

## TITLE IX: GENERAL REGULATIONS

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GENERAL PROVISIONS

' 90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his or her agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such

animal.

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ANIMAL.@ Any and all types of animals both domesticated and wild, male and female, singular and plural. (>82 Code, ' 5-100)

AT LARGE.@ Off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain, or otherwise. (>82 Code, ' 5-100)

DOG.@ Both male and female. (>82 Code, ' 5-100)

DOMESTIC ANIMAL.@ An animal that is not wild. The term is limited to:

(1) Cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus or other bird;

(2) An animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or

(3) An aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1).

(IC 15-17-2-26)

FOWL.@ Any and all fowl, domesticated and wild, male and female, singular and plural. (>82 Code, ' 5-100)

OWNER.@ Any person, firm, association, or corporation owning, keeping, or harboring a dog. (>82 Code, ' 5-100)

' 90.02 CRUELTY TO ANIMALS.

(A) A person is guilty of cruelty to animals when except as authorized by law he is intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, causing it to fight for pleasure or profit, mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means; or

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For any other purpose authorized by law.

Penalty, see ' 90.99

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Statutory reference:

Coloring birds or rabbits, see IC 15-17-18-11

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' 90.03 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.

Penalty, see ' 90.99

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Cross-reference:

Abandonment of dogs, see ' 90.25

' 90.04 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

Any peace officer may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

' 90.05 RUNNING AT LARGE.

No person owning or having in his or her custody animals or fowl, shall permit same to go at large to the injury or annoyance of others, nor shall such animals or fowl be permitted at large upon the streets or other public ways of the town. Such action is declared to be a nuisance and dangerous to the public health and safety. A violation of this section shall constitute a Class C infraction.

(>82 Code, ' 5-200) Penalty, see ' 90.99

' 90.06 PROPERTY OWNER MAY IMPOUND.

Any person finding any animal or fowl upon his or her property to his or her injury or annoyance may take up same and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he or she may hold the animal or fowl in his or her own possession, and as soon as possible notify the Police Department of this custody, giving a description of the animal or fowl and the name of the owner if known.

(>82 Code, ' 5-300)

' 90.07 POLICE TO TAKE POSSESSION.

The Police Department, as soon as possible after receiving notice, will dispatch an officer to appear at the premises and take possession of the animal or fowl.

(>82 Code, ' 5-301)

' 90.08 IMPOUNDING.

It shall be the duty of every police officer, or other person designated by the town for such purpose, to apprehend any animal or fowl found running at large contrary to the provisions of this chapter and to impound any such animal or fowl in the town pound or other suitable place. The poundmaster, or some other official or person designated by the town, who shall perform the duties of the poundmaster

as provided in this chapter, upon receiving any animal or fowl shall make a complete registry, entering the breed, color, and sex of such animal or fowl.

(>82 Code, ' 5-302)

' 90.09 DISPOSITION IF OWNER NOT FOUND.

Any officer or designated person picking up an animal or fowl and who, after reasonable diligence, is unable to find who owns or has custody of it, shall take it to the nearest animal hospital or shelter and leave it.

(>82 Code, ' 5-303)

' 90.10 OFFICER MAY IMPOUND.

Any police officer, or other person designated by the town for such purpose, is authorized to capture and impound any animal or fowl found at large, impounding to be in accordance with the procedure authorized by this section. In the event capture cannot be effected promptly, the officer or person is authorized to destroy the animal or fowl.

(>82 Code, ' 5-304)

' 90.11 DISPOSITION OF UNREDEEMED ANIMALS.

Any animal or fowl not redeemed within 24 hours will be disposed of in such manner as previously agreed upon between the town and owner of the animal hospital or shelter. The owner of the hospital or shelter is made an agent of the town for this purpose, and his or her actions in this regard are declared to be for a governmental purpose.

(>82 Code, ' 5-305)

' 90.12 DISPOSITION OF LARGE ANIMALS.

Should any officer or designated person upon call or upon his or her own initiative pick up a large animal such as a horse, cow, or mule or any other animal not acceptable by any animal hospital or shelter, he or she is authorized to call a trucking firm or company. The firm or company shall convey the animal outside the corporate limits to one of the farms which has a working agreement with the town to handle such cases. The disposition of the animal in this case shall be handled in the same manner as though it were in an animal hospital or shelter.

(>82 Code, ' 5-306)

' 90.13 RESTRICTION ON NUMBER OF ANIMALS OR FOWL.

(A) No more than three dogs or three cats (except in the case of littermates less than six months of age) shall be kept, harbored, raised, or possessed at any single residence, location, or premises

within the town, except where such keeping, harboring, raising, or possessing is incidental to the operation of an animal hospital, kennel, or agricultural pursuit located in an appropriate zone within the town. The keeping, harboring, raising, or possessing of more than three dogs or three cats except where same is incidental to the animal hospital, kennel, or agricultural pursuit is declared a nuisance and dangerous to the public health, safety, and welfare. A violation of this section shall constitute a Class C infraction. In addition, to the penalties for this section, any person violating this section may be ordered to abate the nuisance.

(B) It shall be the duty of every police officer, or other person designated by the town for such purpose to apprehend and dispose of all dogs or cats in excess of three where such are found to be kept, harbored, raised, or possessed contrary to division (A) in accordance with the procedures set forth in ' ' 90.07 through 90.12 of this chapter.

(Ord. 369, passed 8-10-83) Penalty, see ' 90.99

' 90.14 ADMINISTRATIVE OFFICER TO MAKE NECESSARY AGREEMENT.

The President of the Board of Trustees is instructed to enter into the necessary agreements with animal hospitals, shelters, and farms to carry out the terms of this chapter.

(>82 Code, ' 5-400)

' 90.14A CARE AND TREATMENT OF ANIMALS.

(A) General requirements for animal care and treatment. Every owner or keeper of an animal kept in the Town of Cedar Lake shall:

(1) Keep such animal in a clean, sanitary and healthy manner and not confine such animal so that such is not forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;

(2) Provide food that is appropriate for the species in adequate amounts; maintain good potable drinking water where appropriate; provide shelter and ventilation, including quarters protected from excessive heat and cold which are of sufficient size to permit the animal to move about freely;

(3) Protect the animals against abuse cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(4) Provide the reasonably necessary medical care according to commonly accepted veterinary standards, in addition to the required

rabies vaccination, which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, provide proper care and is segregated from other animals so as to prevent transmittal of the disease; and

(5) Maintain the animal(s) in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the town, and are in effect from time to time.

(B) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the Town of Cedar Lake, or to fail to comply with any requirements of division (A) of this section.

(C) It shall be unlawful to tether any animal by use of a choke collar, or any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck, or by a leash less than 12 feet in length, or by any tether or lease without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely.

(D) It shall be unlawful for any animal to be tethered between the hours of 11:00 p.m. and 6:00 a.m.; or to tether any unsterilized animal for any period of time unless the animal is in visual range of a competent adult who is outside with the animal; or to tether or confine an animal at a vacant structure or premises for any purposes or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering or confinement.

(E) In addition to the general requirements for animal care and treatment established in this section, every owner or keeper of an animal kept in the Town of Cedar Lake shall provide for such animal, when confined outside, as follows:

(1) Provide for access to a shelter constructed of solid wood or other weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the animal from weather and extreme cold. During winter and any day when the temperature is at or below 40°F, the shelter must be just large enough for the animal to stand up and turn around, the entrance covered by a flexible wind-proofing material or self-closing door, and must contain clean, dry bedding, which must consist of an insulating material that does not retain moisture, such as straw, of sufficient depth for the animal to burrow. On any day when the temperature is at or above 80°F, the shelter must be shaded by trees, a tarp, or a tarp-like devise;

(2) Bring such animal(s) into a temperature controlled facility when the temperature is at or below 32°F or at or above 90°F,

or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the animal(s) is/are in visual range of a competent adult who is outside with the animal(s);

(3) Provide adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than 100 square feet. An animal over 80 pounds must be provided with an additional 50 square feet. For each additional animal inside the enclosure, 50 square feet of space for exercise must be added per animal;

(4) Treat and care for such animal(s) so that there are no open lesions on the skin of such animal(s) due to insect bites or other parasitic infections;

(5) Avoid tethering of any animal except when all of the following conditions are met:

(a) The tether is not attached to a motorized vehicle, such as an automobile, truck, or motorcycle;

(b) The animal is at least six months of age, and is not sick or injured;

(c) The tethered animal has access to water shelter, and dry ground. If there are multiple tethered animals, each animal must be tethered separately in a manner that prevents the tethers from becoming entangled with each other or any other object, and each animal must have separate water and shelter;

(d) The tether is attached to the animal by a properly fitting buckle-type collar, or a collar that will not break under pressure, with a rotating toggle or attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the animal's neck;

(e) The tether is not of such unreasonable weight as to prevent the animal from moving about freely, is free of tangles, cannot be entangled with another animal or object, and is at least 12 feet in length;

(f) In the event that the animal is attached to a trolley system, the running line must be at least 12 feet in length and the tether length must be greater than the height of the running line; and

(g) The tether is located so as not to allow the animal to trespass on public or private property nor in such a manner as to cause harm or danger to persons or other animals.

(F) In the discretion of the Code and Law Enforcement personnel of the Town of Cedar Lake, any person who violates any provision of this section for the first time may be issued written notice of practices or conditions which constitute the violation, and the Town Code and Law Enforcement personnel shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than three days within which to correct the violations(s). Failure or refusal of the person to correct the violations within the specified time period shall constitute prima facie evidence of violation of this section.

(G) For purposes of this section, the following terms have the following meanings:

ACONFINED OUTSIDE Confined outside the house, mobile home, or apartment where the owner is living. ACONFINED OUTSIDE would include in the yard, or in a garage, shed, or barn without heating or air-conditioning. Access to a garage, shed, or barn maintained between 40°F and 80°F would not be considered ACONFINED OUTSIDE.

ATEMPERATURE CONTROLLED FACILITY A building maintained between 40°F and 80°F.

(Ord. 1281, passed 1-2-18) Penalty, see ' 90.99

DOGS

' 90.15 LICENSE AND REGISTRATION REQUIRED.

(A) All dogs kept, harbored, or maintained by their owners in the town shall be licensed and registered, annually, if over six months of age.

(B) Dog licenses shall be issued by the Town Clerk-Treasurer upon payment of a license tax of \$10 for each male, spayed female and unspayed female dog. The dog license fee shall be increased to \$15 in any case after the deadline date set out in division (E) below.

(C) The owner shall state at the time application is made for such license and upon printed forms provided for such purpose, his name and address, and the name, breed, color and sex of each dog owned or kept by him.

(D) The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the town, nor to dogs brought into the town for the purpose of participating in any dog show, nor to seeing eye dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place, nor dogs owned by the town and used in connection with the Town's Metropolitan Police Department.

(E) All licenses required under the terms hereof must be obtained prior to March 31 of each calendar year; this time limit, however, shall not apply for dogs who reach six months of age after such date. Dogs reaching six months of age after such date, and dogs kept, harbored or maintained for the first time by their owners in the town after such date, shall be licensed within 60 days of such later date. All dogs required to be licensed hereunder at the time of passage of this code shall be licensed and registered within 60 days of the date on which this code takes effect. Persons claiming to be exempt from the time frame here set out shall be required to provide satisfactory proof of purchase or acquisition of the animal in the form of a bill of sale or affidavit.

(F) A violation of this section shall constitute a Class C infraction.

(>82 Code, ' 5-500; Am. Ord. 415, passed 9-11-85; Am. Ord. 927, passed 6-21-05) Penalty, see ' 90.99

#### ' 90.16 TAG AND COLLAR.

(A) Upon payment of the license fee, the Clerk-Treasurer shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.

(B) Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Clerk-Treasurer upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a \$.50 fee for such duplicate.

(C) Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the town before expiration of the license period.

(D) A violation of this section shall constitute a Class C infraction.

(>82 Code, ' 5-501) Penalty, see ' 90.99

#### ' 90.17 RUNNING AT LARGE.

No owner or keeper of any dog shall permit such dog to run at large or stray beyond his premises, unless under the reasonable control of some person or when engaged in lawful hunting accompanied by its owner or keeper. A violation of this section shall constitute a Class C infraction.

(>82 Code, ' 5-600) Penalty, see ' 90.99





' 90.18 RABIES PROTECTION.

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the poundmaster of the fact that his or her dog has been exposed to rabies and at his or her discretion the poundmaster is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner. No person who knows or suspects that a dog has rabies shall allow such dog to be taken off his or her premises or beyond the limits of the town without the written permission of the poundmaster. Every owner, or other person, upon ascertaining a dog is rabid, shall immediately notify the poundmaster or a policeman who shall either remove the dog to the pound or summarily destroy it. A violation of this section shall constitute a Class B infraction.

(>82 Code, ' 5-701)

(B) It shall be unlawful for the owner of any dog to harbor, or keep any dog over the age of six months unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine. A violation of this section shall constitute a Class B infraction.

(>82 Code, ' 5-702)

Penalty, see ' 90.99

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Statutory reference:

Municipal power to control rabies, see IC 15-17-6-14

Rabies control in general, see IC 15-17-6

' 90.19 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the municipality which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he or she occupies or owns shall be considered as harboring the dog.

Penalty, see ' 90.99

' 90.20 DUTY OF PEACE OFFICER TO IMPOUND.

(A) It shall be the duty of every police officer, or other person designated by the town for such purpose, to apprehend any dog found running at large contrary to the provisions of this chapter and to impound any such dog in the town pound or other suitable place.

(B) The poundmaster, or some other official or person designated by the town, who shall perform the duties of the poundmaster as provided

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in this chapter, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he or she shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

(>82 Code, ' 5-601)

Statutory reference:

Animal shelters, see IC 36-8-2-6

' 90.21 NOTICE TO OWNER; REDEMPTION.

Not later than 24 hours after the impounding of any dog or animal, the owner shall be notified, or if the owner of the animal is unknown, the poundmaster shall hold the animal for a minimum of three days, if the animal is unclaimed within the three-day period, the poundmaster shall dispose of the dog as provided hereafter. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the town for impounding and maintenance of the dog. The following charges shall be paid to the Town Clerk-Treasurer: For impounding any animal, \$20 each day for any dog or animal; for keeping any animal, \$5 per day for each animal, with a minimum lodging fee of one day.

(>82 Code, ' 5-602; Am. Ord. 411, passed 7-24-85; Am. Ord. 725, passed 8-11-98)

' 90.22 DISPOSITION OF UNCLAIMED OR INFECTED DOGS.

It shall be the duty of the poundmaster to keep all dogs so impounded for a period of three days. If at the expiration of three days from the date of notice to the owner, or if the owner is unknown, at the expiration of three days from the date such dog is first impounded, if such dog shall not have been redeemed, it may be destroyed. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange, or other infectious or dangerous disease shall not be released but may be forthwith destroyed.

(>82 Code, ' 5-603)

' 90.23 CONFINEMENT OF CERTAIN DOGS.

No dog of fierce, dangerous, or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this provision, it shall be taken up and impounded and shall not be released except upon approval of the Chief of Police after payment of the fees provided in ' 90.21. However, if any dangerous, fierce, or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policemen.

(>82 Code, ' 5-604)

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' 90.24 MUZZLING.

(A) Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the President of the Town Board, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person.

(B) Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by the police without notice to the owner. Dogs impounded during the first two days of such proclamation shall, if claimed within three days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in ' 90.21. If unclaimed after that period, such dog may be summarily destroyed. Any person who knowingly or intentionally violates such a proclamation shall be guilty of a Class B infraction.

(>82 Code, ' 5-700) Penalty, see ' 90.99

' 90.25 ABANDONMENT.

It shall be unlawful for any person to abandon any dog on any public place, including the right-of-way of any public highway, or upon the property of another, within the town. A violation of this section shall constitute a Class C infraction.

(>82 Code, ' 5-800) Penalty, see ' 90.99

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Cross-reference:

Abandoning domestic animals prohibited, see ' 90.03

' 90.99 PENALTY.

