CITY OF CROWN POINT, INDIANA

CODE OF ORDINANCES

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432 Walnut Street Cincinnati, Ohio 45202-3909 (513) 421-4248

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CHAPTER l0: GENERAL PROVISIONS

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§ l0.0l ADOPTION.

(A) This ordinance shall be known and may be designated and cited as "The Crown Point Code of l976". The codification has been made in one ordinance under appropriate titles, chapters and sections by authority of the laws of the State of Indiana.

(B) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of the acts of the General Assembly of the State of Indiana.

(C) When a section of this code is followed by a parenthetical reference to the Indiana Code, such reference indicates that the section is analogous or similiar to such section of the Indiana Code. Footnotes, cross-references and other comments are by way of explanation only and should not be deemed a part of the text of any section.

§ l0.02 APPLICATION TO FUTURE LEGISLATION.

All the provisions of Title I, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ l0.03 CAPTIONS.

Headings and captions used in this code other than the title, chapter and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ l0.04 DEFINITIONS AND RULES OF INTERPRETATION.

In the construction of the ordinances of the city the following rules shall be observed unless such construction would be clearly inconsistent with the intent of the ordinance:

(A) General rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall

be construed and understood according to such peculiar and appropriate meaning.

(B) Gender; singular and plural. Words importing the masculine gender shall extend to and be applied to females as well as males; and words importing the singular number only shall extend to and be applied to several persons or things as well as to one person or thing; and words importing the plural number only shall extend to and be applied to one person or thing as well as to several persons or things.

(C) Tenses. The use of a verb in the present tense shall include the future, if applicable.

(D) Joint authority. Words purporting to give a joint authority to 3 or more city officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise expressly declared in the law giving the authority.

(E) Acts by assistants. When an ordinance requires an act to be done which may by law be done by an assistant, deputy or agent, such requirement shall be construed to include all such acts when done by an authorized assistant, deputy or agent.

(F) Reasonable time. In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(G) Time - how computed. The time within wh!ch an act is to be done as provided in an ordinance or in an order issued pursuant to an ordinance, when expressed in days, shall be computed by excluding the first day and including the last day except that if the last day is Sunday it shall be excluded; and when any such time is expressed in hours, the whole of Sunday, from midnight to m!dnight, shall be excluded.

(H) The following words and phrases shall have the following meanings ascribed them respectively.

(l)\\"AND" or "OR." Include the other as if written "and/or".

(2)\\"CITY," "TOWN," "MUNICIPAL CORPORATION" or "MUNICIPALITY." The City of Crown Point, Indiana.

(3)\\"MONTH." A calendar month.

(4)\\"PERSON." Extends to and applies to firms, corporations, or voluntary

associations, as well as to individuals.

(5)\\"SHALL HAVE BEEN." Includes past and future tenses.

(6) "STATE." Shall be construed to mean the State of Indiana.

(7) "WEEK." Shall be construed to mean 7 days; and a required publication in a newspaper of a notice or other matter for a stated number of weeks shall be construed to mean one insertion each week, unless it is specifically required to be for each day of the week, or for more than one day in each week. (Ord. 702, passed 2-l-6)

§ l0.05 RULE OF SEVERABILITY.

Each chapter, section or, whenever divisible, part of a section of this code is declared to be severable, and the invalidity of any chapter, section or divisible part of a section shall not be construed to affect the validity of any other chapter, section or part of a section of this code.

§ l0.06 REFERENCES TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

§ l0.07 REFERENCES TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the city of Crown Point exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ l0.08 ERRORS AND OMISSIONS.

If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ l0.09 TIME LIMITS ON ALL PERMITS AND LICENSES.

(A) Any license issued by the city for the performance of a trade, operation of

any business or calling, the sale of any service or thing, or for any other purpose, which license is not otherwise limited, shall be deemed to expire one year after the date of issuance.

(B) Any permit issued by the city, including but not limited

to permits to tap water mains, permits to tap sewers, permits to do plumbing work, permits to do electrical work, permits to move buildings, and improvement location permits, which are not otherwise limited, shall be deemed to expire one year after the date of issuance.

(C) Any license or permit which expires purauant to the terms of this section shall be void and of no further effect from and after the date of expiration.

(D) Any permit issued for the purpose of tapping a water main or tapping a municipal sewer may be surrendered by the person to whom issued at any time during a period of l8 months from and after the date of issuance in exchange for a refund of the amount paid for such permit. Otherwise, there shall be no refund whatsoever for expired licenses or permits.
(Ord. 780, passed l2-l-69)

§ l0.99 GENERAL PENALTY.

Whoever violates any provision of this code for which another penalty is not specifically provided shall be fined not more than $50 for each offense.

CHAPTER ll: CITY BOUNDARIES

Section

ll.0l City boundaries

§ ll.0l CITY BOUNDARIES.

The entire corporate territorial boundaries of the city are declared and defined to be as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section Five (5), Township Thirty-four (34) North, Range Eight (8) West of the 2nd Principal Meridian, in Lake County, Indiana, thence East along the North line of said SW l/4 of the NE l/4 and the SE l/4 of the NE l/4 of said Section 5, and the North line of the SW l/4 of the NW l/4 of Section 4, Township 34 North, Range 8 West to the Northeast corner of said SW l/4 of the NW l/4 of said Section 4, thence South along the East lines of the SW l/4 of the NW l/4 and the NW l/4 of the SW l/4 and the NE l/4 of the SW l/4 of Section 4, thence East 24 rods, thence South 40 rods, thence West 24 rods to the Northeast corner of the Northwest Quarter of the NW l/4 of Section 9, Township 34 North, Range 8 West, thence South along the East line of the West half of the NW l/4 of said Section 9 to the Northerly right-of-way line of the P.C.C. and St. L.R.R., thence Southeasterly along the Northerly right-of-way line of said R.R. to the East and West center line of Section 9, Township 34 North, Range 8 West, being also the center line of South Street produced East, thence West along said East and West Center line of said Section 9 to the Northwest corner of the SW l/4 of said Section 9, thence South along the West line of the SW l/4 of said Section 9 to the center line of Wells Street, thence West along the center line of Wells Street to the Center line of East Street, thence South along the center line of East Street and East Street produced South to a point 48 rods South of the North line of the South half of the North half of Section l7, Township 34 North, Range 8 West, thence West parallel to said North line of the South half of the North half of said Section l7 to the center line of Court Street, thence North and Northeasterly along the center line of Court Street to the South line of Section 8, Township 34 North, Range 8 West, thence West along the South line of said Section 8 to the Southwest corner of Section 8 Township 34 North, Range 8 West, thence North along the West line of said Section 8 to the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 8, thence West 60 rods, thence West 60 rods, thence North parallel to the East line of Section 6 and 7 to the East and West center line of Section 6, thence East along the East and West Center lines of Section 5 and 6 to the center line of West Street produced North, thence North 805 feet, thence East to the North and South Center line of Section 5, Township 34 North, Range 8 West, thence North along the said North and South center line of the Northwest corner of the Southwest Quarter of the Northeast quarter of said Section 5 being the point of beginning of this description.

(Ord. 540, passed 8-l-49)

TITLE III: ADMINISTRATION

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Section

30.0l Executive authority
30.02 Clerk-treasurer=s authority to appoint deputies and employees
30.03 Advance payment of claims by Clerk-Treasurer

' 30.0l EXECUTIVE AUTHORITY.

The executive and administrative authority of the city shall be vested in the mayor, clerk-treasurer, and such departments as are provided by the state law, and in such other officers as may be appointed by virtue of state law. Common council may, by ordinance, provide that committees of such council shall exercise executive functions, subject to the direction of such council, when not in conflict with state law.

Statutory reference:
Exercise of executive powers, IC 36-4-4-3
Mayor, powers and duties, IC 36-4-5-3

' 30.02 CLERK-TREASURER=S AUTHORITY TO APPOINT DEPUTIES AND EMPLOYEES.

(A) (1) The clerk-treasurer is hereby authorized to appoint and employ a chief deputy clerk-treasurer.

(2) The clerk-treasurer shall appoint the number of deputies and employees needed for the effective operation of the office.

(3) Being directly responsible for the billing and collection of rates and charges from a city-owned utility, the clerk-treasurer shall appoint those employees who are responsible for that billing and collection.

(B) The duties and assignments of each appointment so made shall be at the discretion of the clerk-treasurer, and each shall serve at the pleasure of the clerk-treasurer. (Ord. 1667, passed 4-5-93; Am. Ord. 2001-08-20, passed 8-6-01)

Statutory reference:
Appointments by city clerk, IC 36-4-11-4

' 30.03 ADVANCE PAYMENT OF CLAIMS BY CLERK-TREASURER.

(A) The Clerk-Treasurer, as fiscal officer of the city, may henceforth make claim payments in advance of allowance by the Common Council for the following types of expenses:

(1) Property or services leased or purchased from the United States government, its agencies or its political subdivisions;

(2) License or permit fees;

(3) Insurance premiums;
(4) Utility payments or utility connection charges;

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;

(6) Grants of state funds authorized by statute;

(7) Maintenance or service agreements;

(8) Leases or rental agreements;

(9) Bond or coupon payments;

(10) Payroll;

(11) State, federal, or county taxes;

(12) Expenses that must be paid because of emergency circumstances.

(13) Refunds of water or other utility deposits.

(B) Each payment of a claim made pursuant hereto in advance of allowance must be supported by a fully itemized claim.

(C) The Common Council shall review and allow any such claim paid at its next regular or special meeting following the pre-approved payment thereof.

(D) This section shall constitute prior written approval of the Common Council, as the board having jurisdiction over the allowance of claims, for the Clerk-Treasurer to so make said specified claim payments in advance.
(Ord. 1659, passed 3-1-93; Am. Ord. 1860, passed 8-4-97; Am. Ord. 1931, passed 3-1-99)

CHAPTER 31: LEGISLATIVE

Section

31.01 Councilmanic districts
31.02 Legislative authority
31.03 Rules of procedure
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31.05 Payment of expenses for promotion of city interests

' 31.01 COUNCILMANIC DISTRICTS.

(A) The city is divided into five districts for the election of five members of the Common Council. These districts may be altered from time to time when the population of the districts becomes disproportionate.
(Ord. 899, passed 12-2-74)

(B) As the city is required by IC 36-4-6-4 to redefine its five councilmanic districts in l982, and every ten years thereafter, the district descriptions set forth in Ord. 1256, as redefined by Ord. 1557, and as redefined by Ord. 1652, are hereby adopted by reference as if fully set forth herein.
(Ord. 1256, passed - - ; Am. Ord. 1557, passed 11-5-90; Am. Ord. 1652, passed 1-11-93; Am. Ord. 2002-10-52, passed 11-7-02; Am. Ord. 2002-12-59, passed 12-2-02)

' 31.02 LEGISLATIVE AUTHORITY.

The legislative authority of the city shall be vested in the Common Council.

Statutory reference:
Exercise of legislative powers, I.C. 36-4-4-4

' 31.03 RULES OF PROCEDURE.

(A) Regular meetings. The Common Council shall hold regular meetings on the first Monday of each month at 7:00 p.m.; provided, however, that when the day fixed for a regular meeting of the Council falls upon a day designated by law as a legal or national holiday, the meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Council shall be held in the Common Council chambers, located at 101 North East Street, Crown Point, Indiana.

(B) Special meetings. The Mayor may call a special meeting of the Council whenever in his or her opinion the public business requires it, and a special meeting may be called by the written request of any two members of the Council given to the Clerk-Treasurer. Written notice signed by the Mayor or by the persons calling the special meeting, stating the date and hour of the special meeting and the purpose for which the meeting is called, shall be served on each councilmember in person or by leaving a copy at his or her place of residence at least 24 hours prior to the time of the meeting, and no business shall be transacted thereat, except as is stated in the notice. A councilmember who attends a special meeting and participates therein shall be deemed to have waived notice.

(C) Agenda.

(1) All communications, proposed ordinances or resolutions, claims, or other available documentation relating to matters to be considered by the Common Council shall be delivered to the Clerk-Treasurer at least seven days prior to each regular Council meeting. The Clerk-Treasurer shall review the proposed agenda items with the Mayor and prepare a written agenda according to the Common Council=s order of business. After the agenda is prepared the Mayor or his or her designee shall cause to be delivered to each councilperson, the City Attorney and the Council Attorney a copy of each agenda, proposed ordinance or resolution to be considered by the Common Council at least four calendar days prior to each regular meeting.

(2) Matters not on a Council agenda may be added thereto by the presiding officer with the consent of a majority of the councilmembers then present. The Clerk-Treasurer shall prepare an agenda prior to each special Council meeting, and when time permits, copies of the agenda shall be delivered to each councilperson, the City Attorney and the Council Attorney as soon as possible prior to each special meeting.

(D) The presiding officer; duties. The Mayor shall be the presiding officer of the Common Council whenever he or she is present, and he or she may vote whenever necessary to break a tie. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. He or she shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject however to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such questions of order.

(E) Call to order - presiding officer. The Mayor shall take the chair at the time appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor the Clerk-Treasurer shall call the Council to order and a presiding officer, pro tempore, shall be chosen by the Council from its members who are present. Upon the arrival of the Mayor the temporary presiding officer shall relinquish the chair upon the conclusion of the business immediately before the Council.

(F) Roll call. Before proceeding with the business of the council, the Clerk-Treasurer shall call the roll of the members, and the names of those present shall be entered in the minutes.

(G) Quorum. A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council, and a majority vote of all members-elect shall be required to pass an ordinance; provided, an ordinance shall not be passed on the same day or at the same meeting it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all members-elect of the Council. In the absence of a quorum, the presiding officer may compel the attendance of absent members.

(H) Order of business. All regular and special meetings of the common council shall be open to the public. Promptly at the hour set and on the day of each meeting, the members of the common council, the clerk-treasurer, the mayor and the city attorney shall assume their respective stations in the chambers of the common council, and the business of the common council shall proceed in the following order:

(l) Roll call;

(2) Approval of minutes of previous meetings;

(3) Reading of the written agenda;

(4) Petitions, remonstrances, and public statements regarding matters not specified on the written agenda;

(5) Reports of departments, boards and committees;

(6) Items of unfinished business, including the status of ordinances or resolutions which are pending or tabled, or which have been adopted or vetoed since the previous regular meeting;

(7) Items of new business;

(8) Miscellaneous matters; and

(9) Adjournment.

(I) The order of business may be temporarily set aside or altered for good cause at any time by the presiding officer, with the consent of the council.

(J) Rules of debate. The following rules shall govern debate in all meetings of the common council:

(1) Presiding officer may debate and vote, etc. The presiding officer may debate and vote from the chair, subject to such limitations as are imposed by law and by these rules on all members.

(2) Getting the floor-improper reference to be avoided. Councilman desiring to speak shall address the chair and upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(3) Interruptions. A councilman, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a councilman, while speaking, is called to order, he shall cease speaking until the question of order is determined, and if he is in order he shall be permitted to proceed.

(4) Privilege of closing debate. The councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(5) Synopsis of debate-when entered in minutes. The clerk-treasurer may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

(6) Parliamentary rules. All matters not otherwise specifically covered herein shall be governed by Robert=s Rules of Order (revised).

(K) Addressing the council. A person desiring to address the council under business heading APetitions, remonstrances and public statements@, may do so without prior permission unless the presiding officer rules otherwise. As to all other business of the council, a person desiring to address the council shall first secure permission of the presiding officer to do so.

(L) Addressing the council after motion made. When a motion is before the council, a person shall not address the council without first securing permission of the presiding officer to do so.

(M) Manner of addressing council-time limit. A person addressing the council shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the council, shall limit his address to five minutes. All remarks shall be addressed to the council as a body and not to any member thereof. Persons other than the council and the person having the floor shall not be permitted to enter into a discussion, either directly or through a member of the council, without the permission of the presiding officer. Questions shall not be asked a councilman except through the presiding officer.

(N) Silence constitutes affirmative vote. Unless a member of the council states that he is not voting, his silence shall be recorded as an affirmative vote.

(0) Decorum by council members. While the council is in session, the councilmen must preserve order and decorum, and shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council or refuse to obey the orders of the council or its presiding officer.

(P) Decorum by others. Any person who makes personal, impertinent, or slanderous remarks or who becomes boisterous or delays or interrupts the proceedings or peace of the council or refuses to obey the orders of the council or its presiding officer, shall be forthwith, by the presiding officer, barred from further audience before the council.

(Q) Enforcement of decorum. The chief of police, or such member or members of the police department as he may designate, shall be sergeant-at-arms of council meetings and shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at council meetings.

(R) Persons authorized to be within rail. Only councilmen, city officials and their representatives shall be permitted within the rail in front of the council chamber, except by the express consent of the council.

(S) Special committees.

(1) Special, or ad hoc, committees may be designated, and the membership thereof appointed by, the president pro tempore of the council, from time to time. The president pro tempore of the council shall also designate a chairman of each such committee. The period of existence of each such committee, and its charge or duties, shall also be designated by the president pro tempore of the council.

(2) Committees and committee chairman shall be allowed to use chambers of the council, or such other city or public facilities as the chairman may designate, for committee meetings. The mayor and all affected department heads shall made such facilities available for such meetings as requested by a committee chairman.

(3) Each committee and its chairman shall be empowered to conduct meetings and hearings, investigate, issue subpoenas, solicit and receive testimony and evidence, draft and propose legislation, to adopt rules for its proceedings, and to do all other things in furtherance of the committee=s jurisdiction and powers as to such matters as the chairman of said committee may deem relevant and not inconsistent with law, without other limitation.

(T) Standing committees.

(1) The president pro tempore of the Council shall appoint the membership and chairperson of the standing committees of the Council, which shall be as follows: budget; parks and recreation; ordinance; annexation; finance; environmental affairs; departmental and personnel matters; municipal utilities, beautification, industrial, and streets and sidewalks. The standing committees and their respective chairpersons shall be so designated upon or after the effective date of this section, and annually thereafter in January of each year.

(2) Committees and committee chairpersons shall be allowed to use chambers of the Council, or such other city facility as the chairperson may designate, for committee meetings. The Mayor and all affected department heads shall make such facilities available for such meetings as requested by a committee chairperson.

(3) Each committee and its chairperson shall be empowered to conduct meetings and hearings, investigate, issue subpoenas, solicit and receive testimony and evidence, draft and propose legislation, to adopt rules for its proceedings, and to do all other things in furtherance of the committee=s jurisdiction and powers as to such matters as the chairperson of the committee may deem relevant and not inconsistent with law, without other limitation.

(U) Members may file protests against Council action. A councilmember shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered on the minutes.

(V) Ordinances, resolutions, motions and contracts. The City Attorney shall assist in the preparation of ordinances, resolutions, contracts, letters and other documents whenever requested to do so by the Council. Whenever reasonably possible, ordinances, resolutions, contracts, letters and other documents shall be approved as to form and legality by the City Attorney or his or her authorized representative, and shall be examined and approved for administration by the Mayor or his or her authorized representative, where there are substantive matters of administration involved, before presentation to the Council.

(W) Introducing ordinances for passage or approval. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by members of the Council, except that the Mayor and the City Attorney may present ordinances, resolutions and other matters to the Council, and any councilmember may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.
(Ord. 703, passed 2-l-65; Am. Ord 1554, passed 10-1-90; Am. Ord. 1613, passed 4-22-92; Am. Ord. 1819, passed 11-4-96; Am. Ord. 2004-03-06, passed 3-1-04)

' 31.04 LEGAL COUNSEL FOR COMMON COUNCIL.

(A) Legal counsel for the Common Council is hereby authorized and created, pursuant to I.C. 36-4-6-24.

(B) Legal counsel for the Council must be an attorney, licensed as such in the state, who shall act as legal counsel to the Council, and in such capacity may conduct legal research, draft documents, render opinions, and perform such other professional legal services for the Common Council as may be deemed appropriate.

(C) The president pro tempore of the Common Council shall select and hire legal counsel to the Council, upon such terms and conditions as he or she deems appropriate, subject to the advice and consent of the Common Council and shall direct the activities and assignments thereof.
(Ord. 1612, passed 4-22-92)

_ 31.05 PAYMENT OF EXPENSES FOR PROMOTION OF CITY INTERESTS.

(A) The Common Council of the City of Crown Point is hereby authorized to budget and appropriate from the general fund of the city to pay the expenses of or to reimburse city officials as the case may be for expenses incurred in promoting the best interests of the city.

(B) These expenses may include but shall not necessarily be limited to expenses for rental of meeting places, donations, memorabilia or awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial and residential development, expenses incurred in developing relationships with other units of government, and any other expenses of a civic or government nature deemed by the Common Council to be in the interests of the city.

(C) This section shall apply for the year 2004 and each subsequent year in which there is a sum budgeted and appropriated by the city for such purposes, and the amount therefor shall be the amount so budgeted and appropriated and as added to, if required, by compliance with the applicable laws as to additional appropriations.
(Ord. 2004-06-13, passed 7-6-04)

Cross-reference:
City funds, see T.S.O. VI

Section

32.01 City Judge

' 32.01 CITY JUDGE.

(A) The office of City Judge is created. The City Judge shall be an elected office. He shall exercise such powers and duties as are provided by state law.

(B) The City Court shall continue in operation until it is abolished by ordinance, pursuant to I.C. 33-35-1-1.
(Ord. 648, passed 3-24-59; Am. Ord. 732, passed 5-1-67;
Am. Ord. l036, passed 9-5-78)

CHAPTER 33: EMPLOYMENT POLICIES

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Cross-reference:
Fire-Rescue Department regulations and pension fund, see Ch. 35
Police Department regulations, see Ch. 34

GENERAL PROVISIONS

' 33.01 POLICY.

It is declared to be the policy of the city that all of its employees be treated fairly and equitably with respect to all terms and conditions of employment, including but not limited to, matters of compensation, absences, and employment benefits.
(Ord. 1374, passed 1-6-86; Am. Ord. 1803, passed 5-9-96)

' 33.02 EFFECTIVE DATE.

The employment policies and procedures set out in this chapter shall be effective from and after January 1, 1986.
(Ord. 1374, passed 1-6-86)

' 33.03 DEFINITIONS.

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

AABSENTEE.@ An employee who is absent from his employ during the normal hours of his employment.

AAPPLICANT.@ A person who applies to be an employee.

ABASIC COMPENSATION.@ An employee=s fixed rate of pay or salary.

ABOARD.@ The Board of Public Works and Safety of the city.

ACALENDAR YEAR.@ The period January l through and including December 31.

ACITY.@ The City of Crown Point, Indiana, its agencies, departments, commissions, boards, and sewer and water utilities.

ADISABILITY.@ See ASICKNESS@ or ADISABILITY.@

AEMPLOYEE.@ Any paid employee of the city who is neither an elected official, an appointive official, or a department head, but shall include foremen.

AEMPLOYMENT BENEFITS.@ Benefits of employment provided by the city above and beyond basic compensation.

AEMPLOYMENT YEAR.@ A period of 365 continuous days commencing with an employee=s first day of employment.

AEXECUTIVE.@ The Mayor of the City or the Board.

AEXTENDED VACATION DAY.@ An additional day of paid annual vacation for which an employee is eligible if a paid holiday, as defined in ' 33.12, falls within a period of paid annual vacation.

ALAYOFF.@ The temporary curtailment of work.

AMAYOR.@ The Mayor of the city.

AON-CALL TIME.@ That time during which an employee is required to be available to respond to a request to perform city work on short notice, but is otherwise not required to remain at employer premises and is free to engage in his own pursuits.

AOPTIONAL DAY.@ A paid day off from work, not otherwise a paid holiday or vacation day.

APART-TIME EMPLOYEE.@ Any employee who works 29 hours per week or less.

APORTAL-TO-PORTAL.@ The period of time expended by an off-duty employee from the time he leaves the place where he is called on duty to the time he returns to that place, assuming no material deviations enroute to or from the work site.

APROBATIONARY EMPLOYEE.@ An employee who is serving during a probationary period.

APROBATIONARY PERIOD.@ The first 12 months following an employee=s first workday in the employ of the city, and to the first 12 months following an employee=s promotion. After the first six months of the probationary period, an employee=s supervisor or department head may terminate the probationary period by notifying the executive, in writing, of the employee=s satisfactory job performance and of his decision to so terminate the probationary period.

ASENIORITY.@ The relative length of continuous or bridged employment of full-time paid city employees.

ASERVICE ANNIVERSARY DATE.@ The anniversary of an employee=s first workday in the employ of the city.

ASICK DAY.@ A workday on which an employee fails to be present for work due to illness.

ASICKNESS@ or ADISABILITY.@ The terms ASICKNESS@ or ADISABILITY@ shall be synonymous, and shall mean and refer to a condition, diagnosed by a licensed physician, whereby an employee is unable to attend or function in the usual and required manner at work due to a bona fide and documented medical or psychiatric illness or injury. Neither alcohol addiction, drug addiction, nor other substance addiction shall be considered a disability or sickness for which any compensation or benefits are due or payable pursuant to this chapter.

ATEMPORARY EMPLOYEE.@ An employee who is hired for a specific period of time, usually six months or less.

AVACATION WEEK.@ Five consecutive workdays or seven consecutive

calendar days; provided however, that the term shall mean and refer to three consecutive scheduled workdays for employees of the Fire-Rescue Department.

AWEEK.@ Seven consecutive calendar days.

AWORKDAY.@ A day of the week or part of a day of the week during which an employee is required to be present at work. The term shall not include holidays, Saturdays, or Sundays, unless those days are included in the applicable work schedule of the employee.
(Ord. 1374, passed 1-6-86; Am. Ord. 1378, passed 2-3-86; Am. Ord. 1445, passed 9-8-87; Am. Ord. 1803, passed 5-9-96)

ABSENCES; VACATIONS

' 33.10 SICKNESS AND DISABILITY COMPENSATION.

(A) Purpose. It is the policy of the city to provide limited continuation of compensation for employees who are unable to work day to sickness or disability. This benefit shall not be available to part-time or temporary employees.

(B) Sickness or disability pay. Compensation to a sick or disabled employee shall be paid according to the schedule set forth in division (C) below and shall begin on the first day of absence. If an employee has been ill or injured and absent from work for eight continuous calendar days, compensation shall be paid only after the following conditions have been satisfied.

(1) The employee has delivered a physician=s written report to his immediate supervisor indicating, among other things, the relevant medical history, diagnosis, prognosis, prescribed treatment, and estimate of duration of disability.

(2) The executive has approved the physician=s written report and has authorized payments under this section.

(C) Schedule of sickness or disability payments. The following table indicates payments to be made to sick or disabled employees pursuant to the provisions of division (B) above.

Length of Continuous Employment (Years)	Weeks at Full Pay	Weeks at 50% Full Pay
0 to 1	-0-	-0-
1 to 2	2	1
2 to 3	3	1
3 to 4	4	1
4 to 5	5	4
5 to 10	6	6
10 to 15	8	6
15 to 20	10	10
20 and over	13	13

(D) Calculation of employment years. After an employee=s first employment year, the sickness or disability payments referred to in division (C) above shall be effective during the entire calendar year in which the employee=s service anniversary date falls.

(E) Extension of benefits. In cases of extreme hardship, and upon the request of the department head of the city department in which the sick or disabled employee is employed, the Board of Public Works and Safety may, in its discretion, extend the payment of sickness or disability payments to an employee by no more than 26 weeks. These extended payments shall be at no more than one-half of the employee=s full pay.

(F) Continuation of benefits.

(l) As a condition of the continued payment of sickness or disability benefits pursuant to this section, the employee shall, at least once a week, notify his immediate supervisor of:

(a) The telephone number and address at which the employee can be reached; and

(b) The estimated date of his return to work.

(2) As a further condition of the payment of the sickness or disability payments, the executive may require the employee to produce interim written reports from the employee=s attending physicians, psychiatrists, or psychologists, indicating the status of the employee=s relevant condition and expected date of return to work. These reports may be required no more often than weekly.

(G) Workmen=s compensation; occupational disease. In the event an employee receiving sickness or disability benefits pursuant to this section also receives payments pursuant to the State Workmen=s Compensation or Occupational Disease laws, as a result of an injury or disease sustained in the course and scope of his employment with the city, the weekly benefits otherwise payable to him under this section shall be reduced by the amount of the corresponding weekly workmen=s compensation or occupational disease payment.

(H) Vacation eligibility during disability. A sick or disabled employee=s eligibility for vacation benefits shall be determined in accordance with the provisions of ' 33.11.

(I) Layoff, permanent termination. An employee=s eligibility for sickness or disability benefits payable pursuant to this section terminates on the last day for which the employee is paid basic compensation, whether the cessation of employment is a result of layoff or permanent termination. However, benefits payable to an employee pursuant to this section shall not be reduced or terminated as a result of the layoff or permanent termination of said employee during the period of eligibility for such benefits.

(J) Demotion. Benefits payable to a sick or disabled employee pursuant to this section shall not be reduced as a result of demotion in rank or reduction of basic compensation of the employee during the period of eligibility for the benefits.
(Ord. 1374, passed 1-6-86; Am. Ord. 1445, passed 9-8-87)

' 33.11 VACATIONS.

(A) Scheduling. An employee shall be eligible for paid vacations in accordance with the schedule indicated in division (C) below. The scheduling of vacations shall be made by supervisory personnel in each department for such period of time as is mutually agreeable with the affected employee. In the scheduling of vacations supervisory personnel shall consider the desires of the affected employee, his seniority as an employee with the city, and the manpower requirements and work conditions during the proposed period of vacation. Each department shall prepare a written vacation schedule prior to February 1 of each year.

(B) Seniority.

(1) Senior employees. In order that junior personnel may have a reasonable opportunity to have a summer vacation, employees entitled to more than three weeks of paid annual vacation pursuant to the terms of this section may be assigned no more than three weeks of annual vacation before the annual vacation periods of all other less senior employees within the department have been assigned.

(2) Rescheduling. Unless approved by the applicable department head, assigned annual vacations may not be rescheduled.

(C) Vacation eligibility.

(1) Schedule. The following schedule indicates an employee=s eligibility for annual paid vacation.

Length of Employment (in employment years)	Annual Vacation Eligibility
After 1 year	1 week
After 2 years	2 weeks
After 5 years	3 weeks
After 12 years	4 weeks
After 20 years	5 weeks

(2) Effective date. After an employee=s first employment year, his annual vacation eligibility shall be effective during the entire calendar year in which the employee=s service anniversary date falls.

(D) Postponed vacation. Employees otherwise eligible for vacation benefits pursuant to this section may postpone up to one

week of unused annual paid vacation into the employee=s next subsequent employment year, upon the following conditions.

(1) Use of one week required. The employee must use at least one week of annual paid vacation during the year of eligibility therefor.

(2) Use of postponed days. The postponed vacation days must be used no later than April 30th of the subsequent employment year.

(3) Requests. The postponed vacation days must be requested and assigned prior to February l of the next subsequent employment year.

(4) Postponement in case of emergency. The executive reserves the right to postpone an employee=s vacation under extreme emergency.

(E) Increments of vacation. Subject to the prior approval of the affected department head, up to one vacation week of an employee=s annual paid vacation may be taken in increments of one or more days. Such an employee=s remaining annual paid vacation, if any, must be taken in increments of one working week.

(F) Extended vacation day. An employee shall be eligible for one extended vacation day for every paid holiday, as defined in ' 33.12, which falls within the employee=s period of paid annual vacation.

(G) Part-time and temporary employees. Part-time and temporary employees shall not be entitled to be paid benefits under this section. (Ord. 1374, passed l-6-86; Am. Ord. 1386, passed 4-14-86; Am. Ord. 1445, passed 9-8-87; Am. Ord. 1803, passed 5-9-96)

' 33.12 PAID HOLIDAYS.

(A) Working holidays. An employee who is paid an hourly wage, a foreman, or a non-uniformed police officer who is required to work a paid holiday, as listed in division (B) below, shall be paid at the rate of 2-1/2 times his basic compensation for that day.

(B) Holidays defined.

(1) The following days shall be paid holidays for city employees, for purposes of eligibility for the benefits provided by this section.

(a) New Year=s Day.

(b) Spring Holiday (the Friday prior to Easter Sunday)

(c) Memorial Day.

(d) Independence Day.

(e) Labor Day.

(f) Thanksgiving Day.

(g) The day following Thanksgiving Day.

(h) Christmas Eve Day.

(i) Christmas Day.

(j) New Year=s Eve Day.

(2) Except for uniformed Police, and Fire-Rescue Department employees, when a paid holiday falls on a Saturday, it will be treated as if it has fallen on the preceding Friday; when a paid holiday falls on a Sunday, it will be treated as if it had fallen on the following Monday.

(C) Eligibility.

(1) Except for uniform police and Fire-Rescue Department employees, all remaining hourly employees of the city will not be eligible for the benefits provided pursuant to this section unless the employee:

(a) Works the scheduled workday immediately preceding the holiday for which payment is to be made; and

(b) Works the scheduled workday immediately following the holiday for which payment is to be made, unless the employee produces a physician=s report, satisfactory to the department head, indicating the employee was unable to work on either or both of the days due to illness or injury.

(2) Uniform police and Fire-Rescue Department employees will not be eligible for the benefits provided pursuant to this section unless the employee is engaged in active employment with the city or the employee produces a physician=s report, satisfactory to the department head, indicating the employee is unable to work due to illness or injury.

(D) Police personnel. A uniformed officer of the Police Department who works on a paid holiday shall receive one additional day=s basic compensation for each such holiday worked. A uniformed officer of the Police Department who is not scheduled to work on a scheduled paid holiday shall receive an optional day off on a day approved by the department head, within 30 days after the holiday, in lieu of other benefits payable pursuant to this section.

(E) Fire-Rescue personnel. An employee of the Fire-Rescue Department who works on a paid holiday shall receive an optional day off, on a day approved by the Fire Chief, within 30 days after the holiday in lieu of other benefits payable pursuant to this section.

(F) Part-time and temporary employees. Part-time and temporary employees shall not be entitled to be paid benefits under this section. (Ord. 1374, passed l-6-86; Am. Ord. 1407, passed 9-2-86; Am. Ord. 1803, passed 5-9-96; Am. Ord. 1926, passed 12-21-98)

' 33.13 DISTRESS ABSENCE.

(A) ADISTRESS ABSENCE@ is defined as an absence caused by reasons beyond control of the employee which requires him or her to meet a family duty or obligation he or she would feel he ought to take even if it meant loss of pay. This absence would naturally be to perform a duty which in itself is not a pleasant one and which the employee would be better pleased if the circumstances which brought it about had not occurred.

(B) Generally, employees with less than one year=s service will not be paid for the absence, although circumstances might justify payment with approval of department head and Mayor. Distress days are considered Aworked@ days for benefit purpose.
(Ord. l374, passed l-6-86)

' 33.14 FUNERAL DAYS.

(A) Immediate family. In the event of the death of an employee=s wife, husband, child, mother, father, brother, sister, or other family member residing in the employee=s household, the employee may be granted up to three days off work with pay. The employee=s department head, with the approval of the Mayor, may grant the employee additional paid days off in instances of extreme hardship.

(B) Other relatives. In the event of the death of an employee=s brother-in-law, sister-in-law, mother-in-law, father-in-law, grand-parent, or grandchild, an employee=s department head may grant the employee one day off work with pay. The employee=s department head, with the approval of the Mayor, may grant the employee additional paid days off in instances of extreme hardship.
(Ord. 1374, passed l-6-86)

' 33.15 JURY DUTY.

An employee who is required for jury duty shall be granted a paid leave of absence for those workdays in which the employee=s attendance in court as a juror is actually required. The basic compensation received by the employee shall be reduced by an amount equal to any compensation received for the jury duty.
(Ord. 1374, passed 1-6-86)

' 33.16 LEAVE OF ABSENCE.

A leave of absence without pay or benefits may be granted to an employee by the Board of Public Works and Safety upon his or her written application, for good cause shown, for a period of time not to exceed six months. The employee will be rehired if he or she applies for reinstatement during the granted period of leave. Reemployment of

the employee after the agreed period of leave shall be based upon the availability of the particular job at the same grade or level at the time the employee applies to be reinstated.
(Ord. 1374, passed 1-6-86)

COMPENSATION

' 33.25 OVERTIME PAY.

With the exception of employees of the Fire-Rescue Department, an employee shall be paid at the rate of 1-1/2 times his or her basic compensation for each hour worked in excess of 40 hours per week. An employee may be granted compensatory time off in lieu of overtime compensation, at the rate of 1-1/2 hours off for each hour worked in excess of 40 hours per week, at the discretion of the employee=s supervisor or department head. In the computation of the 40 hours per week for purposes of this section, hours attributable to paid holidays and sick days in a given week shall be included for employees of all departments.
(Ord. 1374, passed 1-6-86; Am. Ord. 1803, passed 5-9-96)

' 33.26 EXEMPT EMPLOYEES.

The following employees shall be exempt from the provisions of _ 33.25:

(A) Chief of Police;

(B) Police Administrative Captain;

(C) Fire-Rescue Chief;

(D) Director of Emergency Management;

(E) Director of Community Development/Planning;

(F) Deputy Building Administrator;

(G) City Engineer;

(H) Parks Director;

(I) Director of Public Works;

(J) Superintendent of Streets and Sidewalks;

(K) Superintendent of Utilities;

(L) Plant Superintendent of Wastewater Utility;

(M) Director of Human Resources;

(N) Chief Deputy Clerk-Treasurer;

(O) Mayor=s secretary;

(P) Mayor=s administrative assistant;

(Q) Special Projects Coordinator;

(R) Tree Administrator; and

(S) Any other position that would qualify as being exempt under the FLSA.
(Ord. 1374, passed 1-6-86; Am. Ord. 1386, passed 4-14-86; Am. Ord. 1803, passed 5-9-96; Am. Ord. 2004-08-25, passed 8-2-04; Am. Ord. 2007-04-14, passed 4-2-07)

' 33.27 ON-CALL TIME.

For each day an employee of the Water Utility, Sewer Utility, Street Department or non-uniformed police officer is on call, he or she shall

receive, in addition to any other benefits payable pursuant to this section, 12 hours= pay.
(Ord. 1374, passed 1-6-86; Am. Ord. 1386, passed 4-14-86; Am. Ord. 1407, passed 9-2-86)

' 33.28 POLICE PERSONNEL.

The city hereby establishes a work period of 28 consecutive days for those uniformed Police Department employees who possess the statutory authority to effect arrests for infractions and crimes, in lieu of a 40-hour workweek applicable to the calculation of overtime compensation for other city employees. Such a uniformed Police Department employee shall either:

(A) Be paid at the rate of 12 times his basic hourly compensation for each hour worked in excess of 160 hours worked during the 28 consecutive day period; or

(B) Be granted, by the department head, compensatory time off in lieu of overtime compensation described in division (A) above, at the rate of l-l/2 hours off for each hour worked in excess of 160 hours worked during the 28 consecutive day period; provided, however, that the employee shall be compensated pursuant to division (A) above, for all overtime hours in excess of 480 such hours per annum.
(Ord. 1374, passed 1-6-86; Am. Ord. 1386, passed 4-14-86; Am. Ord. 1393, passed 6-2-86; Am. Ord. 1407, passed 9-2-86)

' 33.29 COURT APPEARANCE BY POLICE.

Police Department employees shall not be entitled to receive overtime benefits for court appearances during on-duty hours. In the case of job-related court appearances during off-duty hours, a uniformed Police Department employee shall be paid, in addition to any other benefits payable under this subchapter, the sum of $15 for appearance in City Court and the sum of $30 for appearance in any other court. All off-duty court appearance time shall be treated as hours worked, and shall be computed pursuant to ' 33.28, accordingly.
(Ord. 1374, passed l-6-86; Am. Ord. 1407, passed 9-2-86)

' 33.30 CALL-OUTS.

Except for employees of the Fire-Rescue Department, as well as uniformed police officers, off-duty employees who are called out to the job shall be paid at the rate of 1-1/2 times their basic compensation rate for hours worked portal-to-portal.
(Ord. 1374, passed 1-6-86; Am. Ord. 1407, passed 9-2-86; Am. Ord. 1803, passed 5-9-96)

' 33.31 FIRE-RESCUE DEPARTMENT PERSONNEL.

(A) Notwithstanding any provision of this chapter to the contrary, since all full-time employees of the Fire-Rescue Department are engaged in fire protection activities, the city hereby adopts the use of the Section 7(k) partial overtime pay exemption of the Fair

Labor Standards Act of 1938, 29 U.S.C. ' 201 et seq. (ASection 7(k)@) for all full-time employees of the Fire-Rescue Department. In conjunction with the use of Section 7(k), the city further adopts the use of a 28-day tour-of-duty work period (Awork period@) for the purposes of determining compensation for overtime hours worked. Based upon the foregoing, the annual salary for full-time employees of the Fire-Rescue Department as set forth in the city=s annual salary ordinance constitutes straight-time compensation for all regularly scheduled hours of employment during each work period.

(B) Under Section 7(k), all full-time employees of the Fire-Rescue Department will be paid overtime compensation at the rate of 2 time the regular rate of pay for all hours worked between 212 and 216/240 depending upon the employee=s scheduled tour of duty. Full-time employees of the Fire-Rescue Department will be paid overtime compensation at the rate of 1-1/2 times the regular rate of pay for all hours worked in excess of 216/240 depending upon the employee=s regularly scheduled tour of duty.
(Ord. 1386, passed 4-14-86; Am. Ord. 1392, passed 6-2-86; Am. Ord. 1803, passed 5-9-96)

' 33.32 LONGEVITY PAY.

In addition to all other benefits and compensation, employees of the Fire-Rescue Department and Police Department shall receive compensation for longevity in continuous employment, according to the following schedule.

Consecutive Employment Years Completed	Longevity Pay per Month
3	$10
8	20
12	30

(Ord. 1374, passed 1-6-86; Am. Ord. 1803, passed 5-9-96)

' 33.33 CLOTHING ALLOWANCES.

Amounts expended for job-related clothing shall be reimbursed to eligible employees in accordance with the annual clothing allowance established each year by the Board of Works and approved and appropriated by the Common Council.
(Ord. 1374, passed 1-6-86; Am. Ord. 1803, passed 5-9-96)

' 33.34 REIMBURSEMENT FOR EXPENSES.

Certain employee expenses, approved by the Board of Public Works and Safety, shall be reimbursed to the employee; provided, however, that the following rules for such reimbursement shall apply.

(A) Travel claims shall be supported by ticket copies or stubs.

(B) Lodging claims shall be supported by receipts indicating name, location, and charge.

(C) Toll, fuel, and meal claims shall be supported by separate receipts.

(D) Claims may be supported by credit card receipts in lieu of actual vendor receipts.

(E) Personal long distance telephone calls not approved by the employee=s department head, gratuities not part of a receipt for an otherwise reimbursable expense, and expenses for items or services of a personal nature unrelated to any reasonable work purpose, shall not be reimbursed to an employee.

(F) Automobile mileage shall be reimbursed at the rate provided in the annual salary ordinance. However, transportation by personal vehicles may be used only in those instances approved by the department head. An accurate record of odometer readings at the beginning and at the end of any claimed trip shall be maintained and submitted with the claim. Each employee shall have in force sufficient liability insurance, as per the Indiana Financial Responsibility Act, on any personal vehicle used for city business and shall provide certification of said insurance coverage to the clerk/treasurer prior to the use of said vehicle for city business.
(Ord. 1374, passed 1-6-86; Am. Ord. 1614, passed 4-6-92)

Cross-reference:
Reimbursement for promotion of city business, see ' 37.01

' 33.35 REIMBURSEMENT FOR PRESCRIPTION DRUGS.

The city shall reimburse the cost of prescription drugs for full-time employees, their dependent spouses and children, less the sum of $5 for each such prescription or refill of a prescription; provided, however, that such full-time employees shall not be covered by or be a member of applicable medical, health, or hospitalization group insurance carried by the city for its employees; and, provided further, that said full-time employees= dependent spouses or children shall not be eligible for applicable insurance coverage from another source, which insurance would, in the absence of the city=s group insurance coverage, pay for all or part of such prescription drugs.
(Ord. 1428, passed 3-2-87)

' 33.36 PARTIALLY SELF-FUNDED HEALTH INSURANCE PLAN.

(A) A special non-reverting fund for the city=s partially self-funded employee health insurance plan is now created; it shall be designated and known as the ASpecial Non-reverting Employee Health Insurance Fund.@

(B) The Clerk-Treasurer shall transfer from the various department budgets to the Special Non-reverting Employee Health Insurance Fund an amount equal to the maximum claim level, plus an amount equal to the administrative costs for the third-party administrator or, its successors, for the remainder of 2000 and thereafter.

(C) Upon the completion of the transfers to the Special Non-reverting Employee Health Insurance Fund, the Clerk-Treasurer is authorized to make payment, without any further appropriated, of the maximum claim level plus any administrative costs for 2000, and thereafter, to the third-party administrator, or its successor, for the purposes of administering this plan.

(D) The Clerk-Treasurer is further directed and authorized, to establish a separate line item in the Special Non-reverting Employee Health Insurance Fund entitled the ARetiree=s Non-reverting Insurance Fund,@ and to transfer into that line item all funds from the Board of Public Works and Safety Employee Benefits Retirees= Insurance Fund, for 2000 and thereafter, and to make any payments required, without further appropriation, therefrom for the payment of health insurance for retirees that meet the requirements of I.C. 5-10-8-2.6.

(E) The Special Non-reverting Employee Health Insurance Fund and the Retiree=s Non-reverting Insurance Fund created under divisions (A) and (D) above are hereby merged and the Clerk-Treasurer is hereby authorized to transfer said funds into a new line item now created and entitled Employee and Retiree Non-reverting Insurance Fund.

(F) (1) A new line item is hereby created and the Account Series 086 shall now have two line items to wit: AEmployee and Retiree Non-Reverting Insurance Fund@ bearing line item/Account No. 086 20-3958 and AWorker=s Comp Expenses@ bearing line item/Account No. 086 20-3960.

(2) The Clerk-Treasurer is directed and authorized to transfer into this new account those amounts that would have been paid from various departments for worker=s compensation premiums into line item 086 20-3960 pursuant to Ordinance 2004 '4 and Ordinance 2010-05-07 in 2013 with annual review of said procedure by the Common Council.

(3) The Clerk-Treasurer shall be authorized, with Council approval to, from time to time, as needs occur, transfer from one of the above line items to the other.
(Ord. 2004, passed 12-27-00; Am. Ord. 2010-05-07, passed 6-7-10; Am. Ord. 2012-12-35, passed 12-20-12)

' 33.37 RETIREE HEALTH INSURANCE PROGRAM.

The city hereby establishes a retiree health insurance program with the following schedule of requirements and benefits.

(A) Eligibility: A city employee who meets the following requirements:

(1) The employee must be eligible to receive a pension based only upon years of service earned with the city.

(2) Should the former employee gain future employment that offers health insurance that new employer=s plan shall be the primary carrier and not combined with the City Plan.

(B) This program shall offer three types of plans to employees who meet the eligibility requirements stated in division (A) above:

(1) Individual H.S.A. Account ($2,500 deductible).

(2) Family H.S.A. Account ($5,000 deductible).

(3) Medicare Supplement ($5,000 lifetime amount).

(C) The above stated plans are subject to monthly premium amounts to be paid by the retiree and deposited into the Employee=s Insurance Funding Pool:

(1) Individual H.S.A. Account: $100 per month that does not apply to retiree=s H.S.A. contribution.

(2) Family H.S.A. Account: $200 per month that does not apply to retiree=s H.S.A. contribution.

(3) The employees electing under division (B)(3) above (Medicare Supplement) shall bear no cost for their election and are directed to division (E)(4) below.

(D) The program shall receive further funding by each full time employee=s contribution by payroll deduction of an amount not to exceed $10 per month into the Employee=s Insurance Funding Pool.

(E) The city shall contribute to the funding of the retiree=s health care program in the following manner:

(1) The city will continue its contribution to the Employee=s Insurance Funding Pool annually in the amount of $82,800.

(2) If an employment position is eliminated and that said employee qualifies for health insurance, then 25% of that salary will be deposited in the Employee=s Insurance Funding Pool. That deposited amount will be applied and a reduction to the funding set forth in division (D) above in the following fiscal year. The deposited amount will continue to be placed into the Employee=s Insurance Funding Pool on a yearly basis or until the $82,800 is matched by work force reductions.

(3) Employees that elect to retire after the effective date of the 2014 amendment to this section will receive a one-time fully funded H.S.A. contribution into their accounts for the following year. Contributions are limited to the amount of $5,000 per employee.

(4) Employees that elect to retire and are not eligible to receive a H.S.A. insurance plan will be provided with $250 per year (maximum payment of $5,000) of continuous service with the city to aid in the Medicare supplement plan.

(F) The insurance coverage specified in the above plans may, from time to time, be amended, modified or replaced by alternative coverage. (Ord. 2002-02-04, As Amended, passed 11-1-10; Am. Ord. 2014-11-28, passed 11-3-14)

APPLICATIONS TO POLICE AND FIRE-RESCUE DEPARTMENTS

' 33.40 MEDICAL AND PSYCHOLOGICAL EXAMINATION.

After an applicant for the Police or Fire-Rescue Departments has been offered employment but prior to the commencement of active employment, the new hire shall be required to submit to a medical examination and a psychological examination conducted by such physicians, psychiatrists, and psychologists as may be selected by the Board of Public Works and Safety. The Board shall pay for all such required examinations. The new hire shall be required to disclose to the Board, and to the physicians, psychiatrists, and psychologists examining him/her, his/her full medical and psychological histories.

The new hire=s failure to fully disclose such medical or psychological history during the application process shall be grounds for denial of employment benefits and grounds for disciplinary action, including but not limited to discharge.
(Ord. 1374, passed 1-6-86; Am. Ord. 1803, passed 5-9-96)

' 33.41 ACKNOWLEDGMENT OF BENEFITS.

(A) An applicant shall be provided with a written explanation of employee benefits and shall acknowledge his/her understanding thereof and agreement thereto, in writing, as a condition of employment.

(B) Each applicant to the Crown Point Police Department who shall be required to take a written examination as a part of the application and hiring process shall pay a non-refundable examination fee of $25 per examination. This fee is due and payable before the applicant may sit for the examination.
(Ord. 1374, passed 1-6-86; Am. Ord. 1803, passed 5-9-96; Am. Ord. 2004-12-42, passed 12-6-04)

OTHER POLICIES

' 33.50 CREDIT FOR FULL-TIME STATUS; BRIDGING OF SERVICE.

An employee shall receive credit for full-time city employment prior to his service anniversary date only after having completed three consecutive years of employment. The credit shall be for purposes of computing annual paid vacation and for longevity pay. For purposes of computing time in service for police and fire pension, an employee shall receive full credit for all such prior city employment.
(Ord. 1374, passed 1-6-86)

' 33.51 MANDATORY RETIREMENT AGE.

A full-time employee shall be required to retire from employment when he has attained the age of 70 elapsed years.
(Ord. 1374, passed 1-6-86)

' 33.52 PROBATIONARY EMPLOYEES.

A probationary employee may be discharged or demoted without cause at any time during the probationary period.
(Ord. 1374, passed 1-6-86)

' 33.53 TELECOMMUNICATORS= LUNCHES.

Unless an emergency situation exists, telecommunicators employed by the city shall be provided a 30-minute lunch period at a place away from their work station. The lunch period is deemed worked time as the employee will be available to perform his regular duties during same. No compensation other than the employee=s basic compensation shall be paid for any lunch period.
(Ord. 1374, passed 1-6-86)

' 33.54 SUPERVISION OF RELATIVES.

An employee shall be disqualified to work in a department in which his supervisor or department head is related to him by blood or by marriage, which relatives shall include the following: spouse, parent, child, grandchild, brother, sister, brother-in-law, sister-in-law, niece, nephew, uncle, or aunt. This restriction shall not apply to a part-time or temporary employee.
(Ord. 1374, passed 1-6-86)

' 33.55 LIMITATION ON THE POSSESSION OF FIREARMS.

(A) No employee or agent of the city, whether full or part-time, paid or volunteer, other than a duly sworn city police officer shall carry or possess upon their person a firearm or other deadly weapon during working hours, while on duty, or while otherwise engaged in city business.

(B) No employee of the city, whether full or part-time, paid or volunteer, other than a duly sworn city police officer shall carry or possess upon their person a firearm or other deadly weapon while wearing a uniform or other clothing indicating he or she is an employee, agent or volunteer of the city, whether off duty or on duty, during, before, or after working hours and whether actually engaged in city business or otherwise.

(C) The General Services Officer (GSO) of the Police Department shall be exempt from the prohibitions contained in this section if the Chief of Police grants the GSO approval to carry an unconcealed handgun for their own personal safety, however, such exemption shall be subject to any conditions or limitations the Chief may impose at any time and the right of the Chief to revoke said permission at any time and for any reason and shall not be effective unless and until the Chief files a written certification with the Clerk-Treasurer that:

(1) The Chief grants the GSO permission to carry an unconcealed handgun subject to any conditions or limitations imposed by the Chief;

(2) The GSO has successfully completed all firearms and other training required by the Chief;

(3) The GSO has successfully passed all psychological testing required for the hiring of a sworn police officer;

(4) The GSO has been issued a valid handgun permit by the state; and

(5) The city=s insurance carrier will provide liability coverage for the GSO equivalent to the coverages provided to sworn police officers.
(Ord. 1615, passed 4-6-92; Am. Ord. 2002-10-51, passed 11-4-02)

' 33.56 EMPLOYEE INCENTIVE PLAN.

(A) An employee cost saving incentive program is hereby established for all employees of the city, except elected officials and department heads, pursuant to I.C. 36-1-13.

(1) The Board of Public Works and Safety is hereby designated as the entity to review cost saving measures and suggestions submitted by any employee and to determine whether a cost saving measure or suggestion is entitled to an award under the program.

(2) The Board shall consider the following criteria when determining an award:

(a) The actual or anticipated amount of cost savings or benefits to the city;

(b) The duration of length of time any actual or anticipated cost savings or benefit will be realized by the city;

(c) The time the employee=s suggestion or plan will require for full implementation;

(d) Whether or not the employee=s suggestion or plan is implemented by the city within five years of the suggestion and the actual results of its implementation.

(e) The actual costs, financial or otherwise, of implementing the suggestion, plan or program;

(f) The effect of the suggestion, plan or program on the quality and quantity of the services rendered to the residents of the city;

(g) The eligibility of the employee, measure or suggestion for an award;

(h) The time and effort expended by the employee in developing the cost saving measure or suggestion and the originality of the suggestion; and

(i) Any other criteria that the Board deems relevant in fairly and reasonably evaluating a cost saving measure or suggestion of an employee including the originality of the employees suggestion or plan.

(3) The maximum amount awarded to any individual employee shall be 10% of the net savings per year, for a maximum period of three years, with the aggregate award over said three-year period not to exceed the sum of $500. However, in the case of a cost saving measure or suggestion that is jointly submitted by two or more employees, then each

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qualified employee of the group shall share equally in the total sum awarded up to a maximum amount of $500 per qualified employee, not to exceed the aggregate amount of $2,500 for the group.

(4) The payment of any monetary award shall be made only after final approval by the Board and upon submission of an appropriate claim for said monetary award that is approved by the city.

(5) All cost saving measures or suggestions by employees for an award shall be submitted in triplicate to the office of the Clerk/Treasurer on a form approved by the Board. Each form filed with the Clerk/Treasurer=s office shall be appropriately time and date stamped at the time of delivery by the employee. The original shall be retained in the records of the Clerk/Treasurer, one copy delivered to the office of the Mayor and one copy shall be returned to the filing employee. In the event of a dispute over the order or timeliness of the filing of any cost savings measure or suggestion the decision of the Board shall be final.

(6) All cost saving measures or suggestions submitted to the city under this section shall remain the sole and separate property of the city whether or not said cost saving measure or suggestion actually results in an award to the submitting employee.

(B) The funding of this program shall be implemented by the creation of a Aemployee cost saving awards@ line item in each budget, beginning with the 1995 budgetary year, and each year thereafter. (Ord. 1711, passed 6-6-94)

' 33.57 DOWNSIZING OF WORKFORCE.

(A) Purpose.

(1) To provide established guidelines to reduce the workforce while ensuring that minimal disruption is caused to employees and the city in carrying out and delivering the highest quality services.

(2) The city=s policy is to determine on a cost and service basis those specific jobs and/or job classifications in which the reduction in force is to occur. The primary consideration will be to retain the proper number of employees in those classifications that will be most essential for the continued provision of quality service.

(B) Definition. ADOWNSIZING OF WORKFORCE.@ A termination of employment status because of economic conditions, and/or elimination of services. The termination is considered to be indefinite with no opportunity for recall.

(C) Procedure.

(1) The decision to initiate a downsizing of workforce will emanate from a Department Head or the Mayor.

(2) Once a determination has been made relative to an operating expense reduction each Department Head will be advised to present a plan for their department.

(a) In preparation of the plan, the following factors will be used in determining the employees to be affected by a downsizing of workforce:

1. Determination as to whether a specific position is surplus or redundant.

2. Determination as to whether a specific classification of jobs is surplus or redundant.

(b) In cases where a position is determined to be surplus or redundant, or where a specific classification of jobs is considered surplus or redundant or needs to be reduced the downsizing of workforce will be based upon:

1. Documented ability and fitness to perform the required work.

2. Length of service where equal qualifications exist, as set forth in 1. above.

(3) Before a downsizing of workforce occurs attempts shall be made to place affected employee(s) into alternate available positions for which they have fitness and ability to perform.

(a) Employees with documented performance problems within the previous six months will not be permitted to fill vacant positions.

(4) When an employee is to be affected by a downsizing of workforce the employee will whenever possible, be given advance notice of four weeks.

(5) Employees affected by a downsizing of workforce are considered terminated after the last day of the period of notice.

(a) Notification. The employees affected by this process will be informed by the Department Head in advance of the date of which the reduction is to occur.

(6) Fringe Benefits. Benefits for employees affected by the downsizing of workforce will be terminated in the following fashion:

(a) Health, Dental and Vision Benefits. Coverages will be effective through the end of the month in which the reduction actually occurs. Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) affected employees are then eligible to continue their health care benefit package at a pre-determined cost for up to 18 months. The employee will incur the cost for this benefit after the month in which the downsizing of workforce goes into effect.

(b) Life Insurance. Coverage shall terminate at the end of the second month in which the downsizing of workforce occurs.

(c) Holidays and Vacation Days. Employees shall be compensated for these benefits in accordance with the policy presently applicable to resignations.

(d) Unemployment Compensation. Affected employees will be informed of their eligibility to file a claim with the State of Indiana.

(e) Other Benefits. All other benefits will be handled in accordance with policies presently applicable to resignation.

(7) Employees who were affected by a downsizing of workforce may be rehired at the discretion of the city without seniority rights. However, seniority rights will not be lost if the rehiring is within six months of the termination.
(Ord. 1886-A, passed 3-2-98)

' 33.58 COMPUTER USAGE.

(A) Purpose. The city has available Electronic Mail Messaging as one mode of communication. The city expects that employees and officials with access to Electronic Mail messaging (E-Mail), computer usage, and Internet access will strictly conform to the restrictions of this policy. This policy describes the city=s organizational position on the use of E-Mail, computer usage, and Internet access so that employees and officials clearly understand and uphold its intended use. This policy sets forth the city=s policy on access to and disclosure of E-Mail sent or received by city employees and officials who use the

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E-Mail system, on the proper use of the E-Mail system in general, on the proper use of the computer system and on the proper use of the Internet access.

(B) Policy.

(1) All E-Mail communication and stored information transmitted received, or contained in the city=s computer information system are the property of the city and as such are to be used solely for job-related purposes.

(2) The use of E-Mail, computer usage, and Internet access for private purposes is strictly prohibited.

(3) In order to ensure that the use of E-Mail, computer usage, and Internet access is consistent with the city=s legitimate business interests, authorized representatives of the city, as designated by the Board of Public Works, may monitor the use of the E-Mail system, the Internet access system and the computer information system from time to time.

(4) In keeping with the work related intent of the E-Mail system, computer system and Internet access the electronic mail and other information systems of the city are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

(5) There shall not be any display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of E-Mail, computers or Internet access communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.

(6) The E-Mail, computer and Internet access systems shall not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

(7) In order to ensure system integrity and conformance to city policies, only those employees and officials who have signed the Computer Usage Agreement, Exhibit AA@ attached hereto, will be give access and allowed to use the E-Mail, computer and Internet access systems.

(8) Utilization of another employee=s or official=s passwords or mailbox is considered a violation of city confidentiality, and will be subject to corrective action.

(C) Sanctions. Violation of these policies and procedures is subject to corrective action, up to and including termination.
(Ord. 1883, passed 3-2-98)

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' 33.59 POLICY PROHIBITING HARASSMENT AND SEXUAL HARASSMENT.

(A) Policy statement. All employees and officials must be allowed to work in an environment free from any type of harassment based on race, color, religion, ancestry, national origin, sex, age, disability, veteran status, sexual orientation, political ideology, or any other protected characteristics. The city will not tolerate or condone harassment of its employees or officials in any form whether committed by officials, supervisory personnel, non-supervisory personnel or by non-employees.

(B) Definition of AHARASSMENT.@

(1) Discriminatory harassment includes verbal or physical conduct designed to threaten, intimidate, offend, demean, or coerce; and may impair an employee=s ability to do his or her job. Harassment may take on many forms such as:

(a) Gestures, or physical acts;

(b) Slurs;

(c) Taunting;

(d) Verbal abuse or epithets;

(e) Comments or jokes;

(f) Displaying derogatory objects, cartoons, posters;

(g) Drawings, or pictures;

(2) Harassment may also be any unwelcome or offensive conduct relating to an individual=s race, color, religion, ancestry, national origin, sexual orientation, sex, age, disability, veteran status, political ideology, or other protected characteristics.

(C) Definition of ASEXUAL HARASSMENT.@

ASEXUAL HARASSMENT@ is a form of misconduct which undermines the integrity of the employment relationship. It is also a violation of the law and will not be tolerated. Sexual harassment, as defined by the Equal Opportunity Commission and stated below, is expressly prohibited:

> AUnwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of the individual=s employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual=s work performance or

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creating an intimidating, hostile or offensive working environment@ (Equal Employment Opportunity Commission, 29CFR Part 1604.11 45FR25024, AGuidelines on Discrimination Because of Sex@)

The definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list:

(1) Unwanted sexual advances.

(2) Making or threatening reprisals after a negative response to sexual advances.

(3) Visual conduct; leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters.

(4) Verbal conduct, making or using derogatory comments, epithets, slurs, or jokes.

(5) Verbal sexual advances or propositions.

(6) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual=s body, sexually degrading words used to describe an individual.

(7) Suggestive or obscene letters, notes or invitations.

(8) Physical conduct: touching, assaulting, impeding, or blocking movements.

(D) Prohibited conduct. No employee shall directly or indirectly:

(1) Threaten or insinuate that another employee=s refusal to submit to sexual advances will adversely affect that employee=s relationship with the city, work status evaluation, wages, advancement, assigned duties, or any other condition of employment;

(2) Promise, imply or grant preferential treatment in connection with another employee engaging in sexual conduct; or,

(3) Abuse the dignity of another employee through insulting or degrading sexual remarks or conduct.

(E) Reporting an incident.

(1) Any incident of perceived harassment or sexual harassment should be reported as quickly as possible, in confidence, to the immediate Department Head or Mayor so that an immediate investigation may be conducted. If that should prove uncomfortable for some reason, any employee who believes that he or she has been the

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subject of harassment or sexual harassment may directly contact any manager. Any manager so notified, must immediately bring the matter to the attention of the Mayor.

(2) Every effort will be made to promptly investigate any allegation of harassment or sexual harassment in as confidential a manner as possible and practical to the extent permitted by applicable law, and appropriate action will be taken where warranted. In addition, the city will fully investigate and make every effort to correct such behavior committed by non-employees. The employee who registers a complaint will be advised of the determination of the investigation.

(F) Retaliation prohibited. The city will not in any way retaliate against an employee who makes a report of harassment or sexual harassment in good faith, nor will it permit any manager or employee to do so. Retaliation is a serious violation of this policy that should be reported immediately. Any person found to have retaliated against an employee for making a harassment or sexual harassment complaint will be subject to disciplinary action up to, and including, termination.

(G) Sanctions. Any employee who is determined, after an investigation, to have engaged in harassment or sexual harassment in violation of this policy will be subject to corrective action including possible termination.
(Ord. 1884, passed 3-2-98)

' 33.60 NON-UNIFORMED EMPLOYEE RULES OF CONDUCT, DISCIPLINE RULES AND GRIEVANCE PROCEDURE.

(A) Rules of conduct.

(1) Purpose. Reasonable rules of conduct are necessary for the safety and protection of all employees and for the efficient and productive operation of the city. Such rules are established with the goal of achieving mutual understanding with all employees regarding the limits of acceptable behavior, and should be fairly and equitably administered by all supervisors, managers and officials. The following examples of conduct should not be considered as an exhaustive list, but rather serve to provide an indication of types of unacceptable behavior and resultant consequences. This list does not constitute a contract of employment, and employment can be terminated with or without notice at any time by either the employee or the city.

(2) Schedule of lesser offenses. An employee who chooses to act in an irresponsible manner in one or more of the ways listed below can generally anticipate progressive discipline as outlined in this section:

(a) Failure to complete and sign time cards in accordance with established procedures.

(b) Failure to come to work in a timely manner.

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(c) Abuse or excessive use of unexcused absences.

(d) Failure to advise supervisor of intended absence or tardiness.

(e) Failure to use city property in a proper, careful and considerate manner.

(f) Failure to observe safety rules and regulations.

(g) Failure to contribute to acceptable discipline and efficiency.

(h) Unacceptable correction of unsatisfactory job performance or practices.

(3) Schedule of greater offenses. An employee who chooses to act in an irresponsible manner in one or more of the ways listed below can generally anticipate immediate suspension or discharge:

(a) Charges of sexual harassment or other harassment found to be valid.

(b) Fighting or any violent act or conduct endangering the safety or health of others.

(c) Accepting gifts or favors for personal use of more than token value (in excess of $50) from anyone doing or seeking to do business with the city.

(d) Falsification of any city records, including time cards, employment applications, or other city information or records.

(e) Deliberately accessing confidential files, information or data without permission.

(f) Removing city property or the property of others from the premises without proper authorization.

(g) Theft of employee or city property.

(h) Defacing, destroying or damaging city property or the property of others.

(i) Possession of weapons or explosives on city premises.

(j) Being under the influence of alcohol or illicit drugs while at work.

(k) Possession or use of alcohol or illicit drugs on city premises.

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(l) Insubordination, which is defined as the refusal or failure to follow the directive of a supervisor or member of management, or the refusal to comply with an established procedure when the refusal or failure would create a hazardous or harmful condition, would cause injury to an individual or property, or would constitute a violation of Indiana law.

(4) Retaliation prohibited. The city will take diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations regarding misconduct. Retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith, will be considered a violation of the rules of conduct.

(B) Employee discipline.

(1) Purpose. The city is committed to establishing and maintaining supervisory practices and procedures which support effective operations in the interest of the organization and its employees. Such procedures may include the administration of discipline in instances where employees have exceeded the limits of acceptable behavior or performance. This recognizes the fact that employment with the city is voluntarily entered into, and employees have the right to resign at any time, with or without notice, to pursue other opportunities. Similarly, the city has the right to terminate the employment relationship with or without notice at any time. The following procedure does not apply to probationary period employees.

(2) Major elements of policy. The major elements of the City=s Discipline policy include:

(a) Constructive efforts by the supervisor toward helping employees achieve fully satisfactory standards of conduct and job performance;

(b) Progressive discipline to assist in the correction of unacceptable or negative employee behavior;

(c) Sufficient notice to employees that discharge may result from choosing not to observe standards of conduct or satisfactory job performance;

(d) Documentation of disciplinary warnings and measures taken;

(e) Notification of the Mayor in advance of all disciplinary actions whenever possible.

(3) Steps of discipline procedure. Efforts toward progressive discipline should conform to the following pattern. However, the severity of the occurrence will determine at which step to begin the procedure.

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(a) Step 1: Verbal Warning. For minor offenses, the employee should be given a verbal warning. The immediate supervisor will discuss the problem with the employee (in private, if possible) as soon as possible after the incident or awareness of the problem occurs. He or she will point out why correction is necessary, suggest ways to improve, and specify the time period during which the behavior must improve. The immediate supervisor will write up a brief summary of the discussion for future reference. This documentation will not be placed in the employee=s permanent personnel file unless further action becomes necessary. If this does not correct the situation within a reasonable length of time, the immediate supervisor may repeat the measure or use the next step of the procedure.

(b) Step 2: Written Warning. For a repeated minor offense, or a more substantial offense, the employee may be give a written warning. The Department Head will prepare a written notice which outlines the problem, specifies the improvement required, refers to any pervious action taken, and specifies an approximate date when the employee and Department Head will meet again to discuss the employee=s progress. The employee should read, sign and receive a copy of the written warning. If the employee refuses to sign it, this should be written on the warning by the Department Head. This warning will then be will be placed in the employee=s personnel file. If the written warning does not correct the situation within a reasonable length of time, the Department Head may repeat the measure or take the steps required to suspend or discharge the employee.

(c) Step 3: Suspension. Suspension may occur as the next step in the discipline process after a written warning; or because the offense is so serious that a prior warning is not warranted; or because a Department Head must take immediate action because discharge appears warranted but the Department Head needs time for a investigation to be conducted to determine if discharge is the proper action. Suspension is for a specified period and, except for exceptional circumstances, is without pay.

(d) Step 4: Discharge. In those cases where previous measures to encourage an employee to conform with acceptable standards of conduct or job performance have been unsuccessful, or in cases of serious offenses, discharge may be warranted. If the Department Head is satisfied that the conditions for discharge are satisfactorily met, and the Mayor concurs, discharge should be initiated. Circumstances which led to the decision to discharge the employee should be documented by the Department Head and placed in the employee=s personnel file. Following discharge, it is the Department Head=s responsibility to collect city property in the employee=s possession (such as key and equipment). Any delay in the return of city property could cause a delay in the issuance of the employee=s final paycheck. A discharged employee who feels the action is unfair or unjustified may submit the matter to the Grievance Procedure.

(4) Documentation. Documentation of disciplinary action will become part of the employee=s personnel file. If no related

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disciplinary measures are recorded within an 18-month period, the employee may request that the documentation be removed from his/her personnel file.

(C) Grievance procedure.

(1) Purpose. The purpose of the non-uniformed employee appeal procedure is to provide a means for employees to resolve their workplace concerns with their supervisors and managers. A grievance is to address an alleged misapplication of city employment policies. The procedure here established represents an intent to have a dispute resolution mechanism for the employees of the city. This recognizes the fact that employment with the city is voluntarily entered into, and employees have the right to resign at any time, with or without notice, to pursue other opportunities. Similarly, the city has the right to terminate the employment relationship with or without notice at any time.

(2) Step 1: Any eligible employee wishing to bring a grievance shall address it in writing first to their immediate supervisor. This shall be done within ten days of the action giving rise to the grievance. The immediate supervisor shall act within 72 hours to set a face-to-face meeting with the employee which meeting shall take place not later than ten days from receipt of the written grievance. Both the immediate supervisor and the employee shall make a good faith effort to resolve the grievance at the face-to-face meeting. The immediate supervisor shall issue a written decision within 72 hours of the meeting. If the employee does not accept the written Step 1 decision as final, then the employee may go on to Step 2.

(3) Step 2: Any eligible employee in receipt of a Step 1 written decision may appeal that decision, in writing, to their Department Head. The Department Head shall act within 72 hours to set a face-to-face meeting with the employee which meeting shall take place not later than ten days from receipt of the written grievance by the Department Head. At the face-to-face meeting both the Department Head and the employee may have one representative or advisor present of their own selection. The representatives or advisors may participate in the meeting. The department head shall issue a written decision within 72 hours of the meeting. If the employee does not accept the Step 2 written decision as final, they may go on to Step 3.

(4) Step 3. Any eligible employee in receipt of a Step 2 written decision may appeal that decision, in writing, to the Mayor. The Mayor may hold a face-to-face meeting with the employee on the grievance not sooner than 72 hours, nor later than ten days, from receipt of the written appeal. The Mayor may elect not to set a meeting. If the Mayor does not set a meeting within the ten days, the decision of the Department Head stands without change. If the Mayor does elect to set a meeting, it may be attended by the Department Head, the Mayor, the employee and one representative or advisor selected by each. The representatives or advisors may participate in the meeting.

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After such a hearing the Mayor may act within ten days to issue a written decision which decision is final. If the Mayor does not act by written decision within that time, the decision of the Department Head shall stand without change as final.

(5) Indiana law. Nothing contained in this grievance procedure shall limit the rights of either the City or the employee under Indiana Law.
(Ord. 1887, passed 3-2-98)

' 33.61 EARLY SEPARATION INCENTIVE PLAN.

An early separation incentive plan is hereby established subject to the following:

(A) Eligibility for said plan is determined by employees meeting the following requirements:

(1) Employees under the age of 65, who are able to retire, receive a pension and qualify for retiree=s insurance.

(2) Employees at the age of 65 and older who are able to retire and receive a pension.

(3) Employees under the age of 65 (with at least five years of continuous employment) who do not qualify to receive a pension.

(4) Employees at the age of 65 and older (with at least five years continuous employment) that do not qualify to receive a pension.

(B) Those employees meeting the above categories of eligibility and selecting the early separation incentive plan shall be entitled to the following benefits:

(1) A one-time cash bonus of $300 for each year of continuous employment with the city.

(2) Employees who qualify for division (A)(1) above shall receive a one-time cash bonus of $600 for each year of continuous employment with the city providing they opt out of the retiree=s insurance program.

(C) The registration period for the plan shall commence each calendar year on October 1 and close December 31 with an effective separation date of December 31 of said calendar year and the availability of said plan is subject to annual review by the Mayor and the Common Council.

(D) The one-time cash bonus check will be issued to each employee and each employee will receive an Internal Revenue Form 1099 for the entire amount of said bonus. No taxes will be withheld from said bonus check and employees will be subject to taxation on the entire amount of said bonus check. Employees are encouraged to consult their own tax advisors regarding this disbursement and the city gives no tax advice concerning this issue.

(E) The funding source for the plan shall be from each electing employee=s own department=s line item entitled AOther Services and Charges@ or AProfessional Services@ and the Clerk-Treasurer is hereby authorized to make such charges against said account line items and to do all things necessary to implement the intent of this plan including the effectuating of resolution or ordinance transfers to fund said plan.
(Ord. 2010-11-22, passed 11-1-10; Am. Ord. 2012-12-32, passed - -12)

CHAPTER 34: POLICE DEPARTMENT

Section

34.0l Police department

Police Pension Board

34.l0 Establishment of police pension fund
34.ll Members of board
34.l2 Receiving of gifts and property donations
34.l3 Police surgeon
34.l4 Providing funding
34.l5 Inclusion in the budget
34.l6 Policemen shall be residents of city
34.l7 Death benefit
34.18 Non-Reverting Fund

Cross-reference:
Alarm systems, see Chapter 97
Employment policies and procedures, see Chapter 33
Vehicle inspection fees collected by peace officers, see ' 70.l7

' 34.0l POLICE DEPARTMENT.

The police department shall be composed of a Chief of Police and such other personnel, by rank, as shall be authorized in the annual budget ordinance for police personnel. During the city=s fiscal year, deviations in police department personnel ranks shall only be allowed in the ranks of patrolman first class, patrolman second class, and probationary patrolman. However, the total number of personnel in the ranks of patrolman first class, patrolman second class, and probationary patrolman shall not exceed the total number of personnel authorized for those three ranks in the then current budget ordinance. (Ord. 724, passed 7-25-66; Am. Ord. l362, passed l0-7-85)

POLICE PENSION BOARD

' 34.l0 ESTABLISHMENT OF POLICE FUND.

There shall be immediately organized, a police pension board for the city pursuant to state law. Those portions cf state law applicable to cities of the fourth class shall be followed in the organization and operation of the pension board and the board of trustees of the pension fund of the city.
(Ord. 669, passed l2-28-60)

' 34.ll MEMBERS OF BOARD.

The number of members of the board of the city shall be 7. The mayor, clerk-treasurer and chief of police shall be members of the board, to which shall be added 4 active members in good standing of the police force of the city, one of which shall serve temporarily and until there is a qualified retired member of the force who is qualified and appointed. (Ord. 669, passed l2-28-60)

' 34.l2 RECEIVING OF GIFTS AND PROPERTY DONATIONS.

These designated members of the board of trustees shall meet and organize as soon as practicable and shall set up the machinery for receiving gifts and property donations to such purpose and also shall fix and determine the assessment of members of the police force, who shall automatically become members of such fund and shall be assessable as the benefits of the fund, as shall be prescribed by the board and provided by law. (Ord. 669, passed l2-28-60)

' 34.l3 POLICE SURGEON.

There shall be selected, as provided by law, a police surgeon who shall perform the duties as police surgeon for the board of trustees and the police members of the fund.
(Ord. 669, passed l2-28-60)

' 34.l4 PROVIDING FUNDING.

The board of trustees, shall set up and provide for the police pension fund as set forth in state statute, and shall compile and set up a financial schedule which shall provide the necessary funds according to the requirements of state statute. Any funds which must be raised by a levy must be assessed against all taxable property in the city, and shall be divided as provided by state statute and shall be certified through the mayor and the board of trustees, as necessary to be raised for the fiscal year. The mayor shall include in his budget estimates, the amount and levy so certified by the board of trustees of the police pension fund.
(Ord. 669, passed l2-28-60)

' 34.l5 INCLUSION IN THE BUDGET.

The board of trustees of the police pension fund shall meet and organize as soon as practicable for the purpose of determining the necessary funds to be raised and budgeted for the year. The board shall compile this information and cause it to be set up in convenient and legal form and delivered to the mayor for use in his budget estimate at least 5 days before the budget estimate is due to be completed by the mayor and presented to the council.

The council shall approve and recommend a list of by-laws for the information of the members of the pension fund board and the officers thereof. This list shall contain the names and addresses and dates of beginning of active service of each and all of the members of the present police force and recommend that the board retain the list as part of its records and make such use of it as the board or its officers may desire.
(Ord. 669, passed l2-28-60)

' 34.l6 POLICEMEN SHALL BE RESIDENTS OF CITY.

Policemen shall be, and while serving, remain, residents of the

city. (Ord. 669, passed l2-28-60)

' 34.l7 DEATH BENEFIT.

The death benefit of the police pension fund is hereby increased to $l800. (Ord. 858, passed 7-2-73)

' 34.18 NON-REVERTING FUND.

(A) Crown Point Police Department Federal Non-Reverting Property Seizure Fund. A special non-reverting fund is hereby established for the Police Department which shall be known as the ACrown Point Police Department Federal Non-Reverting Property Seizure Fund@. All funds, monies or fees recovered under any federal drug law, rule or regulation providing for property or asset seizure shall not revert to the general fund of the city but shall revert and be placed in this fund for the exclusive and sole use by the Police Department for any law enforcement purpose.

(B) Crown Point Police Department State Non-Reverting Property Seizure Fund. A special non-reverting fund is hereby established for the Police Department which shall be known as the ACrown Point Police Department State Non-Reverting Property Seizure Fund@. All funds, monies or fees recovered under any Indiana state drug law, rule or regulation providing for property or asset seizure shall not revert to the general fund of the city but shall revert and be placed in this fund for the exclusive and sole use by the Police Department for any law enforcement purpose.
(Ord. 1839, passed 3-10-97)

CHAPTER 35: FIRE-RESCUE DEPARTMENT

Section

35.01 Mission statement and regulations regarding Fire-Rescue Department
35.02 Requirements
35.03 Duties of officers
35.04 Joint fire protection
35.05 Reimbursement for fire, safety and rescue responses and hazardous material and environmental incidents

Firemen=s Pension Fund

35.10 Pension Fund established
35.11 Board of Trustees established
35.12 Hazardous materials reimbursement

Cross-reference:
Employment policies and procedures, see Chapter 33
Bureau of Fire Prevention, see '' 91.01 through 91.04
Alarm systems, see Chapter 97

' 35.01 MISSION STATEMENT AND REGULATIONS REGARDING FIRE-RESCUE DEPARTMENT.

(A) The general mission of the Fire-Rescue Department is to provide all necessary and indispensable powers and procedures reasonably needed to prevent, cope with or make more tolerable emergency conditions. The services to be provided include, but are not limited to, firefighting, rescue operations, emergency medical services, hazardous material mitigation including chemical and radioactive releases, disaster preparedness, and the establishment of command and control structures. The Fire-Rescue Department shall do everything necessary, proper, advisable or convenient for the accomplishment of any of the purposes, or the attainment of any of the objectives or the furtherance of any of the powers herein set forth, and to do every other act and thing incidental thereto or connected therewith, which is not forbidden by the laws of the state or the ordinances of the city.

(B) All powers, both ministerial and discretionary, as conferred herein, shall be construed as intending to supplement and augment, and not to limit, any other power or reasonable exercise of discretion which may ordinarily pertain to municipal officers, employees, departments and agencies.

(C) The Fire Chief, subject to the approval of the Board of Works and Public Safety, shall establish rules and regulations for the method of giving and receiving requests for service under this chapter and said rules or regulations shall become effective upon their approval by the Board of Works and Public Safety. These rules and regulations shall be in writing and a copy shall be furnished to the Clerk/Treasurer and shall also be available at the Fire-Rescue Station.

(D) The Fire-Rescue Department shall consist of a Fire Chief, Division Chief, and Assistant Fire Chief from the volunteers appointed by the executive, and full-time First-Class Firefighters including a Firefighter/Inspector, Firefighters/Engineers, Firefighters/Paramedics and Firefighters/EMTs. The Fire-Rescue Department shall also retain regular volunteer members. The number of volunteer members will be determined by the Fire Chief with due consideration given to the Fire-Rescue Department=s budgetary objectives.
(Ord. 520, passed 4-1-46; Am. Ord. 1204, passed 1-4-82; Am. Ord. 1802, passed 5-9-96; Am. Ord. 2006-01-02, passed 1-3-06)

' 35.02 REQUIREMENTS.

Any person over the age of 18 years, who is of sound health and able-bodied, and who meets the requirements of all applicable federal, state and local laws, requirements or regulations, shall be eligible for appointment to the Fire-Rescue Department. The Fire Chief, subject to approval of the Board of Works and Public Safety, may also establish a Fire-Rescue Cadet Program for qualified individuals over the age of 18 years.
(Ord. 520, passed 4-1-46; Am. Ord. 1204, passed 1-4-82; Am. Ord. Ord. 1338-A, passed 1-7-85; Am. Ord. 1343, passed 3-5-85; Am. Ord. 1802, passed 5-9-96; Am. Ord. 1982, passed 6-29-00)

' 35.03 DUTIES OF OFFICERS.

It shall be the duty of the officers of the Fire-Rescue Department to supervise the work connected therewith and the maintenance of all of the firefighting and rescue equipment and apparatus under its care and control so it will at all times be in proper condition and readiness to respond to all fire-rescue calls and alarms as promptly as possible and to extinguish fires as quickly and effectively as possible under circumstances. However, whenever the city has entered into an agreement with other townships or municipalities for joint local cooperation to provide fire-rescue protection to said township or municipality and the city as provided by law, then during the period that such agreement(s) shall be in force and effect, the Fire-Rescue Department shall also respond to all fire-rescue calls or alarms originating within the township outside the city as provided in such agreement(s).
(Ord. 520, passed 4-1-46; Am. Ord. 1802, passed 5-9-96)

' 35.04 JOINT FIRE PROTECTION.

Whenever it is desired by any township or municipality to provide for joint cooperative fire-rescue protection to said township, municipality and the city as provided by law, the city, through its Board of Public Works and Safety, is authorized to negotiate and enter into proper written agreements to that effect.
(Ord. 520, passed 4-1-46; Am. Ord. 1802, passed 5-9-96)

2006 S-33

' 35.05 REIMBURSEMENT FOR FIRE, SAFETY AND RESCUE RESPONSES AND HAZARDOUS MATERIAL AND ENVIRONMENTAL INCIDENTS.

(A) The Fire-Rescue Department is authorized to recover the reasonable costs of the use of emergency fire and/or rescue (including but not limited to, vehicle accidents) personnel hours, tools, equipment, materials and vehicles; hazardous material and/or environmental response personnel hours, tools, equipment, materials and vehicles; and reasonable interest on the amount due from the date of the response forward. Additionally, the Fire-Rescue Department is authorized to collect a reasonable flat-rate fee for any false alarm responses or fire drill responses for which the Department did not receive at least 48 hours prior notice. Nothing in this section shall be interpreted as limiting the amounts the Department is authorized to collect under any applicable state statute or law.

(B) The reasonable costs authorized to be billed for under this section may be recovered directly by the Department or through a third party billing service as an authorized agent for the collection of such costs.

(C) The reimbursement rates for the aforementioned costs shall be set by the billing entity.

(D) If a third party billing service is utilized, said third party billing service shall be authorized to charge a service charge in addition to the cost it is recovering for the Department. Said service charge will be set by the third party billing service.

(E) All funds recovered under this section, and due to the Department, shall be remitted directly to the Department by either the responsible party or, if a third party billing service is utilized, by said third party billing service. All funds recovered under this section shall be exclusively used for the support of the Department.

(F) The Department or the third party billing service shall only have the authority to recover the costs authorized under this section from the applicable insurance company/carrier and/or the party responsible for the costs authorized to be billed for under this section. In the event that collection costs and/or attorney=s fees are incurred by the Department or the third party billing service as a result of efforts required to obtain full reimbursement for the costs billed for under this section, said collection costs and/or attorney=s fees may be recovered by the Department or third party billing service from the applicable insurance company/carrier and/or the party responsible for the costs authorized to be billed under this section.

(G) All ordinances, parts of ordinances, and amendments thereof which are inconsistent with this section are hereby repealed.

(H) If any section, paragraph, subsection, clause or provision of this section shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity

of this section as a whole or any part thereof other than that portion specifically declared invalid.

(I) Costs authorized to be billed under this section may be billed from a retroactive date of not more than 30 days preceding the effective date of this section.
(Ord. 2009-03-08, passed 4-6-09; Am. Ord. 2012-12-33, passed 12-3-12)

FIREMEN=S PENSION FUND

' 35.10 PENSION FUND ESTABLISHED.

There is established and created a Firemen=s Pension Fund for the regularly organized paid and qualified members of the Fire-Rescue Department of the city.
(Ord. 771, passed 4-7-69; Am. Ord. 1802, passed 5-9-96)

' 35.11 BOARD OF TRUSTEES ESTABLISHED.

There is further established and created a Board of Trustees to administer the Firemen=s Pension Fund which shall be composed of seven trustees selected in accordance with IC 36-8-7-3. The Board of Trustees shall be responsible for management of the Firemen=s Pension Fund.
(Ord. 771, passed 4-7-69; Am. Ord. 1802, passed 5-9-96)

' 35.12 HAZARDOUS MATERIALS REIMBURSEMENT.

(A) Definitions. The terms ASHIPPER,@ AUSER@ OR AOWNER@ shall include the owner or tenant of any fixed facility and any individual, corporation or other entities who may in any manner store, use, possess, ship, haul or transport any dangerous, toxic or hazardous material or waste or any potentially dangerous, toxic or hazardous material or waste within the city limits or the jurisdiction of the Fire-Rescue Department or any of its mutual aid agreements.

(B) Shippers, users or owners who cause or suffer leaks or spills involving any dangerous, toxic or hazardous material or waste, or who cause or suffer any potentially dangerous situations involving toxic or hazardous material or waste, within the city limits shall reimburse the city a fee, at the rate of $250 per hour (or any fraction of an hour) for each city vehicle responding to any spill, leak or other situation involving any dangerous, toxic or hazardous material or any potentially dangerous, toxic or hazardous material. All costs or other fees covered in this division shall be reimbursed and paid in full at actual or replacement cost within 30 days of billing by the city.

(C) Shippers, users or owners who cause or suffer leaks or spills involving any dangerous, toxic or hazardous material or waste, or who cause or suffer any potentially dangerous situations involving toxic or hazardous material or waste, within the city limits or outside the city limits, shall reimburse the city for any Fire-Rescue Department or city equipment or services used and returned, used and discarded, damaged, lost, spent, destroyed or rendered unrepairable, broken or unusable.

Reimbursement shall also include the costs of any medical treatment, and/or evaluations of any city employee, including full-, part-time or volunteer employees or servants who are injured or exposed to a dangerous, hazardous or toxic material or waste during the response to an incident. All services, equipment, materials, fees or other costs covered in this division shall be reimbursed and paid in full at actual or replacement cost within 30 days of billing by the city.

(D) Shippers, users or owners who cause or suffer leaks or spills involving any dangerous, toxic or hazardous material or waste, or who cause or suffer any potentially dangerous situations involving toxic or hazardous material or waste, within the city limits shall reimburse the city for the man-hours (or fractions thereof) involved in the response at the appropriate rate of pay for each person, employee or volunteer responding, plus, any appropriate overtime due or earned by each person, employee or volunteer. All services, fees or other costs covered in this division shall be reimbursed and paid in full at actual or replacement cost within 30 days of billing by the city.

(E) When the city=s Hazardous Material Coordinator (who is the City Fire Chief or his designee)) responds to any leak or spill involving any dangerous, toxic or hazardous material or waste, or any potentially dangerous situations involving toxic or hazardous material or waste said shipper, user or owner responsible in whole or in part for same shall reimburse the city for his/her man-hours involved in the response at the rate of 12 times his/her regular hourly rate of pay. All services, fees or other costs covered in this division shall be reimbursed and paid in full at actual or replacement cost within 30 days of billing by the city.

(F) Shippers, users or owners who cause or suffer leaks or spills involving any dangerous, toxic or hazardous material or waste, or who cause or suffer any potentially dangerous situations involving toxic or hazardous material or waste, outside the city limits shall reimburse the city a fee, at the rate of $300 per hour or any fraction of an hour, for each city vehicle responding to any spill, leak or other situation involving any dangerous, toxic or hazardous material or any potentially dangerous, toxic or hazardous material. All costs or other fees covered in this division shall be reimbursed and paid in full at actual or replacement cost within 30 days of billing by the city.

(G) Shippers, users or owners who cause or suffer leaks or spills involving any dangerous, toxic or hazardous material or waste, or who cause or suffer any potentially dangerous situations involving toxic or hazardous material or waste, outside the city limits shall reimburse the city for the man-hours (or fractions thereof) involved in the response at 12 times the appropriate rate of pay for each person, employee or volunteer responding, plus, any appropriate overtime due or earned by each person, employee or volunteer. All services, fees or other costs covered in this division shall be reimbursed and paid in full at actual or replacement cost within 30 days of billing by the city.

(H) Non-reverting fund. A special non-reverting fund is hereby established for the Fire-Rescue Department which shall be known as the

Hazardous Materials Non-Reverting Fund. All funds, monies or fees recovered from any shipper, user or owner, for materials and supplies utilized by the Fire-Rescue Department in any hazardous materials activity, shall not revert to the General Fund of the city but shall revert and be placed in the Hazardous Materials Non-Reverting Fund of the Fire-Rescue Department.
(Ord. 1627, passed 6-1-92; Am. Ord. 1714, passed 7-5-94; Am. Ord. 1802, passed 5-9-96)

CHAPTER 36: BOARDS AND COMMISSIONS

Sections

Economic Development Commission

36.01 Established
36.02 Membership; appointment; term
36.03 Authority; duties
36.04 Notification

Historic District Board of Review

36.10 Established

Redevelopment Commission

36.20 Creation of Department and Commission
36.21 Powers and duties
36.22 Members and terms

The Board of Works and Public Safety

36.30 Purchasing Agency
36.31 Powers and Duties of the Purchasing Agency
36.32 Emergency Purchases
36.33 Purchase of Supplies Manufactured in the United States

Tree Board

36.45 Establishment
36.46 Organization
36.47 Duties and responsibilities

Cross-reference:
Trees; landscape plan, see ' 93.30 through 93.40

ECONOMIC DEVELOPMENT COMMISSION

' 36.01 ESTABLISHED.

There is created for the city an economic development commission to be known as the Crown Point Economic Development Commission which shall consist of and be under the control of a board of five members. (Ord. 905, passed 4-7-75; Am. Ord. l065, passed 3-5-79)

' 36.02 MEMBERSHIP; APPOINTMENT; TERM.

(A) The members of the Commission shall be appointed by the Mayor as follows: Three of the members so appointed shall be selected by the Mayor; one shall be nominated by the County Council of Lake County; and one shall be nominated by the City Council of Crown Point.

(B) The Commissioners shall take office on their appointment, and their terms shall run the following number of years from February l following the original appointment. The Commissioner nominated by the Common Council, two years; the Commissioner nominated by the County Council, one year; two of the Commissioners selected by the Mayor shall be appointed to three-year terms. One of the Commissioners selected by the Mayor shall be appointed to a one-year term.

(C) At the expiration of the respective terms of each of the Commissioners originally appointed, the respective successor shall be selected and nominated in the same manner as the original appointee, each of which nominees shall be appointed by the Mayor within ten days after receiving such nominations, and each succeeding member shall serve for a term of four years. In the event any person appointed as Commissioner shall fail to qualify within ten days after mailing to him notice of his appointment, or if any member after qualifying shall die, resign, or vacate such office, or be removed, a new member shall be chosen and appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurs, and the member so chosen and appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and qualified. Such Commissioners shall receive no salary, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

(D) No person shall be appointed as a Commissioner who is not a resident of the City of Crown Point, or a resident of Center Township (excluding the area within the town limits of Cedar Lake) in Lake County, Indiana. If any Commissioner shall cease to qualify, his appointment on the Commission shall terminate, and his office shall become vacant.
(Ord. 905, passed 4-7-75; Am. Ord. l006, passed 2-6-78; Am. Ord. l065, passed 3-5-79)

' 36.03 AUTHORITY; DUTIES.

The Commission shall have all of the authority, obligations, and duties created in IC 36-7-l2-l et seq.
(Ord. 905, passed 4-7-75; Am. Ord. l065, passed 3-5-79)

' 36.04 NOTIFICATION.

Following the adoption of this section, (March 5, l979), the Clerk-Treasurer of the city shall notify the Mayor, the Common Council of the city, and the Lake County Council of the creation of the Crown Point Economic Development Commission and shall further notify those governing bodies that nominations shall be made within l5 days after receiving such notice. Appointment of the Commissioners shall be made by the Mayor within ten days after receipt of nominations from the governing bodies.
(Ord. l065, passed 3-5-79)

HISTORIC DISTRICT BOARD OF REVIEW

' 36.l0 ESTABLISHED.

For provisions regarding the Historic District Board of Review, see '' l56.l0-l56.l4.

REDEVELOPMENT COMMISSION

' 36.20 CREATION OF DEPARTMENT AND COMMISSION.

A Department of Redevelopment and a board of five members, to be known and designated as the Crown Point Redevelopment Commission are hereby created and established with full power and authority to act as provided by IC 36-7-l4, as amended.
(Ord. l423, passed l2-l-86)

' 36.2l POWERS AND DUTIES.

The Redevelopment Commission shall have the powers and duties authorized for such boards and shall conduct its business according to applicable provisions of IC 36-7-l4, as amended.
(Ord. l423, passed l2-l-86)

' 36.22 MEMBERS AND TERMS.

Commissioners shall be appointed in the manner set out and by the respective municipal authorities indicated in IC 36-7-l4-6.1, and shall serve terms as set out in IC 36-7-l4-7.
(Ord. l423, passed l2-l-86)

THE BOARD OF WORKS AND PUBLIC SAFETY

' 36.30 PURCHASING AGENCY.

The Board of Works and Public Safety is hereby designated as the purchasing agency for the city for the purposes of I.C. 5-22 (the Act).
(Ord. 1911, passed 11-2-98)

' 36.31 POWERS AND DUTIES.

(A) The Purchasing Agency shall have all the powers and duties authorized under the Act and as may be supplemented, from time to time, by ordinances adopted by the Council or policies adopted by the Purchasing Agency.
(Ord. 1911, passed 11-2-98)

(B) The Purchasing Agency shall act as the purchasing agency for every board, office, branch, bureau, commission, department or other establishment of the city pursuant to the Act.

(C) The Purchasing Agency may designate in writing or establish by policy any officer or employee of the city as a purchasing agent.
(Ord. 1911, passed 11-2-98)

' 36.32 EMERGENCY PURCHASES.

