must be served no less than 10 days before the hearing. Service may be made on any agent, officer, or authorized representative of a user. The proceedings at the hearing will be considered by the Board and appropriate orders with respect to the alleged improper activities of the user will be issued.

Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- E. **Cease and Desist Order.** When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, or that the user's past violations are likely to recur, the Superintendent may issue a Cease and Desist Order to the user directing it to cease and desist all such violations and directing the user to:
1. Immediately comply with all requirements; and
 2. Take appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- F. Administrative Hearings and Fines. When the Superintendent has cause to believe that a user has violated any provision of this Article, the Superintendent may initiate an administrative hearing before the Board, as provided in I.C. 36-1-6-9 and Section 1-14 of the Chesterton Town Code. The Superintendent shall provide notice of the hearing to the user no later than ten (10) days prior to the hearing and shall include in the notice:
1. Specific details of the alleged violation;
 2. The date and time of the hearing and a statement that the user has the right to cross-examine witnesses and evidence and the right to present evidence regarding the alleged violation;
 3. A statement that the Board may consider the evidence and, upon a showing of a violation by the preponderance of the evidence, impose an administrative fine of up to \$2,500.00 for a first violation of this Article, and up to \$7,500.00 for a second or subsequent violation of this Article, or order other appropriate relief.

The Board shall issue a determination whether the charged violation has been proved by a preponderance of the evidence and the amount of the fine, if any, in writing no later than thirty (30) days after the date of the hearing and a copy of the determination shall be provided to the user. The Board's determination shall be final unless a user files an appeal with the Porter Superior Court no later than thirty (30) days after the date of the determination.

- G. Injunctive Relief. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition a court of competent jurisdiction through the Town Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation.

A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

- H. Civil Actions. In lieu of an administrative hearing set forth in Sec. 25-42(F) of this Article, the Town may initiate an action in a court of competent jurisdiction to enforce this Ordinance. The Town may petition for the issuance of a preliminary or permanent injunction in addition to any civil penalties that may be available. In addition to any injunctive relief and civil penalties that may be ordered by the Court, the Town shall be entitled to recover all attorneys fees, costs and litigation expenses, including the costs of any monitoring or testing conducted by the Town prior to or during litigation, as well as expert witness fees.

- I. Remedies Non-exclusive. The remedies provided for in this ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user.
- J. Water Supply Severance. Whenever a user has violated or continues to violate any provision of this ordinance, or order issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after the Superintendent has satisfactorily determined the user's ability to comply with this Article.
- K. Any user affected by any decision, action, or determination made by the Superintendent or Board, interpreting or implementing the provisions of this article or in any permit issued herein, may file with the Board a written request for reconsideration within 10 days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

Sec. 25-43. Abatement.

- A. When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW, the Board may assess a charge against the user for the work required to clean or repair the facility in an amount at least equal to the work done and add such charge to the user's charges and fees.
- B. Any person who violates any provision of this article or permit condition or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be fined up to \$2,500.00 for a first violation and up to \$7,500.00 for a second or subsequent violation. Each day such violation occurs or continues shall constitute a separate violation of this article.
- C. Any person who discharges sewage, industrial waste, wastewater, or other waste into the POTW shall be governed by the provisions of this article and all applicable, local, State, and Federal laws and regulations and shall indemnify the Town and be liable for any fine, penalty, or judgment assessed against the Town and/or its duly authorized agents as a result of said person violation of said local, State, or Federal law or regulation.
- D. The Board may revoke any permit or terminate or cause to be terminated wastewater service to any premises, if a violation of any provision of this article is found to exist, or if a discharge or wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance to the POTW, as defined in this article. This provision is in addition to other statutes, rules, or regulations, authorizing termination of service for delinquency in payment.
- E. Any person who knowingly makes any false statement, representation, or certification in any application, report, or other document required by this article of other applicable regulations, or who tampers with or knowingly renders inaccurate any monitoring device, will, upon conviction, be punished by the imposition of a civil penalty as required by the local and/or State statutes.

Sec. 25-44. Severability.

- A. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article that can be given effect without such invalid part or parts.
- B. This article shall be in full force and effect from and after its adoption and publication as required by law.

Sec. 25-45. Confidential Information

Information and data on a user obtained from reports, surveys, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time the information or data is submitted by the user. Any information or data that has been demonstrated by the user to disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 does not constitute confidential information and will be made available to the public without restriction.

Sec. 25-46. Wastewater Discharge Permit Application.

- A. **Wastewater Analysis.** When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within 5 (five) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. **Wastewater Discharge Permit Requirement.** No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Indiana Department of Environmental Management (IDEM). The Superintendent may require other users to obtain discharge permits as necessary to carry out the purposes of this Article.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and shall be subject to the penalty provisions of Section 25-42. Obtaining a wastewater discharge permit does not relieve a user from any obligation to comply with any Federal or State pretreatment standards or requirements, or with the requirements of any other Federal or State law.
- D. **Existing Connections.** Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Section, and who wishes to continue such discharges in the future, shall, within thirty (30) days after the effective date of this Section apply to IDEM for a wastewater discharge permit.
- E. **New Connections.** Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must apply for such

permit from IDEM prior to the beginning or recommencing of such discharge. The user must also obtain prior approval from the Superintendent before discharging to the POTW.