(A) Wherever in this chapter, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this chapter shall be deemed a Class B infraction. Every day any violation of this chapter shall continue shall constitute a separate offense.

(B) Unless otherwise provided in this chapter, the penalty for:

(1) A Class A infraction shall be a minimum fine not less than \$150;

(2) A Class B infraction shall be a minimum fine not less than \$100; and

(3) A Class C infraction shall be a minimum fine not less than \$50.

(C) In the event of a violation of any provision of ' 90.14A, as amended hereafter from time to time, concerning animal care and treatment, violation thereof shall result in penalties for such violation(s) as follows, namely:

(1) A first violation in a calendar year may result in a warning with requirement of abatement and correction as a term of such initial violation penalty. Such action shall be in the discretion of the town authorized enforcement personnel. Conditions presented may result in an immediate penalty imposition, which shall be the amount of \$200 for such first offense. For any second offense in a calendar year, a fine of \$300, plus corrective actions shall be imposed. For a third and any additional violations in a calendar year, a penalty of \$1,000, plus corrective actions shall be imposed. Each day of any violation shall constitute a separate offense and subject the offending owner or keeper of any animal treated or cared for in violation of ' 90.14A in accordance therewith.

(2) In addition to the foregoing, and based on conditions and treatment presented, the designated Town Code or Law Enforcement personnel assigned may cause such actions as are immediately required to prevent the violations identified in the care and treatment of any animals determined to exist. In such event, if corrective measures include impoundment, such impoundment will be at the cost and expense of the owner or keeper of the affected animal(s). This will include the cost of impoundment, care and treatment of such animal(s), and veterinary expenses.

(3) In the event of violation of ' 90.14A by any owner or keeper of an animal in the Town of Cedar Lake, and upon code enforcement actions taken or required for abatement and mitigation of the violative care and treatment of any such animals, all costs incurred by the Town of Cedar Lake in such circumstances shall be recoverable, including professional veterinary and related care and services, legal fees and expenses incurred, if any, by the Town of Cedar Lake in enforcement hereof, and all related.  
(Am. Ord. 986, passed 3-6-07; Am. Ord. 1281, passed 1-2-18)

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Cross-reference:

Citation procedure, see ' 10.99(D)

Section

- 91.01 Storage of explosives
- 91.02 Blasting permit
- 91.03 Storage of flammables

91.99 Penalty

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Cross-reference:

Open burning regulations, see ' 93.40 through 93.42

' 91.01 STORAGE OF EXPLOSIVES.

It shall be unlawful to store at any time within the municipality a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds without the express authorization of the legislative body.

Penalty, see ' 91.99

' 91.02 BLASTING PERMIT.

No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the executive or other proper administrative officer. The executive or other proper administrative officer before granting such permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.

Penalty, see ' 91.99

' 91.03 STORAGE OF FLAMMABLES.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior, or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

Penalty, see ' 91.99

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Statutory reference:

Municipal fire prevention, see IC 36-8-2-3

' 91.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be fined as set forth below. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(A) First violation shall be a minimum fine not less than \$25.

(B) Second violation shall be a minimum fine not less than \$75.

(C) Third and subsequent violation shall be a minimum fine not less than \$150.

(Am. Ord. 986, passed 3-6-07)

[Text continues on page 17]

Section

- 92.01 Throwing litter from vehicle
- 92.02 Tracking foreign matter on streets
- 92.03 Hauling loose material
- 92.04 Sweeping litter into gutters
- 92.05 Merchants to keep sidewalks free of litter
- 92.06 Posting notices
- 92.07 Litter on private property
- 92.08 Litter in public places
- 92.09 Litter in receptacles
- 92.10 Litter in parks
- 92.11 Litter in lakes
- 92.12 Litter on vacant lots
- 92.13 Clearing litter by town; notification; procedure
  
- 92.99 Penalty

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Cross-reference:

Garbage, trash, and refuse, see Ch. 97

Statutory reference:

Power to regulate for the public health, see IC 36-8-2-4

' 92.01 THROWING LITTER FROM VEHICLE.

No person while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town, or upon private property.

(>82 Code, ' 12-704(A)) Penalty, see ' 92.99

' 92.02 TRACKING FOREIGN MATTER ON STREETS.

No person shall drive or move any vehicle or truck within the municipality, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

Penalty, see ' 92.99

' 92.03 HAULING LOOSE MATERIAL.

Every person hauling or causing to be hauled dirt, sand, gravel, cement, fill dirt, or loose material of any kind in or upon any street, alley, sidewalk, or other public place shall haul it, or cause it to be hauled in vehicles provided with tight boxes or beds so constructed or loaded as to prevent any of the contents from falling or being thrown, blown, or deposited upon any street, alley, sidewalk, or other public place. Any materials which fall from, or which are thrown, blown, or deposited from any vehicle upon any street, alley, sidewalk, or other public place, shall be removed immediately by the person in charge of the vehicle.

(>82 Code, ' 12-704(B)) Penalty, see ' 92.99

' 92.04 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street, or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(>82 Code, ' 12-702) Penalty, see ' 92.99

' 92.05 MERCHANTS TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the town shall keep the sidewalk in front of their business premises free of litter.

(>82 Code, ' 12-703) Penalty, see ' 92.99

' 92.06 POSTING NOTICES.

No person shall post or affix any notice, poster, or other paper or device which is calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(>82 Code, ' 12-805) Penalty, see ' 92.99

' 92.07 LITTER ON PRIVATE PROPERTY.

(A) No person shall throw or deposit litter on any occupied private property within the town, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon streets, sidewalks, or other public places, or upon any private property.

(B) The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(>82 Code, ' 12-708) Penalty, see ' 92.99

' 92.08 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the town except in public receptacles, in authorized private receptacles for collection, or in official town dumps.

(>82 Code, ' 12-700) Penalty, see ' 92.99



' 92.09 LITTER IN RECEPTACLES.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(>82 Code, ' 12-701) Penalty, see ' 92.99

' 92.10 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(>82 Code, ' 12-705) Penalty, see ' 92.99

' 92.11 LITTER IN LAKES.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the town.

(>82 Code, ' 12-706) Penalty, see ' 92.99

' 92.12 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.

(>82 Code, ' 12-707) Penalty, see ' 92.99

' 92.13 CLEARING LITTER BY TOWN; NOTIFICATION; PROCEDURE.

(A) The Chief of Police is authorized and empowered to notify the owner of any open or vacant private property within the town or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety, or welfare. Such notice shall be by registered mail, addressed to the owner at his last known address.

(B) Upon the failure, neglect, or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety, or welfare, within three days after receipt of written notice provided for in division (A) above, or within ten days after the date of such notice in the event the same is returned to the Town Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Town Board of Trustees is authorized and empowered to pay for the disposing of such litter or to order its disposal by the town.

(C) When the town has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner or such property and spread of record against the property.

(D) Where the full amount due the town is not paid by such owner within ten days after the disposal of such litter, as provided for in division (A) and (B) above, then, and in that case, the Chief of Police shall cause to be recorded in the Recorder's office, a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of Court, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further, shall be subject to a delinquent penalty of 6% in the event same is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(>82 Code, ' 12-709)

' 92.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided shall be fined as set forth below.

- (1) First violation shall be a minimum fine not less than \$25.
- (2) Second violation shall be a minimum fine not less than \$75.
- (3) Third and subsequent violation shall be a minimum fine not less than \$150.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense.

(>82 Code, ' 12-900; Am. Ord. 437, passed 3-11-87; Am. Ord. 986, passed 3-6-07)

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Cross-reference:

Citation procedure, see ' 10.99(D)

CHAPTER 93: NUISANCES

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' 93.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADWELLING. Any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

ANUISANCE. Public nuisance.

ASCRAP METAL. Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or

any

other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

UNFIT FOR HUMAN HABITATION. @ Dangerous or detrimental to life or health because of: want of repair; defects in the drainage, plumbing, lighting, ventilation, or construction; infection with contagious disease; or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

‡ 93.02 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this chapter to be a public nuisance, those offenses which are known to the common law and statutes of Indiana as public nuisances may be treated as such and be proceeded against as is provided in this chapter or in accordance with any other provision of law.

Penalty, see ‡ 93.99

‡ 93.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the town to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dwellings unfit for human habitation. The erection, use, or maintenance of a dwelling which is unfit for human habitation.

(B) Dangerous buildings adjoining streets. Any building, house, or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property using or being upon the streets or public way of the town adjoining the premises, by reason of the collapse of the building, house, or structure or by the falling of parts thereof or of objects therefrom.

(C) Dangerous trees or stacks adjoining street. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(D) Dilapidated buildings. Any building, house, or structure which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire, or which due to lack of adequate maintenance or neglect, endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.

Statutory reference:

Municipal regulation of building improvements, see IC 36-7-2-5

(E) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents, or insects, or its blowing of rubbish into any street, sidewalk, or property of another.

(F) Noxious odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke, or other matter which renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

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Statutory reference:

Municipal regulation of air pollution, see IC 36-8-2-8



(G) Noise. Emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with the ordinary comforts of human existence.

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Statutory reference:

Municipal regulation of sound pollution, see IC 36-8-2-8

(H) Storage of explosives or combustible material. The storage of combustible or explosive material which creates a safety hazard to other property or persons in the vicinity.

(I) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(J) Trees and shrubbery obstructing streets and sidewalks. The growing and maintenance of trees with less than 14 feet clearance over streets or less than 8 feet over sidewalks, or the growing and maintenance of shrubbery in excess of 3 feet in height within the radius of 20 feet from the point where the curb line of any street intersects the curb line of another street. No shrub shall be planted between the curb line and the property line of any street within a radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street.

(K) Scrap metal. The storage of scrap metal within the municipal limits except on premises authorized by the town for such purposes.

Penalty, see ' 93.99

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Cross-reference:

Abandoned vehicles, see Ch. 95

#### ' 93.04 ABATEMENT PROCEDURE.

(A) It shall be the duty of an officer designated by the legislative body, to serve or cause to be served a notice upon all persons holding a substantial interest in any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance within a reasonable time, stated in the notice. Notice shall be served upon persons by certified mail, but if the whereabouts of the persons is unknown and cannot be ascertained by the officer in the exercise of reasonable diligence, the officer shall make an affidavit to that effect, and the serving of notice may be made by publication in a newspaper of general circulation for two consecutive days. A copy of the notice shall also be posted in a conspicuous place on the premises affected by the notice.

(B) If the person so served does not abate the nuisance within the reasonable period stated in the notice, the town may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant.

(C) Charges for nuisance abatement shall be a lien upon the premises.



Statutory reference:

Violations on private property; lien authorized, see IC 36-1-6-2

§ 93.05 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it shall not be essential that the nuisance be created or contributed to by the owner, occupant, or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care ought to have become aware of.

§ 93.06 SUSPENSION OF LICENSE.

(A) Whenever it is brought to the attention of the legislative body that a nuisance exists and the legislative body deems that there is an immediate threat to the public health, safety, welfare, the legislative body may by majority vote suspend the license of any person conducting business upon the premises where the nuisance exists.

(B) The town shall cause notice of the suspension to be served personally upon the licensee or at the premises where the nuisance exists.

(C) Upon application of the licensee, the legislative body may remove the suspension upon such terms as it may direct.

WEEDS AND ENVIRONMENTAL NUISANCE REGULATIONS

§ 93.20 TITLE.

This subchapter, and the regulations herein, shall be known as the Weeds and environmental nuisance regulations of the town. (Ord. 641, passed 3-7-95)

§ 93.21 PURPOSE AND INTENT.

It is hereby declared to be the purpose and intent of this subchapter, and these regulations, to protect the public health, safety, comfort, morals, convenience, and general welfare and well-being of the residents of the town, as well as enhance the environment for the residents of the town by making it illegal and unlawful to allow and permit an environmental public nuisance to exist.

(Ord. 641, passed 3-7-95)

§ 93.22 DEFINITIONS.

For purpose of this subchapter, and these regulations, as amended from time to time, the following definitions shall apply unless the context clearly indicates otherwise, or requires a different meaning.

AAUTHORIZED REPRESENTATIVE,@ The town official or officials designated to make environmental public nuisance inspections, including, but not limited to, the Building Administrator, Police Department, Town Manager, and the Unsafe Building Administrator.

AENVIRONMENTAL PUBLIC NUISANCE,@

- (1) Any growth of weeds, grass or other rank vegetation on private or governmental property which is neglected, disregarded or not cut, mown, or otherwise removed and/or which has attained a height of nine inches or more.
- (2) Any accumulation of dead weeds, grass or brush on private or governmental property.
- (3) Any poison ivy, ragweed or other poisonous plant, or plants detrimental to health, growing on any private or governmental property.
- (4) Property which has been allowed to become a health or safety hazard, or which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations.
- (5) The feeding of wild or domestic water fowl by any person or persons on or near Cedar Lake.

AEXCLUDED PROPERTY. Land cultivated for gross profit in a business or agricultural zoning district; a natural or developed forest, which does not create a health or safety hazard, which conforms to Management Series No. 2 of the Indiana Department of Natural Resources or is registered, or adjoining landowners; vacant and open lands, fields or wooded areas more than 150 feet from occupied property. However, natural habitats or wildlife habitats in residential zoning district properties are not to be considered excluded property, and will constitute a violation of this chapter, as amended from time to time.

AGOVERNMENTAL PROPERTY,@ Real estate within the town which is owned, leased, controlled or occupied by the United States, the state, or any political subdivision thereof; excluding areas such as interior fields, river bank properties and wooded lots which are maintained as natural sites by any such political entity.

AINSPECTOR,@ An authorized representative of the town, so designated, and having power to issue ordinance violation notices and summons in order to enforce the provisions of this chapter as amended from time to time.

AOWNER,@ The term AOWNER,@ shall be presumed to be any one or more of the following:

- (1) The owner or owners in fee simple of a parcel or real estate, including the life tenant or tenants, if any;

- (2) The record owner or owners as reflected by the most current records in the assessors' office of the township or Lake County; or
- (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.
- (4) The occupant or user of such real estate, whether or not a life tenant, record owner, or purchaser under any contract for conditional sale, who is occupying or using, in any manner, a parcel of real estate.

PRIVATE PROPERTY. All real estate within the town except governmental property.

TOWN. The Town of Cedar Lake, Lake County, Indiana.

TRAFFIC HAZARD. Any environmental public nuisance that is potentially dangerous to the existing traffic at the intersection in question, as it may block or prohibit the view of any oncoming traffic. In the event that the inspector finds a violation pursuant to such definition of TRAFFIC HAZARD, the inspector shall have the authority to waive the five day grace period and abate the problem as soon as possible.

(Ord. 641, passed 3-7-95; Am. Ord. 671A, passed 6-10-97; Am. Ord. 752, passed 9-28-99; Am. Ord. 758, passed 11-23-99)

' 93.23 APPLICATION OF REGULATIONS.

- (A) Each department or agency of the United States, the state, the town, or any other political subdivision thereof, shall be required to keep governmental property free from environmental public nuisance.
- (B) Each owner of private property shall be required to keep that private property free from environmental public nuisances.
- (C) All persons shall be prohibited from feeding any and all wild or domestic water fowl on or near Cedar Lake, at any time.  
(Ord. 641, passed 3-7-95; Am. Ord. 671A, passed 6-10-97)

' 93.24 PROHIBITED ACTIVITY.

It shall be unlawful for any owner of private property or governmental property in the town to allow, permit, or maintain an environmental public nuisance on that real property, except on excluded property.

(Ord. 641, passed 3-7-95)

' 93.25 DETERMINATION OF VIOLATION.

- (A) Complaint. Violations of this chapter and these regulations, as amended from time to time, shall be cited by any authorized representative of the town which receives a complaint regarding an environmental public nuisance on any property within the town.

