

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1385

AN ORDINANCE AMENDING TOWN ORDINANCE NO.: 1161, BEING “AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE WATER UTILITY OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, ADOPTING SAID RULES AND REGULATIONS FOR THE TOWN, REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED HERETO”, REPEALING ALL ORDINANCES AND TOWN CODE SECTIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED HERETO.

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the “Town Council”), has acquired two (2) Water utility entities, formerly known as Utilities Inc., and Robins Nest Water Company, Inc., each operating within municipal corporate boundaries of the Town of Cedar Lake; and

WHEREAS, the Town Council has organized and operated a municipal water utility since the time of acquisition of Utilities Inc. and Robins Nest Water Company Inc.; and

WHEREAS, the Town Council has been informed and advised that upon acquisition of the two (2) aforementioned water utility entities, and establishment of a municipal water utility, that rules and regulations for the water utility of the Town of Cedar Lake were required; that as a consequence of this assessment, the Town Council thereupon considered, acted and adopted Town Ordinance No. 1161 on or about the 21st day of August, 2012, adopting rules and regulations for the Town of Cedar Lake, Lake County, Indiana Municipal Water Utility; and

WHEREAS, the Town Council has been informed and is aware that since the adoption of Town Ordinance No. 1161 on or about the 21st day of August 2012, establishing rules and regulations for the Municipal Water Utility of the Town of Cedar Lake that the Town has observed and followed its established rules and regulations for the Water Utility of the Town; and

WHEREAS, the Town Council has now been informed and advised by Town Administrative Staff and Consultants that the current rules and regulations for the water utility of the Town of Cedar Lake established under adopted Ordinance No. 1161 should be amended and modified to establish and prescribe water sprinkling usage regulations and policies for use of the Town municipal water supplied to the residents of the Town; and

WHEREAS, the Town Council, being duly informed and advised, now concurs and agrees that upon the advisory recommendation of Town Administrative Staff and Consultants Town Ordinance No. 1161 should properly be amended and modified for establishment of rules and regulations for water sprinkling usage regulations by the residents of the Town; and

WHEREAS, the Town Council, now being duly informed and advised, concurs and agrees that it is advisable, appropriate, necessary, and in the best interests of the residents of the Town, as well as for the businesses and management practices of the Town for the Town Municipal Water Utility to adopt amended and modified terms and regulations for water sprinkling usage in the Town hereafter with a consistent set of guidelines and parameters for same in order to responsibly preserve and utilize the existing water supply available to the Town residents of the Town's Municipal Water Utility.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: The Town Council has determined that policy enactment is necessary and required in order to ensure that water shortages are not created or exacerbated by uses of same deemed to be unnecessary on a full-time basis and whereby such policies and regulations will aid to ensure that a water shortage is not so created or exacerbated. In order to accomplish the objective of ensuring that a water shortage is not created or exacerbated, to the extent possible and practical, the Town Council hereby declares that the water conservation policies and regulations for water usage by residents served by the Waterworks System of the Town be established as set forth herein.

SECTION TWO: That the following water usage policies and regulations are established for water conservation in usage by residents served by the Waterworks System of the Town as follows, namely:

A. Resident customers of the Town Municipal Water Utility with a residential address ending in an even number (0, 2, 4, 6, 8) shall only be permitted to water lawns, fill swimming pools, or use any other similar bulk or large volume use of said Town Municipal Water on Mondays, Wednesdays, and Fridays of each week, and on Sundays.

B. Resident customers of the Town Municipal Water Utility with a residential address ending in an odd number (1, 3, 5, 7, 9) shall only be permitted to water lawns, fill swimming pools, or use any other similar bulk or such large volume use of said Town Municipal Water on Tuesdays, Thursdays, and Saturdays of each week, and on Sundays.

SECTION THREE: That notwithstanding anything herein to the contrary, the following water usage by residents served by the Waterworks System of the Town are exempt from the aforesaid water conservation policies and regulations set forth hereinafter, namely:

A. Homeowners with newly planted or seeded lawns may water the newly planted lawn for no longer than four (4) weeks from date of newly planting or seeding such lawns are exempt.

B. Retail businesses offering primarily car washing services to patrons are exempt.

SECTION FOUR: That the duly designated Town Building and Planning Department or Municipal Water Utility Staff, or delegee, is empowered to grant exceptions from the water conservation policies and regulations set forth hereinabove upon Application by the resident homeowner, and proof of extenuating circumstances warranting such relief having been provided.

SECTION FIVE: That any person, firm, or business entity violating any of the water conservation policies and regulations for water usage by residents served by the Waterworks System of the Town set forth hereinabove, shall be subject to the following penalties, namely:

A. **First Offense:** Written Warning.

B. **Second Offense:** A fine shall be imposed upon the person, firm, or corporate entity in an amount set forth by the Town in its Water Rate Ordinance, as amended. This current fine is available for public inspection in the Town Municipal Water Utility Offices during posted business hours.

C. **Third Offense:** Discontinuance of service, either permanent or temporary, and/or additional fines, as determined by the Town Utility Board, shall be imposed.

D. In addition to any other penalties contained herein, an unauthorized person, firm, or corporate entity determined to have engaged in illegal and prohibited water usage shall pay for the quantity of water taken plus a fine to be imposed in conformance with the Town fine schedule as identified in Subsection B. hereinabove, of this **SECTION FIVE**. The fine shall be in any amount deemed appropriate and reasonable by the Town Utility Board upon assessment of the amount of water improperly used in violation of this Water Conservation Water Policies and Regulations Ordinance.


SECTION SIX: That all existing Ordinances and Town Code Sections, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION SEVEN: If any section, clause, provision or portion of this Ordinance and these Regulations shall be held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance and these Regulations.

SECTION EIGHT: That this Ordinance and these Regulations shall take effect, and be in full force and effect, from and after passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA THIS 18 DAY OF MAY, 2021.

TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA, TOWN COUNCIL



Randell C. Niemeyer, President



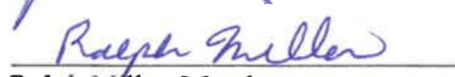
Richard Sharpe, Vice-President



Robert H. Carnahan, Member



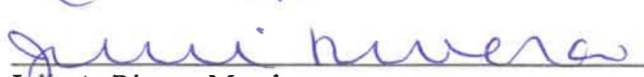
John C. Foreman, Member



Ralph Miller, Member

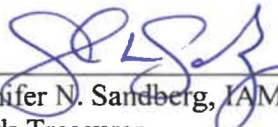


Colleen Schieben, Member



Julie A. Rivera, Member

ATTEST:



Jennifer N. Sandberg, IAMC,
Clerk-Treasurer