If an emergency is declared by the executive, the Purchasing Agency, the Mayor, or any of his designees, are authorized during the course of said emergency to purchase repairs, or purchase and lease materials or supplies, without giving notice, receiving bids or quotes, or obtaining any prior Council approval.
(Ord. 1911, passed 11-2-98)

' 36.33 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITED STATES.

(A) The following rules required by the Act are hereby adopted for purchase of supplies under the jurisdiction of the Purchasing Agency:

(1) Purchase of supplies manufactured in the United States: Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless a determination is made that:

(a) the supplies are not manufactured in the United States in reasonably available quantities;

(b) the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(c) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(d) the purchase of supplies manufactured in the United States is not in the public interest.
(Ord. 1911, passed 11-2-98)

TREE BOARD

' 36.45 ESTABLISHMENT.

(A) There is established a committee that serves solely in an advisory capacity to the City of Crown Point that shall be know as the Tree Board, composed of five members who reside or work within Crown Point.

(B) Two members shall be appointed by the City Council, and three members shall be appointed by the Mayor.

(C) The term of office for the members shall be one year. Current members will be eligible to serve successive terms.

(D) The City Council has the authority to remove any member appointed by the Council at any time for any reason deemed sufficient. The Mayor has the authority to remove any member appointed by the Mayor at any time for any reason deemed sufficient.

(E) Vacancies shall be filled by appointment for the remainder of the term.
(Ord. 2008-08-31, passed 12-1-08)

' 36.46 ORGANIZATION.

(A) The Tree Board shall elect from its membership a President and Vice President whose respective terms shall be for one year.

(B) The Tree Board shall have regularly scheduled meetings and may adopt written rules and procedures as necessary to carry out its stated duties and responsibilities. A majority of the members shall constitute a quorum for the transaction of business. The City of Crown Point Public Works Director shall serve as the administrator for the Tree Board.
(Ord. 2008-08-31, passed 12-1-08)

' 36.47 DUTIES AND RESPONSIBILITIES.

The Tree Board shall serve in an advisory capacity to the City of Crown Point and may provide guidance in the following areas:

(A) Assist with technical standards concerning tree/shrub care, preservation, selection, installation, pest abatement, maintenance and removal located on city-owned property.

(B) Making recommendations to the City of Crown Point Planning Commission on submitted landscaping plans prior to approval.

(C) Participate in annual Arbor Day event and ensure reading of proclamation.

(D) Ensure minimum standards and annual submissions to maintain Tree City USA status.

(E) Assist the city with public tree inventories as needed.

(F) Participate in volunteer tree planting and maintenance events as requested by the City of Crown Point Parks Department.

(G) Apply for tree-related grants.

(H) Provide comments on subsequent revisions to this subchapter and '' 93.30 through 93.40 as needed.

(I) Meet on a monthly basis and maintain meeting minutes for record.

(J) Make recommendations to the City of Crown Point Pubic Works Department regarding specific maintenance of trees on city-owned property.

(K) Elect a President and Vice President annually and keep written records of its proceedings, all in accordance with Indiana law.

(L) All members shall serve without compensation.
(Ord. 2008-08-31, passed 12-1-08)

CHAPTER 37: CITY POLICY

Section

General Provisions

37.01 Reimbursement for expenses incurred while promoting city business
37.02 Payment of fines, fees and services
37.03 Identity Theft Prevention Program
37.04 Benefit to community service bill for senior citizens

Fixed Asset Capitalization Policy

37.10 Definitions and general provisions
37.11 Recording and accounting
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Responsible Bidding Practices

37.20 Submission requirements
37.21 Validity of pre-qualification classification
37.22 Incomplete submissions by bidders and subcontractors
37.23 Most responsive and responsible bid determination
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GENERAL PROVISIONS

' 37.01 REIMBURSEMENT FOR EXPENSES INCURRED WHILE PROMOTING CITY BUSINESS.

(A) City officials, whether elective or appointive, and city employees may be reimbursed from the General Fund of the city for expenses incurred, or the city may pay directly for such expenses, which expenses are related to the promotion of economic development, tourism, or otherwise related to the best interests of the city.

(B) The expenses may include, but are not limited to the rental of meeting places, meals, travel expenses, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, or residential development, expenses incurred in developing relations with other units of government, and any other expenses of a civic or governmental nature deemed by the Mayor to be in the best interests of the city.
(Ord. l409, passed l0-6-86)

' 37.02 PAYMENT OF FINES, FEE AND SERVICES.

(A) The City Council authorizes the following methods of payment for fines, fees, and services, including water utility, wastewater utility and storm water utility billings, owed the city for providing such services, namely:

(1) Cash;

(2) Check;

(3) Bank draft;

(4) Money order;

(5) Bank card or credit card;

(6) Debit card; and

(7) Electronic funds transfer or direct deposit.

(B) The city shall not be responsible for the payment of any service charge associated with the use of any of the methods of payment hereby authorized as set forth in division (A) of this section.

(C) A user fee, which shall be determined from time to time by the Clerk-Treasurer, will apply to all credit card transactions and shall be collected and retained by the city for each such transaction paid in whole or in part through the use of a credit card.
(Ord. 2007-04-12, passed 4-2-07; Am. Ord. 2009-02-05, passed 2-2-09; Am. Ord. 2009-07-24, passed 8-3-09)

' 37.03 IDENTITY THEFT PREVENTION PROGRAM.

(A) Utilities identity theft prevention program. This plan is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events. The senior management person responsible for this plan is the Clerk-Treasurer.

(B) Risk assessment. The utilities have conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the utility was able to identify red flags that were appropriate to prevent identity theft:

(1) New accounts opened in person;

(2) New accounts opened via telephone;

(3) New accounts opened via fax;

(4) New accounts opened via web;

(5) Account information accessed in person;

(6) Account information accessed via telephone (person);

(7) Account information is accessed via telephone (automated);

(8) Account information is accessed via web site; or

(9) Identity theft occurred in the past from someone falsely opening a utility account.

(C) Detection (red flags). The utilities adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

(1) Fraud or active duty alerts included with consumer reports;

(2) Notice of credit freeze provided by consumer reporting agency;

(3) Notice of address discrepancy provided by consumer reporting agency;

(4) Inconsistent activity patterns indicated by consumer report such as:

(a) Recent and significant increase in volume of inquiries;

(b) Unusual number of recent credit applications;

(c) A material change in use of credit;

(d) Accounts closed for cause or abuse;

(5) Identification documents appear to be altered;

(6) Photo and physical description do not match appearance of applicant;

(7) Other information is inconsistent with information provided by applicant;

(8) Other information provided by applicant is inconsistent with information on file;

(9) Application appears altered or destroyed and reassembled;

(10) Personal information provided by applicant does not match other sources of information (e.g. credit reports, Social Security number not issued or listed as deceased);

(11) Lack of correlation between the Social Security number range and date of birth;

(12) Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application);

(13) Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager);

(14) Social Security number, address, or telephone number is the same as that of other customer at utility;

(15) Customer fails to provide all information requested;

(16) Personal information provided is inconsistent with information on file for a customer;

(17) Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet; or

(18) Identity theft is reported or discovered.

(D) Response. Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the senior management official.

(1) Ask applicant for additional documentation;

(2) Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Clerk-Treasurer;

(3) Notify law enforcement: The utility will notify the Police Department of any attempted or actual identity theft;

(4) Do not open the account;

(5) Close the account; and

(6) Do not attempt to collect against the account but notify authorities.

(E) Personal information security procedures. The utilities adopts the following security procedures:

(1) Paper documents, files and electronic media containing secure information will be stored in secured areas not accessible by the public and accessible only by authorized employees.

(2) Visitors entering secure areas where sensitive files are kept shall be escorted by an employee of the utilities or the Clerk-Treasurer.

(3) When sensitive data is received or transmitted, secure connections must be used.
(Ord. 2009-07-25, passed 8-3-09)

Cross-reference:
Utilities, see Title V, Public Works

' 37.04 BENEFIT TO COMMUNITY SERVICE BILL FOR SENIOR CITIZENS.

(A) Upon application to the Mayor=s Office, which shall process said application and forward to the Clerk/Treasurer for action thereon, (on the form attached to Ordinance No. 2008-02-08 as Exhibit A) annually, by a citizen of the city, who has attained 62 years of age by the close of the open application period, whose primary residence is located within the corporate boundaries of the city and whose name is on community service bill for said residence.

(B) The benefit will be determined by the number of applications made divided into the allocated 90% of HIDTA funds with annual review by the Council Utilities Committee with a submission of a report to the Council by said Committee in December of every calendar year.

(C) In no instance shall said benefit exceed $10 per month per applicant.

(D) Applications for said benefit shall be accepted in the Mayor=s Office during the period of open enrollment each year which shall be from October 1 to December 15 of each calendar year.

(E) This benefit shall terminate in the event HIDTA funds are no longer available for said purpose.
(Ord. 2008-02-08, passed 7-6-09)

FIXED ASSET CAPITALIZATION POLICY

' 37.10 DEFINITIONS AND GENERAL PROVISIONS.

(A) Definitions. For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACAPITAL OUTLAYS.@ Expenditures that benefit both the current and future fiscal periods. They shall include the costs of acquiring land or structures, construction or improvement of buildings, structures or other fixed assets, and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures that result in the acquisition of, or an addition to, the government=s general fixed assets.

AFIXED ASSETS.@ Tangible assets of a durable nature employed in the operating activities of the city=s departments and utilities that are relatively permanent, and are needed for the delivery of city

and/or utility services that are not held for sale in the ordinary course of business. These AFIXED ASSETS@ shall be divided into classes according to
their physical characteristics (e.g., land, buildings, machinery and equipment, furniture and fixtures, improvements other than buildings).

ATANGIBLE ASSETS.@ Assets that can be observed by one or more of the physical senses, as they may be seen and touched in some environments, heard and smelled in others.

(B) Land. The city will capitalize all land purchases regardless of cost.

(1) Exceptions to land capitalization are land purchased outright as easements or rights-of-way for infrastructure needs (i.e., roads and streets, street lighting, bridges, sidewalks, trails, curbs, street signs and storm water collection). Easements required for water or sewer infrastructure may be capitalized.

(2) The original cost of land will include the full value given to the seller, in addition to those costs associated with securing and preparing the land for final use. These fees may include: legal, appraisal, negotiation, title work and opinion, surveying, and costs required to prepare the land for its intended use.

(3) A department will record donated land at its fair market value on the date of transfer, plus any associated costs.

(4) In addition to the above procedures, purchases made using federal or state funding will follow the source funding policies.

(C) Machinery and equipment.

(1) AMACHINERY AND EQUIPMENT@ are defined as an apparatus, tool, conglomeration of pieces to form a tool, or purchased equipment. These items will stand alone and not become a part of a basic structure or building.

(2) The city will capitalize items with an individual value equal to or greater than $1,000. Machinery combined with other machinery to form one unit with a total value greater than the above-mentioned limit will be one unit.

(3) Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set up, will be capitalized.

(4) Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

(a) The total cost exceeds $1,000;

(b) The useful life is extended two or more years; and

(c) The total cost will be greater than the current book value and less than the fair market value.

(5) A department will record donated machinery and equipment at fair market value on the date of transfer, with any associated costs included.

(6) In addition to the above procedures, purchases made using federal or state funding will follow the source funding policies.

(D) Buildings.

(1) A department will capitalize buildings at full cost, with no requirement for subcategories to track the cost of separate building systems, such as HVAC, sprinklers, plumbing, lighting, etc. Subcategories may be used, if they are beneficial for enterprise accounting. The department will include the cost of items designed or purchased exclusively for the building.

(2) A department=s new building will be capitalized only if it meets both of the following conditions:

(a) The total cost exceeds $5,000; and

(b) The useful life is greater than five years.

(3) A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

(a) The total cost exceeds $5,000;

(b) The useful life is extended two or more years; and

(c) The total cost will be greater than the current book value and less than the fair market value.

(4) Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs if material, and any other costs directly attributable to the construction of a building.

(5) A department will record donated buildings at fair market value on the date of transfer, with any associated costs.

(6) In addition to the above procedures, purchases made using federal or state funding will follow the source funding policies.

(E) Improvements other than buildings.

(1) This category of fixed assets is defined as improvements to land that: result in better enjoyment of that land, have a life expectancy greater than two years, and are attached or not easily removed from the existing land. Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planters, underground sprinkler systems, and other similar items.

(2) The city will capitalize new improvements other than buildings only if they meets both of the following conditions:

(a) The total cost exceeds $5,000; and

(b) The useful life is greater than two years.

(3) A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets all of the following conditions:

(a) The total cost exceeds $2,500;

(b) The asset=s useful life is extended two or more years; and

(c) The total costs will be greater than the current book value and less than the fair market value.

(4) A department=s donated improvements other than buildings will be recorded at fair market value on the date of the transfer, with any associated costs.

(5) In addition to the above procedures, purchases made using federal or state funding will follow the source funding policies.

(F) Historical costs. AHISTORICAL COSTS@ are the cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment and most inventories are common examples of items recognized as historical costs.

(G) Enterprise funds.

(1) AENTERPRISE FUNDS@ are those used to account for operations that are:

(a) Financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis are financed or recovered primarily through user charges; or

(b) Where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

(2) The city=s enterprise funds shall include the municipally owned water and wastewater utilities. The operation of these utilities shall require enterprise-fund accounting and reporting. (Ord. 2000, passed 12-4-00)

' 37.11 RECORDING AND ACCOUNTING.

(A) The city and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made, in accordance with the Chart of Accounts of the Cities and Towns Accounting Manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the city and its departments, the valuation of assets shall be based on historical cost or, where the historical cost is indeterminable, by estimation for those assets in existence.

(B) The city=s municipally owned utilities shall record acquisition of fixed assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its
purchase and preparation for intended use. Assets may be acquired under a number of other arrangements, including acquisition:

(1) For a lump-sum purchase price.

(2) On deferred-payment contract.

(3) Under capital lease.

(4) By exchange of non-monetary assets.

(5) By issuance of securities.

(6) By self-construction.

(7) By donation or discovery.

(8) By grant funds.

(9) By contribution.

(C) Some of these arrangements present special problems relating to the cost to be recorded. For example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical costs.

(D) In addition, an asset register (prescribed state form 211) shall be maintained to provide a detail record of the capital assets of the governmental unit.
(Ord. 2000, passed 12-4-00)

' 37.12 SAFEGUARDING OF ASSETS.

The accounting controls shall be designed and implemented to provide reasonable assurances that:

(A) Capital expenditures made by the city, its various departments and utilities, are in accordance with management=s authorization, as documented in the minutes.

(B) The utilities= transactions are recorded as needed to permit preparation of financial statements in conformity with generally accepted principles.

(C) Adequate detail records are maintained to assure accountability for city-owned and utility-owned assets.

(D) Access to assets is permitted in accordance with management=s authorization.

(E) The recorded accountability for assets is compared with the existing assets at least every two years, and appropriate action is taken with respect to any differences.
(Ord. 2000, passed 12-4-00)

RESPONSIBLE BIDDING PRACTICES

' 37.20 SUBMISSION REQUIREMENTS.

(A) Contractors proposing to submit bids on any City of Crown Point project, the value of which meets or exceeds the threshold levels set by the State of Indiana in its Indiana Common Construction Wage Act, or its successors, must, prior to the opening of bids, submit a statement made under oath and subject to perjury laws, on a form designated by the City of Crown Point and must include:

(1) A list identifying all former business names, if applicable. Bidder must identify any businesses which any owner, officer, director, manager or principal shareholder has at least a 25% interest, and must disclose the number of years the bidder has been in the construction business;

(2) A statement as to past performance, which shall give an accurate and complete record of all public work completed in the past three years by the contractor, giving the names and addresses of the project, original contract price, final contract price, and the names of all subcontractors used, if any, and a statement as to compliance with completion deadlines;

(3) A statement identifying and indicating the status of any litigation pending in state or federal court involving any governmental agency; also a statement identifying and indicating the status of any state or federal administrative proceeding or investigation including but not limited to matters involving the National Labor Relations Board, the United States Department of Labor or the Wage and Hour Division of any state; and disclosure of any and all unsatisfied judgments, injunctions or liens obtained by a governmental agency against bidder;

(4) Disclosure of any determination for violation of federal, state or local laws, including OSHA violations, violations of any state prevailing wage laws, rules or regulations, or the federal Davis-Bacon Act, including a list of all citations, orders, or recommendations issued to or against the bidder within the previous six years by any court, administrative or governmental tribunal. Bidder must include any and all federal, state or local departments= findings of Anon-responsibility;@

(5) A statement on staffing capabilities, including labor sources; staffing plans which verify bidder=s ability to comply with the ratio requirements set forth on the Indiana Common Construction Wage Act wage rate schedule attached to the bid specification; and confirmation that all apprentices to be used on the project are registered with an apprenticeship training program approved by the United States Department of Labor, Bureau of Apprenticeship and Training (or its successor federal agency or any State of Indiana created agency or program);

(6) A good faith estimate of the percentage of the bidder=s project workforce that resides in the City of Crown Point and Northwestern
Indiana. For the purpose of this subchapter, ANORTHWESTERN INDIANA@ is

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defined as being the counties of: Lake, Porter, Newton and Jasper Counties;

(7) The bidder shall also provide verified information as to the medical and retirement plans and the substance abuse policy that pertains to all of its employees working on the project;

(8) Disclosure of the name and address of each subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the project; each such subcontractor shall be required to adhere to the submission requirements set forth herein as though it were bidding directly to the City of Crown Point, at least ten days prior to commencement of work by the subcontractor;

(9) The name and description of the management experience of each of the bidder=s project managers and superintendents that bidder intends to assign to work on the project;

(10) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and, disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder;

(11) A signed statement that the bidder has reviewed the Indiana Common Construction Wage Act, that the bidder has reviewed and agrees to pay the applicable prevailing wage rate as set forth in the prevailing wage rate schedule attached to the project=s bid specifications, and that the bidder will strictly comply with the Indiana Common Construction Wage Act (or federal Davis-Bacon Act and related requirements);

(12) A signed statement of what surety companies the bidder has used in the last five years to provide performance bonds, wage and fringe benefits bonds, etc., the names addresses and phone numbers of these surety companies and the amount of the bond which the bidder can supply if given the contract; and

(13) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five years.

(B) The City of Crown Point reserves the right to demand supplemental information, from the bidder, (additional) verification any of the information provided by the bidder and may also conduct random inquiries of the bidder=s current and prior customers.
(Ord. 2008-01-06, passed 4-7-08) Penalty, see ' 37.99

' 37.21 VALIDITY OF PRE-QUALIFICATION CLASSIFICATION.

(A) Upon designation by the City of Crown Point=s Board of Public Works and Safety that a contractor or subcontractor=s submission in anticipation of a bid is complete and timely, and upon any further

consideration deemed necessary by the City of Crown Point=s Board of Public Works and Safety, the contractor or subcontractor may be pre-qualified for future City of Crown Point public works projects. A contractor=s classification as Aqualified@ shall exempt the contractor or subcontractor from the comprehensive submission requirements contained herein for a period of 12 months. Thereafter, contractors or subcontractors who are pre-qualified must submit a complete application for continuation of Apre-qualified@ standing, on a form provided by the City of Crown Point, (also referred to as the Ashort form@) by December 31 for the upcoming calendar year. Failure by any pre-qualified contractor or sub-contractor to timely submit its complete application for continuation of Apre-qualified@ standing shall result in automatic removal of the designation, effective January 1 of the upcoming year. However, the Aremoved@ contractor or subcontractor shall still be permitted to bid on City of Crown Point public works projects.

(B) Any material changes to the contractor=s status, at any time, must be reported in writing within ten days of its occurrence to the City of Crown Point=s Board of Public Works and Safety. The pre-qualification designation is solely within the discretion of the City of Crown Point=s Board of Public Works and Safety and the City of Crown Point specifically reserves the right to change or revoke the designation for a stated written reason(s).

(C) Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to the City of Crown Point=s Board of Public Works and Safety within five business days of receipt of notice of denial.
(Ord. 2008-01-06, passed 4-7-08) Penalty, see ' 37.99

' 37.22 INCOMPLETE SUBMISSIONS BY BIDDERS AND SUBCONTRACTORS.

(A) It is the sole responsibility of the potential bidder to comply with all submission requirements including all information on the bidder=s sub-contractors, signed and notarized, by no later than the public bid opening. The requirements as to sub-contractors (which are the same as for contractors) shall apply to all subcontractors, whatever their tier. Submissions deemed inadequate or incomplete by the City of Crown Point=s Board of Public Works and Safety may result in the automatic disqualification of the bid.

(B) Any undisclosed sub-contractors hired after an award is made to a pre-qualified general contractor must submit all information required herein to the City of Crown Point=s Board of Public Works and Safety at least ten days prior to the date the subcontractor is set to commence work on site. No subcontractor shall work on any City of Crown Point public works projects, unless all submission requirements set forth herein are timely met and they are deemed to be Aqualified@ by the City of Crown Point=s Board of Public Works and Safety.
(Ord. 2008-01-06, passed 4-7-08) Penalty, see ' 37.99

' 37.23 MOST REPONSIVE AND RESPONSIBLE BID DETERMINATION.

The City of Crown Point, after review of complete and timely submissions, shall, in its sole discretion, after taking into account all information in the submission requirements, determine which contractor has submitted the most responsive and responsible bid. The City of Crown Point specifically reserves the right to utilize all information provided in the contractor or subcontractor=s submission or any information obtained by the City of Crown Point through its own independent verification of the information provided by the contractor. (Ord. 2008-01-06, passed 4-7-08)

' 37.24 CERTIFIED PAYROLL.

All contractors and sub-contractors working on a project of the City of Crown Point shall submit a certified monthly payroll identifying each of its employees, the employee=s job classification working on the City of Crown Point=s Project. The certified payroll shall be submitted to the City of Crown Point=s Board of Public Works and Safety for filing with the City of Crown Point=s Clerk-Treasurer. Each contractor shall utilize the federal form now known as a WD-10 (or a successor form or a State of Indiana certified payroll form if and when such a form is adopted) which must be submitted on a monthly basis within ten days after the end of each month which the contractor or subcontractor performed its work on the project.
(Ord. 2008-01-06, passed 4-7-08)

' 37.25 OPEN RECORDS REQUEST ACT.

All submissions submitted by a contractor or subcontractor pursuant to this subchapter shall be subject to the public=s review of such documents pursuant to the Indiana Open Records Request Act.
(Ord. 2008-01-06, passed 4-7-08)

' 37.26 FINAL PAY-OUT/RETAINAGE.

No contractor or subcontractor shall receive a final payment until such time as the City of Crown Point=s Board of Public Works and Safety has determined that all wages, fringe benefits and deductions owed to the
particular contractor or subcontractor=s employees have been paid. The City of Crown Point=s Board of Public Works and Safety is entitled to hold retainage for the same purpose.
(Ord. 2008-01-06, passed 4-7-08)

' 37.99 PENALTY.

Any bidder that willfully makes, or causes to be made, a false, deceptive or fraudulent statement, or submits false, deceptive or fraudulent information in connection with any submission made to the City of Crown Point=s Board of Public Works and Safety shall be permanently

disqualified from bidding on all City of Crown Point projects and shall be charged with a Class A misdemeanor, which carries a maximum term of imprisonment of 365 days and a maximum fine of $5,000.
(Ord. 2008-01-06, passed 4-7-08)

CHAPTER 38: TAX ABATEMENT PROCEDURES

Section

38.0l Establishment and purposes
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38.11 Annual summary by Economic Development Director
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38.13 Severability

38.99 Penalty

' 38.01 ESTABLISHMENT AND PURPOSES.

(A) Based upon the study and recommendations of Greg Guerrettaz of Financial Solutions Group, Inc., the Common Council hereby finds that there is a need to develop improved and uniform tax abatement procedures, setting forth the philosophy, procedures and general standards that it now deems necessary to encourage economic development and growth within the city;

(B) The Common Council now declares that the following tax abatement procedures and general standards shall govern all tax abatement requests filed for consideration with the city; and

(C) The following tax abatement procedures and general standards are now promulgated and enacted pursuant to the AHome Rule@ powers vested in the city pursuant to I.C. 36-1-3-1, et seq., and tax abatement procedures set forth in I.C. 6-1.1-12.1-1, et seq. All persons seeking real or personal property tax abatement consideration shall have the duty to comply fully with the applicable provisions set forth in this chapter, as well as all applicable state or federal laws. (Ord. 2006, passed 1-8-01)

' 38.02 AUTHORITY TO ESTABLISH TAX ABATEMENT STANDARDS.

(A) Pursuant to the Home Rule authority set forth in I.C. 36-1-3-1, et seq., and the authority granted under I.C. 6-1.1-12.1-1, et seq., the
Common Council has the authority to declare areas within the city economic revitalization areas (AERA@), which do not meet the general standards for real property tax abatement set forth in this chapter.

(B) The Council finds that individuals who desire to petition for real property tax abatement, which meet the general standards set forth herein, may do so by filing proper petitions and forms of declaratory and confirmatory resolutions with the Office of the Clerk-Treasurer. Such forms shall set forth in detail the reasons why they believe they should be granted such abatement and declared an ERA.

(C) As the designating body, the Council shall review such matters on a project-by-project basis.

(D) The Council shall make specific findings supporting its conclusion that there is or is not a rational basis for their determination.

(E) Real property tax abatement granted under this section shall be limited to the specific number of years determined by the Council to be appropriate under the circumstances.
(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed 12-4-06)

' 38.03 DEFINITIONS.

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

ADESIGNATION APPLICATION,@ AAPPLICATION@ or APETITION.@ The application provided by the Clerk-Treasurer to any person filing or applying for designation of an economic revitalization area, for real or personal property tax abatement, and all other documents and items attached to, filed with, or in support of that application.

AHUMAN RESOURCES AND ECONOMIC DEVELOPMENT COMMITTEE (HREDC).@ A committee of the Crown Point Common Council consisting of three council members appointed by the council president, the Mayor ex officio, and the Director of Economic Development ex officio. The members shall elect a chariman of the committee.
(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed12-4-06; Am. Ord. 2008-02-09, passed 2-4-08)

' 38.04 DESIGNATION APPLICATION.

(A) Petitioner. Owners of real property or new manufacturing equipment located within the city, seeking real or personal property tax abatement consideration shall petition the Common Council on forms provided by the Clerk-Treasurer for requesting tax abatement. All information and attachments required by the designation application must be completed and filed with the Clerk-Treasurer along with the applicable filing fee provided below to cover the review, processing and administrative costs of the city, the Economic Development Director and the Clerk-Treasurer.

(B) Schedule of fees. The following fees shall be paid to the Clerk-Treasurer simultaneous with filing an application or petition for real or personal property tax abatement consideration. The application/review and Clerk-Treasurer=s Office components of each of these fees are non-refundable. The annual administration review charges of each of these fees may be refunded, if the application or petition for tax abatement consideration is not approved by the Common Council, or if it is withdrawn by the owner prior to final action by the Common Council. Should a tax abatement be rescinded, the annual administration fee for that abatement may be refunded, subject to any refund being prorated and reduced by any costs the city incurred in taking such action.

REAL PROPERTY APPLICATION ONLY: (I.C. 6-1.1-12.1)

Abatement Requested	1 to 3 years	4 to 6 years	7 to 9 years	10 years
Application Review	$250	$250	$250	$250
Annual Reviews	$150	$250	$400	$650
Clerk=s Office	$250	$250	$250	$250
Total Fees Due:	$650	$750	$900	$1,150

NEW EQUIPMENT APPLICATION ONLY: (I.C. 6-1.1-12.1)

Abatement Requested	1 to 3 years	4 to 6 years	7 to 9 years	10 years
Application Review	$250	$250	$250	$250
Annual Reviews	$150	$250	$400	$650
Clerk=s Office	$250	$250	$250	$250
Total Fees Due:	$650	$750	$900	$1,150

MIXED REAL PROPERTY and NEW EQUIPMENT:

Abatement Requested	1 to 3 years	4 to 6 years	7 to 9 years	10 years
Application Review	$350	$350	$350	$350
Annual Reviews	$150	$250	$400	$750
Clerk=s Office	$250	$250	$250	$250
Total Fees Due:	$750	$850	$1,000	$1,350

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(C) Depositing fees. Fees collected under this section shall be deposited as follows:

(1) Clerk-Treasurer=s Office non-refundable fee of $250 to the City General Fund; and

(2) All other fees to an Economic Development Non-Reverting Fund that is hereby created. All funds therefrom shall be expended to promote economic development and for the costs attributed to administration and review of tax abatement in the city.

(D) Petition information. Before it will be considered, property owners petitioning for tax abatement shall provide the following information on the application:

(1) The name(s) and address(es) of the real property owner(s) and, in the case of the request for personal property tax abatement, those of the personal property owner(s). The name(s) and addresses(es) of any other person(s) leasing, intending to lease, or having an option to purchase such property. A brief description of the business.

(2) If the business organization is publicly held, the name of the corporate parent and the name under which the corporation is filed with the Securities Exchange Commission. If the business is a closed corporation, the name, title and address of each of its officers.

(3) The legal description and commonly known address of the real property for which real property tax abatement is being petitioned; or the legal description and commonly known address of the facility that will be the location of the new manufacturing equipment for which tangible personal property tax abatement is being petitioned.

(4) A colored map and/or plat of survey clearly describing the area where tax abatement is being requested.

(5) The current assessed valuation of the real property improvement before rehabilitation, redevelopment, economic revitalization or improvement; and, if applicable, the current assessed valuation of the tangible personal property to be replaced by new manufacturing equipment.

(6) Photographs of the location taken within two weeks of the filing of the petition, and a video tape of the interior of all structures in which new manufacturing equipment is to be installed made within two weeks of the application.

(7) The real and personal property taxes paid at the location during the previous five years, whether paid by the current owner or a previous owner.

(8) A written estimate by a licensed appraiser of the after-rehabilitation market value of the real property, and, if applicable, an estimate of the market value of the new manufacturing equipment after installation.

(9) A description of the proposed project, whether

rehabilitation, new construction, or installation of new manufacturing equipment. This shall include information about physical improvements to

be made or the new manufacturing equipment to be installed, an estimate of the cost of the project, the amount of land to be used, the proposed use of the improvements, and a general statement as to the value of the project to the business.

(10) An estimate of the number of new permanent jobs to be created by the project within one year. A statement of the current number of permanent and part-time jobs at the location, the project=s impact on those current jobs, and the projected annual salaries for each such position created.

(11) Verification that no building permit has been issued for construction on the property for the proposed improvement, or verification that the new manufacturing equipment has not been installed.

(12) By number and description, the Standard Industrial Classification Manual major group within which the proposed project would classified.

(13) By number and description, the Internal Revenue Service Code of principal business activity by which the proposed project would be classified.

(14) A description of on-site child care or day-care facilities, services, or benefits currently offered or proposed to be offered by the petitioner for children of employees.

(15) Full disclosure of all other anticipated public financing for the project, including, if any, industrial revenue bonding already authorized or to be sought, assistance through the United States Department of Housing and Urban Development funds from the city, Section 503 financing through the Small Business Administration, financing through the Business Development Corporation of Lake County, Indiana; and any other public financial assistance, including but not limited to, all public works improvements necessary for the project.

(16) For real property tax abatement, a description of how the property in question has become undesirable or impossible for normal development and occupancy because of: lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values and prevent normal development or use of the property.

(17) For personal property tax abatement, a description of why the facility or group of facilities to be replaced are obsolescent, whether in terms of technology, economics or energy use, whereby such obsolescence may lead to a decline in employment and tax revenues; together with a verification that the new manufacturing equipment will be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining or refinishing of other tangible personal property, and that the new manufacturing equipment was never before used by its owner for any purpose in Indiana.

(18) The name, address and telephone number of the person to contract regarding notice of Council meetings and public hearings concerning the petition.

(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed 12-4-06)

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' 38.05 STATEMENT OF BENEFITS, DECLARATORY AND CONFIRMATORY RESOLUTIONS.

(A) In addition to the completed petition, filing fee, and related documents required by ' 38.03, the owners of real property or new manufacturing equipment must file a completed statement of benefits form at the time of filing their application for tax abatement.

(B) Proposed forms of declaratory and confirmatory resolutions, along with a floppy disk containing a copy of each in either Word or WordPerfect format, shall be filed by the applicant when filing their application for tax abatement.

(C) Petitioners shall provide the city, its employees, staff and consultants with any additional information they may request for review of the application for tax abatement.

(D) When reviewing the documents required by this section, the designating body shall follow the provisions of I.C. 6-1.1-12.1-3. (Ord. 2006, passed 1-8-01)

' 38.06 ADVISORY REVIEW.

(A) Upon the filing of a completed tax abatement petition (including all attachments, filing fee, statement of benefits form, and the declaratory and confirmatory resolutions by the owner), the Clerk-Treasurer shall refer the documents to the Economic Development Director for advisory review. This review shall be for informational purposes only, and shall not be binding on the Common Council.

(B) The Economic Development Director shall review the petition, statement of benefits, and all attachments thereto. The Director shall have the authority to request additional information from the petitioner relevant to the review of the petition, statement of benefits, and request for tax abatement.

(C) Within 15 days from the receipt of the documents from the Office of the Clerk-Treasurer, the Economic Development Director shall prepare a written report setting forth a review of its advisory findings. The report shall be sent to the Council=s Human Resources and Economic Development Committee, the Clerk-Treasurer, and the petitioner.

(D) The report shall address, but not be limited to, the following:

(1) Whether all required information has been submitted by the petitioner. If additional information was requested of the petitioner, the report shall address such requests and the petitioner=s responses.

(2) Whether the information contained in the petition and statement of benefits indicates that the project meets requirements of this article.

(3) Whether the Department of Planing and Building finds that zoning requirements have been met. If they have not been met, a

copy of all zoning code violations or notices issued shall be attached.

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(4) Whether the project is located in a tax allocation area, as defined in I.C. 36-7-14-39 and, if so, whether the Crown Point Redevelopment Commission has adopted a resolution approving that application. If it is required, a copy of such a resolution shall be attached to the report.

(5) If additional terms of tax abatement have been proposed, a copy of the proposed agreement shall be attached to the report.

(6) Whether, in the Economic Development Director=s opinion, a deduction should be allowed based on the following:

(a) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.

(b) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation described.

(c) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation described.

(d) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation described.

(e) The Economic Development Director=s report shall also contain a copy of the petition and statement of benefits form and all attachments or exhibits thereto.

(E) The Advisory Council=s report shall also contain a copy of the petition and statement of benefits form, and all attachments or exhibits thereto.
(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed 12-4-06)

' 38.07 REVIEW BY HUMAN RESOURCES AND ECONOMIC DEVELOPMENT COMMITTEE.

(A) At a public meeting, the Common Council=s Human Resources and Economic Development Committee shall examine and review the petition, statement of benefits and declaratory resolution. Such meeting shall not be scheduled until the advisory report from the Economic Development Director has been received by the Clerk-Treasurer and the Committee, and mailed to the petitioner.

(B) The petitioner and/or its representatives shall attend all Committee meetings where such information is to be reviewed. During such meetings, the petitioner shall present all verbal and written evidence to the Committee as to why it believes it should be granted the tax abatement sought.

(C) At its meeting, the Committee shall consider, among other information provided by the petitioner, any commitment made to local employment by the petitioner during the past five years and during the first five years of tax abatement.

(D) To assist in the evaluation of each particular application for designation as an economic revitalization and/or for tax abatement, the Committee shall establish a weighted point system. However, the resulting scores are advisory only and shall not be final or binding on the Council.

(E) Following questioning and review, the Committee shall take action on the request and shall submit its recommendation to the Common Council as to whether the property qualifies as an economic revitalization area under the terms of this article and I.C. 6-1.1-12.1-1, et seq.
(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed 12-4-06)

' 38.08 COMMON COUNCIL REVIEW OF DECLARATORY RESOLUTION.

(A) After receiving the recommendations from its Human Resources and Economic Development Committee, the Council shall hold a public hearing on the petitioner=s declaratory resolution pursuant to I.C. 6-1.1-12.1-2.5.

(B) The petitioner and/or its representative shall be present at the public hearing, and shall introduce any oral and written evidence to the Council as to why it should qualify for the requested tax abatement.

(C) If the Council finds that the property qualifies as an economic revitalization area under the terms of this article and I.C. 6-1.1-12.1-1(1), the Council may adopt a resolution declaring the property an economic revitalization area for purposes of tax abatement. The resolution shall specify: the term of the abatement, whether the abatement is for real property tax deduction or for personal property tax deduction, the length of time the area shall be so designated, the general boundaries of the area shall be so designated, and a description of the location of its general boundaries in relation to public ways. Upon the adoption of the declaratory resolution, the Clerk-Treasurer shall file the resolution with the County Assessor, together with all supporting data required by I.C. 6-1.1-12.1-2.5.

(D) If the area is located within an allocation area, as defined in I.C. 36-7-14-39 and as declared by the Crown Point Redevelopment Commission, the Council shall not adopt a declaratory resolution declaring an area to be an economic revitalization area for purposes of either real property tax deduction or personal property tax deduction, until after the Commission has adopted a resolution approving the petition.

(E) Upon adoption of the declaratory resolution, the Clerk-Treasurer shall cause notice of the adoption to be published pursuant to I.C. 5-3-1. This notice shall include: information about the adoption of the declaratory resolution, the substance of the resolution, a statement that a description of the affected area is available and can be inspected in the County Assessor=s Office, the

date when the Common Council will

receive and hear all remonstrances and objections from interested persons, and any other information required by I.C. 6-1.1-12.1-2.5.
(Ord. 2006, passed 1-8-01)

' 38.09 CONFIRMATORY RESOLUTION.

(A) On the date set by the legal notice, a public hearing on the confirmatory resolution shall be held by the Council. The petitioner and/or its representative shall be present and may present evidence why it believes the tax abatement requested should be granted. The Council shall receive and hear all remonstrances and objections from interested persons pertaining to the petition. After the public hearing, the Council shall determine whether the petition complies with this article and with I.C. 6-1.1-12.1, et seq. Prior to taking final action, it shall consider all pertinent requirements for economic revitalization areas. In taking final action, the Council shall determine whether the petition meets these requirements by confirming, modifying or rescinding the declaratory resolution. The Council=s determination is final, except that, as provided by I.C. 6-1.1-12.1-2.5(d) and (e), an appeal may be taken and heard.

(B) The Common Council shall make a determination as to whether the deductions will be allowed, making specific findings pursuant to I.C. 6-1.1-12.1-3. When considering any personal property tax abatement request, the Council shall also comply with I.C. 6-1.1-12.1-4.5, making specific finding thereto.

(C) In declaring an area an economic revitalization area (ERA) the Council may:

(1) Limit the time period to a certain number of calendar years during which the area shall be so designated;

(2) Limit the type of deductions that will be allowed within the economic revitalization area to either the deduction allowed under I.C. 6-1.1-12.1-3, or to that allowed under I.C. 6-1.1-12.1-4.5;

(3) Limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment;

(4) Limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988; or

(5) Impose reasonable conditions related to the purpose of state law, or to the general standards adopted herein for allowing the deduction for the redevelopment or rehabilitation of the property, or for the installation of the new manufacturing equipment.

(D) To exercise one or more of the powers described in division (C), the Common Council must include such facts in the resolution adopted.
(Ord. 2006, passed 1-8-01)

' 38.10 ANNUAL REPORTS, REVIEW BY HUMAN RESOURCES AND ECONOMIC DEVELOPMENT COMMITTEE (AHREDC@).

(A) All property owners who received approval of any real and/or personal property tax abatement request prior to the adoption of this chapter shall file the annual report it requires, and may also be required to appear before the HREDC.

(B) All property owners who receive approval of any real and/or personal property tax abatement request as a result of the Common Council=s action after the adoption of this chapter shall be required to appear before the HREDC, at a public meeting following the filing of the petitioner=s first annual report and first certified declaration application with the County Auditor, as required by the State Board of Tax Commissioners and I.C. 6-1.1-12.1-5.

(C) The Clerk-Treasurer shall mail annual report forms to each person or entity receiving tax abatement by certified mail, return receipt requested, on or before February 1st of each year. The Clerk-Treasurer shall provide notice that failure to comply with all reporting requirements in a timely manner may subject the property owner to the fines, penalties or other conditions as set forth in this chapter. If any person fails to accept such certified mailing, then the Clerk-Treasurer shall forward another annual report form to the property owner by first class U.S. Mail and record its date of mailing.

(D) Each person or entity receiving tax abatement shall file a completed annual report form with the Clerk-Treasurer no later than 30 days of the date appearing on the Clerk-Treasurer=s return receipt mail card or the date recorded by the Clerk-Treasurer on forms sent by first class mail to those property owners who failed to accept the initial, certified mailing. If the due date for the filing an annual report falls on a Saturday, Sunday or city holiday, then the deadline for filing the annual report is extended to the next city business day.

(E) Each annual report shall include the following information:

(1) The name, address and phone number of the person(s) filing the report;

(2) The amount of real and/or personal property taxes paid for the property, both during the year before the property was granted tax abatement, and during the most recent tax year;

(3) The current number of part-time and full-time jobs, specifying whether permanent or temporary, the average salary of each major job classification, and the number of such jobs at the end of the year immediately prior to receiving tax abatement;

(4) The name of each local contractor used during the renovation of the real property and/or installation of new manufacturing equipment for which tax abatement was received during the first abatement year;

(5) The number of city residents hired for full-time and part-time jobs, specifying whether such jobs are permanent or temporary, since the completion of the project for which tax abatement was given;

(6) Any other information required by the reporting form or requested from the petitioner to evaluate compliance with their original statement of benefits, application for tax abatement, and any state or local law.

(F) The Clerk-Treasurer shall issue a report to the Mayor, the Common Council and the Economic Development Director identifying therein all petitioners who have failed to file, or timely file, their annual reports as required under this section.

(G) The HREDC shall review the material presented by the petitioner and the information published by the County Auditor,as required by I.C. 6-1.1-12.1-8 and the Economic Development Director may be in attendance and question any petitioner who appears before the HREDC.

(H) The Chairman of the HREDC shall specifically advise each property owner that appears before the committee as to whether an additional appearance before the Committee or additional information is required to complete the Committee=s review of an annual report. If an additional appearance is not required, the property owner shall be advised that any additional information requested by the HREDC shall be filed with the Committee by certified mail within ten days, and that failure to file such information in a timely manner may result in a unfavorable recommendation to the Common Council.

(I) After completing the review of an annual report, the HREDC shall make a recommendation to the Common Council regarding the petitioner=s compliance with its original application and statement of benefits, along with any other action, condition, fine or penalty the HREDC deems appropriate.
(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed 12-4-06) Penalty, see ' 38.99.

' 38.11 ANNUAL SUMMARY BY ECONOMIC DEVELOPMENT DIRECTOR.

(A) On or before May 15th of each year, the Economic Development Director shall file an annual summary with the Clerk-Treasurer and the Common Council, summarizing all tax abatement activity for the past calendar year. The summary shall include, but not be limited to: the number of tax abatement petitions filed, the number and types of abatement granted, the names and addresses of all petitioners who failed to comply with this chapter=s reporting requirements or with any other law, and any other relevant information. If available, the summary shall include a copy of the County Auditor=s report published as required by I.C. 6-1.1-12.1-8.

(B) The information contained in each annual report shall be taken into account, when considering the imposition of fines against any
petitioner who fails to comply with the requirements of this chapter or any other law.

(Ord. 2006, passed 1-8-01; Am. Ord. 2006-12-43, passed 12-4-06) Penalty, see ' 38.99.

' 38.12 COMMON COUNCIL REVIEW OF TAX ABATEMENT PROCEDURES.

(A) In calendar years ending with an even number, the Common Council shall review the tax abatement procedures set forth in this article.

(B) The review shall be conducted by the Human Resources and Economic Development Committee, with a report of its findings being presented to the full Council on or before October 1st of such years.

(C) Nothing in this section prohibits a more frequent review of such procedures.
(Ord. 2006, passed 1-8-01)

' 38.13 SEVERABILITY.

(A) The terms and conditions set forth in this chapter are determined to be in the best interests of the city in the tax abatement area.

(B) All procedures are believed to be consistent with Home Rule and I.C. 6-1.1-12.1-1 et seq.

(C) If, however, any provisions in this chapter are found to be inconsistent by a competent court of law, the remaining provisions herein shall remain in full force and effect.
(Ord. 2006, passed 1-8-01)

' 38.99 PENALTY.

(A) The city believes that the granting of a request for real and/or personal property tax abatement under the terms and conditions of this article results in a contractual arrangement between the city and the property owner granted abatement.

(B) A petitioner who fails to substantially achieve the estimates set forth in their original petition for tax abatement or statement of benefits shall be subject to the fees, fines or penalties herein, any additional conditions imposed by the Common Council for continued tax abatement, or the denial of any further tax abatement.

(C) A petitioner who fails to file a complete and accurate annual report in a timely manner, or who fails to meet with or provide information requested by the Human Resources and Economic Development Committee or Common Council, shall pay a non-compliance penalty of $2,500 for each such violation.

(D) In addition to any other fee, fine or penalty imposed under this chapter or any other law, a petitioner who complies with ' 38.10 but fails to achieve the estimates set forth in the application and documents submitted to the Council at the time the abatement was granted shall be subject to a non-compliance penalty, determined by the Common Council, of not less than $500 nor more than $2,500 for each taxable year the petitioner fails to perform or achieve the estimates set forth in their original tax abatement application.
(Ord. 2006, passed 1-8-01)

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CHAPTER 39: ETHICS CODE AND VALUES

Section

39.01 Establishment of code and preamble
39.02 Value of honesty and integrity
39.03 Value of respect and civility
39.04 Value of accountability and responsibility
39.05 Value of fairness and justice
39.06 Adherence to this code
39.07 Distribution and communication of values

' 39.01 ESTABLISHMENT OF CODE AND PREAMBLE.

(A) There is hereby established an Ethics Code and Values for the municipal corporation.

(B) The proper operation of the City of Crown Point requires that decision-makers be effective, independent, objective and accountable to the people they serve. To ensure these qualities are upheld, the city has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in our community. All elected and appointed officials, employees, volunteers, and others who participate in the city are required to subscribe to this code, understand how it applies to their specific responsibilities and practice these core values in their work. Because the city values the public=s confidence and trust in its services and its decision-makers, the city=s character and behaviors must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.
(Ord. 2005-11-38, passed 11-21-05)

' 39.02 VALUES OF HONESTY AND INTEGRITY.

All elected and appointed officials, employees, volunteers, and others who participate in the city, shall work to practice and uphold the following values of honesty and integrity:

(A) To act with moral courage.

(B) To make decisions for the public=s best interests, even when they may not be popular.

(C) To not engage in any business that would be, directly or indirectly, inconsistent with the conscientious performance of the person=s public duties.

(D) To make no private promises of any kind that may unduly influence the person=s public duties.

(E) To accept the responsibility to:

(1) Expose corrupt practices and/or behaviors; and

(2) Where empowered to do so, protect any public employee from retaliation who has exposed corrupt practices and/or behaviors. (Ord. 2005-11-38, passed 11-21-05)

' 39.03 VALUES OF RESPECT AND CIVILITY.

All elected and appointed officials, employees, volunteers, and others who participate in the city, shall work to practice and uphold the following values of respect and civility:

(A) To treat others as one=s self would wish to be treated.

(B) To accomplish the goals and responsibilities of one=s individual position, while respecting their role as a member of a team and the community at large.

(C) To act in a professional and responsive manner.

(D) To work together in a spirit of tolerance and understanding.

(E) To work to build consensus and will accommodate diverse opinions.

(F) To communicate effectively by listening carefully, asking questions and responding in a way that adds value to conversations. (Ord. 2005-11-38, passed 11-21-05)

' 39.04 VALUES OF ACCOUNTABILITY AND RESPONSIBILITY.

All elected and appointed officials, employees, volunteers, and others who participate in the city, shall work to practice and uphold the following values of accountability and responsibility:

(A) To not participate in any decision where the person has a conflict of interest or from which their family, business and professional associates or themself may personally benefit.

(B) To not use their position, public property or public resources for the personal benefit of themselves, their family or their business and professional associates.

(C) To never solicit or accept any favor or benefit for their family, their business and professional associates or themselves that might be construed as influencing the performance of their public duties.

(D) To make full public disclosure of the nature of any conflict of interest prior to any action taken.

(E) To avoid disclosing or abusing the information that the person gains by virtue of their position for the personal benefit of themselves, their family or businesses and professional associates.

(F) To not engage in direct competition with the city while the person is an employee, an appointed official, or an elected official.

(G) To support the public=s right to know the truth and encourage diverse and civil public debate in the decision-making process.
(Ord. 2005-11-38, passed 11-21-05)

' 39.05 VALUES OF FAIRNESS AND JUSTICE.

All elected and appointed officials, employees, volunteers, and others who participate in the city, shall work to practice and uphold the following values of fairness and justice:

(A) To promote non-discrimination in the person=s decision-making for the city and will make decisions based upon the merits of the issue at hand.

(B) To recognize the function of the city is to serve the best interests of the citizens.

(C) To use their authority to promote the efficient and effective delivery of public services.

(D) To refrain from proposing services where adequate resources are not available.

(E) Where inadequate resources adversely affect the best interests of the citizens, to work to remedy the imbalance.
(Ord. 2004-11-38, passed 11-21-05)

' 39.06 ADHERENCE TO THIS CODE.

Behavior inconsistent with the values set forth in this code may be redressed by the traditional instruments of governance including state law, ordinances and work rules.
(Ord.2005-11-38, passed 11-21-05)

' 39.07 DISTRIBUTION AND COMMUNICATION OF VALUES.

(A) A document shall be prepared under the authority of this code that shall include the following:

(1) The preamble of this code; and

(2) A listing of the values listed in this code by proper heading.

(B) Once prepared, the document as described herein shall be presented to the proper elected officials, appointed officials and employees for their information.
(Ord. 2005-11-38, passed 11-21-05)

TITLE V: PUBLIC WORKS

Chapter

50. WATERWORKS SYSTEM

51. SEWER SYSTEM

52. GARBAGE

53. STORMWATER REGULATIONS

CHAPTER 50: WATERWORKS SYSTEM

Section

General Provisions

50.01 Control of utilities by Board of Works and Public Safety
50.02 Rates and charges for water
50.03 Regulations concerning water main connections
50.04 Water meters for condominium units
50.05 Collection and consumer deposit policies
50.06 Fire protection services
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Backflow Prevention and Cross-Connections

50.10 Responsibility
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50.12 Water system requirements
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50.15 Discontinuance of service
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50.18 Approval of backflow prevention assembly
50.19 Adoption of standards by reference
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50.21 Certification of testers
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50.99 Penalty

GENERAL PROVISIONS

' 50.01 CONTROL OF UTILITIES BY BOARD OF WORKS AND PUBLIC SAFETY.

(A) The Board of Works and Public Safety shall control and operate the city=s water utility pursuant to I.C. 8-l.5-3. (Ord. 1250, passed 12-6-82)

(B) The jurisdiction of the Indiana Utilities Regulatory Commission over the water utility owned and operated by the city is hereby removed, pursuant to I.C. 8-1.5-3-9.1. (Ord. 1544, passed 9-4-90)

' 50.02 RATES AND CHARGES FOR WATER.

There is established for the use of and the service rendered by the waterworks system of the city, the following rates and charges, based on the use of water supplied by said waterworks system:

(A) Monthly Metered Rates

	Rate per 1,000 gal.
First 3,000 gallons per month	$9.92
Next 7,000 gallons per month	8.37
Next 40,000 gallons per month	6.86
Over 50,000 gallons per month	5.36

(B) Minimum Monthly Charges

Meter size	Gallonage allowed	Rate per month
5/8 & 3/4 inch	1,500	$ 14.88
1 inch	5,000	46.49
1-1/2 inch	10,000	84.14
2 inch	14,000	115.76
3 inch	31,000	232.36
4 inch	53,000	378.76
6 inch	136,000	823.70
8 inch	230,000	1,327.60

(C) Flat Fee for Connection to City Water Main

Size of tap	Fee
3 inch tap	$ 359.12
4 inch tap	369.80
6 inch tap	515.31
8 inch tap	770.30
10 inch tap	1,285.61
12 inch tap	2,055.90

(D) Annual Fee for Fire Sprinkler Protection Systems

Size of tap	Fee
2 inch tap	$ 158.34
3 inch tap	192.69
4 inch tap	285.73
6 inch tap	636.87
8 inch tap	1,129.13

(E) Annual Private Hydrant Rental Charge

Per hydrant $ 889.64

(F) A meter fee shall be collected from each customer prior to connection to the water system in an amount equal to the cost of labor and materials necessary for installing the water meter. This shall include the cost of a suitable water meter. The charge for a 5/8" - 3/4" meter shall be $700. The charge for a 1" meter shall be $900. For any meter larger than 1", the customer shall be charged the actual cost of the meter plus 10% for shipping and handling each time such a meter is installed. For any meter larger than 1", the installation shall be performed by a licensed plumber at the customer=s cost.

(G) Late Payment Charges. Bills unpaid 15 days following the due date as stated in the bills shall be subject to a collection charge of 10% on the first $3 of unpaid billing and 3% on the balance of unpaid billing in excess of $3.

(H) Service Outside City Limits. For users of water located outside the corporate limits of the city, an additional charge in the amount of 25% of the billing for water usage computed at the above rates will be imposed.

(I) Nonrecurring Fees and Charges. A separate fee or charge is established for certain services rendered by the city to water customers as follows:

(1) A fee of $25 is established for each water service shut-off, disconnection, or reconnection due to nonpayment.

(2) A fee of $25 is established for each water tap or service line inspection and final inspection performed by the city. There will be a $35 charge for each reinspection.

(3) A fee for each service call made after regular business hours is established and shall equal the actual cost of time (one-hour minimum for each service call), labor, and materials for each service call made at any time other than 8:30 a.m. to 4:30 p.m. Monday through Friday, and for any service call made during any legal holiday.

(4) A fee for each reseal is established and shall equal the actual cost of time (one-hour minimum for each reseal), labor, and materials utilized.

(5) A fee of $25 is established for each time a water meter is removed from service at the request of the customer to terminate water service; and a fee of $25 is established for each time a meter is installed or reinstalled at the request of a customer to start water service.

(6) A fee of $25 is established for each customer who requests three consecutive service calls for suspected water leaks within any 12-month period where the Water Department finds no evidence of a water leak on three consecutive service calls.

(7) A fee of $25 is established for every customer who schedules a service call time and date with the Water Department and the customer, or their agent, fails to be present on the scheduled time and date to allow the Water Department employees to enter upon the customer's premises to perform the scheduled service call.
(Ord. 728, passed 10-11-66; Am. Ord. 923, passed 2-23-76; Am. Ord. 926, passed 4-5-76; Am. Ord. 1152, passed 12-18-80; Am. Ord. 1561, passed 12-10-90; Am. Ord. 1660, passed 3-1-93; Am. Ord. 1709, passed 6-6-94; Am. Ord. 1845, passed 5-29-97; Am. Ord. 2002-09-46, passed 10-7-02; Am. Ord. 2003-07-19, passed 8-4-03; Am. Ord. 2004-10-37, passed 11-1-04; Am. Ord. 2007-03-10, passed 4-2-07; Am. Ord. 2008-07-20, passed

7-21-08; Am. Ord. 2010-07-09, passed 8-2-10; Am. Ord. 2012-09-24, passed 9-17-12)

' 50.03 REGULATIONS CONCERNING WATER MAIN CONNECTIONS.

(A) All taps shall be performed by a contractor, licensed by the city, and employed by the person requiring the tap. The city shall be notified at least 48 hours prior to work being performed and a city inspection shall be scheduled and performed at the time of each tap. Fees for all taps shall include those fees provided for and established in _ 50.02(C).

(B) The contractor or owner making the tap shall furnish and install the meter according to the requirements and specifications of the city.

(C) All fire protection systems and hydrants installed after the effective date of this chapter will be billed the annual fee, starting on the date of the approval of the rate schedule set forth herein. (Ord. 010, passed 11-1-71; Am. Ord. 1660, passed 3-1-93; Am. Ord. 2004-07-17, passed 7-6-04; Am. Ord. 2004-11-39, passed 11-2-04)

' 50.04 WATER METERS FOR CONDOMINIUM UNITS.

Each condominium unit, as defined in Crown Point Code ' l54.02, shall be separately connected and metered.
(Ord. 1361, passed l0-7-85)

Cross-reference:
Conversion to condominiums, see Ch. l54

' 50.05 COLLECTION AND CONSUMER DEPOSIT POLICIES.

(A) Consumer Deposits.

(1) All consumer deposits on active accounts shall be refunded through the current water bills within 60 days of enactment of this section. The bills shall separately reflect the refunded amount.

(2) All consumer deposits for inactive accounts shall be refunded with a check within a reasonable period of time.

(3) Uncashed checks shall be voided on December 31st two years after the date of issuance and the money shall be placed in the Crown Point Water Utility Operations and Maintenance Account.

(4) For any undeliverable refunds, the clerk-treasurer will publish a notice of the deposit owners on file. Any such refund not claimed within 90 days of publication shall become the property of the Crown Point Water and Wastewater Utilities and be deposited into the Operations and Maintenance Cash Account, respectively.

(B) Metered Hydrant Deposits. Metered hydrant deposits shall be in the amount of $250 and will be refunded upon satisfaction of all outstanding charges. Temporary meters shall be put in place to monitor the amount of usage.

(C) Delinquent Accounts.

(1) Defined. A delinquent account is defined as any utility bill that is not paid within one monthly billing cycle after it is due.

(2) Prior to any shut off, all delinquent accounts shall receive a ten-day written notification on the utility bill.

(3) All delinquent accounts that have not been paid shall on the:

(a) First Occurrence. Delinquent accounts shall be exempt from the utility deposit requirements on the first occurrence, if their past payment history reflects no delinquent shut offs within the past 24 months.

(b) Second Occurrence.

1. All accounts that have previously experienced a delinquent shut off, within the last 24 months shall have to establish utility deposits for:

a. Water. Based on the estimated average payment due from the property served by the water works for a three-month period while occupied. No interest will be paid on any part of the deposit.

b. Wastewater. Based upon the estimated average payment due from the property served by the sewage works for a three-month period while occupied. No interest will be paid on any part of the deposit.

2. Delinquent accounts, which have been shut off, shall be charged a processing fee of $40 in addition to any other applicable fees.

(D) Refund of Deposits.

(1) If a current customer=s payment history reflects no delinquency, within the last 24 months, the customer may request, in writing, return of the deposit. The deposit will be credited to the account.

(2) For closed accounts, deposits will be returned to the owner within a reasonable time after all final charges are paid. Before any amount of the deposit is refunded, the deposit will be applied to other utility charges that have not been satisfied.

(E) On/Off Fees.

(1) Water On/Off Fees.

(a) The turn on fee shall be $10 for each occurrence.

(b) The shut off fee shall be $10 for each occurrence.

(c) Overtime charges shall be billed in addition to the turn on fee if applicable.

(2) Sprinkler On/Off Fees.

(a) The turn on fee shall be $10 for each occurrence.

(b) The turn off fee shall be $10 for each occurrence.

(F) Illegal Water Service Turn Ons, Water Taps, and Unauthorized Hydrant Usage Penalties.

(1) Water Service.

(a) New Construction Service. Illegal water service turn ons will be charged a $250 penalty fee plus two times the minimum bill for each month since water service installation. A partial month shall be billed as a full month. The permit holder, property owner, and the contractor shall be responsible for the penalty fee and minimum bill charges.

(b) Existing Service.

1. Illegal water service turn ons will be charged a $100 penalty fee for each incident.

2. Emergency repairs which require a licensed plumbing contractor to turn the water meter on and off, shall be exempt from the $100 penalty fee. However, any damage created due to the plumbing contractor shall be the responsibility of the contractor and homeowner.

(2) Water Taps. For illegal water taps, property owners shall be charged a $1,000 penalty fee plus the sum of two times the minimum bill for six months.

(3) Unauthorized Hydrant Usage. Any unauthorized hydrant usage shall be charged a penalty fee of $500 plus a one month minimum for a three-inch hydrant meter.

(G) Collection Attempts and Write-offs.

(1) The clerk-treasurer shall write off uncollectible amounts without the Board of Public Works and Safety approval for the following:

(a) Water utility amounts of less than $40.

(b) Wastewater utility amounts of less than $40.

(c) Penalties or fees less than $40.

(2) All other uncollectible amounts will proceed to the Legal Department for collection, which includes demand letters and possible filing of liens, etc. Liens shall include all filing fees and a penalty fee of 20% of the total amount due.

(3) For water and/or wastewater amounts of $40 and above, for which collection attempts have failed, the Legal Department shall notify the Board of Public Works and Safety for the necessary write-off approval.

(4) The clerk-treasurer may also contract with a collection agency if deemed necessary.

(H) Contractors. Before a contractor will be issued a license or permit, he or she must have paid in full all past due utility accounts.

(I) Due Dates and Calculation of Penalties.

(1) Payment is due at 4:30 p.m., local standard time, on the due date indicated on the bill.

(2) The late penalty shall be imposed on the day following the due date if a bill is still unpaid.

(3) This section specifically repeals and supercedes the penalty provisions of Ordinances 550 and 558 establishing penalty assessment dates.

(J) Application of Payments. Payments and deposits will be applied in the following order to any outstanding balances.

(1) Tax.

(2) Water.

(3) Water penalty.

(4) Refuse.

(5) Refuse penalty.

(6) Wastewater.

(7) Wastewater penalty.

(K) Application for Service.

(1) New or moving customers applying for utility service shall do so in person at the clerk-treasurer=s office before new service is commenced. The application procedure is to be established by the clerk-treasurer. Provisions regarding rental properties are set forth in subsection (M) below.

(2) Before new service shall be established, customers shall pay in full any unpaid amounts previously written off. Those items include, but are not limited to, bad debts written off and collection of legal fees paid to outside agencies. Also, a consumer deposit of $100 shall be maintained for 24 months.

(3) If, after a final bill is prepared, there are remaining charges that become past due on the final account, any additional accounts established in the same name will be subject to service termination as though the accounts were one.

(L) Installment Options for Past Due Accounts. For consumers who as unable to pay their bills in full, a payment plan may be requested. However, the current amount must be paid each month in full before any water service is continued.

(1) For accounts owing $75 or less on the past due amount. Installment payments of $25 per month shall be established until the balance is paid off.

(2) For accounts owing more than $75 on the past due amount. Installment payment of 1/6 of the amount due shall be established until the balance is satisfied.

(3) If the consumer defaults on any scheduled payments, the balance shall be immediately due in full.

(M) Rental Properties. The bill for all monthly utility services with the city shall be in the name of the landowner or property manager or tenant. New service shall not be permitted at a rental location in a new tenant's name until any previous charges for that location are satisfied with the Clerk-Treasurer's Office. Utility services may be maintained in the name of the rental property manager or landowner even if the outstanding balance from a previous tenant at the rental location is not satisfied. Once the landowner or property manager has been notified of a delinquent bill or a final bill or a shut-off, then the landowner has 15 days to pay the full amount due to the Clerk-Treasurer's Office.

(1) If a tenant's utility service is discontinued due to nonpayment, an off fee, and an on fee, and a $40 processing fee shall be assessed and all past due amounts and fees must be paid in full before reconnection of service.

(2) At any time, it will be the landlord's discretion to collect and hold a water deposit directly from the tenant consistent with I.C. 32-7-5-9, I.C. 32-7-5-12, and I.C. 35-7-5-13.

(3) This subsection specifically repeals and supercedes Ordinance 558, Section 4.

(N) Disputed Utility Bills Resolution. Pursuant to I.C. 36-9-25-11.5, the procedure for resolving disputed water service bills shall be as follows:

(1) The presumed delinquent user first shall meet informally with the clerk-treasurer or the clerk-treasurer=s designated representative who shall have the authority to correct incorrect charges.

(2) If an informal meeting with the clerk-treasurer=s office does not resolve the disputed water bill, the presumed delinquent user may then petition the Board of Public Works and Safety to set the matter on the Board=s agenda for discussion and action at a meeting of the Board. The decision of the Board of Public Works shall be final.

(3) Payment of a disputed bill and penalties by a user does not constitute a waiver of rights to subsequently claim and recover from the utility sums improperly charged to the user.

(O) Personnel.

(1) Upon the request of the clerk-treasurer=s office, the Department of Public Works shall provide the necessary manpower needed to perform the tasks required for the enforcement of this section, including, but not limited to: meter readings, service turn ons, service turn offs, zero consumption checks, high usage rechecks and meter testing.

(2) The tasks requested by the clerk-treasurer=s office shall be performed in a reasonable and timely manner such that there will be timely enforcement of the terms of this section.
(Ord. 2003-01-02, passed 3-3-03; Am. Ord. 2009-04-15, passed 4-6-09)

' 50.06 FIRE PROTECTION SERVICES.

(A) The rates and charges set forth below are established for fire protection services rendered by the Crown Point Water Utility beginning January 1, 2005.

(B) Public fire hydrants.

(1) The City of Crown Point adopts the provisions of I.C. 8-1-2-103(d). The Common Council provides that costs for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be recovered and included in the basic rates for all customers of the Crown Point Water Utility.

(2) Effective January 1, 2005, the construction cost of any fire hydrant installed at the request of the city shall be paid for by the city or the developer if required by the city. The schedule of rates set forth in division (C) below shall eliminate the fire protection charges billed directly to the city, other than charges for the construction cost for new hydrants installed on or after January 1, 2005.

(3) Each customer of the Water Utility shall pay a monthly public fire protection charge as set forth in division (C) below beginning January 1, 2005, and as set forth in division (D) below beginning January 1, 2006, and thereafter, based on the applicable size of the meter installed.

(C) Public fire protection charge schedule effective January 1, 2005. Effective January 1, 2005, each customer shall pay a monthly public fire protection service charge in accordance with the following schedule based upon the applicable size of the meter installed. This service charge is in addition to any monthly usage charges.

Meter Size	Public Fire Protection Monthly Charge
5/8-inch meter	$ 2.73
3/4-inch meter	3.15
1-inch meter	4.17
1 1/2-inch meter	7.72
2-inch meter	10.48
3-inch meter	20.92
4-inch meter	34.91
6-inch meter	75.05
8-inch meter	121.46

(D) Public fire protection charge schedule effective January 1, 2006. Effective January 1, 2006, each customer shall pay a monthly public fire protection service charge in accordance with the following

schedule based upon the applicable size of the meter installed. This service charge is in addition to any monthly usage charges.

METER SIZE	PUBLIC FIRE PROTECTION MONTHLY CHARGE
5/8-inch meter	$ 5.46
3/4-inch meter	6.30
1-inch meter	8.34
1 1/2-inch meter	15.44
2-inch meter	20.96
3-inch meter	41.84
4-inch meter	69.82
6-inch meter	150.10
8-inch meter	242.92

(Ord. 2004-10-37, passed 11-1-04; Am. Ord. 2004-12-41, passed 12-6-04)

Cross-reference:
Fire-Rescue Department, see __ 35.01 et seq.

' 50.07 EXTENSION OF UTILITIES OUTSIDE OF CITY LIMITS.

(A) No city water utility services may be extended outside of the corporate city limits without a resolution authorizing the extension by the Common Council.

(B) No city wastewater utility services may be extended outside of the corporate city limits without a resolution authorizing the extension by the Common Council.

(C) No city storm water services may be extended outside of the corporate city limits without a resolution authorizing the extension by the Common Council.
(Ord. 2007-12-41, passed 12-3-07)

BACKFLOW PREVENTION AND CROSS-CONNECTIONS

' 50.10 RESPONSIBILITY.

The city Water Works shall be responsible for the protection of the public potable water distribution system from contaminants or pollutants

through the water service connection. If, in the judgment of the city Water Works an approved backflow prevention assembly is required as defined by the I.A.C., 327 IAC 810, Rule 10 (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, city Water Works shall give notice in writing by mail to said customer to install such an approved backflow prevention assembly(s) at specific locations(s) on their premises. The consumer shall install such approved assembly(s) at the consumer's own expense; and, failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly(s) shall constitute a grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
(Ord. 2002-08-38, passed 9-3-02)

' 50.11 DEFINITIONS.

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

"AIR-GAP." Unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture, or other device and the flood level rim of said vessel. An approved "AIR-GAP" shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.

"APPROVED." Accepted by the city Water Works as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

"AUXILIARY WATER SUPPLY." Any water supply on or available to the premises other than the utility's approved public water supply. These auxiliary waters may include water from another utility's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water utility does not have sanitary control.

"BACKFLOW." The reversal of the normal flow of water caused by either backpressure or backsiphonage.

"BACKFLOW PREVENTER." An approved assembly or means designed to prevent backflow.

"BACKPRESSURE." The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

"BACKSIPHONAGE." The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply caused by the reduction of pressure in the potable water supply system.

"CONTAMINATION." An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

"CROSS-CONNECTION." Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system.

"CROSS-CONNECTION CONTROL BY CONTAINMENT." The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection.

"CROSS-CONNECTIONS CONTROLLED." A connection between a potable water system and a non-potable water system with an air-gap or approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

"DEGREE OF HAZARD." An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

"DOUBLE CHECK VALVE ASSEMBLY." An assembly of two independently operating, approved check valves with resilient seated shut-off valves on each end of the check valves, plus properly located resilient seated test cocks for testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by a recognized and city Water Works approved testing agency for backflow prevention assemblies. To be approved these assemblies must be readily accessible for in-line testing and maintenance. Confined space installations will not be accepted.

"HEALTH HAZARD." Any condition, device, or practice in the water supply system and its operation, which could create, or in the judgment of the city Water Works, may create a danger to the health and well being of the water consumer.

"INDUSTRIAL FLUIDS SYSTEMS." Any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used water" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalines, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, glycerin, paraffin, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

"NON POTABLE WATER." Water which is not safe for human consumption or which is of questionable potability.

"PLUMBING HAZARD." A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

"POLLUTION." The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the

water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"POLLUTIONAL HAZARD." An actual or potential threat to the physical water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

"POTABLE WATER." Any water which, according to recognized standards, is safe for human consumption.

"REDUCED PRESSURE PRINCIPAL ASSEMBLIES." An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time, below the first check valve, the unit shall include properly located resilient seated test cocks and resilient seated shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and city Water Works approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the check valves at an acceptable level less than the pressure on the public water supply side of the assembly. At cessation of a normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the assembly. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved these assemblies must be readily accessible for inline testing and maintenance and be installed in a location where no part of the assembly will be submerged. Confined space installations will not be approved.

"SUPERINTENDENT." The Superintendent of the Water Department of the City of Crown Point who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this subchapter.

"SYSTEM HAZARD." An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted affect on the quality of the potable water in the system.

"USED WATER." Any water supplied by a Water Utility from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the Water Utility.

"WATER SERVICE CONNECTION." The terminal end of a service connection from the public potable water system; i.e., where the Water Utility loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter, provided the meter is installed outside of a building; i.e., in a meter pit or vault. If the meter is installed inside a building, then the Water Utility's jurisdiction terminates at the downstream end of the outside shut off valve to the water service. There should be no unprotected takeoffs from the service line ahead of any meter or ahead of any backflow prevention assembly. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
(Ord. 2002-08-38, passed 9-3-02)

' 50.12 WATER SYSTEM REQUIREMENTS.

The water system shall be considered as made up of two parts, the utility system and the customer system:

(A) The utility system shall consist of the source facilities and the distribution system; and shall include all air-gaps or approved backflow prevention assemblies properly installed and maintained, up to the point where the customer's system begins. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. The distribution system shall include the network of mains used for the delivery of water from the source to the customer's system.

(B) The customer system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.
(Ord. 2002-08-38, passed 9-3-02)

' 50.13 COMPLIANCE.

No water service connection to any premises shall be installed or maintained by the city Water Works unless the water supply is protected as required by state rules and regulations and this subchapter. Service of water to any premises may be discontinued by the city Water Works if a backflow prevention assembly required by this subchapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
(Ord. 2002-08-38, passed 9-3-02)

' 50.14 INSPECTION.

The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Water Department. These inspections may include, but are not limited to, inspections for cross-connections, structural or sanitary hazards, violations of this subchapter or regulations which are adopted through this subchapter, or meter function. In the event that access to the customer's premises for the purpose of any such inspection is not granted within five business days of a request by the Water Department, water service shall be shut off until such time as the inspection is completed and any necessary repairs are completed.
(Ord. 2002-08-38, passed 9-3-02; Am. Ord. 2007-03-10, passed 4-2-07)

' 50.15 DISCONTINUANCE OF SERVICE.

When a violative condition becomes known, the Superintendent may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state statutes and city ordinances relating to plumbing and water supplies and the regulations adopted pursuant thereto.
(Ord. 2002-08-38, passed 9-3-02)

' 50.16 INSTALLATION OF BACKFLOW PREVENTION ASSEMBLY.

An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(A) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the city Water Works, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard;

(B) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality; and

(C) In the case of premises having an internal cross-connection that cannot be permanently corrected or controlled, or an intricate plumbing and piping arrangements or where entry to all portions of the premises are not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the

premises by installing an approved backflow prevention assembly in the service line or lines where potential hazards could exist.
(Ord. 2002-08-38, passed 9-3-02)

' 50.17 TYPE OF PROTECTIVE ASSEMBLY.

The type of protective assembly required shall depend upon the degree of hazard which exists, as follows:

(A) In the case of any premises where there is an auxiliary water supply, the public water system shall be protected by an approved air- gap separation or an approved reduced pressure principle backflow prevention assembly;

(B) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly;

(C) In the case of any premises where there is any material dangerous to health such as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these condition will exist include, but are not limited to sewage treatment plans, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants;

(D) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection;

(E) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises; and

(F) (1) In the case of any premises having a lawn irrigation system, the public water system shall be protected by an approved pressure vacuum breaker backflow prevention assembly or an approved reduced pressure principle backflow prevention assembly.

(2) Prior to the start-up of any new or modified lawn irrigation system, the installer of the lawn irrigation system shall provide a backflow test in compliance with the requirements of this chapter and in compliance with all state cross-connection regulations. Documentation of this testing must be submitted to the City Water Department within ten days of the testing.

(3) Prior to the start-up of any existing lawn irrigation system, the property owner shall provide a backflow test in compliance with the requirements of this chapter and in compliance with all state cross-connection regulations. Documentation of this testing must be submitted to the City Water Department within ten days of the testing.
(Ord. 2002-08-38, passed 9-3-02; Am. Ord. 2005-06-18, passed 6-6-05)

' 50.18 APPROVAL OF BACKFLOW PREVENTION ASSEMBLY.

Any backflow prevention assembly required herein shall be a model and size approved by the city Water Works. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled "AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices". Said assembly shall meet the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC&HR) of the University of Southern California established by Specifications of Backflow Prevention Assemblies - Section 10 of the most current issue of the *Manual of Cross-Connection Control*. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory certifying full compliance with the said AWWA standards and FCCC&HR specifications.
(Ord. 2002-08-38, passed 9-3-02)

' 50.19 ADOPTION OF STANDARDS BY REFERENCE.

The AWWA and FCCC&HR standards and specifications specifically referenced in Section 5.04.090 are hereby adopted and incorporated herein by reference.

SECTION 5.04.110 Duty to test and repair. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the Crown Point Water Works Superintendent deems the hazard to be great enough, the Superintendent may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the State of Indiana and the Crown Point Water Works. It shall be the duty of the Crown Point Water Works to see that these tests are made in a timely manner. If a customer-user does not have its backflow prevention assembly tested within thirty (30) days of notification, Crown Point Water Works may discontinue water service to the premises to maintain the safety of the public water system. These assemblies shall be repaired, overhauled or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the Crown Point Water Works.
(Ord. 2002-08-38, passed 9-3-02)

' 50.20 EXEMPTIONS.

All presently installed backflow prevention assemblies which do not meet the requirements of this section that were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall be excluded from the requirement of these rules so long as the city Water Works is assured that they will satisfactorily protect the utility system. However, whenever the existing device is moved from the present location or requires more than minimum maintenance or when the city Water Works finds that the assembly or its maintenance constitutes a hazard to health, the unit shall be replaced, at the consumer's expense, by an approved backflow prevention assembly meeting the requirement of this section.
(Ord. 2002-08-38, passed 9-3-02)

' 50.21 CERTIFICATION OF TESTERS.

Certified testers shall be listed with, and shall be approved by, the City Water Department. Certified testers shall provide proof that test gauges used in testing backflow prevention assemblies have been calibrated and certified annually.
(Ord. 2002-08-38, passed 9-3-02; Am. Ord. 2005-06-18, passed 6-6-05)

' 50.22 RULES AND REGULATIONS.

The Board of Public Works and Safety is hereby authorized to and shall adopt or approve any and all rules, regulations or policies for the efficient and effective operation of the city Water Utility.
(Ord. 2002-08-38, passed 9-3-02)

' 50.99 PENALTY.

(A) Whoever violates any provision of this chapter or violates any rule, regulation or policy of approved by the Board of Public Works and Safety hereunder, for which no other penalty is otherwise specifically provided, shall be fined not less than $50 nor more than $2,500. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(B) Whoever fails to comply with required testing under ' 50.17(F) shall be fined not less than $250 for the first violation and not less than $500 for any subsequent violation. The maximum fine for any violation shall be not more than $2,500. For any violation, the Superintendent may deny or discontinue service pursuant to the terms of ' 50.15.
(Ord. 2002-08-38, passed 9-3-02; Am. Ord. 2005-06-18, passed 6-6-05)

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GENERAL PROVISIONS

' 51.01 DEFINITIONS.

(A) Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"AMMONIA" or "NH_3-N." Ammonia nitrogen measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "STANDARD METHODS" as defined below.

"BIOCHEMICAL OXYGEN DEMAND" or "BOD" of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20°C. The laboratory determinations shall be made in accordance with procedures set forth in "STANDARD METHODS" as defined below.

"BOARD." The Board of Public Works and Safety, or any duly authorized officials or boards acting in its behalf.

"BUILDING (OR HOUSE) DRAIN." The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five feet outside the foundation wall of the building.

(1) "BUILDING DRAIN - SANITARY." A building drain which conveys sanitary or industrial sewage only.

(2) "BUILDING DRAIN - STORM." A building drain which conveys stormwater or other clean water drainage, but no wastewater.

"BUILDING (OR HOUSE) LATERAL SEWER." The extension from the building drain to the sewerage system or other place of disposal. (Also called house connections.)

(1) "BUILDING SEWER - SANITARY." A building sewer which conveys sanitary or industrial sewage only.

(2) "BUILDING SEWER - STORM." A building sewer which conveys storm water or other clean water drainage, but no wastewater.

"CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND" or "CBOD." Five-day measure at pollutant parameters carbonaceous biochemical oxygen demand.

"CHEMICAL OXYGEN DEMAND" or "COD" of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "STANDARD METHODS" as defined below.

"COMPATIBLE POLLUTANT." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

(1) Chemical oxygen demand;

(2) Total organic carbon;

(3) Phosphorus and phosphorus compounds;

(4) Nitrogen and nitrogen compounds; or

(5) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

"EASEMENT." An acquired legal right for the specific use of land owned by others, including but not limited to right of access to the property's septic tank for the purposes of maintenance and inspection.

"FECAL COLIFORM." Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

"FLOATABLE OIL." Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

"GARBAGE." Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

"INCOMPATIBLE POLLUTANT." Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in regulation 40 CFR Part 403.

"IDEM." Indiana Department of Environmental Management.

"INDUSTRIAL WASTES." Any solid, liquid or gaseous substances or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.

"INFILTRATION." The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

"INFILTRATION/INFLOW." The total quantity of water from both infiltration and inflow without distinguishing the source.

"INFLOW." The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguishable from infiltration.)

"INSPECTOR." The person or persons duly authorized by the city through its Board of Public Works and Safety to inspect and approve the installation of building sewers and their connection to the public sewer system.

"MAJOR CONTRIBUTOR." A contributor that:

(1) Has a flow of more than 3,000 gallons per average workday.

(2) Has in its waste a toxic pollutant in toxic amounts as defined in Section 307(a) of the Federal Act or state statutes and rules.

(3) Has a flow greater than 5% of flow carried by the sewerage system receiving the waste.

(4) Is found by the city, IDEM or the U.S. Environmental Protection Agency (USEPA) to have significant impact, either singly or in connection with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

"NPDES PERMIT." National pollutant discharge elimination system permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of Public Law 95-217.

"NATURAL OUTLET." Any outlet, including storm sewer overflows,

into a watercourse, pond, ditch, lake or other body of surface or ground water.

"NORMAL DOMESTIC SEWAGE." Shall have the same meaning as defined in ' 51.25.

"pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

"PERSON." Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

"PHOSPHORUS" or "P." The chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "STANDARD METHODS" as defined below.

"PRETREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of PL 95-217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.

"PRIVATE SEWER." A sewer which is not owned by the city.

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.

"PUBLIC SEWER." A sewer which is owned and controlled by the public authority and will consist of the following increments:

(1) "COLLECTOR SEWER." A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(2) "INTERCEPTOR SEWER." A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(3) "FORCE MAIN." A pipe in which wastewater is carried under pressure.

(4) "PUMPING STATION." A station positioned in the public sewer system at which wastewater is collected and pumped to a higher level.

(5) "SEPTIC TANK." A tank located on or near each property to be connected to the public sewer, to be owned by the city and shall be constructed pursuant to specifications adopted by the city as are required by law or regulation in effect from time to time.

"SANITARY SEWER." A sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.

"SEWAGE." The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutes (including polluted cooling water). The two most common types of sewage are:

(1) "SANITARY SEWAGE." The combination of liquid and water-carried wastes discharged from toilet and other sanitary pumping facilities.

(2) "INDUSTRIAL SEWAGE." The combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

"SEWAGE WORKS." The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

"SEWER OR COMBINED SEWER." A pipe or conduit for carrying sewage and/or a combined flows as defined in the NPDES permit issued to the city.

"SHALL" is mandatory; "MAY" is permissive.

"SLUG." Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five minutes more than five times the average 24-hour concentration of flow during normal operation and which adversely affects the sewage works.

"STANDARD METHODS." The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"STORM SEWER." A sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

"SUPERINTENDENT." The superintendent of the municipal sewage works of the city, or his authorized deputy, agent or representative.

"SUSPENDED SOLIDS" or "SS." Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in "STANDARD METHODS" as defined above.

"TOTAL SOLIDS." The sum of suspended and dissolved solids.

"TOXIC AMOUNT." Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (PL 95-217).

"UNPOLLUTED WATER." Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"VOLATILE ORGANIC MATTER." The material in the sewage solids transformed to gases or vapors when heated to 550°C. for 15 to 20 minutes.

"WASTEWATER." Water in which sewage has been discharged.

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

(B) Any term not defined herein, but defined in ' 51.25 shall have the same meaning herein.
(Ord. 1735, passed 11-21-94)

' 51.02 PROHIBITIONS.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human excrement, garbage or other objectionable waste.

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or polluted industrial water.

(C) Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No personal shall use such sewers, however, without the specific permission of the city.

(D) No new connection shall be made unless there is capacity available to all downstream sewers, vacuum collection - pumping stations, force mains and the sewage treatment plant, including capacity for BOD, SS, ammonia and phosphorus.

(E) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city, any wastewater or other polluted water except where suitable treatment has been provided in accordance with the provisions of this chapter and the NPDES permit.

(F) No person shall deliver or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with the provisions of this chapter and the NPDES permit.

(G) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(H) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities (through and including a suitable septic tank) directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line. As a condition of connection to a public sewer, the owner shall grant a right of access easement to the septic tank to the city for the purpose of maintenance and inspection.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.03 PERMIT REQUIRED; CONSTRUCTION STANDARDS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of $35 for a residential or commercial building permit and $5O for an industrial building sewer permit shall be paid to the city at the time the application is filed.

(C) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be

constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(D) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.

(E) The size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(F) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(G) No person shall make connection of roof downspouts, basement drains, sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(H) The connection of a building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(I) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The construction shall be made under the supervision of the Inspector or his representative.

(J) All excavations for building sewer installation must be adequately guarded with barricades and lights or any other appropriate safety devices or equipment as to protect and warn the public of a hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city at no expense to the city.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.04 REGULATIONS RELATIVE TO DISCHARGED WATERS OR WASTES.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 6.0 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works, or that interferes with any treatment purposes.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed the limitations set forth in the applicable federal categorical pretreatment standards or other pretreatment standards or regulations issued by USEPA or the IDEM. A toxic pollutant is defined pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.

(B) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Board of Public Works and Safety that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Board will give consideration to the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F. or 65°C.

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 25 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F. or 0° and 65°C.

(3) Any garbage that has not been properly shredded. The

installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board.

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive waters or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.0.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert SS (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual SS, CBOD, BOD, ammonia, ammonia-nitrogen, phosphorus, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined in ' 51.01.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharged in any manner whatsoever, any substance into a sewer at a point different than the proposed sewer connection to the sanitary sewer system.

(C) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (B) of this section, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Board may:

(1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.

(2) Reject the wastes in whole or in part for any reason deemed appropriate by the city.

(3) Require pretreatment of such wastes to within the limits of normal sewage as defined.

(4) Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.

(5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances and laws.

(D) The Superintendent may determine whether the suitable septic tank required as a component of the building sewer will satisfy the requirements for an interceptor(s).

(E) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(F) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Agents of the city, the State Water Pollution Control Agencies and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(G) All measurements, tests and analyses of the characteristics

of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for application for NPDES permits and report thereof such shall be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the city. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and SS analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(H) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern, at such rates as are compatible with the rate ordinance.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.05 PRETREATMENT OF INDUSTRIAL WASTES REQUIRED.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the USEPA (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the city and subsequent state or federal guidelines and rules and regulations.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.06 APPROVAL OF PRETREATMENT PLANS REQUIRED.

Plans, specifications and any other pertinent information relating to pretreatment of control facilities shall be submitted for approval of the city and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the city to determine that such facilities are being operated in conformance with the applicable federal, state and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.07 DISCHARGE TO STORM SEWER OR NATURAL OUTLET.

Unpolluted water from air conditioners, cooling, condensing systems or swimming pools shall be discharged to a storm sewer, where it is available, approved by the city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and by the state. When a storm sewer or natural outlet is not available, such unpolluted water may be discharged in accordance with ' 51.05.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.08 INDUSTRIAL COOLING WATER.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with ' 51.05.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.09 WASTEWATER FLOW CHARACTERISTICS.

The city may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the user's expense. If made by the city, an appropriate charge may be assessed to the user at the option of the city.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.10 SAMPLING AND ANALYSIS.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in ' 51.29, from sampling taken at the aforementioned structure at any period of time and of such duration and in such manner as the city may elect, or at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the city.
(Ord. 1735, passed 11-21-94)

' 51.11 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gastight and equipped with easily removable covers.

Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expenses, in continuously efficient operation at all times.

(B) Specifications for grease oil, and sand interceptors shall be in accordance with Sections 711, 712, 713, of the Indiana Plumbing Rules, 1981 Edition, (660 IAC 9) originally published as (4 IR 2398), which identifies, amends, and incorporates therein the Uniform Plumbing Code, 1979 Edition. Copies of the aforementioned code and rules, regulations and codes adopted herein by reference are on file as required by law in the office of the city.
(Ord. 1735, passed 11-21-94)

' 51.12 ACCIDENTAL DISCHARGES.

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.13 COMPLIANCE WITH STATE OR FEDERAL REQUIREMENTS.

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now, or projected to be, in effect.
(Ord. 1735, passed 11-21-94)

' 51.14 DAMAGING SEWERS.

No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be liable to the city for all damages resulting from such acts.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.15 INSPECTION, OBSERVATION, MEASUREMENT AND SAMPLING.

(A) The Superintendent, Inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind of source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and

the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in ' 51.04(F).

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 1735, passed 11-21-94) Penalty, see ' 51.99

' 51.16 APPEAL PROCEDURE.

The rules and regulations promulgated by the city, after approval by the Board of Public Works and Safety shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Public Works and Safety and that any decision concerning the sewage system or user charges of the Board may be appealed to a court of competent jurisdiction and proper venue, as provided by law.
(Ord. 1735, passed 11-21-94)

' 51.17 CONNECTION COSTS TO BE BORNE BY OWNER.

(A) The owner of any lot, parcel of real estate or building connecting to the sewage works plant, prior to being permitted to make a connection, shall comply with all applicable federal, state, county and city ordinances, laws, rules, codes and regulations and shall pay a connection charge which shall be the sum of the following:

(1) An amount established pursuant to the then current rate ordinance of the city; plus

(2) Any such owner so connecting shall install all components of the building drain and building lateral sewer, including septic tank if applicable, and shall pay the costs of such components and their installation and connection to the public sewer.

(B) Any such owner so connecting shall install all components of the private sewer as required by the city to connect such private sewer into the public sewer system and shall pay the cost of such components and their installation.
(Ord. 1735, passed 11-21-94)

' 51.18 CONNECTION PERMIT; FEE.

(A) A "BASE UNIT" shall be equal to or mean each single-family house and each individual apartment, condominium or other single-family living unit in any multi-unit building, structure or complex, or any other facility, that supplies not in excess of 310 gallons per day to the sanitary sewer system, in accordance with 327 IAC Article 3 Construction Permit Sanitary Sewer Designed Summary Form, as amended from time to time, which is incorporated herein by reference.

(B) A charge is hereby established in the amount of $1,920 per base unit for each permit issued pursuant to this section. For any commercial, governmental, industrial, institutional or other facility applying for a permit the total charge under this section shall be equal to the number of base units, plus the fractions thereof as determined by the City Engineering Department, times the charge per base unit as established in this section.

(C) A permit shall not be validly issued until the $1,920 connection fee per base unit, and fractions thereof if applicable, plus any applicable surcharges or other fees, have been each paid in full. Said charge, plus any surcharges as hereinafter or otherwise provided, shall be paid to the Clerk/Treasurer by the person securing the permit at the time of the issuance of the permit. Said connection fee shall be reviewed on a biannual basis after its initial enactment and implementation to ensure that said connection fee is cost-based, fair and equitable to all users.

(D) The study by Municipal Consultants dated July 29, 1997, and entitled "City of Crown Point Study of Wastewater Facility Connection Charge" (attached as Exhibit "A" to Ordinance No. 1871-A, passed February 2, 1998) is hereby incorporated by reference as part of this section.
(Ord. 1748-A, passed 5-1-95; Am. Ord. 1871-A, passed 2-2-98) Penalty, see ' 51.99

RATES AND CHARGES

' 51.25 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

"AMMONIA" or "NH_3-N" shall have the same meaning as defined in ' 51.01.

"BOARD" shall have the same meaning as defined in ' 51.01.

"BOD" or "BIOCHEMICAL OXYGEN DEMAND" shall have the same meaning as defined in ' 51.01.

"CBOD" or "CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND" shall have the same meaning as defined in ' 51.01.

"CITY." The City of Crown Point acting by and through its Board of Public Works and Safety.

"COD" or "CHEMICAL OXYGEN DEMAND" shall have the same meaning as defined in ' 51.01.

"COMBINED SEWER SYSTEM." The sanitary and other sewers as defined in the NPDES permit issued to the city for its sewers.

"EXCESSIVE STRENGTH SURCHARGE." An additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

"INDUSTRIAL WASTES." The wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

"LOCAL CAPITAL CHARGES." The average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt and depreciation costs.

"NORMAL DOMESTIC SEWAGE" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

SS not more than 250 mg/l
BOD not more than 250 mg/l
Ammonia not more than 40 mg/l
Phosphorus not more than 10 mg/l

"NPDES (National Pollutant Discharge Elimination System) PERMIT" shall have the same meaning as defined in ' 51.01.

"OPERATION AND MAINTENANCE COST." Includes all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state and local requirements. (These costs include replacement.)

"OTHER SERVICE CHARGES." Tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.

"PERSON." Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

"PHOSPHORUS" shall have the same meaning as defined in ' 51.01.

"REPLACEMENT COSTS." The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"SEWAGE" shall have the same meaning as defined in ' 51.01.

"SHALL" is mandatory; "MAY" is permissive.

"SS" or "SUSPENDED SOLIDS" shall have the same meaning as defined in ' 51.01.

"USER CHARGE." A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.

"USER CLASS." The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e. residential, commercial, industrial, institutional, and governmental in the user charge system).

(1) "COMMERCIAL USER." Any establishment involved in a commercial enterprise, business or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(2) "EDU (Equivalent Dwelling Unit)." A single-family residential dwelling unit that supplies not in excess of 310 gallons per day to the sanitary sewer system. The Indiana State Board of Health Bulletin S.E. 13 shall be utilized to determine flows used in the calculation of EDU's for flows other than a single-family residential unit.

(3) "GOVERNMENTAL USER." Any federal, state or local governmental user of the wastewater treatment works.

(4) "INDUSTRIAL USER." Any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

(5) "INSTITUTIONAL USER." Any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(6) "RESIDENTIAL USER." A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.
(Ord. 1734, passed 11-21-94)

' 51.26 USER CHARGES.

Every person whose premises are served by the sewage works shall be charged for the service provided. These charges are established for

each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(A) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(B) The various classes of users of the treatment works for the purpose of this chapter, shall be as follows:

(1) Residential.

(2) Commercial.

(3) Governmental.

(4) Institutional.

(5) Industrial.

(Ord. 1734, passed 11-21-94)

' 51.27 RATES.

For the use of the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the city's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the city. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be effective on and in the amount determined as follows:

(A) Rates effective for the first full billing cycle following the issuance of the bonds and until January 1, 1996. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter that is used, subject to a minimum charge, based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

(1) Billing and operation, maintenance and replacement rate per 1,000 gallons of usage per month: $2.34.

(2) Local capital charge per 1,000 gallons of usage per month: $1.59.

(3) Minimum rate per month:

Meter Size (inches)	Monthly Minimum Charge
e	$ 11.79
:	16.98
1	30.17
13	47.14
12	67.88
2	120.69
3	271.54
4	482.73
6	1,086.15

(B) Rates effective from and after January 1, 1996. The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter that is used, subject to a minimum charge, based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

(1) Billing and operation, maintenance and replacement rate per 1,000 gallons of usage per month: $3.77.

(2) Local capital charge per 1,000 gallons of usage per month: $2.56.

(3) Minimum rate per month:

Meter Size (inches)	Monthly Minimum Charge
e	$ 18.98
:	27.34
1	48.57
13	75.90
12	109.29
2	194.31
3	437.18
4	777.20
6	1,748.70

(C) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units (EDU's), except as

herein provided. A sewage service bill shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined and effective on the following dates is as follows:

(1) Residential single-family dwelling unit:

(a)	For of the first full billing cycle following the issuance of the bonds and until January 1, 1996	$17.80
(b)	From and after January 1, 1996	$25.30

(2) Charges are based on an average residential customer using 6,242 gallons.

(D) For the service rendered to the city, the city shall be subject to the same rates and charges.

(E) Notwithstanding any other provision of this subchapter to the contrary, the rates and charges contained in this subchapter shall not take effect (and will not apply to any usage of the combined sewer system) until the first monthly billing cycle after the issuance of any bonds pursuant to Ordinance 1736. Prior to such billing cycle following the issuance of any bonds, rates and charges will be as presently fixed by ordinance.

(F) In order to recover the cost of monitoring industrial wastes, the city shall charge the user not less than $100 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the city or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this subchapter.

(G) Summer and extraordinary sewer rates. A summer and extraordinary usage rate is hereby established for single-family residential dwelling users for water used during the year, including, but not limited to, the months of June, July, August and September which does not pass through the sanitary sewage system of the user, as follows:

(1) If the quantity of water used by a single-family residential dwelling user during the year, including, but not limited to, the months of June, July, August and September is greater than the average consumption for the preceding months of January, February and March for water used on the property or premises subject to all other rates and charges; provided, however, that if no prior sewage service bill was rendered for such property or premises during the calendar year, then in such event the city may determine, in such manner and by such methods as it may deem practicable, the percentage of metered water entering the sewage system and the percentages so determined shall constitute the basis for monthly sewage service charges during the year including, but not limited to, the months of June, July, August and September.

(2) The summer and extraordinary sewer credit established herein shall not apply to a single-family residential dwelling user if the quantity of water used during, but not limited to the months of June, July, August and September is less than or equal to the user=s average consumption for the preceding months of January, February and March.