(B) Assignment of complaint. The complaint shall be forwarded to the duly designated inspector for processing, who shall follow that complaint case through to its resolution or compliance disposition.

(C) Notice to abate. When a complaint involves private property, the duly designated inspector shall cause a written notice to abate to be served upon the owner of the property or at least one owner of the property in question as indicated on the county auditor's records, granting that owner a minimum of five calendar days in which to remove the environmental public nuisance. This notice shall be served by personal delivery by designated town employee, or by certified mail, return-receipt requested, to the owner, which contains the following information:

(1) The address of the real property;

(2) The date of the notice;

(3) The address and the telephone number of the Planning and Building Department; and

(4) A warning that in the event that the environmental public nuisance is not removed within five calendar days after delivery of the notice, the town will abate the nuisance and proceed to seek recovery of the actual costs involved in the removal of the environmental public nuisance.

(D) Inspection. Following the expiration of the notice to abate, an inspector shall visually inspect the property to determine whether an environmental public nuisance exists. In the event that the environmental public nuisance still exists, action shall be taken to abate that nuisance in accordance with the provisions of this section and these regulations, as amended from time to time.

(E) Abatement by town on governmental property. Where the complaint involves governmental property, and it is determined by the inspector that a violation exists and threatens the health and safety of the residents of the town, the inspector may direct the town to immediately enter upon the premises and remove the environmental public nuisance.

(G) Feeding wild or domestic water fowl. Where an inspector or authorized representative of the town investigates a complaint of any person or persons feeding wild or domestic water fowl on Cedar Lake, or within 500 feet from the shoreline of Cedar Lake, or within 500 feet of any contributory wetland, creek, drain (mutual or regulated), or stream of the Cedar Lake watershed, the inspector may issue either a warning notice or violation citation, as is warranted and/or deemed appropriate under the circumstances, to any person or persons who refuse to desist

from feeding the wild or domestic water fowl, pursuant to the provisions of this chapter.

(Ord. 641, passed 3-7-95; Am. Ord. 671A, passed 6-10-97; Am. Ord. 758, passed 11-23-99; Am. Ord. 1100, passed 9-7-10)

' 93.26 ENFORCEMENT.

(A) Citation for violation. In the event that the inspector finds that an environmental public nuisance exists on private property and has not been abated as directed in the written notice to abate, that inspector may cause a citation for violation of town ordinance to be issued to the offending property owner.

(B) Abatement by town on private property. In addition to the issuance of a citation for violation of a town ordinance under division (A) above the inspector, in the name of the town, may issue a request to the town to abate the environmental public nuisance, and shall thereafter furnish the town with a statement of the actual cost involved in the removal of the environmental public nuisance. The actual abatement may be assigned to a town department, or contracted out through standard procedures.

(C) Responsibility of offender for costs of enforcement. The inspector shall make a statement of the actual cost incurred in eliminating the environmental public nuisance. The costs shall include: cost of removal of the environmental public nuisance, administrative fees, not to exceed \$100, and all recording fees associated with the collection of the outstanding balance. The statement shall be delivered to the property owner by first-class mail. The owner shall pay the amount noted to the town within 30 days after receipt, which shall be deposited in the town general fund.

(D) Failure to pay. In the event a property owner fails or refuses to pay the amount within 30 days after receiving a statement, a copy of all costs shall be filed in the Office of the Auditor of Lake County for the purpose of placing the amount claimed on the tax duplicate against the real property so that the amount claimed can be collected as taxes are collected, subject to the limitations above.

(Ord. 641, passed 3-7-95)

' 93.27 PROPERTY OWNER=S RIGHT TO APPEAL.

(A) Upon receipt of a notice to abate bill for abatement, the property owner or occupant served, or his duly authorized representative, may notify the town of any objection to the notice to abate or bill. This correspondence shall be in writing to the Town Administrator, and shall specify the street address, legal description of real property involved, and reason for objection to the notice to

abate or bill. Any such correspondence must be received by the town within the amount of time set out in the notice to abate or bill.

(B) Upon receipt of such correspondence, the inspector or authorized representative shall provide copies to the Town Administrator, who shall cause the objection to be investigated. No further action shall be pursued against that property owner or occupant to abate the environmental public nuisance or pay the bill for abatement until resolution of the objection thereto. The Town Administrator shall notify the landowner of the final decision on the objection, and the decision of the Town Administrator shall be final.

(Ord. 641, passed 3-7-95; Am. Ord. 1100, passed 9-7-10)

#### ' 93.28 ADOPTION OF STATE LAW BY REFERENCE.

It is the express intent of this subchapter and these regulations, as amended from time to time, to adopt the provisions of IC 36-7-10.1-1 et seq., as amended from time to time.

(Ord. 641, passed 3-7-95; Am. Ord. 1100, passed 9-7-10)

### OPEN BURNING REGULATIONS

#### ' 93.40 DEFINITIONS.

For the purposes of this subchapter the following words and phrases shall have the following meanings ascribed to them respectively.

A FIRE or A FIRES. The words shall be interchangeable, and shall mean and refer to the visible, active phases of the chemical reaction constituting the combustion of material, manifested in light and heat.

A MATERIAL or A MATERIALS. The words shall be interchangeable, and shall mean and refer to any and all biodegradable and nonbiodegradable substances, including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood, and wood products.

A OPEN BURNING or A OPEN BURN. The terms shall be interchangeable, and shall mean and refer to the outdoor combustion of material.

A PERSON or A PERSONS. The word shall be interchangeable, and shall mean and refer to any natural person, corporation, association, trust, venture, partnership, or other entity.

A WOOD PRODUCTS. Material derived from or consisting of paper, cardboard, rags, boards, branches, brush, grass, and leaves. No processed, painted, or treated wood material.

(Ord. 895, passed 5-18-04)

' 93.41 OPEN BURNING PROHIBITED, NUISANCE.

(A) No person or persons shall open burn any material except as provided in Town Code ' 91.12, or except as provided at 326 Indiana Administrative Code ' 4-1-3 or 326 Indiana Administrative Code ' 4-1-4.

(B) Any person who shall violate any provision of this section shall be deemed the author and maintainer of a public nuisance.

(C) The Metropolitan Police Department shall and is hereby empowered to enforce the provisions of this section, as amended from time to time.

(Ord. 895, passed 5-18-04)

' 93.32 EXEMPTIONS.

(A) The following instances of open burnings shall be exempt from restriction under this subchapter:

(1) Fires at Twelfth Night Ceremonies;

(2) Fires celebrating school pep rallies;

(3) Fires celebrating scouting activities;

(4) Fires used for recreational and cooking purposes, such as camp fires;

(5) Fires at residences of four or fewer units, where fires are contained in a noncombustible container sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth square inch, provided, however, that this exemption shall not include such fires at apartment complexes and mobile home parks, which fires are prohibited;

(6) Fires of wood products associated with nursery and farming maintenance operations, including:

(a) The burning of fence rows and fields, or materials derived therefrom,

(b) The burning of natural growth derived from clearing a drainage ditch, and

(c) The burning of limbs and prunings, but only if so diseased or infected as to present a contamination problem;

(7) Waste oil burning, where the waste oil has been collected in a properly constructed and located pit as prescribed in 310 Indiana Administrative Code ' 7-1-37(A), as amended from time to time, being a rule of Division of Oil and Gas, Indiana Department of Natural Resources. Each oil pit may be burned once every two months and all oil must be completely burned within 30 minutes after ignition; and

(8) Burning done pursuant to variance granted by the Indiana Air Pollution Control Board pursuant to 326 Indiana Administrative Code ' 4-1-4, as amended from time to time.

(B) All exemptions shall be subject to the following:

(1) Only wood products shall be burned unless otherwise stated above.

(2) Fires shall be attended at all times until completely extinguished.

(3) If fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished. The person responsible shall also be subject to penalties per this chapter.

(4) All residential, farm, and waste oil burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that nearly all of the burning material is consumed by sunset.

(5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, or air stagnation.  
(Ord. 895, passed 5-18-04)

#### NOISE AND SOUND REGULATIONS

##### ' 93.50 PROHIBITED NOISE AND SOUND.

The following acts are deemed and declared to be unlawful and therefore prohibited within the municipal boundaries of the Town of Cedar Lake:

(A) The operation of construction equipment including tools or equipment used in construction, drilling, or demolition including all motor vehicles used in construction, drilling, excavation, bulk materials transport or delivery, or demolition between the hours of 10:00 p.m. and 6:00 a.m.

(B) Operating or permitting the use or operation of any powered tools including, but not limited to, saw drill, sander, grinder, lawn



or garden tools, or similar devices utilized outdoors between the hours of 10:00 p.m. and 6:00 a.m.

(C) Operating a garbage or refuse collection vehicle or device including all motor vehicles and related equipment for the collection of refuse between the hours of 10:00 p.m. and 6:00 a.m.

(D) Operating or permitting the use or operation of radios, television sets, musical instruments, compact disc, tape or record players, amplifiers or similar devices where as to be plainly audible across property boundaries or through partitions common to two separate dwelling units between the hours of 10:00 p.m. and 6:00 a.m.

(E) Hosting any party or gathering between the hours of 10:00 p.m. and 7:00 a.m., Monday through Thursday, and 11:00 p.m. and 7:00 a.m., Friday, Saturday and Sunday giving rise to noise that is plainly audible across property boundaries or between partitions common to two separate dwelling units.

(F) Operating or permitted the use or operation of any motor vehicle which causes excessive noise as a result of a defective or modified exhaust system or as a result of an unnecessary rapid acceleration, deceleration, engine revving or tire squealing or operating or permitting the operation or use of any audio equipment within a vehicle which is plainly audible within 25 feet of the audio device.  
(Ord. 1022, passed 12-4-07) Penalty, see ' 93.99

' 93.51 EXEMPTIONS.

The provisions of this subchapter shall not apply to the following exemptions:

(A) Sounds emitted from authorized emergency vehicles in the performance of official duties.

(B) Burglar and fire alarm and other warning devices when properly installed, providing that cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(C) Parades, festivals, carnivals, fairs, celebrations, concert performances, band and drum corps performances, and artistic performances, as well as rehearsals for same, and all other events authorized by the permitting authority of the town.

(D) Sounds associated with the operation of snow removal equipment.

(E) Sounds generated as a result of emergency repairs or work conducted by employees of the town in their official capacity, and sound generated by emergency repair work conducted by public utility companies which provide service to residents.

(F) Railroad bells and horns used at railroad intersections for the purpose of warning of an approaching train.  
(Ord. 1022, passed 12-4-07)

' 93.99 PENALTY.

(A) (1) Any person, firm, corporation or entity violating any of the provisions of this chapter and these regulations, as amended from time to time, for which no other penalty is set forth herein shall be fined for each such violation and offense in an amount as set forth below. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(a) First violation shall be a minimum fine not less than \$50.

(b) Second violation shall be a minimum fine not less than \$100.

(c) Third and subsequent violation shall be a minimum fine not less than \$200.

(2) In addition to any fine or penalty imposed herein, the person, firm, corporation or entity violating any provisions of this chapter and these regulations, as amended from time to time, shall be responsible for all costs of abatement, title search fees, reasonable attorneys fees, court costs, if any, and the like. For each first offense of the provisions of this chapter and these regulations, as amended from time to time, the fine shall be in the amount of \$50, and shall be payable through the Ordinance Violations Bureau of the town. Each second and subsequent offense thereafter shall carry a minimum fine of not less than \$100.

(B) Any person, firm, corporation or entity, violating ' 96.23(C) shall be fined \$10 for the first citation violation, \$20 for the second citation violation, \$50 for the third citation violation, and \$100 for the fourth and subsequent citation violations, in addition to all costs incurred by the town in enforcing that section, as amended from time to time, including court costs, reasonable attorneys fees, and the like.

(C) Any person who violates any provision of ' 94.31, as amended from time to time, shall be liable for a fine of no less than \$50 and no more than \$2,500. Each day or part of a day such violation exists shall constitute a separate and distinct violation.

(D) (1) It shall be unlawful for any person to violate the provisions of ' ' 93.50 and 93.51. Whenever any police officer or duly designated town representative issues a citation for a violation of those sections, that person shall take down the name, address, operator's license number, and registration number of the vehicle, if readily available and applicable, and shall issue to the alleged violator, in writing on the form provided, a citation for a violation.

(2) Any person who violates the provision of ¶ 93.50 or 93.51 shall be guilty of an infraction, punishable by a fine according to the following schedule of penalties. All fines shall be payable to the Clerk-Treasurer of the town and deposited into the general fund.

(a) A fine of no less than \$25 and not more than \$250 for the first offense; a fine of \$250 for the second offense; a fine of \$500 for the third offense; and a fine of \$2,500 for the fourth and subsequent offenses during a 12-month period of time.

(b) Each incident that occurs shall constitute a separate offense.

(c) In the event that a sound violation persists, in lieu of the town assessing a fine for each day the sound continues, the Town Council, through its Town Attorney, may proceed to seek injunctive relief to enjoin the sound nuisance, pursuant to IC 36-1-6-4 and all other applicable law.

(Ord. 437, passed 3-11-87; Am. Ord. 641, passed 3-7-95; Am. Ord. 671A, passed 6-10-97; Am. Ord. 895, passed 5-18-04; Am. Ord. 986, passed 3-6-07; Am. Ord. 1022, passed 12-4-07)

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Cross-reference:

Citation procedure, see ¶ 10.99(D)

CHAPTER 94: STREETS AND SIDEWALKS

Section

Excavations and Construction

- 94.01 Opening permit required
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- 94.03 Restoration of pavement
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Statutory reference:

- Maintenance of public streets and ways, see IC 36-9-2-5
- Regulating use of public ways, see IC 36-9-2-7

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EXCAVATIONS AND CONSTRUCTION

' 94.01 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than the Street Commissioner, Municipal Engineer, or other authorized person, to make any opening in any street, alley, sidewalk, or public way of the town unless a permit to make the opening has been obtained prior to commencement of the work. Penalty, see ' 94.99

' 94.02 APPLICATION AND PERMIT FEE.

(A) Each permit for making an opening shall be confined to a single project, and shall be issued by the executive, or other duly designated town representative. Application shall be made on a form prescribed by the Town Council providing the exact location of the proposed opening, the kind or type of paving, the area and depth to be excavated, and such other facts and information as may be required.

(B) No permit shall be issued until or unless the applicant tenders and pays the fee required in conformance with the schedule contained hereinafter. The permit fee is in an amount reasonably calculated to cover at least a portion of the cost of restoration and maintenance of the opening, as well as all other related administrative expenses thereto.

(C) The schedule of fees for the issuance of permits for the construction of any openings to the streets, alleys, sidewalks or public ways of the town is as follows:

- (1) Asphalt and/or concrete surface openings .....\$250
- (2) Stone and/or gravel surface openings .....\$125

(D) All such fees collected for the purposes stated herein shall be deposited in the motor vehicle fund for use consistent with the requirements of this section, as amended hereafter from time to time. (Ord. 507, passed 5-9-90)

' 94.03 RESTORATION OF PAVEMENT.

(A) The opening, restoration and maintenance of a pavement or other surface shall be performed under the direction and to the satisfaction of the Street Commissioner, Town Engineer, or other duly designated town representative, and in accordance with rules, regulations, and specifications approved by the Town Council.

(B) In the event of the failure and/or refusal of the permittee to satisfactorily fill the excavation, restore the surface and remove all excess materials in accordance with the terms of the permit, and within the time specified in the permit, or where such time period is not specified in the permit within a reasonable time, the town may proceed without notice to make such fill and restoration. In the event the amount of the costs incurred by the town exceed the amount of the restoration services performed by it, the town shall be entitled and permitted to collect any excess amount due and owing from the permittee, including attorney's fees, court costs, and similar related expenses of collection.

(Ord. 507, passed 5-9-90)

' 94.04 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley, or other public way, shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see ' 94.99

' 94.05 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously posted on, at, or near each end of such obstruction or excavation, and if the space involved shall exceed 50 feet in extent, then at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see ' 94.99

' 94.06 SIDEWALK CONSTRUCTION.