Sec. 25-47 - 80. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 25-81. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this division shall be as follows:

- A. *Town* shall mean the Town of Chesterton, Indiana, acting by and through the Town Council of Chesterton, Indiana, or any duly authorized Officials or Boards acting in its behalf.
- B. *Debt service costs* shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- C. *Excessive strength surcharge* shall mean an additional charge, which is billed to users for treating sewage wastes with an average strength in excess of “normal domestic sewage.”
- D. *Normal domestic sewage* (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:
 - 1. BOD not more than 200 mg/l
 - 2. T.S.S. not more than 200 mg/l
 - 3. Ammonia as Nitrogen not more than 30 mg/l
 - 4. Phosphorus not more than 10 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences are distinct from wastes from industrial processes.

- E. *Operation and maintenance costs* include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- F. *Other service charges* shall mean tap charges, connection charges, area charges and other identifiable charges other than user charges, debt service charges and excessive strength surcharges.
- G. *Replacement costs* shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life

of the sewage works equipment to maintain the capacity and performance for which such works were designed and constructed.

- H. ***Sewer use ordinance*** shall mean a separate and companion enactment to this ordinance, which regulates the connection to and use of public and private sewers (codified as division 1 of this article).
- I. ***User charge*** shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Indiana Code 36-9-23-25, as the same may be amended from time to time.
- J. ***User class*** shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental).
 - 1. ***Residential user*** shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
 - 2. ***Commercial user*** shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - 3. ***Institutional user*** shall mean any establishment involved in a social, charitable, religious and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - 4. ***Governmental user*** shall mean any Federal, State or local governmental user of the wastewater treatment works.
 - 5. ***Industrial user*** shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

Any term not defined herein, but defined in the sewer use ordinance (division 1 of this article) shall have the same meaning herein.

Sec. 25-82. Charges levied; classes of users.

Every person whose premises are served by said sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of

operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude with a user class.

- A. User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- B. The various classes of users of the treatment works for the purposes of this division shall be as follows:

- Class I - Residential
- Commercial
- Governmental
- Institutional
- Industrial

Sec. 25-83. Determination of charges.

For the use of the service rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows:

- A. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, plus a base charge based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read bi-monthly and the users shall be billed bi-monthly (or period equaling two months). The water usage schedule is as follows:

All Class I users:

1. Treatment rate:

- a. Treatment rate per 100 cubic feet of usage per reading period:

I/I	User	Debt	
Charge	Charge	Service	Total
\$0.41	\$2.12	\$1.09	\$3.62

or

- b. Treatment rate per 1,000 gallons of usage per reading period

I/I	User	Debt	
Charge	Charge	Service	Total
\$0.54	\$2.82	\$1.45	\$4.81

2. Base rate Bi-Monthly:

Metered Users:

Water Meter

Size (inches)	User Charge	Debt Service	Total
5/8" – 3/4"	\$14.41	\$3.54	\$17.95
1"	\$27.52	\$8.88	\$36.40
1 1/4" – 1 1/2"	\$56.36	\$20.54	\$76.90
2"	\$93.07	\$35.38	\$128.10
3"	\$206.69	\$81.41	\$288.10
4"	\$364.01	\$145.14	\$509.15
6"	\$809.75	\$325.70	\$1,135.45
8"	\$1,439.03	\$580.57	\$2,019.60
10"	\$2,243.11	\$906.24	\$3,149.35
12"	\$3,230.73	\$1,306.27	\$4,537.00

- B. For all users of the sewage works that are unmetered water users or accurate meter readings are not available, the bi-monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered bi-monthly (or period equaling two months). The schedule on which said rates and charges shall be determined is as follows:

Unmetered Users:

	Bi-Monthly Rate		
	User Charge	Debt Service	Total
Residential:			
Single family dwelling unit	\$47.90	\$18.10	\$66.00

- C. For the service rendered to the Town, the Town shall be subject to the same rates and charges established in harmony therewith.
- D. In order to recover the cost of monitoring industrial wastes, the Town shall charge the user not less than twenty-five dollars (\$25.00) per sampling event plus the actual costs for collection and analyzing the sample(s) as determined by the Town or by an independent laboratory. This charge will be reviewed on the same bases as all other rates and charges in this division.
- E. In the event a lot, parcel of real estate of building discharges sanitary sewer, industrial waste, water or other liquids into the Town's sanitary sewage system,

either directly or indirectly, and uses water in excess of twenty thousand (20,000) gallons per reading period and can be shown to the satisfaction of the Town that a portion as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

Sec. 25-84. Determination of water use.

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewage system.