(H) In order to provide for water used during the summer months which does not pass through the sewage system, for one-family dwelling users only, sewage service bills for the months of June, July and August, but not limited to those months, shall be rendered at the then current rate, but on the quantity actually used if the quantity used is less than or equal to the average consumption for the months of January, February and March. If the quantity used in June, July and August is greater than the average consumption for the months of January, February and March, the billing rendered shall be based on the average flow for the months of January, February and March for water used on the property or premises subject to such rates and charges; provided however, that if no prior sewage service bill was rendered for such property or premises during the said calendar year, then in that event the city may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sewage system. Such percentages when so determined shall constitute the basis for sewage service charges for the months of June, July and August.
(Ord. 1734, passed 11-21-94; Am. Ord. 1929, passed 5-3-99; Am. Ord. 2001-08-21, passed 8-15-01; Am. Ord. 2008-04-14, passed 4-7-08; Am. Ord. 2009-03-11, passed 5-4-09)

' 51.28 DETERMINATION OF SEWAGE DISCHARGE.

The quantity of water discharged into the combined sewer system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the city may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that such quantities do not enter the combined sewer system.

(A) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city=s combined sewer system, either directly or indirectly,
is not a user of water supplied by the water utility serving the city,
and the water used thereon or therein is not measured by a water meter, or
is measured by a water meter not acceptable to the city, then
the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rate or charge provided in this subchapter, the owner or other interested party shall, at his expense,

install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's combined sewer system, either directly or indirectly, is a user of water supplied by the water utility serving the city, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(C) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the city's combined sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(D) In the event two or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the city's combined sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that a minimum charge shall be billed in the amount of $17.80 for the period prior to January 1, 1996 and $25.30 thereafter per month per dwelling unit served through the single water meter. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(E) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the city's combined sewer system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the combined sewer system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.
(Ord. 1734, passed 11-21-94)

' 51.29 SURCHARGE.

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the city shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The city shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the combined sewer system, in such manner, by such method and at such times as the city may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the city at all times.

(A) Normal sewage domestic waste strength should not exceed a suspended solids in excess of 250 milligrams per liter of fluid, biochemical oxygen demand in excess of 250 milligrams per liter of fluid, ammonia in excess of 40 milligrams per liter of fluid, or phosphorus in excess of 10 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following bases:

(1) Rate surcharge based upon suspended solids. There shall be an additional charge of $.16 per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

(2) Rate surcharge based upon BOD. There shall be an additional charge of $.19 per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.

(3) Rate surcharge based upon ammonia. There shall be an additional charge of $.43 per pound of ammonia for ammonia received in excess of 40 milligrams per liter of fluid.

(4) Rate surcharge based upon phosphorus. There shall be an additional charge of $1.03 per pound of phosphorus for phosphorus received in excess of 10 milligrams per liter of fluid.

(B) The determination of suspended solids, biochemical oxygen demand, ammonia and phosphorus contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage and Industrial Wastes," as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," CFR Part 136.
(Ord. 1734, passed 11-21-94)

' 51.30 METHOD OF BILLING; DELINQUENCY.

Such rates and charges shall be prepared, billed and collected by the city in the manner provided by law and ordinance.

(A) The rates and charges for all users shall be prepared and billed monthly. Annually, each user shall be notified of the rates charged for operation, maintenance and replacement for that user during the next year in conjunction with a regular bill.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners or properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

(C) As is provided by statute, all rates and charges not paid by the fifteenth day of the month following receipt are hereby declared to be delinquent and a penalty of 10% of the amount of the rates and charges shall thereupon attach thereto.
(Ord. 1734, passed 11-21-94)

' 51.31 PROPORTIONALITY OF RATES AND CHARGES.

In order that the rates and charges for sewage services may remain in proportion to the cost of providing services to the various users or user classes, the city shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which this subchapter goes into effect. Such study shall include, but not be limited to, an analysis of the cost associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems. Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the city or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the city shall determine to be best under the circumstances. The city shall, upon completion of said study revise and adjust the rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.
(Ord. 1734, passed 11-21-94)

' 51.32 BYLAWS AND REGULATIONS.

The city, through its Board of Public Works and Safety, shall make

and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the city's sewage system, pumping stations and sewage treatment works; for the construction and use of house sewers and connections to the sewage treatment works and the sewage collection system; and for the regulation, collection and rebating and refunding of such rates and charges.
(Ord. 1734, passed 11-21-94)

' 51.33 DUMPING OF WASTES.

The Board of Public Works and Safety is hereby authorized to prohibit dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city, or to require a method effecting pretreatment of said wastes to comply with the pretreatment standards included in the national pollutant discharge elimination system (NPDES) permit issued to the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403, and any amendments thereto or the city's pretreatment program plan.
(Ord. 1734, passed 11-21-94)

' 51.34 APPEAL PROCEDURE.

the rules and regulations promulgated by the city, after approval by the Board of Public Works and Safety shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Public Works and Safety and that any decision concerning the sewage system or user charges of the Board may be appealed to a court of competent jurisdiction to the extent provided by law.
(Ord. 1734, passed 11-21-94)

' 51.35 SPECIAL RATE CONTRACTS.

The Board of Public Works and Safety is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.
(Ord. 1734, passed 11-21-94)

' 51.36 EFFECTIVE DATE OF RATES.

The rates and charges as herein set forth shall become effective on the dates specified herein on the first full billing period occurring after each effective date and the adoption of this subchapter.
(Ord. 1734, passed 11-21-94)

' 51.37 NO FREE SERVICE.

The Board of Public Works and Safety shall not grant free service or use of the sewage treatment system to any person, group or entity.

It is not necessary for an area or parcel of real estate to be annexed to the city to receive sewage treatment if said use and/or charges thereon are approved by the Board.
(Ord. 1734, passed 11-21-94)

' 51.38 TAP-IN FEES.

All tap-in or other connection fees for new connections to the combined sewer system shall be at the rate and according to existing ordinances for said fees.
(Ord. 1734, passed 11-21-94)

' 51.39 SERVICE OUTSIDE CITY LIMITS.

For users of the city's sewers located outside the corporate limits of the city, an additional charge in the amount of 25% of the billing for said sewer usage computed at the above rates will be imposed. This section shall have an effective date retroactive to May 5, 1969.
(Ord. 2012-09-26, passed 9-27-12)

INDUSTRIAL COST RECOVERY

' 5l.40 DEFINITIONS.

For purposes of '' 5l.40 through 5l.45, the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "FLOW." The quantity of liquid waste emanating from a user of the sewage works.

(B) "INDUSTRIAL USER."

(l) Any nongovernmental user of the sewage works identified in the Standard Industrial Classification Manual, l972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A - Agriculture, forestry, and fishing.

(b) Division B - Mining.

(c) Division D - Manufacturing.

(d) Division E - Transportation, communications, electric, gas, and sanitary services.

(e) Division I - Services.

(2) As stated above, a user in the divisions listed may be excluded if it is determined that it will introduce primarily normal domestic sewage. In addition, those users discharging less than the equivalent of 25,000 gallons per day of sanitary waste are excluded from

the definition of industrial user providing their discharge does not contain pollutants which:

(a) Interfere with the treatment works process;

(b) Are toxic or incompatible; or

(c) Contaminate or otherwise reduce the utility of sludge.

(3) At the time of the adoption of '' 5l.40 through 5l.45, by definition, there are no industrial users of the sewage works.

(C) "INDUSTRIAL USER CLASS." All users who are not classified as nonindustrial.

(D) "NONINDUSTRIAL USER CLASS." That type of user who produces normal domestic wastes or wastes from sanitary conveniences.

(E) "INDUSTRIAL WASTE." Any waste other than normal domestic sewage.

(F) "NORMAL DOMESTIC SEWAGE." Wastes that are normally dis-charged from individual residences and other housing units. Normal domestic sewage shall not include any waste containing a loading in excess of 200 milligrams per liter (mg/l) B.O.D., and 250 mg/l suspended solids. However, on a case-by-case basis, the waste from an industrial user may be classified as normal domestic sewage in accordance with this definition.

(G) "SEWAGE TREATMENT PLANT." Any arrangement of devices and structures used for treating sewage.

(H) "SEWAGE WORKS." All facilities for collecting, pumping, treating, and disposing of sewage. (Ord. 994, passed l2-5-77; amend. Ord. l024, passed 6-5-78)

' 5l.4l INDUSTRIAL COST RECOVERY.

Industrial cost recovery shall be based on the following factors:

(A) Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total grant amount divided by the recovery period.

(B) The industrial cost recovery period shall be 30 years.

(C) Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one year after the user begins use of the treatment works.

(D) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant amount allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

(E) If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the treatment works by an industrial user, the user's share shall be adjusted accordingly.

(F) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(G) An industrial user's share shall not include any portion of the grant amount allocable to unused or unreserved capacity.

(H) An industrial user's share shall include any firm commitment to the city of increased use by the user.

(I) An industrial user's share shall not include an interest component.

(J) (l) The city shall retain 50% of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the U. S. Treasury on an annual basis.

(2) A minimum of 80% of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion of the reconstruction of treatment works associated with the project, and necessary to meet the requirement of the environmental protection agency. The city shall obtain the written approval of the regional administrator of the environmental protection agency prior to commitment of the retained amounts for any expansion and reconstruction. The remainder of the retained amounts may be used as the city sees fit.

(3) Pending use, the city shall invest the retained amounts for reconstruction and expansion in: Obligations of the U.S. Government; or obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government, or by obligations fully guaranteed as to principal and interest by the U.S. Government, or any agency thereof. (Ord. 994, passed l2-5-77) Penalty, see ' 5l.99

' 5l.42 FORMULA.

The amounts to be recovered annually from each industrial class user shall be determined in accordance with the 3 formulae set out below:

(A) For flow-related recovery, the formula for each industrial class user shall be:

$$RF = FC \times \frac{\text{User flow-annually}}{\text{Design flow-annually}} \times \frac{1}{30 \text{ years}}$$

Where:

RF = Industrial cost recovery based on flow

FC = Capital costs which are flow-related

(B) For B.O.D. related recovery, the formula for each industrial class user shall be:

$$RB = BC \times \frac{\text{User loading-pounds (based on 200 mg/l as minimum)}}{\text{Design capacity - pounds}} \times \frac{1}{30 \text{ yrs.}}$$

Where:

RB = Industrial cost recovery based on B.O.D loading

BC = Capital costs which are strength-related.

(C) For suspended solids-relating recovery, the formula for each industrial class user shall be:

$$RS = SC \times \frac{\text{User loading-pounds (based on 250 mg/l as minimum)}}{\text{Design capacity - pounds}} \times \frac{1}{30 \text{ yrs.}}$$

Where:

RS = Industrial cost recovery based on suspended solids loading

SC = Capital costs which are strength-related

(D) Until such time as a unit process cost study is developed, the amounts of capital costs used in the formulae in divisions (A), (B), and (C) above shall be 40% of the total capital costs for flow, and 30% each for B.O.D. and suspended solids. (Ord. 944, passed l2-5-77)

' 5l.43 FACILITIES.

The facilities constructed to which industrial cost recovery is related is referenced as those facilities in accordance with the plans and specifications of the construction project. For grant purposes, the project is identified as Project No. Cl80627-03. The amount of the grant received by the city from the environmental protection agency is $3,747,300. (Ord. 994, passed l2-5-77)

' 5l.44 APPLICABILITY TO FUTURE INDUSTRIAL CLASS USERS.

Any new industrial class user who shall in the future desire to connect to the city's sewage works shall be subject to the industrial cost recovery provisions as set forth in '' 5l.4l and 5l.42. (Ord. 994, passed l2-5-77) Penalty, see ' 5l.99

' 5l.45 REPORTS TO BE KEPT BY CITY.

The city shall maintain complete and accurate waste discharge records, including reports furnished by industrial class users, and shall hold the same available for inspection by representatives of the environmental protection agency at all reasonable times.
(Ord. 994, passed l2-5-77)

EPA PERMIT

' 5l.50 EPA PERMIT.

The city has been issued National Pollution Discharge Elimination System Permit No. IN0025763 by the environmental protection agency

governing discharge from a publicly owned treatment works. The provisions contained in this chapter are set forth in accordance with the conditions relative to the permit and directives of the environmental protection agency. (Ord. 992, 993, and 994, passed l2-5-77)

SEWER TREATMENT FACILITY IMPROVEMENT FUND

' 5l.60 FUND CREATED.

There is created a sewer treatment facility improvement fund for the purpose of accumulating money to improve and expand the city sewage treatment plant; and all charges and surcharges collected pursuant to this chapter shall be deposited in the fund. (Ord. 772, passed 5-5-69)

COMPLIANCE AND ENFORCEMENT

' 5l.70 DEFINITIONS.

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

"COMPLIANCE" and "CONFORMANCE." The act of complying with the provisions of this subchapter.

"EMPLOYEES" and "DESIGNEES." Such employees, representatives, or city officials as the Mayor shall from time to time designate and utilize in performing inspections and/or tests described in this subchapter.

"SYSTEM." All city facilities and property held, owned, and maintained for the collection, pumping, treatment, and disposal of sanitary sewage.

"USER." The owner and/or occupant of property at which buildings and/or appurtenances are connected to the system.
(Ord. l422, passed l2-l-87)

' 5l.7l COMPLIANCE DEADLINE.

All users of the system shall, on or before March l, l987, be in compliance with the terms and conditions of the ordinances of the city governing connection to and use of the system, including but not limited to the requirements of this subchapter.
(Ord. l422, passed l2-l-87) Penalty, see ' 5l.99

' 5l.72 COMPLIANCE PROCEDURES.

After March l, l987, a user must comply with the provisions of the city's ordinances regarding the use of the system, proof of which shall consist of and include evidence of conformance with the following procedures and conditions as to each building and/or appurtenance connected to the system:

(A) Upon written request by the Mayor or his designee, a user shall, within ten business days after the mailing thereof or after personal service thereof on the user, as to each building and/or appurtenance so connected to the system, execute and deliver a grant of inspection, which document shall allow an employee or designee to verify compliance with the provisions of thissubchapter.

(B) The grant of inspection shall be deemed to include the user's consent to periodic inspections and/or tests thereafter, as may reasonably be determined by the city to be necessary to maintain, monitor, and ensure continued compliance with the provisions of this subchapter.

(C) When a user has executed and delivered a grant of inspection, it shall be deemed a continuing consent and authorization for the purposes set forth therein and as set out in this subchapter. A grant of inspection may only be revoked by written instrument, executed by the user or his successor in interest, and delivered to the office of the Mayor.

(D) 24-hour written notice shall be given to a user by the Mayor or his designee of the time and place at which the inspections and/or tests provided in this subchapter are to be conducted.

(E) There shall be no fees charged for any inspections and/or tests conducted and performed by the Mayor or his designee pursuant to the terms of this subchapter.

(F) In the event a user executes the grant of inspection, and it is determined by the city that said user's buildings and/or appurtenances are in compliance, no surcharge, fines, or other penalties provided for hereinafter shall be imposed or levied upon the said user; provided, however, that the city shall have the right and authority, pursuant to the terms of said grant of inspection, to conduct additional inspections and/or tests to determine continuing compliance.

(G) In the event a user fails or refuses to execute a grant of inspection to the city for the purposes provided in this subchapter, a surcharge of $25 per month to the user's sanitary sewerage bill shall be imposed in addition to all other charges authorized and imposed under any applicable ordinance, commencing with the billing period following the date of the user's failure or refusal to execute the said grant of inspection. If the user fails to execute a grant of inspection within a period of 60 days from the date of his said failure or refusal, the surcharge on his sanitary sewerage bill shall be increased to $50 per month.

(H) In the event a user executes a said grant of inspection, and the city determines that the buildings and/or appurtenances of said user are not in compliance, then and in such event, the city shall provide written notice of the results of the inspection and tests to the user, who shall comply with the applicable provisions of this subchapter within 45 days of the date of said notice, by performing or

causing to be performed corrective work which is deemed reasonably necessary by the city to disconnect any and all of said user's connections to the system not in conformance with the provisions of all applicable ordinances.

(I) In the event that a user's buildings and/or appurtenances are determined not to be in compliance with this subchapter, and the time period referred to in division (H) above for corrective work has expired without said buildings and/or appurtenances being brought into conformance with the terms of this subchapter, a surcharge of $50 per month to the user's sanitary sewerage bill shall be imposed, in addition to all other charges authorized and imposed under applicable ordinances of the city, commencing with the billing period following the date of the inspection or testing by the city wherein said nonconformance with this subchapter was determined.

(J) Any surcharge referred to herein and authorized by this subchapter shall be removed from the user's sanitary sewerage bill only upon the following conditions:

(l) The user shall execute a grant of inspection to the city and shall cause the required corrective work to be done;

(2) The city shall inspect and/or perform tests on the user's buildings and/or appurtenances connected to the system and shall determine that the buildings and/or appurtenances so connected to the system are in compliance with the terms of this subchapter; and

(3) Payment in full of all surcharges billed to the user for the period the user's buildings and/or appurtenances are not in conformance with the terms of this subchapter is received by the city.
(Ord. l422, passed l2-l-87) Penalty, see ' 5l.99

' 5l.73 SUBSEQUENT NONCOMPLIANCE.

In the event a user's property, initially found to be in conformance with the terms of this subchapter, is subsequently found to be in violation of the terms of this subchapter, in addition to any other surcharge or payment imposed by the terms of this subchapter, the said user shall be liable for and pay the surcharge imposed by ' 5l.72(I), back-charged to the date the said user was initially determined to be in conformance with the terms hereof.
(Ord. l422, passed l2-l-87) Penalty, see ' 5l.99

' 51.99 PENALTY.

(A) Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) To the extent permitted by law, any person who shall continue

any violation beyond the time limit provided for in division (A) shall be guilty of a violation and on conviction thereof shall be fined in an amount not exceeding $2,500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(C) To the extent permitted by law, any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation. (Ord. 1735, passed 11-21-94)

(D) In addition to any payment or surcharge imposed by the terms of '' 5l.7l - 5l.73, a user who is found by a court of competent jurisdiction to have intentionally or carelessly violated the terms of ' 5l.73 shall be liable for and pay a fine of no less than $l0 and no more than $2,000. Each day a violation exists shall be deemed a separate and distinct violation. (Ord. 1422, passed 12-1-87)

CHAPTER 52: GARBAGE

Section

52.0l Definitions
52.02 Garbage regulations
52.03 Garbage collection and pick-up
52.04 Rubbish collection
52.05 Board of Public Works and Safety to supervise
52.06 Housing of garbage cans
52.07 Licensing collectors; revocation
52.08 Service charges
52.09 Burying or burning garbage

52.99 Penalty

' 52.0l DEFINITIONS.

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

(A) "GARBAGE." All animal or vegetable waste and materials from kitchens, dining rooms and similar places from which liquids have been drained and solid material wrapped in paper; and like materials before same are drained and wrapped.

(B) "REFUSE." Rubbish, litter, glass, tin cans, also earthen-ware and remnants of clothing or any and all substances which may become nuisances or which are unsightly or uncleanly.

' 52.02 GARBAGE REGULATIONS.

It shall be unlawful for any person to place in any street, alley or other public place in the city, or to maintain on private property any garbage or other refuse unless in conformity to the following regulations:

(A) Any person or persons, company or corporation keeping or operating any hotel, restaurant, boarding-house, bakery, meat market, grocery, confectionery, oil station, garage may collect within the corporate limits of the city, shall provide and maintain a sanitary garbage receptacle in which all garbage shall be deposited, shall be tightly covered, shall be flyproof, and contain convenient handles, and shall be conveniently placed and accessible to the garbage collector herein provided for.

(B) Garbage shall be placed in containers made of plastic or metal, equipped with suitable handles. The containers shall be watertight and of a type approved by the city with a capacity of not less than ten gallons and not more than 2l gallons. An 85-gallon container, dumped by a device on the garbage truck shall also be permitted. The containers shall be kept clean, neat, and sanitary at all times. A plastic bag of at least two mils thickness shall also be a permitted container. All containers shall be of such weight as to be handled easily when lifted by one person.

(C) All garbage or rubbish, before being placed in any such container shall be drained of all liquid. No poisonous wastes shall be placed in any garbage container.

(D) Tight fitting covers shall be kept on each container at all times except when being filled or emptied.
(Ord. 500, passed l0-l7-4l; Am. Ord. l385, passed ll-3-86) Penalty, see ' 52.99

' 52.03 GARBAGE COLLECTION AND PICK-UP.

(A) No garbage container shall be placed at the curb or in a parkway or at a street or alley earlier than 5:00 p.m. on the day before the day before the scheduled date of collection. No garbage container shall be placed in the traveled portion of a street, road or alleyway. All containers shall be removed from the curb, parkway, street, road or alleyway not later than 7:00 p.m. on the date of collection. All containers shall be so situated as to be readily accessible to the collector on the date of collection.

(B) It shall be unlawful and a violation of ' 52.99 for any person, firm, corporation or other entity, engaged in the collection or pick-up of garbage, refuse or any discarded materials or substance, to collect such garbage, refuse or other materials from any commercial, institutional or other business earlier then 6:00 a.m. or later than 10:00 p.m. on any day of the week.
(Ord. 500, passed l0-l7-4l; Am. Ord. l385, passed ll-3-86; Am. Ord. 1763, passed 6-5-95) Penalty, see ' 52.99

' 52.04 RUBBISH COLLECTION.

All glass, tin cans, earthenware, and like rubbish shall be placed in metal or plastic containers as described in ' 52.02. Brush or branches securely tied in bundles that do not exceed four feet in length will be collected, as will reasonable amounts of grass, leaves, and yard trimmings placed in plastic bags or other suitable containers. The city through its Board of Public Works and Safety shall enter into a contract with some person or shall license some persons for the removal of garbage. Such person shall post bond approved by the Mayor for the faithful performance of his contract or duties and shall remove the garbage at least once each week in all months, except July, August and September during which three months the removal shall be twice each week, and same shall be removed in a sanitary vehicle covered and kept clean and as far as possible free from noisome smell and flies. The collector shall work under contract with the Board of Public Works and Safety and it shall be unlawful for any person to collect garbage within the confines of the city unless under contract with the city or licensed by it.
(Ord. 500, passed l0-l7-4l; Am. Ord. 57l, passed 9-29-52; Am. Ord. l385, passed ll-3-86) Penalty, see ' 52.99

' 52.05 BOARD OF PUBLIC WORKS AND SAFETY TO SUPERVISE.

The Board of Public Works and Safety shall at all times exercise supervision of the collection of garbage and refuse and the provisions

for the place for dumping and caring for same and the issuing of permits by contract for the collection and removal of garbage, such acts of the Board being subject to approval by the Mayor. The Board is empowered to lease, rent, renew and release from time to time and to provide by contract or otherwise a suitably and conveniently located place for the disposal of refuse and garbage and may make all necessary rules for the use of same having due regard for the public health, sightliness and cleanliness of the city and surrounding territory. It shall also be unlawful for any person to haul, transport or convey or cause to be hauled, transported or conveyed any garbage, trash, ashes, rubbish, refuse, junk or other discard or waste materials or deposit or place same upon any public property, street, thoroughfare, alley, park, or parkway or playground or upon any privately owned property unless same is designated and licensed as a public dump within the city or within two miles of the corporate limits of the city. Provided, nothing in this chapter shall be construed to prohibit the dumping or depositing of dirt, sand, and gravel, free of all trash, rubbish, and refuse materials of all kinds, on any lot owned, or at the request of the owner, for the purpose of elevating the grade of such lot or the improvement thereof.
(Ord. 500, passed 10-17-41)

' 52.06 HOUSING OF GARBAGE CANS.

The user may keep the can in a housing which may be constructed of concrete, stone, wood, tile, or sheet-iron built at a convenient point for collection, but not on city property. No can or housing should be placed where it can be struck or injured by motor vehicles.
(Ord. 500, passed 10-17-41) Penalty, see ' 52.99

' 52.07 LICENSING COLLECTORS; REVOCATION.

(A) No person shall collect, remove, haul, or convey any garbage or like materials other than his own through or on the streets or alleys of the city, or dispose of same in any manner or place without a license from the Board of Public Works.

(B) No license shall be issued until the contractor has filed with the Board of Public Works a certificate of insurance disclosing the existence of public liability and property damage insurance in an amount to be approved by the Board of Public Works.

(C) The license may be revoked by the Board of Public Works and Safety on a showing that:

(1) The contractor has not filed with the Board a certificate showing existing public liability and property damage insurance, or

(2) The contractor has failed to receive, collect, remove, or transport garbage from any commercial account, which failure has created a nuisance or endangered the public health, the sightliness, or cleanliness of the city, or

(3) The contractor fails to use vehicles with enclosed bodies or enclosed cargo space, or

(4) The contractor has failed to comply with any other ordinances of the city concerning garbage or traffic.
(Ord. 890, passed 8-5-74)

' 52.08 SERVICE CHARGES.

Commencing August 1, 2008, the sum per month per dwelling unit, hereinafter referred to as a Agarbage collection charge,@ which shall be added to the monthly city combined billing for services such as water and sewer, and for those dwelling units being served by the city through its garbage collection contract, to defray the cost of garbage and recycling services provided under the contract shall be $13.26.
(Ord. 500, passed 10-17-41; Am. Ord. 1037, passed 10-2-78; Am. Ord. 1058, passed 3-5-79; Am. Ord. l338, passed 12-17-84; Am. Ord. 2002-11-54, passed 12-2-02; Am. Ord. 2004-07-22, passed 8-30-04; Am. Ord. 2008-07-21, passed 7-21-08)

' 52.09 BURYING OR BURNING GARBAGE.

It shall be unlawful for any person, firm, or corporation to bury any garbage within 250 feet of any residence or place of human habitation within the city, nor shall the same be burned near enough to a residence so that the smell or fumes shall be obnoxious or offensive to persons living in such residence.
(Ord. 500, passed 10-17-41) Penalty, see ' 52.99

Cross-reference:
Open burning prohibited, see ' 91.21

' 52.99 PENALTY.

(A) Failure to provide and maintain a receptacle for garbage and to deposit therein the garbage contents from the premises by any user or occupant shall be a misdemeanor and punishable under the terms of this chapter, and each and every day's continuance of any violation of any of the provisions of this chapter shall constitute a separate and distinct offense. It is further provided that if any user shall fail to pay for the service provided in this chapter within the time provided for such payment and in advance as provided herein the service shall automatically discontinue and the penalties for failure to provide for the disposal and care of the garbage and refuse shall at once apply to the user.

(B) It shall be a misdemeanor and unlawful for any person, firm, or corporation to do any act forbidden or fail to perform any act required in this chapter, and the specific mention of any act or omission as a misdemeanor and unlawful shall not limit the application of this section in any and all respects.

(C) Any person, persons, company, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined in the sum of not less than $10 and not more than $100.
(Ord. 500, passed 10-17-41)

CHAPTER 53: STORMWATER REGULATIONS

Section

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Cross-reference:
Stormwater management, see Ch. 157

STORMWATER UTILITY

' 53.01 PURPOSE; INTENT.

The purpose and intent of this subchapter is to promote the health, safety and general welfare of the city by establishing a Stormwater Utility sufficient to plan, control, operate and maintain the city=s stormwater management system.
(Ord. 2008-09-1, passed 10-6-08)

' 53.02 DEFINITIONS.

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

AABATEMENT.@ Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater drainage system.

AAGRICULTURAL PROPERTY.@ A parcel of land or lot having an area in excess of five acres and encompassing two or more structures used to support agricultural activities.

AANALYSIS.@ Computation conducted by the city to determine parcel size by the use or aerial photography, photogrammertry, and GIS technology.

AAPARTMENT/CONDOMINIUM PROPERTY.@ A lot or parcel of land on which is situated a building containing five or more single-family dwelling units, or on which two or more buildings each containing multiple single-family dwelling units are situated.

AAPPROVED PLANS.@ Plans approved by the authorized official according to a permit and plan review which will govern all improvements made within the city that require a storm water system or changes or alterations to the existing storm water system.

AAUTHORIZED OFFICIAL.@ Any employee or agent of the city authorized in writing by the Board to administer or enforce the provisions of this subchapter.

ABOARD.@ The Board of Public Works and Safety pursuant to I.C. 36-1-2-24(2).

ACITY.@ The incorporated City of Crown Point, Lake County, Indiana.

ACODE.@ The City of Crown Point, Indiana Code of Ordinances.

AEQUIVALENT RESIDENTIAL UNIT (ERU).@ A unit value equal to the average area of a residential parcel within the City of Crown Point is established at 0.65 acres. It is also the basis for calculating the

proper assessment of stormwater charges to all users of the Crown Point stormwater system.

ALOT/PARCEL.@ A part or portion of land having a legal description that is formally set forth in a conveyance instrument.

ANON-RESIDENTIAL PROPERTY.@ All properties not encompassed within the definition of residential property, including but not limited to: agricultural, commercial, industrial, retail, apartment and condominium, mobile home parks, governmental, institutional, schools, churches and any other property not mentioned herein and not specifically defined as residential or vacant residential property. The ANON-RESIDENTIAL PROPERTY@ shall be assigned an ERU based upon the properties= individually measured (the analysis) area divided by one ERU. This division will be calculated to the first decimal place (nearest tenth of one ERU).

ARESIDENTIAL PROPERTY.@ A lot or parcel or contiguous lots or parcels of single ownership of real property on which a building or mobile home is situated, which building contains a group of rooms forming a single inhabitable dwelling unit with facilities that are used or are intended to be used primarily for living, sleeping, cooking or eating. This definition also includes a lot containing four or fewer separate or contiguous single-family dwelling units. Each and every residential unit shall be assigned one ERU. A residential property having a land area in excess of five acres shall be assigned one ERU for the first five acres, and the remaining acres in excess of five acres shall be calculated according to size and additional ERUs (calculated to the nearest tenth of one ERU) shall be billed accordingly.

ASTORMWATER.@ The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet, and hail.

ASTORMWATER SYSTEM.@ All constructed facilities, including structures and natural watercourses under the ownership, and/or control of the city, used for collecting and conducting storm water to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, streets, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Lake County Drainage Board or waters of the State of Indiana.

ASTORMWATER UTILITY.@ A division of the sewer and water works as defined in I.C. 36-9-1-8.

ASTORMWATER UTILITY USER.@ The owner of a lot or parcel within the city.

ASURFACE WATER.@ Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

AVACANT RESIDENTIAL PROPERTY.@ A lot or parcel of real property on which there does not exist a building or mobile home and which has a residential zoning classification. A vacant residential property in excess of five acres in size shall be assigned a 1/3 ERU for the first five acres, thereafter the remaining acreage shall be calculated according to the size and additional ERUs (calculated to the nearest tenth of one ERU) shall be billed accordingly.

(B) The word ASHALL@ is mandatory and not discretionary. The word AMAY@ is permissive. Words not defined herein shall be construed to have the meanings given by common and ordinary use as defined in the latest edition of Webster=s Dictionary.
(Ord. 2008-09-1, passed 10-6-08)

' 53.03 CREATION OF STORMWATER UTILITY.

A Stormwater Utility is hereby created as part of the city sewage works. The Utility shall be responsible for all storm sewers and the collection and disposal of storm drainage. The Utility shall also be responsible for the implementation of all federal and state mandates regarding stormwater drainage and erosion control.
(Ord. 2008-09-1, passed 10-6-08)

' 53.04 GOVERNING BOARD.

The Utility shall be governed by the Board of Public Works and Safety. The Utility shall have the same governing board as that which governs the sewage and water works.
(Ord. 2008-09-1, passed 10-6-08)

' 53.05 AREA SERVED BY STORMWATER UTILITY.

The area served by the Stormwater Utility is the corporate limits of the city.
(Ord. 2008-09-1 , passed 10-6-08)

' 53.06 POWERS AND DUTIES OF UTILITY.

(A) The Board of Public Works and Safety shall have all those powers and duties provided by such boards by I.C. Titles 8 and 36 and more specifically but not limited to the following:

(1) The power to enter into contracts.

(2) The power to employ professionals.

(3) The power to acquire, construct, maintain, and improve the stormwater utility structures.

(4) The power to make plans and recommend ordinances to the Common Council regarding the collection and disposal of stormwater within the city.

(B) The Common Council should have all those powers and duties provided the municipal legislative body by I.C. Title 36 and more specifically but not limited to the following:

(1) The power to pass ordinances as provided for by I.C. Title 36 which impose just, reasonable and equitable fees or service charges for those who utilize the stormwater system and penalties to those who violate provisions of ordinances established for stormwater control and drainage, as provided for in I.C. 36-9-23-25.

(2) The power to issue revenue bonds pursuant to I.C. 36-9-23 and borrow money to acquire real estate, design, plan, construct, maintain and improve storm water utility structures.
(Ord. 2008-09-1, passed 10-6-08)

' 53.07 CREATION OF STORMWATER UTILITY OPERATING, MAINTENANCE AND DEBT RESERVE FUND.

(A) A Stormwater Utility Operating, Maintenance and Debt Reserve Fund is hereby created. All proceeds received as a result of user fees and charges or penalties assessed by this subchapter or subsequent amendments hereto shall be deposited in the Stormwater Utility Fund. Proceeds from this fund shall be for the exclusive use of the city=s Stormwater Utility which includes, but is not limited to, the following:

(1) Stormwater management services, such as studies, design, permit review, plan preparation development review and legal services.

(2) Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.

(3) Project costs related to constructing major or minor structural improvements to the city=s stormwater related infrastructure.

(4) Administrative and legal costs associated with the management of the stormwater utility user fee.

(5) Debt service financing of the city=s stormwater related capital improvements.

(6) Funding of studies such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the stormwater-related infrastructure.

(B) This would include but be not limited to the implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows and the construction of stormwater drains and sewers and maintain same within the city limits and the area served by the

sewage works. All such expenditures for both capital and operating expenses must be first approved by the Board of Public Works and Safety.
(Ord. 2008-09-1, passed 10-6-08)

' 53.08 STORMWATER UTILITY USER FEE.

A Stormwater Utility user fee shall be imposed on each and every lot or parcel of real property within the city including those classified as non-profit or tax exempt, for services and facilities provided by the Stormwater Utility. This user fee is deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system of the city.
(Ord. 2008-09-1, passed 10-6-08)

' 53.09 STORMWATER UTILITY USER FEE STRUCTURE.

For the purposes stated herein, there is hereby assessed a Stormwater Utility user fee to each Stormwater Utility user within the corporate limits of the city in an amount as determined below. For purposes of imposing the Stormwater Utility user fee, all lots and parcels within the city are classified as either:

(A) Residential; or

(B) Non-residential.
(Ord. 2008-09-1, passed 10-6-08)

' 53.10 SCHEDULE OF RATES.

(A) The monthly Stormwater Utility user fee for all residential properties within the city shall be $6. The Common Council by ordinance may amend the monthly charge established in this section during its bi-annual review.

(B) Until such time that the city completes the analysis, the monthly Stormwater Utility user fee imposed for non-residential properties as defined herein shall be $12. Upon the city=s completion of the analysis and computations thereon, the monthly Stormwater Utility user shall be amended by the Common Council and from time to time thereafter.
(Ord. 2008-09-1, passed 10-6-08)

' 53.11 BILLING AND PAYMENT; PENALTIES.

(A) Bills or statements for the Stormwater Utility user fee shall be rendered monthly, in accordance with the regular sewage utility billing cycle, by the Clerk/Treasurer of the city for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth for the sewer utility. Any partial payment of a combined utility bill shall be applied first to the garbage fee then to the Stormwater Utility user

fee, then to the garbage penalty and then to the Stormwater Utility penalty. Any unpaid Stormwater Utility user fees shall constitute a lien on such property except the liens of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by the laws of Indiana for the foreclosure of mortgages on real property.

(B) For properties normally receiving monthly utility bills for other city services, the Stormwater Utility user fee shall be included in the monthly sewage utility bill rendered to the established customer.

(C) For properties not receiving monthly utility bills for other city services, the bill or statement for the Stormwater Utility user fee shall be sent to the Stormwater Utility user as determined from the tax rolls. The authorized official may render annual, semiannual, or monthly billings, to be billed in arrears, to coincide with the property tax schedule, on such properties if determined to be the best interest of the city.

(D) The owner of a property is ultimately responsible for all fees imposed under this subchapter.
(Ord. 2008-09-1, passed 10-6-08)

' 53.12 PERIODIC LEGISLATIVE RATE REVIEW.

Realizing that an emergency exists for passage of this chapter and rates established herein, after the city=s analysis is complete, shall be reviewed and adjusted if necessary by the Common Council in 180 days and bi-annually thereafter.
(Ord. 2008-09-1, passed 10-6-08)

ILLICIT DISCHARGES AND CONNECTIONS

' 53.20 PURPOSE; INTENT.

The purpose of this subchapter is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This subchapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this subchapter are:

(A) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(B) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

(C) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this subchapter.
(Ord. 2008-09-1, passed 10-6-08)

' 53.21 DEFINITIONS.

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

AAUTHORIZED ENFORCEMENT AGENCY.@ The Crown Point Board of Public Works is designated to enforce this subchapter.

ABEST MANAGEMENT PRACTICES (BMPs).@ Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or storm water conveyance systems. ABMPs@ also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water, disposal, or drainage from raw materials storage.

ACLEAN WATER ACT.@ The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

ACONSTRUCTION ACTIVITY.@ Activities subject to NPDES construction permits. NPDES storm water phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

AHAZARDOUS MATERIALS.@ Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

AILLEGAL DISCHARGE.@ Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in ' 53.25.

AILLICIT CONNECTIONS.@ An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or;

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

AINDUSTRIAL ACTIVITY.@ Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

ANATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT.@ A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC ' 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

ANON-STORMWATER DISCHARGE.@ Any discharge to the storm drain system that is not composed entirely of stormwater.

APERSON.@ Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner=s agent.

APOLLUTANT.@ Anything which causes or contributes to pollution.

APOLLUTANTS.@ Includes, but is not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

APREMISES.@ Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

ASTORM DRAINAGE SYSTEM.@ Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures, including storm drainage systems ultimately connecting to combination sewers.

ASTQRMWATER.@ Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

ASTORMWATER POLLUTION PREVENTION PLAN.@ A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at

a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

AWASTE WATER.@ Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
(Ord. 2008-09-1, passed 10-6-08)

' 53.22 APPLICABILITY.

This subchapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.
(Ord. 2008-09-1, passed 10-6-08)

' 53.23 RESPONSIBILITY FOR ADMINISTRATION.

The city shall administer, implement, and enforce the provisions of this subchapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.
(Ord. 2008-09-1, passed 10-6-08)

' 53.24 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this subchapter are minimum standards; therefore this subchapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
(Ord. 2008-09-1, passed 10-6-08)

' 53.25 DISCHARGE PROHIBITIONS.

(A) Prohibition of illegal discharges.

(1) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this subchapter: water line flushing or other potable water sources (if dechlorinated - typically less than one PPM chlorine), landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps,

air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if declorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(B) Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this subchapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
(Ord. 2008-09-1, passed 10-6-08)

' 53.26 SUSPENSION OF MS4 ACCESS.

(A) Suspension due to illicit discharges in emergency situations. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(B) Suspension due to the detection of illicit discharge.

(1) Any person discharging to the MS4 in violation of this subchapter may have their MS4 access terminated if such termination

would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.
(Ord. 2008-09-1 passed 10-6-08)

' 53.27 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the city authorized enforcement agency prior to the allowing of discharges to the MS4.
(Ord. 2008-09-1, passed 10-6-08)

' 53.28 MONITORING OF DISCHARGES.

(A) Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(B) Access to facilities.

(1) The city shall be permitted to enter and inspect facilities subject to regulation under this subchapter as often as may be necessary to determine compliance with, this subchapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The city has the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility=s storm water discharge.

(4) The city has the right to require the discharger to install, at the discharger=s cost, monitoring equipment as necessary. The facility=s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be properly calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a storm water discharge permit and of this subchapter. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this subchapter.

(7) If the city has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this subchapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this subchapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.
(Ord. 2008-09-1, passed 10-6-08)

' 53.29 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The city will adopt requirements identifying best management practices for activities, operations, or facilities which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. Absence of specific requirements or standards does not alleviate the responsibility of the discharger to comply with the requirements of this subchapter and other applicable state and federal laws. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at the person=s expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.
(Ord. 2008-09-1, passed 10-6-08)

' 53.30 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person=s lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 2008-09-1, passed 10-6-08)

' 53.31 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the United States, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Crown Point within three business, days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
(Ord. 2008-09-1, passed 10-6-08)

ENFORCEMENT; VIOLATIONS

' 53.40 ENFORCEMENT.

(A) Notice of violation. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of '' 53.20 through 53.31, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

(B) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
(Ord. 2008-09-1, passed 10-6-08)

' 53.41 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his or her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Board of Public Works or their designee shall be final.
(Ord. 2008-09-1, passed 10-6-08)

' 53.42 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within seven days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
(Ord. 2008-09-1, passed 10-6-08)

' 53.43 COST OF ABATEMENT OF VIOLATION.

(A) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, if possible and known, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(B) Any person violating any of the provisions of this subchapter shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 8% per annum shall be assessed on the balance beginning on the first day following discovery of the violation.
(Ord. 2008-09-1, passed 10-6-08)

' 53.44 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of '' 53.20 through 53.31. If a person has violated or continues to violate the provisions of ' 53.20 through 53.31, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
(Ord. 2008-09-1, passed 10-6-08)

' 53.45 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by '' 53.20 through 53.31, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and the like.
(Ord. 2008-09-1, passed 10-6-08)

' 53.46 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of '' 53.20 through 53.31 is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator=s expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
(Ord. 2008-09-1, passed 10-6-08)

' 53.47 CRIMINAL PROSECUTION.

(A) Any person who has violated or continues to violate '' 53.20 through 53.31 shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to the maximum penalties allowed by law.

(B) The authorized enforcement agency may recover all attorney=s fees, engineer and expert witness fees, court costs and other expenses associated with enforcement of this subchapter, including sampling and monitoring expenses.
(Ord. 2008-09-1, passed 10-6-08)

' 53.48 REMEDIES NOT EXCLUSIVE.

The remedies listed in '' 53.20 through 53.31 are not exclusive of any other remedies available under any applicable federal, state or

local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.
(Ord. 2008-09-1, passed 10-6-08)

' 53.49 CREDIT POLICY.

(A) Credit will be available to all properties except individual residential properties for various forms and levels of abatement as approved by the Board.

(B) Credit will only be allowed for lots and parcels of real property where structural controls are maintained in fully functional condition as determined by the Board.

(C) Credit may be allowed for previously constructed abatement features or storm water controls. The amount of credit granted will be determined by methods of design of the structure and as approved by the Board.

(D) No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial storm water discharge permits.

(E) No credit will be allowed for voluntary efforts to reduce the amount of pollutants in a user=s storm water runoff or for improvements to the quality of a user=s stormwater discharge.

(F) Credit will not be granted to properties draining into ponds or basins maintained or owned by the city. Credit may only be considered for privately owned and maintained regional controls.

(G) Credits shall be computed on an ERU basis. A maximum credit equal to 80% of the gross ERUs originally assigned may be granted for the construction and maintenance of private stormwater facilities considering the potential of each facility to reduce peak and/or volume stormwater flow and direct discharge capabilities.

(H) The formula for determining the applicable credit percentage for individual parcels shall be specifically set out by the Board.

(I) Streets, roads and highways shall be given a 100% credit as they form an integral part of the stormwater system.

(J) An application for credit shall be made on forms supplied by the Board and the City Clerk/Treasurer and shall be accompanied by and application fee in the sum of $100. All applications will be reviewed by the Board within 60 days after submittal of an application for credit. At the discretion of the Board and as determined by the Board a credit issued or approved may be applied retroactively to the first billing cycle after said application has been submitted.

(K) An application for credit or an appeal of determination thereon shall not constitute a valid reason for non-payment of the originally assessed storm water service charge by the Stormwater Utility user.

(L) Appeals of credit determinations shall be considered and reviewed consistent with the procedures set out below for reconsideration of ERU determinations.
(Ord. 2008-09-1, passed 10-6-08)

' 53.50 APPEALS OF ERU DETERMINATION.

(A) A Stormwater Utility user/customer shall have the right to appeal the ERU determination and thus the rate assessed in the following manner:

(1) The Stormwater Utility user/customer shall obtain and complete a petition to appeal stormwater rate form the Clerk/Treasurer with verifiable documentation supporting the appeal.

(2) The Board shall investigate the appeal and, upon review issue a written decision of the Board either that the original ERU determination and assessed rate should be affirmed or the stormwater fee should be adjusted in accordance with same.

(3) If the Appeal is denied the Clerk/Treasurer the written denial shall be forwarded to the appellant by certified mail, return receipt requested.

(4) A Stormwater Utility customer/user aggrieved by the Board=s decision shall have the right to judicial review of such determination in accordance with applicable Indiana law.

(5) If the appeal is granted the Stormwater Utility customer/user shall be credited for any overpayment made from the date of the filing of the petition.

(6) Dispute of or appeal of an ERU determination or stormwater service rate shall not be a valid reason for non-payment of the originally assessed Stormwater Utility user fee by the Stormwater Utility customer/user.
(Ord. 2008-09-1, passed 10-6-08)

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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' 70.01 SHORT TITLE.

This title may be known and cited as the Crown Point Traffic Code. (Ord. 747, passed 3-4-68)

' 70.02 DEFINITIONS.

For purposes of this title the following words and phrases shall have the following meanings ascribed them respectively. Definitions by statutes of the State of Indiana governing the operation of vehicles shall prevail over the definitions set forth in this title in the event of conflict, unless otherwise specifically provided in this title.

(A) "AUTHORIZED EMERGENCY VEHICLE." Vehicles of the fire department, police vehicles and such ambulances as are operated by or for health and hospital corporations created pursuant to Ch. 287 of the Acts of the l951 General Assembly. Provided, however, that ambulances and other vehicles which are owned by persons, firms or corporations other than hospitals, and are used in emergency service, may be designated as emergency vehicles if such vehicles are authorized to operate as such by the state public service commission.

(B) "BICYCLE." Any foot propelled vehicle, irrespective of the number of wheels in contact with the ground.

(C) "BUSINESS DISTRICT." The territory contiguous to and including a highway where 50% or more of the frontage thereon for a distance of 500 feet or more is occupied by buildings in use for business.

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(D) "CENTRAL BUSINESS (TRAFFIC) DISTRICT." All streets and portions of streets within the area described as follows: all that area bounded by North Street on the north, West Street on the west, Walnut Street on the south, and East Street on the east.

(E) "COMMERCIAL VEHICLE." Every vehicle designed, maintained, or used primarily for the transportation of property.

(F) "CONTROLLED-ACCESS HIGHWAY." Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(G) "CROSS WALK."

(l) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or else-where distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(H) "CURB LOADING ZONE." A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(I) "DRIVER." Every person who drives or is in actual physical control of a vehicle.

(J) "FREIGHT CURB LOADING ZONE." A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

(K) "HIGHWAY." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(L) "INTERSECTION."

(l) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles, or the area within vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway

by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of such highways shall be regarded as a separate intersection.

(M) "LANED ROADWAY." A roadway which is divided into 2 or more clearly marked lanes for vehicular traffic.

(N) "MOTOR VEHICLE." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(0) "MOTORCYCLE." Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

(P) "OFFICIAL TIME STANDARD." Whenever certain hours are named herein they shall mean standard time or daylight-saving time, as may be in current use in this city.

(Q) "OFFICIAL TRAFFIC-CONTROL DEVICES." All signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(R) "PARK OR PARKING." The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(S) "PASSENGER CURB LOADING ZONE." A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(T) "PEDESTRIAN." Any person afoot.

(U) "POLICE OFFICER." Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

(V) "PRIVATE ROAD OR DRIVEWAY." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(W) "RAILROAD." A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(X) "RAILROAD TRAIN." A diesel or steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(Y) "RESIDENCE DISTRICT." The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 500 feet or more is in the main improved with residences or residences and buildings in use for business.

(Z) "RIGHT-OF-WAY." The privilege of the immediate use of the highway.

(AA) "ROADWAY." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes 2 or more separate road-ways the term "ROADWAY" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(BB) "SAFETY ZONE." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(CC) "SIDEWALK." That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(DD) "STAND OR STANDING." The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

(EE) "STOP." When required means complete cessation from movement.

(FF) "STOP OR STOPPING." When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(GG) "STREET OR HIGHWAY." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(HH) "THROUGH HIGHWAY." Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this title.

(II) "TRAFFIC." Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

(JJ) "TRAFFIC-CONTROL SIGNAL." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(KK) "TRAFFIC DIVISION." The traffic division of the police department of this city, or in the event a traffic division is not established, then the term whenever used herein shall be deemed to refer to the police department of this city.

(LL) "VEHICLE." Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
(Ord. 747, passed 3-4-68)

TRAFFIC ADMINISTRATION

' 70.05 POLICE ADMINISTRATION.

There is hereby established in the police department of this city a traffic division to be under control of an officer of police appointed by and directly responsible to the chief of police.
(Ord. 747, passed 3-4-68)

' 70.06 DUTY OF TRAFFIC DIVISION.

It shall be the duty of the traffic division with the aid of other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this chapter and the traffic ordinances of this city.
(Ord. 747, passed 3-4-68)

' 70.07 RECORDS OF TRAFFIC VIOLATIONS.

(A) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a 5-year period and from that time on the record shall be maintained complete for at least the most recent 5 year period.

(B) All forms for records of violations and notices of viola-tions shall be serially numbered. For each month and year a writ- ten record shall be kept available to the public showing the disposal of all such forms.

(C) All such records and reports shall be public records. (Ord. 747, passed 3-4-68)

' 70.08 TRAFFIC DIVISION TO INVESTIGATE ACCIDENTS.

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (Ord. 747, passed 3-4-68)

' 70.09 TRAFFIC ACCIDENT STUDIES.

Whenever the accidents at any particular location become numerous the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (Ord. 747, passed 3-4-68)

' 70.l0 TRAFFIC ACCIDENT REPORTS.

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer. (Ord. 747, passed 3-4-68)

' 70.ll DRIVERS FILES TO BE MAINTAINED.

(A) The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(B) The division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take what-ever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(C) Such records shall accumulate during at least a 5 year period and from that time on such records shall be maintained complete for at least the most recent 5 year period.
(Ord. 747, passed 3-4-68)

' 70.l2 TRAFFIC DIVISION TO SUBMIT ANNUAL TRAFFIC-SAFETY REPORT.

The traffic division shall annually prepare a traffic report which shall be filed with the mayor. This report shall contain information on traffic matters in this city as follows:

(A) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(B) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(C) The plans and recommendations of the division for future traffic safety activities.
(Ord. 747, passed 3-4-68)

' 70.l3 TRAFFIC DIVISION TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS.

The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.
(Ord. 747, passed 3-4-68)

' 70.l4 CITY TRAFFIC ENGINEER.

(A) The office of city traffic engineer is hereby established. The city traffic engineer shall be a qualified engineer and shall be appointed by the mayor. The city engineer may serve as city traffic engineer in addition to his other functions. The traffic engineer shall exercise the powers and duties with respect to traffic as provided in this title.

(B) It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additions, and to carry out the additional powers and duties imposed by ordinances of this city.
(Ord. 747, passed 3-4-68)

' 70.l5 EMERGENCY AND EXPERIMENTAL REGULATIONS.

(A) The chief of police by and with the approval of the city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(B) The city traffic engineer may test traffic-control devices under actual conditions of traffic.
(Ord. 747, passed 3-4-68)

' 70.16 TRAFFIC COMMISSION, ITS POWERS AND DUTIES.

(A) There is hereby established a traffic commission to serve without compensation, consisting of the city traffic engineer, the chief of police, or in his or her discretion as his or her representative the chief of the traffic division, the city attorney, and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the commission shall be appointed by the mayor. Any member of the traffic commission appointed by the mayor may be removed by him or her.

(B) It shall be the duty of the traffic commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of this city and to the city traffic engineer, the chief of the traffic division, and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.
(Ord. 747, passed 3-4-68)

' 70.17 VEHICLE INSPECTION FEES.

(A) Definitions. For the purpose of this section, the following definitions shall apply:

(1) "APPLICANT." A person who applies for an Indiana certificate of title for a motor vehicle, semitrailer, or recreational vehicle.

(2) "POLICE DEPARTMENT." The Police Department of the city.

(3) "POLICE OFFICER." A sworn law enforcement officer employed as such by the Police Department.

(B) Inspection authority. For the purpose of verifying an application for an Indiana certificate of title, a police officer shall have the authority to inspect motor vehicles, semitrailers, or recreational vehicles as a part of his assigned duties, pursuant to IC 9-17-2-12.

(C) Establishment of inspection fees. The Police Department shall charge and collect in advance from an applicant a fee for an inspection conducted pursuant to the authority of division (B) above, in the sum of $5. Each such inspection fee shall be deposited by the Clerk-Treasurer in a special Vehicle Inspection Fund, monies from which can only be appropriated for law enforcement purposes.
(Ord. 1322, passed 8-6-84; Am. Ord. 1477, passed 9-6-88)

_ 70.18 IMPOUNDED VEHICLE RELEASE FEE.

(A) Any person seeking a release from the Crown Point Police Department for an impounded vehicle shall pay an impounded vehicle

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release fee in the sum of $20 prior to the issuance of any such release.

(B) The impounded vehicle release fee shall be paid to the Crown Point Police Department.

(C) The Crown Point Police Department shall issue a receipt for any impounded vehicle release fee received and shall deposit all such fees with the Clerk-Treasurer=s office for deposit in the city general fund.
(Ord. 2004-06-14, passed 7-6-04)

Cross-reference:
City funds, see T.S.O. VI

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

' 70.20 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(A) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(B) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(C) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.
(Ord. 747, passed 3-4-68)

' 70.21 REQUIRED OBEDIENCE TO TRAFFIC CODE.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this traffic code.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.22 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.23 PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be

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subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions of this traffic code which by their very nature can have no application.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.24 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a cross walk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply to any street while set aside as a play street as authorized by ordinance of this city.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.25 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this traffic code shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any such driver to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.26 AUTHORIZED EMERGENCY VEHICLES.

(A) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(B) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this traffic code;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning in specified directions.

(C) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(D) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
(Ord. 747, passed 3-4-68)

' 70.27 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

(A) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle prop-erly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(B) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.28 IMMEDIATE NOTICE OF ACCIDENT.

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of $50 or more shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within this city.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.29 WRITTEN REPORT OF ACCIDENT.

The driver of a vehicle which is in any manner involved in an

accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of $50, or more shall within 5 days after such accident, forward a written report of such accident to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.30 WHEN DRIVER UNABLE TO REPORT.

(A) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in ' 70.28 and there is another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

(B) Whenever the driver is physically incapable of making a written report of an accident as required in ' 70.29 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 5 days after the accident make such report not made by the driver.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.3l PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS.

(A) All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, except that the police department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

(B) No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time an location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers.
(Ord. 747, passed 3-4-68)

ORDINANCE VIOLATIONS BUREAU

' 70.40 DEFINITIONS.

For the purpose of this subchapter, the following words or phrases shall have the meanings ascribed to them respectively.

"CLERK-TREASURER." The duly serving clerk-treasurer of the city.

"CROWN POINT CODE." The official code of ordinances of the city, as adopted and amended from time to time.

"ORDINANCE VIOLATIONS BUREAU." The agency established by virtue of this subchapter, pursuant to I.C. 33-6-3 to facilitate the payment of certain uncontested ordinance violations by administrative process without the extraction of court costs.

"VIOLATIONS CLERK." Shall have that meaning as set forth in I.C. 15-33-36.
(Ord. 1542, passed 6-4-90)

' 70.41 ORDINANCE VIOLATIONS BUREAU CREATED.

Pursuant to I.C. 15-33-36, an Ordinance Violations Bureau is hereby established for the city.
(Ord. 1542, passed 6-4-90)

' 70.42 APPOINTMENT OF VIOLATIONS CLERK.

The Clerk-Treasurer is hereby appointed Violations Clerk pursuant to I.C. 15-33-36-2 for the purpose of administering the Ordinance Violations Bureau created in ' 70.41.
(Ord. 1542, passed 6-4-90)

' 70.43 POWERS AND DUTIES.

The Clerk-Treasurer may accept written appearances, waivers of trial, admissions of violations, and the payment of civil penalties of not more than $60 in ordinance violation cases as specified in ' 70.44 hereof, and shall have and perform all other powers and duties therewith as provided by the Indiana Code.
(Ord. 1542, passed 6-4-90; Am. Ord. 2007-03-09, passed 3-5-07)

' 70.44 SCHEDULE OF ORDINANCES AND CIVIL PENALTIES.

The following constitutes a schedule of city ordinance and code provisions subject to admission of violation before the Violations Clerk, and the corresponding civil penalty to be assessed to violators who elect to admit ordinance violations, pursuant to I.C. 33-36-3:

(A) Illegal parking, ' 76.09(B), (Overtime) if paid within 48 hours, $35.

(B) Illegal parking, ' 76.09(C), (Overtime) between 48 and 96 hours, $50.

(C) Illegal parking, ' 75.38(B), $35.

(D) Illegal parking, ' 75.38(C), $50.

(E) Illegal parking, ' 75.10, (except fire hydrants, fire lanes and handicap spaces), $35.

(F) Illegal parking, ' 75.10(A)(2)(b), fire hydrants or fire lanes (A)(2)(b), $100.

(G) Illegal parking, ' 75.10(A)(1)(j), handicap space, $100.
(Ord. 1542, passed 6-4-90; Am. Ord. 1724, passed 6-6-94; Am. Ord. 1753, passed 2-6-95; Am. Ord. 2009-12-42, passed 1-4-10; Am. Ord. 2013 08-09, passed 10-9-13)

' 70.45 PAYMENT OF PENALTIES.

Payment of civil penalties made pursuant to the provisions of this subchapter and of I.C. 33-36-3 may be made in person at the office of the Clerk-Treasurer's or by depositing the payment with the United States Mail, first class postage prepaid addressed to the City Clerk-Treasurer.
(Ord. 1542, passed 6-4-90; Am. Ord. 2013 08-09, passed 10-9-13)

PROCEDURE ON ARREST

' 70.50 FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS.

(A) The city shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the traffic court of this city. The books shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved jointly by the chief city magistrate and the chief of police.

(B) The city shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.

(C) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.
(Ord. 747, passed 3-4-68)

' 70.51 PROCEDURE OF POLICE OFFICERS.

Except when authorized or directed under state law to take a person immediately before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address, and operator's license number of the person, the registered number of the

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motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city a traffic citation containing a notice to answer to the charge against him in the traffic court of this city at a time at least 5 days after such alleged violation to be specified in the citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release the person from custody.
(Ord. 747, passed 3-4-68)

' 70.52 DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS, AND COMPLAINTS.

(A) Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of this state or of any traffic ordinance of this city shall deposit the original and duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the traffic court of this city and the duplicate copy to the central records section of the police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the city together with such book when all traffic citations therein have been used.

(B) Upon the filing of the original citation in the traffic court of this city as aforesaid, the citation may be disposed of only by trial in a court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine to the traffic violations bureau of said court.

(C) The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

(D) The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the traffic court of this city or its traffic violations bureau.

(E) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the traffic court of this city or by any other court on the traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

(F) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this section.
(Ord. 747, passed 3-4-68)

' 70.53 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter.
(Ord. 747, passed 3-4-68)

' 70.54 AUDIT OF RECORDS AND REPORTS.

(A) Every record of traffic citations, complaints thereon, and warrants issued therefor required in '' 70.50 through 70.64 shall be audited at least annually by the city traffic engineer who shall submit a report of such audit together with a summary thereof to the mayor and city council. Such reports shall be public records.

(B) The traffic engineer shall publish or cause to be published an annual summary of all traffic citations issued by members of the police department, the disposition of the complaints thereon, and the issuance and disposition of all warrants issued therefor in at least one local daily newspaper of general circulation.

(C) For the purpose of this chapter, the traffic engineer or his duly authorized representatives shall have access at all times to all necessary records, files and papers of the traffic court of this city, its traffic violations bureau, and the police department.
(Ord. 747, passed 3-4-68)

' 70.55 WHEN COPY OF CITATION SHALL BE DEEMED A LAWFUL COMPLAINT.

In the event the form of citation provided under ' 70.50 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed with a court having jurisdistion shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.
(Ord. 747, passed 3-4-68)

' 70.56 FAILURE TO OBEY CITATION.

It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.57 CITATION ON ILLEGALLY PARKED VEHICLE.

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city, for the driver to answer to the charge against him within 5 days during the hours and at a place specified in the citation.
(Ord. 747, passed 3-4-68)

' 70.58 FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of 5 days the clerk of the traffic court or the traffic violations bureau shall send the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of 5 days a warrant of arrest will be issued.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 70.59 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

(A) In any prosecution charging a violation of any law or ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or ordinance, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occured.

(B) The foregoing stated presumption shall apply only when the procedure as prescribed in '' 70.55 and 70.59 has been followed. (Ord. 747, passed 3-4-68)

' 70.60 WHEN WARRANT TO BE ISSUED.

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the traffic court, traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the magistrate or judge of the city court shall issue a warrant for his arrest.
(Ord. 747, passed 3-4-68)

' 70.6l RECORD OF TRAFFIC CASES--REPORT OF CONVICTION TO STATE DEPARTMENT OF MOTOR VEHICLES.

(A) Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic violations bureau, and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment or acquittal, and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to the court or traffic violations bureau.

(B) Within l0 days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the state department of motor vehicles an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(C) The abstract must be made upon a form furnished by the state department of motor vehicles and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture as the case may be.

(D) Every court or record shall also forward a like report to the state department of motor vehicles upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(E) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.
(Ord. 747, passed 3-4-68)

' 70.62 DISPOSITION OF TRAFFIC FINES AND FORFEITURES.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid over to the city clerk-treasurer according to statutes.
(Ord. 747, passed 3-4-68)

' 70.63 OFFICIAL MISCONDUCT.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after it has been deposited with the clerk-treasurer, to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.
(Ord. 747, passed 3-4-68)

' 70.64 AUTHORITY TO IMPOUND VEHICLES.

(A) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or

other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by this city under the circumstances hereinafter enumerated:

(l) When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(2) When any vehicle is left unattended upon a street or highway and is parked illegally, or constitutes a hazard or obstruction to the normal movement of traffic.

(B) Whenever an officer removes a vehicle from a street or highway as authorized in this section, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(C) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. (Ord. 747, passed 3-4-68)

' 70.99 PENALTY.

(A) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this title shall be punished by a fine of not more than $300. In addition, any person convicted of a violation of any provision of Chapter 74 other than ' 74.21 (for which a penalty is provided in division (B) below), may be punished by impounding such person's bicycle for a period not to exceed l0 days. (Ord. 747, passed 3-4-68)

(B) Any person who violates ' 74.21 shall be liable for a fine of no less than $1 and no more than $25. (Ord. 1539, passed 6-4-90)

(C) Any person who violates the terms or provisions of ' 75.22(D)(1) or (2) shall be fined in a sum not exceeding $500 for each such violation. Any person whose vehicle or motor vehicle is impounded and towed from a temporary no parking area pursuant to

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' 75.22(E) or pursuant to other applicable sections of the city code or of state law, shall be fined, in addition to any fine and costs imposed for violations of ' 75.22(D)(1) or (2), an amount equal to any unpaid costs and expenses of towing said vehicle or motor vehicle. (Ord. 1526, passed 4-2-90)

CHAPTER 7l: TRAFFIC-CONTROL DEVICES

Section

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7l.l3 Play streets
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' 7l.0l AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The city traffic engineer shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of the ordinances, and may place and maintain additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city, or under state law, or to guide or warn traffic. (Ord. 747, passed 3-4-68)

' 7l.02 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the state highway commission. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected, and not inconsistent with the provisions of state law or this chapter, shall be official traffic-control devices. (Ord. 747, passed 3-4-68)

' 7l.03 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions

granted the driver of an authorized emergency vehicle in this chapter, shall be official traffic-control devices. (Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.04 WHEN OFFICIAL TRAFFIC-CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official de- vice is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective, even though no devices are erected or in place. (Ord. 747, passed 3-4-68)

' 7l.05 OFFICIAL TRAFFIC-CONTROL DEVICES; PRESUMPTION OF LEGALITY.

(A) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chap-ter, the devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(B) Any official traffic-control device placed pursuant to the provisions of this chapter, and purporting to conform to the lawful requirements pertaining to such devices, shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. (Ord. 747, passed 3-4-68)

' 7l.06 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time, or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Green indication:

(l) Vehicular traffic facing a circular green signal may proceed straight through, or turn right or left, unless a sign at the place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(2) Vehicular traffic facing a green arrow signal shown alone or in combination with another indication may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk, and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control

signal as provided in ' 7l.07, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) Steady yellow indication:

(l) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in ' 7l.07, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(C) Steady red indication:

(l) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown.

(2) Unless otherwise directed by a pedestrian-control signal as provided in ' 7l.07, pedestrians facing a steady red signal alone shall not enter the roadway.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.07 PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words "walk" or "wait", or words which are the equivalent thereof, are in place, such signals shall indicate as follows:

(A) Walk. Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) Wait. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.08 FLASHING SIGNALS.

(A) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(l) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly-marked stop line before entering the crosswalk on the near side of the intersection or, if no line exists, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(B) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in ' 72.37.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.09 LANE-DIRECTION-CONTROL SIGNALS.

When lane use control signals are placed over the individual lanes, signals shall indicate and apply to drivers of vehicles as follows.

(A) Green indication (downward green arrows) - vehicular traffic may travel in any lane over which a green signal is shown.

(B) Steady yellow indication (yellow X symbol) - vehicular traffic is thereby warned that a lane control change is being made.

(C) Steady red indication (red X symbol) - vehicular traffic shall not enter or travel in any lane over which a red signal is shown.

(D) Flashing yellow indication (yellow X symbol) - vehicular traffic may use the lane only for the purposes of approaching and making a left turn.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.l0 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

(A) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts

to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(B) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(C) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(D) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.ll INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. (Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.l2 AUTHORITY TO ESTABLISH PLAY STREETS.

The city traffic engineer shall have authority to declare any street or part thereof a play street, and to place appropriate signs or devices in the roadway indicating and helping to protect the same. (Ord. 747, passed 3-4-68)

' 7l.l3 PLAY STREETS.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within the closed area, and then any driver shall exercise the greatest care in driving upon any such street or portion thereof. (Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.l4 CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SA FETY ZONES.

The traffic engineer is authorized:

(A) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at inter- sections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at other places as he may deem necessary.

(B) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 747, passed 3-4-68)

' 7l.l5 TRAFFIC LANES.

(A) The city traffic engineer is authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(B) Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any such lane except when lawfully passing

another vehicle, or preparatory to making a lawful turning movement. (Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 7l.l6 PROCEDURE FOR REQUESTING MULTI-WAY STOP SIGNS; CRITERIA FOR INSTALLATION.

(A) Each request for the installation of a multi-way stop sign shall be accompanied by a petition signed by at least 80% of the dwelling units (one vote per dwelling unit) adjacent to the intersection in question. The limits of the area shall be a radius of l000 feet in each direction from the intersecting streets for which the request is made, and the petition shall be submitted to the traffic commission for its consideration and recommendation to the common council.

(B) The request shall be reviewed by staff personnel. Traffic and pedestrian counts shall be made; physical characteristics of the intersection shall be noted; and an engineering traffic study or report shall be submitted to the traffic commission. The report shall include alternative suggestions, such as removal of obstructions from the line of sight, well-defined crosswalks, additional signage to reduce speeding or provide warning, additional lighting, or any other matters to better define the intersection.

(C) The following guidelines shall be used by the traffic commission and the common council in considering the need for the installation of multi-way stop signs:

(l) Stop signs should not be used for speed control.

(2) Where traffic signals are warranted and urgently needed, the multi-way stop sign is an interim measure that can be installed quickly to control trafffic while arrangements are being made for the signal installation.

(3) An accident problem shall be a criterion as indicated by 5 or more reported accidents in a l2-month period of a type susceptible of correction by a multi-way stop sign installation. Such accidents shall include right and left turn collisions as well as right-angle collisions.

(4) Minimum traffic volumes.

(a) The total vehicular volume entering the intersection from all approaches must average at least 250 vehicles per hour for any 8 hours of an average day;

(b) The combined vehicular and pedestrian volume from the minor street or highway must average at least l00 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hour.

(5) The multi-way stop sign may be ordered and installed by the traffic commission if the traffic volume satisfies the traffic volume set forth in divisions (4) (a) and (b) above, or if it is judged that installation is the best solution, and the commission recommends installation.

(6) If the requirements of divisions (2) and (3) above are satisfied, the stop signs shall be ordered installed by the common council after investigation by the traffic commission.

(7) Notwithstanding all other provisions herein above stated, there shall be no stop sign erected on a functionally classified street within l,000 feet of an existing multi-way stop sign, except for intersections of functionally classified streets with multi-way stop signs within l,000 feet of each other.

(8) No multi-way stop sign shall be approved by the common council until the traffic commission has considered and investigated the need therefor, provided that, if the traffic commission fails to take any action or make any recommendation within 60 days after receipt of a petition, the council may act. (Ord. l0l7, passed 6-5-78)

CHAPTER 72: TRAFFIC RULES

Section

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SPEED REGULATIONS

' 72.01 STATE SPEED LAWS APPLICABLE.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as any ordinance of the city authorized by state law, declares and determines that different speed regulations shall be applicable upon specified streets or in certain areas. In such event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.02 REGULATION OF SPEED BY TRAFFIC SIGNALS.

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.
(Ord. 747, passed 3-4-68)

TURNING MOVEMENTS

' 72.10 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(A) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(B) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(C) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.11 AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS.

(A) The city traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(B) When authorized markers, buttons, or other indications

are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.l2 AUTHORITY TO PLACE RESTRICTED TURN SIGNS.

The city traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.l3 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.l4 LIMITATIONS ON TURNING AROUND.

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

ONE-WAY STREETS AND ALLEYS

' 72.20 AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS.

Whenever any ordinance of this city designates any one-way street or alley the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
(Ord. 747, passed 3-4-68)

' 72.2l AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.

(A) The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one per and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other

devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(B) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS, ETC.

' 72.30 SIGNS REQUIRED AT THROUGH STREETS.

Whenever any ordinance of this city designates and describes a through street it shall be the duty of the city traffic engineer to place and maintain a stop sign, or in the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of 2 such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the city traffic engineer upon the basis of an engineering and traffic study.
(Ord. 747, passed 3-4-68)

' 72.31 OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED.

The city traffic engineer is authorized to determine and designate intersections where particular hazards exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or whether vehicles shall yield the right-of- way to vehicles on a different street at such intersections as prescribed in ' 72.34, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. (Ord. 747, passed 3-4-68)

' 72.32 STOP SIGNS AND YIELD SIGNS.

(A) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the cross walk on the near side of the intersection of, in the event there is no cross walk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway

where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.33 VEHICLE ENTERING STOP INTERSECTION.

Except when directed to proceed by a police or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by ' 72.32(B) and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

' 72.34 VEHICLE ENTERING YIELD INTERSECTION.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the tine such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.35 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.36 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.37 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

(A) Whenever any person driving a vehicle approaches a rail-

road grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than l5 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(l) A clearly visible electric or mechanical signal de-vice gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching, within approximately l,500 feet of a highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(B) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

MISCELLANEOUS DRIVING RULES

' 72.40 FOLLOWING FIRE APPARATUS PROHIBITED.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.4l CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.42 DRIVING THROUGH FUNERAL OR OTHER PROCESSION.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.43 DRIVERS IN A PROCESSION.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.
(Ord, 747, passed 3-4-68) Penalty, see ' 70.99

' 72.44 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic engineer.
(Ord. 747, passed 3-4-68)

' 72.45 WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS.

No funeral, procession or parade containing 200 or more persons or 50 or more vehicles except the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.46 VEHICLES SHALL NOT BE DRIVEN ON A SIDEWALK.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.47 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.48 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.49 RIDING ON MOTORCYCLES.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not

carry any other person nor shall any other person ride on a motorcycle unless such motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the rear or side of the operator.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.50 CLINGING TO VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.51 CONTROLLED ACCESS.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 72.52 OFF-ROAD VEHICLES.

(A) "OFF-ROAD VEHICLE" is defined to mean any motor-driven vehicle capable of cross country travel without the benefit of road or trail or capable of travel on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain. The term includes, but is not limited to, snowmobiles, multi-drive or low pressure tire vehicles, vehicles commonly know as an all-terrain-vehicle (A.T.V.), amphibious machines, ground effect air cushion vehicles and any other means of motive power from a source other than muscle or wind excluding farm or construction machinery while in use during farming or construction projects.

(B) No person shall drive, operate, or allow or permit any person or minor to operate, any off-road vehicle on any public lands, easements, parkways, ways, ponds or other property owned or maintained by the city.
(Ord. 1809, passed 7-18-96) Penalty, see ' 72.99

' 72.53 ALCOHOLIC BEVERAGE CONTAINERS PROHIBITED.

(A) It shall be unlawful for any person to operate or occupy, or permit any other person to operate or occupy, any motorized vehicle upon any public road, street, highway, alleyway, or in or upon any public parking lot, park, or other public property when any form of open container containing an alcoholic beverage, or opened or unsealed alcoholic beverage container as defined in I.C. 7.1-1-3-13, is in the passenger compartment of the vehicle or is accessible to any driver, passenger or other person in or upon any motorized vehicle.

(B) The Director of Public Works shall erect appropriate warning signs at or near the city limits along all major roadways leading into the City of Crown Point advising of this prohibition.

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(C) Any person who violating this section shall be subject to a fine of not less than $100 nor more than $500 for each offense. Each owner, driver or occupant of a vehicle in violation of this section shall be subject to the penalties provided for herein.
(Ord. 1909, passed 9-8-98)

' 72.54 PASSENGER RESTRAINTS; MOTOR VEHICLES.

(A) Each occupant of a motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in motion.

(B) Every person who operates a motor vehicle in which there is a child less than four years of age shall secure the child in a child passenger restraint system that is manufactured for the purpose of protecting children from injury during a motor vehicle accident and meets the standards prescribed in 49 CFR 571.213, unless it is reasonably determined that the child will not fit in such a child passenger restraint system.

(C) This section shall not apply to any United States Postal Carrier or front seat passenger exempted from the use of a passenger restraint by I.C. 9-19-10-1.

(D) A motor vehicle may be stopped to determine compliance with this section, however, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of any violation of this section.

(E) Failure to comply with this ordinance does not constitute fault under I.C. 34-51-2 and does not limit the liability of an insurer.

(F) Any person who violating this section shall be subject to a fine of not less than $10 nor more than $500 for each offense.
(Ord. 1909, passed 9-8-98)

BOULEVARDS

' 72.60 DEFINITIONS.

For the purpose of this subchapter, the following words have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning.

"BOULEVARD." Any public street within the city, usage of which is restricted to motor vehicles which are not trucks. (Am. Ord. 1975, passed 5-1-00)

"EXEMPT TRUCKS." Any truck as defined by this section with a registered gross vehicle weight of 54,000 pounds or less that is owned, leased or rented by a business located in the city shall be exempt from the prohibition against driving off of designated truck routes to the extent any such truck is coming or going form the place of business located in the city. This exemption does not apply to boulevards as defined in this section. All trucks are exempt for the limited specific purpose of making a local residential delivery to a location off of a designated truck route or to a location on a boulevard. (Ord. 1975, passed 5-1-00)

"TRUCK." Any motor vehicle, as that term is defined at I.C. 9-13-2-188, 9-13-2-189, and 9-13-2-190 designed, used, or maintained primarily for the transportation of property; however, the term shall not include those motor vehicles which make local residential deliveries of goods or services, and shall not include vehicles with a registered gross vehicle weight of 11,000 pounds or less. The term shall not include emergency vehicles, such as fire vehicles, nor shall it include vehicles operated by the utility companies providing electricity, gas, water, telephone, and sewerage.
(Ord. 1573, passed 5-6-91; Am. Ord. 1975, passed 5-1-00)

' 72.61 DESIGNATION.

Boulevards. The following streets or roadways, or parts thereof, are designated as boulevards:

(A) Greenwood Avenue between its intersection with State Route 231 and its intersection with State Route 55 (South Indiana Avenue).

(B) Anderson Street between its intersection with Thomas Street and its intersection with Merrillville Road.

(C) Dahlgren Street between its intersection with Thomas Street and its intersection with Merrillville Road.

(D) Foote Street between its intersection with Thomas Street and its intersection with Merrillville Road.

(E) Monitor Street between its intersection with Indiana Avenue and its intersection with Merrillville Road.
(Ord. 1573, passed 5-6-91; Am. Ord. 1902, passed 8-3-98; Am. Ord. 1975, passed 5-1-00)

Truck routes. No truck as defined in ' 70.60 shall be permitted to operate or drive on any street, avenue, alleyway or other roadway, or parts thereof, located within the municipal boundaries of the city except for the following streets, avenues or roadways which are identified as truck routes on the map entitled ATruck Route Map 2000" which is attached hereto and incorporated herein by reference, as follows:

(A) Interstate I-65.

(B) State Road 53 or Broadway.

(C) State Road 231 or Joliet Street.

(D) State Road 55 or Main Street from 93rd Avenue south to its intersection with State Road 231 or Joliet Street.

(E) Clark Street from its intersection with Main Street west to Court Street.

(F) Court Street from its intersection with Clark Street south to State Road 231 or Joliet Street.

(G) Indiana Avenue south from its intersection with 101st Avenue to the municipal boundary.

(H) 109th Avenue or North Street from its intersection with Main Street east to Colorado Street.

(I) Merrillville Road from its intersection with 101st Avenue west and south to its intersection with Summit Street.

(J) Crown Court, Prairie Court and Hub Court.

(K) Summit Street from its intersection with State Road 55 or Main Street east to its intersection with State Road 53 or Broadway.

(L) Wheeler Street south from its intersection with Summit Street to the dead end.

(M) Industrial Boulevard from its intersection with Summit Street south through Eire Court to its intersection with Madison Street.

(N) Madison Street from its intersection with Arrowhead Street south to its terminus south of Summit Street.

(O) Arrowhead Street.
(Ord. 1975, passed 5-1-00)

' 72.62 PROHIBITION.

No person shall drive a truck on a boulevard as defined in ' 72.60. (Ord. 1573, passed 5-6-91; Am. Ord. 1975, passed 5-1-00) Penalty, see ' 72.99

' 72.63 SIGNAGE.

A boulevard shall be marked by appropriate signage prominently displaying the words "No Truck Traffic Except For Local Residential Deliveries."
(Ord. 1573, passed 5-6-91; Am. Ord. 1975, passed 5-1-00)

' 72.99 PENALTY.

Any person who shall violate any provision of '' 72.52 or 72.62 shall be liable for a fine of not less than $1 and not more than $500.
(Ord. 1573, passed 5-6-91; Am. Ord. 1809, passed 7-18-96; Am. Ord. 1975, passed 5-1-00)

CHAPTER 73: PEDESTRIANS

Section

73.0l Pedestrians subject to traffic-control signals
73.02 Pedestrians' right-of-way in cross walks
73.03 Pedestrians to use right half of cross walks
73.04 Crossing at right angles
73.05 When pedestrian shall yield
73.06 Prohibited crossing
73.07 Obedience of pedestrians to bridge and railroad signals
73.08 Pedestrian walking along roadways
73.09 Pedestrians soliciting rides or business
73.l0 Drivers to exercise due care

' 73.0l PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS.

Pedestrians shall be subject to traffic-control signals as heretofore declared in '' 7l.06 and 7l.07 of this chapter, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.
(Ord. 747, passed 3-4-68)

' 73.02 PEDESTRIANS' RIGHT-OF-WAY IN CROSS WALKS.

(A) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(C) Paragraph (A) shall not apply under the conditions stated in paragraph (B) of ' 73.05.

(D) Whenever any vehicle is stopped at a marked cross walk or at any unmarked cross walk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.03 PEDESTRIANS TO USE RIGHT HALF OF CROSS WALKS.

Pedestrians shall move, whenever practicable, upon the right half of cross walks.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.04 CROSSING AT RIGHT ANGLES.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a cross walk.

(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.05 WHEN PEDESTRIAN SHALL YIELD.

(A) Every pedestrian crossing a roadway at any point other than within a marked cross walk or within an unmarked cross walk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) The foregoing rules in this section have no application under the conditions stated in ' 73.06 when pedestrians are prohibited from crossing at certain designated places.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.06 PROHIBITED CROSSING.

(A) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a cross walk.

(B) No pedestrian shall cross a roadway other than in a cross walk in the central traffic district or in any business district.

(C) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.07 OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS.

(A) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(B) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.08 PEDESTRIAN WALKING ALONG ROADWAYS.

(A) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 73.09 PEDESTRIANS SOLICITING RIDES OR BUSINESS.

(A) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(B) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or high- way. (Ord. 747, passed 3-4-68) Penalty, see 70.99

' 73.l0 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (Ord. 747, passed 3-4-68) Penalty, see ' 70.99

CHAPTER 74: REGULATIONS FOR BIKES/SKATEBOARDS

Section

Bicycles

74.0l Traffic laws apply to persons riding bicycles
74.02 Obedience to traffic-control devices
74.03 Riding on bicycles
74.04 Riding on roadways and bicycle paths
74.05 Speed
74.06 Emerging from alley or driveway
74.07 Carrying articles
74.08 Parking
74.09 Riding on sidewalks
74.l0 Lamps and other equipment on bicycles

Skateboards

74.20 Definitions
74.21 Prohibition

BICYCLES

' 74.0l TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.02 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.03 RIDING ON BICYCLES.

(A) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time other than the number for which it is designed and equipped.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.04 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than 2 abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Wherever a usable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.05 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.06 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.07 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.
(Ord. 747, passed 3-4-68. Penalty, see ' 70.99

' 74.08 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.09 RIDING ON SIDEWALKS.

(A) No person shall ride a bicycle upon a sidewalk within the central business district.

(B) The chief of police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any

person and when such signs are in place no person shall disobey the same.

(C) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 74.l0 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least l00 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
(C) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

SKATEBOARDS

' 74.20 DEFINITIONS.

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

"BUSINESS DISTRICT." Any area zoned as such pursuant to ' 150.16.

"PERSON." The term shall mean and refer to any individual.

"PUBLIC PARKING LOT." Any off-street, ground level area, usually surfaced and improved, intended for the temporary storage of motor vehicles, owned by the city or another unit of government.

"ROLLER SKATES." Any individual or pair of devices, commonly known as roller skates or in-line skates, which permit ambulation or movement by the use of skate wheels attached to a shoe, boot or other type of footwear.

"SIDEWALK." Any path or paved area at the side of a street, intended for the use of pedestrians.

"SKATEBOARD." Any device used for riding upon, usually while standing, consisting of an oblong piece of wood, plastic, metal, or other solid or firm material, mounted on skate wheels.

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"STREET." Any vehicular way which is a municipal or state roadway. (Ord. 1539, passed 6-4-90; Am. Ord. 1767, passed 8-9-95)

' 74.21 PROHIBITION.

No person shall use a roller skates or a skateboard on any street, sidewalk, alleyway, city park, or public parking lot in any area zoned as a B-1 Business District.
(Ord. 1539, passed 6-4-90; Am. Ord. 1767, passed 8-9-95) Penalty , see ' 70.99

CHAPTER 75: PARKING, STOPPING, STANDING

Section

Method of Parking

75.01 Standing or parking close to curb
75.02 Signs or markings indicating angle parking
75.03 Obedience to angle parking signs or markings
75.04 Lamps on parked vehicle

Stopping, Standing, or Parking Prohibited in Specified Places

75.10 Stopping, standing, or parking prohibited
75.11 Parking not to obstruct traffic
75.12 Parking in alleys
75.13 All-night parking prohibited
75.14 Parking for certain purposes prohibited
75.15 Parking adjacent to schools
75.16 Parking prohibited on narrow streets
75.17 Standing or parking on one-way streets
75.18 Standing or parking on one-way roadways
75.19 No stopping, standing, or parking near hazardous or congested places
75.20 Special regulations for trucks, trailers, or tractors
75.21 Snow routes
75.22 Parking restrictions during auctions
75.23 Mailbox access
75.24 Parking in yards and on parkways

Stopping for Loading or Unloading Only

75.30 Traffic Engineer to designate curb loading zones
75.31 Permits for curb loading zones
75.32 Standing in passenger curb loading zone
75.33 Standing in freight curb loading zone
75.34 Traffic Engineer to designate public carrier stops and stands
75.35 Stopping, standing, and parking of buses and taxicabs regulated
75.36 Restricted use of bus and taxicab stands
75.37 Permits for loading or unloading under special permit
75.38 Reports of violation and payment therefor

METHOD OF PARKING

' 75.01 STANDING OR PARKING CLOSE TO CURB.

Except as otherwise provided in this chapter, every vehicle stopped or parked on a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within 12 inches of the right-hand curb.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.02 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

(A) The Traffic Engineer shall determine on what streets angle parking shall be permitted, and shall mark or sign such streets, but angle parking shall not be indicated on any federal aid or state highway within this city, unless the State Highway Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(B) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the street.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.03 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

On those streets which have been signed or marked by the Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.04 LAMPS ON PARKED VEHICLE.

(A) Whenever a vehicle is lawfully parked on a street or highway during the hours between 1/2 hour before sunset and 1/2 hour after sunrise, and in the event there is sufficient light to reveal any person or object within a distance of 500 feet on the street or highway, no lights need be displayed on the parked vehicle.

(B) Whenever a vehicle is parked or stopped on a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between 1/2 hour after sunset and 1/2 hour before sunrise, and there is not sufficient light to reveal any person or object within a distance of 500 feet on the highway, the vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(C) Any lighted head lamps on a parked vehicle shall be depressed or dimmed.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

' 75.10 STOPPING, STANDING, OR PARKING PROHIBITED.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand, or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a cross walk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping.

(j) Within any part of or obstructing access to any designated handicap parking space.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant or within any part of a designated or marked fire lane or zone;

(c) Within 20 feet of a cross walk at an intersection

(d) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when prcperly signposted);

(f) At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
(Ord. 747, passed 3-4-68; Am. Ord. 1724, passed 6-6-94) Penalty, see ' 70.99

' 75.11 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.12 PARKING IN ALLEYS.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available the width of the roadway for the free movement ot vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.13 ALL-NIGHT PARKING PROHIBITED.

No person shall park a vehicle on any street for a period of time longer than 48 hours without moving same.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.14 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the principal purpose of:

(A) Displaying such vehicle for sale.

(B) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.15 PARKING ADJACENT TO SCHOOLS.

(A) The city traffic engineer is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(B) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. (Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.16 PARKING PROHIBITED ON NARROW STREETS.

(A) The city traffic engineer is authorized to erect signs

indicating no parking upon any street when the width of the roadway does not exceed 3l feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 36 feet.

(B) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.l7 STANDING OR PARKING ON ONE-WAY STREETS.

The city traffic engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.l8 STANDING OR PARKING ON ONE-WAY ROADWAYS.

In the event a highway includes 2 or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.l9 NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

(A) The city traffic engineer is authorized to determine and designate by proper signs places not exceeding l00 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause usual delay to traffic.

(B) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand, or park a vehicle in any such designated place.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.20 SPECIAL REGULATIONS FOR TRUCKS, TRAILERS OR TRACTORS.

(A) Definitions. For purposes of this section the following words and phrases shall have the following meanings ascribed them respectively.

(l) The term "TRUCK" is defined as a truck having a manufacturer's rating excess of one ton.

(2) The term "TRACTOR" is defined as follows:

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(a) "TRUCK TRACTOR." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) "ROAD TRACTOR." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or any part of the weight of a vehicle or load so drawn.

(3) The term "TRAILER" is defined as follows:

(a) "TRAILER." Every vehicle with or without motive power other than a pole trailer, designed for carrying persons or property or for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) "SEMI-TRAILER." Every vehicle with or without motive power other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(c) "POLE TRAILER." Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular shaped loads, such as poles, pipes or structural members, capable generally of sustaining themselves as beams between the supporting connections.

(B) Trailers, tractors, or trucks. It is hereby declared to be unlawful, illegal and a misdemeanor to park, leave standing or to leave unattended a trailer or tractor or truck, as the terms are hereinafter defined, except:

(l) for the purpose of loading or unloading,

(2) on private property in a commercial or industrial zone,

(3) in case of an emergency.

(C) Penalty. Violation of division (B) of this section shall incur a fine of not less than $l nor not more than $300 for each day of violation, and each day the vehicle or part thereof is in violation shall be deemed a new and separate violation.

(D) Parking vehicles in parkways. No person, as that term is defined in ' 93.15, shall park a vehicle or motor vehicle, as those terms are defined in IC 9-13-2-196 and 9-13-2-105, respectively, in a parkway, as defined in ' 93.15.

(E) Penalty. Any person who violates the terms or provisions of division (D) of this section shall be fined in a sum not exceeding $300

for each such violation. Each day such violation exists shall be deemed a separate and distinct violation. Any person whose vehicle or motor vehicle is impounded and towed from a parkway pursuant to division (F) of this section or pursuant to other applicable sections of this code or of state law, shall be fined, in addition to any fine and costs imposed for violations of division (D) of this section, an amount equal to any unpaid costs and expenses of towing said vehicle or motor vehicle.

(F) Towing. A vehicle or motor vehicle parked in violation of division (D) of this section may, no less than 24 hours after a written notice of violation is attached to the offending vehicle in a prominent place thereon, be impounded and towed to an area suitable for the storage of impounded vehicles as may be designated by the Chief of Police. The registered owner of such vehicle shall promptly be given written notice of the impounding and towing thereof addressed to the last address of record of the owner, indicating the location of the stored vehicle or motor vehicle, and the amount of towing and storage charges accrued. A vehicle or motor vehicle so impounded and towed shall only be released to the registered owner thereof, and only after payment in full of all towing and storage charges.

(G) Exemption. The parking restrictions contained in this section shall not apply to a vehicle parked on a farm if the vehicle is titled in the name of the landowner owning and operating a farm on a parcel of land in excess of 20 acres if said vehicle is utilized solely for the hauling of crops or produce grown on said farm when said farm is located east of a line beginning on 101st Avenue running south along the east side of I-65 to 113th Avenue, thence east along 113th Avenue to Mississippi Street to 129th Avenue (commonly referred to as the "East Side Annexation Agricultural Line").
(Ord. 877, passed 4-l-74; Am. Ord. 1528, passed 3-5-90; Am. Ord. 1897, passed 6-1-98)

' 75.21 SNOW ROUTES.

(A) Towing of vehicles and depositing of snow.

(1) The owner of any motor vehicle, trailer or equipment who has a driveway or other parking area not part of the city right-of-way shall remove said motor vehicle, trailer or equipment from any public street or roadway after there is an accumulation of two inches of snow thereon until said street or roadway is cleared of snow from curb to curb or ditch to ditch.

(2) Any vehicle, trailer or equipment parked on a public street or roadway, when the depth of snow thereon is two inches or more, shall be subject to immediate towing and removal and all towing fees or other charges related to the towing and/or storage of said vehicle shall be the sole responsibility of the owner of said vehicle.

(3) It shall be unlawful for any person to shovel, push, throw, blow or by any other means move snow from any private property, sidewalk, parkway or other area onto or upon any public street.

(4) In addition to any other penalty provided in this section, any person in violation of divisions (A)(1), (2), or (3) above, shall also be subject to the fines and penalties as provided by ' 75.20(C).

(B) Signs indicating the designated streets shall be posted indicating said portion of said street is a "snow route."

(C) Vehicles so parked shall be towed from their parked location without any notice and at the expense of the owner.

(D) Any person violating the provisions of this section shall be fined not less than $5 and not more than $300 for each violation thereof.
(Ord. 1049, passed l-2-79; Am. Ord. 1930, passed 3-5-01)

' 75.22 PARKING RESTRICTIONS DURING AUCTIONS.

(A) For the purpose of this section the following words or phrases shall have the meanings ascribed to them respectively.

(1) "AUCTION." The term shall have that meaning as set forth in I.C. 25-6.1-1-3.

(2) "AUCTIONEER." The term shall have that meaning as set forth in I.C. 25-6.1-1-3.

(3) "BUSINESS DAY." Any day of the week which is not a Saturday, a Sunday, or a state or federal holiday.

(4) "CHIEF OF POLICE." A duly appointed and serving Chief of Police of the city.

(5) "CROWN POINT CODE." The official code of ordinances of the city, as adopted and amended from time to time.

(6) "DELEGATE." Any police officer of the city designated or assigned by the Chief of Police to receive notices required by this section.

(7) "MOTOR VEHICLE." The term shall have that meaning as set forth in I.C. 9-13-2-105.

(8) "PERSON." Any individual, corporation, partnership, joint venture, trust, trustee, or other legal entity.

(9) "TEMPORARY NO PARKING AREAS." Places, areas, or districts, designated and approved by the Chief of Police, indicating areas where the stopping, standing, or parking of vehicles on a street or alley, for a temporary period of time, is restricted or prohibited.

(10) "TEMPORARY NO PARKING MARKINGS." Tapes, blockades, traffic cones or other devices, approved by the City Engineer, indicating an area where the stopping, standing, or parking of vehicles on a street or alley, for a temporary period of time, is restricted or prohibited.

(11) "TEMPORARY NO PARKING SIGN." A sign, approved by the City Engineer, prohibiting or restricting the stopping, standing, or parking of vehicles on any street or alley, for a temporary period of time.

(12) "VEHICLE." The term shall have that meaning as set forth in I.C. 9-13-2-196.

(B) Notice requirement. An auctioneer who wishes to conduct an auction within the city shall, no less than five business days prior to the date upon which the auction is to commence, serve upon the Chief of Police or his delegate a written notice. The notice shall contain, at a minimum, the inclusive dates of the auction, the location of the auction by street address, and the scheduled starting and ending times of the auction.

(C) Designation of temporary no parking area. The Chief of Police may designate as temporary no parking areas such streets, alleys, or portions of streets and alleys as are deemed to be of aid in the relief of traffic congestion or traffic hazards likely to occur during an auction, which streets and alleys are in the general vicinity of an auction, and shall cause temporary no parking signs and markings to be erected in and about said areas accordingly. The designation of such areas shall be made for a period of time encompassing the period during which the auction is taking place, and shall commence no more than three hours prior to the earlier of the actual or scheduled commencement of the auction, and end no more than three hours following the later of the actual or the scheduled end thereof as indicated in the notice.

(D) (1) Prohibition. No person shall stop, stand, or park a vehicle or a motor vehicle in a temporary no parking area.

(2) An auctioneer shall not conduct an auction within the city without having first given timely written notice required by the terms of division (B) of this section.

(E) Towing. A vehicle or motor vehicle parked in violation of (D)(1) of this section may be immediately impounded and towed to an area suitable for the storage of impounded vehicles as may be designated by the Chief of Police. The registered owner of such vehicle shall promptly be given written notice of the impounding and towing thereof, the location of the stored vehicle or motor vehicle, and the amount of towing and storage charges accrued. A vehicle or motor vehicle so impounded and towed shall only be released to the registered owner thereof, and only after payment in full of all towing and storage charges.
(Ord. 1526, passed 4-2-90) Penalty, see ' 70.99

' 75.23 MAILBOX ACCESS.

(A) No person shall cause or allow a motor vehicle to be parked in a public street or way between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday, in such a manner as to restrict, inhibit or prevent the delivery of the U.S. Mail to any residential mailbox in the city.

(B) The owner or operator of any motor vehicle parked in violation of this section shall be subject to the provisions providing for impoundment or towing of vehicles provided in ' 70.64 or the fines and penalties provided in ' 70.99.
(Ord. 1710, passed 6-6-94) Penalty, see ' 70.99

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' 75.24 PARKING IN YARDS AND ON PARKWAYS.

(A) No vehicle may be parked in a parkway, front yard, side yard, rear yard, or courtyard other than on a designated or paved driveway in a residential district.

(B) Penalty. Any person who violates the terms of or provisions of division (A) of this section shall be fined in a sum not less than $50 nor more than $300 for each day of violation, and each day or part thereof the vehicle is in violation shall be deemed a new and separate violation.
(Ord. 2009-05-16, passed 5-4-09)

STOPPING FOR LOADING OR UNLOADING ONLY

' 75.30 TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES.

The Traffic Engineer is authorized to determine the location of passenger and freight curb loading zones, and shall place and maintain appropriate signs indicating the same stating the hours during which the provisions of this section are applicable.
(Ord. 747, passed 3-4-68)

' 75.31 PERMITS FOR CURB LOADING ZONES.

The Traffic Engineer shall not hereafter designate or sign any curb loading zone on special request of any person unless such person makes application for a permit for such zone. The Traffic Engineer, on granting a permit, shall collect from the applicant and deposit in the Treasury a service fee of $1 per day or fraction thereof for each curb parking space allocated, and may by general regulations impose conditions on the use of such special zone.
(Ord. 747, passed 3-4-68)

' 75.32 STANDING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed 3 minutes.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.33 STANDING IN FREIGHT CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb

loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.34 TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS.