It shall be the duty of the Street Commissioner, Municipal Engineer or other authorized person to supervise construction or repair of sidewalks within the town. He shall cause specifications to be prepared for the construction of the various kinds of





pavements and transmit the same to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the town in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The legislative body, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

#### OBSTRUCTIONS

##### ' 94.20 UNLOADING ON STREET, SIDEWALK.

No person shall unload any heavy material in the streets of the town, by throwing or letting the same fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see ' 94.99

##### ' 94.21 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the town, by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon such public way shall be deemed a separate offense.

Penalty, see ' 94.99

##### ' 94.22 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit the same to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see ' 94.99

##### ' 94.23 REMOVAL OF ICE AND SNOW.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the town abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

Penalty, see ' 94.99

DISPLAY OF STREET NUMBERS

' 94.35 DISPLAY OF STREET NUMBERS REQUIRED.

Each building, house, or other structure on a parcel of real estate which is or has been assigned a street number by the Advisory Plan Commission, shall have displayed, and properly maintained thereon, the assigned street number. The street number shall be displayed on a portion of the structure on or near the main entrance, which is plainly and readily visible by the naked eye from the street or other public way which adjoins the parcel.

(Ord. 388, passed 6-27-84) Penalty, see ' 94.99

' 94.36 REQUIREMENTS FOR BUILDINGS DISTANT FROM STREET.

Every building, house or other structure which has been so assigned a street number by the Advisory Plan Commission, but which is so distant from the street or other public way which adjoins it as to be impractical to comply with the requirements of ' 94.35, shall instead display the assigned street number on a light post, mailbox, fence, or other structure near the entrance of the parcel, which is plainly and readily visible by the naked eye from the street or public way which adjoins the same.

(Ord. 388, passed 6-27-84) Penalty, see ' 94.99

' 94.37 SIZE AND COLOR OF DISPLAY.

The assigned street number display shall employ arabic numerals of a minimum of three inches in height, the color of which must clearly contrast with the background upon which they are placed.

(Ord. 388, passed 6-27-84) Penalty, see ' 94.99

' 94.38 COMPLIANCE PERIOD.

Any person who violates this subchapter shall have 30 days following written notification of noncompliance in which to comply without fine or other penalty.

(Ord. 388, passed 6-27-84) Penalty, see ' 94.99

UNDERGROUND AND BURIED UTILITIES DISTRICT

' 94.39 ESTABLISHMENT OF DISTRICT; PURPOSE OF REGULATIONS.

(A) The town hereby establishes an Underground and Buried Utilities District (Area) to be in effect and apply throughout the town's right-of-way, within the municipal corporate boundaries, and is herein defined as follows:

(1) In all areas of the town where no overhead or aboveground utilities, utility facilities, overhead lines or associated overhead structures used or useful in supplying electric, communication or similar and associated services currently exist;

(2) In all areas of the town where planned road projects, redevelopment areas and/or economic development areas provide for and require underground buried utilities and utility facilities, including but not limited to electric, communication or similar and associated services; and

(3) All other areas of right-of-way or proposed right-of-way throughout the town, whether or not aboveground utilities or utility facilities currently exist.

(B) The purpose of this subchapter is to implement regulations and procedures to provide for sensible and reasonable land use standards to:

(1) Allow for the provision of adequate reliable public and private electrical supply and telecommunication services;

(2) Provide for and serve the needs of the town through the use of small cell facilities for telecommunications; and

(3) Minimize the adverse and undesirable visual effects of said provisions for said facilities within the town.

(Ord. 1266, passed 4-28-17; Am. Ord. 1269, passed 6-20-17)

#### ' 94.40 LIMITATIONS OR EXCLUSIONS OF PROVISIONS.

(A) The provisions of this subchapter shall not apply to: private streets, private access easements, internal drives in a commercial development, railroad rights-of-way, or highways under the jurisdiction of INDOT.

(B) Small cell facilities for telecommunications are not permitted within public right-of-way having ALocal@ or ARural@ functional classification as defined in the Town Thoroughfare or Transportation Plan.

(C) In accordance with IC 8-1-32.3-17(a), the town may not discriminate among communications service providers or public utilities with respect to:

(1) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.

(2) Authorizing or approving tax incentives for wireless or wireline communications facilities;

(3) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the town.

(D) In accordance further with IC 8-1-32.3-17(a), the town may not require an applicant to submit information about, and may not evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

(E) A permit is not required for any of the following:

(1) The routine maintenance of wireless facilities.

(2) The replacement of wireless facilities with wireless facilities that are substantially similar to, or the same size or smaller than, the wireless facilities being replaced.

(3) The installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by a communications service provider that is authorized to use the public rights-of-way.

(Ord. 1269, passed 6-20-17)

' 94.41 DEFINITIONS.

For purposes of this subchapter and consistent with IC 8-1-32.3 et seq. the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

BASE STATION. A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

COLLOCATION OR CO-LOCATION. The placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

COMMUNICATIONS SERVICE PROVIDER. The meaning set forth in IC 8-1-2.6-13.

CONSTRUCTION PLAN. A written plan (minimum size 11 x 17, based on a standard engineering or architectural scale, dimensioned in feet and inches) that describes the proposed wireless support structure and all equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment. The plan shall also include information that demonstrates that the aesthetics of the wireless support structure is substantially similar to other structures located nearest the proposed location; includes the total height and width of the wireless facility and wireless support structure, including cross section and elevation, footing, foundation and wind speed details; a structural analysis indicating the capacity for future and existing antennas, and calculations for the foundation capacity. All drawings shall be sealed, signed, and dated by a registered professional engineer, licensed in the State of Indiana.

ELECTRICAL TRANSMISSION TOWER. A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

EQUIPMENT COMPOUND. The area that:

- (1) Surrounds or is near the base of a wireless support structure; and
- (2) Encloses wireless facilities.

EXISTING STRUCTURE. Excludes a utility pole or an electrical transmission tower.

MICRO WIRELESS FACILITY. A small cell facility to which both of the following apply:

- (1) The dimensions are no more than 24 inches in length, 15 inches in width and 12 inches in height; and
- (2) An exterior antenna is no longer than 11 inches.

PERMIT AUTHORITY. The Town of Cedar Lake Building and Planning Department and Town Council.

SMALL CELL FACILITY. A wireless facility defined by divisions (1) or (2) below:

- July 1, 2015; or
- (1) A personal wireless service facility as defined by the Federal Telecommunications Act of 1996, as in effect on July 1, 2015; or
  - (2) A wireless facility that satisfies the following requirements:
    - (a) Each antenna, including exposed elements, has a volume of three cubic feet or less;
    - (b) All antennas, including exposed elements, have a total volume of six cubic feet or less; and
    - (c) The primary equipment enclosure located with the facility has a volume of 37 cubic feet or less.
  - (3) For purposes of division (2)(c) above, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:
    - (a) Electric meters;
    - (b) Concealment equipment;
    - (c) Telecommunications demarcation boxes;
    - (d) Ground-based enclosures;
    - (e) Back-up power systems;
    - (f) Grounding equipment;
    - (g) Power transfer switches; or
    - (h) Cut-off switches.

SMALL CELL NETWORK. A collection of interrelated small cell facilities designed to deliver wireless service.

SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE. The mounting of a wireless facility on a wireless support structure in a manner that:

- (1) Increases the height of the wireless support structure by the greater of:
  - (a) 10% of the original height of the wireless support structure; or

(b) 20 feet;

(2) Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:

(a) 20 feet; or

(b) The width of the wireless support structure at the location of the appurtenance; or

(3) Increases the square footage of the equipment compound in which the wireless facility is located by more than 2,500 square feet.

(4) The term ASUBSTANTIAL MODIFICATION@ does not include the following:

(a) Increasing the height of a wireless support structure to avoid interfering with an existing antenna;

(b) Increasing the diameter or area of a wireless support structure to:

1. Shelter an antenna from inclement weather; or

2. Connect an antenna to the wireless support structure by cable.

AUTILITY PLAN.@ A plan (minimum size 11 x 17, based on a standard engineering or architectural scale, dimensions shown in feet and inches) demonstrating the location and relationship to existing utilities within the vicinity of the proposed wireless support structure. The plan includes drawings of:

(1) The project area showing location and all dimensions;

(2) The wireless support structure dimensions (size, height, etc.);

(3) Vicinity map showing the location of the proposed wireless facility and the surrounding street;

(4) Proximity map showing distance and dimensions from public facilities (curb, sidewalk, street landscape area, street centerline, right-of-way line, etc.) and adjacent buildings;

(5) Ground disturbance plan showing depth and dimensions of disturbance and excavation parameters;

- (6) Adjacent utility plan, showing location and distances of all adjacent above ground and below ground utility facilities; and
- (7) Documentation of coordination with utilities, including a conflict analysis and work plan which documents that there are no conflicts with existing utilities and a restoration plan if there are any conflicts.

AUTILITY POLE. A structure that is:

- (1) Owned or operated by:
  - (a) A public utility;
  - (b) A communications service provider;
  - (c) A municipality;
  - (d) An electric membership corporation; or
  - (e) A rural electric cooperative; and is
- (2) Designed and used to:
  - (a) Carry lines, cables, or wires for telephone, cable television, or electricity;
  - (b) Provide lighting;
  - (c) Provide traffic control; or
  - (d) Provide signage.
- (3) The term does not include a wireless support structure or an electrical transmission tower.

A WIRELESS COMMUNICATIONS SERVICE. Services, whether mobile or at a fixed location, that are provided using wireless facilities through licensed or unlicensed spectrum.

A WIRELESS FACILITY. The set of equipment and network components that are owned and operated by a communications service provider; and necessary to provide wireless communications service. The term does not include a wireless support structure.

A WIRELESS SUPPORT STRUCTURE. A freestanding structure designed to support, or capable of supporting wireless facilities. The term does not include a utility pole or an electrical transmission tower.  
(Ord. 1269, passed 6-20-17)



' 94.42 PERMIT APPLICATIONS.

(A) An applicant that provides wireless communications service, owns or otherwise makes available infrastructure for wireless communications services may apply for a utility permit to the Planning and Building Department for the following actions in the Underground and Buried Utility District:

- (1) Construction of a new wireless support structure;
- (2) Substantial modification of a wireless support structure;
- (3) Collocation of wireless facilities on an existing structure; or
- (4) Construction, placement, and use of small cell facilities.

(B) A permit is not required for the following:

- (1) Routine maintenance of wireless facilities;
- (2) Replacement of wireless facilities with equipment that is:
  - (a) Substantially similar to, or
  - (b) The same size or smaller than the existing; and

(3) Installation, maintenance, or replacement of micro wireless facilities that are suspended on cable(s) between existing utility poles in compliance with applicable codes by a communications service provider authorized to use public rights-of-way.

(C) An application for placement of a small cell facility and the supporting structure is exempt from local zoning review if the total height of the supporting structure does not exceed the greater of:

- (1) 50 feet above grade; or
- (2) The height of any utility pole in place on July 1, 2017, within 500 feet of the proposed small cell facility, plus 10

feet.

(D) The applicant shall forward an application determined complete, with supporting documentation, to the appropriate authority and obtain a certificate of appropriateness, if the proposed location is within an area:

- (1) Designated as a historic preservation district under IC 36-7-11; or
- (2) Designated as a historic preservation area under IC 36-7-11.1.

(E) An applicant shall demonstrate that the proposed wireless facility, wireless support structure or substantial modification thereof complies with the requirements of this subchapter.

(F) The applicant shall pay a fee in accordance with the then current and applicable building and zoning fee ordinance, as amended from time to time.

(Ord. 1269, passed 6-20-17)

' 94.43 CONSTRUCTION OF A NEW WIRELESS SUPPORT STRUCTURE.

(A) An application for construction of a new wireless support structure must include all of the following:

- (1) Name, address and contact information for applicant;
- (2) Location of proposed wireless support structure;
- (3) A construction plan as defined above;
- (4) Evidence supporting choice of location, including sworn statement in accordance with IC 8-1-32.3-20;

(5) Evidence showing that the application complies with zoning ordinance requirements for special exception, special use, contingent or conditional use; or if location is except from said requirements; and

(6) Evidence showing that application complies with zoning ordinance requirements for variance of use, if wireless support structure is not a permitted use in the underlying zoning district.

(B) Within ten business days of receipt, the Building Administrator shall notify the applicant in writing of all defects in the application. If notice is not given within ten business days, the application is considered complete.

(C) The applicant may cure defects and resubmit the corrected application within 30 days of receiving the notice. The applicant shall notify the town within the 30-day period if additional time is required to cure the defects.

(D) Upon determination of a complete application, a notice shall be posted on the town website and sent via first class mail to all interested parties. An interested party is defined as:

(1) a neighborhood association or homeowners association that is registered with the town; and

(2) Owners of record, as identified by the Lake County Auditor's Office, abutting the proposed location and lying on the opposite side of the right-of-way from the proposed location and abutting parcels.

(E) Not more than 90 days after determination of a complete application, the Town Engineer or designee, with concurrence of the Building Administrator, shall review the application to determine if it complies with applicable laws and ordinances governing land use and zoning, and notify the applicant in writing if application is approved or denied.

(1) If the applicant requested additional time to cure defects, the 90-day period is extended for a corresponding amount of time.

(2) If the application requires a variance of use, the 90-day period may be extended for not more than an additional 30 days.

(Ord. 1269, passed 6-20-17)

' 94.44 SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE.

(A) An application for substantial modification of a wireless support structure must include all of the following:

(1) Name, address and contact information for applicant;

(2) Location of the affected wireless support structure;

(3) A construction plan as defined above;

(4) Evidence showing that application complies with zoning ordinance requirements for special exception, special use, contingent or conditional use; or if location is except from said requirements; and

(5) Evidence showing that application complies with zoning ordinance requirements for variance of use, if wireless support structure is not a permitted use in the underlying zoning district.

(B) An application containing all required information is considered complete. Within ten business days of receipt, the Building Administrator shall notify the applicant in writing of all defects in the application. If notice is not given within ten business days, the application is considered complete.

(C) The applicant may cure defects and resubmit the corrected application within 30 days of receiving the notice. The applicant shall notify the town within the 30-day period if additional time is required to cure the defects.

(D) Upon determination of a complete application, a notice shall be posted on the town website and sent via first class mail to all interested parties. An interested party is defined as:

(1) A neighborhood association or homeowners association that is registered with the town; and

(2) Owners of record, as identified by the Lake County Auditor's Office, abutting the proposed location and lying on the opposite side of the right-of-way from the proposed location and abutting parcels.

(E) Not more than 90 days after determination of a complete application, the Town Engineer or designee, with concurrence of the Planning and Building Administrator, shall review the application to determine if it complies with applicable laws and ordinances governing land use and zoning, and notify the applicant in writing if application is approved or denied.

(1) If the applicant requested additional time to cure defects, the 90-day period is extended for a corresponding amount of time.

(2) If the application requires a variance of use, the 90-day period may be extended for not more than an additional 30 days.

(Ord. 1269, passed 6-20-17)

' 94.45 COLLOCATION OF WIRELESS FACILITIES ON AN EXISTING STRUCTURE.

(A) An application for collocation of wireless facilities on an existing structure must include all of the following:

(1) Name, address and contact information for applicant;

(2) Location of the affected wireless support structure(s);

and

(3) Evidence showing that application complies with applicable building requirements.

(4) Evidence showing that application complies with zoning ordinance requirements for variance of use, if wireless support structure is not a permitted use in the underlying zoning district.

(B) An application for collocation of wireless facilities on an existing structure is not required to comply with zoning or land use requirements and is not subject to public hearing.

(C) An applicant may submit a single consolidated application for multiple collocation or small cell facilities that are located within the permit authority's jurisdiction and constitute a single small cell network, and the town shall issue a single permit for all facilities included in the application rather than multiple permits for each facility.