- A. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this division, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of sewage discharge.
- B. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- C. In the event two (2) or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

- D. In the event that two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of dwelling units times six dollars and fifty cents (\$6.50) per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- E. In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of twenty thousand (20,000) gallons per reading period and can be shown to the satisfaction of the Town that a portion as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- F. In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months, the billing for sewage services for such users shall be based upon the water of the previous winter months. For purpose of calculation, "summer months" is defined as the reading period of mid-June through mid-August, based on the actual readings as submitted by the current public water utility provider to the Town Utility. "Winter months" is defined as the reading period of mid-February through mid-April, based on actual readings.
1. In the event the water usage for the summer months is greater than the water used for the winter months, then the billing for sewage service shall be computed on the water use for the winter months.
 2. In the event water usage is less in the summer months than the winter months use, then the billing shall be based upon the actual water used in said summer reading period.

Domestic and/or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have

the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such a case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate

Sec. 25-85. Adjustment of charges for stronger than normal discharges.

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method, and at such times as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- A. Additional charges, for treating stronger-than-normal domestic waste shall be made on the following basis:
 - 1. *Rate surcharge based upon suspended solids.* There shall be an additional charge of twenty-five cents (\$0.25) per pound of suspended solids for suspended solids received in excess of two hundred (200) milligrams per liter of fluid.
 - 2. *Rate surcharge based on BOD.* There shall be an additional charge of twenty-five cents (\$0.25) per pound of biochemical oxygen demand for BOD received in excess of two hundred (200) milligrams per liter of fluid.
 - 3. *Rate surcharge based upon ammonia.* There shall be an additional charge of ninety-nine cents (\$0.99) per pound of ammonia for ammonia received in excess of thirty (30) milligrams per liter of fluid.
 - 4. *Rate surcharge based upon phosphorus.* There shall be an additional charge of ninety-nine cents (\$0.99) per pound of phosphorus for phosphorus received in excess of ten (10) milligrams per liter of fluid.
- B. The determination of suspended solids, five (5) day biochemical oxygen demand and ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water and Wastewater" as written by the American Public Health Association, the American Water Works Association and the Water Environment Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," 40 CFR Part 136.

Sec. 25-86. Billing.

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- A. The rates and charges for all users shall be prepared and billed bi-monthly.
- B. The rates and charges will be billed to the occupant(s) of real estate, unless otherwise requested in writing by the owner. Such billing shall in no way relieve the owner from liability in the event; payment is not made as herein required.
- C. As provided for by I.C. 36-9-23-31, all rates and charges not paid within twenty (20) days from and after the billing date are declared delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall attach thereto. Provided that no penalty shall attach where, immediately preceding the delinquent bill, an owner has made twelve (12) consecutive bi-monthly payments on time. The amount of the rates and charges, the penalty, and a reasonable attorney's fee may be recovered by the Town in a civil action in its name. Additionally, payments and/or penalties that have been due and unpaid for at least ninety (90) days may be filed as a lien against the real property in accordance with I.C. 36-9-23-33.

Sec. 25-87. Cost studies.

In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made within a reasonable period of time following the first two (2) years of operation, following the date on which this division goes into effect. Such study shall include, but not be limited to, an analysis of the cost associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness, equity and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town or by a firm of certified accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study revise and adjust the rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Sec. 25-88. Sewer connection fees.

- A. The Town shall collect a sewer connection fee for all new connections at the time a building permit is applied for.

B. The fee for a single-family connection to the Town's sanitary sewer system shall be as set forth below in the total column:

	1962 Issue	1975 Issue	1987 Issue	Total
1-Aug-00	\$248.84	\$89.98	\$736.76	\$1,075.58
1-Sep-00	\$248.84	\$89.98	\$741.99	\$1,080.81
1-Oct-00	\$248.84	\$89.98	\$747.22	\$1,086.04
1-Nov-00	\$248.84	\$89.98	\$752.44	\$1,091.26
1-Dec-00	\$248.84	\$89.98	\$757.67	\$1,096.49
1-Jan-01	\$248.84	\$89.98	\$762.89	\$1,101.71
1-Feb-01	\$248.84	\$89.98	\$768.12	\$1,106.94
1-Mar-01	\$248.84	\$89.98	\$773.34	\$1,112.16
1-Apr-01	\$248.84	\$89.98	\$778.57	\$1,117.39
1-May-01	\$248.84	\$89.98	\$783.79	\$1,122.61
1-Jun-01	\$248.84	\$89.98	\$789.02	\$1,127.84
1-Jul-01	\$248.84	\$89.98	\$794.25	\$1,133.07
1-Aug-01	\$248.84	\$89.98	\$799.48	\$1,138.30
1-Sep-01	\$248.84	\$89.98	\$804.64	\$1,143.46
1-Oct-01	\$248.84	\$89.98	\$809.80	\$1,148.62
1-Nov-01	\$248.84	\$89.98	\$814.95	\$1,153.77
1-Dec-01	\$248.84	\$89.98	\$820.11	\$1,158.93
1-Jan-02	\$248.84	\$89.98	\$825.26	\$1,164.08
1-Feb-02	\$248.84	\$89.98	\$830.42	\$1,169.24
1-Mar-02	\$248.84	\$89.98	\$835.57	\$1,174.39
1-Apr-02	\$248.84	\$89.98	\$840.73	\$1,179.55
1-May-02	\$248.84	\$89.98	\$845.88	\$1,184.70
1-Jun-02	\$248.84	\$89.98	\$851.04	\$1,189.86
1-Jul-02	\$248.84	\$89.98	\$856.20	\$1,195.02
1-Aug-02	\$248.84	\$89.98	\$861.36	\$1,200.18
1-Sep-02	\$248.84	\$89.98	\$866.59	\$1,205.41
1-Oct-02	\$248.84	\$89.98	\$871.83	\$1,210.65
1-Nov-02	\$248.84	\$89.98	\$877.07	\$1,215.89
1-Dec-02	\$248.84	\$89.98	\$882.30	\$1,221.12
1-Jan-03	\$248.84	\$89.98	\$887.54	\$1,226.36
1-Feb-03	\$248.84	\$89.98	\$892.78	\$1,231.60
1-Mar-03	\$248.84	\$89.98	\$898.01	\$1,236.83
1-Apr-03	\$248.84	\$89.98	\$903.25	\$1,242.07
1-May-03	\$248.84	\$89.98	\$908.49	\$1,247.31
1-Jun-03	\$248.84	\$89.98	\$913.72	\$1,252.54
1-Jul-03	\$248.84	\$89.98	\$918.96	\$1,257.78

1-Aug-03	\$248.84	\$89.98	\$924.20	\$1,263.02
1-Sep-03	\$248.84	\$89.98	\$929.41	\$1,268.23
1-Oct-03	\$248.84	\$89.98	\$934.61	\$1,273.43
1-Nov-03	\$248.84	\$89.98	\$939.81	\$1,278.63
1-Dec-03	\$248.84	\$89.98	\$945.02	\$1,283.84
1-Jan-04	\$248.84	\$89.98	\$950.22	\$1,289.04
1-Feb-04	\$248.84	\$89.98	\$955.42	\$1,294.24
1-Mar-04	\$248.84	\$89.98	\$960.63	\$1,299.45
1-Apr-04	\$248.84	\$89.98	\$965.83	\$1,304.65
1-May-04	\$248.84	\$89.98	\$971.03	\$1,309.85
1-Jun-04	\$248.84	\$89.98	\$976.24	\$1,315.06
1-Jul-04	\$248.84	\$89.98	\$981.44	\$1,320.26

C. The fee for a non-single family connections to the Town sanitary sewer system shall be the fee for a single-family connection established by (B) above, multiplied by the appropriate capacity factor as established below:

<u>Classification:</u>	<u>Capacity Factor:</u>
Multi-family dwellings (Apartments, townhouses, Condominiums, etc.)	
One bedroom	0.500000 per # units
Two bedroom	0.750000 per # units
Three bedroom	1.000000 per # units
Bowling alley	0.403226 per # lanes
Car Wash	0.001152 per # sq. ft.
Church, auditorium, stadium	0.001152 per # sq. ft.
Cleaners	0.001000 per # sq. ft.
Dental clinic	0.001075 per # sq. ft.
Freight terminal/warehouse	0.000129 per # sq. ft.
Funeral home	0.000282 per # sq. ft.
Gasoline sales/service station	1.290323 per # restrooms
Hair salon	0.000645 per # sq. ft.
Health club	0.003226 per # sq. ft.
Hospital	0.645161 per # patient rooms
Hotel, motel	0.322581 per # rooms
Kennel/Vet/Grooming	
Runs	0.048387 per # runs
Surgery/examining rooms	0.322581 per # rooms
Laboratory	0.000968 per # sq. ft.
Laundromat	0.008871 per # sq. ft.
Manufacturing (with showers)	1.290323 per # toilets
Manufacturing	0.645161 per # toilets

Medical office	0.000968 per # sq. ft.
Nursery or day care center	0.000806 per # sq. ft.
Nursing home or shelter care	0.322581 per # bedrooms
Office or banks	0.000215 per # sq. ft.
Public transportation terminal	1.290323 per # toilets
Retail business (except gasoline)	0.000484 per # sq. ft.
Restaurant	0.001129 per # sq. ft.
School, elementary	0.048387 per # pupils
School, high, dance, music, trade	0.080645 per # pupils
Surgical center	0.001008 per # sq. ft.
Theaters	0.000538 per # sq. ft.
Two-family dwellings (duplexes)	1.000000 per # units

If a classification for the proposed connection has not been established by the table above, the capacity factor shall be calculated by the Town.