The Traffic Engineer is authorized and required to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.
(Ord. 747, passes 3-4-68)

' 75.35 STOPPING, STANDING, AND PARKING OF BUSES AND TAXICABS REGULATED.

(A) The operator of a bus shall not stand or park such vehicle on any street at any place other than a bus stand so designated as provided herein.

(B) The operator of a bus shall not stop such vehicle on any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(C) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(D) The operator of a taxicab shall not stand or park such vehicle on any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.36 RESTRICTED USE OF BUS AND TAXICAB STANDS.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except

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that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.37 PERMITS FOR LOADING OR UNLOADING UNDER SPECIAL PERMIT.

(A) The Traffic Engineer is authorized to issue special permits to permit the movement and parking of a vehicle for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. Permits may be issued either to the owner or lessee of real property or to the owner of the vehicle, and shall grant to the person the privilege as therein stated and authorized herein.

(B) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.
(Ord. 747, passed 3-4-68) Penalty, see ' 70.99

' 75.38 REPORTS OF VIOLATION AND PAYMENT THEREFOR.

(A) It shall be the duty of the Police Department of the city, acting in accordance with instructions issued by the Chief of Police, to make a written report in triplicate of all vehicles which are illegally parked. The report shall contain the following information:

(1) The state license number of the vehicle illegally parked.

(2) The time when the vehicle was discovered illegally parked and the time of making the report.

(3) A description of the violation.

(B) One copy of the report shall be delivered to the office of the Clerk-Treasurer; one copy shall be kept by the Police Department; and one copy of the report shall be attached to the vehicle illegally parked, to serve as a notice of violation to the owner or operator thereof. The owner or operator of the vehicle shall, within 48 hours after the time of the violation, not including Saturday, Sunday and legal holidays, sign the copy of the report admitting the violation, and deliver the same to the office of the City Clerk-Treasurer, together with the sum of $35 for each violation described in Chapter 75 (excepting therefrom violations described in ' 75.10(A)(2)(b) regarding fire hydrants and fire lanes and ' 75.10(A)(1)(j) regarding handicap spaces, which fines shall be accompanied by the sum of $100), and the same shall be accepted by the city as full payment of the person's fine for the reported violation. Depositing the required payment with the

United States Mail, first class postage prepaid, addressed to the City Clerk-Treasurer, on the day in which the 48 hours occurs shall constitute timely delivery.

(C) The owner or operator of the vehicle delivering the signed report admitting the violation, more than 48 hours but less than 96 hours after the time of any violation, shall pay the sum of $50 per violation of Chapter 75, (excepting therefrom violations described in ' 75.10(A)(2)(b) regarding fire hydrants and fire lanes and ' 75.10(A)(1)(j) regarding handicap spaces, which fines shall be accompanied by the sum of $125) and the same shall be accepted by the city as payment in full of the person's fine for the violation. Depositing the required payment with the United States Mail, first class postage prepaid, addressed to the City Clerk-Treasurer, on the day in which the 96-hour limitation expires shall constitute timely delivery.

(Ord. 1025, passed 6-5-78; Am. Ord. 1031, passed 7-3-78; Am. Ord. 1039, passed 10-2-78; Am. Ord. 1724, passed 6-6-94; Am. Ord. 2013 08-09, passed 10-9-13)

CHAPTER 76: LIMITED PARKING

Section

76.01 Definitions
76.02 Purpose
76.03 Limited parking area
76.04 Supervision by Board of Public Works and Safety
76.05 City Hall parking lot
76.06 Two-hour parking
76.07 Illegal parking
76.08 Prohibitions
76.09 Reports of violations and payment therefor
76.10 Failure to pay fine
76.11 Impounding vehicles
76.12 Effective hours
76.13 Impoundment of vehicles for multiple violations

Cross-Reference:
Restricting parking near U.S. postal services mailboxes, see ' 75.23

' 76.01 DEFINITIONS.

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

(A) "CITY BUSINESS." The activities of city employees and officials, municipal utility customers, and visitors to city facilities and offices, which activities have a direct relationship to the city's government.

(B) "INDIVIDUAL PARKING SPACE." A portion of the paved surface of a street at an angle to the curb, or parallel to the curb, of sufficient length and depth from the curb to accommodate the parking of a vehicle, to be designated and marked by the board of public works and safety of the city.

(C) "PARKING." The standing of a vehicle upon a street, whether the vehicle is occupied or not, and whether the vehicle is accompanied by an operator or not, for a period of time in excess of one minute.

(D) "PERSON." Any human being, corporation, partnership, association, trust, joint venture, or other entity, which owns or operates a vehicle, either personally or by agent or employee.

(E) "VEHICLE." Any device in, upon, or by which any person or property is or may be transported upon a public highway. (Ord. 784, passed 4-6-70; Am. Ord. 1427, passed 3-2-87; Am. Ord. 1575, passed 4-1-91)

' 76.02 PURPOSE.

This chapter is enacted to make possible the orderly regulation of parking and the orderly movement of traffic generally within any area hereinafter designated a limited parking area, and this chapter shall be liberally construed according to this purpose.
(Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91)

' 76.03 LIMITED PARKING AREA.

(A) The parking of vehicles in the limited parking areas as hereinafter designated shall be subject to the provisions of this chapter.

(B) The areas which shall be known as limited parking areas are as follows:

(1) Main Street, from North Street to Walnut Street.

(2) Court Street, from Robinson Court to Walnut Street.

(3) East Street, from Robinson Court to Walnut Street.

(4) West Street, from Robinson Court to Walnut Street.

(5) Clark Street, from Main Street to Court Street.

(6) East Joliet Street, from Main Street to the west line of Pettibone Avenue.

(7) West Joliet Street, from Main Street to West Street.

(8) Walnut Street, from East Street to West Street.

(9) Hack Court, from East Street to Court Street.

(10) Perry Court, from Main Street to East Street.

(11) Robinson Court, from East Street to West Street.

(12) All areas owned or leased by the city for the purpose of off-street parking of vehicles.
(Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91)

' 76.04 SUPERVISION BY BOARD OF PUBLIC WORKS AND SAFETY.

The board of public works and safety for the city, hereinafter called the board, is granted the management, supervision, and control of all parking areas, and the power and authority, in accordance with the purpose of this chapter, to perform the following acts:

(A) Designate and mark areas in the limited parking areas in which no parking shall be permitted.

(B) Designate and mark individual parking spaces for the parking of vehicles in a limited parking area, making the most efficient and practical use of the space reasonably available.

(C) Determine the intervals of time for which parking shall be permitted in the limited parking areas, subject to the limitations of '' 76.05 and 76.06 of this chapter.

(D) Designate and mark loading and unloading zones in the limited parking areas, not to exceed 40 feet in length, for the loading and unloading of merchandise and materials where vehicles not exceeding 2-1/2 tons in capacity (net load) may park parallel to the curb for such purposes; and the board may restrict the hours for the use thereof, and prohibit all other parking therein during such restricted hours.
(Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91)

' 76.05 CITY HALL PARKING LOT.

Vehicular parking in the municipal parking lot located at the northeast corner of the intersection of Clark Street and East Street, commonly known as the City Hall parking lot, shall be restricted and limited to parking for purposes of city business, from the hours of 8:00 a.m. to 5:00 p.m., inclusive; provided, however, that individual parking spaces for the Mayor and for the Clerk-Treasurer shall be limited and restricted to their exclusive use, respectively, and shall be posted and marked accordingly.
(Ord. 1427, passed 3-2-87; Am. Ord. 1575, passed 4-1-91)

' 76.06 TWO-HOUR PARKING.

Parking shall be limited to an interval not exceeding two hours in all limited parking areas designated under ' 76.03 except for those areas otherwise limited by ' 76.05 of this chapter and any vehicles parked in off-street parking lots owned or leased by the city between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday that are displaying in plain view a two hour parking limit exemption placard or decal lawfully issued by the mayor or his designee to the owner or driver of said vehicle. (Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91; Am. Ord. 1820, passed 11-4-96) Penalty, see ' 70.99

' 76.07 ILLEGAL PARKING.

A vehicle in the limited parking area shall be considered illegally parked when any person causes, allows, permits, or suffers any vehicle registered in the name of or operated by him to be parked overtime or beyond the period of legal parking time established for any limited parking area as herein described. (Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91) Penalty, see ' 70.99

' 76.08 PROHIBITIONS.

It shall be unlawful and a violation of the provisions of this chapter for a person to cause, allow, permit, or suffer any vehicle owned or operated by him, to be parked illegally. (Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91) Penalty, see ' 70.99

' 76.09 REPORTS OF VIOLATIONS AND PAYMENT THEREFOR.

(A) It shall be the duty of the Police Department of the city, acting in accordance with instructions issued by the Chief of Police, to make a written report in triplicate of all vehicles which are illegally parked. The report shall contain the following information:

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(1) The state license number of the vehicle illegally parked.

(2) The time when the vehicle was discovered illegally parked and the time of making the report.

(3) A description of the violation.

(B) One copy of the report shall be delivered to the office of the Clerk-Treasurer; one copy shall be kept by the Police Department; and one copy of the report shall be attached to the vehicle illegally parked, to serve as a notice of violation to the owner or operator thereof. The owner or operator of the vehicle shall, within 48 hours after the time of the violation, not including Saturday, Sunday and legal holidays, sign the copy of the report admitting the violation, and deliver the same to the office of the Clerk-Treasurer, together with the sum of $35, and the same shall be accepted by the city as full payment of the person's fine for the reported violation. Depositing the required payment with the United States Mail, first class postage prepaid, addressed to the City Clerk-Treasurer, on the day in which the 48 hours occurs shall constitute timely delivery.

(C) The owner or operator of the vehicle delivering the signed report admitting the violation, more than 48 hours but less than 96 hours after the time of any violation, shall pay the sum of $50, and the same shall be accepted by the city as payment in full of the person's fine for the reported violation. Depositing the required payment with the United States Mail, first class postage prepaid, addressed to the City Clerk-Treasurer, on the day in which the 96 hour limitation expires shall constitute timely delivery.

(D) Multiple parking tickets. An owner or operator of a vehicle who within a calendar month has received five written reports for illegal parking issued pursuant to division (A) above, shall, in addition to any sum payable pursuant to divisions (B) and (C) above, pay and be liable for the sum of $100 for the sixth such violation and for each such violation thereafter received during that same calendar month.
(Ord. 784, passed 4-6-70; Am. Ord. 1025, passed 6-5-78; Am. Ord. 1031, passed 7-3-78; Am. Ord. 1039, passed 10-2-78; Am. Ord. 1427, passed 3-2-87; Am. Ord. 1575, passed 4-1-91; Am. Ord. 1724, passed 6-6-94; Am. Ord. 2013 08-09, passed 10-9-13)

' 76.10 FAILURE TO PAY FINE.

Whenever any person has been issued a notice as set forth in ' 76.09 of this chapter, and after 96 hours shall fail or refuse to appear within the time designated after the service of the notice, or having appeared shall fail or refuse to pay to the Clerk-Treasurer the applicable fine, then it shall be the duty of the Clerk of the City Court to cause a summons and complaint to issue to the person for violation of applicable provisions of this chapter. Any person who shall have been found to violate the provisions of this chapter shall be fined, in addition to the sums payable to divisions (B) and (C) a sum not exceeding $100 for each violation. Any person whose illegally parked vehicle is towed pursuant to ' 76.11 shall pay, in addition to

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any fine and costs imposed, the costs and expense of towing said vehicle.
(Ord. 784, passed 4-6-70; Am. Ord. l427, passed 3-2-87; Am. Ord. 1575, passed 4-1-91)

' 76.11 IMPOUNDING VEHICLES.

Any motor vehicle found illegally parked on a street alley, road, or highway within the city may be removed therefrom under the direction of the Police Department, and be impounded. A notice of impoundment shall be sent by certified United States mail, by the Chief of Police, to the registered owner thereof, if the vehicle is not claimed within three days after impoundment. No motor vehicle so impounded shall be released until the owner or his agent produces a receipt from the Clerk-Treasurer showing that all outstanding traffic violation tickets charged to the state registration number have been paid, and makes proof of ownership. Proof of ownership must be made by production of the current registration certificate for the motor vehicle. A vehicle parked in off-street parking areas as defined in ' 76.03(B)(l2) or in a limited parking area shall be considered as illegally parked after such vehicle has been parked continuously for any 24-hour period, and may be removed by towing accordingly.
(Ord. 784, passed 4-6-70; Am. Ord. l427, passed 3-2-87; Am. Ord. 1575, passed 4-1-91)

' 76.12 EFFECTIVE HOURS.

The provisions of this chapter shall apply only to a vehicle parked in the limited parking area between the hours of 8:00 a.m. and 6:00 p.m., local time, of each day of the week. The hours of time mentioned herein shall be based on the time standard legally in effect in the city. The provisions of this chapter shall not apply on Sundays and legal holidays.
(Ord. 784, passed 4-6-70; Am. Ord. 1575, passed 4-1-91)

' 76.13 IMPOUNDMENT OF VEHICLES FOR MULTIPLE VIOLATIONS.

(A) Any motor vehicle, or owner thereof, who is issued four or more written reports for parking violations pursuant to ' 76.09(A) in any 120 day period of time, shall in addition to the fourth report have their vehicle impounded by the Police Department and towed to a secure location.

(B) Each written report issued to any vehicle, or owner or operator thereof, shall contain a written warning that a fourth or subsequent report, issued within any 120 day period of time, shall subject the owner's or operator's vehicle to impoundment and towing by the Police Department.

(C) Any person whose illegally parked vehicle is impounded pursuant to this section shall pay, in addition to any fine or costs imposed, the costs and expenses of towing and storage of said vehicle.
(Ord. 1617, passed 4-6-92; Am. Ord. 1747, passed 2-6-95)

CHAPTER 77: RAILROADS

Section

77.0l Speed limits
77.02 Requirements of gates and flagmen at certain crossings
77.03 Requirement of gates at certain crossings
77.04 Flash signals
77.05 Construction and maintenance of railroad crossings

77.99 Penalty

' 77.0l SPEED LIMITS.

It shall be unlawful for any person, firm or corporation to operate any locomotive, train, or any portion of any train upon a railroad within the city at a greater rate of speed than 25 miles per hour.
(Ord. 570, passed 3-9-52) Penalty, see ' 77.99(A)

' 77.02 REQUIREMENTS OF GATES AND FLAGMEN AT CERTAIN CROSSINGS.

(A) Any person, firm, or corporation operating any locomotive, train, or any portion thereof, within the city, is required to erect, construct, and maintain gates and keep flagmen at the following designated railroad crossings: at the crossing or inter- section of its railroad with Porter Street in the city, and at the crossing or intersection of its railroad with Grant Street in the city, and also at the crossing or intersection of its railroad with North Main Street in the city. The flagman is to be on duty from 6:00 a.m. to 6:00 p.m. CST.

(B) It shall be unlawful for any person, firm, or corporation to operate any locomotive, train, or portion thereof, upon any railroad within the city limits over and upon either of the above mentioned crossings, or any portion thereof, after October l5, l952, unless the crossings are protected by gates and flagmen, and any violation of this section of this chapter for one day shall be deemed a violation thereof, and it shall be deemed guilty of an offense, and each subsequent day shall be deemed a separate and additional offense and violation of this chapter.
(Ord. 570, passed 3-9-52) Penalty, see ' 77.99(B)

' 77.03 REQUIREMENTS OF GATES AT CERTAIN CROSSINGS.

Any person, firm, or corporation operating any locomotive, train, or any portion thereof, within the city, is required to erect, construct, and maintain gates at the following designated railroad crossing: at the crossing or intersection of its railroad with East Joliet Street Extended, also known as Poor Farm Road in the city.
(Ord. 570, passed 3-9-52) Penalty, see ' 77.99(B)

' 77.04 FLASH SIGNALS.

Every railroad crossing in the city shall be protected by good

flash signals installed and operated by the railroad so as to display a warning signal to all traffic at the crossing, and traffic approaching thereto, continuously for one minute before locomotive, train, or part thereof shall enter the crossing, and the warning flash signal shall continue until the locomotive, train, or part thereof shall have completely passed over and cleared the crossings.
(Ord. 570, passed 3-9-52) Penalty, see ' 77.99(B)

' 77.05 CONSTRUCTION AND MAINTENANCE OF RAILROAD CROSSINGS.

Any person, firm, or corporation operating locomotives, trains, or any portion thereof, over any crossing within the city, shall construct and maintain the portion of its road bed and tracks included in the street intersection so that at least 20 feet in width of the street surface of the crossing shall be smooth from ruts or depressions level with the railtops and paved with macadam or cement or wood or a combination of such materials so as at all times to afford a smooth passage way for street or road travel across the tracks and road bed not less than 20 feet in width.
(Ord. 570, passed 3-9-52) Penalty, see ' 77.99(C)

' 77.99 PENALTY.

(A) Any person, firm, or corporation violating ' 77.0l of this chapter shall be fined in the sum of not less than $l00 and not more $300.

(B) Any person, firm, or corporation violating '' 77.02, 77.03, or 77.04 shall be deemed guilty of a separate offense and shall be punished by a fine of not less than $50 or more than $300 for each violation of these chapters.

(C) Any person, firm, or corporation who shall fail to construct and maintain its crossing road bed and tracks as required by ' 77.05, except when they are closed or partially closed for actual repairing, shall be guilty of a misdemeanor and shall be fined not less than $l00 nor more than $300 and each day the violation continues shall be deemed a separate and additional offense.
(Ord. 570, passed 3-9-52)

Schedule

I. No parking areas
II. Three-way stops
III. Four-way stops
IV. Speed limits
V. Yield intersections
VI. Handicapped parking places
VII. One-way stops

SCHEDULE I. NO PARKING AREAS.

No vehicular parking shall be allowed in the following locations.

Street	Side	Location	Ord.
Court St.	East	Between intersection with Joliet Street and the northernmost boundary of the limited parking area in front of the Crown Point Community Library	l235
East St.	East	Between intersection with Robinson Court and intersection with North Street	l237
Hoffman Ct.	East	Entire length	1581
Joliet St.	North	Immediately to the east of intersection with West Street (area now occupied by two parking spaces)	l238

SCHEDULE II. THREE-WAY STOPS.

Description	Ord. No.
Andersen Street and Thomas Street	2002-09-41
East Greenview Place and Driftwood Trail in the Stillwater Subdivision	1998
Greenview Place and Morningside Court in the Briar Creek Subdivision	1998
Harrington Avenue and Walnut Street	1691
Hemlock Lane and Cleveland Street	1691
Madison and 97th Avenue	1998
Mary Ellen Drive and O=Hagen Drive in the Ellendale Farm Subdivision	2002-09-41
Merrillville Road and 95th Avenue	l282
Old Merrillville Road and Foote Street	1792
Pratt Street and Goldsboro Street; crosswalk across Pratt Street	l408
Saratoga Street and High Meadow Drive	1844
93rd Avenue and Merrillville Road (until November 1, 1996)	1816
97th Place and Arthur Place	1525

Description	Ord. No.
100th Avenue and 99th Place	1726
101st Avenue and Old Merrillville Road	1732

SCHEDULE III. FOUR-WAY STOPS.

Description	Ord. No.
Arthur Street and 95th Avenue	1269
Franciscan Street and Main Street, including the exit drive from Taft Junior High School	2002-09-41
Goldsborough Street and Court Street	1998
Greenwood Avenue and Saratoga Street	1521
Indiana Avenue and Summit Street	1460
Iowa Street and 113th Avenue	1902
Jackson Street and Porter Street	2002-09-41
Main Street and Burrell Drive, including the exit from Crown Point High School	2003-06-16
Monitor Street and Grant Street	1962
North Street and East Street	1452
West Street, Court Street and Summit Street	1691
95th Place and Tyler Street	1890
95th Place and Van Buren Street	1890
97th Avenue and Harrison Street	1815

Description	Ord. No.
94th Court and Van Buren Street	1912
101st Avenue and Madison Street	1914
96th Place and Madison Street	1914
95th Place and McKinley Street	1914

SCHEDULE IV. SPEED LIMITS.

(A) 25 miles per hour.

Street	Location	Ord.
Merrillville Road	Between 96th Avenue and 94th Place when children are present	l272

(B) 30 miles per hour.

Street	Location	Ord.
Indiana Avenue	Between l0lst Avenue and Summit Street	l272
Merrillville Road	Between 93rd Avenue and l0lst Ave. (25 m.p.h. between 96th Avenue and 94th Place when children are present)	

SCHEDULE V. YIELD INTERSECTIONS.

Street	At Intersection With	Traffic that Yields	Ord.
Sioux Drive	Trenton Street	Westbound on Sioux Dr.	l328

SCHEDULE VI. HANDICAPPED PARKING PLACES.

(A) The following parking spaces are designated as handicapped parking spaces reserved exclusively for the use of physically handicapped persons.

(B) A sign bearing the official international wheelchair symbol, a reasonable facsimile of that symbol, or a facsimile of the symbol placed on the handicapped person's motor vehicle registration plate and stating the amount of the penalty be erected adjacent to and visible from each handicapped parking space.

Location	Ord. No.
In the municipal parking lot located at and around the office building at 213 South Court Street, the southeastern-most space (directly across Court Street from the public library) and the northwestern-most space adjacent to the east side of West Street.	1355
In the municipal parking lot located at the northeast corner of the intersection of Clark Street and East Street, the space immediately south of the parking lot entrance driveway, abutting East Street.	1355
On Clark Street, the second space from the east adjacent to City Hall on the north side of the street.	1355
The parallel parking space located on the east side of Main Street nearest to and north of its intersection with Joliet Street.	1355
The space located on the west side of Main Street nearest to and south of its intersection with Joliet Street.	1355
The space located on the west side of Main Street nearest to and south of its intersection with Clark Street.	1355
The space located on the east side of Court Street nearest to and north of its intersection with Joliet Street.	1355
The space located on the east side of Main Street nearest to and south of its intersection with Robinson Court.	1355

Location	Ord. No.
The space located on the east side of Main Street nearest to and south of its intersection with Hack Court. (Ord. l355, passed 7-l-85)	l355

SCHEDULE VII. ONE-WAY STOPS.

Description	Ord. No.
Southeast corner of Wheeler Street and Summit Street, applying to northbound traffic on Wheeler Street.	1618
Northeast corner of the north intersection of Ridgelawn and Maple Lane applying to westbound traffic.	1619
95th Place and Madison Street applying to eastbound traffic.	1914
97th Place and Madison Street applying to eastbound traffic.	1914
100th Avenue and Madison Street applying to eastbound traffic.	1914
Madison Street and 93rd Avenue applying to northbound traffic.	1914
Henderlong Parkway at its intersection with Pettibone Street (the south intersection of Henderlong Parkway and Pettibone Street)	1974

CHAPTER 79: GOLF CARTS

Section

79.01 Golf cart operation

' 79.01 GOLF CART OPERATION.

(A) It shall be unlawful to operate a golf cart on any city street except as specifically authorized by this section. Any person who operates a golf cart in violation of the regulations set forth in this section shall be subject to penalty as set forth in ' 70.99 of this code.

(B) Any golf cart to be operated on a city street shall be registered annually at the Police Department of the city. Each registrant shall provide the vehicle identification number, model number and manufacturer of the vehicle.

(C) The operator of a golf cart on a city street must have a valid driver's license and must have the driver's license in his or her possession while operating a golf cart.

(D) No person may operate a golf cart on a city street unless financial responsibility is in effect with respect to the golf cart as provided under I.C. 9-25-4-4 (as it now reads or may be amended in the future).

(E) No golf cart shall be operated on a city street between one-half hour after sunset and one-half hour before sunrise unless the golf cart is equipped with two headlamps, two tail lamps, front and rear turn lamps, and rear brake lamps, all of which must be visible from a distance of at least 500 feet.

(F) No golf cart shall be operated on a city street unless the golf cart is compliant with all state and local regulations regarding slow moving vehicles.

(G) No golf cart shall be operated on any city street unless within the boundaries as listed below, as may be amended from time to time:

(1) The area commonly known as White Hawk Country Club, bounded on the north by Summit/105th Street and on the west by Clark Road and all city streets interior thereto.

(2) The area commonly known as Youche Country Club, bounded on the north by 125th Avenue/Burrell Drive, on the east by S. Indiana Avenue, on the south by 133rd Avenue and on the west by Marshall Street and all city streets interior thereto.

(3) The area commonly known as Summertree Golf Course, bounded on the north by E. 101st Avenue, on the east by the city's corporate limits, on the south by the city's corporate limits and on the west by Beaver Dam Ditch and the property line of the Summertree Golf Course and all city streets interior thereto.

(H) The operator of a golf cart on a city street in the areas outlined in division (G) above shall comply with all traffic laws and rules adopted by the state and/or the city including restrictions and prohibitions as set forth in Title VII of this municipal code.
(Ord. 2012-05-08, passed 5-7-12) Penalty, see ' 70.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

9l. FIRE PREVENTION

92. NUISANCES

93. STREETS, ALLEYS, PUBLIC PLACES

94. COMMERCIALIZATION OF MARRIAGE CEREMONIES

95. CAMPS, TRAILERS, HOUSE CARS

96. CITY PARKS AND PROPERTY

97. ALARM SYSTEMS

98. NOISE CONTROL
    APPENDIX A: SCIENTIFIC DEFINITIONS
    APPENDIX B: OCTAVE-BAND BREAKDOWNS OF dBA LIMITS

99. ABANDONED VEHICLES

CHAPTER 90: ANIMALS

Section

General Provisions

90.01 Domestic animals, exotic animals, and pets
90.02 Regulations concerning animals
90.03 Adequate shelter, food and water to be provided
90.04 Necessary medical care
90.05 Enclosure to be kept in sanitary condition
90.06 Cruelty to animals
90.07 Animals in vehicles

Dangerous Animals

90.10 Definitions
90.11 Determination of dangerous animal status
90.12 Prohibited acts
90.13 Appeal

90.99 Penalty

Cross-reference:
Responsibility for animal excrement in city parks, see ' 96.06

GENERAL PROVISIONS

' 90.01 DOMESTIC ANIMALS, EXOTIC ANIMALS, AND PETS.

(A) It shall be unlawful for any person to permit or allow any dog, cat, domestic animal, exotic animal or bovine to be at large or unleashed upon any public street, road, park, way, alley, other public place or private property not owned or controlled by the owner. The owner of every animal shall be responsible for the immediate removal of any excreta deposited by his/her animal upon any public right-of-way, park, recreational area or upon any private property not under the ownership or control of the animal owner.

(B) It shall be unlawful for any person or owner to permit or allow any dog, cat, domestic animal, exotic animal, or bovine to enter upon another person=s real estate, residence or premises without the prior approval or permission of the person who owns, controls or possesses said real estate, residence or premises.
(Ord. 487, passed 3-8-39; Am. Ord. 1335, passed 12-3-84; Am. Ord. 1720A, passed 1-3-95; Am. Ord. 1897, passed 6-1-97; Am. Ord. 2003-08-36, passed 7-7-03) Penalty, see ' 90.99(A)

' 90.02 REGULATIONS CONCERNING ANIMALS.

(A) It shall be unlawful for any person, firm, or corporation to keep or maintain in the city, any pig-pen, or pig-sty, chicken, or poultry coop, or horse or cow stable, or pigeon hutch and loft or sheep or goat enclosure, or dog kennel for breeding purposes, or rabbit hutch

for breeding purposes, or beehive, within 400 feet of any dwelling house of any person or persons other than the owners of such pig-pen, pig-sty, chicken or poultry coop, or horse or cow stable, or sheep or goat enclosure, or dog kennel for breeding purposes, or rabbit hutch for breeding purposes, or pigeon hutch or loft, or beehives.

(B) It shall also be unlawful to permit the accumulation of, or throw manure, animal or human offal or animal blood or parts of any carcass upon any street, alley, or any public place or upon any lot within the incorporated limits of the city.

(C) It shall be the duty of any person owning or having charge of any dead animal Anot killed for food@ within the incorporated limits of the city to notify the Chief of Police, of the death of such animal within six hours thereafter and the Chief of Police of the city, within two hours after he receives such information, shall designate the place and manner of disposal and destroying of the dead body or offensive material with quicklime, or fire or by burial.

(D) It shall be unlawful for any person, firm, or corporation to convey or transport any carcass or animal or human offal through or along any of the streets or alleys, of the city, so as to expose to view any part of the carcass, and no animal offal or any animal blood or carcass shall be carried through the streets of the city unless in a reasonably tightly closed and covered vehicle or tank with sufficient covering to reasonably prevent the escape of noxious fumes, vapors, or odors therefrom. No garbage or carcass of offensive materials herein mentioned, shall be transported by any person, firm, or corporation over and upon the streets or public places of the city without sufficient covering to prevent particles from escaping and being distributed along the way.

(E) If the city has contracted with any person or corporation for the removal of dead animals or portions of carcasses of such animals, then upon notice to the Chief of Police, as provided above, he shall notify the person having such contract and the removal of the carcass shall then be done by such contractor who shall comply in all respects with the provisions of this section in so doing.
(Ord. 603, passed 12-3-56; Am. Ord. 1897, passed 6-1-97; Am. Ord. 2003-08-36, passed 7-7-03) Penalty, see ' 90.99(B)

' 90.03 ADEQUATE SHELTER, FOOD AND WATER TO BE PROVIDED.

(A) No person shall confine or allow his or her animal to remain outside without access to appropriate shelter from the elements.

(B) All animals shall have fresh, portable drinking water and be provided with food that is nutritional for the species in adequate amounts to maintain health.
(Ord. 2002-09-45, passed 10-7-02)

' 90.04 NECESSARY MEDICAL CARE.

All animals shall be provided with necessary medical care in addition to required vaccination.
(Ord. 2002-09-45, passed 10-7-02)

' 90.05 ENCLOSURE TO BE KEPT IN SANITARY CONDITION.

All animals, where kept inside, or in a pen, tied, fastened, hitched, leased, or enclosed by a fence, shall be kept in a sanitary manner and the persons responsible for the animals shall regularly and as often as necessary to prevent odor or health and sanitation problems, all animal areas or areas of animal contact.
(Ord. 2002-09-45, passed 10-7-02)

' 90.06 CRUELTY TO ANIMALS.

No person shall beat, cruelly treat, neglect, torment, overload, or otherwise abuse any animal except that reasonable force to be employed to drive off vicious or trespassing animals.
(Ord. 2002-09-45, passed 10-7-02)

' 90.07 ANIMALS IN VEHICLES.

No animal shall be left unattended in a vehicle when the condition in that vehicle would constitute a health hazard to the animal.
(Ord. 2002-09-45, passed 10-7-02)

DANGEROUS ANIMALS

' 90.10 DEFINITIONS.

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

ADANGEROUS ANIMAL.@

(1) Any animal which has been determined to have a documented history of having:

(a) Attacked another animal or livestock off of its owner=s property; or

(b) Attacked, or attempted to attack, unprovoked any human, whether on or off the owner=s property, which has caused injury or otherwise having threatened or endangered the safety of humans or domestic animals.

(2) Any animal which is determined in the best judgment of the person designated by the Chief of Police to have a known propensity, tendency or disposition to attack, to cause injury, or otherwise threaten or endanger the safety of humans or domestic animals.

AOWNER.@ Any person who owns, keeps or harbors, regardless of duration of time, a dangerous animal within the city.
(Ord. 2004-09-29, passed 12-6-04)

' 90.11 DETERMINATION OF DANGEROUS ANIMAL STATUS.

Once a determination has been made under ' 90.10 that an animal is a dangerous animal, the person designated by the Chief of Police shall notify the owner of that animal of the determination that the animal has been determined to be dangerous. The notice should be in writing and should provides at least a general description of the basis upon which the animal has been determined to be a dangerous animal.
(Ord. 2004-09-29, passed 12-6-04)

' 90.12 PROHIBITED ACTS.

A person shall not own, keep or harbor within the city a dangerous animal.
(Ord. 2004-09-29, passed 12-6-04)

' 90.13 APPEAL.

A person who may disagree with a determination that they own, keep or harbor a dangerous animal may file an appeal of that determination within five days of having received notification of such determination. The appeal will be held before and determined by the presiding officer of the City Court.
(Ord. 2004-09-29, passed 12-6-04)

' 90.99 PENALTY.

(A) The owner, harborer, or keeper of a dog, cat, domestic animal, exotic animal or bovine in violation of ' 90.01(A) shall be liable for a fine of not less than $100 nor more than $500; and such dog, cat, domestic animal, exotic animal or bovine may be captured by any police officer, code enforcement officer, or city employee and impounded. A dog, cat, domestic animal, exotic animal or bovine so impounded may be reclaimed by its owner or keeper upon presentation to the Chief of Police or his designated representative of satisfactory evidence of ownership or right to possession thereof, and upon payment of a fee determined by multiplying the number of days the dog, cat, domestic animal, exotic animal or bovine has been impounded by the sum of $20. In making said calculation, a part of a day shall be the same as an entire day. In the event the dog, cat, domestic animal, exotic animal or bovine so impounded shall not have been reclaimed within 20 days following its capture, it may be sold or destroyed as the Chief of Police or his designated representative may decide. (Ord. 1335, passed 12-3-84; Am. Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2013 08-09, passed 10-9-13)

(B) Any violation of '' 90.01(B) or 90.02, or 90.03, or 90.04, or 90.05, or 90.06, or 90.07 shall be deemed an offense and shall be punishable with a fine not less than $100 nor more than $2,500.
(Ord. 487, passed 3-8-39; Am. Ord. 603, passed 12-3-56; Am. Ord. 1720A, passed 1-3-95; Am. Ord. 2002-09-45, passed 10-7-02; Am. Ord. 2013 08-09, passed 10-9-13)

CHAPTER 9l: FIRE PREVENTION

Section

Bureau of Fire Prevention

9l.0l Creation; members
9l.02 Meetings; Chairman
9l.03 Duties
9l.04 Fire Inspector
91.05 Code violations

Adoption of Fire Codes

9l.l0 Codes adopted
9l.ll Definitions
9l.l2 Designation of fire districts
9l.l3 Smoke detectors
9l.l4 Enforcement

Open Burning

91.20 Definitions
91.21 Open burning prohibited; nuisance
91.22 Exemptions

Consumer Fireworks

91.30 Definition
91.31 Days and hours of use

91.99 Penalty

Cross-reference:
Fire-Rescue Department, see Chapter 35

BUREAU OF FIRE PREVENTION

' 9l.0l CREATION; MEMBERS.

A Bureau of Fire Prevention in the Fire Department of the city is created and shall consist of three members as follows:

(A) The Chief of the Fire Department.
(B) The Chief Inspector of the Fire Department.
(C) The Building Commissioner of the city.
(Ord. l060, passed 8-6-79)

' 9l.02 MEETINGS; CHAIRMAN.

(A) The Fire Prevention Bureau shall meet at least annually and shall prepare and file its annual report with the office of the Mayor within 30 days following the close of each calendar year.

(B) The Crown Point Fire Chief shall act as Chairman of all meetings of the Fire Prevention Bureau and unless otherwise specified herein, Robert=s Rules of Order shall govern all meetings of the Bureau.
(Ord. l060, passed 8-6-79)

' 9l.03 DUTIES.

The duties of the Fire Prevention Bureau shall be to see that the fire officials of the city enforce all laws of the State of Indiana and all rules and regulations of the State Fire Marshal=s Office and the State Fire Prevention Commission and all fire codes duly adopted by the State of Indiana providing for the following:

(A) The prevention of fires and investigation of the cause, origin, and circumstances of fires.

(B) The storage, sale, and use of combustibles and explosives.

(C) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment.

(D) The investigation and suppression of arson and other crimes connected with the destruction or attempted destruction of property by fire or explosion.

(E) The maintenance and regulation of fire escapes.

(F) The means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters, and all other places in which substantial number of persons live, work, or congregate from time to time for any purpose.

(G) Retention of special outside consultants to assist the Fire Chief or the Bureau of Fire Prevention.

(H) To recommend to the Common Council of the city such additional ordinances or amendments to existing ordinances as it deems necessary or advisable.

(I) To maintain a record of all fires within the corporate limits of the city containing all facts concerning the same and indexed by street address.
(Ord. l060, passed 8-6-79)

' 9l.04 FIRE INSPECTOR.

The Fire Chief of the city shall designate and appoint an officer of the Crown Point Fire Department as the Chief Inspector of the Department. The Inspector shall hold office at the pleasure of the Chief of the Fire Department. The Chief may also designate such number

of assistant inspectors as shall from time to time be approved by the City Council.
(Ord. l060, passed 8-6-79)

' 91.05 CODE VIOLATIONS.

The Fire Chief, his designee and the Fire Inspector shall have the power and authority to issue all reports or citations necessary to enforce the Fire Code of the city, including but not limited to, the power and authority to issue reports for violations of restricted parking at or near fire hydrants and designated fire lanes under ' 75.10(A)(1)(j) and (2)(b).
(Ord. 1724, passed 6-6-94)

ADOPTION OF FIRE CODES

' 91.10 CODES ADOPTED.

There is adopted by the city for purposes of prescribing regulations governing conditions hazardous to life and property from

fire or explosion the following chapters of the National Fire Codes, as amended from time to time.

Chapter	Volume l
l0	Portable Fire Extinguishers
ll	Foam Extinguishing Systems
llA	High Expansion Foam Systems
llB	Synthetic Foam and Combined Agent Systems
l2	Carbon Dioxide Systems
l2A	Halon l30l Systems
l2B	Halon l2ll Systems
l3	Sprinkler Systems, Installation

Chapter	Volume 2
l3D	Sprinkler Systems, Dwellings
l4	Standpipe and Hose Systems
l5	Water Spray Fixed Systems
l6	Foam-Water Sprinkler and Spray Systems
l7	Dry Chemical Systems
l8	Wetting Agents
20	Centrifugal Fire Pumps
22	Water Tanks
24	Outside Protection

Chapter	Volume 3
30	Flammable and Combustible Liquids Code
3l	Oil Burning Equipment
32	Dry Cleaning Plants
32l	Classification of Flammable Liquids
327	Cleaning Small Tanks
33	Spray Application
34	Dip Tanks
35	Manufacture of Organic Coatings
36	Solvent Extraction Plants
37	Sta. Combustion Engines and Gas Turbines
385	Tank Vehicles for Flammable and Combustible Liquids
386	Portable Shipping Tanks
395	Flammable and Combustible Liquids on Farms and Isolated Construction Projects
40	Cellulose Nitrate Motion Picture Film
40E	Storage of Pyroxylin Plastic
43A	Liquid and Solid Oxidizing Materials
43C	Storage of Gaseous Oxidizing Materials
43D	Storage of Pesticides in Portable Containers
44A	Fireworks, Manufacturing, Transportation and Storage
45	Fire Protection for Laboratories Using Chemicals
48	Magnesium Storage, Handling

Chapter	Volume 4
490	Ammonium Nitrate Storage
493	Intrinsically Safe Apparatus
495	Explosive Materials
496	Purged Enclosures for Electrical Equipment
498	Explosives, Motor Vehicle Terminals
50	Bulk Oxygen Systems
50A	Gaseous Hydrogen Systems
50B	Liquefied Hydrogen Systems
5l	Welding and Cutting Oxygen-Fuel Gas Systems for
5lA	Acetylene Cylinder Charging Plants
5lB	Cutting and Welding Process
54	National Fuel Gas Code
56A	Inhalation Anesthetics
56B	Respiratory Therapy
56C	Laboratories in Health-Related Institutions
56D	Hyperbaric Facilities
56E	Hypobaric Facilities
56F	Nonflammable Medical Gas Systems
56G	Inhalation Anesthetics in Ambulatory Care Facilities
57	Fumigation

Chapter	Volume 5
58	Liquefied Petroleum Gases Storage and Handling
59	Liquefied Petroleum Gases at Utility Gas Plants
59A	Liquefied Natural Gas, Storage and Handling
6lA	Manufacturing and Handling Starch
6lB	Grain Elevators, Bulk Handling Facilities
6lC	Feed Mills, Dust Hazards
6lD	Agricultural Commodities for Human Consumption
63	Industrial Plants Dust Explosions
65	Aluminum Processing and Finishing
65l	Aluminum or Magnesium Powder
653	Coal Preparation Plants, Dust Hazards
654	Plastics Industry, Dust Hazards
655	Sulphur Fires, Explosions, Prevention
66	Pneumatic Conveying Systems
664	Woodworking Plants Dust Hazards
69	Explosion Prevention Systems

Chapter	Volume 6
70	National Electrical Code
70A	Electrical Code for One- and Two-Family Dwellings

Chapter	Volume 7
7l	Central Station Signaling Systems
72A	Local Protective Signaling Systems
72B	Auxiliary Signaling Systems
72C	Remote Station Signaling Systems
72D	Proprietary Signaling Systems
72E	Automatic Fire Detectors
73	Public Fire Service Communications
74	Household Fire Warning Equipment
75	Electronic Computer/Data Processing Equipment
76A	Essential Electrical Systems
78	Lightning Protection Code
79	Electrical Metalworking Machine Tools
80	Fire Doors and Windows

Chapter	Volume 8
82	Incinerators, Rubbish Handling
85	Oil- and Gas-Fired Single Burner Boiler-Furnaces
85B	Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces
85D	Fuel Oil-Fired Multiple Burner Boiler-Furnaces
86A	Ovens and Furnaces
86B	Industrial Furnaces
86C	Industrial Furnaces-Special Processing Atmospheres
86D	Industrial Vacuum Furnaces

Chapter	Volume 9
87	Piers and Wharves
88A	Parking Structures
88B	Repair Garages
90A	Air Conditioning and Ventilating Systems
90B	Warm Air Heating and Air Conditioning
9l	Blower and Exhaust Systems
96	Commercial Cooking Equipment, Vapor Removal
l0l	Life Safety Code
l02	Tents, Grandstands and Air-Supported Structures, Used for Places of Assembly
2ll	Chimneys, Fireplaces and Vents
2l4	Water Cooling Towers
220	Building Construction, Standard Types
23l	General Storage, Indoor
23lB	Cellular Rubber and Plastics, Storage
23lC	Rack Storage of Materials
23lD	Storage of Rubber Tires

Chapter	Volume l0
232	Record Protection
24l	Building Construction and Demolition Operations
25l	Fire Tests, Building Construction and Materials
252	Fire Tests, Doors Assemblies
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(Ord. l060, passed 8-6-79)

' 91.11 DEFINITIONS.

(A) Whenever the term AJURISDICTION@ is used in the statutes, codes, rules, and regulations heretofore adopted, it shall mean the corporate limits of the City of Crown Point.

(B) Whenever the terms AATTORNEY GENERAL,@ APROSECUTING ATTORNEY,@ ACORPORATION COUNCIL,@ or other such terms are used in the abovedescribed codes, rules and regulations, or statutes they shall mean ACITY ATTORNEY.@
(Ord. 1060, passed 8-6-79)

' 91.12 DESIGNATION OF FIRE DISTRICTS.

(A) There are created three fire zones as follows:

(1) Fire zone one shall consist of all properties in the city being used for business and industrial purposes.

(2) Fire zone two shall consist of all property being used for apartments, including duplexes, multi-family uses, hospital, city, school, and church uses.

(3) Fire zone three shall consist of residential uses, agricultural uses, and vacant land.

(B) A map is established, made a part hereof, and incorporated herein by reference, describing these uses. The map shall hereafter be maintained by the Fire Department indicating the fire zones. Fire zone one is color coded red, fire zone two is color coded orange, and fire zone three is not color coded.
(Ord. 1060, passed 8-6-79)

' 91.13 SMOKE DETECTORS.

All rental units in two-family or other multi-family structures shall have a Underwriter=s Laboratory approved smoke detector for each dwelling unit on or before January l, l98l.
(Ord. l060, passed 8-6-79)

' 91.14 ENFORCEMENT.

The office of the City Attorney shall bring such action in such courts for purposes of enforcing the statutes, codes, rules, and regulations as adopted herein but no provision herein shall provide for the levying of a fine which is otherwise provided by state law.
(Ord. l060, passed 8-6-79)

OPEN BURNING

' 91.20 DEFINITIONS.

The following words and phrases, when used in this subchapter, have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning. All other terms, words and phrases not otherwise defined herein shall have the meanings ascribed them in 326 Indiana Administrative Code 1-2, or as appear in Crown Point Code ' 150.02, as the case may be, which definitions are hereby adopted by reference.

ACLEAN WOOD PRODUCTS.@ Wood products including vegetation that are not coated with stain, paint, glue or other coating material and refer to material derived from or consisting of paper, cardboard, boards, branches, brush, grass, and leaves.

AFIRE@ or AFIRES.@ The terms 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.

AMATERIAL@ or AMATERIALS.@ The terms shall be interchangeable, and shall mean and refer to any and all biodegradable and non-biodegradable substances, including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood, and wood products.

AOPEN BURNING@ and AOPEN BURN.@ The terms shall be interchangeable, and shall mean and refer to the outdoor combustion of material.

APERSON@ or APERSONS.@ The terms shall be interchangeable, and shall mean and refer to any natural person, corporation, association, trust, venture, partnership, or other entity.
(Ord. 1509, passed 10-2-89; Am. Ord. 2007-02-06, passed 2-5-07)

' 91.21 OPEN BURNING PROHIBITED; NUISANCE.

(A) No person or persons shall open burn any material except as provided in ' 91.22, or except as provided at 326 Indiana Administrative Code ' 4-1-4 or 326 Indiana Administrative Code ' 4-1-3(a)(2). All open burning that is allowed under this division must comply with the following conditions:

(1) A person who open burns shall extinguish the fire if the fire creates a nuisance or fire hazard.

(2) Burning may not be conducted during unfavorable meteorological conditions such as:

(a) High winds;

(b) Temperature inversions; or

(c) Air stagnation.

(3) All fires must be attended at all times during burning until completely extinguished.

(B) Any person who shall violate any provision of this section shall be deemed the author and maintainer of a public nuisance.
(Ord. 1509, passed 10-2-89; Am. Ord. 2007-02-06, passed 2-5-07) Penalty, see ' 91.99

' 91.22 EXEMPTIONS.

The following instances of open burning of only clean wood products shall be exempt from restriction under this subchapter:

(A) Fires at Twelfth Night Ceremonies;

(B) Fires celebrating school pep rallies;

(C) Fires celebrating scouting activities;

(D) Fires at residences of four or fewer units, where the 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; this will include fires used for recreational and cooking purposes, such as camp fires; however, this exemption shall not include such fires at apartment complexes and mobile home parks, which fires are prohibited;

(E) Fires of clean wood products associated with farming maintenance operations, including:

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

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

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

(F) Burning done pursuant to variance granted by the Indiana Air Pollution Control Board pursuant to 326 Administrative Code ' 4-1-4.
(Ord. 1509, passed 10-2-89; Am. Ord. 2007-02-06, passed 2-5-07)

CONSUMER FIREWORKS

' 91.30 DEFINITION.

For purposes of this subchapter, ACONSUMER FIREWORKS@ shall mean consumer fireworks as defined by I.C. 22-11-14-1.
(Ord. 2007-07-24, passed 7-2-07)

' 91.31 DAYS AND HOURS OF USE.

Consumer fireworks may not be used, ignited or discharged within the corporate limits of the city except during the following times:

(A) Between the hours of 5:00 p.m. and two hours after sunset on June 29 and 30, July 1 through July 3, and July 5 through July 9;

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

(C) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.
(Ord. 2007-07-24, passed 7-2-07) Penalty, see ' 91.99

' 91.99 PENALTY.

(A) Any person who shall violate any provision of ' 91.21 shall be liable for a fine of no less than $1 and no more than $500. Each day or part of a day such violation exists shall constitute a separate and distinct violation. (Ord. 1509, passed 10-2-89)

(B) The use, ignition or discharge of consumer fireworks other than during the time periods set forth in ' 91.31 shall constitute an infraction and shall be subject to a fine of not less than $100 and not more than $2,500. (Ord. 2007-07-24, passed 7-2-07)

CHAPTER 92: NUISANCES

Section

Junk Vehicles

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92.60 Buildings and structures

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JUNK VEHICLES

' 92.01 DEFINITION.

For purposes of '' 92.01 through 92.06, AJUNK MOTOR VEHICLE@ means an unsightly motor vehicle, or a part or parts of a motor vehicle which meets one or more of the following qualifications:

(A) It does not carry a current valid state registration and license plate.

(B) It cannot be safely operated under its own power.

(C) In general, the vehicle shall be one which is worn out, cast off, or discarded and which is ready for dismantling or destruction, or which has been collected or stored for salvage, or for stripping in order to make use of parts thereof. Any parts from such a vehicle shall also be considered a junk motor vehicle under this chapter.
(Ord. 833, passed 7-3-72)

' 92.02 JUNK VEHICLES NUISANCES.

By reason of the danger to public health, safety and welfare caused by the keeping of junk motor vehicles, junk motor vehicles are declared to be a nuisance.
(Ord. 833, passed 7-3-72) Penalty, see ' 92.99 (A)

' 92.03 AUTOMOBILES OWNED AND KEPT FOR THE PURPOSE OF REFURBISHING BY A COLLECTOR OF ANTIQUE AUTOMOBILES.

Any automobile falling into the category of a junk motor vehicle which is owned and allegedly stored by the owner for the purpose of refurbishing shall be kept in a garage or other appropriate storage so as to be kept from access and plain view of the public.
(Ord. 833, passed 7-3-72) Penalty, see ' 92.99(A)

' 92.04 UNLAWFUL TO KEEP VEHICLE EXPOSED TO PUBLIC VIEW FOR MORE THAN 48 HOURS.

It shall be unlawful for any person, firm, partnership or corporation to keep a junk motor vehicle, or parts of a junk motor vehicle, on residential or business property exposed to the public view for a period of more than 48 hours.
(Ord. 833, passed 7-3-72; Am. Ord. 1897, passed 6-1-97) Penalty, see ' 92.99 (A)

' 92.05 REMOVAL OF VEHICLE.

The city through its chief of police, may order any junk vehicle or parts thereof that remain in public view for over 48 hours be towed or removed from any residential or business property at the property owners expense. Failure to comply with a police chief=s removal order under this section shall subject the property owner to the penalties provided in ' 92.99.
(Ord. 833, passed 7-3-72; Am. Ord. 1897, passed 6-1-97)

' 92.06 NOTICE SHALL BE SERVED.

A copy of the notice shall be served upon any adult occupying the real estate on which the vehicle, or part, is located and upon the owner of the junk vehicle or parts of the junk vehicle, at his last known address.
(Ord. 833, passed 7-3-72)

' 92.07 STOCK AND RACE CARS.

(A) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

ASTOCK AND RACE CARS.@ Any vehicle kept primarily for purposes of competing in stock car, racing event, demolition derby or other related automotive sport.

(B) It shall be unlawful for any person to park or keep a stock or race car within the municipal boundaries of the city unless the vehicle is garaged and kept from public view at all times. Each day a vehicle is in public view shall constitute a separate offense subject to the penalties under ' 92.99.
(Ord. 1167, passed 6-1-81; Am. Ord. 1897, passed 6-1-97) Penalty, see ' 92.99 (E)

LOCATION OF CERTAIN BUILDINGS

' 92.10 REGULATIONS CONCERNING CERTAIN BUILDINGS.

It shall be unlawful for any person, persons, firm, association, organization, or corporation of any kind or character, to maintain, carry on, run, or operate within the area lying within 4 miles in all directions of the corporate limits of city, any starch factory, glue factory, rendering plant, tallow chandleries, soap factory, bone factory, tannery, or slaughterhouse, at, upon, or in any place, building, structure, or establishment of any kind or character, which now is, or may at any time hereafter, be located within a distance of 2,500 feet in any direction from any place, building, or structure used as or for a church, school, hospital, or human habitation.
(Ord. 525, passed 10-7-46) Penalty, see ' 92.99 (B)

WEEDS, GRASS, THISTLES, UNDERBRUSH, ETC.

' 92.15 UNLAWFUL TO GROW RANK VEGETATION.

(A) It shall be unlawful for the owner or person in control of any real estate within the city to suffer, permit, or allow any weeds, grass, thistles, underbrush, or other rank vegetation whether living or dead, to be, remain, or grow upon any lot, lots, parcels, or tracts of land within the corporate limits of the city, and it shall be the duty of one owning or controlling any such lot, lots, parcels or tracts of land within the city, to cut or remove the weeds, grass, thistles, underbrush or other rank vegetation that may exceed 8 inches.

(B) A copy of the notice of violation shall be served upon the owner or person in control of the real estate on which the weeds, grass, thistles, underbrush or other rank vegetation are grown when the vegetation, or any part thereof, exceeds 8 inches in height. Any subsequent violations after notice shall not require further notice as the same shall only be required to be served upon the owner or person in control of the real estate once per calendar year. Each day during which a violation exists shall constitute a separate offense subject to the penalties under ' 92.99.

(C) All weeds, grass, thistles, underbrush or other vegetation shall be removed or cut to a uniform height not exceeding two inches within 72 hours after a notice of violation is given by the city. If the owner or party in control of said property fails to cut or remove said vegetation within 72 hours after receiving a notice of violation, then the city shall cause said vegetation to be immediately cut or removed and, in addition to any penalty imposed under ' 92.99, the owner or person in control of said real estate shall be responsible for the costs of all labor and materials incurred by the city for the cutting or removal of said vegetation.

(D) The provisions of this section shall not apply to farmland complying with the provisions of the federal Conservation Reserve Program or any parcel of real estate in excess of 10 acres used solely for farming and agricultural purposes.
(Ord. 849, passed 3-5-73; Am. Ord. 1897, passed 6-1-98; Am. Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2014-03-05, passed 3-5-14) Penalty, see ' 92.99(C)

PUBLIC HEALTH

' 92.20 MAINTAINING A PUBLIC NUISANCE.

(A) It shall be unlawful, for any person, owner, occupant, company, corporation, tenant, or any other person having a substantial interest in any real or personal property within the city, or any agent thereof, to erect, construct, cause, permit, keep, or maintain within the corporate limits of the city anything that is a public nuisance. Any person, owner, occupant, company, corporation, tenant, or any other person having a substantial interest in any real or personal property within the city, or any agent thereof, maintaining any nuisance as described herein is declared to be responsible for the nuisance. Public nuisances are prohibited on private property, as well as on public property, and on public ways.

(B) In addition to what is declared in this section to be a public nuisance, those offenses which are known to the common law and the statutes of Indiana as public nuisances may, when found to exist within the city limits, be treated as such and be proceeded against as provided in this section or in accordance with any other provisions of law. Whenever the word ANUISANCE@ is used in this section, it refers to a public nuisance.

(C) Any of the following conditions shall constitute a public nuisance. A public nuisance also may include condition of real property or personal property which is injurious to the health and safety, or unreasonably offensive to the senses, of the inhabitants of the city.

(1) Fallen trees, tree stumps, dead trees, cut brush, fallen or cut limbs, wood piles, grass clippings, and garden debris.

(2) Building materials stored in a residential district beyond the term of the building permit for which the materials were purchased, or for which no permit has been issued.

(3) Demolition, construction and remodeling remains, including, but not limited to, windows, doors, glass, lumber, concrete blocks, bricks, siding, shingles, plumbing and piping material and parts, scrap metal, barrels, mounds of dirt, sand, and gravel, on public or private property.

(4) Illegal dumping, including, but not limited to, windows, doors, glass, lumber, concrete blocks, bricks, siding, shingles, plumbing and piping material and parts, scrap metal, mounds of dirt, sand, and gravel, on public or private property.

(5) Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt or debris piles on any unfenced real property, within the city.

(6) Any accumulation of garbage, trash, litter, boxes, pallets, or any other debris or materials that may constitute a threat to the public health or safety or is indecent or offensive to the senses.

(7) Unseaworthy or dilapidated, deteriorated or non-operable watercraft including, but not limited to, jet skis; dilapidated, deteriorated or non-operable snowmobiles, motorcycles, all-terrain vehicles, bicycles, trailers, mopeds, and lawn mowers. This applies to all zoning districts. This does not apply to any of these items which are kept enclosed completely in a building.

(8) Dilapidated or deteriorated fences, playground equipment, structures or toys.

(9) Sport-related equipment such as basketball hoops, soccer and hockey nets, and skateboard ramps, located in or on driveway aprons, easements, public streets, sidewalks, and municipal parking lots.

(10) Any portion of real property or any personal property which emits an unwholesome, noxious or unsafe smell, odor or fume.

(11) Any dead animal or animal parts left exposed to public view or the view of other property owners.

(12) Any wastewater, filth, offal, garbage, rubbish, animal waste, human excrement, which is deposited, allowed or caused to be upon any public or private property.

(13) Any water, or liquid, which is permitted to accumulate on, or in, and become stagnant, in non-functioning pools, ponds and other objects which can hold said water or liquid, such as, but not limited to tires, containers and tarps.

(14) Any water or any other substance which is caused or permitted to flow or be discharged onto or be deposited upon any other person=s private property or public property or public way, except in accordance with an approved drainage plan.

(15) The erection of a dam or any other obstruction, such as a shed, lumber, or other materials, by a private party, which prevents the natural flow of water or storm water and causes it to collect or pool upon any private or public property.

(16) Any real or personal property which is infected with contagious disease which is likely to cause an immediate health hazard.

(17) The placing or accumulating on or within any real or personal property, or the permitting of same, of any organic or inorganic matter which attracts or may attract rodents, insects, vermin, snakes, domestic or wild animals, in such a manner as to create or pose a health hazard, unsanitary or dangerous condition.

(18) The storage of any explosive, combustible or other material in a manner which creates a safety or health hazard.

(19) Any furniture, equipment, bathroom fixtures, or appliances, not originally designed or manufactured for outdoor use; or any furniture, equipment or appliances which were originally designed or manufactured for outdoor use, which is now dilapidated or deteriorated.

(20) The placing of dumpsters, roll-offs, or any other type of large debris containers, on the streets in a residential area.

(21) The placing of building materials and landscaping materials on the streets in a residential area.

(22) Leaving dirt, mud, gravel, and other debris from construction and fill sites, on the streets.

(D) The term AGRAFFITI@, for the purposes of this section, shall means the inscription or representation, on a building, structure, wall, sign, fence, sidewalk, pavement, post, stone, tree or other object or structure, of any symbol, diagram, letter, word, numeral, emblem, picture, character or combination thereof by carving, application of paint or other substance or other means without the consent of the owner or person in charge of such object or structure and other than as permitted by this code.

(1) It shall be the duty of the owner or occupant of the building, structure or wall upon which any graffiti has been placed by another person to remove, cover or eradicate the graffiti within five days from its placement on the property. If the owner or occupant has failed to remove the graffiti within that period, the owner or occupant shall be notified via certified mail or personal notice that they have five days to remove the graffiti. For good cause shown, the owner or occupant may be given additional time to meet the removal requirements without being charged with a violation of this section.

(2) The failure of the owner or occupant of the property to remove, cover or eradicate graffiti as required in subsection (D)(1) above shall be a violation of that subsection.

(3) In addition to any other penalty which may be imposed under the code, if the owner or occupant fails to remove, cover or otherwise eradicate the graffiti by the date stated in the notice referred to in subsection (D)(1) above, or such later date as the owner or occupant may be allowed, the city or its authorized agent may enter upon the property and remove such graffiti and the cost of removal shall be collected from the owner or occupant of the property.

(4) The cost of removal of graffiti under the circumstances set out in subsections (D)(1) and (D)(3) above shall be a lien upon the real estate affected. Within 60 days after such cost and expense has been incurred, the city shall file a notice of lien in the office of the county recorder. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date when such cost and expense was incurred by the city. Upon payment of the cost and expense by the owner of or person interested in such property after notice of lien has been filed, the lien shall be released by the city and the release may be filed or record at the owner=s or occupant=s expense.

(5) The city=s exercise of the remedies provided in this section shall not prevent the owner or occupant from recovering, through civil suit or otherwise, the cost of removal or other reparation from the person responsible for placing the graffiti on his property.

(E) For purposes of this subsection implementing the control and regulation of garage sales and the like the following shall apply:

(1) Definitions.

(a) AMERCHANDISE.@ Items normally found in a residential household.

(b) ARESIDENTIAL SALE.@ Includes sales of goods/merchandise in a residentially-zoned district in the city conducted from a private owner, lessor/occupied residence including, but not limited to, residential sales, patio sales, rummage sales, porch sales, yard sales, and sales of used or unwanted items whether the sale is advertised or not and open to the general public.

(2) Garage sales and the like are hereby authorized pursuant to the following regulations and conditions:

(a) No merchandise other than that normally found in a residential household shall be sold.

(b) Each sale shall not exceed three days or parts thereof.

(c) Not more than two residential sales per year shall be allowed at any one location.

(d) Each sale is restricted to, and is the responsibility of, the owner/lessor or occupant of the premises upon which the sale is conducted.

(e) All signs advertising the garage sale or the like must be removed immediately after the sale period ends.

(3) Violation of this division is subject to penalty pursuant to ' 92.99 of this code of ordinances.
(Ord. 10, passed 7-24-11; Am. Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2012-07-12, passed 8-6-12) Penalty, see ' 92.99 (D)

' 92.21 THROWING OR DEPOSITING UNWHOLESOME SUBSTANCES.

It shall be unlawful for any person, company, or corporation to throw or deposit, or suffer to be thrown or deposited, or suffer or permit any child, servant, member of the family, or any other person under his control, to throw or deposit any ashes, manure, rubbish, slops, putrid or unsound animal or vegetable matter, or any filthy, noisome, or unwholesome liquid or slops, or any liquid or slops or substances that are liable to become unwholesome, or any kitchen refuse or waste, in or into or upon any street, alley, lane, sidewalk, gutter, crossing, vacant lot, cellar, premises, or common within the corporate limits of the city.
(Ord. 10, passed 7-24-11) Penalty, see ' 92.99 (D)

' 92.22 GARBAGE TO BE STRAINED AND DEPOSITED IN RECEPTACLES.

All kitchen refuse, slops, vegetable and animal waste, parings and offal commonly called Agarbage@ shall be strained so as to separate all

liquid therefrom, and be deposited in a garbage receptacle which shall be made of galvanized iron, with a tight cover and handles on 2 sides, of a capacity of not less than 10 gallons and not more than 30 gallons, to be placed as hereafter prescribed, unless the garbage is otherwise disposed of by the owner of same to the satisfaction and approval of the city board of health.
(Ord. 10, passed 7-24-11) Penalty, see ' 92.99 (D)

' 92.23 PLACING OF GARBAGE RECEPTACLES.

Garbage receptacles shall be provided by each person, company, or corporation having any garbage, and shall be kept tightly covered at all times so as to be fly-proof, and shall be placed in the alley immediately adjacent to the premises of the owner thereof, abutting upon the alley, at a point that shall be farthest removed from any dwelling house. In case there is no alley abutting upon the premises of any residence, then the resident shall place his garbage receptacle upon the premises so occupied by him, where the same shall be easily accessible to the garbage collector, and least obnoxious to neighboring residents. It shall be unlawful for anyone except the owner to remove, injure, or destroy any garbage receptacle prepared and located as provided for in this chapter.
(Ord. 10, passed 7-24-11) Penalty, see ' 92.99 (D)

' 92.24 RECEPTACLES TO BE EMPTIED.

Each person, company, or corporation shall cause the garbage receptacles to be emptied and the garbage removed and disposed of at their own expense, and in a sanitary manner at least once each week during the entire year, and the proprietors or managers of all hotels, restaurants, public boarding houses, and all other business houses where there is a large accumulation of garbage shall cause same to be done at least twice each week during the months of May, June, July, August, and September of each year.
(Ord. 10, passed 7-24-11) Penalty, see ' 92.99 (D)

' 92.25 RECEPTACLES NOT TO BE USED FOR NONCOMBUSTIBLE MATTER.

No stones, ashes, glass, tin, dishes, crockery ware or any other noncombustible matter shall be placed in any garbage receptacle.
(Ord. 10, passed 7-24-11) Penalty, see ' 92.99 (D)

' 92.26 AUTHORITY TO ENTER PREMISES.

The Secretary of the City Board of Health, who is also City Health Officer, all Deputy Health Officers, and the City Police, shall have full power and authority to enter into or upon any street, lot, alley, premises, or ground for the purpose of making a sanitary survey of the same.
(Ord. 10, passed 7-24-11)

' 92.27 NOTIFICATION OF NUISANCE.

If a nuisance or any unsanitary conditions are found, it shall be the duty of the City Health Officer, when informed of the existence of the same, to immediately notify the person so offending, in writing, fixing a time limit to abate the nuisance.
(Ord. 10, passed 7-24-11)

' 92.28 FAILURE TO ABATE NUISANCE; LIEN ON PROPERTY.

If the person shall fail or refuse to abate the nuisance within the time specified, it shall be the duty of the Street Commissioner, upon notice by the Health Officer, to cause the same to be abated, keeping an accurate account of the expense thereof, which shall be paid from the city treasury upon the sworn voucher of the Street Commissioner, and the expense shall be a lien on the property and shall be taxed against the property of the person and collected as other taxes are assessed and collected, and turned into the city treasury.
(Ord. 10, passed 7-24-11)

' 92.29 DUTY OF CITY HEALTH OFFICER.

The City Health Officer and all Deputy Health Officers shall be diligent in enforcing '' 92.20 through 92.31, and in doing what is reasonable and necessary for the protection of the public health. They shall study the state health laws and health rules of the State Board of Health and be active in enforcing the same. The vital statistics shall be carefully collected, duly recorded and reported to the State Board of Health for final compilation in the state health reports by the City Health Officer; and he shall make a monthly report to the Mayor and City Council of all health work done with the recommendations as may seem proper to him.
(Ord. 10, passed 7-24-11)

' 92.30 DISEASES.

(A) If, at any time, the work of prevention of the spread of infectious or contagious diseases is more than can be reasonably expected of the City Health Officer, he may, with the consent of the Mayor, employ one or more intelligent men to act as deputies to establish quarantine, remove patients to a hospital, and conduct disinfections. All houses wherein infectious or contagious diseases may exist or have existed, shall at the proper time be thoroughly disinfected with formaldehyde by the Health Officer or his deputies at the expense of the city. A complete record of all disinfections, all vaccinations, and all other health work done shall be kept by the City Health Officer in a minute book of the City Board of Health.

(B) When visiting persons known to be infected with smallpox, diphtheria, or scarlet fever, all physicians and health officers shall protect their clothing and hair against infection, and shall thoroughly disinfect themselves before coming in contact with the public.
(Ord. 10, passed 7-24-11)

' 92.31 ENFORCEMENT.

It shall be the duty of the City Marshal and city police at all times to aid the City Health Officer in the work of enforcing '' 92.20 through 92.31 upon demand of the Health Officer.
(Ord. 10, passed 7-24-11)

ASSEMBLIES AND PUBLIC GATHERINGS

' 92.40 DEFINITIONS.

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

AASSEMBLY.@ A collection of individuals gathered together at any location at any single time for any purpose.

AGOVERNING BODY.@ The Common Council of the city.
(Ord. 1176, passed 7-6-81)

' 92.41 LICENSE REQUIRED.

(A) Within municipal boundaries, a person may not permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 50 or more people, whether on public or private property, unless a license to hold the assembly has first been issued by the Chief of Police of the city. A license to hold an assembly issued to one person permits any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(B) A separate license is required for each day and each location in which 50 or more people assemble. The fee for each license is $100, payable to the city. A license permits the assembly of only the maximum number of people stated in the license. The licensee may not sell tickets to or permit to assemble at the licensed location more than the maximum permissible number of people. The licensee may not permit the sound of the assembly to carry unreasonably beyond the boundaries of the location of the assembly.
(Ord. 1176, passed 7-6-81) Penalty, see ' 92.99 (F)

' 92.42 CONDITIONS FOR LICENSING; BOND.

Before an applicant may be issued a license, the applicant must comply with this section.

(A) The applicant must determine the maximum number of people that will be assembled or admitted to the location of the assembly, as long as the maximum number does not exceed the maximum number that can reasonably assemble at the location of the assembly, and if the assembly is to continue overnight, the maximum number is not more than is allowed to sleep within the boundaries of the location of the assembly by zoning or health ordinances of the city.

(B) The applicant must provide proof that food concessions will be in operation on the grounds with sufficient capacity to accommodate the number of persons expected to be in attendance and that he will furnish at his own expense before the assembly commences the following.

(1) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten gallons per person per day.

(2) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds and sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 150 females, or any fraction thereof, and at least one toilet for each 200 males, or any fraction thereof, together with an efficient, sanitary means of disposing of waste matter deposited in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels must be provided with each toilet.

(3) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together with a plan for holding and collection of all such waste at least once each day of the assembly, including sufficient trash cans with tight-fitting lids and personnel to perform the task.

(4) Physicians and nurses licensed to practice in this state at the rate of at least one physician for every 10,000 persons, or any fraction thereof, and at least one nurse for every 5,000 people, or any fraction thereof, anticipated to be assembled, with one-half of the number

of doctors and nurses on the site for which the license has been issued and the other one-half readily available, together with an enclosed covered structure where treatment may be rendered, containing a separately enclosed treatment room for each physician, and at least one emergency ambulance available at all times.

(5) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the location of the assembly.

(6) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.

(7) Telephones connected to outside lines sufficient to provide for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each l,000 or fewer people.

(8) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements, sufficient to provide camping accommodations for the maximum number of people to be assembled.

(9) Security guards, either regularly employed, duly sworn, off duty law enforcement officers, or private guards, licensed in this state, sufficient to provide adequate security for the maximum number of people to be assembled at a rate of at least one security guard for each 750 or fewer people.

(10) Fire protection, including alarms, extinguishing devices, and firelanes and escapes, sufficient to meet all state and local standards for the location of the assembly, and sufficient emergency personnel to operate efficiently the required equipment.

(11) All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(12) A bond, filed with the Clerk-Treasurer of the city either in cash or underwritten by a surety agent licensed to do business in this state, at the rate of $4 per person for the maximum number of people permitted to assemble. The bond shall satisfy the following.

(a) Indemnify and hold harmless the city or any of its agents, officers, or employees from any liability or causes of action that might arise by reason of granting the license and from any cost incurred in cleaning up any waste material produced or left by the assembly.

(b) Guarantee the payment of any taxes that may accrue as a result of the gathering.

(c) Guarantee reimbursement of ticketholders if the event is cancelled.

(d) Guarantee repayment to the city for actual expenses of repair or replacement of property owned by or for which the city is responsible.
(Ord. 1176, passed 7-6-81)

' 92.43 LICENSE APPLICATION.

(A) Application for a license to hold an actual or anticipated assembly of 50 or more persons must be made in writing to the Chief of Police of the city at least 60 days in advance of the assembly. It must be accompanied by the bond required by ' 92.42 and the license fee required by ' 92.41.

(B) When made, the Chief of Police shall on the same day forward the application with his recommendations to the Board of Public Works and Safety. The Board of Public Works and Safety shall examine the application, make the investigation that it considers necessary, and either approve or disapprove the application within 15 days of its receipt. Immediately after making its determination, the Board of Public Works and Safety shall return the application, marked approved or disapproved, to the Chief of Police. The Chief of Police shall notify the applicant within five days that the application has been disapproved or that he will issue the license. The Chief of Police may issue the license provided for in this subchapter.

(C) The application must contain a statement made upon oath or affirmation that the statements contained in it are true and correct to the best knowledge of the applicant. The statement must be signed and sworn to or affirmed as follows.

(1) By the individual in the case of an individual.

(2) By all officers in the case of a corporation.

(3) by all partners in the case of a partnership.

(4) By all officers of an unincorporated association, society, or group.

(5) By all members of an association, society, or group if there are not officers.

(D) The application must contain and disclose the following information.

(1) The name, age, residence, and mailing address of all persons required to sign the application by division (C) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence, and mailing address of each person holding 10% or more of the stock of the corporation.

(2) The address and legal description of all property upon which the assembly is to be held, together with the name, residence, and mailing address of the record owner or owners of all the property.

(3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner or owners of all property that the applicant has permission to use the property for an assembly of 50 or more persons.

(4) The nature or purpose of the assembly.

(5) The total number of days or hours during which the assembly is to last.

(6) The maximum number of persons that the applicant will permit to assemble at any time, not to exceed the maximum number that can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the city if the assembly is to continue overnight.

(7) The maximum number of tickets to be sold, if any.

(8) The plans of the applicant to limit the maximum number of people permitted to assemble.

(9) The plans for supplying potable water including the source, amount available, and location of outlets.

(10) The plans for providing toilet and lavatory facilities, including the source, number, location, and type, and the means of disposing of waste deposited.

(11) The plans for holding, collecting, and disposing of solid waste materials.

(12) The plans to provide for medical facilities, including the names, addresses, and hours of availability of physicians and nurses, and including provisions for emergency ambulance service.

(13) The plans if any, to illuminate the location of the assembly, including the source, amount of power, and the location of lamps.

(14) The plans for parking vehicles, including size and location of lots, points of highway access, and interior roads, including routes between highway access and parking lots.

(15) The plans for telephone service, including the source, number, and location of telephones.

(16) The plans for camping facilities, if any, including facilities and their locations.

(17) The plans for security, including the number of guards, their employment, and their names, addresses, credentials, and hours of availability.

(18) The plans for fire protection, including the number, type, and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

(19) The plans for sound control and sound amplification, if any, including the number, location, and power of amplifiers and speakers.

(20) The plans for food concessions and concessioners who will be allowed to operate on the grounds, including the names and addresses of all concessioners and their license or permit numbers.

(E) The application for a license must be processed within 20 days of its receipt and must be issued if all conditions are complied with. (Ord. 1176, passed 7-6-81)

' 92.44 REVOCATION OF LICENSE.

A license issued under this subchapter may be revoked by the Chief of Police at any time if any of the conditions necessary for issuance or contained in the license are not complied with or if any condition previously met ceases to be complied with.
(Ord. 1176, passed 7-6-81)

' 92.45 ENFORCEMENT; VIOLATIONS AS NUISANCE.

This subchapter may be enforced by injunction, and the injunction has citywide application. The holding of an assembly in violation of a provision or condition contained in this subchapter constitutes a public nuisance. When the Chief of Police determines that the public health,

safety, or welfare is or may be affected or where damage or destruction may occur, the Chief of Police may close an access road to or from the site of the assembly or otherwise control or limit traffic.
(Ord. 1176, passed 7-6-81) Penalty, see ' 92.99 (F)

' 92.46 EXEMPTIONS.

This subchapter does not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies that do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held. This subchapter does not apply to government-sponsored fairs held on regularly established fairgrounds or to assemblies required to be licensed by other statutes or ordinances. This subchapter does not apply to local or regional festivals, celebrations, or events that are held on an annual or regular basis and that were observed or celebrated at least twice before January 1, 1973. This subchapter does not apply to assemblies that are held on land owned or leased by the city, the state, or the federal governments.
(Ord. 1176, passed 7-6-81)

' 92.47 COMPLIANCE WITH STATE LAW.

Any provision or portion of this subchapter which may be contrary to or inconsistent with provisions of state law regulating the same subject matter shall be null and of no effect.
(Ord. 1176, passed 7-6-81)

BOATS, RECREATIONAL VEHICLES, AND TRAILERS

' 92.50 PARKING OF BOATS, RECREATIONAL VEHICLES, AND TRAILERS.

(A) Boats, boat trailers, campers, motor homes, recreational vehicles, boxed and flat trailers shall not be parked on any street or any easement; nor shall they be parked in such a manner as to block any public sidewalk or any easement.

(B) Upon written notice to the owner or operator that there is a violation of subsection (A) above, the owner or operator of any such boat, boat trailer, camper, motor home, recreational vehicle, boxed trailer or flat trailer shall have not more than 24 hours within which to terminate the violation of subsection (A) above. Similarly, written notice may be given to the owner or occupant of any private property upon which a violation of subsection (A) above may be found.

(C) After the expiration of the 24-hour notice period, the city may remove the violation. The violating owner, operator, landowner or

occupant shall pay the cost of any such removal. For good cause shown, additional time may be given within which to remove the violation. (Ord. 2003-08-36, passed 7-7-03) Penalty, ' 92.99(D)

BUILDINGS AND STRUCTURES

' 92.60 BUILDINGS AND STRUCTURES.

(A) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare.

(B) Protective Treatment. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather-resistant and water-tight.

(C) Accessory Structures. All accessory structures, including detached garages, fences, walls and gazebos shall be maintained structurally sound and in good repair.

(D) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the dead loads, live loads and compliance with the Unsafe Building Code.

(E) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such conditions as to prevent the entry of rodents or any other animals.

(F) Exterior Walls. All exterior walls shall be free from holes, breaks and loose or rotting materials and maintained weatherproof and properly surface-coated where repaired to prevent deterioration.

(G) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

(H) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

(I) Overhead Extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

(J) Stair and Walking Surfaces. Every stair, ramp, balcony, porch, deck and other walking surface shall comply with the Building Code.

(K) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads and shall comply with the Building Code.

(L) Chimneys and Towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

(M) Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition and shall comply with the Building Code.

(N) Windows, Skylights and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather-tight.

(1) Glazing. All glazing materials shall be maintained free from cracks and holes.

(2) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(O) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, animals, rain and surface drainage water.

(P) Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
(Ord. 2003-08-36, passed 7-7-03) Penalty, see ' 92.99(D)

SMOKING REGULATIONS

' 92.70 PURPOSES.

The purposes of this subchapter are:

(A) To protect the public health and welfare by prohibiting smoking in public places and places of employment;

(B) To guarantee the right of nonsmokers to breathe smoke-free air and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke in public places.
(Ord. 2007-07-23, passed 12-17-07)

' 92.71 DEFINITIONS.

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

ABAR.@ Any establishment used primarily for the sale of alcoholic beverages for consumption by guests off the premises and which holds a beer-wine (Atwo-way@), or a beer-wine-liquor (Athree-way@) retailer=s permit under the laws of Indiana including, but not limited to, taverns, nightclubs, and cocktail lounges.

AENCLOSED AREA.@ All space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive or doorways), which extend from the floor to the ceiling.

AHEALTH CARE FACILITY.@ An office or institution providing care or treatment of diseases, whether physical, mental, emotional, or of other medical, physiological, or psychological conditions including, but not limited to, hospitals, rehabilitation hospitals or other clinics including weight control clinics, nursing homes, hospices, or homes for the aging or chronically ill.

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

APLACE OF EMPLOYMENT.@ means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment including, but not limited to, work areas, private offices, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways.

APRIVATE CLUB.@ A facility owned or operated by an association or corporation, which shall:

(1) Not be operated for pecuniary gain;

(2) Be registered under Indiana law;

(3) Be determined by the Internal Revenue Service to be operating under not-for-profit status;

(4) Be operated exclusively for the organization=s purposes at all times; and

(5) Consist of a membership:

(a) Formed as a lodge, local chapter, or corresponding unit of a fraternal order recognized on a national basis;

(b) Comprised of persons who have served in the armed forces of the United States; or

(c) Formed as a recognized, exclusive association of persons organized for a joint or common purpose for which application for membership, the payment of dues, and self governance by the membership are distinguishing characteristics, and, where entry into, and use of the facility is restricted to members and guests of members.

APUBLIC PLACE.@ Any enclosed area used by the general public including, but not limited to, retail stores and financial institutions, department stores, banks, laundromats, beauty and barber shops, retail food production and marketing establishments, regardless of whether a fee is charged for admission to the place.

ARESTAURANT.@ Any establishment used primarily as, or held out to, the public as having food available for payment to be consumed on the premises, including coffee shops, cafeterias, cafes, luncheonettes, sandwich stands and soda fountains. ARESTAURANT@ includes a bar area within the restaurant.

ARETAIL TOBACCO STORE.@ A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term does not include retail stores where food or beverages are sold for consumption on the premises or where an area has been set-aside on the premises for customers to consume food or beverages.

ASMOKE@ or ASMOKING.@ The act of lighting, carrying, inhaling from or leaving a lighted or smoldering cigar, cigarette, or pipe of any kind.

ATHEATER.@ Any enclosed facility, open to the public, which is used primarily for or designed for the purpose of exhibiting any motion picture, stage presentation, musical recital, dance, lecture or other similar performance.
(Ord. 2007-07-23, passed 12-17-07)

' 92.72 APPLICATION TO CITY-OWNED FACILITIES.

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Crown Point, shall be subject to the provisions of this subchapter.
(Ord. 2007-07-23, passed 12-17-07)

' 92.73 SMOKING PROHIBITED IN PUBLIC PLACES.

(A) Smoking shall be prohibited in all enclosed public places within the City of Crown Point including, but not limited to, the following places:

(1) Aquariums, galleries, libraries, and museums.

(2) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public including, but not limited to, professional offices, banks, laundromats, and hotels or motels (except as provided in ' 97.76(B)).

(3) Bed and breakfast facilities.

(4) Bingo facilities.

(5) Convention facilities.

(6) Elevators.

(7) Facilities primarily used for exhibiting a motion picture, stage presentation, lecture, musical recital, or other similar performance.

(8) Health care facilities.

(9) Licensed childcare and adult care facilities.

(10) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(11) Polling places.

(12) Public transportation facilities including buses and taxicabs, under the authority of the City of Crown Point and ticketing, boarding, and waiting areas of public transit depots.

(13) Restaurants. Smoking is also prohibited in any outside eating or drinking areas provided by the restaurant to its patrons.

(14) Restrooms, lobbies, reception areas, hallways, and other common-use areas.

(15) Retail stores.

(16) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Crown Point.

(17) Schools.

(18) Service malls.

(19) Shopping malls.

(20) Sports or entertainment arenas, including enclosed places in outdoor arenas or venues and in grandstands and other seating areas.

(B) The owner, operator, manager, or other person having control of any area where smoking is prohibited by this subchapter shall remove all ashtrays and other smoking paraphernalia from those areas.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.74 PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT.

Smoking shall be prohibited in all enclosed areas within places of employment. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.75 REASONABLE DISTANCE.

Smoking shall be prohibited within a reasonable distance from an enclosed area where smoking is prohibited by this subchapter, but in no event any closer than 15 feet, so as to ensure that tobacco smoke does not enter into establishments designated as smoke free under this subchapter through entrances, windows, ventilation intakes or other means.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.76 WHERE SMOKING IS NOT REGULATED.

The prohibitions of ' 92.73 shall not apply to the following:

(A) Private residences, except:

(1) When used as a licensed childcare, adult daycare, or health are facility; or

(2) Any business open to the public.

(B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however, that not more than 30% of the rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

(C) Retail tobacco stores.

(D) Outdoor areas of places of employment except for:

(1) Outdoor seating areas for patrons in restaurants; and

(2) Grandstands or other outside seating at public events.

(E) Bars.

(F) Private clubs.

(G) Any vehicle used by an employee while in the service of an employer when the vehicle is occupied only by that employee.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.77 DECLARATION OF ESTABLISHMENT AS NONSMOKING.

Notwithstanding any other provision of this subchapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area, may declare that entire establishment, facility, or outdoor area as a nonsmoking place.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.78 POSTING OF SIGNS.

(A) Every public place and place of employment where smoking is permitted under ' 92.76 shall have posted at every entrance a conspicuous sign clearly warning that smoking is permitted therein. The city shall make such signs available for such places.

(B) Every public place and place of employment where smoking is prohibited by this subchapter may post signs stating that smoking is not permitted therein. The city shall make such signs available for such places, the form of which is as follows:

(Ord. 2007-07-23, passed 12-17-07; Am. Ord. 2008-03-11, passed 3-3-08) Penalty, see ' 92.99

' 92.79 ENFORCEMENT.

(A) This subchapter shall be enforced by the city Police Department and the city Legal Department, or their designees.

(B) Any citizen who desires to register a complaint under this subchapter may initiate enforcement with the city Police Department.

(C) An owner, manager, operator, or employee of an establishment regulated by this subchapter shall inform persons violating this subchapter of the appropriate provisions thereof.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.80 NON-RETALIATION.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant or customer exercises any right to a smoke-free environment under this subchapter.
(Ord. 2007-07-23, passed 12-17-07) Penalty, see ' 92.99

' 92.81 OTHER APPLICABLE LAWS.

This subchapter shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws or to supersede any local laws which are more restrictive.
(Ord. 2007-07-23, passed 12-17-07)

' 92.82 BROAD INTERPRETATION.

This subchapter shall be construed broadly to effectuate the purposes described in ' 92.70.
(Ord. 2007-07-23, passed 12-17-07)

' 92.99 PENALTY.

(A) Violation of any order under ' 92.05. If any such order is not observed within the time fixed, the owner of the junk vehicle or parts thereof and the owner of the real estate upon which it is located shall each be subject to a fine not to exceed $100 for each violation. Each day on which the junk vehicle is permitted to remain on the real estate beyond the time fixed in the order for removal shall constitute a separate violation.
(Ord. 833, passed 4-3-72; Am. Ord. 2013 08-09, passed 10-9-13)

(B) Any one violating any of the provisions of ' 92.10 shall be fined in any amount not less than $10 nor more than $300. Each day such violation continues shall be and constitute a separate offense.
(Ord. 525, passed 10-7-46)

(C) Any person whether natural or corporate, firm, or association who violates any of the provisions of ' 92.15 in addition to any other remedies at law or in equity, shall be punished by a fine of $100. Each day during which a violation exists shall be a separate offense. (Ord. 849, passed 3-5-73; Am. Ord. 2013 08-09, passed 10-9-13)

(D) Whoever violates any provisions of '' 92.20 through 92.25, 92.50 and 92.60 shall be fined not less than $100 nor more than $300. Each day=s violation shall constitute a separate offense.
(Ord. 10, passed 7-24-11; Am. Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2013 08-09, passed 10-9-13)

(E) Any person who violates any provision of ' 92.41(A) or violates any condition upon which he is granted a license may be fined not more than $500. Each day that the violation continues shall constitute a separate offense.

(F) A person who violates ' 92.41(A) or violates any condition upon which he is granted a license may be fined no more than $1,000, and each day that an unlicensed assembly continues constitutes a separate violation.
(Ord. 1176, passed 7-6-81; Am. Ord. 2013 08-09, passed 10-9-13)

(G) (1) A person who smokes in an area where smoking is prohibited by the provisions of '' 92.70 through 92.82 shall be punishable by a fine not exceeding $50.

(2) A person who owns, manages, operates, or otherwise controls, a public place or place of employment and who fails to comply with the provisions of '' 92.70 through 92.82 shall be punishable by:

(a) A fine not to exceed $100 for a first violation.

(b) A fine not exceeding $200 for a second violation within one year.

(c) A fine not exceeding $500 for each additional violation within one year.

(3) Each day on which a violation of '' 92.70 through 92.82 occurs shall be considered a separate and distinct violation.
(Ord. 2007-07-23, passed 12-17-07)

CHAPTER 93: STREETS, ALLEYS, PUBLIC PLACES

Section

General Provisions

93.01 Unlawful to exhibit junk or used automobiles
93.02 Evidence of violation
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Display of street numbers, see '' 152.70 through 152.73
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GENERAL PROVISIONS

' 93.01 UNLAWFUL TO EXHIBIT JUNK OR USED AUTOMOBILES.

It shall be unlawful for any person, firm, or corporation to exhibit upon the streets, alleys or public places in the city, any junk or used automobiles for the purpose of offering or advertising it for sale or in such a way as to occupy the space of the streets, alleys, or public places of the city by used automobiles or junk so as to impede or interfere with the free use of the streets and alleys for traffic. (Ord. 491, passed 7-3-39) Penalty, see ' 93.99

' 93.02 EVIDENCE OF VIOLATION.

If any used automobile is found parked upon the streets, alleys or public places of the city without any valid automobile license plates, or without any automobile license plate other than dealer=s license plates, such fact shall be prima facie evidence that the automobile is placed upon the street, alley, or public place in the city in violation of the terms of this chapter.
(Ord. 491, passed 7-3-39) Penalty, see ' 93.99

' 93.03 IMPOUNDMENT OF VEHICLES.

(A) If any used automobile or junk is found upon the streets, alleys, or public places in the city in violation of the terms of this chapter it shall at once be seized by the city police and shall be removed from the streets, alleys, or public places and placed in storage, and the automobile or junk shall then be subject to sale for storage according to the storage-lien laws of the state, and there shall be taxed as costs in the sale of the automobile a fee of $1 for the seizing of the automobile by the city police and the fee when collected shall be paid into the general fund of the city.

(B) The sale shall be made as provided above and the costs shall be deducted from the sale price of the automobile or junk and apportioned and paid to each person entitled thereto. The balance of the sale price of the automobile or junk, if any, after payment of costs including storage charges shall be paid to the owner or owners of the automobile or junk. The city police shall deliver to the owner of the car or junk in person or at his last and usual place of business, or his residence, or by attaching copy of notice to the car, a written notice of the seizure of the junk or car and the place of its storage. The notice is to be in writing and to be delivered within 24 hours after the seizure of the car or junk and the car or junk may be immediately redeemed and repossessed by the owner by the payment of the accrued costs thereon, the payment to be made to the owner of the storage warehouse or store room, and/or the Clerk-Treasurer of the city.
(Ord. 491, passed 7-3-39)

' 93.04 MAINTENANCE OF SIDEWALKS.

(A) The responsibility for care, maintenance, and repairs of sidewalks located within the city is hereby deemed that of land-owners abutting any sidewalk.

(B) Landowners whose land abuts any sidewalk shall keep the sidewalk in reasonably safe condition, and shall maintain and repair the sidewalk at their own expense as and when needed, and also within 30 days after being notified by the Board of Public Works and Safety that the sidewalk is in need of repairs.
(Ord. 1168, passed 5-4-81) Penalty, see ' 93.99

' 93.05 RESERVED.

' 93.06 USE OF ASPHALT MATERIALS ON SIDEWALKS PROHIBITED.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(l) AASPHALT,@ AASPHALT MATERIALS,@ AASPHALT COVERINGS,@ and ABLACKTOP.@ The solid, brownish-black, combustible mixture of bituminous hydrocarbons, obtained as a residue in the refining of petroleum.

(2) ACONCRETE.@ A building material of sand and gravel or broken rock united by cement, commonly used for roadways, bridges, and walls.

(3) ADRIVEWAY.@ A private road providing access to a garage, house, building, or lot.

(4) APERSON.@ Any asphalt contractor, concrete contractor, general contractor, landowner, corporation, partnership, joint venture, trust, trustee, beneficial owner of a land trust, nominee of a landowner, or any other legal entity.

(B) No person shall repair, apply, lay, or install any asphalt, asphalt material, asphalt covering, or blacktop to or on any sidewalk composed of concrete or any substance other than blacktop, whether or not the sidewalk is an integral part of, or adjacent to, or intersecting with a driveway.

(C) No sidewalk hereafter installed or laid in the city shall be composed of asphalt, asphalt material, asphalt covering, or blacktop. (Ord. 1411, passed 11-3-86; Am. Ord. 1527, passed 3-5-90) Penalty, see ' 93.99

' 93.07 CONTROL OF BANNERS OR FLAGS.

Banners, flags, pennants or like items with the name of businesses, individuals, organizations or groups are prohibited on the decorative light poles around the Historic Court House Square and connecting streets.
(Ord. 1913A, passed 11-2-98)

PARKWAY MAINTENANCE

' 93.15 DEFINITIONS.

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

ALANDOWNER.@ Any person who has an ownership interest in real estate, legal or equitable, partial or absolute, or as a landlord or tenant. Mortgagees and other lienholders shall not be deemed landowners unless and until they acquire ownership by deed or by operation of law.

APARKWAY.@ That area of land lying between the edge of a street, whether paved or unpaved, and the edge of the sidewalk adjacent to and paralleling said street. Where no sidewalk exists, the term shall mean and refer to that area of land lying between the edge of a street and a line parallel to and 15 feet away from the edge of said street.

APAVE,@ AREPAVE,@ and ACAUSE TO BE PAVED.@ The act of covering or surfacing an area with asphalt, concrete, gravel, rock, or other materials used in road or street building.

APERSON.@ Any asphalt contractor, concrete contractor, general contractor, landowner, individual, corporation, partnership, joint venture, trust, trustee, beneficial owner of a land trust, nominee of a landowner, or any other legal entity.
(Ord. 1417, passed 12-1-86; Am. Ord. 1528, passed 3-5-90; Am. Ord. 1540, passed 6-4-90)

' 93.16 RESPONSIBILITY FOR MAINTENANCE AND CARE; PAVING PROHIBITED.

(A) The landowner whose property abuts a street or alley shall maintain and care for any parkway which adjoins or is a part of his property. Such maintenance and care shall include, but not be limited to, the planting and regular mowing of grass, trimming of bushes and trees, and the maintenance of flower beds. (Ord. 1417, passed 12-1-86)

(B) No person may hereafter pave, repave, or cause to be paved, all or any part of a parkway.
(Ord. 1540, passed 6-4-90) Penalty, see ' 93.99

' 93.17 RESERVED.

' 93.18 CUTTING OF PAVED SURFACES WITHIN THE PUBLIC RIGHT-OF-WAY.

(A) Definitions.

ABOARD OF PUBLIC WORKS.@ Board of Public Works and Safety.

AEMERGENCY.@ A situation that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action. (I.C. 36-1-2-4.5)

AINSPECTOR.@ A Public Works Department representative or any other person authorized by the Public Works Department to perform inspections.

APERMIT HOLDER.@ Person to whom a permit described in these regulations has been issued.

APERSON.@ The term APERSON@ shall include and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

(B) Standards for traffic control. Standards for traffic control for construction and maintenance operation in, on, under and over the public right-of-way.

(1) Traffic control for construction and maintenance activities in, on, under and over the public right-of-way shall conform to and be in accordance with the Indiana Manual of Uniform Traffic Control Devices, latest addition, and all other applicable state and federal laws.

(2) The permit applicant or permit holder may propose to the Board of Works that traffic controls less stringent than those described above in paragraph (1) be implemented as part of a specific permit. If in the opinion of the Board of Public Works conditions exist that would allow the use of less stringent traffic control, the Board of Public Works may issue the specific permit subject to the less stringent controls. However, at a minimum, the traffic control measures must include provisions that:

(a) All traffic control devices shall:

1. conform to the applicable specifications contained in the Indiana Manual on Uniform Traffic Control Devices in effect at the time,

2. be installed prior to commencement of operations,

3. be properly maintained and utilized during operations, and

4. be removed immediately upon completion of the work.

(b) Barricades and signs supports shall be constructed and erected in a workmanlike manner and should be constructed to yield upon impact.

(c) Where illumination is required, street or highway lighting is not regarded as meeting this requirement.

(3) The Public Works Director may suspend work or operations at any worksite which it determines endangers the traveling public or the workmen on the scene until the circumstance which endangers the traveling public or the workmen on the scene is corrected or eliminated.

(C) Restrictions within the public right-of-way. Restrictions with respect to when and how work should be performed in the public rights-of-way in certain geographical areas.

(1) No permits may be issued for excavations within the public right-of-way within seven days prior to the scheduled date of the Fourth of July Parade along Main Street from 125th Avenue extending to Goldsboro unless otherwise granted specific permission from the Board of Works upon the written recommendation from the City Engineer.

(2) No permits may be issued for excavations within the public right-of-way during the days scheduled for Festival Days within the area bordered by South Street on the south, East Street on the east, North Street on the north, and West Street on the west unless otherwise granted specific permission from the Board of Works upon the written recommendation from the City Engineer.

(D) Minimum standards for compaction or deflection. Compaction shall be performed in accordance with one of the following methods.

(1) In 12-inch maximum loose lifts and compact each layer by mechanical means to at least 95% of its maximum dry density, or

(2) In 24-inch maximum loose lifts and compact each layer by a combination of saturation and mechanical means to at least 95% of its maximum dry density, or

(3) In such other size lifts as has been certified to the City Engineer by a professional engineer to achieve at least 95% of its maximum dry density for each lift using equipment available to the permit holder and approved by the City Engineer.

(4) Maximum dry density shall be determined in accordance with ASTM Designation D 698. The permit holder shall bear the costs testing involved in determining the percentage of maximum dry density.

(E) Schedule of fees for enforcement. The schedule of fees for enforcement of the provisions and/or the regulations are as follows:

(1) The Director of Public Works shall have the authority to assess a $100 reinspection fee each and every instance where enforcement of the provisions or the regulations require city reinspect the worksite.