(D) Within ten business days of receipt, the Building Administrator shall notify the applicant in writing of all defects in the application. If notice is not given within ten business days, the application is considered complete.

(E) The applicant may cure defects and resubmit the corrected application within 15 days of receiving the notice. The applicant shall notify the town within the 15-day period if additional time is required to cure the defects.

(F) Upon determination of a complete application, a notice shall be posted on the town website and sent via first class mail to all interested parties. An interested party is defined as:

(1) A neighborhood association or homeowners association that is registered with the town; and

(2) Owners of record, as identified by the Lake County Auditor's Office, abutting the proposed location and lying on the opposite side of the right-of-way from the proposed location and abutting parcels.

(G) Not more than 45 days after determination of a complete application, the Town Engineer or designee, with concurrence of the Building Administrator, shall review the application to determine if it complies with applicable building permit requirements, and notify the applicant in writing if application is approved or denied. If the applicant requested additional time to cure defects, the 45-day period is extended for a corresponding amount of time.

(Ord. 1269, passed 6-20-17)

' 94.46 CONSTRUCTION, PLACEMENT AND USE OF SMALL CELL FACILITIES.

(A) An application for construction, placement, and use of small cell facilities must include all of the following:

- (1) Name, address and contact information for applicant;
- (2) Location of the affected wireless support structure(s); and
- (3) Evidence showing that application complies with applicable building requirements.
- (4) Evidence showing that application complies with zoning ordinance requirements for variance of use, if wireless support structure is not a permitted use in the underlying zoning district.

(B) An applicant may submit a single consolidated application for multiple small cell facilities that are located within the permit authority's jurisdiction and constitute a single small cell network, and the town shall issue a single permit for all facilities included in the application rather than multiple permits for each facility.

(C) Within ten business days of receipt, the Building Administrator shall notify the applicant in writing of all defects in the application. If notice is not given within ten business days, the application is considered complete.

(D) The applicant may cure defects and resubmit the corrected application within 15 days of receiving the notice. The applicant shall notify the town within the 15-day period if additional time is required to cure the defects.

(E) Upon determination of a complete application, a notice shall be posted on the town website and sent via first class mail to all interested parties. An interested party is defined as:

- (1) A neighborhood association or homeowners association that is registered with the town; and
- (2) Owners of record, as identified by the Lake County Auditor's Office, abutting the proposed location and lying on the opposite side of the right-of-way from the proposed location and abutting parcels.

(F) Not more than 60 days after determination of a complete application for small cell facilities, the Town Engineer or designee, with concurrence of the Building Administrator, shall review the

application to determine if it complies with applicable building permit requirements, and notify the applicant in writing if application is approved or denied. If the applicant requested additional time to cure defects, the 60-day period is extended for a corresponding amount of time.

(G) The town may propose an alternate location to collocate a small cell facility on an existing utility pole or wireless support structure within 50 feet of the proposed location of a new wireless support structure. The applicant shall use the alternate location if:

- (1) The applicant's right to collocate is subject to reasonable terms and conditions; and
- (2) The applicant determines the alternate location does not cause technical limitations or additional costs.

(H) The town may charge an annual fee for small cell facilities collocated on a utility pole owned or under its control, and may impose additional general terms and conditions for collocation which are reasonable and nondiscriminatory. Such annual fee may not exceed \$50 per pole.

(Ord. 1269, passed 6-20-17)

#### ' 94.47 WRITTEN DETERMINATIONS.

In a written determination issued under this subchapter, the town shall state clearly the basis for the decision to approve or deny an application. In the event that the application is denied, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the town, submitted as public communication or report, sent via USPS, or transmitted via electronic mail. If the town fails to act on an application within the applicable deadline as proscribed in this subchapter, the application is considered approved.

(Ord. 1269, passed 6-20-17)

#### ' 94.48 CONSTRUCTION REQUIREMENTS.

All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Underground and Buried Utility District shall comply with the following requirements:

(A) All applicable provisions of the town zoning ordinance, as amended, and the State of Indiana Building Code, as amended, and the Federal Communications Commission (FCC) regulations, when applicable.

(B) All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.

(C) All wireless facilities and support structures shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

(D) All wireless facilities and support structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA), as amended.

(E) All wireless facilities and support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

(Ord. 1269, passed 6-20-17)

§ 94.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not as set forth below. A separate offense shall be deemed committed on each day that a violation occurs or continues.

- (1) First violation shall be a minimum fine not less than \$50.
- (2) Second violation shall be a minimum fine not less than \$100.
- (3) Third and subsequent violation shall be a minimum fine not less than \$150.

(B) An owner or occupant of a building, house, or structure on a parcel of real estate which has been or is so assigned a street number, and who fails to erect or to properly maintain the numerical display required by § 94.35 through 94.38 shall be liable for a fine of no more than \$10. Each day a violation of § 94.35 through 94.38 exists shall be deemed a separate violation.

(Ord. 388, passed 6-27-84; Am. Ord. 986, passed 3-6-07)

\_\_\_\_\_  
Cross-reference:

Citation procedure, see § 10.99(D)



CHAPTER 95: ABANDONED VEHICLES

Section

- 95.01 Definitions
- 95.02 Keeping abandoned vehicles
- 95.03 Vehicles on street or highway
- 95.04 Impounding
  
- 95.99 Penalty

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Cross-reference:

Non-Reverting Abandoned Vehicle Fund, see ' 32.68

Statutory reference:

Abandoned vehicles, see IC 9-22-1-1 et seq.

' 95.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AABANDONED VEHICLE.@ Any vehicle located on any property, street, or highway which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon the highways and streets of the state, except as otherwise provided herein.

AJUNK VEHICLE.@ Any vehicle which is incapable of operation under its own power; is partially dismantled; or is damaged to an extent which makes operation of the vehicle unsafe.

APERSON.@ Any person, firm, partnership, association, corporation, company, or organization of any kind.

APROPERTY.@ Any real property within the town which is not a street or highway.

ASTREET@ or AHIGHWAY.@ The entire width between the boundary lines of every publicly-maintained way when any part thereof is open to the use of the public for purposes of vehicular travel within the town.

AVEHICLE.@ A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and to transport persons or property or to pull machinery, and shall include, without limitation, automobiles trucks, trailers, motorcycles, tractors, buggies, and wagons.

(Ord. 873, passed 10-14-03)

' 95.02 KEEPING ABANDONED VEHICLES.

No person owning, renting, or otherwise controlling property within the town shall keep, maintain, or allow any abandoned vehicle or junked vehicle on such property for more than 72 hours. No person owning, possessing, or having interest in any abandoned vehicle or

junked vehicle shall place that vehicle on any property within the town, except that this chapter shall not apply to vehicles stored entirely within an enclosed building, nor to auto salvage yards operating in a lawful manner.

(Ord. 873, passed 10-14-03)

§ 95.03 VEHICLES ON STREET OR HIGHWAY.

No person shall abandon any partially dismantled, nonoperating, wrecked, or junked vehicles on any street or highway within the town.

(Ord. 873, passed 10-14-03)

§ 95.04 IMPOUNDING.

The Chief of Police, or any member of the Police Department designated by him or her, is authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this chapter, or appears to be lost, stolen, or unclaimed. The town will bear the cost of removal of any such vehicle from any public property within the town and shall be entitled to reimbursement therefore from the owner of any such vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the applicable laws of the state.

(Ord. 873, passed 10-14-03)

§ 95.99 PENALTY.

Any person who violates any provision of this chapter, as amended from time to time, shall be deemed liable and upon finding of liable thereto, in addition to any and all towing, storage, and disposal charges incurred by the town for an abandoned vehicle, shall be fined in an amount as set forth below. Each day, or part of a day, such violation exists shall constitute a separate and distinct violation and shall be punishable as such.

- (A) First violation shall be a minimum fine not less than \$50.
- (B) Second violation shall be a minimum fine not less than \$150.
- (C) Third and subsequent violation shall be a minimum fine not less than \$500.

Ord. 873, passed 10-14-03; Am. Ord. 986, passed 3-6-07)

\_\_\_\_\_  
Cross-reference:

Citation procedure, see § 10.99 (D)

Section

Emergency Management

- 96.01 Emergency Management Agency
- 96.02 Emergency Management Agency; powers and duties
- 96.03 Duties under state law

Civil Emergencies

- 96.15 Definitions
- 96.16 Civil emergency; proclamation by Town Board president
- 96.17 Imposition of curfew
- 96.18 Additional regulation
- 96.19 Emergency powers
  
- 96.99 Penalty

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Cross-reference:

Civil defense fund, see ' 32.38

EMERGENCY MANAGEMENT

' 96.01 EMERGENCY MANAGEMENT AGENCY.

There is established a town Emergency Management Agency. The town Board of Metropolitan Police Commissioners is designated as this Agency.

(Ord. 728, passed 9-8-98)

' 96.02 DUTIES AND POWERS

(A) The Agency shall have the powers and duties as follows:

(1) Review, recommendation, and implementation, upon adoption by the Council, of a disaster plan for the town, as well as any and all mutual aid plans and agreements which are determined necessary and required for the implementation of the disaster plan;

(2) Appointment, subject to the approval of the Council, of such personnel as is deemed necessary and required to conduct the functions, duties, and responsibilities of the Agency;

(3) Establishment and oversight management responsibilities for the activities of the Agency in providing emergency management services to the residents of the town;

(4) Maintenance of necessary communications and liaison with other municipal, county, area, state, regional,

federal, or other similar agencies or departments;

- (5) Establishment of appropriate interlocal cooperation /mutual aid agreements with other governmental entities;
- (6) Oversight and management, subject to the terms contained therein, with the requirements of the disaster plan;
- (7) Establishment and promulgation of all appropriate rules and regulations for carrying out the functions and responsibilities of the Emergency Management Agency of the town.

' 96.03 DUTIES UNDER STATE LAW.

The Emergency Management Agency shall be required to comply with all requirements of the state, including the Board of Accounts, in establishing its budget, spending public funds, and the like, in the undertaking and completion of the services and responsibilities of the Agency. All existing budgeted funds of the current Civil Defense Council and operational Civil Defense Organization shall be required to be transferred upon the establishment of a proper budget for the Agency.

[Text continues on page 37]

## CIVIL EMERGENCIES

' 96.15 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACIVIL EMERGENCY.@

(1) A riot of unlawful assembly characterized by the use of actual force of violence or any threat to use force if accompanied by three or more persons acting together without authority of law; or

(2) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare. (>82 Code, ' 21-100(9))

ACURFEW.@ A prohibition against any persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the town during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to the civil emergency. (>82 Code, ' 21-100(10))

' 96.16 CIVIL EMERGENCY; PROCLAMATION BY TOWN BOARD.

When in the judgment of the Town Board president, a civil emergency, as defined in ' 96.15, is deemed to exist, he shall forthwith proclaim in writing the existence of same. In case of the absence of the Town Board president from the town, the Chief of Police shall be authorized to act in his stead.

(>82 Code, ' 21-400)

' 96.17 IMPOSITION OF CURFEW.

After proclamation of a civil emergency by the Town Board president, he may order a general curfew applicable as to such geographical areas of the town or to the town as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

(>82 Code, ' 21-401)

' 96.18 ADDITIONAL REGULATIONS.

After proclamation of a civil emergency, the Town Board president may also, in the interest of public safety and welfare, make any or all of the following orders:

- (A) Order the closing of all retail liquor stores;
- (B) Order the closing of all taverns;
- (C) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted;
- (D) Order the discontinuance of the sale of beer;
- (E) Order the discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- (F) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products;
- (G) Order the discontinuance of selling, distributing, dispensing, or giving away of firearms or ammunition;
- (H) Issue such other orders as are imminently necessary for the protection of life and property.

(>82 Code, ' 21-402)

' 96.19 EMERGENCY POWERS.

During the period of a declared state of emergency, the Town Board president shall have the power to invoke any or all of the following provisions:

- (A) No person shall consume any alcoholic beverages in a public street or place which is publicly owned, or any motor vehicle driven or parked thereon, which is within a duly designated restricted area.
- (B) No person shall carry or possess any rock, bottle, club, brick, or weapon, who uses or intends to use the same unlawfully against the persons or property of another.
- (C) No persons shall make, carry, possess, or use any type of molotov cocktail, gasoline or petroleum base fire bomb, or other incendiary missile.
- (D) No person shall enter any area designated by the Town Board president as a restricted area unless in the performance of official duties or with written permission from the Town Board president or

his duly designated representative, or such person shall prove residence therein.

(E) Any violation of this section shall be deemed a Class B infraction.

(>82 Code, ' 21-403) Penalty, see ' 96.99

' 96.99 PENALTY.

Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided, shall be fined as set forth below. A separate offense shall be deemed committed on each day a violation occurs or continues.

(A) First violation shall be a minimum fine not less than \$100.

(B) Second violation shall be a minimum fine not less than \$250.

(C) Third and subsequent violation shall be a minimum fine not less than \$500.

(>82 Code, ' 7-900) (Am. Ord. 986, passed 3-6-07)

\_\_\_\_\_  
Cross-reference:

Citation procedure, see ' 10.99(D)





CHAPTER 97: GARBAGE, REFUSE AND RECYCLING REGULATIONS

Section

- 97.01 Definitions
- 97.02 Precollection practices
- 97.03 Refuse containers
- 97.04 Scattering of refuse
- 97.05 Unauthorized accumulation
- 97.06 Points of collection
- 97.07 [Reserved]
- 97.08 Licensing of scavenger services
- 97.09 Licensing
- 97.10 Recycling
- 97.11 Powers and duties
- 97.12 Garbage/solid waste collection fees
- 97.13 Recycling plan requirements

97.99 Penalty

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Cross-reference:

Littering, see Ch. 92

' 97.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AASHES. The residue from the burning of wood, coal, coke, or other combustible materials.

AAUTHORIZED PRIVATE RECEPTACLE. A litter storage and collection receptacle as required and authorized in the garbage storage and collection ordinance.

AGARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

ALITTER. Garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

AMULTIFAMILY STRUCTURE. A building designed and used exclusively for residential purposes and containing two or more dwelling units separated by a common party wall or otherwise structurally attached.

APARK. A park, reservation, playground, beach, recreation center, or any other public area in the town, owned or used by the town and devoted to active or passive recreation.

APUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.



AREFUSE. All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

ARUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

AUNAUTHORIZED ACCUMULATIONS.

(1) Any accumulation of vehicle parts detached from a vehicle kept on residential property, unless such accumulation is entirely within an enclosed building.

(2) Any accumulation of building materials kept on residential property which is visible from any public way unless such accumulation is entirely within an enclosed building, except that where a construction or remodeling project is under way, the owner or contractor may store building materials on the job site for not more than 120 days.

(3) Any accumulation of refuse, rubbish, or garbage which is contained within an approved container and which remains on a residential, commercial, or industrial lot for more than ten days.

(4) Any refuse, rubbish, or garbage which is not contained within an approved container and which is on any residential, commercial, or industrial lot for more than one day.

(>82 Code, ' 12-100) (Ord. 480, passed 5-10-89; Am. Ord. 920, passed 5-17-05)

' 97.02 PRECOLLECTION PRACTICES.

(A) Garbage, ashes, and rubbish shall each be placed and maintained in prescribed containers.

(B) Preparation of refuse.

(1) All garbage before being placed in garbage cans for collection, shall have drained from it all free liquids and may be wrapped in paper.

(2) All rubbish shall be drained of liquid before being deposited for collection.

(3) All cans and bottles which have contained food shall be drained before being deposited for collection.

(4) Tree trimmings, hedge clippings, and similar material shall be cut to length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

(>82 Code, ' 12-200) Penalty, see ' 97.99

' 97.03 REFUSE CONTAINERS.

(A) Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises, and shall be maintained in good condition. Any container not in conformity to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice.