Example: 10,000 sq. ft. dental clinic connecting on 8/1/2000

Single-family connection fee		\$1,075.88
Capacity factor	.001075	
Square feet	<u>10,000</u>	
Multiplier		<u>10.75</u>
Connection fee:		\$11,565.71

- D. In the event an entire commercial or industrial building is not finished and/or will contain multiple units and uses, the initial sewer connection fee will be for any uses that are to be occupied upon completion of the construction for which the building permit applies. As each remaining unit or portion within a building has a building permit applied for, an additional sewer connection fee based upon the rates set forth in Section 25-88 of the Chesterton Town Code shall be collected and no building can be occupied without payment of the connection fee nor can any space in a building be occupied without payment of the required connection fee.

Sec. 25-89. Regulating authority.

The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for the regulation, collection, rebating and refunding of such rates and charges.

Sec. 25-90. Harmful deposits.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the

Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as may be contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto of the Town's pretreatment program plan.

Sec. 25-91. Appeal to Utility Service Board.

Any differences that may arise between users and officials of the sewage works that cannot be resolved at that level may be appealed to the Chesterton Utility Service Board.

Sec. 25-92. Special rate contracts authorized.

The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.

Sec. 25-93. Effective date.

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of the ordinance from which this division is derived.

Sec. 25-94. Disconnection/Recheck Fees.

In the event the Chesterton Sewage Utility causes a customer's water to be disconnected for failure to pay its sewage bills on a timely basis as set forth in this Chapter, there shall be disconnection and recheck fees. This disconnection fee shall be thirty-three (\$33.00) plus a ten dollar (\$10.00) administrative charge and the recheck fee shall be nineteen dollars (\$19.00) plus a ten dollar (\$10.00) administrative charge. All charges shall be added to the customer's bill. This includes charges for processing all shutoffs and turnons, the requisite customer service, and cashier time. If, after a recheck of the water shutoff, the water is found to have been turned on without authorization, water services may be dug up and detached from the main. Before the water service can be replaced, the customer will have to pay all delinquent sewer user fees and the actual expenses of removing and replacing the water service plus a ten dollar (\$10.00) administrative charge.

Sec. 25-95. Rental Utilities Service Deposit.

Any individual or entity making an application for sewer utility service who is not the owner of record of the real estate to which said services will be rendered shall be required to make a cash deposit of the estimated average payment due from the property served by the sewage works for a three (3) month period. Said deposit is a pre-requisite to establish sewer utility service.

The estimated average payments listed above are calculated by taking three times the average monthly bill for sewer service rendered to all residential accounts or to all commercial/industrial accounts respectively. Copies of the utility calculations for estimated average payments shall be kept on file with the Utility Department and shall be available for public inspection upon request.

Sec. 25-96. General Utilities Service Deposit.

Any owner of record of the real estate to which sewer utility services are rendered who becomes delinquent three (3) or more times in any consecutive two (2) year period shall be required to make a cash deposit of the estimated average payment due from the property served by the sewage works for a three (3) month period. Said deposit is a pre-requisite to continue or re-establish sewer utility service. For purposes of this Section, the estimated average payment due is as defined above in Section 25-95.

Sec. 25-97. Fund.

All utility service deposits shall be retained in a separate non-interest bearing fund.

Sec. 25-98. Refunds.

The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after receipt of a notarized statement from the depositor that as of a certain date the property being served:

- A. Has been conveyed or transferred to another person; or
- B. No longer uses or is connected with any part of the municipal sewage system.

A statement under subdivision (A) must include the name and address of the person to whom the property is conveyed or transferred.

Notwithstanding the above, deposits taken under Section 25-96 shall, upon application, be refunded at the completion of twelve (12) consecutive payments or two (2) years in which no delinquencies were recorded on the depositor's account.

Sec. 25-99. Forfeitures and Collections.

If a depositor fails to satisfy costs and fees within sixty (60) days after the termination of his use or ownership of the property served, he forfeits his deposit. Any excess that remains due after application of the forfeiture may be collected in the manner prescribed in I.C. 36-9-23-31 or I.C. 36-9-23-32.

Sec. 25-100. Application of Deposit to Judgment.

A deposit may be used to satisfy all or part of any judgment awarded to the Town under I.C. 36-9-23-31.

Sec. 25-101. Unclaimed Deposits.

Any deposits under this Section that have remained unclaimed by the depositor for more than seven (7) years after the termination of services for which the deposit was made becomes the property of the Town of Chesterton Utility Department. I.C. 32-9-1.5 (Unclaimed Property) does not apply to a deposit described in this Section.

Secs. 25-102 – 25-150. Reserved.

ARTICLE IV. WATER

DIVISION 1.

Sec. 25-151. Meters – Piping prerequisite to installation,

Before a water meter is installed, the property owner shall, at his own expense, have pipes so arranged that all water will pass through the meter and provide proper space for the meter. Where pipe lines are not so arranged, the public water utility will make the necessary changes at the expense of the owner.

Sec. 25-152. Depth of service pipes.

All service pipes up to the inlet side of the meter shall be laid at a depth of not less than four (4) feet and six (6) inches underground, and shall be of extra-strong galvanized pipe or copper tubing, or its approved equivalent.