(2) In addition to the above the following Assessment Schedule applies:

(a)	Excavating without a permit: (1st offense)	Five times the applicable permit fee minimum $250 maximum $2,500
	(2nd offense)	Five times the applicable permit fee minimum $350 maximum $2,500
	(3rd offense)	Five times the applicable permit fee minimum $550 maximum $2,500
(b)	Failing to activate a permit:	Reinspection fees ($100.00) Uncover work with inspector present

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(c)	Improper backfill (type of fill or compaction):	Two times the reinspection fee and remove all backfill and correct.
(d)	Improper permanent surface restoration:	Reinspection fees and remove pavement patch and six inches around patch in all directions then make correct repair
(e)	Not replacing temporary patch within time required:	Reinspection fee. If because of noncompliance the City of Crown Point performs permanent surface restoration permit holder must reimburse the City for its expenses. The permit holder shall remain responsible for cut in accordance with Section 93.18(I)(5) of this chapter.
(f)	Stop work order issued:	Two times the reinspection fee. Reimburse the City of Crown Point for any costs incurred to correct the problem or protect the public.

(3) The Board of Public Works may assess the above fees administratively and may withhold issuing permits until the above fees are paid.

(F) Bonding and insurance.

(1) General liability insurance policy. The applicant shall either file or have on file with the City of Crown Point a general liability insurance policy. The statement of insurance shall be on file with the Clerk-Treasurer. The insurance company shall be licensed to do business in the State of Indiana. The amount of insurance shall be not less than $500,000 for injury to one person and not less than $1,000,000 for injuries to more than one person and not less than

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$250,000 for damages to property. The insurance policy shall have a rider attachment for all listed general contractors to be covered on the permit.

(2) Bonds. The performance bond posted with respect to each permit shall not be released until an approved inspection is received on the restoration of the public right-of-way. The applicant shall either file or have on file with the Clerk-Treasurer a performance and maintenance bond. The company writing the bonds shall be licensed to do business in the State of Indiana. The performance bond shall be in the penal amount of not less than $10,000 for a single street cut or $100,000 for unlimited multiple street cuts in any one calendar year. The bond shall be in effect for a duration of three years from the date of issuance of each permit. The applicant shall also furnish the Clerk-Treasurer with a maintenance bond for each application which shall be in effect for a minimum period of three years after completion of the work. All bonds shall be for the use and benefit of the Board of Works and the City of Crown Point.

(G) Enforcement procedures. The following procedure will be employed by the Public Works Department for the enforcement of the provisions of this regulation.

(1) Public Works Inspectors will be responsible for the inspection of all work done within the public right-of-way regardless of whether such work is done under a valid permit or not.

(2) If inspection discloses that the cut was not restored in accordance with this regulation or any violation is found, the inspector will issue a Violation Notice to the permit holder if one exists, and/or the individual or contractor performing the work if no permit exists, and/or to the owner of the adjacent land where appropriate. The Violation Notice will include the following:

(a) The exact nature of the violation, including the code of regulation section violated.

(b) The specific corrective action needed in order to come into compliance.

(c) The exact amount of time allowed for the violator to come into compliance not to exceed five days, and

(d) The amount of any costs incurred by the city as a result of the violation and the reason the costs were incurred.

(3) Each violation listed on the Violation Notice constitutes a separate offense.

(4) If the violator fails to come into compliance as required by the Violation Notice, the Public Works Department will refer the matter to the City Attorney for further action. The permit holder, as well as the owner of the utility line being assessed the fee

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and when appropriate the land owner, for whom the work is being performed will not be issued any other permits until the violation is brought into compliance and the fees assessed are paid.

(5) Any fee assessed by the Board of Works are due immediately upon receipt of Violation Notice. The fees shall be remitted to the City of Crown Point, c/o Clerk-Treasurer, 101 N. East St., Crown Point, Indiana, 46307.

(6) All fees collected by this section shall be deposited into the Motor Vehicle Fund.

(H) Standards for right-of-way excavation. All work within a public right-of-way for which a right-of-way excavation permit is required shall be performed in accordance with, and conform to, these standards.

(1) Worksites. The permit holder and the contractor performing the work shall be responsible for the safe and expeditious movement of vehicular and pedestrian traffic through the worksite and for the safety of the work force performing the work in the public right-of-way. When working in an intersection or when controlling traffic in a two-way one lane traffic pattern, the permit holder and the contractor are responsible for having uniformed, special duty police officers at the site at all times. The number of officers required will be determined by the Department permit section and/or an Inspector.

(2) Removal of surface. All cuts shall be sawed to a minimum of one-third the depth of the pavement and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. A minimum saw cut depth of two inches is required.

(I) Standard for restoration of public right-of-way. Upon completion of work, restoration of the public right-of-way shall be performed in accordance with the following standards:

(1) Specifications of materials. All materials, unless specifically stated otherwise, shall be in accordance with current Indiana Department of Transportation Standard Specifications:

(a) Backfill:

1. Flowable Fill:

Compressive strength	50 TO 150 PSI
Flow test spread diameter	>8 inches

Mix design shall be submitted and approved by the Public Works Director or his designee and the City Engineer. A trial batch demonstration may be required. The mix design shall include a list of all ingredients, the source of all materials, the gradation of all aggregates, the names of all admixtures and the dosage rates, and the batch weights.

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Except for adjustments to compensate for routine moisture fluctuations, minor mix design changes after the trial batch verification shall be documented and justified prior to implementation by the permit holder. A change in the source of materials, or addition for approval. The permit holder may be required to provide test data which shows that the proposed mix design is in accordance with the requirements listed below.

The test for flow shall consist of filling a three inch diameter by six inch high open ended cylinder placed on a smooth, level, nonporous surface to the top with the flowable fill. The cylinder shall be pulled straight up within five seconds. The spread of the fill shall by measured. The minimum diameter of the spread shall be eight inches. This test may be performed by the Public Works Inspector at the site prior to placement of fill.

2. Granular Backfill must be sand or No. 53 stone.

(b) Concrete

1. Cement Content must be minimum of six bags per cubic yard (See State Spec on High Early Cement) and must achieve 550 p.s.i. within 48 hours.

2. Compressive Strength must be 4,000 PST.

3. Slump: Three to five inches.

4. Coarse Aggregate must be size #8.

5. Fine Aggregate must be #23 Sand.

Other mix designs which are high early strength may be considered.

Retempering concrete by adding water or by other means will not be permitted for continuous operation. When concrete is delivered in transit mixers or agitators, water may be added and additional sizing performed in particular cases to increase the slump. The addition of water and mixing may be under the direction of the City Engineer or his representative.

(c) Asphalt.

1. Hot Asphaltic Concrete-Surface must be No. 11 or No. 12.

2. Hot Asphaltic Concrete-Base must be No. 5 or 5D.

3. Hot Asphaltic Concrete-Binder must be No. 8 or No. 9

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4. Tack Coat must be Asphalt emulsion.

5. Multigrade Cold Mix

a. Description. A bituminous patching material of a composition suitable for premixing, stockpiling and storage prior to use.

b. Aggregate. The aggregate shall be of a grading such that the specific composition will be obtained. A single aggregate or a blend of aggregates may be used. The aggregate used shall meet the requirements of AASHTO M43 for coarse aggregates Class A except the percent weight of fractured pieces shall be minimum 85% and the absorption shall be 3.0% maximum.

c. Bituminous Materials. Bituminous material shall be CM-300 and CM-150 meeting special provisions. The CM-300 mix shall be used between October 1 and March 1, and CM-150 shall be used between March 1 and October 1. The dates are subject to change according to a project manager.

(2) Backfill. All excavations shall be backfilled as follows. All cuts made in, on or under any road surface shall be backfilled with flowable fill or granular material. Where a cut is outside the road surface, flowable fill or granular backfill shall be placed in the portion of the cut located within five feet of the road surface on all thoroughfares. All cut areas not under pavement but under sidewalk shall be backfilled with sand or #53 stone. All cut areas not under pavement or sidewalk shall be topped with two inches of topsoil for final restoration.

For storm and sanitary sewers, pipe bedding shall be approved by the City Engineer and in accordance with Pipe Manufacturer=s recommendations.

The backfill operation shall be completed using one of the following methods.

(a) Flowable fill.

1. Placement. The mixture shall be discharged from mixing equipment by a reasonable means into the space to be filled. Each filling stage shall be as continuous as is practicable. Concrete may be placed on fill as soon as bleeding water has subsided. All pavements shall be placed according to flowable fill manufacturer=s recommendations.

2. Limitations. Flowable fill shall be protected from freezing until the material has stiffened and bleeding water subsided. As the temperature nears freezing, additional curing time may be needed.

(b) Granular backfill.

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1. Placement. All granular backfill material shall be placed in maximum 12 inch loose lifts. The first lift of fill surrounding the pipe will be allowed in one loose lift of two feet to allow for the protection of the line being placed. Each lift of material must be compacted by mechanical means or by a combination of saturation and mechanical means to achieve at least 95% of its maximum dry density. If any method other than listed above is used, random testing may be required. The permit holder shall provide random compaction testing. The test shall be performed and certified to the Public Works Inspector by properly certified personnel.

(c) Earth Backfill. Earth backfill may be used in locations not requiring granular backfill. The earth backfill shall be made compatible with the adjacent surface. In established lawn areas, this includes compacting in not less than two lifts for each five feet of depth of the cut, topping off with topsoil, fertilizing, seeding, mulching and restoring all contours. If the slope is greater than 3:1, restoration of the grass shall be made by sodding or with straw mats.

(3) Temporary surface restoration. Between November 10 and April 1, cuts may be repaired in accordance with this section. Any cut temporarily repaired under this section shall be permanently repaired, by removing the temporary patch in its entirety and permanently restoring the cut as required in division (I)(4) of this regulation. The temporary patch shall be defined as the material filling the space that the permanent surface restoration will occupy. (Final restoration on all cuts shall be made within 30 days of completion of temporary repair.) All cuts repaired under this section shall have final restoration completed by June 1. The permit holder shall notify the City Engineer within two business days of competition of final restoration. It shall be the permit holder=s responsibility to maintain the temporary patch until the final surface restoration may be made.

If a temporary surface repair is used, it shall be made as follows:

(a) Backfill shall be brought to within six inches of the surface, and multigrade cold mix placed to the top of the cut and compacted with a mechanical tamp. This shall be completed in the placement of material in two three inch lifts; or

(b) While work is continually in progress, the cut may be covered with steel plates having a minimum thickness of three-fourths inch which shall be secured so as not to move and constitute a hazard when open to traffic.

(4) Permanent surface restoration. All cuts shall be repaired permanently in accordance with this section. The restoration of the surface of all cuts shall be completed by such methods and in such manner that the plane of the surface of the repair at the time of completion and thereafter, will be flush with all contiguous surfaces and will create no dissymmetry with the topography of the roadway. Also, the final surface elevation shall be at the same elevation as the original surface. The surface restoration may be made by using milling,

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infrared or future technologies approved by the Board of Works, unless a specific method is required by the permit. As a part of the surface restoration, the Board of Works may share in the cost of the permit holder by adding roadway improvements which include but are not limited to resurfacing, adding curbs, curb cuts, sidewalks or items necessary to meet requirements of the American=s Disabilities Act.

(a) Asphalt Streets and Alleys. Utility access boxes/covers may be adjusted or replaced without resurfacing. The existing pavement thickness shall be matched. The base material used in connection with all final repairs to asphalt streets and alleys shall be hot asphalt mix or multigrade cold mix placed in three inch lifts compacted by means of rolling or other methods to achieve compaction or concrete cap. Two inch hot asphalt surface shall be used on any asphalt surface street repair, except when repairs are made to any street which has been assigned a City Contract for resurfacing, in which case two inch hot asphalt surface may be deleted and the base material brought up to the level of the existing pavement. All edges or joints of existing pavement shall be thoroughly cleaned and tack coated prior to the placement of the hot asphalt surface. All faces of exposed curbing shall be tacked below the finished pavement elevation. All joints shall be sealed with a hot iron, infrared technology or other method as specified by the permit or as directed by the Public Works Director.

1. Infrared Repair. Area of repair shall be cleaned of all loose material. Repair area shall be uniformly heated to a depth of one and one-half inches to two inches. Heating shall be done with a manufactured power operated machine of the heat-patcher type using only 100% infrared heat guaranteed not to damage asphalt. Machine shall be capable of uniformly heating the existing surface to depth of one and one-half inches to two inches. Heated asphalt shall be added to the repair area to bring it flush with the existing grade and raked together with the surrounding heated asphalt to a workable condition. The material shall be compacted to a minimum of 95% of controlled density as per modified marshal test. All seams shall be sealed prior to final rolling. A light coating of pavement rejuvenating penetrant will be sprayed over the scarified and compacted material at a rate of 0.02 gallon per square foot. The finished patch shall be level with the existing surrounding pavement.

(b) Asphalt over Concrete or Brick Streets. As a general rule, whatever type of material that was excavated shall be replaced. The top two inch shall be hot asphalt surface.

(c) Sidewalks.

1. Brick sidewalks within the Downtown Square Area shall be restored to their original surface condition and pattern. All other areas will be at the discretion of the Department.

2. Concrete sidewalks are to be repaired with concrete, a minimum of four inches in thickness. All new concrete must be protected against excessive dehydration by the application of a membrane type curing compound (White pigment or linseed oil). The new

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concrete shall be protected from all traffic for 48 hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths inch thickness. These plates shall be secured so as not to move or constitute a hazard when they are open to traffic.

(d) Driveways.

1. Brick driveways shall be restored to their original surface and pattern.

2. Concrete driveways shall be repaired with concrete to original specifications. The existing driveway thickness shall be six inches for residential drives. The new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound (white pigment or linseed oil). The new concrete shall be protected from all traffic for 48 hours. If this is done by the use of plates, the plates shall be steel with a minimum three- fourths inch thickness. These plates shall be secured so as not to move and constitute a hazard when they are open to traffic.

3. Asphalt driveways shall be repaired with asphalt. The existing driveway thickness shall be matched, but the minimum driveway thickness for residential drives shall be three inches of bituminous on four inches of compacted aggregate or five inches of bituminous on compacted subgrade. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. Asphalt shall be placed in three inch lifts and is to be compacted by mechanical tamp or vibrator. The top one inch minimum shall be hot mix asphalt surface. All joints shall be sealed with a hot iron, infrared technology or other method as directed by the City Inspector.

4. Gravel or stone driveways shall be restored to within six inches of the surface in accordance with Section 9.03 and topped off with material similar to the original surface.

(e) Gravel or stone berm. All repairs to gravel or stone berms shall be restored to within six inches of the surface in accordance with Section 10.03, and topped off with material similar to the original surface.

(f) Grass areas. In established lawn areas all repairs shall be restored to within two inches of the surface in accordance with ' 93.18(J) then topped off with a minimum of two inches of topsoil restoring all contours. The are shall then be fertilized, seeded and mulched. If a slope is greater than 3:1 or if the area has previously been sodded, restoration of the grass shall be made by sodding or with straw mats. At 30 days after completion and restoration of a cut in a portion of an established lawn within the public right-of-way, the permit holder shall inspect the cut and if it has settled below the adjacent surface, the permit holder will fill land compact the settled area and reseed or resod. The permit holder shall inspect the cut again within 30 days following the second restoration and if the cut has again settled below the adjacent surface, shall fill and compact the settled area and reseed or resod. Such inspections and fillings shall

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continue every 30 days until an inspection discloses that the cut has not settled. The permit holders bond will not be release until the seeded area shows 75% regrowth and meets settling requirement above.

(5) Responsibility for cut. The permit holder shall be responsible for all cuts until such time as the surface area in which the cut was made is resurfaced or reconstructed.

(J) Inspection and testing.

(1) Backfill inspection. A Public Works Inspector may require a flow test to be performed prior to flowable fill being placed. If granular backfill is used, a City Inspector may be present during backfill operation. The permit holder may be required to proved to the Department test results as requested. The City Inspector additionally may perform random testing. Activation of permits serves as notification for inspections. The Public Works Inspector shall be provided documentation (delivery tickets and required test certifications) verifying proper materials and installation procedures. The permit holder shall bear the cost of all testing.

(K) Application for right-of-way excavation permit. The application for a right-of-way excavation permit shall be submitted to the Clerk-Treasurer and shall, at a minimum, include the following:

(1) A properly executed permit application, in the form designated by the department, including but not limited to, the following information:

(a) The name and address of the contractor responsible for work;

(b) The nature of, and the reason for, the work to be performed;

(c) The location of the worksite and the dimensions of the excavation;

(d) The anticipated length of time to complete the work;

(e) The method of traffic control to be used by the applicant at the worksite;

(f) An indemnification agreement; and

(g) Any other pertinent information requested by the Board of Works.

(2) A general liability insurance policy unless the applicant is a public utility or railroad company.

(3) A performance and maintenance bond unless the applicant is a public utility or railroad company; and

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(4) Written approval from the Board of Works if the proposed work involves a sanitary sewer, storm sewer or affects drainage within the public right-of-way.

(L) Kinds and categories of permits. All permits are per lane per week.

(1) Excavation permit: This class permit is required whenever excavation is being made in the paved areas of the public right-of-way. This permit includes the use of the lane in which the excavation is located.

(2) Non-paved area permit: This class of permit is required whenever excavation is being made in the non-paved areas of the public right-of-way. The permit includes the use of the lane adjacent to the excavation.

(3) Trenchless or boring permit: This class of permit is required whenever trenchless or boring operations are used and all incident excavation is in the non-paved areas. The permit includes the use of the lane in which the excavation is located or the lane adjacent to the excavation, but not both.

(4) Emergency permits: This class of permit is authorized when situations which are described in the Code of Ordinances, City of Crown Point, Indiana arise.

(5) Right-of-way use permit: This class of permit is required whenever there are activities performed in the public right-of-way which are not described above.

(6) Annual utility permit: This class of permit allows the public utilities to temporarily use the public right-of-way for non-excavation, excavation in non-paved areas, maintenance work on emergencies the duration of which is less than four hours. A permit is required for each worksite.

(M) Permit fees.

(1) Excavation permits:

(a) Roadway cut: The permit fee shall be $1.00 per square foot with a $100 minimum.

(b) Certified utilities: Where public utilities certify repair to the Department, the permit fee shall be $30.)

(c) Non-paved area permits: The permit fee shall be $30.)

(d) Trenchless or boring permits: The permit fee shall be $20).

(e) Emergency permits: The permit fee shall be $1.00 per square foot with a $150 minimum.

(2) Annual utility permit: The permit fee shall be $100.

(N) Permit issuance procedures.

(1) Issuance. Upon receipt of a completed application, approval of the worksite, and payment of permit fees as specified, the Department may issue a permit to the applicant. The Department may issue an emergency permit (by authorizing the work to proceed and assignment of a permit number) prior to receipt of the application and other required documentation, provided such application is submitted on the following business day.

(2) Duration. In general, the permit shall be valid for a 60 calendar day time period unless specified otherwise on the permit, beginning on the day of issuance. Upon a permit holder=s justified request, the permit may be extended for an additional 60 calendar day period or until final restoration has been achieved.

(3) Activation. The permit holder shall notify the Public Works Director when starting any excavation. The Public Works Director shall in turn notify all municipal emergency services.

(O) Indemnification.

(1) Indemnification agreement. The applicant for a permit shall sign an indemnification agreement to indemnify and hold harmless the Department and the city from and against all claims, actions, damages and expenses, including reasonable attorneys= fees, based on any alleged injury (including death) to any person or damages to any property arising, or alleged to have arisen out of any act of commission or omission with respect to the activity or work of the applicant (or persons, corporations or firms authorized by the applicant) in a public right-of-way pursuant to the permit. The form of the indemnification agreement shall be acceptable to the Board of Works.

(P) Penalties. The following penalties are in addition to and supplemental to any fee assessments, restoration costs or other remedies the Board of Works or city may have.

Penalty	Violation
$ 1,000.00 fine (minimum) $ 2,500.00 fine (maximum)	Unlicensed contractor performs excavation within the public right-of-way
$ 375.00	Failure to obtain a permit (first occurrence within one calendar year)
$ 525.00	Failure to obtain a permit (second occurrence within one calendar year)

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$ 750.00	Failure to obtain a permit (third occurrence within one calendar year)

(Q) Emergencies. In emergency situations (as defined by I.C. 36-1-2-4.5) that occur after normal business hours, the applicant shall file a permit application by the end of the next business day. In emergency situations that occur during normal business hours, the applicant shall file a permit application by the end of that business day.

(R) Display of permit.

(1) Display. Once work commences in accordance with the issued right-of-way excavation permit, a copy of the permit or the Department emergency verification number shall be available at the worksite at all times. A reinspection fee will be assessed if verification of permit is not available. The job site with representation on site should have a copy of the permit. The job site with no representative on site should clearly display by sign or other indicator, the contractor name and emergency phone number.

(2) Blocking of right-of-way. If any portion of a travel lane or sidewalk is even partially blocked, a 24 hour emergency phone number and permit number must be posted in clear view at the job site at all times.

(S) Variance and waiver procedure. Substantial deviations from these regulations shall not be made without written approval from the Board of Works upon the recommendation from the City Engineer. The Board of Works may grant variances and/or waivers of any portion of these regulations within five working days of a written request.

(T) Appeal procedure. Any person affected by these regulations and who objects to a decision made or action taken, may appeal within ten working days the decision or action to the Board of Works. The appeal shall be in writing and received by the Director of the Board of Works within ten business days of the decision being appealed. The Board of Works shall hear all appeals at its next regularly scheduled meeting. The Board of Works may confirm, reverse or modify such decision or action. The order of the Board of Works shall be final. (Ord. 1893-A, passed 6-1-98)

TREES; LANDSCAPE PLAN

' 93.30 DEFINITIONS.

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

ABASAL FLAIR.@ The tree trunk where it emerges from the root system and flairs out to create the base of the tree.

ACERTIFIED ARBORIST.@ An individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification.

ADESIGNEE.@ An individual (contracted, hired or appointed) that is authorized by the city to perform specific tasks.

ADIAMETER BREAST HEIGHT (DBH).@ The diameter of a tree in inches four and one-half feet above the ground.

APARKWAY.@ A public-owned strip of land typically located between a sidewalk and a roadway often planted with grass and shade trees.

APERSON.@ Any individual, firm, partnership, association, corporation, company or organization which is not authorized by the city.

APROTECTED ROOT ZONE (PRZ).@ The area within a circle with a radius equal to the greatest distance from the trunk to any overhanging foliage in the tree canopy.

APUBLIC-OWNED PROPERTY.@ All property owned by the City of Crown Point or any agency or department thereof and all property included in the public way as defined by the Crown Point Zoning Ordinance.

ATOPPING.@ The cutting back of major limbs to stubs within the tree=s crown to such a degree as to disfigure the tree canopy.

ATREE.@ A woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches and which ordinarily, grows to a height of ten feet or more.
(Ord. 2008-08-31, passed 12-1-08)

' 93.31 PROHIBITED TREE SPECIES LIST.

The Tree Board shall maintain and update a list of trees that are deemed unsuitable for urban areas and which trees shall not be planted on select properties located within the Crown Point corporate limits. The list may be itemized according to the following categories: parkways, overhead utilities, retention ponds, parking lots, parkland and commercial/industrial landscape. The City of Crown Point Public Works Department has the authority to remove any prohibited tree planted after December 1, 2008.
(Ord. 2008-08-31, passed 12-1-08)

' 93.32 LANDSCAPE PLAN SPECIFICATIONS.

(A) The City of Crown Point Planning Commission may modify, waive or adjust the landscaping plan requirements as deemed necessary.

(B) A landscaping plan must be approved by the City of Crown Point Planning Commission prior to issuance of a building permit for all

commercial, industrial and multi-family lots, sites and parcels that are developed or expanded following December 1, 2008.

(C) Landscaping plans must follow the principals within the Crown Point Landscape Standards Manual as well as all sections in this subchapter.

(D) For landscaping in parking areas refer to Crown Point=s design standards found in ' 150.25(D).

(E) For landscaping in parkways refer to Crown Point=s I-65 Landscape Buffer Zone Development Guidelines found in ' 150.255.

(F) The City of Crown Point Planning Commission may require applicants to post a cash escrow in an amount to be determined by the Engineering Department. The escrow shall only apply to that portion of the site development plan that is being developed under the permit. The bond will be returned to the applicant upon successful completion of the landscaping plan.

(G) The Landscape Plan shall demonstrate that all requirements of this section are met and shall include the following information:

(1) Provide list of species, size, location of trees/shrubs to be planted.

(2) Identify trees and other existing landscape elements to be preserved and provide details of protection measures.

(3) Delineate the location of tree protection fence and limits of grading at the perimeter of areas that are to be preserved.

(4) Provide standard tree planting detail drawing and specifications.

(5) Show locations of proposed grass areas and other types of ground covers with respect to buildings, parking areas, driveways, signs, water surfaces, paved patios, terraces, sidewalks and similar site features.

(6) Show locations of all known utilities with respect to preserved and proposed tree/shrub locations.

(7) Provide seeding mix details, application rates and methods.

(8) Provide minimum one year warranty on viability for all woody plant materials after installation.

(9) Identify entity responsible for post-construction landscape operation and maintenance implementation.

(10) Show location(s) and typical cross-section of landscape berm(s).

(11) Provide a statement of compliance or request for waiver through the City of Crown Point Planning Commission.
(Ord. 2008-08-31, passed 12-1-08)

' 93.33 TREE CONSERVATION DURING LAND DEVELOPMENT.

(A) City of Crown Point Tree Board Members or designee(s) have the opportunity to enter private property after providing written notice to property owner(s) for the purpose of conducting an on-site early coordination meeting to identify natural features for conservation, which may result in an inventory of select trees/shrubs with respect to location, size, species and condition. This shall occur no later than ten business days after filing a petition.

(B) All trees identified for protection by the property owner on an approved plan shall implement the following minimum preventative measures:

(1) Prior to the commencement of any construction activities, barrier fencing shall be installed around the perimeter of protected tree(s) identified in approved landscaping plans, extending a minimum of 1' X DBH radial distance from the nearest tree to define a protected root zone (PRZ).

(2) No construction equipment, soil stockpiles, materials, byproducts including, but not limited to, paint, plaster, or chemical solutions shall be allowed within an established PRZ.

(3) Signage shall be placed on or near the barrier fencing identifying the area as a ATree Preservation Area.@

(4) ANatural@ or pre-construction grade shall be maintained in the PRZ when feasible.

(5) The PRZ must be irrigated sufficiently with clean potable water such that it supplements normal rainfall (1.5'/week) during times of drought.

(6) The PRZ must not be subjected to flooding incidental to the construction work.

(7) Any required trenching shall be routed in such a manner as to minimize root damage. Ground shall be excavated utilizing hand tools or air spade. Tunneling shall be considered as an alternative when practical.

(8) In areas where root cutting may be unavoidable, cuts must be clean and made at right angles to the roots.

(9) Any unavoidable movement of equipment through a PRZ shall utilize plywood or seven- to 10-inch thick layer of mulch under load to minimize soil compaction.

(10) Any desirable species 4-inch diameter at breast height (DBH) or less may be considered for transplanting utilizing the American National Standards Institute (ANSI) A300 transplant standards or equivalent.

(Ord. 2008-08-31, passed 12-1-08)

' 93.34 PLANTING.

(A) No person(s) shall install a tree identified on the prohibited tree species list on select properties located within the city corporate limits.

(B) No trees shall be planted within a public right-of-way or easement that may, at maturity, interfere with overhead utilities as determined by the utility=s overhead line clearance standards.

(C) Utility locates must be performed through Indiana Underground prior to soil disturbance for tree/shrub planting.

(D) All woody vegetation planted as a part of a landscaping plan shall be tagged to identify species during the first growing season.

(E) All trees planted on public-owned property or as part of a landscaping plan shall be mulched with a two- to four-inch thick flat layer extending three to five feet from the basal flair maintained for at least the first three growing seasons. Mulch shall not be in contact with the main stem(s).

(F) All trees planted on public-owned property or as part of a landscaping plan shall be planted at ground level such that a basal flair is above ground.

(G) All trees planted on public-owned property or as part of a landscaping plan shall not be staked for longer than one year after installation.

(H) No tree shall be planted such that it interferes with signage or traffic visibility.
(Ord. 2008-08-31, passed 12-1-08)

' 93.35 PRUNING.

(A) It shall be unlawful as a normal practice for any persons, firm or city department to top any tree on public-owned property.

(B) Pruning of all trees on public-owned property should be in accordance with ISA=s Tree Pruning Guidelines or most recent ANSI A300 Pruning Standards, and ANSI Z133.1 Safety Standards.

(C) Pruning should be limited to the removal of dead wood and the correction of potentially hazardous conditions, and structural enhancements.

(Ord. 2008-08-31, passed 12-1-08)

' 93.36 TREE REMOVAL, REPLACEMENT AND MAINTENANCE.

(A) No person(s) other than those under the direction of the City of Crown Point Public Works Director, Parks Director or their designee(s) shall remove, install or perform maintenance on tree(s) located on public-owned property.

(B) Trees removed on public-owned property shall require replacement installed on public-owned property at a location determined by Crown Point Public Works Director, Parks Director or their designee(s).

(C) Private property owner(s) shall be responsible for disposal of woody debris originating from their parcel(s) when removal is performed by any hired entity (landscaping company, tree service, neighbor, and the like).

(D) In the process of public tree removal, all stumps shall be removed at least six inches below the ground.

(E) Any person(s) applying chemicals for plant care or pest and disease abatement on public-owned property must be an Indiana Certified Pesticide Applicator.

(F) No person(s) shall excavate any ditches, tunnels, trenches within ten feet from any public tree without written permission from the City of Crown Point Public Works Director. City must respond within 48 hours of request.

(G) Any person may request that a pubic tree be considered for removal, provided that public safety is the basis for concern. The City of Crown Point Pubic Works Director or his or her designee(s) must assess and document each claim within a reasonable period of time.

(H) The City of Crown Point Pubic Works Director or his or her designee(s) has the authority to issue a stop work order for any maintenance or construction activity which is impacting a public tree.

(I) Any utility company (such as NIPSCO) or contracted company performing routine (non-emergency) overhead utility line clearance work within the corporate limits of Crown Point must have written permission from the City of Crown Point Public Works Director prior to pruning or removal of any tree.
(Ord. 2008-08-31, passed 12-1-08)

' 93.37 INSPECTIONS; MONITORING.

(A) The City of Crown Point Public Works, Planning staff or their designee(s) has the authority to enter construction sites for periodic inspections to ensure compliance with an approved landscaping plan.

(B) The City of Crown Point Public Works staffer their designee(s) has the authority to enter private property after providing written notification to property owner to conduct inspections of trees which maybe impacting public utilities and perform maintenance as needed.

(C) The City of Crown Point Public Works or their designee(s) has the authority to enter private property after providing written notification to property owner to conduct inspections of trees/shrubs for pest and disease concerns that may impact public trees and perform corrective actions as needed.
(Ord. 2008-08-31, passed 12-1-08)

' 93.38 VANDALISM.

No person(s) shall intentionally damage, cut, carve, transplant, spray, nail, attach signage or remove any tree or shrub or other vegetation on public-owned property. Those found guilty of such actions may be subject to enforcement.
(Ord. 2008-08-31, passed 12-1-08)

' 93.39 EXEMPTIONS.

In emergencies when woody vegetation has been severely damaged by storms or other causes, the City of Crown Point Planning Director, Public Works Director, Parks Director or their designee(s) may waive the requirements of '' 93.30 through 93.40 to prioritize public safety.
(Ord. 2008-08-31, passed 12-1-08)

' 93.40 APPEALS.

(A) Any person with trees already in the ground to whom any provision of this subchapter has been applied may appeal in writing, no later than 30 days after the action or decision being appealed from, to the City of Crown Point Board of Works the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The City of Crown Point Board of Works shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the City of Crown Point Board of Works may grant a waiver from the terms of this subchapter to provide relief, in whole or in part, from the action being appealed.

(B) Any person with issues concerning trees that are proposed but not already in the ground to whom any provision of this subchapter has been applied may appeal in writing, no later than 30 days after the action or decision being appealed from, to the City of Crown Point Board of Zoning Appeals the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The City of Crown Point Board of Zoning Appeals shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the City of Crown Point Board of Zoning Appeals may grant a variance from the terms of this subchapter to provide relief, in whole or in part, from the action being appealed.
(Ord. 2008-08-31, passed 12-1-08)

' 93.99 PENALTY.

(A) Any person violating any terms of this chapter for which no specific penalty is otherwise provided shall be guilty of a misdemeanor and shall be fined in a sum not exceeding $300. (Ord. 491, passed 7-3-39)

(B) A landowner who refuses to keep a sidewalk in reasonably safe condition or who refuses to abide by the notice from the Board of Public Works and Safety, as outlined in ' 93.04, shall be fined not more than $500. Each day that the unreasonable condition exists after the notice shall constitute a separate offense. (Ord. 1168, passed 5-4-81)

(C) Reserved.

(D) Any person who violates ' 93.06 shall be liable for a fine not in excess of $1,000. Each day such a violation exists shall be deemed a separate violation. (Ord. 1411, passed 11-3-86)

(E) (1) A landowner who fails to properly maintain a parkway which is his responsibility pursuant to ' 93.16 shall be liable for a

fine of no less than $25 and nor more than $250. Each day that a violation thereof shall exist shall be deemed a separate and distinct violation. (Ord. 1417, passed 12-1-86)

(2) Any person who violates ' 93.16(B) shall be liable for a fine of no less than $25 and no more than $2500. Each day that a violation thereof shall exist shall be deemed a separate and distinct violation. (Ord. 1540, passed 6-4-90)

(F) (1) Any person(s) that conducts mass grading operations resulting in the loss of trees without an approved landscaping plan as required by '' 93.30 through 93.40 will be subject to fines of no less than $200 and a maximum of $1,000 for each separate offense. Each day during which any violation of the provisions of '' 93.30 through 93.40 shall occur or continue may be deemed a separate offense. In addition to fines, a violation may also result in issuance of a stop work order on the construction project. The City of Crown Point Planning Director, Public Works Director or their designee(s) has the authority to enforce the requirements of '' 93.30 through 93.40 and this division (F).

(2) Any person(s) whose actions result in the damage or death of a tree located on public-owned property, will be subject to fines of no less than $200 and a maximum of $1000 for each separate offense. Each day during which any violation of the provisions of ' 93.30 through 93.40 shall occur or continue may be deemed a separate offense. In addition to fines, violation may also include the cost of the repair, replacement and/or labor for corrective action(s). The City of Crown Point Public Works Director or their designee(s) has the authority to enforce the requirements of '' 93.30 through 93.40 and this division (F).
(Am. Ord. 2008-08-31, passed 12-1-08)

CHAPTER 94: COMMERCIALIZATION OF MARRIAGE CEREMONIES

Section

94.0l Advertising
94.02 Signs prohibited
94.03 Unlawful to exhibit advertising
94.04 Hours of operation
94.05 Unlawful while under the influence of alcohol
94.06 Unlawful between hours of 9:00 p.m. and 8:00 a.m.
94.07 Unlawful to pay for information concerning marriage ceremony
94.08 Intoxicated persons
94.09 Littering in celebration of marriage ceremony

94.99 Penalty

' 94.0l ADVERTISING PROHIBITED.

It is unlawful for any person, firm or corporation to advertise by word of mouth or by public sign or card, or printed or sign information the location where marriage ceremonies will be performed, or to solicit, direct or inform persons about to secure a license to marry or have the marriage ceremony performed in an attempt to influence such persons to patronize any particular place, or person, or officer, or minister, or priest in having the ceremony performed, or to persuade or attempt to persuade any person or persons to enter into a marriage contract or to in any way assist any person or persons who are intoxicated, while so intoxicated in procuring the performance of the marriage ceremony and becoming married, or to in any way assist, aid or abet in carrying on or procuring the performance of marriage ceremonies or a license for same while such person or persons are intoxicated or under the influence of intoxicating liquor.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.02 SIGNS PROHIBITED.

It is unlawful for any person or persons in the city to maintain or permit to be maintained upon real estate owned or occupied by such person or persons any sign or signs advertising the place or places where marriages will be performed or the fact that marriage will be performed or the persons who will perform same, or any sign, information or material seeking to influence or direct persons to any particular place, person or persons for the purpose of having a marriage ceremony performed.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.03 UNLAWFUL TO EXHIBIT ADVERTISING.

It shall be unlawful for any person to exhibit upon any of the streets or public places in the city any advertising of any kind to aid or promote, or seeking to aid or promote the business of per-forming marriages in the city.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.04 HOURS OF OPERATION.

It shall be unlawful for any person or persons to maintain any public place or office in the city where marriages shall be performed, and to keep the place or office open between the hours of 9:00 p.m. and 8:00 a.m. by the time in effect in the city, or any such public place so maintained for the purpose of performing marriages within the city shall be and remain closed from the hours of 9:00 p.m. and 8:00 a.m. of each and every night.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.05 UNLAWFUL WHILE UNDER THE INFLUENCE OF ALCOHOL.

It is unlawful for any person or persons to attempt to enter any public office or public place where marriages are performed for the purpose of having a marriage ceremony performed while such person or persons so desiring to have such marriage ceremony performed are under the influence of intoxicating liquor.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.06 UNLAWFUL BETWEEN THE HOURS OF 9:00 P.M. AND 8:00 A.M.

It shall be unlawful for any person or persons for the purpose of having the marriage ceremony performed to seek to enter or enter any public office or public place where such ceremonies are performed between the hours of 9:00 p.m. and 8:00 a.m. of any day or days.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.07 UNLAWFUL TO PAY FOR INFORMATION CONCERNING MARRIAGE CEREMONY.

It shall be unlawful for any person or persons seeking to have a marriage ceremony performed to pay directly or indirectly to any person or persons within the limits of the city any tip, fee or thing of value for information of direction as to any public place where a marriage ceremony can or will be performed.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.08 INTOXICATED PERSONS.

It shall be unlawful for any person or persons under the influence of intoxicating liquor within the city to seek to have performed or to influence or attempt to influence any person or persons to perform or assist in performing the marriage ceremony for the applicant or applicants while such applicant or applicants are under the influence of intoxicating liquor.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.09 LITTERING IN CELEBRATION OF MARRIAGE CEREMONY.

It shall be unlawful for any person or persons to scatter, throw upon, or drag about upon the streets of the city any rice, papers, tin cans, debris or any materials of any sort which litter or obstruct

the streets, or create any noise or commotion on or about the streets or public places of the city in celebration of any wedding or marriage ceremony, or in aid or encouragement thereof.
(Ord. 467, passed 9-l2-36) Penalty, see ' 94.99

' 94.99 PENALTY.

Any person or persons who shall be guilty of the violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed $50.
(Ord. 467, passed 9-l2-36)

CHAPTER 95: CAMPS, TRAILERS, HOUSE CARS

Section

95.0l Definitions
95.02 Forty foot building line required
95.03 Rental of tents prohibited
95.04 Space requirements
95.05 Cabin requirements
95.06 Sanitary regulations
95.07 Duties of camp
95.08 Use of trailer or camp space for commercial use prohibited
95.09 Compliance
95.l0 License required

95.99 Penalty

' 95.0l DEFINITIONS.

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

ATOURIST CAMP.@ Any plot of land, with or without buildings, privately or municipally owned, which is used, maintained or held out to the public for use for camping purposes, whether free of charge or by payment of a fee, and shall specifically include any plot of ground where housetrailers or like vehicles are parked for a period of time exceeding 24 hours.
(Ord. 50l, passed l0-l7-4l)

' 95.02 FORTY FOOT BUILDING LINE REQUIRED.

No tourist camp shall be designated or constructed or occupied in the incorporated city, unless the same shall have in front there- of a yard. The yard must extend completely across that portion of the camp which faces upon a public street or highway, and there shall be no obstructions in the yard for a distance of 40 feet from the inside line of the sidewalk abutting the street. It is the intention of this section to provide a 40 foot building line for all tourists camps.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.03 Rental of tents prohibited.

Tents of any nature, kind or description shall in no case be rented or leased by the owner, proprietor, agent of lessee of any tourist camp to the general public for over-night accommodation, and the occupants of any tent privately owned shall be limited to an over-night stay of 24 hours in any tent encamped in the city.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.04 SPACE REQUIREMENTS.

(A) Each tourist camp shall be of sufficient size and area that no trailer or tent shall have less ground area surrounding it than 900 square feet. No tourist cabin shall be constructed on any area

unless l200 square feet of area is allocated to each tourist cabin accommodating not more than 2 people, and an additional l200 square feet shall be allocated to each cabin for each additional 2 people.

(B) No tourist cabin shall be constructed unless of sufficient size that the sleeping room therein shall provide not less than 500 cubic feet of air space to each person accommodated thereby.

(C) It shall be the duty of the proprietor, owner or agent operating any such tourist camp, to see that the trailers or other vehicles parked therein shall be kept in a regular alignment, spaced at regular intervals.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.05 CABIN REQUIREMENTS.

(A) If tourist camps are equipped with tourist cabins the construction of the tourist cabins shall comply, in all respects, to the zoning code.

(B) The tourist cabins so constructed shall each be furnished with suitable toilet facilities and bathing accommodations.

(C) The doors, windows and other openings upon each of the tourist cabins shall be properly screened, and the doors shall be fitted with self-closing screen doors and wire window screens of not coarser than l6 gauge wire mesh.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.06 SANITARY REGULATIONS.

(A) No tourist camp which is used for parking trailers or for camping purposes shall be permitted in the incorporated city unless a suitable and proper washroom and water closets shall be provided by the owner, agent or lessee, and such water closets shall be properly screened and ventilated, and be kept, at all times, in a clean and sanitary condition.

(l) The water closets shall be equipped with not less than one seat for each l0 people, and those water closets or toilets used by the women and girls in the camp shall have separate approaches and be separate and apart from those used by the men.

(2) All of the water closets or toilets shall be kept free from obscene writing and marking.

(3) The floors of such toilet rooms shall be of cement, tile, wood, brick or other non-absorbent material and shall be washed and scoured daily.

(4) Each of the toilets shall be furnished with separate ventilating flues or pipes discharging into soil pipes or on the outside of the building in which they are situated.

(B) In any tourist camp where each cabin is not equipped with toilet and bathing facilities, there shall be constructed lavatories and washrooms which shall be adjacent to the toilet rooms and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. The lavatories shall be so constructed and of such number that there shall be allocated one lavatory to each l0 people which the camp will accommodate at normal times.

(C) In addition to the toilets and lavatories hereinabove in the 2 preceding sections of this chapter mentioned, the owner, agent or lessee in each such establishment, shall provide a shower bath or bath tub to each l0 people that the camp will accommodate, and these shall be enclosed in suitable structures as to insure privacy, and shall be kept in a clean and sanitary condition at all times.

(D) The toilet facilities, hereinabove described, together with the baths and lavatories, shall each and all be connected with the permanent sewer system of the incorporated city, in the event the sewer system is available, and if the tourist camp is so located that the sewer is not available, suitable septic tanks or other absorption devices shall be constructed and shall be of such size as, in the opinion of the chief of police of the city shall be deemed sufficient to accommodate the sewage delivered to them.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.07 DUTIES OF CAMP.

(A) Each tourist camp in the city, whether consisting of cabins, or an area where camping of any kind is done, shall be equipped with not less than 6 approved fire-extinguishers, also each and every such individual trailer or house car or cabin shall be equipped with a proper fire extinguisher.

(B) A garbage can of an approved type shall be furnished with each parking space or cabin; and the proprietor, agent or lessee shall keep a record or register book in which the names and addresses of all people using the establishment as a temporary residence, shall be listed. The registration book shall be open to the inspection of the police officers of the city at any and all times, and shall, upon request, be furnished to the officers for examination.

(C) No person shall remain a resident of any such tourist camp for a period greater than 30 days continuously.

(D) All of the tourist camps shall be located upon well-drained ground, and the premises of such establishment shall, at all times, be kept in a clean and safe condition.

(E) All tourist camps shall be provided with an adequate supply of drinking water, and if wells, springs or cisterns are constructed upon the premises, they shall be adequately protected from contamina-

tion. The use of common drinking cups for the water is prohibited, and wherever possible, sanitary drinking fountains shall be installed.

(F) All tourist camps located in the city shall be properly and adequately lighted at all times, so that the yard thereof will be safe for the occupants and visitors, and each and every toilet room, bath house or lavatory house shall be equipped with light to be kept burning from sunset until dawn of each and every night.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.08 USE OF TRAILER OR CAMP SPACE FOR COMMERCIAL USE PROHIBITED.

No occupant of any tourist camp within the incorporated city shall use the space allocated to him or her for commercial purposes of any nature, kind or description whatsoever.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.09 COMPLIANCE.

Each of the regulations prescribed in this chapter shall be in addition to the regulations contained in state law, and the regulations and rules prescribed by the state board of health pursuant to this state law.
(Ord. 50l, passed l0-l7-4l)

' 95.l0 LICENSE REQUIRED.

It shall be unlawful to occupy and maintain any trailer or house car whether same is resting upon wheels or other foundation within the city except in a duly licensed tourist camp and strictly in accordance with each and all of the provisions of this chapter.
(Ord. 50l, passed l0-l7-4l) Penalty, see ' 95.99

' 95.99 PENALTY.

Any person violating any of the provisions of this chapter shall be subject to a fine of not less than $l0 and not more than $l00, and each and every day=s continuance of a violation of any of the provisions of this chapter shall constitute a separate and distinct offense.
(Ord. 50l, passed l0-l7-4l)

CHAPTER 96: CITY PARKS AND PROPERTY

Section

City Parks

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CITY PARKS

' 96.01 DEFINITION; PROHIBITED ACTS IN THE PARKS.

(A) For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

ACITY PARK.@ Real estate owned or leased by the city which is under the control of the Parks Department, and which real estate is open to the general public and used for public recreational purposes. The term shall not include city-owned or leased real estate which may enjoy recreational uses from time to time, but which is not open for general public use or which is owned or leased by the city but leased to other persons or entities.

(B) It shall be unlawful for any person, firm, or corporation using the parks to either perform or permit to be performed any of the following actions:

(1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof, sign, notice, or placards whether temporary or permanent, monument, stake, post, or other boundary marker, or structure, or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(2) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water, in or adjacent to any park, or any tributary, stream, storm sewer or drain, flowing into each such body of water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters;

(3) Bring in or dump, deposit, or leave bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided all the rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere;

(4) Disturb the peace or use any profane, obscene, or blasphemous language;

(5) Endanger the safety of any person by any conduct or act, including, but not limited to golfing;

(6) Commit any assault, battery, or engage in fighting;

(7) Carry, possess, or drink any alcoholic beverage in any park except in those clearly posted, designated and delineated areas as authorized by the city and the Alcohol Beverage Commission of the state;

(8) Prevent any person from using any park or any of its facilities or interfere with the use in compliance with this chapter and the rules applicable to the use;

(9) Swim, bathe, or wade in any waters or waterways in or adjacent to any park except in those waters and at those places as are provided therefor; or

(10) Disregard posted park rules and regulations.
(Ord. 936, passed 7-6-76; Am. Ord. 1232, passed 8-23-82; Am. Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2013 05-08, passed 6-3-13) Penalty, see ' 96.99

' 96.02 HOURS.

The parks, exclusive of the swimming pool, shall be open daily to the public from 6:00 a.m. to 10:00 p.m. each day, and it shall be unlawful for any person to occupy or be present in the parks during any hours in which the parks are not open to the public.
(Ord. 936, passed 7-6-76; Am. Ord. 1323, passed 8-6-84) Penalty, see ' 96.99

' 96.03 PERMIT TO PARK AFTER HOURS; APPLICATION.

(A) Whenever any group, association, or organization desires to use the park facilities for a particular purpose such as picnics, parties, theatrical, or entertainment performances beyond the hours set forth in ' 96.02 of this chapter, a representative of the group, association, or organization shall first obtain a permit from the mayor=s office for these purposes. The city council may adopt an application form to be used by the mayor for these situations.

(B) The mayor shall grant the application if it appears that the group, association, or organization will not interfere with the general use of the park by the individual members of the public and if the group, association, or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind or character and to protect city property from damage.
(Ord. 936, passed 7-6-76)

' 96.04 DRIVING AND PARKING.

It shall be unlawful to drive or park any motorized vehicle of any kind including motorcycles and trail bikes, except on a street, driveway, or parking lot in any park, or to park or leave any vehicle in any place other than one established for public parking.
(Ord. 936, passed 7-6-76) Penalty, see ' 96.99

' 96.05 WINTER PARKS PROGRAM.

The city council=s parks committee may conduct or permit a winter parks program in or on the area of certain public parks. In this event, the parks committee may permit the park to be open during reasonable hours for those purposes.
(Ord. 936, passed 7-6-76)

' 96.06 ANIMAL EXCREMENT IN PARKS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) AANIMAL EXCREMENT@ and AANIMAL FECES.@ Refuse matter expelled from the body of an animal.

(2) ACITY PARK.@ The definition thereof found in ' 96.01(A).

(B) It shall be unlawful for any person who owns or controls an animal, to allow such animal to defecate or discharge animal excrement or animal feces at or upon the grounds of a city park.

(C) It shall be the duty of any such person so owning or controlling such an animal to immediately remove the excrement or animal feces from the city park in which it is discharged.
(Ord. 1412, passed 10-6-86)

' 96.07 PARKS AND RECREATION DEPARTMENT NON-REVERTING OPERATING FUND.

(A) A special non-reverting operating fund is hereby established for the Department of Parks and Recreation which shall be known as ACrown Point Parks and Recreation Department Non-Reverting Operating Fund@. With the exception of revenues generated by or from the operation of Hub Pool, all funds, monies or fees recovered from any user of Parks and Recreation Department programs, facilities or lands shall not revert to the General Fund of the city, but shall revert to and be placed in the Parks and Recreation Department Non-Reverting Operating Fund for the Parks and Recreation Department=s exclusive and sole use for any operating expenses.

(B) All revenues generated by or from the Park Department=s operation of Hub Pool shall be deposited by the Clerk-Treasurer into the city=s General Fund.
(Ord. 1848, passed 6-2-97; Am. Ord. 2001-05-011, passed 5-7-01)

CITY PROPERTY

' 96.10 DEFINITION; PROHIBITED ACTS ON CITY PROPERTY.

(A) For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

ACITY PROPERTY.@ Real estate owned, leased, controlled or maintained by the city which may enjoy recreational uses from time to time, but which is not open for general public use.

(B) It shall be unlawful for any person, firm or corporation using city property to either perform or permit to be performed any of the following actions:

(1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof, sign, notice, or placards whether temporary or permanent, monument, stake, post or other boundary marker, or structure, or equipment, facilities or city property or appurtenances whatsoever, either real or personal;

(2) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any city property, or any tributary, stream, storm sewer or drain, flowing into each such body of water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters;

(3) Bring in or dump, deposit, or leave bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to any city property or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided all the rubbish or waste shall be carried away from the city property by the person responsible for its presence and properly disposed of elsewhere.

(4) Disturb the peace or use any profane, obscene or blasphemous language;

(5) Endanger the safety of any person by any conduct or act;

(6) Commit any assault, battery or engage in fighting;

(7) Carry, possess or drink any alcoholic beverage on any city property except in those clearly posted, designated and delineated areas as authorized by the city and the Alcohol Beverage Commission of the state;

(8) Prevent any person from using any city property or any of its facilities or interfere with the use in compliance with this chapter and the rules applicable to the use;

(9) Swim, bathe or wade in any waters or waterways in or adjacent to any city property except in those waters and at those places as are provided therefor.
(Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2013 05-08, passed 6-3-13) Penalty, see ' 96.99

' 96.11 HOURS.

City property shall be open daily to the public from 6:00 a.m. to 10:00 p.m. each day and it shall be unlawful for any person to occupy or be present on city property during any hours in which the city property is not open to the public.
(Ord. 2003-08-36, passed 7-7-03) Penalty, see ' 96.99

' 96.12 DRIVING AND PARKING.

It shall be unlawful to drive or park any motorized vehicle of any kind including motorcycles and trail bikes, except on a street, driveway,

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or parking lot on any city property, or to park or leave any vehicle in any place on city property other than one established for public parking.
(Ord. 2003-08-36, passed 7-7-03) Penalty, see ' 96.99

' 96.13 DRIVING AND PARKING ALL-TERRAIN VEHICLES.

It shall be unlawful to drive or park an all-terrain vehicle on any street or on any city property.
(Ord. 2003-08-36, passed 7-7-03) Penalty, see ' 96.99

' 96.99 PENALTY.

(A) Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be fined not less than $10 nor more than $300. (Ord. 936, passed 7-6-76)

(B) Any person who violates the provisions of ' 96.06 shall be liable for a fine of not more than $500. (Ord. 1412, passed 10-6-86)

Section

97.0l Definitions
97.02 Permitted devices
97.03 Monitoring system
97.04 Permit required
97.05 Application for permit
97.06 Inspection
97.07 Local alarms
97.08 Testing of equipment
97.09 False alarms
97.l0 Revocation of permit
97.ll Disconnection
97.l2 Appeal
97.l3 Notice of violation

97.99 Penalty

' 97.0l DEFINITIONS.

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

AALARM CONDITIONS.@ Unlawful intrusion on an alarm user=s property, or other circumstances that the various alarm systems are designated to protect against; Acts of God; other violent conditions; or acts of outside agencies or external forces not under the control of the owner, lessee, or his employee or agent.

AALARM EQUIPMENT SUPPLIER.@ A 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.

AALARM SYSTEM.@ Equipment or devices which signal the presence of an alarm condition directly to a receiving terminal or central station requiring urgent attention and to which the Police or Fire Department are expected to respond.

AALARM USER.@ A person on whose premises an alarm system is maintained.

ACENTRAL 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.

ADIRECT LINE.@ A telephone line (wire only) leading directly into the communications center of the Police or Fire Department that is used to report signals on a station-to-station basis.

AFALSE ALARMS.@ The activation of an alarm system when there is no alarm condition.

ALOCAL ALARM SYSTEMS.@ An audible or visual signaling device activated in or on the premises within which the system is installed.

APERSON.@ Any individual, partnership, corporation, association, or society, but such term does not include the city.

APOLICE CHIEF.@ The Chief of the Police Department of the city or his authorized representative.

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

ARESIDENCE.@ A place of human abode.

ASIGNALING DEVICE.@ An electrically operated instrument associated with and part of an alarm system which automatically sends visual or audible signals over a direct line from the alarm user to be registered by indicators at a monitor panel at the receiving terminal or central station.
(Ord. l334, passed l2-3-84)

' 97.02 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 or Fire Department of the city which reproduce any pre-recorded message to report any alarm condition.

(B) With the exception of local alarms, only signaling devices shall be permitted to be installed in the city for the purpose of reporting any alarm condition to the Police Department of the city.
(Ord. l334, passed l2-3-84) Penalty, see ' 97.99

' 97.03 MONITORING SYSTEM.

The Board of Works and Public Safety is authorized to contract for and maintain the installation of a uniform monitoring terminal to receive visual or audible signals over direct lines.
(Ord. l334, passed l2-3-84)

' 97.04 PERMIT REQUIRED.

No alarm user shall install, operate, or maintain an alarm system in the city without first obtaining a permit as required by this section. Any alarm user who operates an alarm system without first obtaining a permit as required by this section, or who, after

having a permit revoked, fails to disconnect his alarm system, shall be in violation of this chapter.
(Ord. l334, passed l2-3-84) Penalty, see ' 97.99

' 97.05 APPLICATION FOR PERMIT.

(A) Applications for permits to install, maintain, and operate an alarm system shall be filed with the Clerk-Treasurer of the city together with an application fee of $20, renewable annually on or before January l of each year, commencing January l, l985. The alarm user applying for the permit shall indicate on the application form his name, the address of the premises in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local, burglar, signaling device, holdup signaling device, fire signaling device) the alarm equipment supplier selling, installing, monitoring, inspecting, responding to, or maintaining the alarm system, and the name and telephone number of at least two other persons (in the case of a corporate alarm user application, at least three persons) who can be reached at any time, day or night, and who can open the premises in which the system is installed. The alarm user shall keep current any changes in the name, residence, address, or telephone number of such persons. The information contained in an alarm user permit application required by this section and other information received by the Police Chief through corresponsdence or communications with an alarm user shall be securely maintained and restricted to inspection only by the Police Chief or city employees specifically assigned the responsibility for handling and processing alarm user authorizations in the city. City officials and employees assigned the foregoing duties shall not 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 such information. The Clerk-Treasurer shall approve such application if the Clerk-Treasurer finds that:

(l) A statement that the alarm system equipment complies with applicable standards of Underwriters Laboratories, the National Fire Protection Association, Factory Mutual, Canadian Standards Association, or their equivalents; and

(2) The alarm equipment supplier installing the alarm system maintains an adequate service organization to repair, maintain, and otherwise service the alarm system sold, leased, or installed by him.

(B) The Clerk-Treasurer is authorized to rely on information by the Police Department in determining whether the foregoing requirements are met.
(Ord. l334, passed l2-3-84; Am. Ord. 1778, passed 10-2-95)

' 97.06 INSPECTION.

The Chief of Police shall have the right to inspect any alarm system on the premises where it is intended to be used, both prior to and subsequent to the issuance of a permit, at reasonable times, to determine whether a permit should be granted and whether it is being used in conformity with the terms of the permit and the provisions of this chapter. Every alarm user authorized under this section shall be required to have his alarm system inspected at least once each year by an alarm equipment supplier, or other person, designated by the Chief of Police, and post a certificate of such inspection on the premises, in plain view, where the alarm system is maintained. There shall be a $l0 annual inspection fee for residences and a $50 annual inspection fee for any other structure; provided, however, that schools accredited by the state shall not be liable for such a fee.
(Ord. l334, passed l2-3-84)

' 97.07 LOCAL ALARMS.

Local alarms with any externally audible alert shall not produce a sound similar to that of civil defense warning systems, and such alarms in residential districts must have an automatic cutoff after l5 minutes of activation.
(Ord. l334, passed l2-3-84)

' 97.08 TESTING OF EQUIPMENT.

No alarm system designed to transmit alarm conditions directly to the Police or Fire Department shall be tested or demonstrated without first obtaining permission from the Police or Fire Department. Permission is not required to test or demonstrate alarm signaling devices not transmitting alarm conditions directly to the Police or Fire Department. Failure to notify the Police or Fire Department prior to testing an alarm signaling device which transmits alarm conditions directly to the Police or Fire Department shall constitute a false alarm.
(Ord. l334, passed l2-3-84) Penalty, see ' 97.99

' 97.09 FALSE ALARMS.

(A) No Aalarm system@ or Alocal alarm system@, as defined herein, shall transmit more than four false alarms in any 90-day period.

(B) A person may not intentionally cause a false alarm to be transmitted, whether for testing, or for any other reason.
(Ord. l334, passed l2-3-84; Am. Ord. 1778, passed 10-2-95) Penalty, see ' 97.99

' 97.l0 REVOCATION OF PERMIT.

(A) False alarms on more than ten occasions in one calendar year from any alarm system for which an alarm user permit has been issued shall constitute grounds for the revocation of the permit granted subject to provisions of this section.

(B) If the Police Department records false alarms on four occasions in any 90-day consecutive period from a single alarm user, it shall notify the alarm user and the alarm equipment supplier, thereof, and require the submission of a written report, within l5 days, describing efforts to discover and eliminate the cause or causes of the false alarms. If the alarm user fails to submit such report within l5 days (or such longer period as the Chief of Police may reasonably grant) or if by the report, the alarm user fails to indicate reasonable measures taken to eliminate or reduce false alarms, the Police Chief may revoke the alarm user=s permit, and notify the alarm user accordingly.

(C) When alarm conditions are received by the Police Department which evidence a failure to comply with the requirements of this chapter, the Police Chief is authorized to require the alarm user or his representative to disconnect such alarm system until it is shown to comply with the requirements of this chapter.

(D) The Police Chief 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 he determines that the alarm system has been installed, maintained, or operated in violation of this chapter or of any term or condition of the permit.

(E) An alarm user whose permit has been revoked pursuant to this section may apply for a new permit by complying with all the requirements of ' 97.05 and, in addition, shall provide the Clerk-Treasurer with the following:

(l) A written certification from the Police Chief indicating that the alarm user=s alarm system is in proper working order and complies with all other requirements of this chapter.

(2) A written certification from the City Court Clerk that no actions charging the alarm user with violations of this chapter are pending, nor judgments against the alarm user for such violations are unsatisfied.
(Ord. l334, passed l2-3-84)

' 97.ll DISCONNECTION.

In the event the city finds it necessary to order an alarm system disconnected, the city shall incur no liability by such action to the extent allowed by law.
(Ord. l334, passed l2-3-84)

' 97.l2 APPEAL.

A person affected by any administrative action or omission pursuant to the provisions of this chapter, may appeal the action or omission in writing to the Board of Works and Public Safety with ten days thereof. The Board of Works and Public Safety shall, within 30

days of receipt of the appeal, conduct a hearing thereon, and either affirm, modify, or reverse the action or omission complained of. The action of the Board of Works and Public Safety on the appeal shall be final.
(Ord. l334, passed l2-3-84)

' 97.l3 NOTICE OF VIOLATION.

The Police Department shall furnish the Clerk-Treasurer with a copy of any notice of ordinance violation issued for a violation of this chapter no later than the business day following the date of issuance.
(Ord. l334, passed l2-3-84)

' 97.99 PENALTY.

(A) A person who violates any provision of '' 97.02, 97.04, or 97.08 shall be liable for a fine of no less than $25 nor more than $l,000.

(B) A person who violates ' 97.09(A) shall be liable for a fine of no less than $50 nor more than $l,500. Each false alarm in excess of four such false alarms in any 90-day period shall be a separate and distinct violation.

(C) A person who violates ' 97.09(B) shall be liable for a fine of no less than $250 nor more than $2,500.
(Ord. l334, passed l2-3-84)

CHAPTER 98: NOISE CONTROL

Section

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98.02 General prohibition
98.03 Specific restrictions
98.04 Noise caused by motor vehicles
98.05 Stationary source
98.06 Exemptions
98.07 Prohibiting loud noises on public streets and public places

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Appendix A: Scientific definitions
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' 98.01 DEFINITIONS.

All terminology used in this chapter shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AA-WEIGHTED SOUND LEVEL.@ The loudness of a sound measured through a filtering device intended to simulate human hearing. The level is designated dB(A) or dBA.

ACOMMERCIAL ZONE.@ Zones B-l, B-2, B-3, and OS-l.

ADECIBEL (dB).@ A unit for measuring the sound pressure level of a sound.

AFREQUENCY.@ An objective way to describe the pitch of sound.

AHERTZ (Hz).@ A unit for measuring the frequency of a sound (sometimes called Acycles per second@).

AINDUSTRIAL ZONE.@ I-l.

ALIGHT MOTOR VEHICLE.@ Any motorized vehicle with gross vehicular weight less than 8,000 pounds including automobiles, vans, motorcycles, motor-driven cycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-karts, minibikes, trail bikes, and light trucks.

AMODIFIED EXHAUST SYSTEM.@ Any exhaust system in which the original noise abatement devices have been removed, altered, or replaced to produce more noise.

ANOISE.@ Any unwanted sound.

AOCTAVE BAND.@ A way to divide the entire frequency range of sound into sections for more accurate measurement.

APLAINLY AUDIBLE.@ Any noise for which the information content is unambiguously communicated to the listener, including understandable spoken speech, comprehension of whether a voice is raised, agitated, or normal, or comprehensible musical rhythms.

ARESIDENTIAL ZONES.@ Zones R-l, R-2, and R-3.

ASOUND LEVEL METER.@ An instrument designed to measure sound pressure levels.

ASOUND PRESSURE LEVEL.@ An objective way to describe the loudness of a sound.
(Ord. 1223, passed 12-3-84)

' 98.02 GENERAL PROHIBITION.

No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property=s value. This general prohibition is not limited by the specific restrictions listed in the following sections.
(Ord. 1223, passed 12-3-84) Penalty, see ' 98.99

' 98.03 SPECIFIC RESTRICTIONS.

The following acts are declared to be unlawful:

(A) Radios, television sets, musical instruments, tape or record players, amplifiers, and similar devices: operating or permitting the use or operation of any such device in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building.

(B) Domestic power tools: operating or permitting the use or operations of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, or similar device used outdoors between the hours of 10:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby.

(C) Construction: operating or permitting the operation of any tools or equipment used in construction, drilling or demolition between the hours of 8:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby.

(D) Horns and signaling devices: operating a horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.

(E) Participation in noisy parties or gatherings: participation in any party or gathering between the hours of 10:00 p.m. and 8:00 a.m. giving rise to noise that is plainly audible across property boundaries or between partitions common to two or more persons within a building.

(F) Animals: owning, keeping, possessing, or harboring any animal or animals which, by frequent or habitual howling, barking, meowing, squawking, or other noisemaking, causes a noise disturbance. The provisions of this section shall also apply to all private or public facilities, including any animal pounds, which hold or treat animals. (Ord. 1223, passed 12-3-84) Penalty, see ' 98.99

' 98.04 NOISE CAUSED BY MOTOR VEHICLES.

(A) It shall be unlawful for any person to cause the sound pressure level of the noise emitted during the operation of a light motor vehicle to exceed 80 dBA in speed zones of 35 m.p.h. or less within the corporate limits of the city. The sound pressure level measurement shall be made at a distance of not less than 15 feet from the edge of the lane of travel of the violator.

(B) It shall be unlawful for any person to operate a light 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, de-acceleration, engine revving, or tire squealing. (Ord. 1223, passed 12-3-84) Penalty, see ' 98.99

' 98.05 STATIONARY SOURCE.

(A) It shall be unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property where the person is located.

(l) If the person is located within a residential zone: 55 dBA between the hours of 10:00 p.m. and 6:00 a.m.

(2) If the person is located within a commercial zone: 64 dBA at all times.

(3) If the person is located within an industrial zone: 66 dBA at all times.

(B) If the property boundary lies between two zones, the lower limit shall apply regardless of the zone in which the person creating the noise is located.

(C) In addition to the above, no person within a residential or a commercial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the property boundary of the vibration source. No person within an industrial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the zone boundary of the zone in which the vibration source is located. (Ord. 1223, passed 12-3-84) Penalty, see ' 98.99

' 98.06 EXEMPTIONS.

The provisions of this chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of work to prevent or alleviate physical or property damage threatened or caused by a public calamity or other emergency.
(Ord. 1223, passed 12-3-84)

' 98.07 PROHIBITING LOUD NOISES ON PUBLIC STREETS AND PUBLIC PLACES.

(A) Definitions. Definitions for the purpose of this section the following definitions shall apply:

ADEVICE.@ Any radio, tape recorder/player, compact disc player, stereo system, record player, television or other electronic device capable of producing or reproducing any sound, noise, musical rhythm or vocal sound.

AMOTOR VEHICLE.@ Any vehicle, such as but not limited to, automobiles, trucks, motorcycles or any other vehicle propelled or operated by any mechanical means of power.

APLAINLY AUDIBLE.@ Any noise, musical sound, musical rhythm, or any other sound that is electronically amplified or broadcast in any manner that can be heard from a distance grater than 20 feet from the source of the sound.

APUBLIC RIGHT-OF-WAY@ or APUBLIC PLACE.@ Includes, but not be limited to, any avenue, street, road, alleyway, easement, parkway, highway, sidewalk, park or other public place that is owned or controlled by any governmental entity.

(B) Offense. It shall be unlawful within the municipal limits of the city for the owner, operator, passenger or other person to play, use, operate or permit to be played used or operated any device located on or within any motor vehicle at such a level so to be plainly audible or distract any person at a distance greater than 20 feet from the motor vehicle.

(C) Exception. The section shall not apply to any person or entity participating in any parade or public assembly that has received a permit from the city as provided in Municipal Code ' 92.75.

(D) Penalty. Any person violating any provision of this section shall be fined not more than $2,500 per day for each violation. Each day a violation occurs shall constitute a separate offense of this section. A first violation of this section within any 12 month period shall include a mandatory minimum fine of not less than $100. Any second violation of this section within any 12 month period shall include a mandatory fine of not less than $300. Any third or subsequent violation of this section within any 12 month period shall include a mandatory fine of not less than $1,000.
(Ord. 1898, passed 6-6-98)

' 98.99 PENALTY.

(A) Any person found in violation of the motor vehicle noise limits set forth in ' 98.04 shall be fined not less than $50 nor more than $250.

(B) Any person violating any provision of ' 98.02, ' 98.03 and ' 98.05 shall be fined not more than $2,500 per day for each violation. Each day a violating occurs shall constitute a separate offense. A first violation of any of these sections within any 12 month period shall include a mandatory minimum fine of not less than $100. Any second violation of these sections within any 12-month period shall include a minimum fine of not less than $500. Any third or subsequent violation of these sections shall include a mandatory fine of not less than $1,000.

(C) Each day that a violation is in effect shall constitute a separate offense.
(Ord. 1223, passed 12-3-84; Am. Ord. 2005-06-17, passed 6-6-05)

APPENDIX A: SCIENTIFIC DEFINITIONS

The concise, scientific definitions of the terms used in this chapter shall be:

A<u>A-WEIGHTED SOUND LEVEL.</u>@ The sound pressure level of a sound measured through an a-weighted filter network. The level read is designated dB(A) or dBA.

A<u>DECIBEL (dB).</u>@ The unit used for comparing the sound pressure level of a sound to the sound pressure level of a reference sound having a sound pressure of 20 micropascals.

A<u>FREQUENCY.</u>@ The number of periodic oscillations, vibrations, or waves per unit time (usually one second).

A<u>HERTZ (Hz).</u>@ The unit for measuring the frequency of a sound. The number of hertz is the number of cycles per second of a periodic sound pressure wave.

A<u>OCTAVE BAND.</u>@ A portion of the entire sound frequency spectrum contained between two frequencies A and B such that A = 2B.

A<u>SOUND PRESSURE LEVEL.</u>@ Twenty times the logarithm (base l0) of the ratio of the measured sound pressure to a reference pressure of 20 micopascals. The sound pressure level is expressed in Decibels (dB).

$$SPL = 20\ LOG_{l0}\ \frac{\text{Sound Pressure A}}{\text{Sound Pressure B}}$$

Sound Pressure A = Measured Sound Pressure

Sound Pressure B = Reference Sound Pressure
(l0 Micropascals)

(Ord. l223, passed l2-3-84)

APPENDIX B: OCTAVE-BAND BREAKDOWNS OF dBA LIMITS

The octave-band breakdowns of the dBA limits used in this chapter shall be:

(A) For a residential zone: (55 dBA)

Octave-Band Center Frequency (hz)	Maximum Boundary SPL (dB)
3l.5	72
63	7l
l25	65
250	57
500	5l
l000	45
2000	39
4000	34
8000	32

(B) For a commercial zone: (64 dBA)

Octave-Band Center Frequency (hz)	Maximum Boundary SPL (dB)
3l.5	79
63	78
l25	73
250	67
500	6l
l000	55
2000	50
4000	46
8000	43

(C) For an industrial zone: (66 dBA)

Octave-Band Center Frequency (hz)	Maximum Boundary SPL (dB)
3l.5	80
63	79
l25	43
250	69
500	63
l000	57
2000	52
4000	48
8000	45

(Ord. l223, passed l2-3-84)

CHAPTER 99: ABANDONED VEHICLES

Section

99.0l Designation of public agency
99.02 Towing and storage
99.03 Charges

' 99.0l DESIGNATION OF PUBLIC AGENCY.

The Police Department of the city is designated as the public agency responsible for removal, storage, and disposal of abandoned vehicles, pursuant to IC 9-22-1.
(Ord. l384, passed 4-7-85)

' 99.02 TOWING AND STORAGE.

Abandoned vehicles may be towed by any towing service which has contracted for such service with the Board of Works and Public Safety, and be stored at any storage area approved by or contracted for by the Board of Works and Public Safesty, and approved by the Indiana Bureau of Motor Vehicles.
(Ord. l384, passed 4-7-85)

' 99.03 CHARGES.

The cost of towing and storing an abandoned vehicle shall be payable by the owner or lienholder of record of a vehicle; and, if not paid by the owner or lienholder, shall be paid first from the proceeds of sale of the vehicle pursuant to law. Charges for towing service and for storage shall be the reasonable value of such services rendered according to the usual and customary charge in the community; provided, however, that no such charges may exceed that allowed by duly promulgated regulations of the Indiana Bureau of Motor vehicles.
(Ord. l384, passed 4-7-85)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. PARKING LOTS
111. TAXICABS
112. MILK PRODUCTS
113. AUTOMOBILE SERVICE STATIONS
114. ELECTRICAL CODE
115. BUSINESS REGISTRATION
116. SOLICITORS; TRANSIENT MERCHANTS
117. BUSSES
118. CONTRACTOR LICENSING
119. CABLE COMMUNICATIONS SYSTEM FRANCHISES
120. TREE-TRIMMING ACTIVITIES
121. TELECOMMUNICATIONS SERVICES REGULATIONS
122. TELECOMMUNICATIONS EASEMENTS AND RIGHTS-OF-WAY
123. IN-GROUND LAWN IRRIGATION SYSTEMS
124. PAWN BROKERS; SCRAP DEALERS; CASH FOR GOLD

CHAPTER ll0: PARKING LOTS

Section

ll0.0l License required
ll0.02 Application accompanied by maps or blue prints
ll0.03 Restrictions
ll0.04 City exempted
ll0.05 License to be displayed

ll0.99 Penalty

' ll0.0l LICENSE REQUIRED.

It shall be unlawful for any person, firm, or corporation, the agent, servant, or representative of any of the above, to build, provide, own, or operate or permit the building or operation of a parking area for three or more automobiles or motor vehicles on any land, area or lot; or to destroy any lawn, shrubs, or trees in order to prepare a place for parking motor vehicles or a driveway to and from such lot, owned, rented or controlled by any person, firm, or corporation, board or agent, or any representative of the above named, without having applied for and obtained a license to operate or conduct a parking lot. Such license shall be issued only by the Clerk-Treasurer upon the recommendation in writing of the City Plan Commission. After a hearing before the City Plan Commission and the written verified application of the applicant, and after a publication of notice on hearing as provided herein the license shall be approved and ordered by the Common Council of the city.
(Ord. 628, passed 7-3-57) Penalty, see ' ll0.99

' ll0.02 APPLICATION ACCOMPANIED BY MAPS OR BLUE PRINTS.

The application shall be verified by the applicant or some official agent of the applicant and shall be accompanied by an attached survey, maps, or blue prints of the lot or area to be used as a parking lot or area. It shall be certified by a licensed engineer and shall show the proposed lay-out of the area, including parking stalls, or spaces, lanes, and aisles, entrances and exits; and whether it shall open or permit entrance and exit to or upon a thoroughfare or main street or streets; the actual density and direction of traffic on the street or streets; present and proposed lighting of street at such junction with entrance and exit driveway and any other information as required by the City Plan Commission and the Common Council of the city. This information shall be furnished in order to enable the City Plan Commission and the Common Council to estimate the hazards to the users of the street or streets which may arise because of the operation of the parking lots or area in connection with the street or streets.
(Ord. 628, passed 7-3-57) Penalty, see ' ll0.99

' ll0.03 RESTRICTIONS.

(A) It shall be unlawful to operate a parking lot or area or permit the operation of a parking lot or area directly abutting, or

directly connecting by a driveway with a through street, or less than 500 feet from the intersection of any public street.

(B) It shall be unlawful for any person, firm, or corporation, or board or governing body of any corporation to cut, break through, remove, destroy, disturb, or pass over any portion of any paved street, curbing, gutter, or sidewalk, for the purpose of establishing an entrance or driveway connecting any thoroughfare or improved street with such lot or area without having obtained the permit provided for herein, and also having posted a good and sufficient bond with surety to the satisfaction of the Clerk-Treasurer, conditioned for the payment of all claims for damages from accident or otherwise, which may accrue to any person, firm, or corporation by reason of the construction, maintenance, or operation of the parking lot or area.
(Ord. 628, passed 7-3-57) Penalty, see ' ll0.99

' ll0.04 CITY EXEMPTED.

The provisions of '' ll0.0l, ll0.02, ll0.03, and ll0.05 shall not apply to the city, and the city shall in no way be limited thereby as to any negotiations for contracts, options, lease, or purchase of any area for the purpose of establishing, maintaining, or operating by lease, purchase, or otherwise, any parking lot or area to be owned or operated by the city itself, and operated as a public lot or area, either metered or unmetered.
(Ord. 632, passed 8-26-57)

' ll0.05 LICENSE TO BE DISPLAYED.

The Clerk-Treasurer shall issue to approved licensee, a printed certificate or card, showing that applicant is licensed for the term of one year, to operate a parking lot or area, at the site designated, and it shall be kept posted at the entrance or entrances of the lot or area, so that all patrons may see it. The license shall be renewed or extended from year to year upon application for renewal and payment of a yearly license fee. The fee shall be $5 for one year. The fees and fines shall be deposited by the Clerk-Treasurer in the same fund and used for like purposes as receipts from parking meters.
(Ord. 628, passed 7-3-57) Penalty, see ' ll0.99

' ll0.99 PENALTY.

The penalty for violation of any portion of this chapter shall be not less than $l00 nor more than $500. The provisions of this chapter may also be enforced by injunctive action.
(Ord. 628, passed 7-3-57)

CHAPTER lll: TAXICABS

Section

lll.0l Definitions
lll.02 Certificate of public convenience and necessity required
lll.03 Application for certificate
lll.04 Notice and public hearing
lll.05 Issuance of certificate
lll.06 Liability insurance required
lll.07 License fees
lll.08 Transfer of certificates
lll.09 Suspension and revocation of certificates
lll.l0 Qualification for taxicab operators
lll.ll Vehicles
lll.l2 Designation of taxicabs
lll.l3 Rates of fare and rate card required
lll.l4 Restrictions on number of passengers
lll.l5 Taxicab service
lll.l6 Holder=s records and reports
lll.l7 Police department to enforce chapter

lll.99 Penalty

' lll.0l DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meaning ascribed them respectively.

(A) ACERTIFICATE.@ A certificate of public convenience and necessity, issued by the city, authorizing the holder thereof to conduct a taxicab business in the city.

(B) AHOLDER.@ A person to whom a certificate of public convenience and necessity has been issued.

(C) ARATE CARD.@ A card approved by the city for display in a taxicab which contains the rates of fare then in force.

(D) ATAXICAB.@ A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not less than 4 persons and not operated on a fixed route.
(Ord. 7l9, passed l-3-66)

' lll.02 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED.

A person shall not operate a taxicab, or permit the operator of a taxicab owned or controlled by him, for hire, on the streets of the city, without first obtaining from the city a certificate of public convenience and necessity.
(Ord. 7l9, passed l-3-66)

' lll.03 APPLICATION FOR CERTIFICATE.

An application for a certificate of public convenience and necessity shall be filed with the clerk-treasurer and the application shall be verified under oath, and shall furnish the following information:

(A) The name and address of the applicant.

(B) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant.

(C) The experience of the applicant in the transportation of passengers.

(D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

(E) The equipment and the number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

(F) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

(G) A schedule of reasonable charges and fares for taxicab service within the city and its environs, which the applicant shall place and keep in effect if granted a certificate.

(H) Such further information as the city may require by its rules and regulations.
(Ord. 7l9, passed l-3-66)

' lll.04 NOTICE AND PUBLIC HEARING.

Upon the filing of an application, the city shall fix a time and place for a public hearing. Notice of such hearing shall be given to the applicant and to all other persons who hold a certificate of public convenience and necessity to provide taxi service. Notice shall also be given to the general public by publishing one notice of the hearing in 2 newspapers of general circulation printed and published in the city at least l0 days prior to the date set for hearing. Any interested person may appear in person and be heard in support or in opposition to the issuance of a certificate.
(Ord. 7l9, passed l-3-66)

' lll.05 ISSUANCE OF CERTIFICATE.

If the city, after notice and public hearing and after considering the number of taxicabs already in operation, the public effect of increased service on local conditions, and all other factors, shall find that the public convenience and necessity requires the

applicant=s proposed taxicab services, that the proposed charges and fares are reasonable, that the applicant is a fit person and able to perform the proposed services according to the terms of this chapter, then the city shall issue the applicant a certificate of public convenience and necessity.

The certificate shall set forth:

(A) The name of the holder,

(B) The address of his principal depot,

(C) The date of issuance of the certificate,

(D) A schedule of rates and fares to be charged by the holder, and

(E) Other appropriate information.

If the application is denied, the reason for denial shall be committed to writing and a copy made available to the applicant. A certificate duly issued may be renewed annually upon payment of the license fees provided for herein.
(Ord. 7l9, passed l-3-66)

' lll.06 LIABILITY INSURANCE REQUIRED.

A certificate of public convenience and necessity shall not be issued or continued in operation unless the holder has in full force and effect liability insurance coverage for each vehicle authorized in the amount of $300,000 for bodily injury to any one person and $500,000 for injuries to more than one person which are sustained in the same accident; and $25,000 for property damage resulting in any one accident. The insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, or agents. The liability insurance shall be written by a responsible insurance company authorized to do business in the state, and a current certificate of insurance shall be filed in the office of the clerk-treasurer.
(Ord. 7l9, passed l-3-66)

' lll.07 LICENSE FEES.

A certificate shall not be issued or continued in operation unless the holder thereof has paid an annual license fee of $l50 for the right to engage in the taxicab business, and an annual license fee of $l5 for each vehicle operated under a certificate of public convenience and necessity issued by the city. The license fees shall be in addition to any license fees or charges established by other authorities, applicable to the holder or the vehicle or vehicles under his operation and control. A holder shall be entitled to a reasonable parking space, along the curb at the place

of his principal depot, which shall be marked off by the city and reserved for his operation; and private and other vehicles shall not use or occupy a space so reserved for taxicabs.
(Ord. 7l9, passed l-3-66)

' lll.08 TRANSFER OF CERTIFICATES.

A certificate of public convenience and necessity issued by the city shall not be sold, assigned, mortgaged or otherwise transferred without written consent of the city.
(Ord. 7l9, passed l-3-66)

' lll.09 SUSPENSION AND REVOCATION OF CERTIFICATES.

A certificate issued by the city may be revoked or suspended by the city if the holder thereof has

(A) Violated any of the provisions of this chapter;

(B) Discontinued operations for more than l0 days;

(C) Has violated any ordinance of the city, or the laws of the United States or the state, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given l0 days notice of the proposed action to be taken and shall have an opportunity to be present and be heard.
(Ord. 7l9, passed l-3-66)

' lll.l0 QUALIFICATION FOR TAXICAB OPERATORS.

A person shall not operate a taxicab for hire upon the streets of the city and a person who owns or controls a taxicab shall not permit it to be so driven, unless the operator of the taxicab shall be 2l years of age, of good moral character, careful and proficient driver, and the holder of a public passenger driver=s license issued by the state. (Ord. 7l9, passed l-3-66)

' lll.ll VEHICLES.

Prior to the use and operation of a vehicle as a taxicab under the provision of this chapter the vehicle shall be thoroughly examined and inspected by the police department and found to be in a safe operating condition. The city may promulgate reasonable rules and regulations governing the cleanliness, condition and maintenance of such vehicles, and the periodic inspection thereof, and the special safety equipment and devices to be installed by the holder or operator. When the police department finds that a vehicle has met the standards established by the city, the department shall issue a license to that effect which shall also state the authorized seating capacity of the vehicle.
(Ord. 7l9, passed l-3-66)

' lll.l2 DESIGNATION OF TAXICABS.

Each taxicab shall bear on the outside of each rear door in painted letters not less than four inches and not more than six inches, the name of the holder, and may bear an identifying design approved by the city. A vehicle shall not be licensed as a taxicab whose color scheme or any identifying design used on a vehicle or vehicles already operating under this chapter in such manner as to mislead or deceive the public.
(Ord. 7l9, passed l-3-66)

' lll.l3 RATES OF FARE AND RATE CARD REQUIRED.

A taxicab shall not be operated for a charge or fare which is not in accord with a schedule of rates first submitted to the city and approved by the city; and a taxicab operated under this chapter shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers. A holder who desires a change in fares shall petition the city for the same, after which the city may, at the holder=s expense, give notice and hold a public hearing. A petition for a change of fares may be approved, denied, or modified by the city.
(Ord. 7l9, passed l-3-66)

' lll.l4 RESTRICTIONS ON NUMBER OF PASSENGERS.

A taxicab operator shall not permit more persons to be carried in a taxicab, as passengers, than the rated seating capacity of taxicab as stated in the license for the vehicle issued by the Police Department. A child in arms shall not be counted as a passenger.
(Ord. 7l9, passed l-3-66)

' lll.l5 TAXICAB SERVICE.

A holder of a certificate of public convenience and necessity, operating a taxi service thereunder, shall render an overall service to the public desiring to use taxicabs. A holder of a certificate shall maintain a principal depot for business and remain open at least from 5:30 a.m. until 6:00 p.m., Sunday through Wednesday, and from 5:00 a.m. until 11:00 p.m., Thursday through Saturday for the purpose of receiving calls and dispatching cabs. A holder of a certificate shall provide transportation by reservation on all those hours they are not open for regular business. All calls received by a holder for service inside the corporate limits of the city shall be answered as soon as reasonably possible, and if service cannot be rendered within a reasonable time, the prospective passenger shall be notified how long it will be before the call can be answered and given the reason therefor. A holder who refuses to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs, or who fails or refuses to give overall service, shall be deemed a violator of this chapter and a certificate granted to such holder may be revoked.
(Ord. 7l9, passed l-3-66; Am. Ord. 1764, passed - -95)

' lll.l6 HOLDER=S RECORDS AND REPORTS.

A holder shall keep an accurate record of his operations and shall furnish the city with reports concerning his operations as the city may from time to time require.
(Ord. 7l9, passed l-3-66)

' lll.l7 POLICE DEPARTMENT TO ENFORCE CHAPTER.

The Police Department is given the authority and is instructed to watch and observe the conduct of holders and taxicab operators under this chapter. Upon discovery of a violation of this chapter the Police Department shall report it to the city which shall order or take appropriate action.
(Ord. 7l9, passed l-3-66)

' lll.99 PENALTY.

A person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof may be fined not exceeding $300.
(Ord. 7l9, passed l-3-66)

CHAPTER ll2: MILK PRODUCTS

Section

ll2.0l Definitions
ll2.02 Duties of city health officer
ll2.03 Grade A milk regulations
ll2.04 Sale of adulterated, misbranded or ungraded milk
ll2.05 Permits
ll2.06 Only Grade A products to be sold
ll2.07 Revocation
ll2.08 Possession for sale of diluted milk
ll2.09 Enforcement
ll2.l0 Milk and milk products from points beyond the limits of routine inspection

ll2.99 Penalty

' ll2.0l DEFINITIONS.

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

(A) AMILK, RAW MILK.@ Milk is the fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within l5 days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free. It contains not less than 8% of solids not fat, and not less than 3.25% of milk fat.

Raw milk for fluid consumption, at the time of delivery to the consumer, shall not have a bacterial plate count of more than l00,000 per cubic centimeter, provided that raw milk for fluid consumption to be pasteurized shall not at any time prior to pasteurization have a bacterial plate count of more than l,000,000 per cubic centimeter or a direct microscopic count not exceeding l,000,000 per cubic centimeter if clumps are counted or 4,000,000 per cubic centimeter if individual organisms are counted or an average methylene blue reduction time of not less than 3-l/2 hours.

(B) APASTEURIZED MILK.@ Pasteurized milk is raw milk for fluid consumption every particle of which has been heated to a temperature and held for a time complying with the pasteurization temperature and time combination outlined in chapter l6, Acts l945 for Indiana. Pasteurized milk at the time of delivery to the consumer shall not have a bacterial plate count of more than l00,000 per cubic centi-meter.

(C) AGRADE A MILK AND MILK PRODUCTS.@ Grade A raw or pasteurized cream, milk, skimmed milk, flavored skimmed milk, buttermilk, creamed buttermilk, cultured buttermilk, and creamed cultured buttermilk labeled as such shall not exceed the average bacteria count or the average methylene blue reduction time and shall be produced and handled on farms, and pasteurized, handled and bottled in plants conforming with all of the items of sanitation for Grade A producing farms and Grade A milk plants outlined in Public Health Bulletin No. 220, entitled, AMilk Ordinance and Code Recommended by the United

States Public Health Service, l939 edition,@ and the supply shall pursuant to Sec. 9 hereof be properly inspected by a duly authorized health officer or his representative.

(D) ABUTTERFAT.@ Milk fat, butterfat, is the fat of milk. It has a Reichert-Meissl value of not less than 24.

(E) ABACTERIAL COUNTS.@ Bacterial plate counts, direct microscopic counts, and methylene blue reduction tests, whenever mentioned in any dairy products standard of identity, shall be made according to the methods outlined in the l94l edition of AStandard Methods for the Examination of Dairy Products,@ published by the American Public Health Association, or such methods approved by the Indiana State Board of Health.

The bacterial count, expressed by APlate Count@ or AMicroscopic Count,@ shall, throughout the entire set of standards for dairy products, be taken to mean the logarithmic average of the respective results of 4 consecutive samples taken upon separate days. The average reduction time shall, throughout the entire set of standards, be taken to mean the arithmetic average of the respective results of 4 consecutive samples taken upon separate days.

(F) AGRADE B PASTEURIZED MILK.@ Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pastuerized milk and/or the provision of lip-cover caps of item 20p and/or the requirements that grade A raw milk be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk or not less than grade B quality, and has an average bacterial plate count after pasteurization and before delivery not exceeding 50,000 per cubic centimeter, as determined under subsection (E).

(G) AGRADE C PASTEURIZED MILK.@ Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

(H) ACERTIFIED.@ Certified by local board of health or city health officer.
(Ord. 544, passed 7-3-50)

' ll2.02 DUTIES OF CITY HEALTH OFFICER.

The city board of health or health officer shall have super-vision over the production, transportation, processing, handling, sampling, examination, grading, regrading, labeling, and sale of all milk and milk products sold for ultimate consumption within the city, or its police jurisdiction; the inspection bf dairy herds, dairies, and milk plants; the issuing and revocation of permits to milk producers and distributors and placarding of restaurants and other establishments serving milk or milk products.
(Ord. 544, passed 7-3-50)

' ll2.03 GRADE A MILK REGULATIONS.

The city board of health or health officer in the performance of its duties under ' ll2.02, shall adopt as the standards to be followed the provisions in paragraph HDP 4G entitled ACertified Milk Identity@, and paragraph HDP 4 H entitled AGrade A Milk and Milk Products@, of a regulation of the Indiana State Board of Health duly passed on September l3, l945, and filed with the secretary of state of October l8, l945, entitled ARegulations Relating to Dairy Products, Including Definitions and Standards of Identity@. For the Purpose of interpreting the requirements, the unabridged form of Public Health Bulletin No. 220 entitled AThe l939 edition of the Milk Ordinance and Code recommended by the U.S. Public Health Service@, shall be used. The terms Apasteurization,@ Apasteurized,@ and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least l44°F., and holding at such temperature for at least 30 minutes, or to at least l6l°F., and holding such temperature for at least l6 seconds, in approved and properly operated equipment. Two certified copies of said Public Health Bulletin No. 220 shall be placed on file in the office of the city clerk-treasurer for public inspection.
(Ord. 544, passed 7-3-50)

' ll2.04 SALE OF ADULTERATED, MISBRANDED OR UNGRADED MILK.

The sale of adulterated, misbranded, or ungraded milk or milk products prohibited. No person shall within the city, or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.
(Ord. 544, passed 7-3-50) Penalty, see ' ll2.99

' ll2.05 PERMITS.

It shall be unlawful for sny person to bring into or receive into the city, or its police jurisdiction, for the sale or to sell, or to offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this chapter who does not possess a permit from the city health officer.

Such a permit may be suspended by the health officer or revoked after an opportunity for a hearing by the officer upon the violation by the holder of any of the terms of this chapter. Any person, firm or corporation shall have the right to take an appeal from any deci-sion of the officer to the circuit or superior courts as in other civil cases.
(Ord. 544, passed 7-3-50) Penalty, see ' ll2.99

' ll2.06 ONLY GRADE A PRODUCTS TO BE SOLD.

From and after l2 months from the date on which this chapter takes effect no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except Grade A pasteurized or certified pasteurized milk or milk products as defined in the standards required to be adopted by this chapter; or the equivalent thereof. Provided that when any milk distributor fails to qualify for one of the above grades the health officer is authorized to revoke his permit.
(Ord. 544, passad 7-3-50) Penalty, see ' ll2.99

' ll2.07 REVOCATION.

If any milk distributor or any dairy or owner of place where milk is sold for human consumption shall fail to qualify for one of the above grades the health officer is authorized to revoke his permit, or in lieu thereof to degrade his product and permit its sale during a temporary period not exceeding 30 days or in emergencies such longer period as he may deem necessary.
(Ord. 544, passed 7-3-50)

' ll2.08 POSSESSION FOR SALE OF DULUTED MILK.

It shall be unlawful to possess for the sale or distribute for human consumption or to offer for sale or distribution or for human consumption any diluted, misbranded or weakened milk, or milk that it not reasonably pure and health producingand nutritious and desirable for human consumption and/or does not comply with the standard used in production, preparation and distribution, reason- ably complying with the requirements and standards of the provisions set forth in this chapter.
(Ord. 544, passed 7-3-50) Penalty, see ' ll2.99

' ll2.09 ENFORCEMENT.

The mayor and/or the city board of health or health officer with the approval of the state board of health may employ sanitary police and inspectors as may be necessary, in the judgement of the mayor, for the enforcement of this chapter. The sanitary police and inspectors shall be persons qualified for the performance of said duties and who in the judgement of said duties and who in the judgment of the mayor and health officer shall merit appointment and shall be paid such sums as may be agreed upon by the mayor and the health officer or city board of health out of such funds as may be appropriated by the common council.
(Ord. 544, passed 7-3-50)

' ll2.l0 MILK AND MILK PRODUCTS FROM POINTS BEYOND THE LIMITS OF ROUTINE INSPECTION.

Milk and milk products from points beyond the limits of routine inspection of the city may not be sold in the city, or its police jurisdiction, unless produced and/or pasteurized under provisions

equivalent to the requirements of this chapter; provided the Health Officer shall require evidence that the Health Officer having jurisdiction over the production and processing is properly enforcing such provisions.
(Ord. 544, passed 7-3-50) Penalty, see ' ll2.99

' ll2.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall upon conviction be punished by a fine of not more than $l00. Each violation of the provisions of this chapter shall constitute a separate offense.
(Ord. 544, passed 7-3-50)

CHAPTER ll3: AUTOMOBILE SERVICE STATIONS

Section

ll3.0l Building restrictions
ll3.02 Permit required, specifications

ll3.99 Penalty

' ll3.0l BUILDING RESTRICTIONS.

(A) No automobile service stations shall be erected in the city except:

(l) On a lot on a corner of an intersection of 2 streets, or on a lot situated on the corner where one street runs into another and the lot on which any such automobile service station shall be hereafter erected must have not less than 70 feet frontage on one street and not less than l00 feet frontage on the other street; or,

(2) On a lot bordered by 3 or more streets, and the lot on which any such automobile service station shall be hereafter erected must have not less than l00 feet frontage on any 2 of 3 or more streets.

(B) The automobile service station erected must have entrances from each of the streets on which the lot fronts. The distance between the near points of tanks and pumps to a church or school building shall be not less than 85 feet.
(Ord. 645, passed 4-6-59; amend. Ord. 658, passed 3-2l-60) Penalty, see ' ll3.99(A)

' ll3.02 PERMIT REQUIRED, SPECIFICATIONS.

No automobile service station shall be erected within l,000 feet of another service station already erected, and no permit shall be issued to permit the construction of such service station within l,000 feet of an existing service station.

An applicant for permit to build any service station within the city, shall file with the application for permit a complete copy of the plans and specifications by which the service station is to be erected, and no permit shall be issued for the proposed service station unless the plans are on file bearing the written approval of a licensed engineer representing the city.
(Ord. 645, passed 4-6-59; amend. Ord. 658, passed 3-2l-60) Penalty, see ' ll3.99(A)

' ll3.99 PENALTY.

(A) Any person, firm or corporation who shall violate this chapter or shall erect or attempt to erect any such service station in violation of the provisions of ' ll3.0l hereof shall be guilty of an offense and shall be punished by a fine of not less than $l0 or more than $l00, and each and every day of such violation shall be a separate offense.

(B) Be it further ordained that any violation of this chapter shall be considered a nuisance and may be enforced also by the civil process of injunction or orders of civil courts.
(Ord. 645, passed 4-6-59, amend. Ord. 658, passed 3-2l-60)

CHAPTER 114: ELECTRICAL CODE

Section

General Provisions

114.01 Title
114.02 Administration
114.03 Purpose and scope
114.04 Definitions

Licensing

114.05 Electrical contractor=s license
114.06 Supervision of work
114.07 Electricians= Examining Board
114.08 Meetings of Board
114.09 Examination and certification
114.10 Application
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114.14 [Reserved]
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Permits

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Electrical Standards

114.35 Code adopted
114.36 Official copy

114.99 Penalty

Cross-reference:
General contractors, see Ch. 118

GENERAL PROVISIONS

' 114.01 TITLE.