(B) Garbage:

(l) Noncommercial. Garbage containers shall be made of metal or plastic, shall be equipped with suitable handles and tight fitting covers, shall be water tight, shall have a capacity of not less than 20 nor more than 26 gallons, and shall be kept in a clean, neat, and sanitary condition at all times. The use of heavy plastic bags shall be permitted provided the bags are securely fastened and tied at the top and provided further such bags comply with all other provisions of this chapter.

(2) Commercial. Garbage containers shall be made of metal or plastic, equipped with suitable handles and tight fitting covers, or other acceptable substitutes approved by the Town Street Commissioner, shall be water tight, shall have a capacity of not less than 32 gallons nor more than two cubic yards, and shall be kept in a clean, neat, and sanitary condition at all times.

(C) Ash containers shall be made of metal and have a capacity of not more than 33 gallons.

(D) Rubbish containers shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one man.

(>82 Code, ' 12-300) Penalty, see ' 97.99

' 97.04 SCATTERING OF REFUSE.

(A) No person shall place any refuse in any street, alley, or other public place, or upon any private property whether owned by such person or not, within the town except it be in proper containers for collection. Nor shall any person throw or deposit any refuse in any stream, lake, canal, or other body of water.

(B) No person shall cast, place, sweep, or deposit anywhere within the town, any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the town.

(>82 Code, ' 12-400) Penalty, see ' 97.99

' 97.05 UNAUTHORIZED ACCUMULATION.

Any unauthorized accumulation or refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of this chapter.

(>82 Code, ' 12-401) Penalty, see ' 97.99

' 97.06 POINTS OF COLLECTION.

Refuse containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not less than 20 feet from the side of the street or alley from which collection is made, unless they are kept in a suitable enclosure.

(>82 Code, ' 12-500) Penalty, see ' 97.99

' 97.07 [RESERVED.]

' 97.08 LICENSING OF SCAVENGER SERVICES

(A) All scavenger services operating within the municipal corporate limits of the town are required to apply for and be issued a license, on an annual basis, in order to conduct such business and provide such services, as provided hereinafter.

(B) Scavengers and scavenger services shall be defined as individuals, social/fraternal organizations, partnerships, and corporations engaged in the service of removing on an as needed, monthly or weekly basis one or all of the following: solid waste, recyclable materials, white goods, tires, and garbage from property located within the municipal boundaries of the town. Scavengers and scavenger services shall be classed as follows:

- (1) Class I: Volunteer basis, no employees or wages paid;
- (2) Class II: One person/employee;
- (3) Class III: Two to five employees, including part-time;
- (4) Class IV: Six to ten employees, including part-time;
- (5) Class V: 11 employees and over.

(Ord. 746, passed 5-25-99)

' 97.09 LICENSING.

(A) No person shall perform any service as a scavenger, or engage in a business of being a scavenger within the town without a license issued pursuant to the provisions of this section.

(B) The application for a scavenger license shall be on a form adopted for such purposes by the town, be verified by the applicant personally, and provide as minimally, as follows:

- (1) The name and address of the applicant;
- (2) The complete description and identification of the vehicles to be used by the applicant;
- (3) The place where such vehicles will be kept or stored when not in use;
- (4) The disposition to be made of all garbage, waste, refuse, debris, junk, or abandoned or discarded material collected;
- (5) Whether they count waste separation, and if so, how;
- (6) Whether they sell any waste material so separated, listing what categories of waste they separate, and to whom they sell;
- (7) List what landfill and landfills they utilize.

(C) The annual license fee to be paid to the town for the scavenger license shall be pursuant to the following fee schedule:

<u>Scavenger Class</u>	<u>Annual Fee</u>
I*	\$0.00
II	\$15.00
III	\$25.00
IV	\$35.00
V	\$50.00

Each license shall expire one year from the date of issuance. \*Class I scavengers are exempt from the annual licensing fee requirement. Class I scavengers shall follow the reporting guidelines as established by the town Recycling Department.

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(D) Any license holder under this section who shall make any change of address, equipment, location of storage facilities for equipment, or manner of place of disposition of collected material, shall report such change in writing to the town within five days after such change has occurred.

(E) Each applicant for a class of scavenger license shall post with the town Clerk-Treasurer, prior to the issuance of a license, a Casualty Surety Bond or Indemnity Statement on a form approved by the town in substantially the form provided hereinafter. The Casualty Surety Bond or Statement is intended to protect the town and its residents in the event that the licensee discontinues service. The Surety Bond or Indemnify Statement will be utilized for the removal of abandoned equipment, garbage, and any related debris, and all related purpose in the operation of the service. The Surety Bond or Indemnity Statement shall remain in effect during the entire period of the license, and can only be canceled by the Surety upon 15 days notice to the Town Clerk-Treasurer. The amounts are as follows:

- (1) Class I: Indemnity Statement;
- (2) Class II: Bond at \$1,000.00;
- (3) Class III: Bond at \$1,500.00;
- (4) Class IV: Bond at \$2,000.00;
- (5) Class V: Bond at \$2,500.00.

(Ord. 746, passed 5-25-99)

' 97.10 RECYCLING.

(A) There is created a town Recycling Department, hereafter ~~A~~Recycling Department<sup>®</sup>, which shall consist of the following:

- (1) The Environmental Affairs Committee;
- (2) The Public Works Superintendent;
- (3) The Town Manager;
- (4) Any other designated individuals, as determined appropriate by the Environmental Affairs Committee and/or

the Council.

(B) The purpose of the Recycling Department shall be to develop concepts, methods, and procedures for implementing recycling of solid waste in the town.

(Ord. 746, passed 5-25-99)

' 97.11 POWERS AND DUTIES.

(A) The powers and duties of the Cedar Lake Recycling Department shall be as follows:

(1) To develop and inform the town of voluntary recycling avenues available to them by:

(a) Conducting a town-wide inventory of recycling facilities within the town's corporate limits for the following recyclable items:

- (1) Aluminum containers;
- (2) Corrugated papers;
- (3) Glass containers;
- (4) Magazines;
- (5) Steel containers;
- (6) Newspapers;
- (7) Office waste papers;
- (8) Plastic containers;
- (9) Foam, polystyrene packaging; and,
- (10) Containers for carbonated or malt beverages that are apparently made of a combination of

steel and aluminum.

(B) Provide and issue listings of all in-town and in-county recycling facilities and Buy back centers, and the recyclable products and materials accepted by each.

(C) Establish an information exchange for town residents which will help inform them of resource separation, recycling, composting, solid waste minimization and solid waste reduction, hazardous waste minimization, household hazards and household waste reduction facilities and operations.

(D) Initiate a Department recycling program to require separation of aluminum, steel cans and office paper products within the entire Town Hall and all town Government Offices.

(E) Initiate an effort of requiring town departments to purchase recycled paper products and materials such as recycled paper for office stationary, copier paper, computer paper, and the like.

(F) Prepare and provide a plan for recycling efforts throughout the town to all licensed scavenger services.

(G) Study, prepare and implement curb side recycling in the town consistent with the rules and regulations of the county Solid Waste Management Board, as amended from time to time.

(Ord. 746, passed 5-25-99)

' 97.12 GARBAGE/SOLID WASTE COLLECTION FEES.

(A) Collection fee. For the use of and the garbage, refuse and recyclable sanitary collection and disposal service to be rendered, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or dwelling unit that is, or will be, provided such service.

2009 S-22 Repl.

(1) An owner is identified as the holder of fee simple title interest in and to a lot or a parcel of real property upon which dwelling or dwelling units are situated.

(2) The owner of each such lot or parcel of real estate upon which is situated a dwelling or dwelling unit shall pay a fee of \$17 per month for each dwelling or dwelling unit to which sanitary garbage, refuse, and recyclable collection and disposal service is provided. Owners are liable for payment as required herein. The individual garbage collection fee shall be billed with the wastewater utility billing of the town on a monthly basis. This billing shall be issued by the town on or about the first day of each month. All rates and charges billed by the Wastewater Utility Billing Department, including for garbage collection fees imposed hereby, shall be paid by no later than the 20th day of each month. In the event such billing is not paid on or before the 20th day of each month, then a 10% penalty shall be imposed. For the purposes of computing time, and particularly for assessment of the 10% penalty, the 20th day of each month is the last day in which payment of billing without imposition of the 10% penalty may be made. After the 20th day of each month, the 10% penalty on each such billing shall be assessed and collected. In the event that the 20th day of the month is a Saturday, Sunday or legal holiday as defined in this code, or a day in which the business office of the Cedar Lake Sewer Utility is closed, the next day shall be the last day in which payment of the monthly billing may be made, and the day after such time is the time when imposition of the 10% penalty shall be imposed. In the further event of necessity of pursuit of delinquent or late fees in a civil action, reasonable attorney's fee may be imposed and required pursuant to the provisions of IC 36-9-30-21, as amended from time to time.

(B) Compliance. Each owner of a lot, parcel of real property or building having a dwelling or dwelling unit shall be required to comply with the regulations and requirements for the sanitary garbage, refuse, recyclables collection and disposal service contracted for and provided by the town.

(C) Frequency of collection. Sanitary garbage refuse and disposal service will be on a weekly basis. Recycling collection and disposal will be a bi-weekly or alternating week basis.

(D) Containers. Waste or trash containers are to be supplied by each dwelling or dwelling unit. Each owner may, at his or her option, rent a waste or trash totter from the garbage collection service provider upon request, and upon separate payment by said owner to the contracting party. The costs shall not exceed \$3 per month for a 96-gallon waste or trash totter or \$2.25 per month for a 65-gallon waste or trash totter. Standard recyclable waste containers shall be provided by the contracting party, and shall be 18 gallons.

(E) Large items. Each owner shall be permitted to dispose of one large item per week per dwelling or dwelling unit, including furniture, couches, mattresses, televisions, carpeting, lumber, bundled construction debris (bundled in 4 foot long and 12 inch diameter bundles of no more than 1 cubic yard), or the like.

(F) Collection procedures. All garbage or refuse to be collected shall be placed in containers made of plastic or metal, equipped with suitable handles and tight fitting covers, and plastic garbage bags or similar receptacles. These containers shall be watertight and of a type approved by the town. The same shall be kept clean neat and sanitary at all times. Such containers shall be of a type suitable for securing and holding garbage or rubbish and shall be convenient for collection and that such weight is to be handled readily, when filled by one average person.

(1) All garbage or refuse containers shall be placed for collection at ground level on the owner's property on or adjacent to the curb and within the right-of-way to a public street or alley to be accessible not more than six feet from the side of the public street or alley from which collection is to be made.

(2) All recyclable containers shall be placed for collection on ground level on the owner's property, on or adjacent to the curbing and within the right-of-way to a public street or alley upon which collection is to be made.

(G) Fee payment exceptions. The following exceptions only, and no other, may apply to the requirement for payment by the owners of lots, parcels of real property, or buildings upon which are located dwellings or dwelling units served by the sanitary garbage, refuse and recyclable collection service provided by the town, namely: Owners in private or Planned Unit Development (P.U.D.) Developments, where all similar type services are provided for all the owners of dwellings and/or parcels of real property by the private owner or entity comprised of all the private owners.

(Ord. 823, passed 5-9-02; Am. Ord. 954, passed 6-6-06; Am. Ord. 1008, passed 6-19-07; Am. Ord. 1047, passed 2-3-09; Am. Ord. 1057, passed 7-21-09)

\_\_\_\_\_   
Cross-reference:

Garbage/Solid Waste Disposal Fund, see ' 32.67

#### ' 97.13 RECYCLING PLAN REQUIREMENTS.

(A) Each person or entity applying for a building permit for a business or multifamily structure pursuant to ' 150.07 shall provide, as part of their building permit application, a recycling plan, on a town provided form, describing how their solid waste will be managed, including reduction, reuse and recycling steps taken to reduce their waste stream, which solid waste plan shall be subject to approval as provided by ' 150.09.

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(B) Each person or entity applying for a demolition permit pursuant to ' 150.60 shall provide a recycling plan for demolition, on a town provided form, describing how the demolition material will be managed, including reduction, reuse and recycling steps taken to reduce its waste stream, which solid waste plan shall be subject to approval as provided for by ' 150.60.

(Ord. 920, passed 5-17-05)

\_\_\_\_\_   
Cross-references:

Building permit required, see ' 150.07

Demolition permits, see ' 150.60

' 97.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided, shall be fined as set forth below.

(1) First violation shall be a minimum fine not less than \$50.

(2) Second violation shall be a minimum fine not less than \$100.

(3) Third and subsequent violation shall be a minimum fine not less than \$150.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense.

(>82 Code, ' 12-900; Am. Ord. 437, passed 3-II-87; Am. Ord. 986, passed 3-6-07)

\_\_\_\_\_   
Cross-reference:

Citation procedure, see ' 10.99(D)

Section

- 98.01 Definitions
- 98.02 Distributing handbills
- 98.03 Handbills on vehicles
- 98.04 Handbills on vacant premises
- 98.05 Handbills on posted premises
- 98.06 Handbills at inhabited premises
- 98.07 Prima facie evidence
  
- 98.99 Penalty

98.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting; theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety, and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this town; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

ANEWS PAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

ANONCOMMERCIAL HANDBILL. Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

APRIVATE PREMISES. Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

APUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

AVEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(>82 Code, ' 12-100)

#### ' 98.02 DISTRIBUTING HANDBILLS.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the town, nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(>82 Code, ' 12-800) Penalty, see ' 98.99

#### ' 98.03 HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(>82 Code, ' 12-801) Penalty, see ' 98.99

' 98.04 HANDBILLS ON VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(>82 Code, ' 12-802) Penalty, see ' 98.99

' 98.05 HANDBILLS ON POSTED PREMISES.

No person shall throw, deposit, or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on those premises in a conspicuous position near the entrance thereof, a sign bearing the words: ANo Trespassing@, ANo Peddlers or Agents@, ANo Advertisement@, or any similar notice, indicating in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(>82 Code, ' 12-803) Penalty, see ' 98.99

' 98.06 HANDBILLS AT INHABITED PREMISES.

(A) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in the case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(B) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in ' 98.01) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(>82 Code, ' 12-804) Penalty, see ' 98.99

' 98.07 PRIMA FACIE EVIDENCE.

The fact or notice that a handbill bears the name of a person, shall be prima facie evidence that the person is responsible for posting or distributing the same.

(>82 Code, ' 12-901)



§ 98.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided, shall be fined as set forth below.

- (1) First violation shall be a minimum fine not less than \$25.
- (2) Second violation shall be a minimum fine not less than \$50.
- (3) Third and subsequent violation shall be a minimum fine not less than \$100.

(B) Each day such violation is committed or permitted to continue shall constitute a separate offense.  
(>82 Code, § 12-900; Am. Ord. 437, passed 3-11-87; Am. Ord. 986, passed 3-6-07)

\_\_\_\_\_  
Cross-reference:

Citation procedure, see § 10.99(D)

Section

Parks and Recreation

- 99.01 Establishment, operation and maintenance of public parks and programs
- 99.02 Powers and duties concerning public parks and programs
- 99.03 Creation of committees
- 99.04 Establishment of rules and regulations
- 99.05 Qualifications of Park Director
- 99.06 Powers and duties of Park Director

Rules and Regulations

- 99.20 Definitions
- 99.21 Bringing in plants and animals
- 99.22 Fires
- 99.23 Sleeping/camping in the parks
- 99.24 Disorderly conduct
- 99.25 Snowmobiles/sledding/skiing/skating
- 99.26 Mini-bikes, motorcycles, mopeds, go-carts, dune buggies, related vehicles, motor-driven model toys
- 99.27 Swimming; bathing; wading
- 99.28 Domestic and farm animals
- 99.29 Picnics/park shelters
- 99.30 Park hours
- 99.31 Pool rules
- 99.32 Maximum speed limits
- 99.33 Golf
- 99.34 Metal detectors
- 99.35 Activities fee schedule
  
- 99.99 Penalty

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Cross-reference:

- Fee for use of park and recreation facilities and structures, see ' 32.35
- Recreation fund, see ' 32.36
- Special nonreverting gift, donation, and subsidy fund, see ' 32.47
- Special nonreverting operating fund, see ' 32.48

PARKS AND RECREATION

' 99.01 ESTABLISHMENT, OPERATION AND MAINTENANCE OF PUBLIC PARKS AND PROGRAMS.