Sec. 25-153. Utility not responsible for damage due to defects in customers' pipes and fixtures.

The Town or Utility shall not be held responsible for any damage done by reason of breaking of, or defect in any of the customers' pipes or fixtures.

Sec. 25-154. Cross-connections – Defined.

A cross-connection shall be defined as any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the public water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals.

Sec. 25-155. Same – Prohibited.

No person, firm, or corporation shall establish or maintain or permit to be maintained a cross-connection. No interconnection shall be established whereby potable water from a private,

auxiliary, or emergency water supply other than the regular water supply of the public water system in the Town.

Sec. 25-156. Same – Inspection.

The current public water utility provider or Town Utility has the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Town for the purpose of determining whether a cross-connection exists. Upon request, the owner or occupant of any property so requested shall furnish to the public water utility provider or Town Utility any pertinent information regarding the piping system or systems on such property.

Sec. 25-157. Toxic substance requiring back-flow preventer.

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, film processors, laboratories, beauty shops, car and truck washes and all other hazardous users shall install and maintain a reduced pressure principle back-flow preventer in the main water line serving each building on the premises. All residential structures either single or multiple family, constructed as new construction after the date of enactment of Ordinance 87-08 shall have a back-flow preventer installed in the main water line serving each structure on the premises. The back-flow preventer must be installed in an easily accessible location not subject to flooding or freezing.

Sec. 25-158. Installation of wells for potable supply prohibited for premises within one hundred (100) feet of Town sanitary sewer or public water mains.

It shall be unlawful to install a well, whether driven, drilled or jetted, for the purpose of supplying potable water to any residence, commercial or industrial building, which building or structure is located within one hundred (100) feet of any Town-owned and maintained sanitary sewer or public water main.

Sec. 25-159. Installation of wells for non-potable supply lawful within one hundred (100) feet of public water or sanitary sewer mains.

It shall be lawful to install a well to serve a building or structure located less than one hundred (100) feet from a municipally-owned sanitary sewer or public water main for the purpose of obtaining water for non-potable use.

Sec. 25-160. Connection to public water utility piping prohibited.

It shall be unlawful for the piping of any well to be connected to any fixture or other piping, which is connected into or supplied by water emanating from the public water utility.

Sec. 25-161. Water supplied by wells discharged to Town sewage system to be metered.

All water delivered by any well which discharges into a municipally-owned sanitary sewer shall have its flow metered, the costs of such meter and the installations thereof shall be the responsibility of the water user or the owner of the building serviced.

Chapter 26

MUNICIPAL STREET TREE REGULATIONS

Sec. 26-1. Definitions.

For the purposes of this chapter, certain terms are defined in this Section. When not inconsistent with the context, words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular number. The word “shall” is always mandatory and not merely directory. The term “person” shall mean an individual, partnership, limited liability company, corporation, or any other association or its agents. Terms not defined in this Section shall have the meanings customarily assigned to them.

- A. **Accepted Street Tree List** is a list of proven trees deemed adaptable to the street conditions of the Town. The list is located in the Arboricultural Specifications Manual, which is deemed incorporated by reference into this chapter. Two (2) copies of the Arboricultural Specifications Manual for the Town are on file for inspection in the Office of the Clerk-Treasurer of the Town.
- B. **Boundary Tree** is a tree that meets one (1) or more of the following criteria:
 - 1. The stem of the tree straddles the actual property line between Town public property and adjoining property;
 - 2. The Town and the adjoining property owner have previously agreed that the tree will identify the property boundary;
 - 3. The Town and the adjoining property owner have previously agreed to share the cost of maintaining the tree.

A boundary tree is the common property of both landowners.
- C. **Caliper** is the diameter measurement of the trunk taken six (6) inches above ground level for, up to and including four-inch (4”) caliper size.
- D. **Critical Root Zone** is a circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree’s survival. Critical root zone is one foot in radial distance for every inch of tree DBH, with a minimum distance of eight (8) feet. For specimen trees, the formula changes to one and one-half (1.5) feet for every inch of tree DBH.
- E. **Crown** is the aboveground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. It may also be referred to as “canopy.”
- F. **DBH** means the diameter breast height, or the diameter measurement in inches of the trunk four and one-half (4.5) feet above ground level. If a tree splits into

multiple trunks below four and one-half (4.5) feet, the trunk is measured at its most narrow point beneath the split.