This chapter shall be known as the Crown Point Electrical Code and may be so cited.
(Ord. 765, passed 12-6-68)

' 114.02 ADMINISTRATION.

This chapter shall be administered and enforced by the Board of Public Works and Safety, called the administrative authority throughout this chapter. The administrative authority may appoint an Electrical Inspector and such other persons, as needed, to serve as its agents and to assist in carrying out the provisions of this chapter.
(Ord. 765, passed 12-6-68)

' 114.03 PURPOSE AND SCOPE.

The purpose of this chapter is the practical safeguarding of life and property from electrical hazards arising from the use of electricity for light, heat, power, radio and television signaling, and for other purposes. This chapter shall apply to all electrical work and materials within the city, as defined by the National Electrical Code.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)

' 114.04 DEFINITIONS.

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

AELECTRICAL CONTRACTOR.@ Any person who performs electrical work within the city, but shall not include or mean an electrician performing electrical work as employee of a duly licensed electrical contractor under such contractor=s supervision.

AELECTRICAL WORK.@ Erecting, altering, repairing, servicing, maintaining or installing materials, devices, appliance, apparatus, motors, generators, fixtures and equipment used for the distribution, transmission or supply of electrical energy, including but not limited to conduit, tubes, ducts, raceways, wires, cables, busses and similar

materials used in the electrical industry for carrying and distributing electrical current.
(Ord. 765, passed 12-6-68)

LICENSING

' 114.05 ELECTRICAL CONTRACTOR=S LICENSE.

No electrical contractor shall undertake to construct, alter, repair, move, wreck, or demolish any structure unless the contractor has obtained a license from the city.
(Ord. 765, passed 12-6-68; Am. Ord. 1106, passed 2-4-80) Penalty, see ' 114.99

Cross-reference:
General contractors, see Ch. 118

' 114.06 SUPERVISION OF WORK.

No person shall perform electrical work, or work as an electrician within the city, unless such person is duly licensed as an electrical contractor, or is acting as an electrician under the direct supervision of a licensed electrical contractor.
(Ord. 765, passed 12-6-68) Penalty, see ' 114.99

' 114.07 ELECTRICIANS= EXAMINING BOARD.

There is established an Electricians= Examining Board, called the Board, which shall consist of three members. One member shall represent the administrative authority, one member shall be a duly licensed electrical contractor, and one member shall represent the public. The members of the Board shall be appointed by the Mayor of the city.
(Ord. 765, passed 12-6-68)

' 114.08 MEETINGS OF THE BOARD.

The Board shall meet at such intervals as may be necessary for the proper performance of its duties, but in any event not less than once a year.
(Ord. 765, passed 12-6-68)

' 114.09 EXAMINATION AND CERTIFICATION.

The Board shall establish standards and procedures for the qualification, examination, and licensing of electrical contractors, and shall issue an electrical contractor=s license to each person who meets the qualifications and successfully passes the examination given by the Board. The Board shall keep an official record of its transactions.
(Ord. 765, passed 12-6-68)

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' 114.10 APPLICATION.

Any person who desires an electrical contractor=s license shall file a written application with the Board on a suitable form provided by the city and shall pay an initial fee of $100.
(Ord. 765, passed 12-6-68; Am. Ord. 1106, passed 2-4-80) Penalty, see ' 114.99

' 114.11 EXAMINATION.

(A) All applications and $100 fee for examination shall be filed with the city at least ten days prior to the monthly scheduled meeting dates of the Electrical Board. The Electrical Board shall establish the monthly meeting dates and time in January of each year.

(B) The Board shall examine the applicant according to its standards and procedures and shall notify the applicant as to passing or failing the exam.

(C) If the applicant fails to appear for the scheduled exam the applicant can re-apply and pay a new exam fee of $100.
(Ord. 765, passed 12-6-68; Am. Ord. 1106, passed 2-4-80; Am. Ord. 2004-03-04, passed 4-5-04)

' 114.12 RE-EXAMINATION.

Any person who fails to pass an examination may apply for re-examination after the expiration of 30 days and on payment of the regular $100 initial fee.
(Ord. 765, passed 12-6-68; Am. Ord. 1106, passed 2-4-80)

' 114.13 ISSUANCE OF LICENSE; BOND.

(A) Any person who successfully passes his examination for an electrical contractor=s license shall be issued a license on payment of a license fee of $100 and on executing and depositing with the Lake County Recorder a bond in the amount of $5,000. Payment of the license fee and the depositing of the bond shall be made within 30 days after the person is advised that he has passed his examination; otherwise, the applicant shall be required to submit to a new examination. The bond shall be on the condition that all electrical work performed by the licensee, or under the licensee=s supervision, shall be in accordance with the provisions of the National Electrical Code, regulations of the State Fire Marshal, and this chapter, and that the licensee will pay all fines and penalties properly imposed for a violation of the provisions of the Code, regulations, or this chapter.

(B) Any and all electrical contractors obtaining a permit from the city shall provide evidence to the city of its uniform license bond and the filing and recording thereof with the Lake County Recorder=s Office prior to obtaining a building permit from the city and prior to any

construction, alteration, repair, movement, wreckage or demolition of any structure in the city.
(Ord. 765, passed 12-6-68; Am. Ord. 1106, passed 2-4-80)

Statutory reference:
Licenses and bonds required, see I.C. 22-11-3.1-2

' 114.14 [RESERVED]

' 114.15 YEARLY LICENSE FEE.

(A) All licenses shall expire on December 31 of each year hereafter and may be renewed on the payment of a license fee of $50 per year.

(B) A license issued by the city is valid on the payment of the annual renewal fee of $50 per annum unless the contractor to whom the license was issued fails to perform any work under that license for a period of five years from the last renewal thereof in which case the license expires and thereafter a new application shall be required.

(C) Electrical contractors having a valid and existing license from the city on January 1, 1980, issued by the city under prior law, shall not be required to reapply for an initial license but shall thereafter conform to the requirements stated above.
(Ord. 765, passed 12-6-68; Am. Ord. 1106, passed 2-4-80)

' 114.16 REVOCATION.

The Board may revoke any license if obtained through nondisclosure, misstatement, or misrepresentation of material facts, or if a penalty has been imposed on the licensee under any section of this chapter. Before a license may be revoked, the licensee shall notice in writing, enumerating the charges against him, and shall be entitled to a hearing by the Board not sooner than five days from the receipt of notice. The licensee shall be given an opportunity to present testimony, oral or written, and shall have the right to cross examination. All testimony shall be given under oath. The Board shall have power to administer oath, issue subpoenas, and compel the attendance of witnesses. The decision of the Board shall be based on the evidence produced at the hearing and made part of the record thereof. A person whose license has been revoked shall not be permitted to apply for a new permit within one year from date of revocation.
(Ord. 765, passed 12-6-68)

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' 114.17 USE OF LICENSE RESTRICTED.

No person who has obtained an electrical contractor=s license shall allow his or her name or company name to be used by another person either for the purpose of obtaining permits or for doing electrical work under the license, other than as an employee of the electrical contractor. Every person issued an electrical contractor=s license shall notify the Board of any change in his or her address.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)
Penalty, see ' 114.99

' 114.18 FORFEITURE OF LICENSE.

If any person holding an electrical contractor=s license under the provision of this chapter is found by the Board to be convicted 3 times for violating any of the provisions of this chapter his or her license shall be forfeited and the Electrical Board of the city shall order the license canceled and the licensee shall then have no further rights under the license.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)

' 114.19 RE-APPLICATION AFTER FORFEITURE.

The person whose electrical contractor=s license has been forfeited and canceled may, after the expiration of six months from the forfeiture and cancellation, apply to test for a new license.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)

PERMITS

' 114.20 ISSUANCE OF PERMIT.

No electrical work shall be undertaken prior to the issuance of a permit by the administrative authority. A permit shall be issued only to a duly licensed electrical contractor.
(Ord. 765, passed 12-6-68; Am. Ord. 2011-07-11, passed 8-1-11)
Penalty, see ' 114.99

' 114.21 PLANS AND SPECIFICATIONS.

The administrative authority may require the filing of plans and specifications for electrical work to be performed, prior to issuing a permit, whenever the administrative authority deems the filing of plans and specifications necessary to determine whether a permit should be issued. Plans and specifications for electrical work which have been filed with the Division of Building Safety Commission of Indiana for approval shall also be filed with and approved by the administrative authority prior to the issuance of a permit.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04; Am. Ord. 2011-07-11, passed 8-1-11)

' 114.22 RESERVED.

' 114.23 EXCEPTION FOR PUBLIC UTILITIES.

The provisions of this chapter shall not apply to public utilities such as Northern Indiana Public Service Company or Telephone Company or any railroad with respect to plant, equipment, apparatus, material, property and appurtenances used in the generation, transmission, distribution, supply, utilization and metering of electrical energy and the adaptation of the utilization equipment of their customers to the electrical energy characteristics of the public utility and the servicing of that utilization equipment or in the operation of signals or the transmission of intelligence. A public utility shall not, however, install its customers= light or power service outlet, distribution centers or switches or meter boxes in or on its customers= property, but the public utility may install and connect to its services, meters and metering equipment on its customers= premises.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04) Penalty, see ' 114.99

' 114.24 RESERVED.

' 114.25 EXCEPTION FOR REPAIRS.

Provisions of this chapter shall not apply to minor repairs, which shall mean only the following: replacing flush and snap switches, refusing cutouts, changing lamps, sockets and receptacles, taping bare joints, and repairing drop cords.
(Ord. 765, passed 12-6-68)

' 114.26 WORK LEFT EXPOSED FOR INSPECTION.

No electrical wiring or electrical work of any nature shall be concealed or enclosed before it shall have been inspected by the electrical inspector.
(Ord. 765, passed 12-6-68) Penalty, see ' 114.99

' 114.27 RIGHT TO INSPECT WORK.

The electrical inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of his or her official duties, or for the purpose of making any inspection, reinspection, or test of the electrical equipment contained therein or its installation. When any electrical equipment is found by the electrical inspector to be dangerous to person or property because it is defective or defectively installed, the person, firm or corporation responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the electrical inspector to place such equipment in safe condition, and if the work is not completed within l5 days, or any longer period that may be specified by the electrical inspector in the notice, the electrical inspector shall have the authority to disconnect or order the discontinuance of electrical service to the electrical equipment. In

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case of emergency where necessary for safety to persons or property or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have authority immediately to disconnect or cause the disconnection of any electrical equipment. The electrical inspector may delegate any of his or her powers or duties to any of his or her assistants.
(Ord. 765, passed 12-6-68) Penalty, see ' 114.99

' 114.28 APPROVAL OF ELECTRICAL INSTALLATIONS.

The electrical inspector shall not approve the installations of any electrical wiring or electrical work until all the provisions of this chapter are complied with including but not limited to the licensing and permit sections.
(Ord. 765, passed 12-6-68)

' 114.29 CONFLICTING OR DANGEROUS CONDITIONS.

When electrical work has been installed in a manner conflicting with the provisions of this chapter, or when any existing electrical work or wiring has through fire, natural deterioration or any other cause whatever, in the opinion of the electrical inspector, become a fire, accident, or life hazard, the electrical inspector is empowered to remove the fuse, cut the wire or otherwise render the system inoperative until such defects have been corrected and the electrical inspector has been notified in writing that the work may be again inspected and approved.
(Ord. 765, passed 12-6-68)

' 114.30 FEES FOR PERMITS.

At the time of obtaining a permit to do electrical work, the applicant for a permit shall pay a fee in accordance with _ 152.55 of the Building Code.
(Ord. 765, passed 12-6-68; Am. Ord. 881, passed 5-6-74; Am. Ord. 2004-03-04, passed 4-5-04)

ELECTRICAL STANDARDS

' 114.35 CODE ADOPTED.

The National Electrical Code, as amended, and the rules and regulations of the Indiana Department of Fire and Building Services, are adopted as a part of this chapter, and all electrical work within the city shall be installed in accordance with the National Electrical Code, as amended, and the rules and regulations of the Indiana Department of Fire and Building Services.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)

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' 114.36 OFFICIAL COPY.

Three copies of the National Electrical Code, as amended, shall be kept on file by the Board at the Planning and Building office for inspection and use by the public.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)

' 114.99 PENALTY.

If any person, firm, or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited therein; or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Commissioner; or shall fail, neglect, or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this chapter, for each violation, failure, or refusal, that person, firm, or corporation shall be fined any sum not less than $50, nor more than $2,500. Each day of such unlawful activity as is not in compliance with this chapter shall constitute a separate offense.
(Ord. 765, passed 12-6-68; Am. Ord. 2004-03-04, passed 4-5-04)

CHAPTER 115: BUSINESS REGISTRATION

Section

115.01 Persons subject to registration requirement
115.02 Registration procedure
115.03 Forms
115.04 Depository for registrations
115.05 Time for free registration
115.06 Late registration
115.07 Duty to update and amend registration
115.08 Building and premises to comply with city regulations
115.09 Change of location of business

115.99 Penalty

' 115.01 PERSONS SUBJECT TO REGISTRATION REQUIREMENT.

Any person partnership, corporation or other business entity (collectively referred to as Abusiness@ herein) with a location in the City of Crown Point shall be required to register their business with the city if by themself or through an agent, employee or partner, at a location in the city, they hold themself out as being engaged in a business or occupation; or solicit patronage therefore, actively or passively; or perform or attempt to perform any part of such business or occupation. The registration requirement of this chapter does not apply to residential landlords.
(Ord. 2013-11-18, passed 1-7-14)

' 115.02 REGISTRATION PROCEDURE.

(A) Information for the registration required by this chapter shall be made in writing to the City Clerk-Treasurer=s office on the form provided for that purpose. Each registration shall contain the following information:

(1) Business name;

(2) Business telephone number;

(3) Business owner=s full legal name;

(4) Business owner=s full legal address;

(5) Business owner=s telephone number;

(6) Building owner=s full legal name;

(7) Building owner=s full legal address;

(8) Building owner=s telephone number;

(9) Full name and telephone number of any emergency key-holders;

(10) Full legal name and address of the resident agent for any corporate business owner or any corporate building owner;

(11) Description of the type of business;

(12) Alarm company name and telephone number; and

(13) Description of any potential hazards to public safety personnel such as guard dogs, hazardous materials, flammable liquids, ammunition, explosives, and the like.

(B) The city reserves the right to request additional information as reasonably necessary for the purpose of this chapter.
(Ord. 2013-11-18, passed 1-7-14)

' 115.03 FORMS.

Forms for this registration shall be available online at crownpoint.in.gov and in the following departments or offices: Mayor=s office, Clerk-Treasurer=s office, Police Department, Fire Department, Department of Planning and Building. Forms not completed online, shall be returned by the business to any of the above designated locations.
(Ord. 2013-11-18, passed 1-7-14)

' 115.04 DEPOSITORY FOR REGISTRATIONS.

Upon the receipt of a registration, the above designated departments and offices shall forward the registration to the Department of Planning and Building. The registrations shall be kept on file by the Department of Planning and Building.
(Ord. 2013-11-18, passed 1-7-14)

' 115.05 TIME FOR FREE REGISTRATION.

(A) Initial open registration January 1, 2014 to March 31,2014.

(B) All businesses, as described in ' 115.01, operating in the city at the time this chapter becomes effective shall submit a completed registration form not later than March 31, 2014. No fee shall be required for a timely registration.

(C) Any business, as described in ' 115.01, that begins operation in the city shall register, as required by this chapter, within 30 days of first commencing operation. No fee shall be required for a timely registration.

(D) Any business that has registered as required by this chapter and then changes ownership, shall submit a new registration within 30 days. No fee shall be required for a timely registration.
(Ord. 2013-11-18, passed 1-7-14) Penalty, see ' 115.99

' 115.06 LATE REGISTRATION.

(A) All businesses existing at the time this chapter becomes effective shall be required to register not later than March 31, 2014. Any such business subject to the March 31, 2014, deadline for registration that fails to meet the March 31, 2014, deadline, shall be subject to the penalties as described in ' 115.99.

(B) Any business subject to a new business registration requirement pursuant to ' 115.05(C) that fails to register as required shall be subject to the penalties as described in ' 115.99.

(C) Any business that has previously registered and then changes ownership and that fails to register pursuant to ' 115.05(D) shall be subject to the penalties as described in ' 115.99.
(Ord. 2013-11-18, passed 1-7-14) Penalty, see ' 115.99

' 115.07 DUTY TO UPDATE AND AMEND REGISTRATION.

A registration shall be updated and amended anytime there is a change in the required information under ' 115.02. This shall be done by giving written notice of any changes in the required information to the City Department of Planning and Building on the form provided for that purpose.
(Ord. 2013-11-18, passed 1-7-14)

' 115.08 BUILDING AND PREMISES TO COMPLY WITH CITY REGULATIONS.

No registration shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the zoning, fire code, and other requirements of the city and the Indiana Code.
(Ord. 2013-11-18, passed 1-7-14)

' 115.09 CHANGE OF LOCATION OF BUSINESS.

The location of any business for which a registration has been filed may be changed, provided that 30 days prior written notice thereof is given to the Department of Planning and Building.
(Ord. 2013-11-18, passed 1-7-14)

' 115.99 PENALTY.

Any person or business entity required to register by this chapter that is not in compliance with these registration requirements shall be subject to a fine of $100 for each day of non-compliance. A person or business entity shall be considered not in compliance if the person or business entity has received a written notice or citation from the city advising of the non-compliance and has not cured the non-compliance within ten days by the filing of an appropriate completed registration form with the city. A person or business entity shall be considered not in compliance if their registration contains any false statements or misrepresentations.
(Ord. 2013-11-18, passed 1-7-14)

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CHAPTER 116: SOLICITORS; TRANSIENT MERCHANTS

Section

Solicitors; Peddlers

116.01 Definitions
116.02 License required
116.03 Application and fee for investigation
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Transient Merchants

116.20 Definitions
116.21 License required
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116.23 Requirements

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SOLICITORS; PEDDLERS

' 116.01 DEFINITIONS.

For the purposes of '' 116.02 through 116.16 the following words and phrases shall have the meanings ascribed them respectively:

(A) ACANVASSER OR SOLICITOR.@ Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature, whatsoever for future delivery, or for services to be furnished or performed in the future whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or not.

(B) AMOBILE VENDOR.@ Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, provisions or any other food items not previously listed and offering and exposing the same for sale, or making sales and delivering

articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The words mobile vendor shall include the words huckster, peddler and hawker.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09)

' 116.02 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of canvasser, solicitor or mobile vendor as defined in ' 116.01, within the corporate limits of the city without first obtaining a license therefore, as provided herein. All licenses issued under this chapter shall be effective only between the hours of 8:00 a.m. and dusk for mobile vendors; 8:00 a.m. to 8:00 p.m. for transient merchants and are for the applicant, their helpers and only for the period they were issued. Any applicant filing for a renewal must complete a form to be provided by the Clerk-Treasurer that swears and affirms that no changes in use, description, product, or any other criteria listed in this chapter have been made or persons licensed hereunder have been convicted of any crime since the original application. Once this affidavit, copy of current criminal history for all persons licensed hereunder and all applicable fees have been received by the Clerk-Treasurer the affidavit will be entered into the agenda for the next regularly scheduled meeting of the Board of Public Works and Safety for its consideration of the application. The renewal applicant, upon completion of the affidavit and remittance of fees will be directed to the Chief of Police for issuance of the license. Only petitioners who received a license in the previous calendar year will be considered as a renewal applicant.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09) Penalty, see ' ll6.99

' 116.03 APPLICATION AND FEE FOR INVESTIGATION.

Applicants for permit and license under this chapter must file with the City Clerk a sworn application in writing in duplicate, on a form to be furnished by the City Clerk five days prior to issuance of license, which shall give the following information:

(A) Name and description of applicant;

(B) Permanent home address and full local address of the applicant;

(C) A brief description of the nature of the business and the goods to be sold including a description that the items so offered for sale would not cause undue financial hardship on established retailers in the city;

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(D) The name and address of the employer, together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired, that is: one day, one week or one year;

(F) The place where the goods or property proposed to be sold or orders taken for the sale thereof, are manufactured or produced where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(G) Submit to photographs being taken by the Police Department for purposes of identification and creation of identification cards;

(H) The names of at least two reliable property owners of Lake County, who will certify as to the applicant=s good character and business responsibility, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(I) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore; and

(J) At the time of filing the application, a fee of $25 for each person and $50 for each vehicle shall be paid to the City Clerk to cover the cost of investigation of the facts stated herein.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09)

' 116.04 INVESTIGATION AND ISSUANCE.

(A) Upon the receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant=s business and moral character to be made as he or she deems necessary for the protection of the public good. Said investigation is to be completed by the Chief of Police within five business days of the date of the application.

(B) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall then place the application on the agenda for the next regularly scheduled meeting of the Board of Public Works and Safety for consideration. The applicant or his or her designee shall appear before the Board of Public Works and Safety to answer any concerns or questions of the Board or relevant departments of the city. Upon receiving an approval from the Board the Clerk-Treasurer shall collect all applicable fees and direct the applicant to the Chief of Police for issuance of the license. Failure to remit fees by the applicant within 30 days of approval will result in a denial of the application and a forfeiture of all fees previously submitted.

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(C) If, as a result of such investigation, the applicant=s character and business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his or her disapproval and his or her reasons for the same, and return the application to the City Clerk, who shall notify the applicant that his or her application is disapproved and that no permit and license shall be issued.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09)

' 116.05 Fees.

(A) Canvassers, solicitors, and mobile vendors shall pay $50 per one day, $100 per one week or $250 per one year for each person proposing to canvass, solicit, or mobile vend either on foot, push cart, animal drawn or motor vehicle.

(B) The license fee charged for each helper or assistant shall be 50% of the cost of the original applicant and each helper or assistant must also comply with ' 116.03.

(C) Basis of fees. The license fee shall be renewable every 12 months from the date of the issuance of the license.

(D) The minimum license fee shall be for each period paid in advance. The entire annual fee must also be paid in advance and no deduction shall be allowed from the fee for such licenses for any part of the year such license is not used.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09)

' 116.06 PROOF OF INSURANCE.

Every applicant for a canvasser=s, solicitor=s or mobile vendor=s license shall file with the City Clerk-Treasurer proof of liability insurance in the amount of $100,000.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09)

' 116.07 REVOCATION.

(A) Permits and licenses issued under the provisions of this chapter may be revoked by the mayor of the city after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for a license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor, canvasser or peddler;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

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(5) Conducting or assisting in the conducting of the business of soliciting, canvassing or peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least 5 days prior to the date set for hearing.
(Ord. 590, passed 7-6-54)

' 116.08 APPEAL UPON FAILURE TO ISSUE OR REVOCATION.

Any person aggrieved by the action of the chief of police or the city clerk in the denial of an application for permit or license as provided in ' ll6.04 of this chapter, or in the decision with reference to the revocation of a license as provided in ' ll6.07 of this chapter shall have the right of appeal to the mayor of the city. Such appeal shall be taken by filing with the clerk, within l4 days after notice of the action complained of has been mailed to such person=s last known address, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in ' ll6.07(B) of this chapter for notice of hearing on revocation. The decision and order of the mayor on such appeal shall be final and conclusive.
(Ord. 590, passed 7-6-54)

' 116.09 EXHIBITION OF LICENSE.

Canvassers, solicitors, and mobile vendors are required to exhibit their licenses at all times while conducting business inside the city at the request of any citizen.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09) Penalty, see ' 116.99(A)

' 116.10 BADGES.

The Chief of Police shall issue to each licensee hereunder an identification card that will be so constructed that a photograph as required under ' 116.03(G), may be inserted therein and open to view at all times. The identification card shall also have inscribed upon it the words licensed solicitor, licensed canvasser, or licensed mobile vendor as the case may be and the expiration date of the license. Said identification card shall be worn constantly by the licensee with the photograph always exposed on the front of his or her hat or outer garment in such a way as to be conspicuous during such time as licensee is engaged in business.
(Ord. 590, passed 7-6-54; Am. Ord. 2009-05-17, passed 6-1-09) Penalty, see ' 116.99(A)

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' 116.11 TRANSFER OF LICENSE OR BADGE PROHIBITED.

No license or badge issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued.
(Ord. 590, passed 7-6-54) Penalty, see ' 116.99(A)

' 116.12 USE OF STREETS.

No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this section, the judgement of a police officer exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
(Ord. 590, passed 7-6-54) Penalty, see ' 116.99(A)

' 116.13 FOOD HANDLERS CERTIFICATE.

All peddlers who offer for sale to the public, food in any form shall, before a license is issued to him under this chapter, obtain a food handlers certificate from the county or state board of health and exhibit same to city clerk.
(Ord. 590, passed 7-6-54)

' 116.14 RECORDS.

The chief of police shall report to the city clerk all convic-tions for violation of this chapter and the city clerk shall maintain a record for each license issued and record the reports of violation therein.
(Ord. 590, passed 7-6-54)

' 116.15 DUTY OF POLICE TO ENFORCE PROVISIONS OF CHAPTER.

It shall be the duty of any police officer of the city to require any person seen soliciting, canvassing, or peddling and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of the chapter against any person found to be violating the same.
(Ord. 590, passed 7-6-54)

' 116.16 EXCEPTIONS.

(A) (1) Soliciting, canvassing and mobile vending which is a part of, or in, interstate commerce shall be exempted from the provisions of this chapter but only to the extent that the provisions of this chapter are forbidden or prohibited by the constitution of the United States.

(2) Legal and/or notarized evidence, verifying the involvement of such interstate commerce may be presented in lieu of the Interstate Commerce Commission permit.

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(3) If the negotiation for the sale of the goods or materials, involves interstate commerce, the application fee and license fee shall be waived but the provisions as outlined in ' 116.03, must be complied with.

(B) This chapter shall not be held to include any sale conducted pursuant to statute or order of any court.

(C) No application fee shall be required of: duly licensed auctioneers; nor to persons selling for bona fide wholesale establishments to retail dealers in the city; nor to the acts of bona fide retail merchants of the city or their employees in taking orders in the houses of their customers for goods held by them in stock at their places of business or to the acts of the merchants or their employees in delivering goods ordered by their customers, nor to newspaper boys peddling newspapers. Nor shall this chapter apply to clubs or organizations making sales on a charitable or non-profit basis.

(D) Any charitable or not for profit organization receiving prior approval from the Mayor. This approval will be in writing and directed to the Clerk-Treasurer who shall place said approval on the agenda for the next regularly scheduled Board of Public Works and Safety meeting to be entered into the official record with out action.
(Ord. 2009-05-17, passed 6-1-09)

TRANSIENT MERCHANTS

' 116.20 DEFINITIONS.

For the purpose of '' ll6.2l through ll6.99 the following words and phrases shall have the following meaning ascribed them respectively.

(A) ATRANSIENT MERCHANT.@ All persons, individuals, copartners and corporations, both as principals and agents, who engage in, do or transact any temporary or transient business in the city by selling goods, wares, or merchandise, and who, for the purpose of carrying on such business, hire, lease or occupy any room, building, vehicle, railway car, store, shop vacant lot or parking lot, tent or structure, for the exhibition and sale of goods, wares and merchandise, excepting those hereinafter exempted, and anyone conducting business as above set forth within the corporate limits of the city, for the period of less than 300 days, shall be deemed transient merchants.
(Ord. 460, passed 4-6-36)

' 116.21 LICENSE REQUIRED.

It shall be unlawful for any transient merchant, to engage in, do or transact any business as such, in the city without first having obtained a license and paid all the fees required as hereinabove provided in '' 116.02 et seq. Such transient merchant, desiring to do business within the corporate limits of the city, shall file his or her verified application for license for that purpose with the Clerk-

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Treasurer, at least 14 days prior to beginning business. All licenses issued under this chapter shall be effective only between the hours of 8:00 a.m. and dusk for mobile vendors; 8:00 a.m. to 8:00 p.m. for transient merchants and are for the applicant, their helpers and only for the period they were issued. Any applicant filing for a renewal must complete a form to be provided by the Clerk-Treasurer that swears and affirms that no changes in use, description, product, or any other criteria listed in this chapter have been made or persons licensed hereunder have been convicted of any crime since the original application. Once this affidavit, copy of current criminal history for all persons licensed hereunder and all applicable fees have been received by the Clerk-Treasurer the affidavit will be entered into the agenda for the next regularly scheduled meeting of the Board of Public Works and Safety for its consideration of the application. The renewal applicant, upon completion of the affidavit and remittance of fees will be directed to the Chief of Police for issuance of the license. Only petitioners who received a license in the previous calendar year will be considered as a renewal applicant.
(Ord. 460, passed 4-6-36; Am. Ord. 2009-05-17, passed 6-1-09) Penalty, see ' 116.99(B)

' 116.22 EXCEPTIONS.

The provisions of this chapter shall not apply to auctioneers, sheriffs, constables or other public officers selling goods, wares and merchandise according to law, nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors or pursuant to court order.
(Ord. 460, passed 4-6-36; Am. Ord. 2009-05-17, passed 6-1-09)

' 116.23 REQUIREMENTS.

Every person, firm or corporation engaging in the sale of goods, wares and merchandise in the city, in locations and places or manner described in preceding sections of this chapter who has not been in business (at the day of the introduction) of this chapter shall, after taking effect of this chapter, be presumed to be a transient merchant, and his or her place of business shall be presumed to be a temporary store or place of business. This presumption however, may be overcome by furnishing proof to the Clerk-Treasurer, that the person, firm, or corporation is not a transient merchant, within the meaning of this chapter. Any such person, firm, or corporation claiming not to be a transient merchant, which claim shall be set forth in affidavit and filed with the Clerk-Treasurer, shall be required by the Clerk-Treasurer to file proof of insurance in the amount hereinafter set forth, conditioned that the principal and surety will pay all license fees due under this chapter if such person, firm, or corporation carries on business in the city, for a period of less than 300 days. Provided that no liability shall be incurred on the insurance while the persons responsible under the provisions of ' 116.22 for the payment of license fees as transient merchants, hold themselves available at a given address where they can be found in the city, for a period of 300 days after engaging in business, to answer

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the complaint of the city for the violation of this chapter. The amount of the liability insurance shall be $100,000. Nothing in this section shall limit the license fees of transient merchants, or the liability for nonpayment of said fees under ' 116.21.
(Ord. 460, passed 4-6-36; Am. Ord. 2009-05-17, passed 6-1-09) Penalty, see ' 116.99(B)

' 116.99 PENALTY.

(A) Any person violating any of the provisions of '' ll6.02 through ll6.l6 shall, upon conviction thereof, be punished by a fine not to exceed $300. Every day upon which violations shall occur or upon which such violation shall continue, shall constitute a separate offense.
(Ord. 590, passed 7-6-54)

(B) Any person, either as principal or agent, who shall in any manner engage in, do or transact any business as a transient merchant, without having first obtained his license as hereinbefore provided, or who shall conduct any sale, or who shall sell or expose for sale any goods, wares, and merchandise, contrary to the provisions of '' ll6.2l through ll6.23, or who shall advertise, represent or hold forth, any sale of goods, wares or merchandise, to be conducted contrary to the provisions of these sections shall be fined for such offense not more than $300, and each day=s violation shall constitute a separate offense.
(Ord. 460, passed 4-6-36)

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CHAPTER ll7: BUSSES

Section

ll7.0l License required
ll7.02 Annual license fee
ll7.03 Issuance of license
ll7.04 Retirement of motor vehicles
ll7.05 License plate issued
ll7.06 Unlawful to drive motor vehicle without license plate attached
ll7.07 Age requirement
ll7.08 Discharging of passengers
ll7.09 Busses shall operated on specified streets

ll7.99 Penalty

' ll7.0l LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation authorized by the public service commission of the state to operate motor vehicles for the transportation of passengers for hire, to drive or operate, or cause to be driven or operated, upon any of the streets, alleys or public places of the city any automobile or motor vehicle for the solicitation, carriage and transportation of passengers for hire, unless the owner, manager or operator of such automobile or motor vehicle shall first have been duly licensed so to do by the city provided that automobiles and motor vehicles used exclusively as hearses, ambulances, hotel busses, railroad busses and sightseeing busses, operated from a garage or office expressly upon call, telephone, or otherwise, shall not be construed to be included within the purpose of this chapter.
(Ord. 512, passed 2-7-44) Penalty, see ' ll7.99

' ll7.02 ANNUAL LICENSE FEE.

Any person, firm, or corporation desiring to obtain a license to drive, operate, or to engage in the operation of any such automobile or motor vehicle, shall first pay to the city clerk-treasurer of the city for each automobile or motor vehicle, so to be driven or operated, an annual license fee as follows:

(A) For each such vehicle operated in and out of and/or through the city, and which vehicles take on or discharge passengers within the city, the following sums:

(l) Vehicles used as busses with a capacity for seating and carrying not more than l0 passengers per load the sum of $50.

(2) Vehicles used as busses with a capacity for seating and carrying more than l0 passengers per load the sum of $l00.

(3) Vehicles used as taxicabs and operating from an office or telephone within the city or garaged therein or assigned or occupying specially designated or set-off parking space therein the sum of $25, provided that if the same owner shall operate more than

one such vehicle as a group or fleet, the license fee for each and every car after the first or initial one shall be the sum of $l0.

(B) He shall present to the clerk-treasurer a receipt therefor, and a written or printed form of application, furnished by the city, and signed by him, stating the name, place of business and residence and age, if any individual of such applicant alleging his ownership or control of such automobile or motor vehicle, the seating capacity, the number of years the vehicle has been driven, the number of the license issued to the applicant by the Secretary of State on Indiana, and the motor number and serial number of each motor vehicle upon which applicant shall apply for a license.
(Ord. 512, passed 2-7-44) Penalty, see ' ll7.99

' ll7.03 ISSUANCE OF LICENSE.

Upon the presentation of such receipt, and such application in form and substance as above provided, the clerk-treasurer shall issue, or cause to be issued, to the applicant, a license for the driving or operating of such vehicle, signed by himself and the mayor, which license shall bear the date of its issuance, shall state the name and address of the licensee, a description of the vehicle so licensed, with its seating capacity and the number of the state license thereof, and the date of the expiration of such license so issued by the city, which last mentioned date shall be December 3l, next following, the date of its issuance, which the license shall not be transferable, and the vehicle so licensed shall be operated only for the aforesaid purposes by the licensee his agent or servant. The license so issued shall be placed in an appropriate container affixed to the front interior of the bus so licensed and in a conspicuous place.
(Ord. 512, passed 2-7-44) Penalty, see ' ll7.99

' ll7.04 RETIREMENT OF MOTOR VEHICLES.

In the event of the permanent retirement from service of any motor vehicle by the owner thereof before the expiration of the license authorizing the operation thereof, the license for such vehicle shall be surrendered to the city clerk-treasurer and a license of like character issued for the bus substituted thereof, if any, and the unearned license fee on the license so surrendered for cancellation shall be creditied upon the fee payable for the license issued in substitution therefor, provided the applicant shall pay into the office of the clerk-treasurer a transfer fee of $l for each transfer.
(Ord. 512, passed 2-7-44)

' ll7.05 LICENSE PLATE ISSUED.

The city clerk treasurer shall provide, issue and deliver to such licensee, a plate of metal or other substantial material for each vehicle so licensed, with the word ACrown Point@ thereon, together with the numerals representing the year for which such license was issued, and a separate number for each license plate, the numbers shall be

stamped or printed upon such plate, and such numbers shall correspond with the number of the license issued for such vehicle. (Ord. 512, passed 2-7-44)

' ll7.06 UNLAWFUL TO DRIVE MOTOR VEHICLE WITHOUT LICENSE PLATE ATTACHED.

It shall be the duty of such licensee to attach the plate as described in ' ll7.05 on the front end of vehicle and it shall be unlawful for any person to drive or operate a licensed vehicle without the plate being so attached; provided that in case of an emergency a temporary permit may be issued forthwith by the Clerk-Treasurer upon affidavit of any driver or agent of the owner of such vehicle that such vehicle is disabled and another must immediately be substituted for it and the temporary permit shall expire as soon as repairs can be made or the disabled vehicle placed in running order. No fee shall be charged for temporary permit and the life of same shall not be more than ten days unless, by affidavit, facts are shown necessitating a further extension of time for the repair of the disabled vehicle. The substituted vehicle shall carry an identification card identifying it as the substitute for the vehicle for which it is in service.
(Ord. 512, passed 2-7-44) Penalty, see ' ll7.99

' ll7.07 AGE REQUIREMEMT.

No license shall be issued to any person under the age of 2l years, and it shall be unlawful for any person under the age of 2l years to drive or operate such vehicle, or for any such owner or licensee to cause or permit any person under age 2l to drive or operate such vehicle so licensed for the purposes herein provided and contemplated.
(Ord. 512, passed 2-7-44) Penalty, see ' ll7.99

' ll7.08 DISCHARGING OF PASSENGERS.

The licensee shall take and discharge passengers at the curb or marked crossing only, and shall not stand or remain parked in the street except when moving or during the time required to discharge and receive passengers, except as designated by sign and as authorized by the city or its Police Department.
(Ord. 512, passed 2-7-44) Penalty, see ' ll7.99

' ll7.09 BUSSES SHALL OPERATE ON SPECIFIED STREETS.

No such bus shall be permitted to operate upon any of the streets of the city except the following:

(A) Joliet Street from the east limit to the west limit of the city.

(B) Main street from the north limit of the city to the south line of the intersection of Joliet Street and Main Street, provided, however, that temporary permission may be given for the operation of such vehicles on other streets and portions of streets in the city by order of the Board of Public Works and Safety of the city and by appropriate posting of proper signs indicating the use; provided also that any portion of any street herein designated for use by such

motor vehicles may be ordered detoured by the Board of Public Works and Safety or the Chief of Police upon temporary emergency and for repairs and during such temporary emergency, the detour designated by such authorities and posted by proper signs shall be used by such vehicles. (Ord. 512, passed 2-7-44)

' ll7.99 PENALTY.

Any person, firm, or corporation violating any of the above provisions of this chapter should be subject upon conviction to a fine of not less than $l or more than $500. Each day shall constitute a separate and distinct offense.
(Ord. 512, passed 2-7-44)

CHAPTER 118: CONTRACTOR LICENSING

Section

118.01 Purpose; license required
118.02 Definitions
118.03 Board of Contractor Licensing and Registration
118.04 License application
118.05 Testing procedures
118.06 License and examination fees
118.07 Annual license renewal fees
118.08 Exceptions; exclusions
118.09 Registration; enforcement
118.10 Identification
118.11 Legal proceedings
118.12 Insurance
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118.14 Effective date

' 118.01 PURPOSE; LICENSE REQUIRED.

It is hereby declared to be the purpose, intent and policy of the Common Council and the Board of Public Works and Safety, that in order to safeguard the health, safety and public welfare of its citizens, the business of building construction and the persons engaged therein, as hereafter defined. No general contractor, specialty contractor or business entity shall undertake to construct, alter, repair, move, wreck or demolish any structure or part thereof without first obtaining a license from the city as set forth herein.
(Ord. 2012-08-16, passed 9-4-12)

' 118.02 DEFINITIONS.

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

ABOARD.@ The Board of Contractor Licensing and Registration.

ABUSINESS ENTITY.@ An individual, sole proprietorship, firm, association, partnership, limited liability partnership, corporation, limited liability corporation or any form of corporate or unincorporated enterprise, owned by two or more persons.

ADIRECTOR.@ Director of Community Development for the City of Crown Point, Indiana.

AGENERAL CONTRACTOR.@ Any business entity, or an individual, officer, agent, representatives of such, who for compensation

undertakes to, or submits bid to, or does himself or herself, or has done by others, construction repair, alteration, remodeling, addition to, subtraction from and improvement of structure and building, and/or manages all or any of the above items, and who is responsible for all contracting within the entire project.

ALICENSE.@ A certificate issued by the city, through the Clerk-Treasurer=s office, upon payment of the following prescribed fees which confers upon the holder the privilege to perform as a contractor or subcontractor within the city.

AMAINTENANCE PERSON.@ An individual who is employed on a permanent basis to keep the premises of a business establishment in good repair.

AREGISTRATION.@ The act by which the city, through the Clerk-Treasurer=s office, confers upon a business entity the privilege to act as a plumbing, electrical, HVAC, mechanical or general contractor as herein defined, which registration shall be evidenced by a certificate of registration.

ASPECIALTY CONTRACTOR OR SUB-CONTRACTOR.@ A contractor who specializes in a particular branch of the building construction industry and/or any other contractor who does contractual business in the city shall be licensed in such specialty pursuant to the terms of this chapter in the specific field in which the license is held. This shall include but not be limited to the fields of electrical, plumbing, and mechanical contractors.
(Ord. 2005-02-03, passed 2-7-05; Am. Ord. 2012-08-16, passed 9-4-12)

' 118.03 BOARD OF CONTRACTOR LICENSING AND REGISTRATION.

(A) Generally. One Board of Contractor Licensing and Registration is hereby created. This Board shall have general charge and responsibility of administering this chapter. The title of this Board is as follows: ACity of Crown Point Board of Contractor Licensing and Registration@.

(B) Board composition. The Board of Contractor Licensing and Registration shall consist of seven members to be appointed as follows:

(1) The Director of Community Development of the city shall, by virtue of his or her position, serve as a voting member.

(2) The Building Administrator of the city shall, by virtue of his or her position, serve as a voting member.

(3) The Common Council shall appoint one member from the Common Council to serve on this Board and be a voting member.

(4) The Chairperson of the Plan Commission shall by virtue of his or her position, serve as a member of the Board and be a voting member.

(5) Three citizen members, comprised of one representative of the building construction industry who is a resident of Crown Point and two residents within the city, shall be appointed by the Mayor and be voting members.

(6) All Board members shall be entitled to vote on all matters properly before the Board, unless the member declares a conflict of interest.

(C) (1) Upon initial passage of this section, the three citizen members appointed to this Board by the Mayor shall serve the following terms:

(a) The one citizen member appointed by the Mayor who is a representative of the building construction industry shall serve a term of one year;

(b) One citizen member appointed by the Mayor shall serve a term of two years; and

(c) One citizen member appointed by the Mayor shall serve a term of two years.

(2) Appointments thereafter shall be staggered and shall be for a term of two years. Each term of two years shall begin January 1 and end (or expire) on December 31 of each respective member=s term. Members whose term ends or expires shall continue to serve until an appointment is made to replace them.

(3) One of the seven Board members shall be elected to serve as Chairman at the first meeting of each calendar year to serve as Chairman until the next election. A member can serve as Chairman for as many terms as he or she is elected. The Board may elect such other officers when and how it deems necessary.

(D) Duties and policies.

(1) Organization and meetings.

(a) No later than January 21 of each year, the Board shall hold an organizational meeting at which time a monthly meeting date and time shall be adopted.

(b) All meetings of the Board shall be held at the Crown Point City Hall.

(c) The Board shall be subject to all provisions of I.C. 5-14-1.5, commonly known as the Indiana Open Door Law.

(2) Duties. The Board shall, upon the verified complaint in writing of the city=s Building Inspector setting forth specifically the alleged wrongful action or acts complained of, investigate any action or business transaction of a licensee or certificate of registration holder and shall have the power to suspend or revoke the license or certificate of registration issued under the provisions of this chapter, if after a hearing affording due process to the licensee or certificate of registration holder, it shall find the holder to have engaged in any of the following prohibited acts or conduct:

(a) Willful and deliberate disregard of the applicable construction codes and ordinances, as amended from time to time, of the City of Crown Point, State of Indiana, or any rules promulgated pursuant thereto;

(b) Aiding or abetting any unlicensed entity, or its designated agent or representative, to evade the provisions of this chapter or rules and regulations promulgated pursuant thereto;

(c) Knowingly combining or conspiring with an unlicensed or non-registered business entity or its duly authorized agent or representative with the intent to evade the provisions of the chapter or rules and regulations thereto;

(d) Acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth on the issued license;

(e) Diversion of funds or property received from proceeding on or completion of a specified construction project or operation where, as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his or her obligations or contract;

(f) In the case of a contractor filing for protection under the Bankruptcy Code or being adjudicated a bankrupt, or the making by a contractor of an agreement with creditors, or the appointment of a receiver for the licensee=s business;

(g) Paying compensation in money or other valuable consideration to any business entity or its duly authorized agent or representative other than a licensed or registered contractor for rendering services or doing any act required by this chapter to be performed by a licensed contractor holding a valid license or certificate of registration;

(h) No violation of any provisions of this chapter by an agent or employee of any licensed or registered contractor shall be grounds for the suspension or revocation of the license of the employer unless it can be shown that the employee was so with the knowledge of the contractor. For the purpose of the preceding sentence, a course of dealing shown to have been consistently followed by an employee shall constitute prima facie evidence of knowledge on the part of the employer;

(I) Any business entity or its designated agent or representative aggrieved by an action by the Board in suspending, revoking or failing to renew a license or certificate of registration may seek judicial review thereof;

(j) The record of the Board or a duly certified copy thereof shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant, licensee, or certificate of registration holder charged or under investigation is a party, and where the issues involved in the proceedings are pertinent to the inquiry before the Board and the verdict or judgment of the court in any proceeding in equity shall be prima facie evidence of the facts at issue in the proceedings and necessarily adjudicated therein;

(k) The verdict in any prosecution in a court of record of this or any state in which the applicant licensee, or certificate of registration holder shall have been the defendant, shall be conclusive as to the facts charged and at issue in the prosecution;

(l) After the revocation of any license or certificate of registration, no new license or certificate of registration shall be issued to the same licensee or certificate of registration holder within a period of at least one year subsequent to the date of revocation;

(m) Whenever a new license or certificate of registration is issued by the Board to any business entity whose license or certificate of registration has been previously revoked, the issuance shall be treated as an initial issuance and the applicant shall be required to pay the fee, and in the case of contractors, shall be required to submit to the examination required of all other applicants;

(n) When any business entity, or a duly authorized agent or representative of such, acts as a contractor without first obtaining a license as provided herein, or any individual who continues to act as a contractor after his or her license or certificate of registration has been suspended or revoked, the Building Administrator or his or her duly appointed representative may in the name of the Crown Point

Building Department bring actions in the Circuit or Superior Courts of Lake County, Indiana, for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Building Administrator, and any such action for mandatory injunctive relief may be jointed with an action to recover the penalties provided in this chapter;

(o) Any person or entity violating any provision of this chapter or refusing a lawful order issued by the Building Administrator, or his or her duly appointed representative, shall be fined in a sum not less than $500, nor more than $2,500 plus costs. Each day of the unlawful activity shall constitute a separate offense;

(p) Any business entity or duly authorized agent or representative which fails to renew its license or certificate of registration and continues to act as a contractor after the same has expired shall be fined in accordance with the provisions set forth herein; and

(q) Any person who acts as a contractor without first obtaining a license; as provided herein, shall be fined in a sum not to exceed $2,500 plus costs as determined by proceedings before the Crown Point Board of Contractor Licensing and Registration.

(3) Findings of fact. The Board shall make findings of fact regarding suspension or revocation of a license, determine fines and costs for violations and have the power to revoke a contractor=s license by a majority vote of the Board.
(Ord. 2012-08-16, passed 9-4-12)

' 118.04 LICENSE APPLICATION.

(A) Except as otherwise provided in this chapter, any business entity which seeks to conduct business in the city as a general contractor or specialty (sub)contractor, is required to be licensed and/or registered by the city. Each business entity which satisfies all requirements of this chapter shall be issued a license and/or certificate of registration by the city, through the Clerk-Treasurer=s office.

(B) A business entity seeking to be licensed and/or registered as a general contractor or specialty (sub)contractor, shall file a written application on a form to be provided by the Clerk-Treasurer=s office.

(C) The application shall be filed on behalf of the business entity and shall also contain the names and home addresses of all principals of said entity, and be signed by the individual who manages said business. Where a license is issued, authority to transact business there as a general contractor or specialty contractor shall be

limited to one individual named in the application and the license as the license holder. In the event the license holder leaves the business entity, the license becomes null and void.

(D) The application shall also be signed by the individual designated as the license holder and the authorized officer of the entity.

(E) The application shall be accompanied by two recent photographs of the applicant (size 12 inches x two inches).

(F) Upon the filing of the application, the city=s Building Department in cooperation with the Crown Point Police Department may investigate (or direct the investigation by his or her staff) the information on the application and, in the event any false information has been knowingly or willfully stated, may refuse to examine, and may direct the Clerk-Treasurer to refuse to register the applicant.

(G) Except as provided in this chapter, all applicants shall pass a written examination regarding matters pertinent to the category of license requested.

(H) (1) Before a license or certificate of registration is issued by the Clerk-Treasurer to any applicant, the Board shall require the applicant to provide a copy of said unified license bond showing that he or she has obtained a unified license bond as provided in I.C. 22-11-3.1-2.

(2) This unified license bond is in lieu of any other bond for this type of work required by the city and the bond must be in an amount equal to $5,000.

(3) The unified license bond shall be held for compliance with the ordinances, statutes and regulations governing business in the City of Crown Point and the State of Indiana.

(4) The unified license bond shall be filed with the Lake County Recorder.

(I) Whenever any contractor=s license or certificate of registration issued under the provisions of this chapter is revoked by the Board or levied fines remain unpaid, the Clerk-Treasurer shall deliver the bond of the offending licensee to the City Attorney, who shall institute proceedings to forfeit the bond to the city.

(J) All licenses are for a term beginning January 1 and ending December 31 of the same calendar year. A license issued by the city is valid until the contractor to whom the license was issued fails to

perform any work under that license for a period of five years in which case the license expires. However, a contractor may not perform any work under a license in a subsequent calendar year prior to payment of the annual renewal fee.

(K) If a contractor who is issued a license by this city allows his or her license to expire, he or she will be required by the city to reapply for a new license.

(L) Upon receipt of an application for renewal by an applicant, who during the preceding licensed or registered period has violated any of the provisions of this chapter or any rules promulgated by the Board, the Board shall make such investigation as it deems necessary to determine the fitness of the applicant for renewal of his or her license or certificate of registration. In the event the Board determines after the investigation that a question exists as to whether the application hereunder consideration should be renewed, they shall so advise the applicant and he or she shall, thereafter, within 30 days show cause to the Board why his or her license or certificate of registration should be renewed, they shall so notify the applicant and the applicant thereafter may seek remedies under the laws of the state.

(M) No license or certificate of registration shall be renewed during any period a licensee or registrant is under citation by the Board for violation of any of the provisions of this chapter; however, the Board, at its discretion, may temporarily extend the applicant=s current license or registration for a period, or periods of time, not to exceed 30 days, or until the act complained of shall be heard by the Board, and during any period of appeal provided for by this chapter.

(N) The fees charged by and paid to the Clerk-Treasurer by licensees or registrants for all licenses and certificates of registrations and renewals thereof shall be as set out in the fee schedule in ' 118.06.

(O) All fees assessed by the Common Council shall be paid in the Clerk-Treasurer=s office, and shall be credited to the city=s General Fund. All testing fees shall be credited to a (non-reverting building fund).

(P) (1) In the event a licensee or certificate holder shall have been convicted in this state or any other state of obtaining money under false pretenses, extortion, forgery, embezzlement or criminal conspiracy to defraud, or other like offenses, and a duly certified or exemplified copy of the record in the proceeding is filed with the Board, the Board shall vote to revoke the license or certificate of registration issued to the licensee/registrant holder.

(2) In the event of the revocation or suspension of the license issued to any member of a co-partnership, association or corporation, or an employee thereof, the license issued to the other co-partner, member or members of the firm, association or corporation shall be revoked unless within the time fixed by the Board, where a co-partnership or association, the connection of the member or employee whose license has been suspended (or revoked) shall be severed and his or her interest in the co-partnership or association, or his or her employment, thereby, in the case of an employee, be terminated, and his or her share in its activities brought to an end, or where a corporation, the offending officer or employee shall be discharged and shall have no further participation in the corporate activities.
(Ord. 2012-08-16, passed 9-4-12)

' 118.05 TESTING PROCEDURES.

(A) The city=s Building Inspector, with input from the Board, within ten days of the date of final passage and adoption of this chapter, shall prepare and submit a draft of a test in each of the following classifications. The test shall include the substantive areas and cover material contained in the code specified herein:

(1) General contractor/combination license:

(a) Based on state building codes; and

(b) Covers:

1. State building codes;

2. Management and labor requirements;

3. Safety requirements; and

4. Legal requirements.

(2) General contractor/residential license:

(a) Based on state=s One and Two Family Building Code; and

(b) Covers:

1. One and Two Family Building Code;

2. Management and labor requirements;

3. Safety requirements; and

4. Legal requirements.

(3) Specialty (sub)contractor license, to include but not be limited to the fields of carpentry, masonry, glazing, foundation repair, siding, roofing, drywall, insulation, concrete, HVAC/mechanical, fireplaces and swimming pools:

(a) Based on applicable local and state codes; and

(b) Covers:

1. State and local codes;

2. Management and labor requirements;

3. Safety requirements; and

4. Legal requirements.

(4) Electrical contractors:

(a) Based on applicable local and state codes; and

(B) The city=s Building Inspector shall review and revise the draft tests as he or she deems necessary to accomplish the stated intent of the provisions of this chapter. The city=s Building Inspector determination of the appropriateness of the test shall be conclusive.

(C) The test shall be administered in the city=s Building Department office once a week, upon receipt of a complete application. The city=s Building Inspector shall grade each test and notify the applicant in writing within five business days whether the test was passed. A passing grade of 76% is required. Any applicant who fails to qualify for a license as a contractor or specialty contractor shall not be eligible for re-examination for a period of 30 days. Any applicant who fails three attempts in a calendar year shall not be eligible for re-examination for one year subsequent to the date of the last failure. (Ord. 2012-08-16, passed 9-4-12)

' 118.06 LICENSE AND EXAMINATION FEES.

(A) An application and processing fee of $50 and an initial examination fee of $200 shall accompany an application for any contractor or specialty contractor license;

(B) If a subsequent exam is necessary because of failure of the initial exam, an examination fee of $100 shall be required prior to any additional examinations; and

(C) A fee of $100 shall be required for the initial issuance of a license upon taking and passing the appropriate examination if applicable.
(Ord. 2012-08-16, passed 9-4-12)

' 118.07 ANNUAL LICENSE RENEWAL FEES.

There shall be a license renewal fee of $50 and a processing fee of $25 accompanying every annual license renewal application prior to December 31 of the current license year. Any renewal after December 31 will be charged an additional $25 late fee.
(Ord. 2012-08-16, passed 9-4-12)

' 118.08 EXCEPTIONS; EXCLUSIONS.

This chapter does not apply to the following:

(A) An authorized employee of the United States, the State of Indiana, County of Lake or any political subdivision thereof, so long as the employee does not hold himself or herself out for hire and is acting within the scope of his or her employment;

(B) Public utilities, where construction, maintenance and development work performed by their own forces and incidental to their business;

(C) The owner-occupant of single-family dwelling unit when said owner-occupant is himself or herself alone constructing, installing, altering, remodeling or repairing the residential unit he or she occupies. However, this exclusion shall not be available more than once every five years when applied toward construction of a new single-family residence.

(D) Any construction, alteration, improvement or repair of improvements located on any site and project where state and federal law supersedes this chapter; and

(E) Any individual who is employed or acts as a maintenance person and provides maintenance work only at his or her place of employment.
(Ord. 2005-02-03, passed 2-7-05; Am. Ord. 2012-08-16, passed 9-4-12)

' 118.09 REGISTRATION; ENFORCEMENT.

(A) Nothing in this chapter shall limit the power of a political subdivision to regulate the quality and the character of work performed by contractors through the enforcement of building codes and inspections.

(B) State licensed plumbers shall be required by the city to pay a fee as prescribed by this chapter for a specialty contractor=s

license empowering the aforementioned contractors to perform work in the City of crown Point, Indiana, and said license shall only be renewed in person with verification of identification.

(C) The city=s Director of Community Development, Building Administrator, Building Inspector and all officers of the Crown Point Police Department are hereby authorized to issue citations for violations of this code.
(Ord. 2012-08-16, passed 9-4-12)

' 118.10 IDENTIFICATION.

All general, electrical, plumbing, HVAC (mechanical) and specialty contractors shall have all vehicles and equipment visually marked and identified in a prominent manner with the company name and phone number.
(Ord. 2011-07-12, passed 7-5-11; Am. Ord. 2012-08-16, passed 9-4-12)

' 118.11 LEGAL PROCEEDINGS.

During any proceeding before the Board, should any contractor or witness fail or refuse to attend a request issued by the Board or should any representative appearing, refuse to provide any information or data, the production of which is called for by the Board shall constitute grounds for the Board, by majority vote, to revoke the license.
(Ord. 2012-08-16, passed 9-4-12)

' 118.12 INSURANCE.

Property damage and personal injury insurance forms shall be filed with the Clerk-Treasurer=s office by the licensed contractor. The limits for such policies are $500,000 per occurrence with a yearly aggregate coverage of $1,000,000.
(Ord. 2012-08-16, passed 9-4-12)

' 118.13 RIGHT TO APPEAL.

Any person or contractor shall have the right to appeal any order of the Board, first to the Board of Public Works and Safety and then to the Lake County Circuit Court of Indiana, in accordance with the provisions of I.C. 22-13-2-7 and I.C.4-21.5-3-7.
(Ord. 2012-08-16, passed 9-4-12)

' 118.14 EFFECTIVE DATE.

These provisions shall become effective ten days after their final passage and adoption.
(Ord. 2012-08-16, passed 9-4-12)

CHAPTER ll9: CABLE COMMUNICATIONS SYSTEM FRANCHISES

Section

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Cross-reference:
Cable communications system franchises granted by city, see T.S.O. II

' ll9.0l DEFINITION.

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

ACABLE COMMUNICATIONS SYSTEM.@ Any system using the public rights-of-way which operates for hire the service of receiving and amplifying programs broadcast by one or more television or radio stations and any other programs originated by a cable communications company or by another party, and distributing the programs by wire, cable, microwave, or other means, whether these means are owned or leased to persons who subscribe to this service. This definition does not include:

(A) Any master antenna television system;

(B) Any specialized closed-circuit system which does not use the public rights-of-way for the construction of its physical plant; and

(C) Any translator system which receives and rebroadcasts over-the-air signals.
(Ord. l344, passed 4-3-85)

' ll9.02 EFFECTIVE DATE.

This chapter shall be effective beginning April 3, l985 provided, however, that the terms and conditions of this chapter shall not apply to any application for an initial cable television franchise received by the city prior to April 3, l985.
(Ord. l344, passed 4-3-85; Am. Ord. l345, passed 5-6-85)

' ll9.03 FRANCHISE REQUIRED.

In order to construct or operate a cable communications system within the city, a franchise shall be required as provided for in this chapter. The authority for the city to award a cable communications system franchise is established in Section 62l (a)(l) of the Cable Communications Policy Act of l984.
(Ord. l344, passed 4-3-85)

' ll9.04 OPERATION OF CABLE COMMUNICATIONS SYSTEM WITHOUT FRANCHISE PROHIBITED.

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a cable communications system, without a franchise therefor from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance, and shall be in compliance with applicable federal and state law. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise.
(Ord. l344, passed 4-3-85)

' ll9.05 PROCESS FOR GRANTING FRANCHISE.

Before any franchise is granted, the Common Council shall follow the process established herein in order to enable all interested persons an opportunity to comment on a franchise application.

(A) Initial franchising. The city reserves the right to solicit proposals from all interested persons to provide cable communications service within the city. The process shall be as follows.

(l) The city shall solicit proposals to provide cable communications service through a request for proposals which shall be available for response by any interested party.

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(2) The request for proposals shall include:

(a) A proposed franchise ordinance;

(b) An application form including required and preferred standards together with evaluation criteria and priorities. The application forms shall solicit at least the following information.

l. Name and address of the applicant.

2. Background and experience of the applicant.

3. Financial information to support the proposed cable communications system, construction, and operation.

4. Description of construction schedule, location, and safety precautions.

5. System design.

6. Signal quality.

7. Proposed services.

8. Emergency and public uses.

9. Subscriber practices.

l0. Rates and charges.

ll. Security for performance and insurance.

(3) Prior to the solicitation of proposals, the Common Council shall approve the request for proposals as defined above.

(B) Renewals. The city shall follow the franchise renewal process outlined in Section 626 of the Cable Communications Policy Act of l984. Nothing in this chapter shall be construed to require renewal or extension of any cable television franchise. The city shall seek to ensure that any existing services do not lapse in order that subscribers and other users will have continuous service.

(C) During other times.

(l) Persons may request additional franchises at any time, including during the term of an existing franchise unless the city has started a process under division (A) or (B) above, by completing the then existing application forms of the city. The city shall have six months to approve or deny any such application and shall consider, in addition to the standards set forth in the application forms, the following.

(a) The effect on the public health, safety, and welfare from granting an additional franchise or franchises, including an evaluation of any additional burden, nuisance, or other adverse effect the additional franchise could have on the city=s public streets and property.

(b) The effect of granting an additional franchise or franchises as it relates to the potential duplication of facilities and services including a consideration of the effect on prices charged to cable television subscribers and increased regulatory and administrative costs to the city.

(c) Whether public convenience and necessity requires the granting of an additional cable communications franchise.

(2) The city shall not grant an additional cable communications franchise where it finds that the public health, safety, and welfare, including the public rights-of-way would be impaired; the additional franchise would result in a duplication of facilities and services resulting in higher prices to be charged to subscribers, increased regulatory or administrative costs to the city; or the public convenience and necessity would not be served. The city shall prepare a written report setting forth the reasons for accepting or denying the application and shall send the report to the applicant within 2l days after the determination.
(Ord. l344, passed 4-3-85)

' ll9.06 APPLICATION FEE.

Each application submitted to the city shall be accompanied by an application fee of $3,000. If the actual cost for review of the application is less than this amount, the city shall reimburse the applicant. If the actual cost exceeds this amount, the additional amounts shall be billed to the applicant.
(Ord. l344, passed 4-3-85)

' ll9.07 PUBLIC HEARING.

Before the introduction of any ordinance awarding a franchise, the Common Council shall review the franchise application and hold a public hearing to consider the ability of the applicant to operate a cable communications system to serve the public interest. Notice of the hearing shall be published at least once in an official newspaper of the city less than ten days prior to the date of the hearing.
(Ord. l344, passed 4-3-85)

' ll9.08 TERM.

No exclusive or perpetual franchise shall ever be granted. No franchise shall be for a term exceeding l5 years.
(Ord. l344, passed 4-3-85)

' ll9.09 RENEWALS OR EXTENSIONS.

Every extension or renewal of an existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise, except as may otherwise be provided for in the ordinance granting the franchise or other applicable law.
(Ord. l344, passed 4-3-85)

' ll9.l0 AWARD FEE.

The city shall require an applicant awarded a franchise to reimburse the city for actual costs incurred in finalizing the franchise grant and the agreements with the applicant.
(Ord. l344, passed 4-3-85)

RATE REGULATION PROCEDURES

' 119.20 DEFINITIONS.

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

AACT.@ The Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and as may be amended from this time forward.

AASSOCIATED EQUIPMENT.@ All equipment and services subject to regulation pursuant to the Act.

ABASIC SERVICE.@ Basic cable television service as defined in the FCC rules as well as any other cable television service which is subject to municipal rate regulation pursuant to the Act and FCC rules.

ACITY.@ The Mayor of the city, his designee, the City Attorney or any other official, department head or representative, authorized by resolution, charter or ordinance to act on behalf of the city in any matter subject to or under the jurisdiction of this subchapter.

AFCC.@ The Federal Communications Commission.

AFCC RULES.@ All rules of the FCC promulgated pursuant to the Act.

AINCREASE IN RATES.@ An increase in rates or a decrease in programming or customer services. These, and all other words and phrases used in this subchapter shall have the same meaning as defined in the Act and FCC rules.
(Ord. 1697, passed 2-7-94)

' 119.21 PURPOSE; INTERPRETATION.

The purpose of this subchapter is to adopt regulations consistent with the Act and the FCC rules with respect to basic cable service rate regulation, and prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the city. This subchapter shall be implemented and interpreted consistent with the Act and FCC rules.
(Ord. 1697, passed 2-7-94)

' 119.22 RATE REGULATIONS PROMULGATED BY FCC.

In connection with the regulation of rates for basic cable service and associated equipment, the city shall follow all FCC rules.
(Ord. 1697, passed 2-7-94)

' 119.23 FILING; ADDITIONAL INFORMATION; BURDEN OF PROOF.

(A) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC rules. The cable operator shall file ten copies of the schedule or proposed increase with the City Clerk/Treasurer. For purposes of this subchapter, the filing of the cable operator shall be deemed to have been made when at least ten copies have been received by the office of the City Clerk/Treasurer. The Common Council may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator=s filing of the schedule of rates or a proposed increase.

(B) In addition to information and data required by rules and regulations of the city pursuant to division (A) of this section, a cable operator shall provide all information requested by the city in connection with the city=s review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The city may establish deadlines for submission of the requested information and all cable operators shall comply with such deadlines.

(C) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC rules.
(Ord. 1697, passed 2-7-94)

' 119.24 PROPRIETARY INFORMATION.

(A) If this subchapter, any rules or regulations adopted by the city pursuant to ' 119.23(A), or any request for information pursuant to ' 119.23(B) requires the production of proprietary information, the

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cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified, portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and all facts that support those reasons. The request for confidentiality will be granted if the city determines that the preponderance of the evidence shows non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. The city shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests such confidentiality and the request is denied;

(1) Where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or

(2) The cable operator may seek review of the denial by filing, within five working days of the denial, in the appropriate forum located in Lake County, Indiana. Release of the information will be stayed pending review.

(B) Any interested party may file with the city a request to inspect material withheld as proprietary. The city shall weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum in Lake County, Indiana. Disclosure will be stayed pending resolution of any appeal.

(C) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality.
(Ord. 1697, passed 2-7-94)

' 119.25 PUBLIC NOTICE; INITIAL REVIEW OF RATES.

(A) Upon the filing of ten copies of the schedule of rates or the proposed increase in rates pursuant to ' 119.23(A), the City Clerk/Treasurer shall publish a public notice in a newspaper of general circulation in the city which shall state that:

(1) The filing has been received by the City Clerk/Treasurer and (except those parts which may be withheld as proprietary) is available for public inspection and copying; and

(2) Any interested parties are shall submit written comments on the filing to the City Clerk/Treasurer not later than seven days after the public notice is published.

(B) The City Clerk/Treasurer shall give notice to the cable operator of the date, time and place of the meeting at which the City Council shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three days before the meeting. In addition, if a written staff or consultant=s report on the schedule of rates or the proposed increase is prepared for consideration by the City Council, then the City Clerk/Treasurer shall mail a copy of the report by first-class mail to the cable operator at least three days before the meeting at which the City Council shall first consider the schedule of rates or the proposed increase.
(Ord. 1697, passed 2-7-94)

' 119.26 TOLLING ORDER.

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under ' 119.23(A) unless the City Council (or other properly authorized body or official) tolls the 30-day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The City Council may toll the 30-day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.
(Ord. 1697, passed 2-7-94)

' 119.27 PUBLIC NOTICE; HEARING ON BASIC CABLE SERVICES RATES FOLLOWING TOLLING OF 30-DAY DEADLINE.

If a written order has been issued pursuant to ' 119.26 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the city any additional information required or requested pursuant to ' 119.23. In addition, the City Council shall hold a public hearing to consider the comments of interested parties within the additional 90 day or 150-day period, as the case may be. The City Clerk/Treasurer shall publish a public notice of the public hearing in a newspaper of general circulation within the city which shall state;

(A) The date, time and place at which the hearing shall be held;

(B) Interested parties may appear in person, by agent or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates; and

(C) Copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk/Treasurer. The public notice shall be published not less than 15 days before the hearing. In addition, the City Clerk/Treasurer shall mail by first-class mail a copy of the public notice to the cable operator not less than 15 days before the hearing.

(Ord. 1697, passed 2-7-94)
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' 119.28 STAFF OR CONSULTANT REPORT; WRITTEN RESPONSE.

Following the public hearing, the city shall cause a report to be prepared for the City Council which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant=s review and other appropriate information) include a recommendation for the decision of the City Council pursuant to ' 119.29. The City Clerk/Treasurer shall mail a copy of the report to the cable operator by first-class mail not less than 20 days before the City Council acts under ' 119.29. The cable operator may file a written response to the report with the City Clerk/Treasurer and if at least ten copies of the response are filed by the cable operator with the City Clerk/Treasurer within ten days after the report is mailed to the cable operator, the operator response report shall be forwarded to, and considered by, the City Council prior to its action.
(Ord. 1697, passed 2-7-94)

' 119.29 RATE DECISIONS AND ORDERS.

The City Council shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC rules. If the City Council issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this section shall be issued within 90 days of the tolling order under ' 119.26 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under ' 119.26 in all cases involving a cost-of-service showing.
(Ord. 1697, passed 2-7-94)

' 119.30 REFUNDS; NOTICE.

The City Council may order a refund to subscribers as provided in 47 CFR 76.942. Before the City Council orders any refund to subscribers, the City Clerk shall give at least seven days written notice to the cable operator by first-class mail of the date, time and place at which the City Council shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent or by letter at such time for the purpose of submitting comments to the City Council.
(Ord. 1697, passed 2-7-94)

' 119.31 WRITTEN DECISIONS; PUBLIC NOTICE.

(A) Any order of the City Council pursuant to '' 119.29 or 119.30 shall be in writing, shall be effective upon adoption by the City

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Council, and shall be deemed released to the public upon adoption. The Clerk/Treasurer shall publish a public notice of any such written order in a newspaper of general circulation within the city which shall:

(1) Summarize the written decision; and

(2) State that copies of the text of the written decision are available for inspection or copying from the office of the Clerk/Treasurer.

(B) In addition, the City Clerk/Treasurer shall mail a copy of the text of the written decision to the cable operator by first-class mail. (Ord. 1697, passed 2-7-94)

' 119.32 RULES AND REGULATIONS.

In addition to rules promulgated pursuant to ' 119.23, the City Council may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), that are consistent with the Act and the FCC rules.
(Ord. 1697, passed 2-7-94)

' 119.33 FAILURE TO GIVE NOTICE.

The failure of the City Clerk/Treasurer to give the notices or to mail copies of reports as required by this subchapter shall not act to invalidate the decisions or proceedings of the City Council.
(Ord. 1697, passed 2-7-94)

' 119.34 ADDITIONAL HEARINGS.

In addition to the requirements of this subchapter, the City Council may hold additional public hearings upon such reasonable notice as the City Council, in its sole discretion, shall then prescribe.
(Ord. 1697, passed 2-7-94)

' 119.35 ADDITIONAL POWERS.

The city shall possess all powers conferred by the Act, the FCC rules, the cable operator=s franchise and all other applicable law. The powers exercised pursuant to the Act, the FCC rules and this subchapter shall be in addition to powers conferred by law or otherwise. The city may take any action not prohibited by the Act and the FCC rules to protect the public interest in connection with basic cable service rate regulation.
(Ord. 1697, passed 2-7-94)

' 119.36 FAILURE TO COMPLY; REMEDIES.

The city may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator=s franchise with the city) for failure

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to comply with the Act, the FCC rules, any orders or determinations of the city pursuant to this subchapter, any of the requirements of this subchapter, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC rules, any orders or determinations of the city pursuant to this subchapter, any requirements of this subchapter, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of renewal of a cable operator=s franchise.
(Ord. 1697, passed 2-7-94)

' 119.37 CONFLICTING PROVISIONS.

In the event of any conflict between this subchapter and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this subchapter shall control.
(Ord. 1697, passed 2-7-94)

CHAPTER 120: TREE-TRIMMING ACTIVITIES

Section

120.01 Definitions
120.02 Commercial licensing provisions
120.03 Removal and clean up

120.99 Penalty

Cross-reference:
Protection and maintenance of shade trees, see ' 93.05

' 120.01 DEFINITIONS.

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

ABUSH.@ A low tree-like or thickly branching shrub.

ACLERK-TREASURER.@ The Clerk-Treasurer of the city.

ACOMMERCIAL TREE TRIMMER.@ A person who conducts commercial tree-trimming operations, whether or not combined with or a part of other operations, such as general contracting, landscaping, excavating, or otherwise without limitation.

ACOMMERCIAL TREE-TRIMMING OPERATIONS.@ The act of cutting, pruning, trimming, sawing, excavating, or chopping a tree or a bush for hire.

ACROWN POINT CODE.@ The official code of ordinances of the city, as adopted and amended from time to time.

APERSON.@ Any individual, corporation, partnership, joint venture, trust, trustee, or other legal entity. Provided, however, that an employee of a person licensed pursuant to this chapter shall be deemed not included within this definition.

ATREE.@ A perennial woody plant having usually a single, self-supporting trunk, usually eight feet in height or more, with branches and foliage growing at some distance above the ground.

ATREE-TRIMMING OPERATIONS.@ The act of cutting, pruning, trimming, sawing, excavating, or chopping a tree or a bush, whether or not for hire.

AWORK.@ The operations performed by a tree trimmer.

AWORK SITE.@ The place at or area in which work is performed. (Ord. 1533, passed 4-2-90)

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' 120.02 COMMERCIAL LICENSING PROVISIONS.

(A) A person who wishes to conduct commercial tree-trimming operations within the city shall apply to the Clerk-Treasurer, on a form prepared by that office, to obtain a commercial tree-trimming license. A license fee of $50 shall be required, along with a bond, issued by a bondsman acceptable to and approved by the city Legal Department, payable to the city in the penal amount of $5000, assuring the completion of work to be performed by the applicant within the city and in compliance with the terms of this chapter. The license shall be issued for the calendar year in which application is made upon receipt by the Clerk-Treasurer of the completed application form, license fee, and bond.

(B) No person shall conduct commercial tree-trimming operations within the city without having in force and effect a license required by the terms of this chapter.

(C) As a condition precedent to obtaining a commercial tree-trimming license under this chapter, the applicant shall take and pass a written test based upon the City of Crown Point Pruning Guidelines.
(Ord. 1533, passed 4-2-90; Am. Ord. 1829A, passed 3-3-97) Penalty, see ' 120.99

' 120.03 REMOVAL AND CLEAN UP.

A person, whether or not licensed pursuant to the terms of this chapter, conducting tree-trimming operations within the city shall cause all cut wood, logs, branches, leaves, brush, and debris associated with the work to be removed from the work site and properly disposed of within 12 hours of the completion of the work at the work site.
(Ord. 1533, passed 4-2-90) Penalty, see ' 120.99

' 120.99 PENALTY.

(A) Any person who shall have been found to have violated the terms or provisions of ' 120.02(B) of this chapter shall be fined in a sum not exceeding $500 for each such violation.

(B) Any person who shall have been found to have violated the terms or provisions of ' 120.03 of this chapter shall be fined in a sum not exceeding $1000 for each violation. Each day that a violation exists shall be deemed a separate and distinct violation.
(Ord. 1533, passed 4-2-90)

CHAPTER 121: TELECOMMUNICATIONS SERVICES REGULATIONS

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GENERAL PROVISIONS

' 121.001 SHORT TITLE.

This chapter shall be known and may be cited as AThe City of Crown Point Telecommunications Services Regulations.@
(Ord. 1781, passed 11-6-95)

' 121.002 INTENT.

The city finds that the development of telecommunication systems and the availability of such services within the community holds a potential for providing public benefit for residents. Because of the complex and rapidly changing technology associated with present and emerging telecommunications services and delivery systems, the city finds that the public convenience, safety and general welfare can best be served by establishing certain regulatory powers vested in the city or such persons as the city shall designate. It is the intent of this chapter and subsequent amendments to provide for and specify the means to attain the best possible public interest and public purpose associated with the creation and operation of local telecommunications system(s) within the community. The city in addition finds that any and all telecommunication systems wishing to utilize the public streets and rights-of-way shall be subject to city regulation to the fullest extent possible consistent with law, and that all such telecommunications systems may only offer service within the community under franchise, and any franchise issued pursuant to this chapter shall be deemed to include this finding as an integral part thereof.
(Ord. 1781, passed 11-6-95)

' 121.003 DEFINITIONS.

For the purpose of this chapter the following terms, phrases, words and their derivations, and those within any franchise agreement

awarded under this chapter, shall have the meaning given herein and in a franchise. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word Ashall@ is mandatory and Amay@ is permissive. Words not defined shall be given their common and ordinary meaning. Where there may be a conflict between the definitions herein and those definitions made part of any franchise awarded hereunder, the definitions within a franchise shall prevail.

"A/B SWITCH" or "INPUT SELECTOR SWITCH." Any device that enables a viewer to select between off-air broadcast television signals received via antenna and other voice-video-data services delivered to the end user via a "hard wire."

"ACCESS CHANNEL." A dedicated governmental, educational, or public channel which is carried on the system pursuant to a franchise agreement and provided as a part of a basic tier or level of services.

"ACT '84." The Cable Communications Policy Act of 1984.

"ACT '92." The Cable Television Consumer Protection and Competition Act of 1992.

"ANNUAL GROSS REVENUES." All revenue derived in any manner or form from the operation(s) of an individual TCS system and attributable to end users, subscribers or customers utilizing such system within the municipality.

"APPLICANT." A person submitting an application or proposal to the city for a license or franchise (where required) to operate a TCS system under the terms and conditions set forth in this chapter and any state regulations.

"APPLICATION" or "PROPOSAL" are synonymous for the purposes of this chapter. An "application" or "proposal" means the process by which the applicant submits a request and indicates a desire to be granted a license or franchise (where required) for all, or a part, of the city. An "application" or "proposal" includes all written documentation, and representations, in whatever format, made by an applicant to the city concerning the construction, rendering of services, maintenance, or any other matter pertaining to the proposed TCS system.

"ASSIGNMENT OF A FRANCHISED TCS PROVIDER'S FRANCHISE" or "TRANSFER OF A FRANCHISED TCS PROVIDER'S FRANCHISE." Any transaction or action which effectively or actually changes operational or managerial control from one person or entity to another.

"AUXILIARY EQUIPMENT." Equipment supplied by the TCS provider which makes it possible or enhances or assists in the reception or provision of TCS service.

"BASIC CABLE TELEVISION SERVICE" shall have the meaning as defined by the FCC.

"BASIC TCS SERVICE." The entry level or lowest cost level of service made available by a TCS provider to users.

"CABLE CHANNEL," "CABLE TELEVISION CHANNEL" or "DATA CHANNEL." A portion of the electromagnetic or light frequency spectrum which is capable of delivering a television channel as "television channel" is defined by the FCC.

"CABLE OPERATOR" or "OPERATOR." Any person or group of persons who:

(1) Provides cable television service over a cable system and directly or through one or more affiliates owns a significant interest (at least 10%) in such cable system; or

(2) Otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

"CABLE SERVICE."

(1) The one-way transmission to subscribers of video programming, or other programming service; and

(2) Subscriber interaction, if any, which is required for the selection of such video programming service.

"CABLE SYSTEM" or "CABLE TELEVISION SYSTEM." A facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video, voice or data programming, and which is provided to multiple subscribers within the city. However, the above terms do not include the following:

(1) A facility that serves only to retransmit the television signals of one or more broadcast stations; or

(2) A facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management unless such facility or facilities uses any public rights-of-way; or

(3) A facility or a common carrier which is subject, in whole, or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered a cable system (other than for purposes of Section 621(c) of the Act 84, codified at 47 USC 541) to the extent such facility is used in the transmission of video, voice, or data programming or service directly to subscribers; or

(4) Any facilities of any electric utility used solely for operating its electric utility.

"CHANNEL-VIDEO." Any portion of the system's frequency bandwidth which is dedicated by system design for the delivery of one class A video signal from the system head end to end users via a hard wire or

other means regardless of whether such services are actually provided, including any channel designated for governmental, educational, or public use.

"CHARGE." A one-time or nonregularly occurring cost paid by the subscriber or user, and which is associated with the installation, maintenance, service, or repair of the telecommunications system's service.

"CITY." The City of Crown Point, Indiana, or its lawful successor.

"CITY COUNCIL." The City Council for the City of Crown Point, Indiana, or its lawful successor, which is the lawful legislative body for the City of Crown Point, Indiana.

"COLLECTION CHARGE." A charge or fee imposed on a customer by a TCS provider for such provider's efforts at collecting, or attempting to collect, a past due account.

"CONVERTER." Any electric, electronic, or other device, separate and apart from the subscriber's receiver that is capable of converting or changing signals to a frequency not intended to be susceptible to interference within the television, video, or data receiver of a subscriber, and by an appropriate channel or other type of selector may also permit a subscriber to view or otherwise use signals delivered at designated dial locations, or such other reception and use allocations as may be applicable and required for the practical use of the signal.

"CUSTOMER" or "SUBSCRIBER." A subscriber, or user of the services and/or facilities of the TCS system who lawfully receives such services thereof with the advance approval of a TCS provider.

"DBS." Direct broadcasting satellite.

"DBS PROVIDER" or "DIRECT BROADCAST SATELLITE PROVIDER." Any person who delivers and/or provides TCS services from a satellite to a subscriber's residence through the use of a small earth or satellite station.

"DECODER" or "DESCRAMBLER." A device which enables a subscriber to convert a scrambled signal into a viewable or otherwise usable signal.

"DISASTER EMERGENCY," "DISASTER" or "EMERGENCY." An imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of all, or a representative portion of the residents of the city is threatened. A "disaster emergency" (by illustration) may include a snowstorm, flood, tornado, severe thunderstorm, hazardous waste infiltration, petroleum, munitions, or nuclear explosion, or aircraft crash.

"DROP." A small branch of cable, or other transmitting medium which electrically or electronically connects the subscriber's telecommunications device to the TCS provider's distribution plant.

"EASEMENT." Any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever, including cable television, or any other TCS provider. "EASEMENT" shall include a private easement used for the provision of cable service or any other telecommunications service.

"FCC" or "FEDERAL COMMUNICATIONS COMMISSION." The federal administrative agency, or lawful successor, authorized to oversee cable television and other TCS regulation on a national level.

"FIBER OPTICS." Very thin and pliable cylinders, or strands of glass or plastic, or any future developed technical equivalent, used to carry wide bands of multiple frequencies.

"FRANCHISE." The initial authorization, or subsequent renewal granted by the City Council in order for a person to construct, operate, and maintain a franchised TCS system in all, or part, of the city.

"FRANCHISE" or "FRANCHISE AGREEMENT." The nonexclusive rights granted pursuant to this chapter to construct and operate a cable or other telecommunications system along the public way within all or a specified area in the municipality. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the municipality as required by other ordinances and laws of the franchising authority. "FRANCHISE" and "FRANCHISE AGREEMENT" shall both also mean an agreement between the grantor and a grantee, containing the specific provisions of a franchise granted, including referenced specifications, franchise applications and other related material.

"FRANCHISE EXPIRATION." The date of expiration, or the end of the term of a franchised TCS provider, as provided under a franchise agreement.

"FRANCHISE FEE." The license, use, or rental fee required by the grantor of a grantee in consideration of a limited grant for the use of the public streets and rights-of-way as may be defined by the FCC.

"FRANCHISED TCS PROVIDER." A person that is awarded a franchise by the City Council to construct and operate a franchised TCS system within all, or part, of the city. The term "franchised TCS provider" specifically includes the term "cable operator."

"FRANCHISING AUTHORITY." The City of Crown Point City Council. This definition specifically includes the situation wherein said City Council in its franchising authority capacity grants a franchise, or renews a franchise, or approves a franchise transfer by an applicant for a TCS franchise, or a franchised TCS provider.

"GRANTEE." Any person receiving a franchise pursuant to this chapter and under the granting franchise ordinance, and its lawful successor, transferee or assignee.

"GRANTOR" or "MUNICIPALITY." The City of Crown Point as represented by the City Council or any delegate acting within the scope of its jurisdiction.

"HEAD END." The electronic control center, where incoming signals, including those of television broadcast stations are amplified, modulated, filtered, converted, or in any way processed or converted for redistribution to subscribers. The "head end" processes the TCS system's return capability and provides interface between the subscriber and any institutional network's, or any other network's, transmission or retransmission facilities.

"HOLIDAY." A day in which a substantial portion of the area's workers are exempt from work even though paid, including, but not limited to, all holidays recognized by either the state or federal government.

"HUB." The satellite or remote receiving, processing and/or transmitting facility, enabling the signal to be extended beyond the physical/electronic capabilities of the TCS electronics and/or to serve as a remote switching facility.

"INSTITUTIONAL NETWORK." A communications network which is constructed and operated by the TCS provider, or other authorized party, and which is generally available only to system users who may not be residential subscribers.

"LATE CHARGE." A charge which is added to a subscriber's account or bill for nonpayment of a previously due and delinquent account.

"MDS." Multi-point distribution system as may be defined by the FCC.

"MDS PROVIDER" or "MULTI-POINT DISTRIBUTION SYSTEM PROVIDER." Any person or group of persons who is authorized by the FCC to transmit via super high frequency specialized telecommunications programming or data or facsimile transmission to subscriber-selected locations.

"MULTI-CHANNEL PROGRAMMING SERVICE" or "MULTI-CHANNEL SERVICE."

(1) The one-way transmission to subscribers of video programming, or other programming service; and

(2) Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

"NORMAL BUSINESS HOURS." The weekday or weekend hours when an TCS provider customer service office is regularly open for processing customer service inquiries, requests, and/or complaints.

"OTHER PROGRAMMING SERVICE." Any programming service offered or provided to users which are not herein, or otherwise, defined, within a franchise awarded subsequent to this chapter but which conform to the normal and usual principal business of a TCS provider.

"PAY-PER-VIEW" or "PREMIUM CHANNEL." The delivery over the TCS system of audio and/or video signals in an unintelligible form to subscribers for a fee or charge (over and above the charge for standard or basic service) on a per program, or per channel, basis where said unintelligible or unusable form for viewing is made intelligible only to subscribers paying a separate fee or charge for the viewing or use of the signals.

"PERSON." Any individual, corporation, business trust, estate, trust, partnership, association of two or more persons having a joint common interest, governmental agency, or other legal entity, including the city.

"PROPOSED ABANDONMENT OF MULTI-CHANNEL SERVICE," "PROPOSED WITHDRAWAL OF TCS SERVICE" or "PROPOSED CESSATION OF TCS SERVICE." The anticipated, contemplated, imminent, or expected (either voluntary or involuntary) disruption, discontinuance, desertion, or removal of a TCS provider's operation and provision of TCS service from all, or part, of the city for a projected period exceeding three months in duration.

"PUBLIC, EDUCATIONAL OR GOVERNMENTAL ACCESS FACILITIES." Channel capacity designated exclusively for public, educational or governmental use; and facilities and equipment for the use of such channel capacity.

"PUBLIC WAY." Any public street, public way, public place, or rights-of-way, now laid out or dedicated, and all extensions thereof, and additions thereto, in the area served by the TCS provider.

"RATE." The monthly, bi-monthly, quarterly, semiannual, annual, or other periodic price paid by a subscriber in order to receive standard or basic, tiered, clustered, premium, or pay-per-view TCS service.

"REASONABLE NOTICE." A written notice addressed to a grantee at its principal office or such other office as a grantee has designated to the grantor as the address to which notice should be transmitted to it, which notice shall be delivered by first class, certified U.S. mail.

"REASONABLE ORDER." A written order from the city to a grantee that does not require, in the opinion of a reasonable person, either excessive or extreme response by a grantee which is beyond the intention of a franchise agreement.

"RESIDENT." Any person residing in the city or as otherwise defined by applicable law.

"REVOCATION," "TERMINATION" or "NONRENEWAL." An official act by the city whereby the City Council removes, repeals, or rescinds previously approved authorization for a licensed or franchising TCS provider to conduct the running of a TCS system within the city.

"SERVICE CLUSTER." The grouping, aligning, or packaging of one or more TCS programming services by category (such as sports and/or news),

or by rate, or by some other identifiable method, and charging a separate price or rate for each service cluster.

"SERVICE DAY." Any day or other 24-hour period, other than a Sunday, in which employees of the TCS provider regularly respond to service requests and calls.

"SERVICE OUTAGE." The loss of any TCS provider service for any period of time that a subscriber or customer has subscribed to or otherwise has authorized access to and which is subject to an agreement with the TCS provider for the delivery of such service.

"SERVICE TIER." A category of TCS service or other programming service provided by a TCS provider, and for which a separate rate is charged by a TCS provider.

"SMATV." A satellite master antenna television system.

"SMATV OPERATOR" or "SATELLITE MASTER ANTENNA TELEVISION OPERATOR." Any person or group of persons who:

(1) Provides TCS service over an SMATV system; or

(2) Otherwise controls or is responsible for, through any arrangement, the management of an SMATV system.

"SMATV SYSTEM." A private TCS system, not crossing any public right-of-way and which is located on private property, and serving private dwellings. TCS programming services are obtained via an earth station, amplification, and a distribution system.

"STANDARD TCS SERVICE." The lowest priced or least comprehensive service cluster or service tier available to residential subscribers.

"STATE." The State of Indiana.

"STREET." The surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement now or hereafter held by the city (including any street, as defined, which is acquired by eminent domain) for the purposes of public travel and shall include others easements or rights-of-way now or hereafter held by the city (including any easements or rights-of-way acquired by eminent domain) which shall, with their proper use and meaning, entitle the city and TCS provider to use thereof for the purpose of installing or transmitting TCS system transmissions over poles, wires, cable, conductors, ducts, conduits, viaducts, manholes, amplifiers, appliances, attachments, and other property as may ordinarily be necessary and pertinent to a TCS system.

"SUBSCRIBER" or "USER." A person lawfully receiving TCS service delivered by a TCS provider.

"TCS." Telecommunications.

"TCS PROVIDER." Any person or group of person who:

(1) Provides electronic communications service(s) over a system of individual or multiple channels and directly or indirectly owns a significant interest in such a system; or

(2) Who otherwise controls or is responsible through any arrangement, the management and operation of such a TCS system.

"TCS SERVICE." Any telecommunications service provided as the result of a franchise award subject to this chapter and those services normally and usually provided by a "cable system," "telephone system or network," "digital or analog switching systems," "DBS operator" or "direct broadcast satellite provider," "MDS provider" or "multi-point distribution system provider", "MMDS provider," and "SMATV operator," and any other future electronic communication service which may utilize any or all of the public rights-of-way for the distribution and/or transmission of its services to the public.

"TELECOMMUNICATIONS ADVISORY COMMITTEE OR COMMISSION." The Telecommunications Advisory Committee or Commission for the city.

"USC." United States Code.

"USER." A person or organization other than a residential subscriber who may utilize a telecommunications system and/or its equipment.

"VIDEO PROGRAMMING." Programming provided by, or generally considered comparable to programming provided by, a television broadcast station or "video programming" as may be defined by the FCC.

"WORKDAY." A day in which the city offices are regularly open for business.
(Ord. 1781, passed 11-6-95)

' 121.004 CAPTIONS.

The section captions utilized throughout this chapter are intended solely to facilitate reading and reference. Such captions shall not affect the meaning or interpretation of this chapter.
(Ord. 1781, passed 11-6-95)

' 121.005 FRANCHISE REQUIRED.

No telecommunications system or other information or communications distribution or exchange network shall occupy, wholly or in part, the streets, alleys, or public rights-of-way within the geographical boundaries of the city without first receiving a license or franchise for that purpose following a public hearing.
(Ord. 1781, passed 11-6-95)

' 121.006 ESTABLISHMENT OF FRANCHISE REQUIREMENTS.

The grantor may establish appropriate requirements for new

franchises or franchise renewals, consistent with law and FCC rules, and may modify the requirements in this chapter from time to time to reflect changing operational or technical conditions of the telecommunications industry state-of-the-art. Any modification in such requirements shall not be retroactive to franchises then in effect.
(Ord. 1781, passed 11-6-95)

' 121.007 FRANCHISE APPLICATIONS.

Applicants for a telecommunication system franchise shall submit to the grantor written applications utilizing the format and procedures specified and required by the grantor and shall submit such applications at the time and place designated by the grantor for accepting applications. All applications for a franchise shall include any grantor designated application fee.
(Ord. 1781, passed 11-6-95)

' 121.008 FRANCHISE PROCESSING COSTS.

For any new or renewal TCS franchise request and/or application, a franchise grantee shall bear all reasonable franchising costs incurred by the grantor which may include, but shall not be limited to: cost of legal notices and necessary publications of notices prior to any public meeting provided for pursuant to a franchise; development and publication of relevant ordinances and franchise agreement; fees, and any cost not covered by the applications fees incurred by the grantor in its study or preparation of proposal solicitation documents, evaluation of all applications, including, but not limited to, reasonable consultant and attorney fees and grantor staff time.
(Ord. 1781, passed 11-6-95)

' 121.009 COMPLIANCE WITH STATE AND FEDERAL LAWS.

Notwithstanding any other provisions of this chapter to the contrary, a grantee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof. Provided, however, if any such state or federal law or regulation shall require a grantee to perform any service, or shall permit a grantee to perform any service, or shall prohibit a grantee from performing any service, in conflict with the terms of this chapter or resulting franchise or of any law or regulation of the grantor, then as soon as possible following knowledge thereof, a grantee shall notify the grantor of the point of conflict believed to exist between such regulation or law and the laws or regulations of the grantor or this franchise.
(Ord. 1781, passed 11-6-95)

' 121.010 SEPARABILITY.

(A) Nonmaterial provisions. If any provision of this chapter or any resulting franchise agreement(s) is held by any court or by any federal, state or local agency of competent jurisdiction to be invalid dub to conflicts with any federal, state, or local law, rule or regulation now or hereafter in effect, or is held by such court or

agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, and if said provision is considered nonmaterial by the grantor, said provision shall be considered a separate, distinct and independent part of this chapter and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof or thereof which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on the parties hereto, provided that the grantor shall give a grantee 30 days' written notice of such change before requiring compliance with said provision.

(B) Material provisions. If any material section of this chapter is held to be invalid or preempted by federal, state or county regulations or laws, the grantor shall negotiate with a grantee appropriate modifications to a franchise awarded hereunder to provide reasonable relief from such invalidity or preemption which may include franchise required payment of liquidated damages. If the parties are unable to reach agreement on such modifications, then the dispute shall be submitted to a mutually agreeable arbitrator, in accordance with state law, who shall determine what modifications and/or liquidated damages are appropriate. The arbitrator's decision shall be binding on the parties, provided that no decision of the arbitrator shall require the grantor or a grantee to be in violation of any federal or state law or regulation.
(Ord. 1781, passed 11-6-95)

' 121.011 ADDRESS FOR SERVICE OF NOTICES; LOCAL OFFICE AND TELEPHONE NUMBER.

Any telecommunications services franchise grantee shall maintain, within the franchise area throughout the term of its franchise, an address for service of notices by mail. A grantee shall also maintain, within the franchise area, a local office and telephone number for the conduct of matters related to a franchise during normal business hours.
(Ord. 1781, passed 11-6-95)

' 121.012 PUBLIC NOTICE.

Minimum public notice of any public meeting relating to a franchise award shall be by publication at least once in a newspaper of general circulation in the area at least ten days prior to the meeting and by the posting at the offices of the grantor.
(Ord. 1781, passed 11-6-95)

' 121.013 NO RECOURSE AGAINST THE GRANTOR.

A grantee shall have no recourse whatsoever against the grantor or its officials, City Council, commissions, agents, employees or representatives for any loss, costs, expense, or damage arising out of any provision or requirement of a franchise award or because of the lawful enforcement of a franchise.
(Ord. 1781, passed 11-6-95)

' 121.014 RIGHTS RESERVED TO THE GRANTOR.

(A) Right of inspection of construction. The grantor shall have the right to inspect all construction or installation work performed subject to the provisions of a franchise awarded hereunder and to make such tests as it shall find necessary to ensure compliance with the terms of a franchise and other pertinent provisions of law.

(B) Right of intervention. The grantor shall have the right of intervention in any suit or proceeding which may arise as a direct result of the award of a franchise subject to this chapter to which a grantee is party, and a grantee shall not unreasonably oppose such intervention by the grantor. In the event of grantor intervention in such suit, the grantor shall be responsible for the payment of its own fees associated to such intervention.
(Ord. 1781, passed 11-6-95)

' 121.015 RIGHTS RESERVED TO A GRANTEE.