The Town Council shall have full authority and responsibility to establish, aid, maintain and operate all public and park-owned park, playground, recreational facilities, programs and properties.  
(Ord. 1129, passed 4-28-11)

' 99.02 POWERS AND DUTIES CONCERNING PUBLIC PARKS AND PROGRAMS.

The Town Council shall have and exercise all powers necessary to establish, aid, maintain and operate public parks, playgrounds, recreational facilities, programs and properties, including the authority to hire and fix the compensation of a Park Director and such other personnel as the Town Council deems appropriate.  
(Ord. 1129, passed 4-28-11)

' 99.03 CREATION OF COMMITTEES.

The Town Council may establish an advisory special committee composed of residents and citizens interested in the town public parks, playgrounds, recreational facilities, programs and properties.  
(Ord. 1129, passed 4-28-11)

' 99.04 ESTABLISHMENT OF RULES AND REGULATIONS.

The Town Council may establish comprehensive rules and regulations for the governance of park land, property, activities and employees.  
(Ord. 1129, passed 4-28-11)

' 99.05 QUALIFICATIONS OF PARK DIRECTOR.

A Park Director employed by the town may be employed only on the basis of the following:

(A) Qualification by training or experience in the field of parks and recreation; and/or

(B) Have been awarded certification or advanced undergraduate or greater degree from an accredited college or university in the field of parks and recreation.  
(Ord. 1129, passed 4-28-11)

' 99.06 POWERS AND DUTIES OF PARK DIRECTOR.

The Park Director employed by the town shall:

- (A) Propose annually a plan for the operation of the Town Parks and Recreation Department;
  - (B) Administer the plan for the Town Parks and Recreation Department as approved by the Town Council;
  - (C) Supervise the general administration of the Town Park and Recreation Department;
  - (D) Keep the records of the Town Park and Recreation Department and preserve all papers and documents of the Department;
  - (E) Recommend persons for employment in the event the Town Council determines there is a need for same;
  - (F) Employ employees for the Department subject to the approval of the Town Council on the basis of standards and qualifications established by the Town Council without regard to political affiliation;
  - (G) Prepare and present to the Town Council an annual report in the first meeting of the Town Council each calendar year, or as otherwise directed by the Town Council;
  - (H) Report to and work under the supervision of the Town Administrator; and
  - (I) Perform such other duties that the Town Council or the Town Administrator directs.
- (Ord. 1129, passed 4-28-11)

#### RULES AND REGULATIONS

##### ' 99.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC LIQUOR. A liquid that is, or contains, one-half percent (0.5%) or more alcohol by volume; is fit for human consumption; and is reasonably likely, or intended, to be used as a beverage. It is the compound C<sub>2</sub>H<sub>5</sub>OH, known as ethyl alcohol, hydrated oxide or ethyl, or spirits of wine, from whatever source or by whatever process produced.

BOARD. The Park and Recreation Board of Cedar Lake, Indiana.

ACONTROLLED SUBSTANCE. © A drug or substance found in schedules I, II, III, IV, or V under IC 35-48-2, as amended from time to time, which includes opiates, opium derivatives, hallucinogenic substances, depressants, stimulants, narcotic drugs and the like.

ADEPARTMENT. © The Park and Recreation Board or such personnel as the Park Board may designate.

APARK. © Any land suitable for public recreational facilities, including parks, reservoirs, land, and water under the jurisdiction of the Department.

APERMITS AND RESERVATIONS. © Any authorization issued by the Board for a specified park privilege, activity or event, or permitting the performance of a specified act or acts in any park.

ARULES AND REGULATIONS. © Any rules and regulations adopted by the Board.

APERSON. © Individual, company, partnerships, corporation, or association or any combination of individuals, or any employee, agent, or officers thereof.

ARANGER. © Any person authorized by the Board or Town Council and provided with enforcement authority, including the Town Parks Department.

AVEHICLE. © Any device, conveyance or combination of conveyance, wheeled or without wheels (but excepting motor boats), propelled, towed, or unpropelled, that in, around or with which a person or thing is, or may be, carried and shall include without limitations bicycles, scooters, mopeds, mini-bikes, motorcycles, and snowmobiles.

AWATERCRAFT. © All flotation devices intended to carry a human passenger upon the water including, but not limited to, boats of any type, rafts, canoes, motor boats, and inflatable floating devices.  
(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04)

' 99.21 BRINGING IN PLANTS AND ANIMALS.

(A) Unless authorized by the Board, no person shall bring into or upon any park, any tree, shrubs, or plants, or any newly plucked branch or portion thereof.

(B) Unless authorized by the Board, no person shall bring into and leave in any park, any animal, fish, or fowl.  
(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.22 FIRES.

(A) Starting fires. No person shall start a fire in the park except small fires for culinary purposes in park grills, or privately owned grills, or fires in a place or designated area approved by the Board. The Board, at its discretion, may prohibit fires for limited periods at any location or for any purposes when necessary for protection of park property. Any fires shall be continuously attended under the care and direction of a competent person. All fires shall be extinguished by the person or persons starting or using the same before leaving the immediate vicinity of the fire. No fires shall be built within ten feet of any trees or buildings or beneath the branches of any trees or buildings or beneath the branches of any trees or in any underbrush.

(B) No person shall be allowed to use timber, wood, twigs, branches, leaves, or other forest material as fuel for fires within the parks, except by special permit from the Board.

(C) Portable stoves or grills. No portable stoves or grills shall be permitted in shelters or on picnic tables.

(D) Lighted matches, cigars, etc. No person shall throw away or discard any lighted matches, cigars, or cigarettes within any park property, except into designated receptacles for that purpose.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.23 SLEEPING/CAMPING IN THE PARKS.

(A) Except in areas set aside for camping, no person shall sleep in any park after dusk.

(B) No person shall camp within the park(s) except pursuant to written permission from the Park Board or pursuant to written or oral permission given by law enforcement personnel in cases of emergency.

(Ord. 703, passed 10-28-97) Penalty, see ' 99.99

' 99.24 DISORDERLY CONDUCT.

(A) Vehicles Restricted to Roadways. No person shall ride or operate any vehicles on, over, along, or upon any park except roadways, driveway, and parking areas designated for the use of such vehicles, or except in specially limited areas designated by the Board from time to time for particular type vehicles.

(B) No vehicles may park overnight in any park except with permission of the Park Board or law enforcement Officers.

(C) Parking; Hours of Parking; Lights. No vehicle shall be parked upon any area other than a properly designated parking lot or parking area. No vehicle shall be parked in any manner which will block in whole or in part any road, driveway, doorway, trail, waterway, or recreational area. Disabled vehicles must be removed as soon as the emergency ends and no later than within 24 hours. Overnight parking is prohibited. Parking in any manner which partially or totally blocks, restricts or impedes another vehicle is prohibited. The Parks and Recreation Department shall post appropriate signage indicating where parking is prohibited.

(D) Equal Rights of Others. Every person shall conduct himself or herself with due regards to the equal rights of others to the use and enjoyment of the parks.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.25 SNOWMOBILES/SLEDDING/SKIING/SKATING.

(A) Snowmobiles. In Restricted Areas Only: No person shall operate a self-propelled vehicle which is designed to travel on snow-covered surfaces, whether a snowmobile or other device, within a park, other than in areas designated by the Board as snowmobile areas.

(B) Sledding, Skiing, and Skating in Designated Areas Only. No person shall sled, ride, ski, or ice skate within the park except in areas designated for such purposes and at such designated times, except as otherwise provided by Board permission.

(Ord. 703, passed 10-28-97) Penalty, see ' 99.99

' 99.26 MINI-BIKES, MOTORCYCLES, MOPEDS, GO-CARTS, DUNE BUGGIES, RELATED VEHICLES, MOTOR-DRIVEN MODEL TOYS SKATEBOARDS, ROLLER SKATES, BICYCLES.

(A) Use of vehicle in restricted areas only. No person shall operate any self-propelled vehicles designated to travel on any surfaces in the park including, but not limited to, mini-bikes, motorcycles, mopeds, go-carts, dirt bikes, and dune buggies, except in areas designated by the park for this purpose.

(B) The operation of miniature motor-driven airplanes, rockets, or automobiles is expressly prohibited. The Board, however, may, in its judgment, set aside days or times during which public displays or operation of such miniature airplanes, rockets or automobiles, properly supervised, may be made.

(C) No person shall operate a skateboard, roller skates or a bicycle on any sidewalk or other prohibited area, as designated by the town's Parks and Recreation Department or the Parks Director.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.27 SWIMMING; BATHING; WADING.

Swimming, bathing, and/or wading shall be permitted in the parks at designated areas.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.28 DOMESTIC AND FARM ANIMALS.

All domestic animals will be required to be leashed at all times in the parks. Farm animals shall not be permitted in park areas under any circumstances, except if they are a part of Board sponsored programs. Dogs are permitted in the town's parks if on a leash not more than six feet in length and if the person responsible for the dog is equipped to immediately remove and properly dispose of the animal's waste.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.29 PICNICS/PARK SHELTERS.

Use of the park for reserved picnics and shelters shall be made at the Town Hall.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99

' 99.30 PARK HOURS.

Park hours. Parks shall open at dawn and shall close at dusk, except for those parks used for later events such as softball, baseball, basketball, and fishing at night. These exceptions shall be posted as park rules at said parks. Special exceptions and arrangements may be obtained through the Board.

(Ord. 703, passed 10-28-97) Penalty, see ' 99.99

' 99.31 POOL RULES.

As posted in the pool area.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04) Penalty, see ' 99.99



' 99.32 MAXIMUM SPEED LIMITS.

Maximum speed limits in the town=s parks shall be set forth by appropriate signage. The Parks and Recreation Department shall post appropriate signage indicating maximum speed limits in the town=s parks.  
(Ord. 900, passed 7-6-04)

' 99.33 GOLF.

Golfing is prohibited in the town=s parks.  
(Ord. 900, passed 7-6-04)

' 99.34 METAL DETECTORS.

The use of metal detectors in the town=s parks without a permit is prohibited.  
(Ord. 900, passed 7-6-04)

' 99.35 ACTIVITIES FEE SCHEDULE.

(A) The Activities Fee Schedule attached to Ordinance 1258, and incorporated herein by reference, is hereby approved and adopted as the activities fee schedule for the activities and programs conducted by the Department of Parks and Recreation.

(B) The Department of Parks and Recreation and its employees and staff are hereby required to comply with all requirements of the State of Indiana Board of Accounts for handling, accounting, reporting and depositing of said activities fees upon receipt of same. These requirements are to be overseen by the Clerk-Treasurer and shall be implemented as deemed appropriate and necessary by the Clerk-Treasurer in conformance with applicable law and administrative requirements, as the same are amended from time to time.  
(Ord. 955, passed 6-6-06; Am. Ord. 1133, passed 5-17-11; Am. Ord. 1242, passed 5-17-2016; Am. Ord. 1258, passed 3-7-17)

' 99.99 PENALTY.

Any violations of any of the provisions of these rules and regulations shall be fined as set forth below. Each day of the existence of any violation shall be deemed a separate offense. The Town Attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. The remedy provided shall be cumulative and not exclusive and shall not be in addition to any other remedies provided by law.

(A) First violation shall be a minimum fine not less than \$25.

(B) Second violation shall be a minimum fine not less than \$75.

(C) Third and subsequent violation shall be a minimum fine not less than \$150.

(Ord. 703, passed 10-28-97; Am. Ord. 900, passed 7-6-04; Am. Ord. 986, passed 3-6-07)



CHAPTER 100: ALARM SYSTEMS

Section

- 100.01 Definitions
- 100.02 Permitted devices
- 100.03 Monitoring system
- 100.04 Permit required
- 100.05 Application for permit
- 100.06 Local alarms
- 100.07 Testing or repairing equipment
- 100.08 Fines applicable for false alarms
- 100.09 Revocation of permit
  
- 100.99 Penalty

100.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM CONDITIONS. Alarms activated by unlawful violation of a user's property or other violations that the systems were designed to protect against, acts of God, or violent conditions, or by outside agencies or external forces not under the control of the owner, lessee, or his employee or agent.

ALARM EQUIPMENT SUPPLIER. Any person, firm, or corporation that sells, leases, or installs automatic protection devices or signaling devices which transmit alarms upon receipt of a stimulus from a detection apparatus or a manually operated system.

ALARM SYSTEM. An assembly of equipment and devices such as solid state unit, arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Departments are expected to respond.

ALARM USER. Any person on whose residence, commercial property, or other premises an alarm system is maintained within the town, except for alarm systems on motor vehicles. Also included are those systems which employ an audible signal emitting sounds or a flashing light or beacon designed to alert or signal persons outside the premises.

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.

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.

AFALSE ALARMS. The activation of an alarm system caused by improper operation, negligence, equipment malfunction, or intentional act by an unauthorized individual such as results in the dispatch of a town officer or Fire Department personnel, unnecessarily.

ALOCAL ALARMS. A signaling system which, when activated, causes an audible or visual signaling device to be activated in or on the premises within which the system is installed.

APERSON. Any individual, partnership, corporation, association, or society, but does not include the Town of Cedar Lake.

APOLICE CHIEF. The Chief of the Police Department of the Town of Cedar Lake, or his authorized representative.

APUBLIC TRUNKLINE. A telephone line leading into the communication center of the Police Department that is for the purpose of handling emergency and administrative calls on a person- to-person basis.

A SIGNALING DEVICE. An electrically operated instrument which automatically sends visual or audible signals to be registered by indicators at a monitor panel at the receiving terminal or central station.

ATOWN. The Town of Cedar Lake.  
(Ord. 412, passed 8-21-85)

' 100.02 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 trunkline of the Police Department of the town and then reproduce any pre-recorded message to report any robbery, burglary, fire, or other emergency.

(B) With the exception of local alarms, signaling devices shall only 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.  
(Ord. 412, passed 8-21-85) Penalty, see ' 100.99

' 100.03 MONITORING SYSTEM.

The Police Commission of the town is authorized to regulate the installation and operation of a uniform monitoring system to receive visual and audible signals over direct lines.  
(Ord. 412, passed 8-21-85)

' 100.04 PERMIT REQUIRED.

(A) No alarm user shall install, operate, or maintain an alarm

system in the town without first obtaining a permit as required in ' 100.05.

(B) Any alarm user who operates an alarm system without first obtaining authorization as required by this section, or who, after having an authorization revoked, fails to disconnect his alarm system, shall be in violation of this chapter.

(Ord. 412, passed 8-21-85) Penalty, see ' 100.99

' 100.05 APPLICATION FOR PERMIT.

(A) Applications for permits to install, maintain, and operate an alarm system shall be filed with the Clerk-Treasurer of the town with an application fee of \$10, for alarm systems to be installed, maintained, and operated for residential use, by merchants, and businesses for commercial and industrial use. The permit shall be renewable every two years beginning in January of 1985.

(B) The alarm user applying for the authorization required shall state on the application form the following:

(1) His name.

(2) The address of the residence, business, or businesses, in or upon which the alarm system has been or will be installed, also telephone number.

(3) Type of alarm system (local, burglar signaling device, holdup signaling device, fire signaling device).

(4) The alarm equipment supplier selling, installing, monitoring, inspecting, responding to, or maintaining the alarm system.

(5) The name and the telephone number of at least two other persons (in case of a corporate alarm user applicant) and at least three persons who can be reached at any time, day or night, who can open the premises in which the system is installed. The alarm user shall provide updates when changes occur in the contact persons.