- G. **Drip line** is a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- H. **Specimen Tree or Stand** is any tree or grouping of trees that has been determined by the Tree Committee to be of high value because of its species, size, age, form, historical significance, or professional criteria.
- I. **Owner-Occupant** shall mean the property owner or the residing occupant with the permission of the property owner.
- J. **Park Trees** are herein defined as trees on Town park areas.
- K. **Person** means any person, firm, partnership, association, corporation, company, or organization of any kind.
- L. **Property Owner** shall mean the person owning such property as shown by the County Auditor's Plat of Porter County, Indiana.
- M. **Root Barrier** is an anchored physical device used to stop or divert the growth of tree roots.
- N. **Shrub** means a woody plant that is characteristically below twenty (20) feet in height and is multi-stemmed supporting the main leafy growth.
- O. **Street** means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.
- P. **Street Trees** are herein defined as trees lying on the real estate owned or controlled by the Town, excluding the real estate owned or controlled by the Town Park Department except for an area fifteen (15) feet in depth from the pavement edge on either side of any paved through streets within any park.
- Q. **Topping** is defined as the cutting back of the leading shoot or shoots of major limbs that form the natural canopy of the tree as to disfigure the tree crown.
- R. **Tree** means a perennial woody plant, ordinarily with one (1) main stem or trunk, which develops many branches, and which ordinarily grows to a height of twenty (20) feet or more.
- S. **Tree Care** means the treating, removal, spraying, pruning, and any other tree maintenance or horticultural work intended for the enhancement or preservation of

trees and the removal and prevention of any and all damages to any trees caused by tree pests, blights, and diseases.

- T. **Tree Lawn** is that part of a street or highway, not covered by sidewalk or other paving, lying within the Town's right-of-way.
- U. **Trees, Large** are designated as those capable of attaining a height of forty-five (45) feet or more at maturity.
- V. **Trees, Medium** are designated as those capable of attaining a height of thirty to forty-five (30 to 45) feet at maturity.
- W. **Trees, Small** are designated as those capable of attaining a height of twenty to thirty (20 to 30) feet at maturity.
- X. **Wheel Stop** shall be a solidly anchored concrete or wooden barrier at least 6 inches in height that is designed to stop the forward motion of a motor vehicle.

Sec. 26-2. Establishment of a Tree Committee.

There shall be created a committee that serves solely in an advisory capacity to the Town Council that shall be known as the "Tree Committee." The Tree Committee shall be composed of three members who are residents of the Town who shall be appointed by the Town Council. The term of office for the members shall initially be two (2) years. After the initial term is over, each successive term shall be one (1), two (2) and three (3) years respectively. All member of the Tree Committee serve at the pleasure of the Town Council and the Town Council has the ability to remove any member at any time for any reason deemed sufficient to the Town Council.

Sec. 26-3. Tree Committee duties and responsibilities.

The Tree Committee shall serve in an advisory capacity to the Town Council on all matters pertaining to these Municipal Street Tree Regulations. Matters upon which the Tree Committee may advise the Town Council include, by are not limited to, the following:

- A. Assist in policy development concerning the care, preservation, selection, planting, transplanting, spraying, maintenance, and removal of trees and shrubs in the street right-of way, public parks, and other public places assuring good arboricultural practices are followed.
- B. Make recommendations regarding tree care of street trees and park trees and the sodding, seeding, and maintenance of lawns along existing Town streets.
- C. Assist, when requested by the Town Council, in the preparation of grant applications that would fund municipal tree related projects.
- D. Assist the Street Commissioner, when requested, concerning matters contained within these Municipal Street Tree Regulations.

- E. When requested by the Town Council, present inventory of public trees in the Town.
- F. Cooperate with the Indiana Department of Transportation concerning planting efforts along state road right-of-ways with Town boundaries.
- G. Conduct educational programs as necessary while working with private and public agencies and organizations to establish programs for planting and the care of street trees.
- H. Advise, as needed, concerning amendments to these Municipal Street Tree Regulations including the Arboricultural Specifications Manual.
- I. Meet as needed.
- J. Elect a President and Vice President annually and keep a written record of its proceedings, all in accordance with Indiana law.
- K. Shall serve without compensation.

Sec. 26-4. Public tree care by the Town.

The Town shall have the right to plant, prune, maintain, and remove trees, shrubs, and plants within the lines of all streets, alleys, squares, and public grounds as may be necessary to ensure the public safety or to preserve the aesthetics of such public grounds.

Sec. 26-5. Street Commissioner authority.

- A. The Street Commissioner or his designee can cause or order to be removed any street tree or part thereof which is in an unsafe condition or is affected with any injurious fungus, insect, or other pest, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements.
- B. The Street Commissioner or his designee can cause or order to be pruned limbs or branches of any trees or shrubbery which overhang any Town public property and which constitute a menace to the safety of the public, obstructs the light from any street lamp, obstructs the motorists' view of any street intersection or any traffic control signal or sign, or obstructs or endangers passing vehicles and pedestrians.
- C. The Street Commissioner or his designee will govern the issuance of Tree Work Permits as required by this chapter.

Sec. 26-6. Tree Care – Permit required.

No person, company, or public utility shall plant, remove, excavate within a ten (10) foot radius of, trench within the critical root zone of, or cut above the ground any public tree or disturb or plant any shrubbery within any tree lawn, park, or other public place unless the Town shall have first granted a Tree Care Permit. No permit shall be required for the trimming of any branches with a diameter of three (3) inches or less. No permit shall be necessary for tree removal or trimming in the emergency situations detailed in Section 26-11.

Sec. 26-7. Tree Care – Permit issuance.