Should a grantee be dissatisfied with any material decision or ruling of the grantor pertaining to a telecommunications system established hereunder, a grantee may pursue such other remedies as are available, including the bringing of action in any court of competent jurisdiction.
(Ord. 1781, passed 11-6-95)

' 121.016 THEFT OF SERVICES AND TAMPERING.

(A) No person, whether or not an authorized system user of a telecommunications system, may intentionally or knowingly damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of a grantee, or commit any act with intent to cause such damage, or to tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus, or appurtenances of a grantee with the intent to obtain a signal or impulse from the system without authorization from or compensation to a grantee, or to obtain cable television or other communications service with intent to cheat or defraud a grantee of any lawful charge to which the grantor or grantee may be otherwise entitled.

(B) Any person convicted of violating any provision of this section and applicable state law shall be subject to a fine of not more than $2,500 for each offense. Each day's violation of this section may be considered a separate offense.
(Ord. 1781, passed 11-6-95)

' 121.017 INTEGRATION.

Any telecommunication franchise awarded by the grantor to a grantee after the effective date of this chapter shall be subject to all terms and conditions herein provided. In the event of any conflict between the provisions of this chapter and a franchise awarded pursuant to this chapter, the terms of the franchise shall prevail.
(Ord. 1781, passed 11-6-95)

ADMINISTRATION AND ENFORCEMENT

' 121.030 NONENFORCEMENT BY THE GRANTOR.

A grantee shall not be relieved of its obligation to comply with any of the provisions of this chapter or resulting franchise agreement by reason of any failure of the grantor to enforce compliance. Any failure by grantee to meet all material terms and conditions of a franchise, whether so notified by grantor or not, shall constitute grounds for revocation of a franchise awarded hereunder or the denial of a franchise renewal.
(Ord. 1781, passed 11-6-95)

' 121.031 ANNUAL REPORTS.

As may be required in a franchise awarded hereunder, at the grantor's sole option, within 60 days after the close of a grantee's fiscal year, a grantee shall submit a written annual report to the grantor's designated city official, in a form approved by the grantor, including but not limited to, such information specified within a franchise awarded subject to this chapter. Such information may include:

(A) A summary of the previous year's (or, in the case of the initial report year, the initial year's) activities in development of the telecommunications system, including, but not limited to, services begun or discontinued during the reporting year, and the number of subscribers or customers for each class of service;

(B) A financial statement certified by an officer of a grantee, including a statement of income, revenues, operating expenses, value of plant, annual capital expenditures, depreciation with an attached depreciation schedule, interest paid, taxes paid, balance sheets, and a statement of sources and application of funds;

(C) A current statement of costs of construction by component categories;

(D) A projected income statement and statement of projected construction for the next two years;

(E) A list of a grantee's officers, members of its board of directors and other principals of a grantee;

(F) A list of stockholders or other equity investors holding 5% or more of the voting interest in a grantee and its parent, subsidiary and affiliated corporations and other entities, if any;

(G) To the extent that money, other than profits, is paid to a parent, subsidiary, or other person affiliated with a grantee, the amounts of such payments and the basis for computation of such amounts (e.g., the basis for computing any management fees or share of "home office" overhead).
(Ord. 1781, passed 11-6-95)

' 121.032 PLANT SURVEY REPORT.

At the grantor's sole option, the grantee shall, upon a request by the grantor, submit to the grantor an annual plant/system survey report which shall be a complete survey of a grantee's distribution system including a full report thereon. Said report shall include, but not be limited to those matters that in the judgement of the grantor are necessary for the full regulation of such system. Said report may include: a description and "as-built" maps of the portions of the franchise area that have been connected to, or have telecommunications services available, and appropriate engineering evaluation including suitable electronic measurements conducted in conformity with such requirements, including supervision, as the grantor may prescribe. Said report shall be in sufficient detail to enable the grantor to ascertain that the service requirements and technical standards of the FCC and/or a franchise are achieved and maintained. As may be required in a franchise awarded hereunder, and at the grantor's request, but no more often than once per three years, a grantee and the grantor may agree upon the appointment of a qualified independent engineer to evaluate and verify the technical performance of a system built and operated under provisions of this chapter. The cost of such evaluation shall be borne equally by a grantee and the grantor.
(Ord. 1781, passed 11-6-95)

' 121.033 COPIES OF FEDERAL AND STATE REPORTS.

A grantee hereunder shall submit to the grantor copies of all pleadings, applications, reports, communications and documents of any kind, submitted by a grantee to, as well as copies of all decisions, correspondence and actions by, any federal, state and local courts, regulatory agencies and other government bodies relating to its operations within the franchise area. A grantee shall submit such documents to the grantor simultaneously with their submission to such courts, agencies and bodies; and within five days after their receipt from such courts, agencies and bodies. A grantee hereunder hereby waives any right to claim confidential, privileged or proprietary rights to such documents unless such confidential rights are confidential by law or by the practices of federal or state agencies. However, proprietary data exempt from public disclosure shall be retained in confidence by the grantor and its authorized agents and shall not be made available for public inspection.
(Ord. 1781, passed 11-6-95)

' 121.034 PUBLIC REPORTS.

A copy of each of a grantee's annual and other periodic public reports and those of its parent, subsidiary and affiliated corporations and other entities, as the grantor requests and is reasonably appropriate, shall be submitted to the grantor within five days of its issuance.
(Ord. 1781, passed 11-6-95)

' 121.035 COMPLAINT FILE AND REPORTS.

An accurate and comprehensive file shall be kept by a grantee of

any and all complaints regarding the system built or operated under provisions of this chapter. A procedure which may be detailed within a franchise awarded hereunder may be established by a grantee by the time of installation of the system to remedy complaints quickly and reasonably to the satisfaction of the grantor. A franchise procedure may require a grantee to maintain complete records of a grantee's actions in response to all complaints. Such files and records shall remain open to the public during normal business hours.

(A) As may be required in a franchise, a summary of complaints, identifying the number and nature of complaints and their disposition, in a form approved by the grantor, shall be completed for each month and submitted to the grantor by the tenth day of the succeeding month unless provisions of a franchise awarded hereunder provides otherwise.

(B) As may be required in a franchise, the results of an annual opinion survey report which identifies satisfaction or dissatisfaction among the users of any telecommunications services offered by a grantee shall be submitted to the grantor no later than two months after the end of a grantee's fiscal year. The surveys required to make said report may be in the form of questionnaires transmitted to users within one or more bills for service.
(Ord. 1781, passed 11-6-95)

' 121.036 PRIVACY REPORT.

A grantee shall submit to the grantor an annual report indicating the degree of compliance with the privacy provisions of '' 121.160 through 121.166 and all steps taken to assure that the privacy rights of individuals have been protected.
(Ord. 1781, passed 11-6-95)

' 121.037 MISCELLANEOUS REPORTS.

As may be required in a franchise awarded hereunder, a grantee shall submit to the grantor such other information or reports in such forms and at such times as the grantor may reasonably request or require.
(Ord. 1781, passed 11-6-95)

' 121.038 INCOME TAX RETURNS.

As may be required in a franchise awarded hereunder, a grantee shall submit to the grantor copies of all income tax returns and reports which are filed with the local, state or federal governments pertaining to its cable system in the franchise area within five days of the date on which such reports are filed.
(Ord. 1781, passed 11-6-95)

' 121.039 INSPECTION OF FACILITIES.

A grantee shall allow the grantor to make inspections of any of a grantee's facilities and equipment at any time during normal business hours upon reasonable notice, or, in case of emergency, upon demand

without prior notice, to allow grantee to verify the accuracy of any submitted report.
(Ord. 1781, passed 11-6-95)

' 121.040 BUSINESS OFFICE; RECORDS AND FILES.

A grantee shall maintain an office within the general franchise area and shall keep complete and accurate books and records. As may be provided in a franchise awarded hereunder, following reasonable notice, the grantor shall have the right to inspect at any time during normal business hours all books, records, maps, plans, financial statements, service complaint logs, performance test results and other like materials of a grantee which relate to the operation of the telecommunications system. Consistent with federal or state law, access to the aforementioned records shall not be denied by a grantee on the basis that said records contain confidential, privileged, or proprietary information.
(Ord. 1781, passed 11-6-95)

' 121.041 PUBLIC INSPECTION.

Consistent with federal or state law, all reports subject to public disclosure shall be available for public inspection at a designated grantor office during normal business hours.
(Ord. 1781, passed 11-6-95)

' 121.042 FAILURE TO REPORT.

Following reasonable notice from the grantor to a grantee, the willful refusal, failure or neglect of a grantee to file any of the reports required, or such other reports as the grantor reasonably may request, shall be deemed a material breach of a franchise awarded hereunder, and shall subject a grantee to all remedies, legal or equitable, which are available to the grantor under a franchise awarded hereunder or otherwise.
(Ord. 1781, passed 11-6-95)

' 121.043 FALSE STATEMENTS.

Any materially false or misleading statement or representation made knowingly by a grantee in any report required under a franchise awarded hereunder shall be deemed a material breach of a franchise awarded hereunder and shall subject a grantee to all remedies, legal or equitable, which are available to the grantor under a franchise awarded hereunder or otherwise.
(Ord. 1781, passed 11-6-95)

' 121.044 COST OF REPORTS.

All usual normal system reports and records required under this or any other section shall be furnished at the sole expense of a grantee.
(Ord. 1781, passed 11-6-95)

' 121.045 REMEDIES FOR FRANCHISE VIOLATIONS.

If a grantee fails to perform any obligation under a franchise awarded hereunder, or fails to do so in a timely manner, the grantor may at its option, and in its sole discretion as may be required under a franchise awarded hereunder:

(A) Assess against a grantee monetary damages up to the limits established in a franchise agreement for material franchise violations, which a grantee hereby agrees to pay, said assessment to be levied against the security fund, herein provided, and collected by the grantor immediately upon said assessment. The grantor and a grantee agree that the amount of such assessment shall be deemed to represent liquidation of damages actually sustained by the grantor by reason of a grantee's failure to perform. Such assessment shall not constitute a waiver by the grantor of any other right or remedy it may have under a franchise awarded hereunder or under applicable law including, without limitation, its right to recover from a grantee such additional damages, losses, costs and expenses, including actual attorney fees, as may have been suffered or incurred by the grantor by reason of or arising out of such breach of a franchise awarded hereunder. This provision for assessment of damages is intended by the parties to be separate and apart from the grantor's right to enforce the provisions of the construction and performance bonds provided for in '' 121.100 through 121.105 and is intended to provide compensation to the grantor for actual damages.

(B) As may be provided in a franchise awarded hereunder, violations considered by the grantor to have materially degraded the quality of service, order and direct a grantee to issue rebates or reduce its rates and/or charges to users, in an amount solely determined by the grantor and provided for within a franchise awarded hereunder, to provide monetary relief substantially equal to the reduced quality of service resulting from a grantee's failure to perform.

(C) Require, subject to existing federal law and FCC rules, that a grantee curb all defaults and breaches of its obligations hereunder before a grantee is entitled to increase any rate or charge to users hereunder as may be specified within a franchise awarded hereunder.

(D) Terminate a franchise awarded hereunder, for any of the causes stated within this chapter.

(E) No remedy shall be imposed by the grantor against a grantee for any violation of this franchise without a grantee being afforded due process of law, as provided within this chapter.

(F) The grantor may, in its sole judgment and discretion, impose any or all of the above enumerated measures against a grantee, which shall be in addition to any and all other legal or equitable remedies it has under this franchise or under any applicable law.

(G) Nothing in this section shall be construed to limit a grantee's right to legal recourse in a court of competent jurisdiction.
(Ord. 1781, passed 11-6-95)

' 121.046 PROCEDURE FOR REMEDYING FRANCHISE VIOLATIONS.

In the event that the grantor determines that a grantee has violated any provision of a franchise awarded hereunder, any rule or regulation promulgated pursuant hereto or any applicable federal, state or local law, the grantor may make a written demand on a grantee as provided within a franchise awarded hereunder, that it remedy such violation. If the violation, breach, failure, refusal or neglect is not remedied to the satisfaction of the grantor within 30 days following such demand, the grantor shall determine whether or not such violation, breach, failure, refusal, or neglect by a grantee was excusable or inexcusable, in accordance with the following procedure:

(A) A public hearing shall be held and a grantee shall be provided with an opportunity to be heard upon 30 days' written notice to a grantee of the time and the place of the hearing provided and the allegations of franchise violations.

(B) If, after notice is given and, at a grantee's option, a full public proceeding is held, the grantor determines that such violation, breach, failure, refusal, or neglect by a grantee was excusable as provided within a franchise awarded hereunder, the grantor shall direct a grantee to correct or remedy the same within such additional time, in such manner and upon such terms and conditions as the grantor may direct.

(C) If, after notice is given and, at a grantee's option, a full public proceeding is held, the grantor determines that such violation, breach, failure, refusal or neglect was inexcusable, then the grantor may assess a penalty or remedy in accordance with ' 121.045.

(D) If, after notice is given and, at a grantee's option, a full public proceeding is held, the grantor declares a franchise awarded hereunder or any renewal thereof breached, the parties may pursue their remedies pursuant to a franchise or any other remedy, legal or equitable.
(Ord. 1781, passed 11-6-95)

' 121.047 FORCE MAJEURE; GRANTEE'S INABILITY TO PERFORM.

In the event a grantee's performance of any of the terms, conditions, obligations or requirements of a franchise awarded hereunder is prevented or impaired due to any cause beyond its reasonable control or not reasonably foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof, provided a grantee has notified the grantor in writing within 30 days of its discovery of the occurrence of such an event. Such causes beyond a grantee's reasonable control or not reasonably foreseeable shall include, but shall not be limited to, acts of God and civil emergencies.
(Ord. 1781, passed 11-6-95)

GRANT OF FRANCHISE

' 121.060 GENERAL PROVISIONS.

(A) In the event that the grantor shall grant to a grantee a nonexclusive, revocable franchise to construct, operate, and maintain a telecommunications system within a franchise area, a franchise awarded hereunder shall constitute both a right and an obligation to provide the services of a telecommunications system as required by the provisions of this chapter and a franchise agreement. A franchise agreement shall include those provisions of a grantee's application for franchise that are finally negotiated and accepted by the grantor and grantee.

(B) Regarding any franchise granted hereunder, the terms and conditions contained herein shall be consistent with the grantor charter and/or statutory requirements, which are incorporated by this reference as if fully set forth herein.

(C) Any franchise granted is hereby made subject to the general provisions of this chapter or hereafter made effective. Nothing in a franchise awarded hereunder shall be deemed to waive the requirements of the various codes and ordinances of the grantor regarding permits, fees to be paid or manner of construction.
(Ord. 1781, passed 11-6-95)

' 121.061 FRANCHISE TERRITORY.

No franchise granted pursuant to this chapter shall exclude any area, portion, or part of the city unless otherwise provided within a franchise. Any grantee awarded a franchise as provided by this chapter shall plan, design and construct a system capable of providing all TCS services proposed within a franchise application to all residential and commercial units within the city as may be provided within a franchise awarded hereunder. The initial service area shall be that portion of the franchise territory scheduled to receive initial service, as stated in a franchise agreement.
(Ord. 1781, passed 11-6-95)

' 121.062 USE OF PUBLIC STREETS AND WAYS.

For the purpose of operating and maintaining a telecommunications system in a franchise area subject to the provisions of this chapter and a franchise awarded hereunder, a grantee may construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the public streets and ways within a franchise territory such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of the cable communications system. Prior to construction or alteration, however, a grantee shall in each case file plans with the appropriate grantor agencies and local utility companies and receive written authorization before proceeding.
(Ord. 1781, passed 11-6-95)

' 121.063 DURATION.

The term of any franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be established by a franchise agreement; however, no franchise term may exceed 15 years from the effective date of a franchise awarded hereunder. The effective date of a franchise awarded hereunder shall be the date of execution of a franchise agreement by the grantor, subject to prior execution by a grantee.
(Ord. 1781, passed 11-6-95)

' 121.064 FRANCHISE NONEXCLUSIVE.

A franchise granted herein is nonexclusive. The grantor specifically reserves the right to grant, subject to all terms and conditions of this chapter, such additional franchises for a telecommunications system at any time as it deems appropriate.
(Ord. 1781, passed 11-6-95)

' 121.065 TRANSFER OF OWNERSHIP OR CONTROL.

(A) Transfer of franchise. Subject to provisions of any effective FCC rules, any franchise granted hereunder shall be a privilege to be held for the benefit of the public. Said franchise cannot in any event be sold, transferred, leased, assigned or disposed of, including, but not limited to, by forced or voluntary sale, merger, consolidation, receivership, or other means without the prior consent of the grantor, and then only under such conditions as the grantor may establish, and such consent as required by the grantor shall not be unreasonably withheld; provided, however, that no such authorization shall be required for any such transfer to a parent, subsidiary or subsidiary of a parent of a grantee. If any transfer of a franchise occurs without the prior consent of the grantor, a franchise awarded hereunder may, at grantor's sole option, be terminated immediately. No authorization of the grantor shall be required for any mortgage, pledge or other encumbrance of this agreement of a grantee's cable system as security for monies borrowed.

(B) Ownership or control. A grantee shall notify the grantor within 30 days, or as may be required under a franchise awarded hereunder, of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of a grantee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of 10% of the voting shares of a grantee. Every change, transfer, or acquisition of control of a grantee shall make a franchise awarded hereunder subject to termination unless and until the grantor shall have consented thereto, which consent shall not be unreasonably withheld; provided, however, that no such authorization shall be required for any mortgage, pledge or other encumbrance of the stock of a grantee as security for monies borrowed. For the purpose of determining whether it shall consent to such change, transfer, or

acquisition of control, the grantor may inquire into the qualifications of the prospective controlling party, and a grantee shall assist the grantor in any such inquiry. In seeking the grantor's consent to any change in ownership or control, a grantee shall have the responsibility:

(1) To show to the reasonable satisfaction of the grantor whether the proposed purchaser, transferee, or assignee (the "proposed transferee") which in the case of a corporation, shall include all officers, directors, employees and all persons having a legal or equitable interest in 5% or more of its voting stock, or any of the proposed transferee's principals:

(a) Has ever been convicted or held liable for acts involving moral turpitude, including, but not limited to, any violation of federal, state or local law or regulations, or is presently under an indictment, investigation or complaint charging such acts;

(b) Has ever had a judgment in an action for fraud, deceit or misrepresentation entered against it, her, him, or them by any court of competent jurisdiction;

(c) Has pending any legal claim, lawsuit or administrative proceeding arising out of or involving a cable system.

(2) To establish, to the reasonable satisfaction of the grantor, the financial solvency of the proposed transfer by submitting all current financial data for the proposed transferee which a grantee was required to submit in its franchise application, and such other data as the grantor may request. Financial statements shall be audited, certified and qualified by an independent certified public accountant, approved by the grantor.

(3) To establish to the satisfaction of the grantor that the financial and technical capability of the proposed transferee is such as shall enable it to maintain and operate the cable system for the remaining term of a franchise under the existing franchise terms.

(C) The grantor agrees that any financial institution having a pledge of a franchise or its assets for the advancement of money for the construction and/or operation of a franchise awarded hereunder shall have the right to notify the grantor that it or its designee, satisfactory to the grantor, will take control and operate the cable television system, in the event of a grantee default in its financial obligations. Further, said financial institution shall also submit a plan for such operation that will ensure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one year unless extended by the grantor in its discretion and during said period of time it shall have the right to petition the grantor to transfer franchise to another grantee. If the grantor finds that such transfer after considering the legal, financial, character, technical and other public interest qualities of the applicant are

satisfactory, the grantor will transfer and assign the rights and obligations of such franchise as in the public interest. The consent of the grantor to such transfer shall not be unreasonably withheld.

(D) The consent or approval of the grantor to any transfer of a grantee shall not constitute a waiver or release of the rights of the grantor in and to the streets, and any transfer shall by its terms, be expressly subordinate to the terms and conditions of this chapter.

(E) In the absence of extraordinary circumstances, as determined by the grantor in its sole judgment, the grantor will not be required to approve any transfer or assignment of a franchise awarded hereunder prior to substantial completion of construction of the proposed system.

(F) In no event shall a transfer of ownership or control be approved without the successor in interest becoming a signatory to a franchise agreement.
(Ord. 1781, passed 11-6-95)

' 121.066 FRANCHISE RENEWAL.

Unless otherwise required by federal law or FCC rules, nothing in any franchise agreement shall require renewal of a franchise by the grantor after the term of a franchise awarded hereunder has expired.

(A) Term. The renewal term of any franchise shall be set by a franchise agreement but shall not be greater than 15 years.

(B) Renewal procedure.

(1) A franchise renewal procedure may be established within a franchise awarded hereunder. A nonrefundable application fee established by the grantor in an amount necessary to cover the costs of processing a franchise or franchise renewal application may be imposed by the grantor.

(2) A franchise renewal application when filed shall be available for public inspection at places designated by the grantor. As provided within a franchise awarded hereunder, a public hearing may be held on the application where a grantee's record of compliance with a franchise requirement, its record of satisfactory service, and the terms and conditions proposed for a franchise renewal period shall be reviewed.

(3) Following receipt of a request for renewal of a franchise granted hereunder, the grantor shall initiate a review process which shall determine a grantee's past level of overall compliance with a franchise agreement, its level of services, its application of new technology and cooperation with the grantor to best meet the community needs.

(4) At a time determined by grantor, grantee may be invited to provide a formal franchise renewal application. The application shall set forth in detail a franchisee's legal, character, financial

and other pertinent qualifications sufficient to make a determination to renew or terminate such franchise.

(5) Based on the above criteria, the grantor may, at its sole option, decide to renew a franchise awarded hereunder under appropriate terms and conditions, or not to renew a franchise awarded hereunder.

(6) If the grantor's decision is not to renew a franchise, the grantor may, pursuant to federal law, initiate public solicitations for applications for a new franchise. The original grantee shall not be precluded from submitting such an application.

(7) In any renewal or public solicitation, and following a review of the community's needs, the grantor may require additional services, system upgrade or any other conditions it deems feasible and appropriate in the light of the state of art of the cable communications industry at that time.
(Ord. 1781, passed 11-6-95)

' 121.067 POLICE POWERS.

(A) In accepting a franchise awarded hereunder, a grantee acknowledges that its rights hereunder are subject to the police power of the grantor to adopt and enforce general ordinances, necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the grantor pursuant to such power.

(B) Any conflict between the provisions of this chapter and any other present or future lawful exercise of the grantor's police powers shall be resolved in favor of the latter, except that any such exercise that is not of general application in the jurisdiction or applies exclusively to any grantee or telecommunications system which contains provisions inconsistent with a franchise shall prevail only if upon such exercise, the grantor finds an emergency exists constituting a danger to health, safety, property or general welfare or such exercise is mandated by law.
(Ord. 1781, passed 11-6-95)

' 121.068 FRANCHISE FEE.

(A) Annual franchise payment. A grantee of a franchise awarded hereunder shall pay to the grantor an annual fee in an amount and in a manner specified and as designated in a franchise agreement for the use of the public rights-of-way. Such payment shall be in addition to any other franchise requirement and commence as of the effective date of a franchise awarded hereunder. At the request of grantor, grantee shall furnish a statement, certified by an officer of a grantee, reflecting the total amounts of annual gross revenues and all payments, deductions and computations for the period covered by the payment.

(B) Acceptance by grantor. No acceptance of any payment by the grantor shall be construed as a release or as an accord and

satisfaction of any claim the grantor may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation of a grantee.

(C) Failure to make required payment. In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay as additional compensation:

(1) An interest charge, computed from such due date, at the annual rate equal to the commercial prime interest rate in effect upon the due date or as otherwise established within a franchise awarded hereunder.

(2) A sum of money equal to 5% of the amount due in order to defray those additional expenses and costs incurred by the grantor by reason of delinquent payment.

(D) Payment due the grantor under this provision shall be computed quarterly, for the preceding quarter as of March 31, June 30, September 30, and December 31. Each quarterly payment shall be due and payable no later than 30 days after the dates listed in the previous sentence. Each payment shall be accompanied by a brief report showing the basis for the computation and such other relevant facts as may be required by the grantor.

(E) Following the issuance and acceptance of a franchise awarded hereunder, a grantee shall initiate franchise fee payments to the grantor at the intervals and rate specified in a franchise agreement.
(Ord. 1781, passed 11-6-95)

' 121.069 FORFEITURE OR REVOCATION.

(A) Grounds for revocation. The grantor reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with a franchise awarded hereunder in the following circumstances, each of which shall represent a default and breach under this chapter and a franchise grant:

(1) If a grantee should default in the performance of any of its material obligations under this chapter or under such documents, agreements and other terms and provisions entered into by and between the grantor and a grantee.

(2) If a grantee should fail to provide or maintain in full force and effect, the liability and indemnification coverages or the security fund or bonds as required herein.

(3) If any court of competent jurisdiction, or any federal or state regulatory body by rules, decisions or other action determines that any material provision of a franchise documents, including the provisions of this chapter, is invalid or unenforceable prior to the commencement of system construction.

(4) If a grantee should willfully violate any orders or

rulings of any regulatory body having jurisdiction over a grantee relative to a franchise unless such orders or rulings are being contested by a grantee in a court of competent jurisdiction.

(5) If a grantee ceases to provide franchise specified and required services for any reason within the control of a grantee over a telecommunications system. A grantee shall not be declared at fault or be subject to any sanction under any provision of this chapter in any case in which performance of any such provision is prevented for reasons beyond a grantee's control. A fault shall not be deemed to be beyond a grantee's control if committed by a corporation or other business entity in which a grantee holds a controlling interest, whether held directly or indirectly.

(6) If a grantee attempts to evade any of the provisions of this chapter, FCC rules, a franchise agreement or practices any fraud or deceit upon the grantor.

(7) If a grantee's construction schedule is delayed for more than 12 months later than the schedule contained in a franchise agreement and after due process, the grantor finds that the delay was not excusable.

(8) If a grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt.

(B) Procedure prior to revocations.

(1) The grantor may make written demand that a grantee comply with any requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for revocation. If the failure, refusal or neglect of a grantee continues for a period of 30 days following such written demand, the grantor may immediately initiate franchise revocation procedures and shall cause notice of such action to be served upon a grantee, at least 30 days prior to the date of a franchise revocation hearing, a written notice of this intent to request such termination, and the time and place of the meeting, notice of which shall be published at least once, ten days before such meeting, in a newspaper of general circulation within a franchise area.

(2) The grantor shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by a grantee was with just cause.

(3) If such failure, refusal or neglect by a grantee was with just cause, the grantor shall direct a grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

(4) If the grantor shall determine such failure, refusal or neglect by a grantee was without just cause, then the grantor may, by resolution, declare that a franchise awarded hereunder to such grantee shall be terminated and security fund and bonds forfeited unless there

be compliance by a grantee within such period as the grantor may fix or as established within a franchise.
(Ord. 1781, passed 11-6-95)

' 121.070 PROCEDURES/TERMINATION OR EXPIRATION.

(A) Disposition of facilities. In the event a franchise expires, is revoked, or otherwise terminated, the grantor may order the removal of the system facilities from a franchise area within a reasonable period of time as determined by the grantor, or require the original grantee to maintain and operate its system for a reasonable period of time until a subsequent grantee is selected and a subsequent or modified telecommunications system becomes operational.

(B) Restoration of property. In removing its plant, structures and equipment, a grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to a grantee's removal of its equipment and appliances without affecting the electrical or telephone cable wires, or attachments. The grantor shall inspect and approve the condition of the public ways and public places; and cables, wires, attachments and poles after removal. The liability, indemnity and insurance, and the security fund and bonds provided therein shall continue in full force and effect during the period of removal and until full compliance by a grantee with the terms and conditions of this section.

(C) Restoration by grantor, reimbursement of costs. In the event of a failure by a grantee to complete any work required by division (A) above and/or division (B) above, or any other work required by the grantor or a franchise awarded hereunder, the grantor may cause such work to be done and a grantee shall reimburse the grantor the cost thereof within 30 days after receipt of an itemized list of such costs or the grantor may recover such costs through the security fund or bonds provided by grantee. The grantor shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

(D) Extended operation. Upon either the expiration or revocation of a franchise, the grantor may require a grantee to continue to operate the cable communications system for a reasonable period of time not to exceed 24 months from the date of such expiration or revocation. A grantee shall, as trustee for its successor in interest, continue to operate the cable communications system under the terms and conditions of this chapter and a franchise agreement and to provide the regular user services and any and all of the services that may be provided at that time. The grantor shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

(E) Grantor's right not affected. Until such time as a replacement grantee is awarded a franchise hereunder, the termination and forfeiture of any franchise shall in no way affect any of the rights of the grantor under terms and conditions of extended operations of a franchise as provided in division (D) above.
(Ord. 1781, passed 11-6-95)

' 121.071 RECEIVERSHIP AND FORECLOSURE.

(A) Any franchise awarded hereunder, at the option of the grantor, shall cease and terminate 120 days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of a grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, or unless:

(1) Such receivers or trustees shall have, within 120 days after their election or appointment, fully complied with all the terms and provisions of this chapter and a franchise granted pursuant hereto, and the receivers or trustees within said 120 days shall have remedied all defaults under a franchise awarded hereunder; and

(2) Such receivers or trustees shall, within said 120 days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of a franchise herein granted.

(B) In the case of a foreclosure or other judicial sale of the system, plant, property and equipment of a grantee, or any part thereof, including or excluding a franchise, the grantor may serve notice of termination upon a grantee after which event a franchise herein granted and all rights and privileges of a grantee hereunder shall cease and terminate 30 days after service of such notice, unless:

(1) The grantor shall have approved the transfer of a franchise awarded hereunder, as and in the manner in this chapter provided, and

(2) Such successful bidder shall have covenanted and agreed with the grantor to assume and be bound by all the terms and conditions of a franchise awarded hereunder.
(Ord. 1781, passed 11-6-95)

REGULATION OF FRANCHISE

' 121.080 REGULATORY AUTHORITY.

The grantor shall exercise appropriate regulatory authority under the provisions of this chapter and applicable law. If a franchise area served by a telecommunications system also serves other contiguous or neighboring communities, the grantor may, at its sole option, participate in a joint regulatory agency, with delegated responsibility in the area of telecommunication services and related communication services.
(Ord. 1781, passed 11-6-95)

' 121.081 REGULATORY RESPONSIBILITY.

The grantor, acting alone or acting jointly with other grantors, may exercise or delegate the following regulatory responsibility:

(A) Administering and enforcing the provisions of a telecommunications system franchise(s).

(B) Coordination of the operation of government and educational system usage.

(C) Providing technical, programming and operational support to public agency users, such as government departments, schools and health care institutions.

(D) Establishing procedures and standards for the public use and sharing of public facilities, if provided for in a franchise agreement.

(E) Planning expansion and growth of public benefit telecommunications services.

(F) Analyzing the possibility of integrating telecommunications services with other local, state or national telecommunications networks.

(G) Formulating and recommending long-range telecommunications policy.
(Ord. 1781, passed 11-6-95)

' 121.082 TELECOMMUNICATIONS ADVISORY COMMISSION.

(A) If so specified in a franchise agreement, the grantor may require that a portion of the telecommunications system capacity and associated facilities and resources be designated for the development and use by the public or in the public interest. In furtherance of this purpose, the grantor may establish a commission, public corporation or other entity to receive and allocate facilities, support funds and other considerations provided by a grantee and/or others. Such a public corporation, if established, may be delegated the following responsibilities:

(1) Receive and utilize or reallocate for utilization, system capacity, facilities, funding and other support provided specifically for public usage of the telecommunications system.

(2) Review the status and progress of each service developed for public benefit.

(3) Reallocate resources on a periodic basis to conform with changing priorities and public needs.

(4) Report to the grantor annually on the utilization of resources, the new public services developed and the benefits achieved for the community and its residents.

(B) It is the intent of the grantor to ensure that wherever possible, access and community services required within a franchise agreement shall be managed in the best public interest so that such services will be free of censorship, open to all residents and

available for all forms of public expression, community information and debate of public issues. Pursuant to these objectives, the grantor may delegate the responsibility for public benefit capability management to a nonprofit entity, which may include, but not be limited to, any of the following:

(1) A nonprofit public corporation.

(2) A management commission or committee, appointed by the grantor, and representing a broad spectrum of the community.

(3) An established nonprofit entity with special capability, such as a local or regional school system or community college.

(C) The entity designated to manage public benefit capability shall have the following functions:

(1) Responsibility for public benefit usage and management as may be required within a franchise.

(2) To assure that the public benefit access is made available to all residents of a franchise area on a nondiscriminatory, first-come, first-served basis.

(3) To assure that no censorship or control over public benefit system use is imposed, except as such control may relate to compliance with existing FCC rules as may regard the prohibition of material that is obscene, or contains commercial advertising, or conducts a lottery.

(4) To devise, establish and administer all rules, regulations, and procedures pertaining to the use and scheduling of the public benefit use of a system.

(5) To prepare, in conjunction with a grantee, such regular or special reports as may be required or desirable.

(6) To hire and supervise staff.

(7) To make all purchases of materials and equipment that may be required.

(8) To develop additional sources of funding, such as foundation or federal or state grants.

(9) To perform such other functions relevant to the public benefit use of the system as may be appropriate.

(10) Establishment of budgets on an annual basis, and utilization of funds and resources received from the grantor or the public benefit usage entity designated in division (A) of this section.

(D) Public benefit usage rules. The management entity, in cooperation with a grantee, shall develop a set of rules for the use of

the public benefit use of the system which shall be promptly forwarded to the grantor. The rules shall be prepared in cooperation with a grantee. The rules shall, at a minimum, provide for:

(1) Access on a first-come, first-served, nondiscriminatory basis for all residents of a franchise area.

(2) Prohibition of advertising for commercial or political purposes, as defined by the FCC.

(3) Prohibition of any presentation of lottery information or obscene or indecent material.

(4) Public inspection of the log of public benefit users, which shall be retained by a grantee for a period of two years.

(5) Procedures by which individuals or groups who violate any rule may be prevented from further access to public benefit use of the system.

(6) Free public benefit use of the system, facilities and technical support as are provided for in the public benefit user rules or a franchise.

(E) Public benefit use reports. The management entity shall provide a report to the grantor, at least annually, indicating the type of public benefit services accomplished, the number of individuals or community groups that have utilized such system services, and the community benefit of such utilization. A copy of this report shall be provided to the grantee.
(Ord. 1781, passed 11-6-95)

' 121.083 RESERVATION BY GRANTOR.

The grantor reserves the right, at its discretion, from time to time, to determine if the entity described in ' 121.082(A) is performing its purposes in a manner satisfactory to the grantor, and if it is not, the grantor may receive and reallocate all or a portion of the system's capacity, operations appropriation and capital appropriation, including any facilities and equipment purchased previously with such appropriation, to another entity. A new entity shall be required to comply in all respects with the legal responsibilities described in ' 121.082(D).
(Ord. 1781, passed 11-6-95)

' 121.084 UNIFORM RATES.

(A) A grantee shall establish service rates that must be applied uniformly to all users in the franchise area for its services in accordance with a franchise agreement.

(B) As may be required within a franchise awarded hereunder and consistent with federal law, service user rates shall be effective for a minimum of one year from the date services commence, or in the event

of new construction, until two years after grantee has completed all construction proposed in its application, whichever is longer or as otherwise may be required by a franchise awarded hereunder.
(Ord. 1781, passed 11-6-95)

' 121.085 RATE CHANGE PROCEDURE.

(A) As may be required within a franchise awarded hereunder and consistent with federal law, a grantee subject to provisions of this chapter may not increase any rate or charge for any of its services without first filing notice of such proposed increased rate or charge with the grantor clerk and all affected system users. Such advance notice of a proposed change in user fees shall be subject to provisions of a grantee's rate regulation ordinance(s) which ordinance(s) and provisions by this reference shall be considered fully set forth herein.

(B) As may be required within a franchise awarded hereunder and consistent with federal law, a grantee subject to provisions of this chapter may not increase or modify any rate, charge, or service which is not subject to grantee's rate regulation ordinance(s) without first filing notice of such proposed increase or modification with the grantor clerk at least 30 days in advance of the proposed effective date of such increase or modification. Such notice shall state the nature of the increase or modification and provide the reason such increase or modification is deemed necessary by the grantor.

(C) As may be required within a franchise awarded hereunder and consistent with federal law, notwithstanding the provisions of divisions (A) and (B) of this section, a grantee and the grantor recognize that cable television tier I services, as defined within a franchise agreement, shall provide information vital to the community through the use of dedicated channels providing governmental, educational and public access programming. Therefore, a grantee subject to this chapter and franchise awarded hereunder shall not modify or repackage its cable television tier I programming services without the advance approval of the grantor or as otherwise provided within a franchise.

(D) Notwithstanding that certain rates and charges for a grantee's services may be exempt from grantor regulation at the time of adoption of this chapter, the grantor herein expressly reserves the right to revise this chapter in the future to incorporate any additional rate or service regulatory rights that may result from future changes in federal or state law and/or FCC rules and regulations.

(E) As may be required within a franchise awarded hereunder and consistent with federal law, a franchise awarded hereunder may provide a procedure by which a grantee may request a modification of cable television programming services within a tier I, or for an increase or modification of any rate charge or service not subject to provisions of a grantee's cable television rate regulation ordinance. Such a procedure may provide that:

(1) The grantor may, by affirmative action by its legislative body, require a grantee to appear before it to show cause pursuant to criteria hereinafter set out as to why the grantor's rates, charges or services should be increased or modified.

(2) If the grantor should so act, the grantor shall be required to give notice of said hearing to a grantee not less than 30 days prior to the scheduled date for said hearing.

(3) In the event the grantor shall determine that such a hearing should take place, then said hearing shall be conducted in the following manner:

(a) The grantor's legislative body shall conduct a full and complete public hearing regarding continued applicability of deregulation of a grantee's rates and charges.

(b) At the show cause hearing provided herein, it shall be the grantor's responsibility to determine whether or not a grantee has established reasonable rates or services for subscribers and if such proposed increase or modification of rates or services are reasonable or lawful. In making such determination, grantor shall consider and give due weight to a grantee's expenses, a reasonable grantee return on the cost of the property used in this service, depreciation, obsolescence, taxes, risks of the business and the value of service to the customer. A copy of such decision will be served upon a grantee.

(F) If, after the hearing, the grantor finds existing rates to be unjust, unreasonable or in violation of the law, a copy of such decision along with its conclusions and findings supporting its decision will be served upon a grantee.

(G) The cost of publication of notice of the public hearing shall be borne by a grantee.
(Ord. 1781, passed 11-6-95)

' 121.086 ANNUAL REVIEW OF PERFORMANCE.

At the grantor's sole option, within 90 days of the first anniversary of the effective date of each franchise, and each year thereafter throughout the term of a franchise awarded hereunder, the grantor and a grantee may meet publicly to review the performance, quality of service and rates of a telecommunications system. The reports required in '' 121.160 through 121.166 regarding user complaints, the records of performance tests and the opinion survey report shall be utilized as the basis for review. In addition, any user may submit complaints during the review meetings, either orally or in writing, and these shall be considered.

(A) Within 30 days after the conclusion of system performance review meetings, the grantor shall issue findings with respect to the adequacy of system performance and quality of service. If inadequacies are found, the grantor shall direct a grantee to correct the inadequacies within a reasonable period of time.

(B) Failure of a grantee, after due notice, to correct the inadequacies shall be considered a material breach of a franchise awarded hereunder and the grantor may, at its sole discretion, exercise any remedy within the scope of this chapter or a franchise agreement awarded hereunder considered by the grantor to be appropriate.

(C) Within 30 days of the conclusion and publication of a performance review final report, a copy of such report shall be provided the grantee.
(Ord. 1781, passed 11-6-95)

' 121.087 SYSTEM AND SERVICES REVIEW.

To provide for technological, economic and regulatory changes in the state of the art of telecommunications, to facilitate renewal procedures, to promote the maximum degree of flexibility in a telecommunications system, and to achieve a continuing, advanced modern system, the grantor and a grantee shall comply with the following system and services review provisions:

(A) At the grantor's sole option, the grantor and a grantee shall hold a performance and compliance system and services audit session on or about the third anniversary date of a franchise agreement or renewal. Subsequent performance and compliance audits shall be scheduled by the grantor each three years thereafter.

(B) Sixty days prior to the scheduled system audit, a grantee shall submit a report to the grantor indicating the following:

(1) All system services that are being provided on an operational basis, excluding tests and demonstrations, to other municipalities within the United States with populations above 50,000, that are not provided to the grantor.

(2) A plan for provision of such services, or a justification indicating why such services are not feasible for the grantor's franchise area.

(C) Topics for discussion and review at the system and services audit sessions shall include, but shall not be limited to services provided, rate structure, free or discounted services, application of new technologies, system performance, programming, user's complaints, rights of privacy, amendments to a franchise awarded hereunder, construction processes, developments in the law and regulatory constraints.

(D) Either the grantor or a grantee may select additional topics for discussion at any review session.

(E) Not later than 60 days after the conclusion of each system and services audit, the grantor shall issue findings, including specifically a listing of any services not then being provided to the grantor that are considered technically and economically feasible.
(Ord. 1781, passed 11-6-95)

FINANCIAL AND INSURANCE PROVISIONS

' 121.100 CONSTRUCTION BOND.

(A) As may be required within a franchise awarded hereunder, within 30 days after the granting of a franchise subject to provisions of this chapter and a franchise awarded hereunder, a grantee shall file with the grantor a bond(s) in the amount specified in a franchise agreement in favor of the grantor and any other person who may claim damages as a result of the breach of any duty by a grantee assured by such bond.

(B) Such bond as contemplated herein shall be in the form approved by the grantor.

(C) In no event shall the amount of said bond be construed to limit the liability of a grantee for damages.

(D) The grantor, at its sole option, may waive this requirement, or permit the consolidation of the bond with a security fund as specified in '' 121.101 and 121.102.
(Ord. 1781, passed 11-6-95)

' 121.101 PERFORMANCE BOND.

(A) As may be required within a franchise awarded hereunder, in addition to the bond set forth in ' 121.100 above, a grantee shall, at least 30 days prior to the commencement of operation, file with the grantor a performance bond in the amount specified in a franchise agreement in favor of the grantor and any other person who may be entitled to damages as a result of any occurrence in the operation or termination of the telecommunications system operated under a franchise agreement, and including the payments required to be made to the grantor hereunder.

(B) Such bond as contemplated herein shall be in the form approved by the grantor and shall among other matters cover the cost of removal of any properties installed by a grantee in the event said grantee shall default in the performance of its franchise obligation.

(C) In no event shall the amount of said bond be construed to limit the liability of a grantee for damages.
(Ord. 1781, passed 11-6-95)

' 121.102 SECURITY FUND.

(A) As may be required within a franchise awarded hereunder, within 30 days after the effective date of a franchise awarded hereunder, a grantee shall deposit into a bank account, established by the grantor, and maintain on deposit through the term of the franchise, the sum specified in a franchise agreement as security for the faithful performance by it of all the provisions of a franchise awarded hereunder, and compliance with all orders, permits and directions of any agency of the grantor having jurisdiction over its acts or defaults

under this chapter and the payment by a grantee of any claims, liens and taxes due the grantor which arise by reason of the construction, operation or maintenance of the system. The security fund may be assessed by the grantor for purposes including, but not limited to, the following:

(1) Failure of a grantee to pay the grantor sums due under the terms of a franchise awarded hereunder.

(2) Reimbursement of costs borne by the grantor to correct franchise violations not corrected by a grantee, after due notice.

(3) Monetary remedies or penalties assessed against a grantee due to default or violation of franchise requirements.

(B) At the grantor's sole option, some portion of the security fund may be provided in the acceptable form of an irrevocable letter of credit, in lieu of a cash deposit.

(C) Within 30 days after notice to it that any amount has been withdrawn by the grantor from the security fund pursuant to division (D) below, a grantee shall deposit a sum of money sufficient to restore such security fund to the original amount.

(D) If a grantee fails to pay to the grantor any franchise fee or taxes due and unpaid; or fails to pay to the grantor any damages, costs or expenses which the grantor shall be compelled to pay by reason of any act or default of a grantee in connection with this franchise; or fails, after 30 days' notice of such failure by the grantor, to comply with any provision of a franchise awarded hereunder which the grantor reasonably determines can be remedied by an expenditure of the security, the grantor may immediately withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the grantor shall notify a grantee of the amount and date thereof.

(E) The security fund deposited pursuant to this section shall become the property of the grantor in the event that a franchise awarded hereunder is revoked for cause by reason of the default of a grantee in accordance with the procedures of ' 121.069. A grantee, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit at the expiration of the term of a franchise awarded hereunder, provided that there is then no outstanding default on the part of a grantee.

(F) The rights reserved to the grantor with respect to the security fund are in addition to all other rights of the grantor whether reserved by this chapter or authorized by law, and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right the grantor may have.
(Ord. 1781, passed 11-6-95)

' 121.103 EMPLOYER BONDING.

When requested by the grantor, a grantee shall provide adequate bonding for employees who enter users' residences and/or perform fiduciary duties with respect to subscriber funds.
(Ord. 1781, passed 11-6-95)

' 121.104 INDEMNIFICATION.

(A) A grantee shall by acceptance of a franchise granted herein indemnify, defend and hold harmless the grantor, its officers, boards, commissions, agents and employees from any and all claims, suits, judgments for damages in any way arising out of or through or alleged to arise out of or through:

(1) The act of the grantor in granting this franchise; and

(2) The acts or omissions of a grantee, its servants, employees or agents.

(3) Both such indemnifications shall cover such claims arising in tort, contracts, violations of statutes, ordinances or regulations or otherwise.

(B) In the event any such claims shall arise, the grantor shall tender the defense thereof to a grantee; provided, however, that the grantor in its sole discretion may participate in the defense of such claims at its expense.
(Ord. 1781, passed 11-6-95)

' 121.105 INSURANCE.

(A) As may be required within a franchise awarded hereunder, a grantee shall maintain throughout the term of a franchise insurance in amounts as set forth within a franchise or as follows:

(1) Worker's compensation insurance. In such coverage as may be required by the worker's compensation insurance and safety laws of the State of Indiana and amendments thereto.

(2) Comprehensive commercial general liability. Comprehen-sive general liability insurance, including, but not limited to, coverage for bodily injury and property damage shall be maintained at the sum(s) specified in a franchise agreement.

(3) Comprehensive automobile liability. Comprehensive automobile liability including, but not limited to, nonownership and hired car coverage as well as owned vehicles with coverage for bodily injury and property damage shall be maintained at the sum(s) specified in a franchise agreement.

(B) A grantee shall furnish the grantor with copies of such insurance policies and certificates of insurance.

(C) Such insurance policies provided for herein shall name the grantor, its officers, boards, commissions, agents and employees as additional insured and shall contain the following endorsement:

> "It is hereby understood and agreed that this insurance policy may not be cancelled by the surety or the intention not to renew be stated by the surety until 30 days after receipt by the grantor by registered mail written notice of such intention to cancel or not renew."

(D) The minimum amounts set forth in a franchise agreement for such insurance shall not be construed to limit the liability of a grantee to the grantor under a franchise issued hereunder to the amounts of such insurance.
(Ord. 1781, passed 11-6-95)

DESIGN AND CONSTRUCTION

' 121.120 SYSTEM DESIGN.

A telecommunications system shall be constructed in accordance with the design requirements contained in a franchise agreement.
(Ord. 1781, passed 11-6-95)

' 121.121 GEOGRAPHICAL COVERAGE.

A grantee shall design and construct a system in such a manner as to have an initial capability to provide services as specified within the area of a franchise. Service shall be provided to users in accordance with the schedules and line extension policies specified in a franchise agreement. System construction and provision of service shall be nondiscriminatory, and shall not delay or defer service to any section of a franchise area on the grounds of economic preference.
(Ord. 1781, passed 11-6-95)

' 121.122 CABLECASTING FACILITIES.

As required within a franchise awarded hereunder, a grantee shall provide cablecasting facilities in accordance with the requirements of a franchise agreement.
(Ord. 1781, passed 11-6-95)

' 121.123 SYSTEM CONSTRUCTION SCHEDULE.

(A) A grantee shall comply with the requirements of the system construction schedule contained in a franchise agreement.

(B) Service need not be provided where power and telephone utilities are not available.

(C) A grantee shall provide a detailed construction plan indicating progress schedule, area construction maps, test plan and projected dates for offering service. In addition, a grantee shall update this information on a monthly basis, showing specifically whether schedules are being met and the reasons for any delay.

(D) Failure to begin construction within one year after award of a franchise shall be grounds for franchise revocation, at the option of the grantor.
(Ord. 1781, passed 11-6-95)

' 121.124 REMEDIES FOR DELAY IN CONSTRUCTION.

(A) The grantor may, at its sole option, apply any or all of the following remedies in connection with delays in system construction:

(1) Reduction in the duration of a franchise on a month-for-month basis for each month of delay exceeding three months.

(2) Forfeiture of bonds and/or assessment of monetary damages up to the maximum limit specified in a franchise agreement, levied against a security fund for delays exceeding six months.

(3) Termination of a franchise awarded hereunder for delays exceeding 12 months.

(B) Any penalties applied shall be in accordance with the procedures contained in '' 121.030 through 121.047.
(Ord. 1781, passed 11-6-95)

' 121.125 UNDERGROUNDING OF SYSTEM COMPONENTS.

Grantee's distribution system shall be installed underground at a grantee's cost where existing utilities are already underground. Previously installed aerial distribution systems shall be underground or relocated in concert, and on a cost-sharing basis, with other utilities, when such other utilities may convert from aerial to underground construction.
(Ord. 1781, passed 11-6-95)

' 121.126 NEW DEVELOPMENT UNDERGROUNDING.

(A) In cases of new construction or property development where utilities are to be placed underground, the developer or property owner shall give a grantee reasonable notice of the particular date on which open trenching will be available for a grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at a grantee's expense. A grantee shall also provide specifications as needed for trenching.

(B) Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if a grantee fails to install its conduit, pedestals and/or vaults, and laterals within five working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the five-day period, the cost of new trenching is to be borne by a grantee.
(Ord. 1781, passed 11-6-95)

' 121.127 UNDERGROUNDING AT MULTIPLE-DWELLING UNITS.

In cases of multiple-dwelling units serviced by aerial utilities, a grantee shall make every effort to minimize the number of individual aerial drop cables, giving preference to undergrounding of multiple drop cables between the pole and the dwelling unit.
(Ord. 1781, passed 11-6-95)

' 121.128 STREET OCCUPANCY.

(A) A grantee shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits or other facilities whether on public property or on privately owned property until the written approval of the grantor is obtained, which approval shall not be unreasonably withheld. However, no location of any pole or wire-holding structure of a grantee shall be a vested interest and such poles or structures shall be removed or modified by a grantee at its own expense whenever the grantor determines that the public convenience would be enhanced thereby.

(B) A grantee shall notify the grantor at least ten days prior to the intention of a grantee to commence any construction in any streets. The grantor shall cooperate with a grantee in granting any permits required, providing such grant and subsequent construction by a grantee shall not unduly interfere with the use of such streets and that proposed construction shall be done in accordance with the pertinent provisions of the ordinances of the grantor.

(C) All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and, at all times, shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. A grantee shall, at all times, employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by a grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

(D) A grantee shall, for the entire term of a franchise, at its own expense, and in a manner approved by the grantor, restore to grantor standards and specifications any damage or disturbance caused to public or private property as a result of its operations or construction on its behalf.

(E) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the grantor to remove any of a grantee's facilities, no charge shall be made by a grantee against the grantor for restoration and repair, unless such acts amount to gross negligence by the grantor.

(F) A grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the grantor. Trimming of trees outside of public easements and on private property shall require written consent of the property owner.

(G) A grantee at its expense shall protect, support, temporarily disconnect, relocate or remove any property of a grantee when, in the opinion of the grantor, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including, but not limited to, movement of buildings, redevelopment or any general program under which the grantor shall undertake to cause any such properties to be located beneath the surface of the ground. A grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place.

(H) Upon failure of a grantee to commence, pursue or complete any work required by law or by the provisions of a franchise awarded hereunder to be done in any street, within the time prescribed and to the satisfaction of the grantor, the grantor may, at its option, cause such work to be done and a grantee shall pay to the grantor the cost thereof in the itemized amounts reported by the grantor to a grantee within 30 days after receipt of such itemized report.

(I) A grantee shall make no paving cuts or curb cuts unless absolutely necessary, and then only after written permission has been given by the grantor.

(J) The grantor reserves the right to require conduit for underground distribution systems consistent with its normal utility permit procedure.
(Ord. 1781, passed 11-6-95)

' 121.129 CONSTRUCTION AND TECHNICAL STANDARDS.

(A) Construction standards.

(1) Compliance with safety codes. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act and any amendments thereto as well as all state and local codes where applicable.

(2) Compliance with electrical codes. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the Basic BOCA Electrical Code as amended.

(3) Antennas and towers. Antenna supporting structures (towers) shall be designed for the proper loading as specified in Electronics Industry Association's specifications.

(4) Compliance with aviation requirements. Antenna supporting structures (tower) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable state or local codes and regulations.

(5) Construction standards and requirements. All of a grantee's distribution system and equipment, including, but not limited to, the antenna site, head-end and distribution system towers, house connections, structures, poles, wire, cable, coaxial cable, fiber optic cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the grantor may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.

(6) Safety, nuisance requirements. A grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

(B) Technical standards. A telecommunications system created or built as a direct result of the award of a franchise hereunder shall meet all technical and performance standards specified by law, FCC rules, or specifications contained in a franchise.

(C) Test and compliance procedure. If so required in a franchise awarded hereunder, a grantee shall submit, within 60 days after the effective date of a franchise award, a detailed test plan describing the methods and schedules for testing the system on an ongoing basis to determine compliance with the provisions of a franchise. Such tests shall be those necessary to measure compliance with existing federal law or FCC rules. The tests for basic subscriber television services shall be performed at intervals no greater than every 12 months, on a minimum of ten subscriber television receivers, located throughout the service area. At least six of these locations shall be at the far end of the distribution trunk cables. The tests shall be witnessed by representatives of the grantor, and written test reports shall be submitted to the grantor. If more than 10% of the locations tested fail to meet the performance standards, a grantee shall be required to indicate what corrective measures have been taken, and the entire test shall be repeated for at least ten different locations.

(D) Special tests. At any time after commencement of service to subscribers, the grantor may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific user's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and such tests shall be limited to the particular matter in controversy. The grantor

shall endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to a grantee or to the user.
(Ord. 1781, passed 11-6-95)

' 121.130 AREAWIDE INTERCONNECTION.

(A) Interconnection required. As may be required within a franchise awarded hereunder a grantee shall, to the best of its ability, attempt to accomplish an interconnect of any public benefit system capacity with other telecommunication systems in adjacent areas, upon the directive of the grantor.

(B) Interconnection procedure. As may be required within a franchise awarded hereunder, upon receiving a directive of the grantor to explore the possibility of an interconnect, a grantee shall initiate negotiations with other systems. The cost of such an interconnect, if accomplished, shall be borne by both grantees in a proportion to the level of effort and expense expended by both, or all, parties. In the case of regional or statewide interconnection, the same principle shall apply.

(C) Relief. A grantee may be granted reasonable extensions of time to interconnect or the grantor may, at the request of a grantee, withdraw its directive to seek an interconnect.

(D) Cooperation required. A grantee shall cooperate with any interconnection corporation, regional interconnection authority or city, county, state and federal regulatory agency which may be hereafter established for the purpose of regulating, financing or otherwise providing for the interconnection of telecommunication systems beyond the boundaries of a franchise territory.

(E) Initial technical requirements to assure future interconnection capability.

(1) All telecommunications systems of similar type receiving a franchise to operate within a franchise territory shall make every effort to use the same frequency allocations for commonly provided signals so far as is technically and economically feasible.

(2) A grantee who provides public benefit services shall install and operate equipment that is compatible throughout the area so that services may be shared by various systems.
(Ord. 1781, passed 11-6-95)

SERVICE

' 121.140 SERVICES TO BE PROVIDED.

A grantee shall provide, as a minimum, the services specified within a franchise. Services shall not be reduced without prior notice to the grantor.
(Ord. 1781, passed 11-6-95)

' 121.141 BASIC SUBSCRIBER TELEVISION SERVICE.

As may be required by a franchise awarded hereunder, basic subscriber television service shall include all FCC required services. In the event that present federal law is revised and the FCC definition of basic service is modified, such new definition shall prevail. In the event that future FCC rules do not provide a definition for basic service, then the definition of such service shall be as follows: distant television broadcast signals, imported nonbroadcast signals and the provision of all other franchise required P.E.G. access channel signals. This service shall be provided to all users at the established monthly subscription rates.
(Ord. 1781, passed 11-6-95)

' 121.142 BASIC SUBSCRIBER RADIO SERVICE.

As may be required by a franchise awarded hereunder, basic subscriber radio service shall include the provision of all audio services designated in a franchise agreement, including broadcast FM radio and cablecast FM signals. This service shall be provided to all users at the established monthly subscription rates.
(Ord. 1781, passed 11-6-95)

' 121.143 INSTITUTIONAL SERVICE.

If specified in a franchise agreement, the "institutional service" shall include the provision of transmission and/or reception services to institutional users, on a leased channel basis at established rates. Services may include the distribution of video or nonvideo signals.
(Ord. 1781, passed 11-6-95)

' 121.144 ADDITIONAL SUBSCRIBER SERVICES.

Additional user services, not included in the services specified above, may be provided subject to the terms and conditions specified within a franchise.
(Ord. 1781, passed 11-6-95)

' 121.145 LOCAL ORIGINATION CHANNELS.

As may be required by a cable television franchise agreement awarded hereunder, a grantee may operate studios of professional quality, dedicated for the purpose of providing cablecast programming responsive to local needs and interests. Where required by a franchise, the emphasis for required local origination channel(s) shall be on providing programming that is unavailable to viewers on broadcast television channels.
(Ord. 1781, passed 11-6-95)

' 121.146 GOVERNMENT ACCESS CHANNELS.

As may be required by a cable television franchise, a grantee shall provide the number of channels specified in a franchise agreement, including all necessary interface equipment and cabling to

permit operation, for the use of the grantor at no charge to the grantor. A grantee shall provide advice and technical expertise to aid in the utilization of these channels.
(Ord. 1781, passed 11-6-95)

' 121.147 EDUCATIONAL ACCESS CHANNELS.

As may be required by a cable television franchise, a grantee shall provide the number of channels specified in a franchise agreement, including all necessary interface equipment and cabling to permit operation, for the use of the local educational institutions at no charge. A grantee shall, at no cost, provide advice and technical expertise to aid in the utilization of these channels.
(Ord. 1781, passed 11-6-95)

' 121.148 PUBLIC ACCESS CHANNELS.

As may be required within a cable television franchise, a grantee shall provide the number of channels specified in a franchise agreement including all necessary interface equipment and cabling to permit operation, to be available to the public at no charge. The public access channels shall be managed and operated by the access channel manager, as described in '' 121.080 through 121.087. A grantee shall make available for programmers of the public access channel the facilities and support listed in a franchise agreement.
(Ord. 1781, passed 11-6-95)

' 121.149 PUBLIC ACCESS CHANNELS CLOSED CIRCUIT.

As may be required within a cable television franchise, if the cable communications system includes a closed-circuit institutional network, a grantee shall make at least three two-way channels available for local government, educational and public use at no charge. The public access two-way channels shall be managed and operated by the public benefit services entity.
(Ord. 1781, passed 11-6-95)

' 121.150 LEASED ACCESS CHANNEL.

As may be required within a cable television franchise, a grantee shall make available for lease, on a nondiscriminatory basis and consistent with existing FCC rules or law, the number of channels specified in a franchise agreement. All leased channel service revenues shall be included in gross revenues subject to a franchise fee.
(Ord. 1781, passed 11-6-95)

' 121.151 UNIVERSAL CONNECTION.

The grantor may require within a franchise awarded hereunder that all dwelling units within a franchise area shall be connected physically to a telecommunications system by a grantee by means of drop cables terminating at each dwelling unit, whether or not the dwelling unit's occupants desire to utilize the telecommunications services

provided by a grantee, provided that no such universal connector shall be made in residential homes without the written permission of the property owner. The cost and charges shall be determined by the grantor at the time such connection is required. A grantee shall be entitled to recover the incremental cost of providing a universal connection.
(Ord. 1781, passed 11-6-95)

OPERATION AND MAINTENANCE

' 121.160 OPEN BOOKS AND RECORDS.

(A) A grantee shall manage all of its operations in accordance with a policy of open books and records. The grantor shall have the right to inspect at any time during normal business hours, books, records, maps, plans, financial statements, service complaint logs, performance test results and other like materials of a grantee which relate to the operation of a franchise awarded hereunder and are maintained at the office within a franchise territory.

(B) If any of such books or records are not kept in the local office, or upon reasonable request not made available to the grantor, and if the grantor shall determine that an examination of such records is necessary or appropriate to the performance of any of grantor's duties, the reasonable expenses necessarily incurred in making such examination shall be paid by a grantee.
(Ord. 1781, passed 11-6-95)

' 121.161 RECORDS REQUIRED.

A grantee hereunder shall at all times maintain:

(A) A record of all complaints received and interruptions or degradation of service experienced for the preceding three years.

(B) A full and complete set of plans, records and "as-built" maps showing the exact location of all cable communication system equipment installed or in use in a franchise territory, exclusive of user service drops.
(Ord. 1781, passed 11-6-95)

' 121.162 MAINTENANCE AND COMPLAINTS.

(A) A grantee shall maintain an office in the franchise area which shall be open during all usual business hours, have a publicly listed toll-free telephone, and be so operated to receive user complaints and requests for repairs or adjustments on a 24-hour a day basis. A written log shall be maintained by the grantee listing all complaints, the name and address of the user and the disposition of each complaint.

(B) A grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be

preceded by notice and shall occur during period of minimum use of the system. A written log shall be maintained for all service interruptions.

(C) A grantee shall maintain a repair force of technical personnel capable of responding to user complaints, system outages, or requests for service within 24 hours after receipt of the complaint or request. No charge shall be made to a user in the event a system outage or repair is the result of problem with the grantee's system.

(D) A grantee shall furnish each user, at the time service is installed, written instructions that clearly set forth procedures, furnish information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number of the employee or employees or agent to whom such inquiries or complaints are to be addressed and furnish information concerning the grantor office responsible for administration of a franchise with the address and telephone number of the office.
(Ord. 1781, passed 11-6-95)

' 121.163 RIGHTS OF INDIVIDUALS.

(A) A grantee shall not deny service, deny access, or otherwise discriminate against any person on the basis of race, color, religion, national origin, occupation, age or sex. A grantee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this chapter by reference.

(B) A grantee shall strictly adhere to the equal employment opportunity requirements of the FCC, state and local regulations, as amended from time to time.

(C) No signals of a Class IV cable communications channel shall be transmitted from a user terminal for purposes of monitoring individual cable television viewing patterns or practices without the express written permission of the user. The request for such permission shall be contained in a separate document with a prominent statement that the user is authorizing the permission in full knowledge of its provision. Such written permission shall be for a limited period of time not to exceed one year, which shall be renewable at the option of the user. No penalty shall be invoked for a user's failure to provide or renew such an authorization. The authorization shall be revokable at any time by the user without penalty of any kind whatsoever. Such authorization is required for each type of classification of Class IV cable television activity planned; provided, however, that a grantee shall be entitled to conduct system-wide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return-path transmission, or billing for pay services.

(D) A grantee, or any of its agents or employees, shall not, without the specific written authorization of a user, sell or otherwise make available to any party:

(1) Lists of the names and addresses of such subscribers; or

(2) Any list which identifies the viewing or other telecommunications habits of individual users.

(E) Fairness of accessibility. The entire system of a grantee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies and other entities having a legitimate use for the network; and no one shall be arbitrarily excluded from its use; allocation of use of said facilities shall be made according to the rules or decisions of a grantee and any regulatory agencies affecting the same.
(Ord. 1781, passed 11-6-95)

' 121.164 CONTINUITY OF SERVICE MANDATORY.

(A) It shall be the right of all users to continue receiving service insofar as their financial and other obligations to a grantee are honored. In the event that a grantee elects to overbuild, rebuild, modify or sell the system, or the grantor gives notice of intent to terminate or fails to renew this franchise, a grantee shall act so as to ensure that all system users receive continuous, uninterrupted service regardless of the circumstances.

(1) In the event of a change of franchisee, or in the event a new operator acquires the system, a grantee shall cooperate with the grantor, new franchisee or operator in maintaining continuity of service to all system users. During such period, a grantee shall be entitled to the revenues for any period during which it operates the system.

(B) In the event a grantee fails to operate the system for seven consecutive days without prior approval of the grantor or without just cause, the grantor may, at its option, find that the operator has abandoned its system and may thereafter designate an interim system operator until such time as a grantee restores service under conditions acceptable to the grantor or a permanent operator is selected. If the grantor is required to fulfill this obligation for a grantee, a grantee shall reimburse the grantor for all costs or damages in excess of revenues from the system received by the grantor that are the result of a grantee's failure to perform.
(Ord. 1781, passed 11-6-95)

' 121.165 GRANTEE RULES AND REGULATIONS.

A grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable a grantee to exercise its rights and perform its obligations under a franchise, and to assure uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or applicable state and

federal laws, rules and regulations. Such rules, regulations, terms and conditions shall be submitted to the grantor for its review.
(Ord. 1781, passed 11-6-95)

' 121.166 TENANT RIGHTS.

As may be required within a franchise awarded hereunder and consistent with state and federal law, a grantee shall be required to provide service to tenants in individual units of a multiple-housing facility with all services offered to other dwelling units within a franchise area, so long as the owner of the facility consents in writing, if requested by a grantee, to the following:

(A) To a grantee's providing of the service to units of the facility;

(B) To reasonable conditions and times for installation, maintenance, and inspection of the system on the facility premises;

(C) To reasonable conditions promulgated by a grantee to protect a grantee's equipment and to encourage widespread use of the system; and

(D) To not discriminate in rental charges, or otherwise, between tenants who receive cable service and those who do not.
(Ord. 1781, passed 11-6-95)

CHAPTER 122: TELECOMMUNICATIONS EASEMENTS AND RIGHTS-OF-WAY

Section

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' 122.01 LEGISLATIVE FINDINGS.

Under state and federal constitutional and statutory law, the city has the authority to regulate telecommunications systems offering public or private line video, data or voice services, using or crossing streets, highways, rights-of-way or easements in the city. This chapter is intended to minimize the disruption to the streets, highways, rights-of-way and easements, and to require those who seek to construct a telecommunications system to cooperate in the construction of both overhead and underground lines and in the restoration of streets, highways, rights-of-way and easements. The city also finds that it has too many unsightly overhead lines and poles in some sections of the city that are proliferating, adversely affecting the public safety, detracting from property values, and reaching maximum safe capacity of poles and underground spaces. The city further finds that public health, safety, and welfare is better served by requiring, whenever practical, the installation of new utility lines and wires in underground conduit.
(Ord. 2012, passed 3-5-01)

' 122.02 PURPOSE.

The purpose of this chapter is to regulate the granting of licenses and permits for telecommunications systems other than cable television systems.
(Ord. 2012, passed 3-5-01)

' 122.03 DEFINITIONS.

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

ACITY.@ The City of Crown Point, Indiana.

AGRANTEE.@ Any holder of a telecommunications system license or permit granted pursuant to this chapter.

AGROSS REVENUE@ All receipts collected by the grantee for all telecommunications and related operations and services within the city's corporate limits, as well as any other revenue arising from the operation or possession of a permit regardless of where billed. AGROSS REVENUE@ shall also include:

(1) Access charges paid to the grantee by other carriers.

(2) The leases or re-sales of lines or circuit paths to third parties.

(3) All telecommunications service revenues charged on a flat-rate basis.

(4) All telecommunications services charged on a usage-sensitive or mileage basis.

(5) All revenues from local services.

(6) All revenues from authorized rental of conduit space.

(7) All revenues from authorized rentals of any portion of grantee's systems, including plant, facilities, or capacity leased to others.

(8) All other revenues collected from grantee's telecommunications business pursued within the city, excluding third-party billing arrangements not related to grantee's telecommunications business.

(9) Recoveries of bad debts previously written off and revenues from the sale or assignment of bad debts. Unrecovered bad debts charged off after diligent, unsuccessful efforts to collect can be excluded from gross revenues from telecommunications business. AGROSS REVENUE@ does not include revenue uncollected from customers (bad debts) and the sale or lease of customer service equipment, taxes, interconnection fees paid by grantee to other telecommunications carriers, or other similar types of pass-through charges for which grantee merely acts as a collecting agent and derives no economic benefit or Amarkup.@

ALICENSE.@ A written agreement granted by resolution for a telecommunications system to use the rights-of-way easements, highways, streets, alleys, and other public places in the city for wires, poles, pipes, conduits, or other public utility facilities, but not to transact local business with another person.

APERMIT.@ A non-exclusive, limited authorization to transact local business for the construction, maintenance, and operation of a telecommunications system in the city, awarded by ordinance in the form of contract and accepted by the grantee.

APERSON.@ Any individual, firm, partnership, association, corporation, company or organization.

ASUBSCRIBER.@ Any person who contracts with the grantee for, or is in any manner provided with, telecommunications services.

ATELECOMMUNICATIONS SERVICES.@ Include regulated and unregulated services offering to customers the transmission of two-way interactive communication and associated usage.

ATELECOMMUNICATIONS SYSTEM.@ A system used, or to be used, to provide telecommunications service, including public or private line video, data, or voice service to another person, using or crossing streets, highways, rights-of-way, or easements in the city, other than cable television service offered pursuant to a franchise granted under Chapter 63 of the city code, as amended.
(Ord. 2012, passed 3-5-01)

' 122.04 CITY APPROVAL REQUIRED.

(A) No person shall install, construct, or maintain a telecommunications system in the city without a telecommunications license or permit.

(B) This chapter shall apply to any existing cable television system operating pursuant to a franchise awarded by the city that the franchisee uses to transact local business operating a telecommunications system.

(C) Before offering or providing any telecommunications service, the grantee shall obtain any and all regulatory approvals, permits, authorizations, or licenses for the offering or providing such telecommunications services from the appropriate federal, state, and local authorities, if required, and, upon the city's written request, shall submit to the city evidence of all such approvals, permits, authorizations or licenses.

(D) Nothing in this chapter shall be construed as a waiver of any city codes, ordinances or regulations, or of the city's right to require the grantee or persons utilizing the telecommunications service to secure appropriate permits or authorizations for such use. No fee or charge may be imposed upon a grantee for any such permit or authorization, other than the standard fees or charges generally applicable to all persons for such permits or authorizations. Such standard fee or charge shall not be offset against the annual license fee or permit fee a grantee is required to pay to the city under ' 122.09 of this chapter.
(Ord. 2012, passed 3-5-01)

' 122.05 ISSUANCE.

(A) Subject to this chapter, the city may grant one or more licenses and permits for a telecommunications system in the city.

(B) The city specifically reserves the right to grant, at any time, such additional licenses and permits for a telecommunications system as it deems appropriate. Additional Licenses and Permits shall not be deemed to modify, revoke, terminate, or damage any rights previously granted to any other grantee.

(C) In the event an application is filed proposing to install facilities, within a permit territory, which overlaps, in whole or in part, an existing area, the applicant shall serve a copy, by certified mail, upon the current grantee(s). The applicant shall thereby notify grantee(s) of existing, overlapping territory. Proof that a copy of the application has been served upon the current grantee(s) shall be provided to the city. No application for overlapping territory shall be processed until proof of service has been furnished to the city. It is not the intent of this chapter to either require or prohibit overbuilding.

(D) An application for a new, renewed or amended permit shall be made in such form as the city may prescribe by resolution. A new, renewed or amended permit that expands the scope of service shall be accompanied by a non-refundable $5,000 partial prepayment of the permit formation fee. (Ord. 2012, passed 3-5-01)

' 122.06 DURATION.

Any license or permit (and its rights, privileges, authority and responsibilities) shall take effect and be in force from and after final acceptance. It shall continue in force and effect for a period established by the license or permit not exceeding 15 years, provided the grantee meets the following requirements. Within 30 days after the date of the city's final acceptance of a license or permit, the grantee must file with the Clerk-Treasurer: its unconditional acceptance of the license or permit, all required letters of credit, and all required construction surety and insurance certificates. Within the same time period, the grantee must also pay to the Clerk-Treasurer all reasonable costs the city actually incurred in preparing, considering, and awarding the license or permit, including legal, engineering, technical, publication, and other expenses (including the permit formation fee described in ' 122.09). If a grantee fails to comply with this section in a timely manner, it shall acquire no rights, privileges, or authority whatsoever from the city. The Mayor may extend, by written agreement with a grantee on reasonable and necessary terms, the term of a license or permit for a period not exceeding one year. (Ord. 2012, passed 3-5-01)

' 122.07 RATE REGULATION.

The rates and charges required of a grantee to obtain a permit or license for the provision of telecommunications services and for

related services (such as equipment rental, deposits, disconnect fees, and late payment fees) shall be subject to regulation by the city to the full extent authorized by federal or state law. Changes to rates and charges shall only be made after notice, hearing, and other requirements of federal or state law.
(Ord. 2012, passed 3-5-01)

' 122.08 PERMIT AND LICENSE FORMATION, ANNUAL FEE PAYMENTS.

(A) For the reasons that the streets, highways, and rights-of-way or easements to be used by grantee in the operation of its telecommunications system within the boundaries of the city are valuable public properties, some of which the city has acquired and maintained at great expense to its taxpayers, and that the use of such streets, highways, rights-of-way or easements is a valuable property right, without which grantee would be required to invest substantial capital in right-of-way costs and acquisitions, a grantee shall pay:

(1) A formation fee of:

(a) $10,000 for permits, or

(b) $2,000 for licenses; and

(2) An annual fee equal to:

(a) 5% of gross revenue for permits, or

(b) an amount determined as set forth in divisions (B) and (C).

(B) The fee to be charged to a grantee under (A)(2)(b) shall be its allocated share of the following amounts:

(1) The estimated actual cost, excluding acquisition costs incurred by the city, as a consequence of permitting grantee to occupy a portion of the public rights-of-ways and in mediating disputes between its citizens and grantee.

(2) The estimated actual costs referred to in (B)(1) shall be calculated every five years by the Clerk-Treasurer and, following a public hearing, shall be subject to approval by the City Council. These costs shall be allocated among all of the grantees, based on the per linear foot calculation (not number of lines or capacity) of the telecommunications systems located upon, over, across or under the city's roads, bridges, streets, rights-of-way and easements.

(C) The annual fee required by (A)(2) may be determined using:

(1) A percentage of gross revenues not exceeding 5% per cent for permits; or

(2) Initially for licenses and permits, $0.40 per linear foot of underground and $0.25 per linear foot of overhead lines, wires, cables, poles, conduits, and like structures, erections and fixtures

upon, over, across or under the city's roads, bridges, streets, public rights-of-way and easements. Subject to recalculation every five years under (B)(2).

(D) Miscellaneous fee considerations.

(1) Grantees sharing the same conduit shall each pay a full fee.

(2) Grantees sending signals over existing lines owned by another telecommunications system for which fees have already been paid are not subject to additional fees.

(3) Grantees using the same line to provide cable television and telecommunications services shall be subject to both a cable television franchise fee and all license or permit fees set by this chapter.

(4) The City Council may, at its discretion, exempt from license or permit fees a telecommunications system lawfully operated by a public school district or other governmental body created by state law, which does not sell telecommunications services to subscribers.

(E) For each quarter, the grantee shall pay to the city an amount equal to one fourth of the minimum annual fee, calculated on the basis of a twelve-month compensation year. The grantee shall forward, by check or money order, an amount equal to the quarterly payment by noon of the twenty-fifth day of the calendar month immediately following the close of the calendar quarter for which the payment is calculated. Any necessary prorations shall be made.

(F) In the event any quarterly payment is made any time after noon on the date payment is due, then grantee shall pay a late payment penalty of the greater of: (1) $100, or (2) simple interest at an annual percentage rate of 10% of the total amount past due. Acceptance of money under this section shall not in any way limit or inhibit any of the privileges or rights of the city, whether under this chapter or otherwise.

(G) In the event the 5% of gross revenue option is utilized, the grantee shall file annually with the Mayor and Clerk-Treasurer, no later than 90 days after the end of the grantee's fiscal year, a statement of revenues attributable to the operations of the grantee's telecommunications system within the city for that year. This statement shall be prepared in compliance with generally accepted accounting practices and auditing standards. It shall present a detailed breakdown of gross revenues and uncollectible accounts for the year. It shall also be certified by an officer of the grantee, whose statement shall accompany the statement of revenues.

(H) Any transactions that have the effect of circumventing payment of required fees and/or evasion of payment of fees (by non-collection or non-reporting of gross revenues, bartering or any other means) are prohibited.

(I) License and permit fees shall be in addition to any other tax, charge, fee or payment due the city by a grantee.
(Ord. 2012, passed 3-5-01)

' 122.09 NEW DEVELOPMENTS.

(A) From time to time, a grantee may implement new services and developments allowed by law. However, a grantee may not provide cable television services as defined by the U.S. Cable Communication Policy Act of 1984 (and as it may be amended).

(B) In addition to those matters required in a permit, grantees must make the following express acknowledgments:

(1) That the city has the right to make reasonable amendments to this chapter that do not substantially and materially increase any financial, economic or performance burden to the detriment of a grantee during the term of the license or permit, upon 90 days notice to the grantee, or without notice for an emergency amendment. They further recognize and agree that the city shall in no way be bound to renew or extend a license or permit at the end of any license or permit term.

(2) That a grantee shall have no recourse whatsoever against the city for any loss, cost, expense or damage arising out of the city's failure to have the authority to grant all or any part of a license or permit. On accepting a license or permit, a grantee must expressly acknowledge that it does so relying on its own investigation and understanding of the power and authority of the city.

(3) That, in accepting a license or permit, a grantee acknowledges that it has not been induced by any understanding, promise or other statement, whether verbal or written, by or on behalf of the city or by any other third person, concerning any term or condition of a license or permit not expressed in this chapter.

(4) That, in accepting a license or permit, a grantee further acknowledges that it has carefully read its terms and conditions, and does accept all of the risks of the meaning of such terms and conditions.

(C) However, if any such state or federal law or regulation shall require a grantee to perform any service, or shall allow a grantee to perform any service, or shall prohibit a grantee from performing any service, in conflict with the terms of the license or permit or of any city law or regulation, then as soon as possible, a grantee shall notify the city of the point of conflict believed to exist between such law or regulation, and the city law or regulation or the license or permit. Notwithstanding such conflict, the grantee shall comply with the terms of the license or permit unless released by the city.

(D) If any provision of a license or permit is held by any court of competent jurisdiction to be invalid as conflicting with any federal or state law, rule or regulation now or hereafter in effect, or is held by such court to be modified in any way in order to conform to the requirements of any law, rule or regulation, that provision may be

considered a separate, distinct, and independent part of the license or permit, and such holding shall not affect the validity and enforceability of all other provisions if the city so determines. In the event that such law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision that had been held invalid or modified is no longer in conflict with the law, rules, or regulations, it shall return to full force and effect and shall be binding on the parties.

(E) If they determine that a material provision of a license or permit is affected by action of a court or of the state or federal government, the parties shall have the right to modify any provision to such reasonable extent as may be necessary to carry out the full intent and purpose of the license and permit.
(Ord. 2012, passed 3-5-01)

' 122.10 LIABILITY.

(A) As set forth in the license or permit, a grantee shall indemnify and hold harmless the city at all times during the life of the license or permit, and will pay all damages and penalties that the city may be required to pay as a result of granting the license or permit.

(B) As set forth in the license or permit, a grantee shall at all times during the life of a license or permit carry, and require its contractors and subcontractors to carry public liability, property damage, worker's disability, and vehicle insurance in such form and amount as shall be determined by the city. All required insurance coverage shall provide for 30 days notice to the city in the event of material alteration or cancellation of such coverage prior to its effective date. Failure of the grantee to provide appropriate insurance certificates to the city within 60 days after the execution of a license or permit shall render it null and void.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.11 GENERAL CAPABILITY.

(A) The grantee of a permit shall allow the city to access the telecommunications system from any city buildings, police stations, fire stations, other public buildings, each school licensed by the State of Indiana, and each public library within 500 feet of the telecommunication system, on fees, terms and conditions set forth in the permit.

(B) In the event of a state or national emergency, or other urgent, local community need, a grantee of a permit shall, upon the city's request, make available its facilities to the city for the duration of the emergency.
(Ord. 2012, passed 3-5-01)

' 122.12 CONDITIONS OF STREET OCCUPANCY.

A grantee shall not commence construction upon, over, across, or under city roads, bridges, streets, rights-of-way or easements without first obtaining an appropriate building, construction or other permit that may apply to the construction of a telecommunications system.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.13 TECHNICAL AND CONSTRUCTION STANDARDS.

(A) Each grantee shall construct, install and maintain its telecommunications system in a manner consistent and in compliance with all applicable laws, ordinances, construction standards, governmental requirements, and technical standards established by the Federal Communications Commission and any state agency.

(B) In any event, the telecommunications system shall not endanger or interfere with the safety of persons or property within the city or other areas where the grantee may have equipment located.

(C) All working facilities, conditions, and procedures used or occurring during construction of the system shall comply with the standards of the Occupational Safety and Health Administration.

(D) Construction, installation and maintenance of a telecommunications system shall be performed in an orderly and workmanlike manner, and in close coordination with public and private utilities serving the city, following accepted industry construction procedures and practices, and working through existing committees and organizations.

(E) Wherever possible, all cable and wires shall be installed parallel with electric and telephone lines, and multiple-cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations.

(F) A grantee shall join the Indiana Underground Plant Protection or AHoley Moley@ program.

(G) When the grantee meets recognized engineering standards and the city, at its option, requests additional linear line footage, then the grantee shall not be subject to the linear-foot fee for such additional footage.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.14 MAPS, RECORDS, AND REPORTS.

(A) A grantee shall annually provide the city with current maps of its existing and proposed installations in standardized format for use with the city's G.I.S. data system, unless no changes have occurred in the previously submitted map. In such case, the grantee shall so certify this information to the city, in writing, on or before the date the annual mapping update is due.

(B) A grantee of a permit paying fees based on gross revenues shall annually file with the Clerk-Treasurer 15 copies of its annual income statement and balance sheet.

(C) A grantee shall submit such reasonable information as may be requested by the city, regarding its property, revenues, expenses or operations within the city, as is necessary to perform its obligations under state law, federal laws or this chapter. To the extent permitted by law, the city shall maintain all requested information as proprietary and confidential.

(D) A grantee shall submit such other reasonable information or reports in such form and at such times as the city may request.

(E) In the event the 5% of gross revenues option is utilized, subject to the privacy rights of a grantee, this chapter, federal and state laws and regulations, a permit grantee shall keep open books and records relating to the financial operations of the telecommunications system provided to the city. During normal business hours and upon 48 hours advance notice, the city shall have the right to inspect all books, records, maps, plans, service complaint logs, performance test results, and other like materials of the grantee that relate to the financial operation of the telecommunication system. Provided that the city maintains such information as proprietary and confidential, the grantee shall not deny it access to the aforementioned records on the basis that they contain proprietary information.

(F) (1) Subject to its privacy rights, this chapter, federal and state laws and regulations, a grantee shall keep open all non-financial books and records relating to the operations of the telecommunication system provided to the city. Provided that the city maintains such information as proprietary and confidential to the extent permitted by law, the grantee shall not deny it access to the aforementioned records on the basis that they contain proprietary information.

(2) A grantee shall allow the city to make inspections of any of the grantee's telecommunications systems within the city's boundaries at any time, upon 24 hours advanced notice, or, in case of emergency, upon demand, without notice and without limitation.

(G) The refusal of the grantee to file with the city any of the records, reports and inspections required under this section shall be deemed a material breach, and shall subject the grantee to all penalties and remedies, legal or equitable, that are available to the city.

(H) Any material, false or misleading statement or representation knowingly made by the grantee in any report shall be deemed a material breach of the license or permit, and shall subject the grantee to all penalties and remedies, legal or equitable, which are available to the city.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.15 WAIVER.

A grantee agrees not to oppose the city's intervention in any suit or proceeding relating to the city's permit or license, to which the grantee is a party. A grantee agrees to abide by all provisions of this chapter and of its license or permit.
(Ord. 2012, passed 3-5-01)

' 122.16 SALE OR TRANSFER OF LICENSES OR PERMITS.

(A) Neither a license, a permit, nor any of grantee's interest therein or in the facilities, shall be sold, assigned, transferred, pledged, leased, sublet, hypothecated or mortgaged in any manner, in

whole or in part, to any person or entity, nor shall title thereto, either legal or equitable, or any right or interest therein, or any property or assets relating to a license, a permit or the facilities, pass to or vest in any person or the facilities, pass to or vest in any person or entity, without the prior, written consent of the city. This consent shall not be unreasonably withheld or delayed. Grantee shall not otherwise provide service to a person or entity, who lacks a license or a permit that the city provides and contends is required. Nothing herein shall prevent grantee, upon notice to the city, from assigning its rights and obligations to an affiliate (defined as any entity directly owned by grantee or a parent entity of grantee) or subsidiary of grantee. Any assignment or transfer to a subsidiary or affiliate of grantee shall not relieve grantee of its liability hereunder. Further, nothing herein shall prevent or prohibit grantee or any of its parents, subsidiaries or affiliates from granting a security interest in the license or permit, or in the facilities arising from a financing transaction. The grant or waiver of any one or more of the consents shall not render unnecessary any subsequent consent or consents. Nor shall the grant of any consent constitute a waiver of any other of the city's rights. In the event of a foreclosure proceeding pursuant to the enforcement of a security interest granted by grantee, or any parent or subsidiary of grantee, the city shall have the right to approve the purchaser of the license or permit and/or the facilities at a foreclosure sale. This approval shall not be unreasonably withheld or unduly delayed. The prohibition against sales, assignments, transfers and similar actions shall also fully apply to any transfer of control of grantee (Acontrol@). Such transfer of control shall also require the city's prior written approval, which shall not be unreasonably withheld or unduly delayed.

(B) No license or permit, nor any part or portion therein, may be sold, transferred, or assigned (except to grantee's parent, affiliate, or subsidiary) until the facilities, equipment and personnel that the grantee has proposed to install and provide pursuant to the license or permit are 100% completed and operational for a minimum period of three years.

(C) Any attempted transfer of the license or permit, facilities or control, or similar action by grantee in violation of this section shall be ineffective and void, and shall constitute a material event of default by grantee.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.17 CONSTRUCTION AND PERFORMANCE GUARANTEE, LETTER OF CREDIT.

Prior to construction and within 30 days of the execution of a license or permit, a grantee shall file with the City Clerk a letter of credit or cash deposit, in a reasonable amount set by the terms of the license or permit, based upon the construction cost of the lines to be installed upon, over, across or under city roads, bridges, streets, rights-of-way or easements. As provided in Chapter 33, the grantee and the City Engineer may make arrangements for the periodic release of the cash deposit or letter of credit in proportionate amounts as progress is made.
(Ord. 2012, passed 3-5-01)

' 122.18 TERMINATION.

In addition to all other reserved rights and powers, the city reserves as an additional and as a separate and distinct remedy the right to terminate a license or permit and all rights and privileges of a grantee, in any of the following events or for any of the following reasons:

(A) After 30 days prior written notice, a grantee fails to comply with any of the provisions of the license or permit or has, by act or omission, violated any term or condition; or

(B) A grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt; or

(C) All or part of a grantee's facilities are sold under an instrument to secure a debt, and are not redeemed by grantee within 90 days after such sale; or

(D) A grantee attempts to or does practice any fraud or deceit in its conduct or relations with the city under the license or permit; or

(E) The city condemns all of the property of a grantee within the city by the lawful exercise of eminent domain, or

(F) The grantee abandons the telecommunications system or fails to seek renewal of its license or permit.

(G) No termination, except by reason of condemnation, shall be effective unless or until the city shall have adopted a resolution setting forth the cause and reason for the revocation and its effective date. This resolution shall not be adopted, without 30 days prior notice to grantee, and an opportunity for grantee to be heard on the proposed resolution.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.19 REMOVAL.

(A) Upon expiration or termination of a license or permit that is not renewed, the grantee may remove any underground cable from the streets that has been installed in such a manner that it can be removed, without trenching or other opening of the streets along the extension of cable to be removed. Except as otherwise provided, the grantee shall not remove any underground cable or conduit that requires trenching or other opening of the streets along the extension of cable to be removed. At its sole cost and expense, the grantee shall remove any underground cable or conduit by trenching or opening of the streets along the extension or otherwise that is ordered to be removed by the city. At its sole discretion, the city more order such a removal, based upon a determination that it is required in order to eliminate or prevent a hazardous condition, or to promote future utilization of the streets for public purposes. Any order by the city to remove cable or conduit shall be mailed to the grantee not later than 30 calendar days following the date of expiration of the license or permit. Not later than 30 calendar days following the date of expiration or termination of its license or permit, a grantee shall file written notice with the City Clerk of its

intention to remove cable, and a schedule for removal by location. The schedule and timing of removal shall be subject to city approval and regulation. Removal shall be completed not later than 12 months following the date of expiration of the license or permit. Underground cable and conduit in the streets and rights-of-way that is not removed shall be deemed abandoned and title shall be vested in the city.

(B) Upon expiration, termination or revocation of a license or permit that is not renewed, a grantee, at its sole expense, shall, unless the city relieves it of the obligation, remove from the streets all above-ground elements of the telecommunications system, including, but not limited to, pedestal-mounted terminal boxes, and lines attached to or suspended from poles.

(C) Grantee shall apply for and obtain such encroachment permits, licenses, authorizations or other approvals, and pay such fees and deposit such security, as required by applicable law or ordinance of the city. Grantee shall conduct and complete the work of removal in compliance with all such applicable law or ordinances. Grantee shall also restore the streets and rights-of-way to the same condition they were in before the work of removal commenced. The work of removal shall be completed not later than 12 months after expiration, termination or revocation.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.20 CONTINUITY OF SERVICE.

It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to the grantee of a permit are honored. In the event that the grantee elects to overbuild, rebuild, modify or sell the telecommunications system or the city terminates, revokes or fails to renew a permit within a reasonable time, the grantee shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. In the event of a change of grantee, the previous grantee shall cooperate with the new grantee in maintaining continuity of service to all subscribers. If interruption of service is required by a grantee for modification, repairs or the like, it shall be as brief as possible and at times when the impact on subscribers is at a minimum. The grantee shall keep records of such interruption.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.21 ACCEPTANCE OF AGREEMENT, INCORPORATION OF APPLICATION AND CHAPTER BY REFERENCE.

Upon its execution of a license or permit, the grantee accepts unconditionally, agrees to be bound by, and promises to comply with and abide by all of its terms, provisions and conditions. A grantee also agrees to provide all services set forth in its application and proposal. By its acceptance of the license or permit, a grantee also specifically grants and agrees that its application and proposal is thereby incorporated by reference and made a part of the license or permit. In addition, a grantee specifically agrees that this chapter is incorporated by reference and made a part of the license or permit. In the event of

a conflict between the grantee's application and proposal, the license or permit, and this chapter, this chapter shall prevail.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.22 TAMPERING, FRAUDULENT CONNECTIONS OR SALES.

(A) Whether or not a subscriber or user of the telecommunications system, no person may intentionally or knowingly remove, damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of the grantee. Nor may any person commit any act with an intent to cause such removal or damage, or tap, tamper with, or otherwise connect any wire or device to a wire, cable, conduit, equipment, apparatus or appurtenance of the grantee, with the intent to obtain a signal or impulse from the telecommunications system without authorization from or compensation to the grantee, or to obtain telecommunications service, or to sell, rent, offer or advertise for sale, rental or use any instrument, apparatus, device, or plans, specifications, or instructions for making or assembling the same to connect to the grantee's telecommunication system, with the intent to cheat or defraud the grantee of any lawful charge to which it is entitled.

(B) The prohibitions, penalties and remedies set forth in this section are in addition to any prohibitions, penalties and remedies for theft of service provided by state and federal law.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.23 EQUAL APPLICATION.

Except as provided in ' 122.09 (D)(4), the provisions of this chapter shall be imposed upon and enforced against all telecommunications systems in the city requiring a license or permit
(Ord. 2012, passed 3-5-01)

' 122.24 COMPLIANCE WITH LAW.

All grantees and the city shall comply with all laws, rules, regulations and orders in the exercise and performance of their rights and obligations under this chapter and under any permit or licenses.
(Ord. 2012, passed 3-5-01) Penalty, see ' 122.99

' 122.25 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of the license or permit is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render invalid nor terminate the license or permit.
(Ord. 2012, passed 3-5-01)

' 122.99 PENALTY.

Violation of any of the terms of this chapter shall be a misdemeanor punishable by a fine of up to $500 or 90 days in jail, or both. Additionally, civil damages may be imposed.
(Ord. 2012, passed 3-5-01)

CHAPTER 123: IN-GROUND LAWN IRRIGATION SYSTEMS

Section

123.01 Definitions
123.02 Commercial licensing provisions
123.03 Yearly license fee and renewal
123.04 Revocation
123.05 Use of license restricted
123.06 Issuance of permit
123.07 Inspection

123.99 Penalty

' 123.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the meaning ascribed to them respectively.

"CROWN POINT CODE OF ORDINANCES." The official code of ordinances of the city as adopted and amended from time to time.

"PERSON." Any individual, corporation, partnership, joint venture, trust, trustee, or other legal entity. Provided, however, that an employee of a person licensed pursuant to this chapter shall be deemed not included within this definition.
(Ord. 2006-03-10, passed 4-3-06)

' 123.02 COMMERCIAL LICENSING PROVISIONS.

A person who wishes to engage in the installation and maintenance of in-ground lawn irrigation systems within the City of Crown Point shall apply to the Clerk-Treasurer, on a form prepared by the City of Crown Point Water Utility, to obtain a lawn irrigation installation license. A lawn irrigation license shall be issued upon the payment of a license fee of $50 and the filing with the city of proof of a uniform license bond in the amount of $5,000 that conforms with the requirements of ' 118.06(A) and proof of a certificate of worker's compensation insurance that conforms with the requirements of ' 118.06(B). The bond shall be payable to the city on the condition that all in-ground lawn irrigation and maintenance work performed by the licensee, or under the licensee's supervision, shall be performed in accordance with the Crown Point Code of Ordinances and that the licensee shall pay all fines and penalties properly imposed under the Crown Point Code of Ordinances.
(Ord. 2006-03-10, passed 4-3-06)

' 123.03 YEARLY LICENSE FEE AND RENEWAL.

All licenses shall expire on December 31 of each year hereafter and may be renewed on the payment of the annual license fee of $50. No renewal may be issued to a person whose license was revoked or is under review for revocation without approval from the Board of Public Works.
(Ord. 2006-03-10, passed 4-3-06)

' 123.04 REVOCATION.

The Board of Public Works may revoke any license if obtained through non-disclosure, misstatement, or misrepresentation of material facts, or if a penalty has been imposed on the licensee under any section of the Crown Point Code of Ordinances applying to in-ground lawn irrigation installation and regulation. Before a license may be revoked, the licensee shall be mailed notice in writing, at the address on file with the license, which notice shall enumerate the charges. The licensee shall be entitled to a hearing by the Board of Public Works not sooner than ten days from the mailing of the notice. Whenever any license is revoked, the bond of the offending licensee shall be delivered to the City Attorney who may institute proceedings to forfeit the bond.
(Ord. 2006-03-10, passed 4-3-06)

' 123.05 USE OF LICENSE RESTRICTED.

No person who has obtained a lawn irrigation installation license shall allow his or her name or company name to be used by another person either for the purpose of obtaining a permit or for doing lawn irrigation installation or maintenance under the license other than as an employee of the licensee.
(Ord. 2006-03-10, passed 4-3-06) Penalty, see ' 123.99

' 123.06 ISSUANCE OF PERMIT.

No in-ground lawn irrigation installation or maintenance work shall be undertaken prior to the issuance of a permit by the Clerk-Treasurer. The permit fee shall be $100 for each location.
(Ord. 2006-03-10, passed 4-3-06) Penalty, see ' 123.99

' 123.07 INSPECTION.

The Water Utility Department shall inspect all installations of in-ground lawn irrigation systems. The installation of any in-ground lawn irrigation system shall not be operated or activated until it has passed inspection. The fee for each inspection is included in the permit fee.
(Ord. 2006-03-10, passed 4-3-06) Penalty, see ' 123.99

' 123.99 PENALTY.