(C) The information contained in an alarm user authorization application required by this section, and other information received by the Police Chief through correspondence or communications with an alarm user, shall be securely maintained and restricted to inspection only by the Police Chief or town employees specifically assigned the responsibility for handling and processing alarm user authorizations in the town. Town officials and employees assigned these duties shall not knowingly or willfully reveal the information contained in an alarm user authorization application or in correspondence or communications with an alarm user, to any other person for any purpose not related to this chapter or official law enforcement matters without the express written consent of the alarm user supplying the information.

(D) The Clerk-Treasurer and Police Chief shall approve the application if they find that the applicant has provided the information required in this section. The Police Department shall certify that the requirements are met and shall supply this certification to the Clerk-Treasurer.

(Ord. 412, passed 8-21-85)

' 100.06 LOCAL ALARMS.

Local alarms with any externally audible alert shall not make a sound similar to that of any emergency warning system. Such an alarm in residential districts must have an automatic cutoff after 15 minutes of sounding.

(Ord. 412, passed 8-21-85) Penalty, see ' 100.99

' 100.07 TESTING OR REPAIRING EQUIPMENT.

No alarm system designed to transmit alarm conditions directly to the Police Department shall be tested or demonstrated without first obtaining permission from the Police Department. Permission is not required to test or demonstrate alarm devices not transmitting alarm conditions directly to the Police Department unless the alarm conditions are to be relayed to the Police Department. Failure to notify the Police Department prior to testing or conducting repairs on an alarm system shall constitute a false alarm. Responsibility for notification lies with the alarm holder.

(Ord. 412, passed 8-21-85) Penalty, see ' 100.99

' 100.08 FINES APPLICABLE FOR FALSE ALARMS.

(A) Any alarm user having false alarms on more than three dates in any 90-day period shall pay a fine in the sum of \$50 for the fourth false alarm within the 90-day period, \$75, for the fifth false alarm within the 90-day period, \$100, for the sixth false alarm within the 90-day period, and \$150 for each false alarm in excess of six false alarms within the 90-day period. All fines shall be paid to the Clerk-Treasurer of the town to be deposited into the General Fund of the town within ten days after notice of any violation.

(B) Any alarm user who does not pay the fine within the time prescribed shall be subject to having the permit revoked pursuant to ' 100.09.

(Ord. 412, passed 8-21-85; Am. Ord. 579, passed 6-1-93)

' 100.09 REVOCATION OF PERMIT.

(A) False alarms on more than ten dates in one calendar year from any alarm system for which alarm user authorization has been obtained, or failure to pay fine pursuant to ' 100.08, may constitute grounds for revocation of the permit granted subject to provisions of this section.

(B) After the Police Department has recorded false alarms on four dates in any 90-day consecutive period from any authorized user, it

shall notify the authorized alarm user (with a copy to the alarm equipment supplier), specifically those persons authorized to deal with police, and inform them of the facts, and ask that they within 15 days submit a written report describing efforts to discover and eliminate the cause or causes of the false alarms.

(C) If the authorized alarm user fails to submit a report within 15 days or such longer period as the Chief of Police may reasonably grant, or if by the report the alarm user fails to show that he has taken or will take reasonable steps to eliminate or reduce false alarms, the Chief of Police may revoke the alarm user's authorization.

(D) When alarm conditions are received by the Police Department that evidence a failure to comply with the requirements of this chapter, the Police Chief is authorized to demand that the owner or lessee of the device, or his representative, disconnect the device until it is made to comply with the requirements of this chapter.

(E) The Chief of Police may revoke or suspend any permit issued pursuant to the provisions of this chapter after giving written notice to the alarm user and an opportunity for the alarm user to effect compliance within ten days, if the Police Chief determines that the alarm system under the permit has been installed, maintained, or operated in violation of this chapter or of any term or condition of the permit, or if any fine is unpaid.

(F) An alarm system user whose authorization has been revoked is not precluded under this section from applying for a new authorization pursuant to ' 100.05. However, before a new permit is issued, the Clerk-Treasurer shall have a report from the Police Chief as hereinafter defined and in addition, all fines due must be paid and the system corrected from any deficiencies. Before the Clerk-Treasurer shall issue a new permit, the Police Chief shall make reasonable efforts to determine that the alarm user's system has been properly serviced and its deficiency corrected. The Police Chief shall notify the Clerk-Treasurer that the alarm system has been corrected from its previous deficiencies, and upon payment of all fines, the Clerk-Treasurer shall then issue a new permit provided all requirements of ' 100.05 are complied with.

(G) Any person affected by the Police Chief's order to disconnect or by the Police Chief's refusal to certify to the Clerk-Treasurer that the system currently meets all requirements, shall have the right to request the Police Commission of the town to review the decision or action by the Police Chief within ten days after any decision has been made by the Police Chief. The Police Commission is given the authority to either affirm, modify, or reverse any decision made by the Police Chief.

(H) Any person who fails or refuses to disconnect their alarm system once their permit to install, operate, or maintain has been revoked as provided within the provisions of this chapter, shall be subject to having the permit revoked pursuant to the terms and provisions of this section.



(I) Failure to pay any fee or fine imposed after 30 days notice may result in civil penalty up to twice the amount of fee or fine, and that person shall be liable for all attorney=s fees and expenses incurred in the collection of that fee or fine.  
(Ord. 412, passed 8-21-85; Am. Ord. 579, passed 6-1-93)

' 100.99 PENALTY.

Any person, firm, or corporation who violates any provision of any section of this chapter shall be fined as set forth below.

(A) First violation shall be a minimum fine not less than \$75.

(B) Second violation shall be a minimum fine not less than \$125.

(C) Third and subsequent violation shall be a minimum fine not less than \$250.

(Ord. 412, passed 8-21-85; Am. Ord. 986, passed 3-6-07)

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Cross-reference:

Citation procedure, see ' 10.99(D)

CHAPTER 101: HAZARDOUS MATERIALS

Section

- 101.01 Definitions
- 101.02 Temporary storage of hazardous materials prohibited
- 101.03 Leak of hazardous materials to be reported
- 101.04 Persons responsible for leaks of hazardous materials to assume clean-up costs
  
- 101.99 Penalty

' 101.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HAZARDOUS MATERIALS. Those substances which are:

- (1) Listed in the latest edition of the U.S. Department of Transportation Guideline for Hazardous Material Incidents;
- (2) Listed in the latest edition of Dangerous Properties of Industrial Materials by N. Irving Sax and which contains the terms dangerous, hazardous, or toxic in the ATHR (Summary Toxicity Statement), the Disaster Hazard Statement, the Fire Hazard Statement, the Explosion Hazard Statement, or the Acute Toxicity Statement; or
- (3) Listed in the latest edition of the Condensed Chemical Dictionary by Gessner G. Hauley and which contains the terms dangerous, hazardous, or toxic in the Hazard explanation used to categorize the substance.

IMMEDIATELY. Within five minutes of the start of the spill, leak, discharge, or release of the dangerous, hazardous, or toxic substance.

PERSON. An individual, partnership, cooperation, firm, company, corporation, association, trust, estate, government entity, or any other legal entity or its legal representatives, agents, or assigns.

(Ord. 460, passed 7-27-88)

' 101.02 TEMPORARY STORAGE OF HAZARDOUS MATERIALS PROHIBITED.

It shall be illegal for any person to temporarily store any hazardous material in any truck, barrel, or other tank, vessel, or container located above grade level within the town; except that residents may store or otherwise keep not more than five gallons of gasoline or kerosene for personal or household use, provided such gasoline or kerosene is stored in a container approved for such use.

(Ord. 460, passed 7-27-88) Penalty, see ' 101.99

101.03 LEAK OF HAZARDOUS MATERIALS TO BE REPORTED.

Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into the atmosphere, onto the land, or into any body of water from whatever source shall be immediately reported to the Town Police Department by telephone or in person. (Ord. 460, passed 7-27-88) Penalty, see 101.99

101.04 PERSONS RESPONSIBLE FOR LEAKS OF HAZARDOUS MATERIALS TO ASSUME CLEAN-UP COSTS.

(A) Shippers and other owners of vehicles who cause or suffer leaks or spills of potentially hazardous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials, within the town, for which leaks, spills, or other situations to which the town employees, local fire departments, hazardous material response teams, or outside contractors respond, shall pay the actual expenses incurred by the town for such response.

(B) Shippers and other owners or users of vehicles, who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials within the town, for the clean-up of which separate clean-up contractors must be called in (in the determination of the Town Manager or other responsible official), shall assume and bear full responsibility for the payment for the clean-up directly to the clean-up contractor.

(C) Owners or tenants of fixed facilities within the town who cause or suffer leaks or spills of hazardous or toxic materials or other potentially dangerous situations involving hazardous or toxic materials, for which response is necessary, shall also be required, as aforesaid, to reimburse the town for the actual expenses incurred by the town.

(D) Owners or tenants of fixed facilities within the town, who cause or suffer leaks or spills of hazardous or toxic materials, or other potentially dangerous situations involving hazardous or toxic materials, for the clean-up of which separate clean-up contractors must be called (in the determination of the Town Manager or other responsible official), shall assume and bear full responsibility for the payment of the clean-up directly to the clean-up contractor. (Ord 460, passed 7-27-88) Penalty, see 101.99

101.99 PENALTY.

Any person who violates any of the provisions of this chapter shall be fined as set forth below. Each day shall be considered a separate violation.

(A) First violation shall be a minimum fine not less than \$200.

(B) Second violation shall be a minimum fine not less than \$500.

(C) Third and subsequent violation shall be a minimum fine not less than \$1,000.

(Ord. 460, passed 7-27-88; Am. Ord. 986, passed 3-6-07)



Section

- 102.01 Definitions
- 102.02 Special permit
- 102.03 Use and discharge, generally
- 102.04 Manufacturer, wholesaler, importer or distributor
- 102.05 Identification of fireworks
- 102.06 Sales
- 102.07 Revocation of special permit
  
- 102.99 Penalty

102.01 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER FIREWORKS. Includes small fireworks that are defined as small devices designed to produce an audible effect, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. Propelling or expelling charges of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. Aerial devices, may include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines and shells. Ground audible devices, which include firecrackers, salutes, and chasers. Devices containing combinations of the effects described as aerial devices and ground audible devices are also includable as CONSUMER FIREWORKS.

FIREWORKS EXCLUSIONS. The following items are excluded in the definition of fireworks: model rockets, toy pistol caps, emergency signal flares, matches, fixed ammunition for firearms, ammunition components intended for use in firearms, muzzle loading cannons, or small arms, shells, cartridges and primers for use in firearms, muzzle loading cannons, or small arms, indoor pyrotechnics special effects material, M-80's, cherry bombs, silver salutes, and any device banned by the federal government.

SECTION 8(a) FIREWORKS. Includes dipped sticks, wire sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinner, flitter sparklers, snakes or glow worms, smoke devices, trick noisemakers such as party poppers, booby traps, snappers and trick matches, cigarette loads and auto burglar alarms.

SPECIAL FIREWORKS. Fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than 130 milligrams of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition and other exhibition display items that exceed the limits

for classification as consumer fireworks. A person may not possess, transport, or deliver special fireworks, except as authorized under IC 22-11-14-2.

(Ord. 1007, passed 6-19-07)

' 102.02 SPECIAL PERMIT.

(A) The owner, occupant, or agent of an organization, business or group that uses any type of fireworks or pyrotechnic special effects materials used indoor or outdoor, shall apply for a special permit issued by the Town Council at least 14 calendar days prior to the use of the fireworks or pyrotechnical devices. This permit shall be in addition to any other permits required by federal or state agencies. The permit must be made available upon request of the Fire Chief or his designee.

(B) The storage, use and handling of fireworks and pyrotechnics special effects shall be in accordance with Indiana Fire Code (675 Indiana Administrative Code 22), Article 76 and IC 22-11-14 et seq., and current edition of National Fire Protection Association standards for fireworks.

(C) An applicant shall pay a fee of \$100 when submitting the special permit application.

(D) The special permit application must be approved and signed by the Town Council and contain the following information to be valid:

- (1) Name, address and phone number of the individual person or company doing the production or display;
- (2) Name and qualifications of the individual person or operator doing the production or display;
- (3) Contact name, address and phone for whom the production or display is being performed;
- (4) A detailed location where the display shall take place;
- (5) Date and time of the display;
- (6) Estimated number of fireworks or pyrotechnical devices to be used and length of show; and
- (7) A copy of a valid certificate of insurance conditioned for damages and/or injury to persons or property for said event in the amount of not less than \$1,000,000 shall be attached to and submitted with each application for and shall become part of the special permit.

(E) The above fees or requirements may be waived by the Town Council for any public fireworks display sponsored by any state or local governmental agency.  
(Ord. 1007, passed 6-19-07)

' 102.03 USE AND DISCHARGE, GENERALLY.

The new state law includes the following general provisions that provide distinct limitations regarding the actual use of the fireworks:

(A) Age requirement. Consumer fireworks and Section 8(a) fireworks shall not be purchased by persons under 18 years of age.

(B) Possession by minors. Children shall only possess or use any kind of fireworks when an adult is present.

(C) Location of use. Consumer fireworks shall exclusively be used on:

(1) The user=s property; or

(2) The property of someone who has consented to the use of fireworks on the property; or

(3) A location authorized by special permit as a special discharge location, that is defined as a place designated for the discharge of consumer fireworks under policies of the State Fire Marshal in effect until the Fire Prevention and Building Safety Commission adopts rules, as amended from time to time.

(D) Exemptions. This chapter shall not be construed to prohibit the use of fireworks by railroads or other transportation agencies, the sale or use of blank cartridges for a show, ceremonial purpose, use by military organizations, the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers, use of indoor pyrotechnics special effects material and the possession, sale or disposal of fireworks incidental to the public display of authorized Class B fireworks.

(E) Time of use. A person may utilize consumer fireworks and Section 6-66(a) fireworks on the following specific days, and no other, without a special permit as follows:

(1) Between 5:00 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;

(2) Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and



(3) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

(F) Special permit. A person seeking to discharge fireworks, except as permitted in division (E) above, must apply for and obtain a special permit as provided herein.

(Ord. 1007, passed 6-19-07)

1 102.04 MANUFACTURER, WHOLESALER, IMPORTER OR DISTRIBUTOR.

It shall be unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into the town fireworks, novelties, or trick noisemakers unless they hold a valid certificate of compliance issued by the Indiana State Fire Marshal. This provision applies to nonresidents and residents of the State of Indiana.

(Ord. 1007, passed 6-19-07)

1 102.05 IDENTIFICATION OF FIREWORKS.

All fireworks, novelties, and trick noisemakers shipped into the town or manufactured and sold in the town, must have distinctly and durably painted, stamped, printed or marked on the package, box, or container in which the items are enclosed the exact nature and quantity of the fireworks contained in the container.

(Ord. 1007, passed 6-19-07)

1 102.06 SALES.

Retailers may not sell consumer fireworks until the retailer has met all permit requirements and has obtained a certificate of compliance from the State Fire Marshal. A Certificate of Compliance issued to a retailer of consumer fireworks is not transferable except to a subsequent owner or operator of a business at the same location in accordance with the policies and guidelines of the State Fire Marshal.

(Ord. 1007, passed 6-19-07)

1 102.07 REVOCATION OF SPECIAL PERMIT.

Any person, firm or corporation who violates I.C. 22-11-14 et seq. or the provisions herein, shall be subject to applicable penalties and/or revocation of their permit to sell fireworks. This provision shall apply to all retailers, manufacturers, wholesalers, importers, and distributors.

(Ord. 1007, passed 6-19-07)

1 102.99 PENALTY.

Any person who violates the provisions of this chapter and town code section shall be punished by a fine of not less than \$100 and

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more than \$250 for the first offense; \$500 for the second offense; \$1,000 for the third offense; \$2,500 for the fourth offense; and \$7,500 for the fifth and subsequent offenses during a 12-month period of time. All fines shall be payable to the Clerk-Treasurer, or through the Lake Superior Court, and payable to the town for deposit in the town general fund. Each incident that occurs shall constitute and be deemed a separate offense.

(Ord, 1007, passed 6-19-07)