- A. Tree Care Permits shall be administered and issued by the Street Commissioner or his designee.
- B. The person receiving the permit shall abide by the standards set forth in this chapter including the Arboricultural Specifications Manual of the Town and any additional requirements placed upon the permit by the Street Commissioner.
- C. An annual permit shall be issued to any public utility for trimming and cutting trees in the public right-of-way. The permit application shall include utility trimming schedules and locations.
- D. There shall be no charge for the Tree Care Permit issuance.

Sec. 26-8. Tree Care – contractor permit required.

It shall be unlawful for any person to work for hire performing tree care activities in the Town for private or municipal street trees without first registering with the Clerk-Treasurer for a “contract or permit” and paying the appropriate permit fee pursuant to Section 5-81 through 84 of the Code.

Sec. 26-9. Tree Care – pruning, trimming, and removals.

- A. No person or property owner shall remove a tree or a boundary tree from the public tree lawn for the purpose of construction, or for any other reason, without first securing a Tree Care Permit from the Town. The person or property owner shall bear the cost of complete removal, including the chipping of all limbs and removal of stump.
- B. All trimming, pruning, and any other tree care activities shall comply with good arboricultural practices as delineated in the Arboricultural Specifications Manual of the Town. The person or property owner shall bear the cost of these activities.
- C. It shall be unlawful as a normal practice for any person to top any Street Tree. Topping is defined as severe cutting back of limbs to stubs large than three (3) inches in diameter within the tree’s crown to such a degree so as to remove the

normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this requirement by a written determination made by the Street Commissioner or his designee.

Sec. 26-10. Tree Care – removal of stumps.

In the process of tree removal, all stumps of Street Trees shall be removed at least six (6) inches below the surface of the ground.

Sec. 26-11. Tree Care – emergency declared.

- A. In emergencies, when a tree or trees have been severely damaged by storms or other causes, the Street Commissioner may waive the requirement for a Tree Care Permit. All removals of public trees under those conditions shall be reported to the Town.
- B. The Street Department or public utilities may act to trim or remove trees in emergency situations.
- C. Topping and severe cutting back of limbs may be allowed by the Street Commissioner under emergency situations.

Sec. 26-12. Tree Care – proximity to construction and excavation.

- A. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded whenever possible with a fence, frame or box not less than four (4) feet high and eight (8) feet square and all building material, dirt, or other debris shall be kept outside the barrier. Where heavy equipment will pass repeatedly over the tree's critical root zone, particularly in wet conditions, a temporary layer of four (4) inches of shredded bark or wood chips shall be placed and maintained on the ground. At the time of Tree Care Permit issuance, it may be specified that the barrier size be enlarged to further protect the critical root zone of the tree during construction activities.
- B. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining street cut and tree care permits from the Street Commissioner.
- C. Any and all installations of underground utilities upon the public right-of-way that impact the public trees due to necessary removals or underground conflicts (roots) require a Tree Care Permit and are specifically subject to protection measures designated by the Street Commissioner.

Sec. 26-13. Tree Care – injury to trees.

Unless specifically authorized by the Street Commissioner or Park Superintendent for park trees, no person shall intentionally damage, cut, carve, transplant or remove any public tree; attach any wire, or nails, advertising posters, or other contrivances to any public tree; allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire to or allow to burn when such fire or heat will injure any portion of any public tree.

Sec. 26-14. Tree Planting – general.

The owner-occupant of property abutting public ways may plant street trees in the tree lawn at his or her own expense in strict accordance with the Arboricultural Specifications Manual of the Town and these Municipal Street Tree Regulations. A Tree Care Permit must first be obtained for such a planting.

Sec. 26-15. Tree and shrub planting – species and sizes to be planted.

It should be specifically noted that the Arboricultural Specifications Manual contains a list of acceptable trees including species and sizes to be planted, spacing, distance from curb, sidewalk, and parking, and distance from street corners, fireplugs, utility poles, utilities, and other regulations. In accordance with Section 23-1 of the Code, no person shall plant or maintain any shrubs, bushes, trees or other forms of vegetation or material in such a manner that it obstructs or hinders the passage of pedestrians on sidewalks or vehicular traffic on streets or alleys with the Town.

Sec. 26-16. Alteration of tree lawn.

No person shall pave, gravel, remove or otherwise convert existing grassed tree lawn into hard space with the addition of the aforementioned without the advice of the Tree Committee and the consent of the Town Council.

Sec. 26-17. Violations.

Violations of this chapter shall subject the offender to the General Penalty Provisions of the Code found at Section 1-9, which provides for, among other things, a fine not to exceed \$2,500.00 per violation and that every day any violation of this chapter shall continue, shall constitute a separate offense. Additionally, pursuant to Indiana Code 36-1-6-2, the Town may enter onto real property and take appropriate action to bring the property into compliance with this chapter, including but not limited to replanting of trees damaged or improperly removed by the offender, provided, however, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If action to bring compliance is taken by the Town, the expense involved may be made a lien against the property.