Whoever violates any of the provisions of this chapter, or shall do any act prohibited therein, shall be fined not less than $250 nor more than $2,500 for the first violation and not less than $500 nor more than $2,500 for any subsequent violation. A separate offense shall be deemed committed on each day that a violation occurs or continues.
(Ord. 2006-03-10, passed 4-3-06)

CHAPTER 124: PAWN BROKERS; SCRAP DEALERS; CASH FOR GOLD

Section

124.01 Payment for items received by scrap, pawn or cash for gold stores

' 124.01 PAYMENT FOR ITEMS RECEIVED BY SCRAP, PAWN OR CASH FOR GOLD STORES.

(A) It shall be unlawful in the City of Crown Point for any person to engage in, carry on, or conduct the business of a pawnbroker, or a "cash for gold" or any other purchaser of scrap metal or jewelry, if that person or business pays cash for the merchandise or scrap metal received unless the business entity requires two forms of identification with one being a photo ID issued by a State of Indiana or federal authority.

(B) All pawnbrokers/scrap metal and "cash for gold" purchasers shall keep copies of the identification documents and photographs with detailed records shall be maintained of all items coming in to the business and all funds being paid out of the business. Said records and photos shall be made available to law enforcement personnel for inspection during normal business hours.

(C) Any person, business, corporation, company, pawn shop, cash for gold, or scrap metal purchaser or organization who knowingly pays cash for merchandise or items received and does not comply with division (B) shall be deemed in violation of ' 92.20, Maintaining a Public Nuisance, in addition to any fines imposed by ' 92.99(D).
(Ord. 2012-03-03, passed 4-11-12)

TITLE XIII: MISDEMEANORS

Chapter

l30. GENERAL PROVISIONS

l3l. LOITERING

CHAPTER 130: GENERAL PROVISIONS

Section

130.01 Discharge of weapons
130.02 Abandoned or unused ice box
130.03 Lewd advertising or shows
130.04 Defacing property prohibited

130.99 Penalty

§ 130.01 DISCHARGE OF WEAPONS.

(A) It shall be unlawful for any person to fire, discharge, or release, or cause to be fired or discharged or released within the city limits, any weapon, firearm, rifle, shotgun, pistol or air gun, spring gun, gas gun, bow, or any other similar device which is intended to or used to propel a bullet, pellet, arrow, or any other similar projectile. Nothing in this section shall prevent the use of such devices in any place authorized and regulated by the Police Department of the city provided a permit has been issued by the Chief of Police; nor shall the use of any such device in defense of person or property as permitted by the law of the state be abridged hereby.

(B) It shall be unlawful for the parent, guardian, or other person having the care, custody, and control of a person under the age of 18 years to knowingly permit that person to fire, discharge, or release, or cause to be released within the city limits, any weapon, firearm, rifle, shotgun, pistol, air gun, spring gun, gas gun, bow, or any other similar device which is intended or used to propel a bullet, pellet, arrow, or any similar projectile. Nothing in this section shall prevent the use of such devices in any place authorized and regulated by the Police Department of the city provided a permit has been issued by the Chief of Police; nor shall the use of any such device in defense of person or property as permitted by the law of the state be abridged hereby.

(C) Any weapon used in the violation of any provision of this section may be confiscated by the police and shall be returned or disposed of by the city pursuant to state law governing the disposal of such property.

(D) Hunting is permissible with a shotgun or bow on tracts of land of 20 acres or more providing there is no discharge of a firearm or bow within 400 feet of any building, road or property line or within 1,200 feet of any resident dwelling unit not owned by the hunter.
(Ord. 1169, passed 5-4-81; Am. Ord. 1897, passed 6-1-98) Penalty, see § 130.99(A)

§ 130.02 ABANDONED OR UNUSED ICE BOX.

It shall be unlawful for any person to own or possess or control any old abandoned or unused ice box or refrigerator, or to store same without first removing therefrom any or all automatic clasps, locks,

latches, or apparatus for keeping the door to same closed; or in such condition that the door cannot be easily opened by a slight pressure applied from within.
(Ord. 587, passed 3-l-54) Penalty, see § 130.99(B)

§ 130.03 LEWD ADVERTISING OR SHOWS.

(A) It shall be unlawful to advertise any matter of a salacious or suggestive nature in any public place or places or to distribute handbills of such nature; or to exhibit any advertisement or notice of a lewd, suggestive, immoral or salacious nature on any street, highway, or public place adjacent thereto in the city, or advertise any stage show, picture show, or moving picture show of a suggestive or salacious nature.

(B) It is unlawful to exhibit or attempt to exhibit any picture show, moving picture show or stage show of a suggestive, lewd, immoral or salacious nature; and it shall be unlawful to advertise or attempt to advertise any moving picture show, stage show, picture show, carnival or exhibition of a lewd, immoral, suggestive or salacious nature. And it shall be unlawful to advertise any picture show, moving picture show, stage show, exhibition or entertainment as being for adults only.

(C) It shall be unlawful for any person or persons, firm, company or corporation to operate or assist in operating any picture machine, moving picture machine or equipment attempting to exhibit any lewd, salacious, immoral or suggestive picture within the city.

(D) A violation of § 130.03 shall be considered an offense against public policy and the good and welfare of the youth of this city, and shall be considered a nuisance per se, and the same may be enjoined by appropriate action.
(Ord. 506, passed 4-23-42) Penalty, see § 130.99(C)

§ 130.04 DEFACING PROPERTY PROHIBITED.

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

(1) "DEFACE." Includes, but not be limited to, deform, mar, disfigure, displace, tamper with, mark, paint, injure or damage.

(2) "LEGAL GUARDIAN." A person appointed personal guardian or a person awarded legal custody of a minor child by a court of competent jurisdiction.

(3) "PARENT." The natural mother or father of a child under the age of 18 elapsed years; the adoptive mother or father of a child under the age of 18 elapsed years; the step-mother or step-father of such a child; a person acting in loco parentis for such a child; or a legal guardian of such a child.

(4) "PROPERTY." Includes real estate, including any and all improvements thereon, tangible personal property, and public art without regard to whether the property or public art is publicly or privately owned.

(5) "PUBLIC ART." Include any authorized image, impression, statue, display, or exhibit which may be displayed, placed, presented or erected on any public way or property of the city which is intended to be art or to promote, or evoke a feeling, an idea or the like.

(B) Prohibition. No person may deface property within the boundaries of the city.

(C) Contractors and authorized agents. This section shall not apply to persons, agents, contractors or others hired or authorized by the rightful owner of property to perform work thereon.

(D) Nuisance; parents of minors.

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

(2) Parents. The parent of a person who violates division (B) of this section and who is less than 18 elapsed years of age at the time of the violation, shall be deemed to have violated division (B) of this section and, if made party defendant to any enforcement action taken pursuant to this section, shall be jointly and severally liable for the penalty imposed by this section.
(Ord. 1694, passed 12-6-93; Am. Ord. 2005-06-19, passed 6-6-05)
Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any of the terms of § 130.01 shall be fined in any sum not exceeding $1,000. (Ord. 1169, passed 5-4-81)

(B) Any person, firm, or corporation violating any provision of § 130.02 of this chapter shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding $50. (Ord. 587, passed 3-1-54)

(C) Any one who shall violate any of the provisions of § 130.03 shall be deemed guilty of a misdemeanor and shall be fined in any sum not to exceed $300. (Ord. 506, passed 4-23-42)

(D) Any person who shall violate the provisions of § 130.04(B) shall be liable for a fine of no less than $100 and no more than $2,500. Provided, further that the act of defacing property at different locations on the same day, or the act of defacing different

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items of property at the same location on the same day, shall constitute separate and distinct violations of § 130.04(B). (Ord. 1694, passed 12-6-93)

CHAPTER l3l: LOITERING

Section

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l3l.02 Loitering in public places prohibited
l3l.03 Violations
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l3l.08 Minor to be taken into custody

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§ l3l.0l DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the meanings ascribed them respectively.

(A) "LOITER." Idle, stand, tarry, remain, all whether alone or with others.

(B) "PUBLIC PLACE." Property owned by the governmental unit.
(Ord. 884, passed 6-3-74)

§ l3l.02 LOITERING IN PUBLIC PLACES PROHIBITED.

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

(A) Obstruct any public street, public highway, public sidewalk or any other public place or building by the hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.

(B) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone or in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto. When any person causes or commits any of the conditions enumerated herein, a police officer or law enforcement officer shall order the person to stop causing or commiting such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this chapter.
(Ord. 884, passed 6-3-74) Penalty, see § l3l.99(A)

§ l3l.03 VIOLATIONS.

A person commits a violation if he loiters or prowls in a place at a time, or in a manner not usual for law abiding individuals under

circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the officer did not comply with the preceding sentence, or if it appears at the trial that the explanation given by the actor was true and if believed by the peace officer at the time, would have dispelled the alarm.
(Ord. 884, passed 6-3-74) Penalty, see § l3l.99(A)

§ l3l.04 UNLAWFUL FOR MINOR TO LOITER.

It shall be unlawful for a minor to loiter on any public street, alley or sidewalk, or in any motor vehicle or in any public place within the city.
(Ord. 749, passed 4-l-68) Penalty, see § l3l.99 (B)

§ l3l.05 AGE AND TIME RESTRICTIONS.

A minor who has not attained his l8th birthday who is found on a public street, alley or sidewalk, or in a motor vehicle or in any public place within the city between the hours of l0:30 p.m. and 5:00 a. m. of the following day bn Sunday, Monday, Tuesday, Wednesday or Thursday, and between the hours of l2:l5 a. m. and 5:00 a. m on Saturday or Sunday, shall be presumed to be loitering. (Ord. 749, passed 4-l-68) Penalty, see § l3l.99 (B)

§ l3l.06 EXCEPTIONS.

A minor, regardless of age, who is engaged in a lawful business or occupation, or in a properly supervised recreation or school activity, or who is accompanied by a parent or adult responsible for his conduct shall not be considered a loiterer.
(Ord. 749, passed 4-l-68)

§ l3l.07 UNLAWFUL FOR PARENT TO PERMIT MINOR TO LOITER.

It shall be unlawful for a parent of a minor who is not emancipated to permit such minor to loiter in violation of this chapter.
(Ord. 749, passed 4-l-68) Penalty, see § l3l.99(B)

§ l3l.08 MINOR TO BE TAKEN INTO CUSTODY.

A minor who loiters in violation of this chapter shall be taken into custody by the city police.

(A) If the offense is the minor's first violation of this

chapter,

his parent or legal guardian shall be promptly notified and the minor shall be released to his parent or legal guardian upon request, and no penalty shall be enforced against a minor or a parent of a minor for a first offense.

(B) If the offense is the minor's second or a subsequent violation of this chapter, the matter may be presented to the Lake County Juvenile Court to determine whether the minor is a delinquent child, or the minor may be charged with violating this chapter and punished according to the terms of this chapter upon conviction. (Ord. 749, passed 4-l-68)

§ l3l.99 PENALTY.

(A) Violation of §§ l3l.02 and l3l.03 shall be deemed a misdemeanor and any person violating any provisions hereof, shall upon conviction be subject to a fine not to exceed $500.

(B) (l) A parent who violates §§ l3l.04 thru l3l.07 shall, upon conviction, be fined in an amount not exceeding $l00.

(2) A minor who violates §§ l3l.04 thru l3l.07 shall, upon conviction, be fined in an amount not exceeding $l00. (Ord. 749, passed 4-l-68) (Ord. 884, passed 6-3-74)

TITLE XV: LAND USAGE

Chapter

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152. BUILDING REGULATIONS

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157. STORMWATER MANAGEMENT

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CHAPTER 150: ZONING CODE

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BASIC PROVISIONS

' 150.01 TITLE.

The official title of this chapter is the Crown Point Zoning Code.
(Ord. 799, passed 12-18-70)

' 150.02 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed them respectively.

"ABANDONMENT." The relinquishment of property or a cessation of the use of the property, by the owner with the intention neither of

transferring rights to the property owner nor of resuming the use of the property.

"ABATEMENT." The method of reducing the degree and intensity of pollution.

"ABUT." To physically touch or border upon, or to share a common property line.

"ACCESS." A way or means of approach to provide physical entrance to a property.

"ACCESSORY STRUCTURE." A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

"ACCESSORY USE." A use of land or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

"ACRE." A measure of land area containing 43,560 square feet.

"ADDITION." A structure added to the original structure at some time after the completion of the original.

"ADJOINING LOT OR LAND." A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

"AGRICULTURE." The raising of crops for food and fiber through the cultivation of land for profit.

"AIRPORT." A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

"AISLE." The travelled way by which cars enter and depart parking spaces.

"ALLEY." A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

"ALTERATION." Any change or rearrangement in the supporting members of an existing building; such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another.

"AMENITY." A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

"AMORTIZATION." A method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

"ANIMAL HOSPITAL." A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

"ANIMAL KENNEL." Any structure or premises in which animals are kept, bred, or trained for commercial gain.

"ANNEXATION." The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

"ANTENNA." An exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

"APARTMENT UNIT." One or more rooms with a private bath and kitchen facilities, comprising an independent, self-contained dwelling unit in a building containing more than two dwelling units, all of which share a common access with one or more of the other units.

"APPLICANT." A person submitting an application for review and action by the city or any of its departments or commissions.

"APPROVED PLAN." A plan which has been granted final approval by the appropriate approving authority.

"APPROVING AUTHORITY." The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

"ARCHITECTURALLY DESIGNED TOWER." A tower which is designed and constructed in such a manner that the tower appears to be an integral part or element of another permitted structure on the site, such as a church tower, bell tower, etc.

"AREA." The number of square feet within a lot or site, calculated from dimensions derived by a horizontal projection of the site.

"ATTACHED GARAGE." An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

"ATTENTION-GETTING DEVICE." A device designed or intended to attract; by noise, sudden intermittent or rhythmic movement, physical change or lighting change; such as banners, flags, streamers, balloons, propellers, whirligigs, search lights, and flashing lights.

"ATTIC." That part of a building which is immediately below and wholly or partly within the roof framing.

"AUTOMATIC CAR WASH." A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

"AUTOMOBILE." A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

"AUTOMOBILE SALES." The use of any building, land area, or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreational vehicles, and including any warrantee repair work and other repair service conducted as an accessory use within an enclosed building.

"AUTOMOBILE SERVICE STATION." Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensation or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

"AUTOMOTIVE REPAIR SERVICES AND GARAGES." Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

"AWNING." A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

"BANK." A financial institution.

"BASE FLOOD ELEVATION." The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in a regulatory base flood.

"BASEMENT." A space having 50% of its area six feet below the average level of the adjoining ground.

"BED AND BREAKFAST."

(1) An operator occupied structure that provides sleeping accommodations to the public for a fee; not to exceed six guest rooms in the existing square footage of the principal structure; provides meals to guests (only); provides sleeping accommodations for not more than 21 days to a guest.

(2) The term does not include hotels, motels, or boarding houses.

"BEDROOM." A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

"BILLBOARD." A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

"BLOCK." A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

"BOARD." The Board of Zoning Appeals.

"BOARDERS." (Roomer, Tenant) A person who occupies a bedroom or room of structure on a long-term basis.

"BOARDING HOUSES." (Lodging House; Rooming House) A structure or portion of a structure providing housing for extended periods. Meals may be provided to boarders.

"BUFFER." A strip of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

"BUILDING AREAS." The areas of a lot remaining after the minimum yard and open space requirements of the zoning code have been met.

"BUILDING." Any structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

"BUILDING ACCESSORY." A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

"BUILDING COVERAGE." The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

"BUILDING HEIGHT." The vertical distance on a building, measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

"BUILDING INSPECTOR." That individual designated by the appointing authority to enforce the provisions of the building code.

"BUILDING LINE." A line parallel to the right-of-way line of a street, at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

"BUILDING PERMIT." Written permission issued by the proper municipal authority for the construction, repair, alteration, addition to, or demolition of a structure.

"BUILDING PRINCIPAL." A building in which is conducted the principal use of the lot on which it is located.

"BULK FUEL STORAGE." The storage of chemicals, petroleum products, and other materials in aboveground containers, for the subsequent resale to distributors or retail dealers or outlets.

"BUSINESS SERVICES." Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

"BUSINESS" or "COMMERCE." Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

"CALIPER." The diameter of a tree trunk measured two feet above grade.

"CANOPY." See "AWNING".

"CARRY-OUT RESTAURANT." An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

"CEMETERY." Property used for the interring of the dead.

"CENTRAL BUSINESS DISTRICT" or "CBD." The major shopping area within a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, and transportation facilities.

"CERTIFICATE OF OCCUPANCY." A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable municipal codes and ordinances.

"CHANGE OF USE." Any use which substantially differs from the previous use of a building or land.

"CHURCH." A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conduct of organized religious services and accessory uses associated therewith.

"CLINIC." An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers; and where patients are not usually lodged overnight.

"CIRCULATION PATTERN." Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

"CLUB." An establishment operated for social, recreational, or educational purposes, but open only to members and not the general public.

"CLUSTER." A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

"COIN-OPERATED AMUSEMENT CENTER." Establishments engaged in providing amusement or entertainment through the provision of coin-operated amusement devices, incorporating either electro-mechanical devices such as pinball machines or electronic video display operations.

"COMMERCIAL RECREATION." Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors, and swimming pools.

"COMMERCIAL SCHOOL." A school engaged in specialized education in a trade or vocational field of endeavor.

"COMMUNICATION ANTENNA." An antenna or array of antennas at on location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

"COMMUNICATION TOWER." A ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment,

containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital microwave, cellular, telephone or similar forms of electronic communication.

"COMMUNITY CENTER." A building used for recreational, social, educational, and cultural activities, usually owned and operated by a public or nonprofit group or agency.

"COMPREHENSIVE PLAN." A comprehensive, long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

"CONTIGUOUS." Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminous.

"CONVALESCENT HOME." A dwelling providing shelter and services for the elderly or disabled, which may include meals, housekeeping, and personal care assistance.

"COVERAGE." The percentage of a lot area covered by principal and accessory use structures.

"DAY CARE CENTER." A private establishment enrolling four or more children between two and five years of age; and where tuition, fees, or other forms of compensation for the care of the children is charged, operating for a period of five or more hours during the day, and which is licensed by the state as approved to operate as a day care center.

"DENSITY." The number of families, individuals, dwelling units, or housing structures per unit of land.

"DIAGONAL SIGN." A sign which projects outward from a building at a 45 degree angle.

"DIRECTIONAL ANTENNA." An antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

"DOUBLE WIDE UNIT." Two (2) mobile home units, attached side-by-side, which constitute the complete mobile home.

"DRIVE-IN BANK." A bank which by design, physical facilities, or service encourages customers to receive services while remaining in their motor vehicles.

"DWELLING." A structure or portion thereof which is used exclusively for human habitation.

"DWELLING, ATTACHED." A one-family dwelling attached to two or more one-family dwellings, only by common vertical walls which have no openings.

"DWELLING, DETACHED." A dwelling which is not attached to any other dwelling by any other means.

"DWELLING, FARM." A single-family dwelling or accessory dwellings used to house persons primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling or accessory dwellings are incidental and subordinate to the principle agricultural use of the parcel or adjacent parcels.

"DWELLING, GARDEN APARTMENT." See "DWELLING, MULTI-FAMILY."

"DWELLING, HIGH-RISE." An apartment building of eight or more stories.

"DWELLING, MID-RISE." An apartment containing from three to seven stories.

"DWELLING, MULTI-FAMILY." A dwelling containing more than two dwelling units.

"DWELLING, PATIO HOUSE." A one-family dwelling on a separate lot with open-space setbacks on three sides and with a court area (also known as zero-lot line).

"DWELLING, QUADRUPLEX." Four attached dwellings in one structure in which each unit has two open-space exposures and shares one or two walls with adjoining unit or units.

"DWELLING, SEMI-DETACHED." A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on the same lot (also known as a duplex).

"DWELLING, SINGLE-FAMILY." A building containing one dwelling unit.

"DWELLING, SINGLE-FAMILY DETACHED." A dwelling which is designed for and occupied by not more than one family, and surrounded by open space or yards, and which is not attached to any other dwelling by any means.

"DWELLING, TOWNHOUSE." A one-family dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside; no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

"DWELLING, TRIPLEX." A dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

"DWELLING, TWO-FAMILY." A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units (also may be called a "DUPLEX").

"DWELLING UNIT." One or more rooms, designed, occupied, or intended for occupancy as separate living quarters; with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

"DWELLING UNIT, EFFICIENCY." A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

"EASEMENT." A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another entity.

"EATING AND DRINKING ESTABLISHMENTS." Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

"EAVE." The projecting lower edges of a roof overhanging the wall of a building.

"EGRESS." An exit.

"EMISSION." A discharge of pollutants into the air.

"ENVIRONMENTALLY SENSITIVE AREA." An area with one or more of the following characteristics:

(1) Slopes in excess of 20%;

(2) Flood plain;

(3) Soils classified as having a high water table;

(4) Soils classified as highly erodible, subject to erosion, or highly acidic;

(5) Land incapable of meeting percolation requirements;

(6) Land formerly used for landfill operations or hazardous industrial uses;

(7) Fault areas;

(8) Stream corridors;

(9) Estuaries;

(10) Mature stands of native vegetation;

(11) Aquifer recharge and discharge areas.

"EROSION." The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

"ESSENTIAL SERVICES." The erection, construction, alteration, or maintenance of underground, surface, or overhead electrical, gas, steam, water, and sewerage transmission and collection systems; and the equipment and appurtenances necessary for those systems to furnish an adequate level of public service.

"ESTABLISHMENT." An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

"EXACTION." A contribution or payment required as an authorized pre-condition for receiving a development permit.

"FAMILY." One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family contains more than five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, or as family members.

"FARM." A parcel of land on which agricultural activities are the principal use, including buildings and dwellings essential to agricultural production.

"FARM STAND." A booth or stall located on a farm, from which produce and farm products are sold to the general public.

"FAST FOOD RESTAURANT." Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

(1) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;

(2) More than 45% of the available floor space devoted to food preparation, related activities, and other floor space not available to the public.

"FIRE STATION." Municipal building devoted to the storage and housing of fire equipment and personnel.

"FENCE." An artificially constructed barrier, of any material or combination of materials, erected to enclose or screen areas of land.

"FINAL APPROVAL" or "SECONDARY APPROVAL." The last official action of the Plan Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary or primary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees property posted for their installation, or approval conditioned upon the posting thereof.

"FLEA MARKET." An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

"FLOATING ZONE." An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

"FLOOD." The temporary overflowing of water onto land which is usually devoid of surface water.

"FLOOD DAMAGE POTENTIAL." The susceptibility of a specific land use to increased off-site flooding or flood-related damages.

"FLOOD FRINGE AREA." That portion of the flood hazard area outside of the floodway, based on the total area inundated during a regulatory base flood plus 25% of the regulatory base flood discharge.

"FLOOD HAZARD AREA." The flood plain, consisting of the floodway and the floodway fringes.

"FLOOD HAZARD DESIGN ELEVATION." The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

"FLOOD INSURANCE RATE MAP." The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD OF RECORD." A flood which has occurred for which there are accurate local records available.

"FLOOD, REGULATORY BASE" or "100-YEAR FLOOD." Flood having a 1% chance of being equalled or exceeded in any given year.

"FLOODPLAIN." The channel and the relatively flat area adjoining the channel of a natural stream or river, which has been or may be covered by floodwater.

"FLOODPROOFING." A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, for the reduction or elimination of flood damage to properties, water and sanitary facilities, and other utilities, structures, and the contents of buildings.

"FLOODWAY." The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

"FLOODWAY, REGULATORY." The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than two tenths of one foot.

"FLOOR AREA, GROSS." The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings; but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

"FLOOR AREA, NET." The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

"FLOOR AREA RATIO" or "F.A.R." The gross floor area of all buildings on a lot divided by the lot area.

"FRATERNAL ORGANIZATION." A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

"FRONTAGE." The side of a lot abutting on a street or alley; the front lot line.

"FRONT FOOT." A measure of land width, being one foot along the front lot line of a property.

"FRONT YARD." The space not containing any structures between a structure and thoroughfare right-of-way line.

"FULL SERVICE EATING AND DRINKING ESTABLISHMENT." An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the following:

(1) Customers are normally provided with an individual menu; are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; or

(2) Cafeteria-type operation where foods, frozen desserts, or beverages are generally consumed within the restaurant building.

"FUNERAL HOME." A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

"GARAGE." A deck, building, structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

"GARAGE, PRIVATE RESIDENTIAL." A structure which is accessory to a residential building, and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

"GARAGE, REPAIR." Any building, premises and land in which or upon which a business, service, or industry involving the maintenance, servicing, painting, or repair of vehicles is conducted or rendered.

"GARBAGE." Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

"GLARE." The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

"GOLF COURSE." A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

"GRADE." The degree of rise or descent of a sloping surface.

"GRADE, FINISHED." The elevation of the ground surface after development.

"GRADE, NATURAL." The elevation of the ground surface in its natural state, before man-made alterations.

"GRADING." Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

"GREEN AREA." Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

"GREENBELT." An open area which may be cultivated or maintained in a natural state, surrounding a development, or used as a buffer between land uses, or to mark the edge of an urban or developed area.

"GREENHOUSE." A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

"GROUND COVER." Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other rank vegetation.

"GROUND FLOOR." The first floor of a building other than a cellar or basement.

"GROUNDWATER." The supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.

"GROUNDWATER RUNOFF." Groundwater that is discharged into a stream channel as spring or seepage water.

"GROUP CARE FACILITIES." A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household.

"GUEST." An individual who rents a guest room in a bed and breakfast establishment.

"GUEST ROOM." A sleeping room intended to accommodate not more than four guests each night.

"HAZARDOUS MATERIALS." Includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, nitrogen, chromium, phosphorous, selenium, arsenic, and their common salts or metallo-organic derivatives; coal, tar, acids such as phenol and cresols and their salts; dioxins, carcinogens, and all radioactive materials.

"HEALTH CARE FACILITIES." A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

"HEALTH SERVICES FACILITIES." Establishments primarily engaged in furnishing medical, surgical, and other services to individuals,

including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

"HEIGHT." The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

"HOME OCCUPATION." An occupation carried on in a dwelling which is clearly secondary to the use of the building for dwelling purposes, and which does not change the character of the unit as a dwelling.

"HOSPICE." A home-like facility for the care of the terminally ill, with acute care facility capabilities.

"HOSPITAL." An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions; and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

"HOTEL." A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

"I-65 CORRIDOR." The land area encompassing Interstate 65 from the northern municipal boundary (at 101st Avenue) to the southern municipal boundaries (131st Avenue on the west side of I-65 and 137th Avenue on the east side of I-65).

"IMPERVIOUS SURFACE." Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

"IMPROVEMENT LOCATION PERMIT." A permit which allows the improvement of an improved or unimproved lot after it has been determined that the lot meets the requirements of the zoning and building regulations and that the requisite fees have been paid.

"INFRASTRUCTURE." Facilities and services needed to sustain industry, residential and commercial activities.

"INGRESS." Access or entry.

"INSTITUTIONAL USE." A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

"INTERMEDIATE CARE FACILITY." A facility which provides, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through such institutional facilities.

"INTERSECTION." The point where two or more roads cross at grade.

"JUNK VEHICLE." An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or city laws or ordinances.

"JUNKYARD." Any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles, or other type of junk.

"KENNEL." An establishment in which more than two dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

"LAND." Ground, soil, or earth, including structures on, above, or below the surface.

"LAND USE." A description of how land is occupied or utilized.

"LAND USE PLAN." A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

"LATTICE TOWER." A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

"LAUNDROMAT." An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

"LIBRARIES." Institutions for the storage and circulation of books, films, and other materials for use by the general public.

"LIGHT INDUSTRIAL." Industrial uses which meet the performance standards, bulk controls, and other requirements established in this chapter.

"LOADING SPACE." An off-street area or berth used for the loading or unloading of commercial vehicles.

"LOT." A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law (see "ZONING LOT").

"LOT AREA." The total area within the lot lines of a lot, excluding any street rights-of-way.

"LOT CORNER." A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than l35 degrees.

"LOT COVERAGE." That portion of the lot that is covered by buildings or structures.

"LOT DEPTH." The distance measured from the front lot line to the rear lot line.

"LOT, DOUBLE FRONTAGE." A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

"LOT FRONTAGE." The length of the front line measured at the street right-of-way line.

"LOT, INTERIOR." A lot other than a corner lot.

"LOT LINE." A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

"LOT LINE, FRONT." The lot line separating a lot from a street right-of-way.

"LOT LINE, REAR." The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to, and at a maximum distance from the front lot line.

"LOT LINE, SIDE." Any lot line other than a front or rear lot line.

"LOT, MINIMUM AREA OF." The smallest lot area established by the zoning code on which a single use or single structure may be located in a particular district.

"LOT OF RECORD." A lot which exists as shown or described on a plat or deed in the records of the County Recorder.

"LOT WIDTH." The horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

"LOUD HAILER." An electronic device used for the projection of either voice or music.

"MANUFACTURED HOME." A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law.

"MANUFACTURING FACILITY." Establishment engaged in the mechanical, chemical, or nuclear transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

"MANUFACTURING, GENERAL." The manufacturing, processing, assembling, fabrication, or repairing of any materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property, and where some operations and storage may be in open areas.

"MANUFACTURING, LIGHT." The manufacturing, processing, assembly, fabrication, or repairing of certain materials or products, where no process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property, and where all operations and storage are entirely within enclosed buildings or areas.

"MARKET STUDY." A study that measures the economic demand for a particular site and/or land use.

"MARQUEE." Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

"MEDICAL OFFICE." A building that contains establishments dispensing health services.

"MINI-WAREHOUSE." A structure containing separate storage of varying sizes leased or rented on an individual basis.

"MIXED USE ZONING." Regulations which permit a combination of different uses within a single development.

"MOBILE HOME." A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

"MOBILE HOME PARK." A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

"MOBILE HOME STAND." A plot of land for the placement of a single mobile home within a mobile home park.

"MONOPOLE TOWER." A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

"MORTUARY." A place for the storage of dead human bodies prior to burial or cremation.

"MOTEL." An establishment providing the transient accommodations, containing six or more rooms, with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

"MUCK." Soil consisting of organic materials and decaying vegetation, normally unsuitable for building.

"MUNICIPAL BUILDING." A structure housing an operation of a municipality.

"NATURAL RETENTION AREA." A naturally-occurring pond or wetland which retains stormwater runoff.

"NONCONFORMING LOT." A lot, the area, dimensions, or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

"NONCONFORMING SIGN." Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

"NONCONFORMING STRUCTURE" or "NONCONFORMING BUILDING." A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning code.

"NONCONFORMING USE." A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning code, but which fails, by reason of such adoption, revision, or amendment, to conform to current requirements of the zoning district.

"NORTHPOINT." The designation on a map illustrating the direction of north.

"NOXIOUS." Offensive or disturbing.

"NUISANCE." An unlawful or unreasonable interference with the enjoyment and use of property, or a property right or a use or building in violation of this zoning code.

"NURSERY SCHOOL." See "CHILD CARE CENTER."

"OCCUPANCY PERMIT." A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

"OFFICE." A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

"OFFICE BUILDING." A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

"OFF-STREET PARKING SPACE." A temporary storage area for a motor vehicle, that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

"OMNI-DIRECTIONAL ANTENNA." An antenna that transmits signals in 360 degrees. Such as a whip antenna.

"OPACITY." Degree of obscuration of light.

"OPEN SPACE." Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use and enjoyment, or for the use and enjoyment of owners or occupants of land adjoining or neighboring that open space.

"OPEN SPACE, COMMON." Land within or related to a development, not individually owned or dedicated for the public use, which is designed and intended for the common use or enjoyment of the residents of the development, and may include such complementary structures and improvements as may be necessary or appropriate.

"OPEN SPACE, GREEN." An open space area not occupied by any structures or impervious surfaces.

"OPEN SPACE, PRIVATE." An open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

"OPEN SPACE, PUBLIC." Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

"OPEN SPACE RATIO." Total area of open space divided by the total site area in which the open space is located.

"OPERATOR." An owner or the owner's agent of a bed and breakfast establishment who resides within the establishment.

"OWNER." An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

"PARCEL." A lot or tract of land as determined by the tax key number recorded in the Office of the Lake County Auditor and Recorder's Office.

"PARK." A tract of land, designated and used by the public for active or passive recreation.

"PARKING ACCESS." The area of a parking lot that allows motor vehicles ingress and egress from the street.

"PARKING AREA." Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated private streets.

"PARKING AREA, PRIVATE." A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

"PARKING AREA, PUBLIC." A parking area available to the public, with or without fees, or used to accommodate clients, customers, or employees.

"PARKING BAY." A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

"PARKING LOT." An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

"PARKING SPACE." A space for the parking of a motor vehicle within a public or private parking area.

"PASSIVE RECREATION AREA." An open area designed for walking or sitting and enjoying nature or surroundings.

"PERFORMANCE STANDARDS." A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

"PERMANENTLY AFFIXED." To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

"PERMITTED USE." Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

"PERSONAL SERVICES FACILITIES." Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

"PHARMACY." A place where drugs and medicines are prepared and dispensed.

"PLANNED INDUSTRIAL DEVELOPMENT." A planned development that accommodates industrial uses.

"PLANNED UNIT DEVELOPMENT" or "PUD." An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

"PLANNING COMMISSION." The duly designated advisory plan commission of the municipality.

"POTABLE WATER." Water suitable for drinking or cooking purposes.

"PRELIMINARY PLAN." A preliminary map indicating the proposed layout of the subdivision, PUD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

"PRINCIPAL USE." The primary or predominant use of any lot.

"PRIVATE CLUB OR LODGE." A building and related facilities owned and operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members, and not primarily for profit, and whose members meet certain prescribed qualifications for membership.

"PRIVATE RECREATION." Recreational activities which are not open to the general public and for which a fee may or may not be charged.

"PROCESSING." A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

"PRIVATELY OWNED PARKS AND PLAYGROUNDS." Parks and playgrounds which are not open to the general public and which are held in private ownership.

"PROFESSIONAL SERVICES." Services offered to the general public by the traditional professions, such as law, medicine, engineering, accounting, and architecture.

"PUBLIC FACILITIES." Facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

"PUBLIC HEARING." A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

"PUBLIC UTILITY." A closely regulated private enterprise with an exclusive franchise for providing a public service.

"PUBLIC UTILITY BUILDING." A building owned and operated by a closely regulated private enterprise with an exclusive franchise for providing a public service.

"PUBLIC WAY." A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

"QUASI-PUBLIC AGENCY." A service owned and operated by a non-profit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

"QUORUM." A majority of the full membership of a board or agency.

"RECREATION, ACTIVE." Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields.

"RECREATION FACILITY." A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

"RECREATION FACILITY, COMMERCIAL." A recreation facility operated as a business and open to the public for a fee.

"RECREATION FACILITY, PERSONAL." A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

"RECREATION FACILITY, PRIVATE." A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of that non-profit organization.

"RECREATION FACILITY, PUBLIC." A recreation facility operated by a governmental agency and open to the general public.

"RECREATION, PASSIVE." Any leisure time activity not considered active.

"RECREATIONAL DEVELOPMENT." A recreational development planned, maintained, operated and integrated with a major recreational facility.

"RECREATIONAL VEHICLE." A vehicular-type portable structure without permanent foundation; which can be towed, hauled, or driven; and primarily designed as temporary living accommodations for recreational, camping, and travel use; and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

"RECYCLING." The process by which waste products are reduced to raw materials and transformed into new and often different products.

"RECYCLING CENTER." A building or yard specializing in transforming waste products back into raw materials and converting them into new and often different products.

"RELIGIOUS USE." A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular deity or system of beliefs are held.

"RESEARCH LABORATORY." An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

"RESIDENCE." A home, abode, or place where an individual is actually living at a specific point in time.

"RESTRICTION." A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

"RESTRICTIVE COVENANT." A restriction on the use of land usually set forth in a deed or other appropriate document.

"RETAIL FOOD ESTABLISHMENT." Any fixed or mobile place or facility, at or in which food or drink is offered or prepared for retail sale or for service with or without charge, on or at the premises or elsewhere.

"RETAIL TRADE." Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

"RIGHT-OF-WAY." A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary

storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

"RIGHT-OF-WAY LINES." The lines that form the boundaries of a right-of-way.

"RINGLEMANN CHART." A device to measure the opacity of smoke emitted from stacks and other sources.

"RUNOFF." The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

"SALES LOT." An area of land improved and used for the sale of products.

"SANITARY LANDFILL." A site for solid waste disposal.

"SANITARY LANDFILLING." A planned method of solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with soil at the end of each working day.

"SANATORIUM." A hospital used for treating chronic and usually long-term illness.

"SATELLITE DISH ANTENNA." A dish-shaped antenna used to receive signals transmitted from satellites. Large satellite dish antennas are those where the maximum diameter of the dish is greater than 36 inches. Small satellite dish antennas are those where the maximum diameter of the dish is 36 inches or less in diameter.

"SAVINGS AND LOAN." A financial institution engaged in banking, with an emphasis on mortgage lending.

"SCALE." The relationship between distances on a map and actual ground distances.

"SCHOOL." Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

"SCHOOL, ELEMENTARY." Any school licensed by the state and which meets the state requirements of elementary education.

"SCHOOL, PAROCHIAL." A school supported and controlled by a church or religious organization.

"SCHOOL, PRIVATE." Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which use does not secure a major part of its funding from any governmental agency.

"SCHOOL, SECONDARY." Any school licensed by the state and which is authorized to award diplomas for secondary education.

"SCREENING." A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

"SETBACK." The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

"SETBACK LINE." That line that is the required minimum distance from the street right-of-way, or any other lot line that establishes the area within which the principal structure must be erected or placed.

"SEWAGE TREATMENT PLANT." A plant designed for the treatment of raw sewage.

"SIGHT TRIANGLE." A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

"SIGN." Any object, device, display, structure, or part thereof, affixed to the exterior of a building or temporarily placed within the zoning lot, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, and colors. A "SIGN" shall be located on the zoning lot of the building and shall not contain more than two sides.

"SIGN, ADVERTISING." A sign which depicts information concerning the products sold on the premises or services provided.

"SIGN, ANIMATED." Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of movement or rotation.

"SIGN AREA." The entire face of the sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing the total display area of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign excluding any structural members shall be used. Only one sign face is used to calculate "SIGN AREA."

"SIGN, AWNING, CANOPY, OR MARQUEE." A sign that is mounted on or painted onto, an awning, marquee, or canopy that is otherwise permitted by ordinance.

"SIGN, BILLBOARD." A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. A permitted "BILLBOARD SIGN" shall have no more than two sides.

"SIGN, BULLETIN BOARD." A sign which identifies an institution or organization on the premises which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

"SIGN, BUSINESS." A sign which depicts only the name, address, number, or logo of the business located on the zoning lot.

"SIGN, CONSTRUCTION." A temporary sign erected on the premises on which construction is taking place, during the period of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

"SIGN, DIRECTIONAL." Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

"SIGN FACE." The area or display surface used for the message.

"SIGN, FLASHING." Any directly or indirectly illuminated sign which exhibits changing, natural or artificial light or color effects by any means whatsoever.

"SIGN, FLUSH-MOUNTED." A sign mounted against a principal structure, the depth of which does not exceed l2 inches, with no printed messages on end spaces.

"SIGN, GOVERNMENTAL." A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance, or other governmental regulation.

"SIGN, GROUND." Any sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.

"SIGN, IDENTIFICATION." A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

"SIGN, ILLUMINATED." A sign lighted by or exposed to artificial lighting, either by lights in the sign or directed towards the sign.

"SIGN, MONUMENT." A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of permanent materials. No "MONUMENT SIGN" shall be higher than six feet above the curb line.

"SIGN, POLITICAL." A temporary sign announcing or supporting political candidates, parties, or issues in connection with any national, state, or local election, movement, or cause.

"SIGN, PORTABLE." A sign that is not permanently affixed to a building or structure.

"SIGN, PROJECTING." A sign that is wholly or partly dependent upon a building for support and which projects more than l8 inches from the building.

"SIGN, PYLON." A freestanding sign in excess of six feet in height that is detached from a building and is supported by one or more structural elements that are either architecturally dissimilar to the design of the sign or less than one-fourth the width of the sign face.

"SIGN, TEMPORARY." A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, and designed or intended to be displayed for a short period of time.

"SIGN, WALL." A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than two inches from the building or structure.

"SIGN, WINDOW." A sign that is applied or attached to the exterior or interior of a window, and located in such a manner within the building that it can be seen from the exterior of the structure through a window.

"SINGLE OWNERSHIP." Ownership by one or more persons in any form of ownership of a lot or lots partially or entirely in the same ownership.

"SITE." Any plot or parcel of land or combination of contiguous lots or parcels of land.

"SITE PLAN." The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

"SKETCH PLAN." A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

"SLOPE." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

"SOIL." All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

"SOIL PERCOLATION TEST." A test designed to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

"SPECIAL EXCEPTION." A variance to a regulation, granted by the Board of Zoning Appeals, for a change in use on a given piece of property.

"SPECIAL USE." A use of property in a zoning district as designated in ' 150.l9 of this code.

"SPOT ZONING." Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the comprehensive zoning plan.

"STADIUM." A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

"STAFF." As referred to in IC 36-7-4-900 et seq., shall mean and refer to a group consisting of the following members: the City Building Commissioner, the City Planner, the City Engineer, the City Attorney, and their respective assistants or designees.

"STALL, PARKING." The parking space in which vehicles park.

"STORM SEWER." A conduit that collects and transports runoff.

"STORMWATER DETENTION." Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

"STORY." That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements fused for the principal use.

"STORY, HALF." A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above

the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

"STREAM." A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

"STREET." Any vehicular way which is an existing state, county, or municipal roadway; or is shown upon a plat approved pursuant to law; or is approved by other official action.

"STREET, COLLECTOR." A street which collects traffic from local streets and connects with minor and major arterials.

"STREET, CUL-DE-SAC." A street with a single, common ingress and egress, and with a turnaround at the end.

"STREET, DEAD END." A street with a single common ingress and egress.

"STREET LINE." The right-of-way line of a street.

"STREET, LOCAL." A street designed to provide vehicular access to abutting property and to discourage through traffic.

"STREET, LOOP." A local street which has its only ingress and egress at two points of the same collector street.

"STREET, MAJOR ARTERIAL." A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

"STREET, MINOR ARTERIAL." A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic to and from collector streets.

"STRUCTURAL ALTERATION." Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

"STRUCTURE." A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

"STUDIO." A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

"SUBDIVIDER." Any person who undertakes the subdivision of land. A "SUBDIVIDER" may be the owner or authorized agent of the owner of the land to be subdivided.

"SUBDIVISION."

(A) The division of a parcel of land into lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms or conditions, including resubdivision, "SUBDIVISION" includes the division of development of land zoned for residential and nonresidential uses whether by deed, metes, and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(B) Exempt Divisions - The following parcels are exempt from the definition of "SUBDIVISION" as found in ' 150.02(A):

(1) Division of land for agriculture purposes only;

(2) Division of land into 20 acre parcel or more for single family residential use, provided parcel meets the minimum lot frontage requirement and not involving any new street or easement of access.

(3) Parcels and lots of record prior to adoption of Ordinance 766 passed 12-2-68.

"SUPPLY YARD." A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

"SURFACE HYDROLOGY." The properties, distribution, and circulation of water and snow for a given area.

"SWALE." A depression in the ground which channels runoff.

"SWIMMING POOL." A water-filled enclosure, permanently constructed or portable, having a depth of more than 24 inches below the level of the surrounding land; or an above surface pool, having a depth of more than 24 inches, designed, used and maintained for swimming or bathing.

"SWIMMING POOL, PUBLIC." A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain, or by a municipality or other entity for the general public, whether or not an admission fee is charged and whether or not for profit.

"TATTOO PARLOR/BODY-PIERCING STUDIO." An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or both of the following:

(1) The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;

(2) The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

"TATTOOING." Any method (other than branding) of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or in scars or scarring.

"TAVERN, LOUNGE, OR BAR." A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

"TAX IMPACT STUDY." A study which examines the impact of a particular project on the community in terms of needed additional services and tax benefits and costs.

"TEMPORARY CERTIFICATE OF OCCUPANCY." A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

"TEMPORARY STRUCTURE." A structure without any foundation or footings, and which is removed when the designated time period, activity, or use, for which the temporary structure was erected, has ceased.

"TENANT." An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

"THEATER." A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

"THOROUGHFARE SYSTEM." The collection of streets, traffic control devices, and intersections which make up a city's road system.

"TOPOGRAPHIC MAP." A map of a portion of the earth's surface showing its topography.

"TOPOGRAPHY." The configurations of a surface area showing relative elevations.

"TOWNHOUSE." A type of multi-family dwelling one or two stories in height. Typically, the living room, dining room, and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common side wall and are owner-occupied.

"TOXIC POLLUTANTS." A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion,

inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

"TRAILER." A vehicle without motive power, used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which may be equipped with wheels or other devices for transporting the structure from place to place. The term "TRAILER" shall include "CAMP CAR" and "HOUSE CAR."

"TRANSITION ZONE." A zone permitting transitional uses.

"TRANSITIONAL USE." A land use of an intermediate intensity between a more intensive and a less intensive use.

"TRAVEL TRAILER." A recreational vehicle that is towed by a car or a truck.

"TRUCK AND RAILROAD TERMINALS."

(1) A place where transfer between modes of transportation takes place.

(2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

"UNIFIED CONTROL." The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

"USE." The purposes for which land or a building thereon is designed, arranged, or intended; or for which it is occupied, maintained, let, or leased under single ownership or control.

"USE, LAWFUL." The use of any structure or land that conforms with all of the regulations or this code or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

"USE, NONCONFORMING." See "NONCONFORMING USE."

"VALUE." For the purpose of this code, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

"VARIANCE." Permission to depart from the literal requirements of the zoning code.

"VARIANCE FROM DEVELOPMENT STANDARDS" or AREA VARIANCE." A variance which authorizes deviations from restrictions upon construction and placement of buildings and structures, or a variance that involves such matters as setback lines, frontage requirements, height limitations, lot size restrictions, density regulations, and yard requirements.

"VARIANCE OF USE" or "USE VARIANCE." A variance which authorizes a use of land other than permitted in a particular district by ordinance or a variance that changes the character of the zoned district by permitting an otherwise prescribed use.

"VEHICLE, MOTOR." A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

"VEHICLE SALES LOT." A zoning lot on which cars, trailers, or trucks are displayed for sale or trade outside of buildings.

"VETERINARY HOSPITAL." A structure designed for the care and treatment of animals.

"VOCATIONAL SCHOOL." A secondary or higher education facility, primarily teaching usable skills that prepare students for jobs in a trade; meeting applicable state requirements as a vocational facility.

"WAREHOUSE." A building primarily used for the storage of goods and materials.

"WATER SUPPLY SYSTEM." The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

"WETLANDS." Swamps or marshes, especially as areas preserved for wildlife.

"WHOLESALE TRADE." Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"YARD." An open space that lies between the principal or accessory building or buildings and the nearest lot line. A "YARD" is unoccupied and unobstructed from the ground upward, except as may be specifically provided in the zoning code.

"YARD DEPTH." The shortest distance between the zoning lot line and a yard line.

"YARD, FRONT." A space extending between the front yard line and the front zoning lot line. Such "FRONT YARD" is unoccupied and

unobstructed from the ground upward except as may be permitted elsewhere in the code.

"YARD LINE." A line drawn parallel to a zoning lot line at a distance therefrom equal to the depth of the required yard.

"YARD, REAR." A space extending between the rear yard line and the rear zoning lot line. The "REAR YARD" is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the code.

"YARD, REQUIRED." The open space between a zoning lot line and the yard line within which no structure shall be located except as provided in the zoning code.

"YARD, SIDE." A space extending from the front yard to the rear yard between the side yard line and the side zoning lot line. The "SIDE YARD" is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this code.

"ZERO LOT LINE." The location of a building in such a manner that one or more of the building's sides rest directly on a lot line.

"ZONE." A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

"ZONING." The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

"ZONING ENVELOPE." The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

"ZONING LOT." A parcel of land, composed of one or more recorded lots or a parcel of land described by metes and bounds, that is of sufficient size to meet the minimum requirements of this code concerning use, coverage, width, area, yards, or other requirements of this code, and having frontage on an improved public street, which is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under single ownership or control. A "ZONING LOT" may or may not coincide with the definition of a "LOT OF RECORD."

"ZONING LOT AREA." The total area within the zoning lot lines of a zoning lot, excluding any street right-of-way.

"ZONING LOT COVERAGE." That portion of the zoning lot that is covered by buildings and structures.

"ZONING LOT DEPTH." The distance measured from the front zoning lot line to the rear zoning lot line.

"ZONING LOT FRONTAGE." The length of the front zoning lot line measured at the street right-of-way line.

"ZONING LOT LINE." A property line of record bounding a zoning lot, which divides one zoning lot from another zoning lot or from a public or private street or any other public space.

"ZONING LOT LINE, FRONT." The zoning lot line separating a zoning lot from a street right-of-way.

"ZONING LOT LINE, REAR." The zoning lot line opposite and most distant from the front zoning lot line, or in the case of triangular or otherwise irregularly shaped zoning lots, a line ten feet in length entirely within the zoning lot, parallel to and at a maximum distance from the front zoning lot line.

"ZONING LOT LINE, SIDE." Any zoning lot line other than a front or rear zoning lot line.

"ZONING LOT, MINIMUM AREA OF." The smallest zoning lot area established by the zoning code on which a single use or a single structure or single building may be located in a particular district.

"ZONING LOT WIDTH." The horizontal distance between the side lines of a zoning lot, measured at right angles to its depth along a straight line located at or tangent to the minimum required building setback line.

"ZONING MAP." The map or maps which are part of the zoning ordinance, and which delineate the boundaries of a zoning district.
(Ord. 799, passed 12-18-70; Am. Ord. 902, passed 4-7-75; Am. Ord. 930, passed 5-3-76; Am. Ord. 1027, passed 6-5-78; Am. Ord. 1273, passed 6-20-83; Am. Ord. 1768, passed 9-25-95; Am. Ord. 1862, passed 10-6-97; Am. Ord. 1924, passed 12-7-98; Am. Ord. 2001-03-02, passed 3-5-01; Am. Ord. 2002-05-19, passed 5-2-02; Am. Ord. 2002-09-50, passed 10-7-02; Am. Ord. 2009-10-32, passed 10-5-09; Am. Ord. 2013-10-16, passed 10-9-13)

' 150.03 AUTHORITY.

This chapter is adopted pursuant to IC 36-7-4-100 et seq., and all acts supplemental and amendatory thereto.
(Ord. 799, passed 12-18-70)

' 150.04 COMPLIANCE.

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used

or be designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuances of the permits required by this chapter.
(Ord. 799, passed 12-18-70)

' 150.05 JURISDICTIONAL AREA.

This chapter shall apply to all incorporated land within the city as shown on the zone map on file with the city clerk-treasurer.
(Ord. 799, passed 12-18-70)

' 150.06 APPLICATION.

It is not intended by this chapter to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, annul,
or in any way interfere with any rules, regulations, or permits previously adopted or issued pursuant to law relating to the uses of buildings or premises, provided that where this chapter imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this chapter shall control; but where such private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control.
(Ord. 799, passed 12-18-70)

' 150.07 ANNEXATION.

All territory which may be hereafter annexed to the city shall automatically, upon annexation, acquire the R-l Residential District classification and shall remain so zoned until otherwise classified by amendment to this chapter, in accordance with ' ' 150.70 through 150.73.
(Ord. 799, passed 12-18-70)

DISTRICT REGULATIONS

' 150.10 ZONE MAP.

A map entitled "Crown Point Zone Map" is adopted as part of this chapter. The zone map shall be kept on file and available for examination at the office of the city clerk-treasurer.
(Ord. 799, passed 12-18-70)

' 150.11 ZONING DISTRICTS.

The city is divided into the districts stated in this chapter, as shown by the district boundaries on the zone map. The districts are:

"A-1" Agricultural	"R-3" Residential	"HS-1" Highway Service
"C-1" Conservation	"B-1" Business	"I-1" Industrial
"R-1" Residential	"B-2" Business	"OS-1" Office Service
"R-2" Residential	"B-3" Business	

(Ord. 799, passed 12-18-70; amend. Ord. 891, passed 8-26-74; Am. Ord. 1768, passed 9-25-95)

' 150.l2 DISTRICT BOUNDARIES.

District boundaries shown within the lines of streets, streams, and transportation rights-of-way shall be deemed to follow their center lines. The vacation of streets shall not affect the location of district boundaries. When the building commissioner cannot definitely determine the location of a district boundary by center lines by the scale or dimensions stated on the zone map, or by the fact that it clearly coincides with a property line, he shall

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refuse action, and the board of zoning appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zone map and the purposes set forth in all relevant provisions of this chapter.
(Ord. 799, passed 12-18-70)

' 150.13 CONSERVATION DISTRICT.

The district designated for conservation, "C-1," is limited to agricultural, recreational and certain other open land uses. Residential and related uses are permitted if approved by the board of zoning appeals. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of topography, soil conditions, periodic flooding, or other natural features.
(Ord. 799, passed 12-18-70)

' 150.135 AGRICULTURAL DISTRICT.

The agricultural districts are those open areas of the city where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately out-weigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the area and nation.
(Ord. 1768, passed 9-25-95)

' 150.14 RESIDENTIAL DISTRICTS.

(A) Districts designated for residential use, "R-1," "R-2," and "R-3," are limited to dwellings and public or semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these 3 districts is to create an attractive, stable, and orderly residential environment. However, the families per dwelling and the lot and yard requirements are different in the 3 districts to provide for the various housing needs and desires of the citizens.

(B) There shall be no more than one principal structure on any residential zoning lot.
(Ord. 799, passed 12-18-70; amend. Ord. 930, passed 5-3-76)

' 150.15 OFFICE SERVICE DISTRICTS.

The OS-1 office service districts are designed to accommodate uses such as offices, banks and personal services which can serve as

transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.
(Ord. 891, passed 8-26-74)

' 150.16 BUSINESS DISTRICTS.

The districts designated for business, "B-1," "B-2" and "B-3," are limited to business, public and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located.
(Ord. 799, passed 12-18-70)

' 150.17 INDUSTRIAL DISTRICT.

The district designated for industry,"I-1," provides suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this chapter in order to insure safe industrial development that is compatible with adjacent uses. The locations of the district are near railroads or highways in order to meet the transportation needs of industry. This light industrial district provides space for industries which do not cause conditions that would be objectionable to neighboring properties.
(Ord. 799, passed 12-18-70)

' 150.175 HIGHWAY SERVICE BUSINESS DISTRICT.

This district is intended to accommodate those commercial uses which are directly automobile-oriented and must, by necessity, be located on major regional highways or at the intersections of these highways and expressways. Certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.
(Ord. 1768, passed 9-25-95)

' 150.18 PERMITTED USES.

The permitted uses for each district are shown on Table A following ' 150.19. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in ' 150.02. Uses not specifically listed or defined to be included in the categories under ' ' 150.10 through 150.23 shall not be permitted.
(Ord. 799, passed 12-18-70)

' 150.19 SPECIAL USES.

The special uses for each district that may be permitted by ordinance are listed in Table A.

(A) Purpose. The formulation and enactment of a comprehensive zoning code is based on the division of the entire city into districts, in each of which are permitted specified uses that are mutually compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which on account of their potential impact upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this section as "special uses" and fall into 2 categories:

(l) Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest; and

(2) Uses entirely private in character which on account of their peculiar locational need or the nature of the service they offer to the public may have to be established in a district or districts in which they cannot be reasonably allowed as a permitted use under the zoning regulations.

(B) Application. An application for special use shall be filed with the Advisory Board of Zoning Appeals ("the Board") through the City Planner's office, upon such forms and accompanied by such information as shall be established from time to time by the Planning Department.

(C) Qualifications. No special use shall be recommended to the City Council unless:

(l) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(3) The need for the variance arises from some condition peculiar to the property involved;

(4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

(5) The approval does not interfere substantially with the comprehensive plan.

(D) Conditions. In the event the Board recommends a special use, it may impose reasonable conditions and restrictions upon the construction, location, operation and time limit in which construction must commence, including but not limited to provisions for off-street parking, loading, unloading, and as shall be necessary to secure the general objectives of this chapter and to reduce injury to the value of neighboring property.
(Ord. 799, passed l2-l8-70; Am. Ord. l432, passed ll-2-87; Am. Ord. 2002-05-19, passed 5-2-02)

TABLE A.

PERMITTED USES	SPECIAL USES
C-1 Conservation District	
1. Agriculture 2. Public parks and playgrounds 3. Game preserves 4. Essential services 5. Accessory uses	1. Single-family dwellings 2. Riding stables 3. Churches 4. Swimming pools 5. Cemeteries 6. Golf courses 7. Water and sewage treatment plants 8. Commercial recreation 9. Communication tower

PERMITTED USES	SPECIAL USES
A-1 Agricultural District	
1. Agriculture 2. Farm dwellings 3. Green houses or nurseries 4. Cemeteries 5. Wildlife reserves 6. Essential services 7. Accessory uses	1. Non-farm single-family dwellings 2. Riding stables 3. Churches 4. Golf courses 5. Markets for sale of products grown on premises 6. Hunting preserves 7. Animal feedlots and piggeries 8. Earth removal or extraction businesses 9. Commercial recreation 10. Communication tower
R-1 Residential District	
1. Single-family dwelling 2. Public and parochial schools 3. Public parks and playgrounds 4. Churches 5. Essential services 6. Accessory uses	1. Planned developments, residential 2. Nursery schools and day schools 3. Privately owned parks and playgrounds 4. Hospitals and clinics 5. Public utility buildings 6. Swimming pools 7. Fire stations 8. Municipal buildings and libraries 9. Private clubs 10. Parking lots 11. Agriculture 12. Home occupations 13. Cemeteries 14. Water and sewage treatment plants 15. Nursing homes
R-2 Residential District	
1. Single-family dwellings 2. Public and parochial schools 3. Churches 4. Public parks and playgrounds 5. Essential services 6. Accessory uses	1. Two-family dwellings 2. Planned developments, residential 3. Nursery schools 4. Hospitals and clinics 5. Public utility buildings

PERMITTED USES	SPECIAL USES
	6. Swimming pools 7. Fire stations 8. Municipal buildings and libraries 9. Nursing homes 10. Private clubs 11. Parking lots 12. Home occupations 13. Funeral homes 14. College buildings and grounds 15. Fraternity houses 16. Boarding house 17. Bed and breakfast

R-3 Residential District

1. Single-family dwellings 2. Public and parochial schools 3. Churches 4. Public parks and playgrounds 5. Parking lots 6. Essential services 7. Accessory uses	1. Two-family dwellings 2. Multi-family dwellings 3. Nursing schools 4. Hospitals and clinics 5. Public utility buildings 6. Swimming pools 7. Fire stations 8. Municipal buildings and libraries 9. Nursing homes 10. Private clubs 11. Home occupations 12. Funeral homes 13. Mobile home parks 14. College buildings and grounds 15. Fraternity houses 16. Boarding houses 17. Bed and breakfast

PERMITTED USES	SPECIAL USES
B-1 Business District	
1. Retail businesses in structures of less than 65,000 square feet in gross floor area	1. Research laboratories
2. Eating and drinking establishments	2. Theaters
3. Offices and banks	3. Two-family or multiple-family dwellings
4. Personal and professional services	4. Single-family dwellings
5. Fire stations and municipal buildings	5. Automobile sales, service, and repair
6. Public lots and playgrounds	6. Wholesale businesses
7. Parking lots	7. Hotels and motels
8. Essential services	8. Commercial schools
9. Accessory uses	9. Commercial recreation
	10. Public utility buildings
	11. Printing shops
	12. Churches
	13. Schools, public and parochial
	14. Cleaning and laundry plants
	15. Private clubs
	16. Public transportation terminals
	17. Communication towers
	18. Bed and breakfast
	19. Retail business in structures of 65,000 square feet, or greater, in gross floor area
B-2 Business District	
1. Retail businesses in structures of less than 65,000 square feet in gross floor area	1. Single-family dwellings
2. Eating and drinking establishments that do not serve alcoholic beverages	2. Two-family or multiple-family dwelling
3. Offices and banks	3. Automobile sales, service and repairs
4. Personal and professional services	4. Hotels and motels
5. Fire station and municipal buildings	5. Public utility buildings
6. Public parks and playgrounds	6. Churches
7. Parking lots	7. Schools, public and parochial
8. Essential services	8. Private clubs
9. Accessory uses	9. Fast food restaurants
	10. Communication towers
	11. Bed and breakfast
	12. Tavern, lounge or bar
	13. Eating and drinking establishments that serve alcoholic beverages
	14. Retail business in structures of 65,000 square feet, or greater, in gross floor area

PERMITTED USES	SPECIAL USES
B-3 Business District	
1. Retail businesses in structures of less than 65,000 square feet in gross floor area	1. Theaters
2. Eating and drinking establishments that do not serve alcoholic beverages	2. Supply yards
3. Offices and banks	3. Commercial recreation
4. Personal and professional services	4. Dairies
5. Fire stations and municipal	5. Single-family dwellings
6. Pubic utility buildings	6. Two-family or multiple-family dwellings
7. Parking lots	7. Wholesale businesses
8. Parking parks and playgrounds	8. Printing shops
9. Accessory uses	9. Warehouses
10. Essential services	10. Commercial schools
11. Automobile sales, service and repair	11. Churches
12. Motels and hotels and repair	12. Schools, public and parochial
13. Cleaning and laundry plants	13. Hospitals and clinics
14. Private clubs	14. Funeral homes
15. Drive-in restaurants	15. Farm implement sales, service and repair
16. Veterinary hospital	16. Mobile home parks
17. Bed and breakfast	17. Public transportation terminals
	18. Mobile home sales
	19. Fast food restaurants
	20. Communication towers
	21. Tavern, lounge or bar
	22. Eating and drinking establishments that serve alcoholic beverages
	23. Retail business in structures of 65,000 square feet, or greater, in gross floor area

PERMITTED USES	SPECIAL USES
I-1 Industrial District	
1. Research and testing laboratories 2. Offices 3. Warehouses 4. Parking lots 5. Light manufacturing 6. Essential services 7. Accessory uses 8. Wholesale businesses 9. Public utility buildings 10. Automobile/motorcycle sales, service and repair 11. Repair garage 12. Tattoo parlor/body piercing studio	1. Motels 2. Restaurants 3. Truck and railroad terminals 4. Supply yards 5. Agriculture 6. Fire stations and municipal buildings 7. Water and sewage treatment plant 8. General manufacturing 9. Grain manufacturing 10. Stockyards and slaughter houses 11. Airports 12. Mineral excavation 13. Junkyards 14. Bulk fuel storage 15. Concrete mixing 16. Manufacturing and processing of explosive materials 17. Roller rinks 18. Communication towers 19. Tavern, lounge or bar 20. Eating and drinking establishments that serve alcoholic beverages
OS-1 Office Service District	
1. Offices, businesses and professional 2. Medial offices 3. Medical clinics 4. Hospitals 5. Sanitariums 6. Convalescent homes 7. Banks 8. Credit unions 9. Savings and loan associations 10. Off-street parking 11. Churches 12. Other similar uses 13. Accessory uses	1. Pharmacies 2. Apothecaries 3. Optical services 4. Mortuary establishments 5. Public buildings 6. Telephone exchanges 7. Public utility offices 8. Lodging rooms and dwelling units (provided office service uses occupy the first floor of same building) 9. Communication towers

HS-1 Highway Service Business District

1. Retail businesses
2. Eating and drinking establishments
3. Motels and hotels
4. Fast food or drive-in restaurants
5. Automobile sales, service and repair
6. Roller rinks
7. Offices and banks
8. Personal and professional services
9. Essential services

1. Theaters
2. Restaurants
3. Churches
4. Private clubs
5. Hospitals and clinics
6. Farm implement sales, service and repair
7. Truck terminals
8. Commercial recreation
9. Adult entertainment
10. Communication towers

(Ord. 799, passed 12-18-70; Am. Ord. 862, passed 9-4-73; Am. Ord. 891, passed 8-26-74; Am. Ord. 895, passed 10-7-74; Am. Ord. 924, passed 3-1-76; Am. Ord. 1027, passed 6-5-78; Am. Ord. 1768, passed 9-25-95; Am. Ord. 1862, passed 10-6-97; Am. Ord. 2001-03-02, passed 3-5-01; Am. Ord. 2002-09-50, passed 10-7-02; Am. Ord. 2004-03-02, passed 3-1-04; Am. Ord. 2004-03-07, passed 5-3-04; Am. Ord. 2005-11-41, passed 11-16-05; Am. Ord. 2006-03-09, passed 3-6-06)

' 150.195 ADULT ENTERTAINMENT BUSINESSES; REGULATIONS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "ADULT BOOKSTORE." An establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs, and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.

(2) "ADULT ENTERTAINMENT BUSINESS." One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, and adult nightclub.

(3) "ADULT MINI-MOTION PICTURE THEATER." An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths.

(4) "ADULT MOTION PICTURE THEATER." An enclosed building with a capacity of 50 or more persons having a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein.

(5) "ADULT NIGHTCLUB." A business with the principal activity of providing entertainment by nude or partially nude performers.

(6) "ADULT NOVELTY BUSINESS." A business which has as a principal activity the sale of devices to simulate human genitals or devices designed for sexual stimulation.

(7) "ADULT PERSONAL SERVICE BUSINESS." A business having as a principal activity a person of one sex, while nude or partially nude, providing personal services for a person of the other sex on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, or individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the state.

(8) "PARTIALLY NUDE." Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

(9) "PRINCIPAL ACTIVITY." A use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

(B) Locations of adult entertainment business. An adult entertainment business may be located in the city only in accordance with the following restrictions:

(1) No such business shall be located on a parcel within 700 feet of a district which, pursuant to this section, has been classified C-1, R-1, R-2, R-3, B-1, B-2, B-3, OS-1, or PUD.

(2) Such business shall only be located in a district classified HS-1 Highway Service.

(3) No such business shall be established within 700 feet of another adult entertainment business.

(C) Use regulations.

(1) No person shall reside in or permit any person to reside in the premises of an adult entertainment business.

(2) No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.

(3) No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.

(4) No person shall operate an adult personal service business without obtaining a current code compliance license. Such licenses shall be issued by the City Clerk's office following an inspection to determine compliance with the ordinances of the city and upon payment of a license fee of $100.

(5) No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

(6) No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.

(7) No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.
(Ord. 1768, passed 9-25-95) Penalty, see ' 150.99

' 150.20 LOT AND YARD REQUIREMENTS.

(A) The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard, and minimum depth or rear yard for each district shall be as shown on the following table:

District	Minimum Lot Area Sq. Feet	Minimum Lot Area Per Family Sq. Feet	Minimum Lot Width Feet	Minimum Front Yard Feet	Minimum Side Yard Feet	Depth Width *Minimum Rear Yard Feet	*Minimum Depth
C-l	80,000	80,000	200	50	20	20	
A-1	10 acres	10 acres	330	50	20	20	
R-l	10,000**	5,000	80	30	****	20	
R-2	7,200**	3,500	60	30	5***	20	
R-3	6,000**	3,000	50	30	5***	20	
B-l	3,000**	3,500	30	0	0	0	
B-2	7,200**	3,500	l00	15	8	l0	
B-3	l0,000**	5,000	l00	35	l0	l0	
HS-1	20,000**	N/A	100	35	10	10	
I-l	20,000**	N/A	l00	30	20	20	
OS-l	9,500**	5,000	75	30	10	20	

*Principal structures

**The minimum lot area shall be 43,560 square feet if the lot is not served by a community sanitary sewer system approved by the state board of health.

***The minimum width of the side yard requirements shall be 5 feet on one side and l0 feet on the other side if the residential structure does not have an attached garage.

****The minimum width of the side yards shall be 5 feet on one side and l0 feet on the other side.

(B) Lots which abut on more than one thoroughfare shall provide the required front yards along every thoroughfare, except alleys.

(C) No portion of a principal structure, including attached garages, carports, covered porches, decks, patios or balconies, shall project into any minimum front, side or rear yard. Accessory

structures (unattached garages, storage sheds, swimming pools) may not be located closer than five feet to the side and rear property lines.

(D) Any lot of record existing in a residential district at the effective date of this chapter and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this chapter.

(E) In any residential district where at least 25% of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard may be the average of the depths of the front yards of the existing residential structures.
(Ord. 799, passed l2-l8-70; amend, Ord. 89l, passed 8-26-74; Am. Ord. 1768, passed 9-25-95; Am. Ord. 1963, passed 11-1-99; Am. Ord. 2009-01-02, passed 1-5-09)

' 150.2l FLOOR AREA.

No residential dwelling unit shall be erected or altered so that its ground floor area is less than indicated below, exclusive of porches, terraces, garages, and exterior stairs. Mobile homes shall have a floor area of at least 500 square feet. All square foot floor areas. of buildings shall be calculated on the dimensions of the perimeter walls.

Dwelling Unit

Districts	One Story	Over One Story	Two Family Dwelling	Multi-Family Dwelling
A-1	1200 sq. ft.	1000 sq. ft.		
R-l	l300 sq. ft.	1000 sq. ft.		600 sq. ft.
R-2		960 sq. ft.	800 sq. ft	960 sq. ft. 600 sq. ft.
R-3		720 sq. ft.	672 sq. ft.	720 sq. ft. 600 sq. ft.
C-l	960 sq. ft.	800 sq. ft.		600 sq. ft.
B-l,B-2, B-3	720 sq. ft.	672 sq. ft.	720 sq. ft.	600 sq. ft.
OS-l	720 sq. ft.	672 sq. ft.	720 sq. ft.	600 sq. ft.

(Ord. 799, passed l2-l8-70; amend. Ord. 89l, passed 8-26-74; Am. Ord. 1768, passed 9-25-95)

' 150.22 HEIGHT REGULATIONS.

Except in the B-l district, no principal structure shall exceed 35 feet in height above the ground level and no accessory building shall exceed l6 feet in height above average ground level unless approved by the board of zoning appeals. In any district the board may authorize a variance to this height regulation if:

(A) All front and side yard depths are increased one foot for each additional foot of height; or

(B) The structure is any of the following and does not constitute a hazard to an established airport: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smokestacks, conveyors, and flag poles.
(Ord. 799, passed l2-l8-70; amend. Ord. 1862, passed 10-6-97)

' 150.23 REQUIRED CONDITIONS OS-l OFFICE SERVICE DISTRICT.

The following conditions are required for any use in this district:

(A) No interior advertising display shall be visible from exterior of the building.

(B) The outdoor storage of goods and material shall be prohibited.

(C) Warehousing or indoor storage of goods or material, beyond that normally incident to the permitted or special uses, shall be prohibited.

(D) Uses in this district shall be screened from adjacent residential uses at the side and rear lot lines of the OS-l use with a decorative screen or hedge not more than 5 feet in height. The design of such decorative screen or hedge shall be approved by the plan commission.
(Ord. 89l, passed 8-26-74; Am. Ord. 2008-07-24, passed 7-7-08)

' 150.24 REQUIRED CONDITIONS HS-1 HIGHWAY SERVICE BUSINESS DISTRICT.

The following conditions are required for any use in this district:

(A) The outdoor storage of goods and material shall be prohibited.

(B) Uses in this district shall be screened from adjacent residential districts at the side and rear lot lines of the HS-1 use with a decorative screen or hedge not more than five feet in height. The design of such decorative screen or hedge shall be approved by the Plan Commission.

(C) One deciduous or evergreen tree shall be planted and maintained for each 2,000 square feet of lot area which is site planned. Deciduous trees shall have a minimum caliper of 2-1/2 inches at six inches above the root ball. Evergreen trees shall be a minimum of six feet in height above the root ball. Arrangement of trees in clusters or groupings is encouraged and must be shown on the approved site plan.
(Ord. 1768, passed 9-25-95) Penalty, see ' 150.99

' 150.25 SITE DEVELOPMENT PLAN APPROVAL.

(A) The Plan Commission must approve or disapprove Site Development Plans in all Business, Industrial, Office Service and Highway Service Zoning Districts.

(B) Site Development Plan application and 12 copies of plan and any supporting information shall be filed at the Planning Department 21 days prior to the scheduled Plan Commission meeting date on city application forms and accompanied by fee (' 150.52). It shall be the responsibility of the petitioner to deliver two copies of the plan to utility companies, Soil Conservation Service, County Health Department (if on septic system) and State Highway Department (if on a State Highway), and return comments to the Plan Commission Office.

(C) Development Plan requirements. All development plans shall be submitted measuring not more than 24 X 36 inches drawn to scale of not smaller than 50 ft. to the inch, the plan shall be certified by a site planner, engineer, land surveyor, or architect which shall include the following:

(1) The proposed name of the development.

(2) The name, address, and phone numbers of developer and/or owner.

(3) Location map showing location within the city (Vicinity Map).

(4) A map including date, scale, and point north.

(5) Building setbacks, coverage, separation, height, scale, materials and style of all buildings.

(6) Signage on all buildings and free standing signs.

(7) All outdoor lighting, style, height, and location within the development.

(8) The site layout of the development including the location, size, arrangement and parking capacity of area to be used for vehicular access, parking, loading and unloading, trash containment area, and their construction specifications.

(9) The name of public way giving access to the development and locations, width and name of platted public ways, railroads, parks, utility easements and other public open space.

(10) The layout of proposed public ways, their names and widths, construction design and the widths of alleys, walkways and sidewalks.

(11) Traffic management, marginal access street (frontage roads) may be required if development is abutting a state or federal

highway. Marginal access roads shall be designed according to Chapter 151 of this code of ordinances.

(12) The location, size, and arrangement of areas to be devoted to planting lawns, trees, site-screening, and landscaping plan.

(13) The proposal for sewer, water, gas electricity, storm drainage, fire hydrant location.

(14) The contours with spot elevations of the finished grade and the directions of storm water runoff. Submit drainage calculations (if required), and flood hazard information.

(15) The layout of proposed lots with dimensions, utility and drainage easements, existing or proposed.

(16) Any outstanding legal matters, such as proposed covenants and lease agreements.

(17) Properties to be dedicated for public use and letter of commitment for their acceptance.

(D) Review of development plan. The Plan Commission shall review each development plan to determine if it is consistent with the comprehensive plan and the Crown Point Development Guidelines, and meets all Zoning and Subdivision Ordinance requirements.

(E) The Plan Commission may impose reasonable conditions and may require the owner of real property to make written commitment as provided in I.C. 36-7-4-613.

(F) Written findings. The Plan Commission shall make written findings for each decision to approve or disapprove a development plan. The Plan Commission Attorney will prepare findings for adoption at the next scheduled meeting.

(G) Review by certiorari of decisions. The Plan Commission approval or disapproval of a development is a final decision of the commission that may be reviewed only as provided in I.C. 36-7-4-1016.
(Ord. 1818, passed 10-7-96; Am. Ord. 2005-12-44, passed 12-5-05; Am. Ord. 2005-11-37, passed 1-3-06)

' 150.255 I-65 LANDSCAPE BUFFER ZONE DEVELOPMENT GUIDELINES.

A 100-foot landscape buffer shall be maintained along both sides of I-65, measured from the outside border of the I-65 right-of-way, in accordance with the following terms and conditions:

(A) The landscape buffer shall consist of a turf-covered earthen berm no less than six feet in height, with the turf areas to contain turf consistent with the specifications contained in the table following this section.

(B) With the exception of commercially and industrially zoned property, the buffer zone shall contain trees of such a nature and in such a configuration as specified in the table.

(C) Commercially and industrially zoned property within the landscape buffer may contain trees and an aesthetically pleasing water feature, but are not required to do so.

(D) The landscape buffer zone shall contain, to the extent not excepted by the city, a bike path constructed in such a manner as is consistent with the specifications contained in the table.

(E) No portion of any roadway is permitted within the landscape buffer zone.

(F) The landscape buffer zone will only be considered to satisfy the recreational land requirements of ' 151.34 upon a specific finding of such by the Advisory Plan Commission, in its sole discretion, during its development plan review and approval process.

Tree Species for Along the Corridor

Typical "Ornamental Trees 2" Cal B&B or Container:

Serviceberry	*Amelanchier Canadensis*
Cockspur Hawthorn	*Crataegus Crusgalli*
Crabapple	*Malus Species*
Hedge Maple	*Acer campestre*

Typical "Large Shrubs" 24-30" B&B or Container:

Chokeberry	*Aronia Arbutifolia melanocarpa*
Burning Bush	*Euonymus alata*
Winterberry	*Rex verticillata*
Mockorange	*Philadelphus coronaries*
Staghorn Sumac	*Rhus typhina*
Alpine Currant	*Ribos alpinum*
Bridalwreath Spirea	*Spirea x vanhouttei*
Lilac	*Syringa Vulgaris*

Typical "Shade Trees" 2"Cal B&B or Container:

Honey Locust	*Gleditsia triancanthos*
Red Oak	*Quercus rubra*
White Oak	*Quercus alba*
Bur Oak	*Quercus macrocarpa*

Typical "Evergreen Trees" 5-6' B&B or Container:

Colorado Green Spruce	*Picea Pungens*
Blue Spruce	*Picea 'Pungens glauca'*
Norway Spruce	*Picea abies*
White Spruce	*Picea glance*
Black Hills Spruce	*Picea glauca densata*
Austrian Pine	*Pinus Nigra*
Japanese Black Pine	*Pinus Nigra*

Notes

(1) Groupings to be combinations of three's or five's, or three of one type and two of another (i.e. three Blue Spruce and two Austrian Pine). It shall not be one of each type of tree. This also applies to all groupings of plants.

(2) Use five-inch wide wood mulch ring three-inch deep around each tree.

(3) All shrub groupings to have wood mulch three-inch deep.

(4) Turf Areas to be seeded with LoGro Fescue Mixture.

(a) 20% Discovery Hard Fescue.

(b) 30% Aurora Gold Hard Fescue.

(c) 30% Warwick Hard Fescue.

(d) 20% Seabreeze Creeping Red Fescue.

Bike Path

(1) Constructed of six-inch deep, 3/4-inch crushed limestone base and covered by either asphalt surface material or crushed limefines - two-inch minimum thickness.

(2) At least eight feet in width with a two-foot shoulder on each side.

(3) ADA compliant.

(Ord. 2006-07-17, passed 6-30-06)

' 150.26 REQUIREMENTS FOR COMMUNICATION TOWERS AND FACILITIES.

The purpose of these regulations is to control the location, construction, appearance, maintenance, and removal of communications towers and facilities.

(A) Definitions: "ANTENNA." An exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

(1) "COMMUNICATION ANTENNA." An antenna or array of part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

(2) "DIRECTIONAL ANTENNA." An antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

(3) "OMNI-DIRECTIONAL ANTENNA." An antenna that transmits signals in 360 degrees. Such as a whip antenna.

(4) "SATELLITE DISH ANTENNA." A dish-shaped antenna used to receive signals transmitted from satellites. Large satellite dish antennas are those where the maximum diameter of the dish is greater than 36 inches. Small satellite dish antennas are those where the maximum diameter of the dish is 36 inches or less in diameter

(B) "ARCHITECTURALLY DESIGNED TOWER." A tower which is designed and constructed in such a manner that the tower appears to be an integral part or element of another permitted structure on the site, such as a church tower, bell tower, etc.

(C) "COMMUNICATION TOWER." A ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital microwave, cellular, telephone or similar forms of electronic communication.

(1) "MONOPOLE TOWER." A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

(2) "LATTICE TOWER." A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

(D) Zoning districts - where permitted. The location of communication towers and facilities may be permitted upon approval of

a special use by the Board of Zoning Appeals and City Council as provided in Table A found in ' 150.19.

FACILITY TYPE

Communication Towers			
Zoning District	Antennas on Existing Structures	Architecturally Designed Tower	Freestanding Tower
C-1	1	Special Use	Special Use
A-1	1	Special Use	Special Use
R-1, R-2, R-3	1	Not Permitted	Not Permitted
OS, B-1, B-2, B-3	1	Special Use	Special Use
Highway Service	1	Special Use	Special Use
I-1	1	Special Use	Special Use
PUD	1	**Not Permitted	Not Permitted

1. Permitted on buildings and structures 2 stories in height or greater. Allowed on buildings less than 2 stories in height when architecturally compatible to the building architecture. The mast supporting the antenna may extend up to ten (10) feet above the roof line. In residential districts the existing structure must be on property developed with a non-residential use.

* Towers must be designed as an architecturally compatible element to an existing non-residential use such as schools, churches, etc. and communication antennas mounted on existing non-residential structures.

** Must be approved as part of P.U.D. Plan.

Special Use: permitted by right provided the tower or antenna conforms to all city, state and federal standards.

(E) Application for communication tower. Applications for special use permits to construct communication towers and related facilities shall include, as a minimum, the following information:

(1) Site plan.

(2) A report from a licensed professional engineer which describes the tower's capacity, including the number and type of antennas it can accommodate.

(3) A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing buildings and towers in excess of 100 feet and properties where towers are permitted. The Board of Zoning Appeals may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site/tower to host a communications facility and the reasons why the site/tower was excluded from consideration. The applicant must demonstrate to the Board satisfaction that the alternative site or tower is not available due to one or more of the following reason:

(a) Unwillingness of the owner to entertain a communications facility proposal.

(b) Topographic limitations of the site.

(c) Adjacent impediments that would obstruct adequate communication tower transmission.

(d) Physical site constraints that would preclude the construction of a communication tower.

(e) Technical limitation of the system.

(f) The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing a planned use for those facilities.

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(g) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.

(h) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.

(i) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(4) A signed statement from the applicant indicating their intention to share space on the tower with other providers.

(5) A copy of the lease between the applicant and the landowner. The lease is encouraged to contain the following provisions:

(a) The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.

(a) The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.

(F) Development standards.

(1) Height. The maximum height which may be approved for a communication tower is 150 feet. However, if a tower is designed and constructed to accommodate more than one antenna, the height may be increased up to 200 feet. A lighting rod, not to exceed 10 feet, shall not be included within the height limitations. All new towers in excess of 100 feet shall be designed to accommodate at least two additional providers. The location of additional antenna on a legally existing tower shall require additional approval from the Board of Zoning Appeals and Council.

(2) Tower color. All towers shall maintain a galvanized finish unless otherwise approved by the Board of Zoning Appeals and Council.

(3) Tower design. All communication towers shall be encourage to be of a monopole design unless recommended by the Board of Zoning Appeals and required by the City Council to be architecturally compatible to the surrounding development.

(4) Setbacks. Towers shall be set back from the property line a minimum of two-thirds the height of the tower for a monopole tower and a minimum setback equal to the height of guyed or lattice towers. Accessory buildings shall meet the setbacks of the zoning district in which they are located.

(5) Advertising device. No advertising devices permitted on tower such as logos, banners, flags.

(6) Separation requirements. All communication towers, except those designed as an architecturally compatible element in terms of material, design and height to the existing or proposed use of the property, shall comply with the following distance separation requirements:

MINIMUM DISTANCE BETWEEN TOWERS

Towers greater than 100' in height - 1,500'
Towers 100' or less in height - 1,000"

The Board of Zoning Appeals may recommend and the City Council shall have the ability to grant a deviation from the separation standards. In support of a deviation request from the separation standards, the applicant shall submit a technical study acceptable to the city which confirms that there are no other suitable sites available

(7) Parking areas and drives. All parking areas and drives associated with the communications tower shall comply with Zoning Ordinance requirements.

(8) Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication towers unless repairs to the tower are being made.

(9) Accessory uses.

(a) Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, and shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.

(b) All accessory buildings shall be constructed of building materials consistent with the primary use of the site and shall be subject to site plan or final development plan approval. Where there is no primary use other than the tower the building materials for the accessory building shall be subject to the review and recommendation of the Board of Zoning Appeals and approval of the City Council.

(10) Lighting. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights of way.

(11) Screening and landscaping. The base of the tower shall be densely landscaped from view to a height of a minimum of six feet. The materials of a security fence, including any proposed razor wire or other security wire, shall be subject to the recommendation of the Board of Zoning Appeals and City Council. A continuous landscaped area shall be provided around the perimeter of the accessory building and

security fence. All plant materials shall include minimum height of six feet upon planting, a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived upon recommendation by the Board of Zoning Appeals and approval of the City Council.

(G) Security for maintenance or removal of antenna or tower. In order to ensure that the owner maintains or removes any antenna or tower as required by the following subsections, the owner shall provide the following to the city:

(1) Financial security in the form of a bond, letter of credit, or other financial security as required by the Board of Zoning Appeals and City Council.

(2) Right of access.

(H) Tower maintenance. To insure the structural integrity of towers, the owner of a tower shall insure that it is maintained in compliance with standards contained in the building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days the Building Inspector shall report the noncompliance to the Board of Public and Safety. Section 152.20 Unsafe Building Code. The Board of Works may then order the removed or repaired at the owner's expense and may draw upon the financial security to recover incurred costs.

(I) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. The property owner or tower owner shall notify the City Planning Department within 30 days, by certified mail in the event the communication tower is no longer in use or abandoned. The owner shall be notified by the Planning Director by certified mail, return receipt requested, of such determination and be given 15 days to respond. If the owner fails to respond or acknowledges that the tower or antenna has not operated for a continuous period of more than 12 months, the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the Board of Public Works and Safety notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Board of Public Works and Safety may remove such antenna or tower at the owner's expense, ' 152.20 Unsafe Building Code, and may draw upon the financial security to recover incurred costs. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
(Ord. 1862, passed 10-6-97)

GENERAL REGULATIONS

' 150.30 NON-CONFORMING USES.

The following provisions shall apply to all non-conforming uses.

(A) A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the board of zoning appeals in accordance with the provisions of this chapter.

(B) Any non-conforming structure damaged by fire, flood, ex-plosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

(C) In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, such non-conforming use shall not be resumed, except with the approval of the board of zoning appeals.

(D) Any sign not conforming to the provisions of ' 150.36 shall be removed within 10 years from the effective date of this chapter, or within 10 years from the date the sign becomes non-conforming whichever is later.
(Ord. 799, passed 12-18-70)

' 150.31 ACCESSORY USES.

(A) Definitions. For the purposes of this section the following words and phrases shall have the meaning ascribed them respectively.

(1) "SWIMMING POOL." Any artificial basin of water constructed, modified, or improved for wading, swimming, or diving. The term does not include artificial lakes. The term includes the following:

(a) "SWIMMING POOL, IN-GROUND." Any pool whose sides rest in partial or full contact with the earth.

(b) "SWIMMING POOL, ON-GROUND." Any pool whose sides rest fully above the surrounding earth.

(c) "SWIMMING POOL, RESIDENTIAL." Any in-ground pool or on-ground pool capable of a water depth greater than 42 inches (1,067 mm) and all pools installed inside a residence for noncommercial use as a swimming pool by not more than two owner families and their guests.

(B) Swimming pools shall be permitted as an accessory use, provided the following conditions are met:

(1) Minimum yard requirements of the zoning lot in which the swimming pool is to be located, pursuant to ' 150.20, shall be observed.

(2) A residential pool shall be provided with a suitable handhold around its perimeter in areas where depths exceed three feet six inches. Handholds shall be provided no farther apart than four feet and shall consist of any one or a combination of items listed as follows:

(a) Coping, ledge, or deck along the immediate top edge of the pool that provides a slip-resistant surface of at least four inches minimum horizontal width and located at or not more than 12 inches above the waterline.

(b) Ladders, stairs, or seat ledges.

(c) A secured rope or railing placed at or not more than 12 inches above the waterline.

(3) Rope anchor devices shall be installed at a minimum of one foot and a maximum of two feet on the shallow end side of a point of change in floor slope. In pools where the slope change occurs in water depths less than four feet six inches, a transition rope supported by buoys shall be installed.

(4) Local building and electrical permits, issued pursuant to Ch. 152, shall be required prior to the commencement of construction.

(5) Access to residential pools shall be restricted by one of the following means:

(a) Walls or fencing not less than four feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.

(b) Other means not less than four feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.

(c) A combination of divisions (A)(3)(a) and (A)(3)(b) that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked. This applies to divisions (A)(3)(a) and (A)(3)(b) and this division only.

(d) A power safety pool cover that (for in-ground pools): shall provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool; shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key; or key and switch; or touch pad with a personal access code; is installed with track, rollers, rails, guides or other accessories necessary to accomplish items (A)(3)(a) and (A)(3)(b), in accordance with the manufacturer's instructions; and shall bear an identification tag indicating that the cover satisfies the requirements of ASTM F 1346-19 (Reapproved 2003), Standards Performance Specification for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas and Hot Tubs, as published by ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959 for power safety pool covers.

(6) Not less than the following lifesaving equipment shall be installed with each residential swimming pool:

(a) A ring or throwing buoy fitted with 40 feet of one-fourth inch diameter line.

(b) A pole not less than 12 feet in length.

(c) Access to a telephone.

(7) Electrical service (N.I.P.S.C.O. service to house; meter/weather head; and underground) shall meet N.E.C. 90 Edition Sec. 680 (Separation and clearance is required from pool, ten foot minimum for overhead service and five foot minimum for underground service).

(8) Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

(9) Time switches. Time switches that can automatically turn off and on heaters and pumps according to a pre-set schedule shall be installed on swimming pool heaters and pumps. Exceptions:

(a) Where public health standards require 24-hour pump operation.

(b) Where pumps are required to operate solar and waste heat recovery pool heating systems.

(10) Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water's surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12. Exception: pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy sources.

(11) Local building and electrical permits issued pursuant to Ch. 152, shall be required prior to commencement of construction.

(12) Minimum yard requirements of the zoning lot in which the swimming pool is to be located, pursuant to ' 150.20(C), shall be observed. Swimming pools shall not be constructed in any utility or drainage easements.

(13) No final certificate to occupy pool area will be issued until all inspections are approved, required fence and gates are installed, and all regulations of I.A.C. 14-4.3-270 are met. It shall be a violation to use pool prior to the issuance of a certificate of occupancy.

(C) Residential fences. A fence shall be permitted as an accessory use in all residential zoning districts, except in floodways, provided the following conditions are met:

(1) A fence shall not exceed seven feet in height if located in a rear or side yard; however, when a lot has two front yards, such as a corner lot, a fence shall not be constructed within the required yard area or within the required building setback line.

(2) No fence shall be constructed of man-made materials in a front yard, except as otherwise provided in this section.

(3) A fence may be constructed on a side or a rear property line, provided that the property line does not lie in a parkway or in a street right-of-way.

(4) A fence composed of artificial materials shall be constructed of wooden, masonry, or metal building materials; and no fence shall be constructed of hazardous materials, or of or in conjunction with materials likely to cause injury, such as, without exclusion, barbed wire, broken glass, sharp objects, or electrically-charged wire.

(D) Business and industrial fences. A fence shall be permitted as an accessory use in business and industrial zoning districts, except in floodways, provided the following conditions are met:

(1) A fence may be constructed within side and rear yard property lines of a lot, provided that the height of the fence does not exceed eight feet, and provided that, if the fence is located on a corner lot, the fence shall not be constructed within a radius of 30 feet of the intersection of two street right-of-way lines.

(2) A fence composed of artificial materials shall be constructed of wooden, masonry, or metal building materials, and no fence shall be constructed of hazardous materials, or of or in conjunction with materials likely to cause injury, such as, without exclusion, barbed wire, broken glass, sharp objects, or electrically-charged wire; provided, however, that for security purposes a fence may have strung across its top one or more strands of barbed wire, but not above a height of two feet over the eight-foot height limitation of division (D)(1) above.

(3) A solid, opaque fence or a thick vegetative planting consisting of shrubs or hedges not less than five feet in height shall be required on and along rear or side yards of any improved business or industrially-zoned lot that abuts residentially-zoned land or a lot or other parcel of land used for residential purposes, except as may be approved by variance by the city=s Advisory Board of Zoning Appeals.

(E) Required fences. In business and industrial zoning districts, a property owner shall erect and maintain a fence, not less than five feet in height, completely enclosing containers used for the collection of refuse, including, without exclusion, dumpsters, trash cans, wastebaskets, boxes, garbage bags, garbage containers, paper bags, and plastic bags. The location of a refuse containment area shall meet minimum setback requirements of the zoning district.

(F) Garages and storage sheds. In residential zoning districts, detached garages and storage sheds, as defined in Ch. 150 and Ch. 152, are permitted as accessory uses in conjunction with the primary use or structure on a zoning lot, upon the following conditions:

(1) A detached garage shall not exceed 900 square feet in area, nor 16 feet in height, and shall meet minimum setback requirements of ' 150.20.

(2) Multi-family unattached garages 80 feet or less in length are permitted with a 16-foot setback from the multi-family structures.

(3) Multi-family unattached garages exceeding 80 feet in length are permitted with a 16-foot setback from the multi-family structures, provided the local Fire Chief approves construction plans.

(4) Storage sheds less than 121 square feet in area are exempt from zoning and building permits, provided the accessory building shall not be constructed in any drainage, sewer, water, or other utility easements and shall meet all building setback requirements provided in ' 150.20.

(G) Yard storage. Storage of materials or equipment within a front yard setback of a lot within an industrial or business zoning district is prohibited.

(H) Garages, barns, storage sheds, silos and grain elevators in Agriculture Districts, are not restricted, if said structures are for agriculture uses on the land they are located; provided however, that all requirements of ' 150.20 for lot area and yard requirements are met.

(I) Fences in agricultural zones may be located on property lines and the use of barb wire and electric wire is permitted, provided the fence does not exceed seven fee in height.

(J) Electric-generating wind devices.

(1) Definitions. For purposes of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ELECTRIC-GENERATING WIND DEVICE (EGWD)" An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as electric utility interconnections and battery banks, in such configuration as necessary to convert the power of wind into mechanical or electrical energy and most commonly known as wind charger, windmill, wind turbine, and windspire.

"ELECTRIC-GENERATING WIND DEVICE HEIGHT." The total vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

"LATTICE TOWER." A self-supporting tower consisting of metal pieces that form a lattice tower structure used for an electric-generating wind device, but does not include any towers that use guy wires.

"MONOPOLE/UNIPOLE STRUCTURE." A self-supporting, free- standing structure consisting of a single metal pole used for an electric-generating wind device.

"ROOFTOP MOUNTED MONOPOLE/UNIPOLE." A single metal pole attached to a roof or the side of a structure that is used for an electric-generating wind device.

"VERTICAL AXIS WIND DEVICE (VAWD)." An electric- generating wind device with a turbine on a vertical axis which has a rated capacity of up to 60 kilowatts operating at the rated wind speed and is intended to supply electrical power for on-site use.

(2) General provisions. The following provisions apply to all electric-generating wind devices permitted by this section. General requirements:

(a) Electric-generating wind devices shall not cause electrical signal interference.

(b) Electric-generating wind devices shall not have any illumination located on the device or the structure supporting the device.

(c) There shall be no more than one electric-generating wind device permitted for each parcel or lot of record.

(d) Electric-generating wind devices shall comply with all other building codes and other federal, state and local regulations and the manufacturer's requirements for installation and operation.

(e) Electric-generating wind devices shall be a non- obtrusive color such as tan, sand, gray, black, white or similar colors. Galvanized steel or other metal is acceptable for the support structure for the electric-generating wind device.

(f) All towers, structures and supports with electric-generating wind devices shall be utilized for only the electric-generating wind devices and shall not have affixed any other components, appurtenances, or advertising signs.

(g) All climbing apparatus shall be located at least 15 feet above the ground and the tower must be designed to prevent climbing within the first 15 feet from top of foundation.

(h) Sound level or noise. An EGWD shall not exceed 55 decibels (dB) measured at the closest property line as regulated in ' 98.05 except during short-term events such as severe wind storms or utility outages.

(i) Shadow flicker. Shadow flicker is the visible flicker effect when rotating blades of a wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow. EGWD shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant for any EGWD has the burden of proving that any shadow flicker will not have significant adverse impact on neighboring or adjacent occupied buildings.

(j) Any electric-generating wind device that is not operated for a continuous period of 12 months shall be considered abandoned, and the owners of such device shall remove all structures within 90 days of receipt of notice from the city notifying the owner of such abandonment. If such device and structure is not removed within 90 days, the city may remove all devices and structures at the owner's expense and lien the property for costs of the removal.

(3) Rooftop mounted electric-generating wind devices requirements.

(a) Noise levels shall not exceed 55 decibels (dB), as measured at the owner's property line. The level however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

(b) No rooftop mounted electric-generating wind device shall be installed until evidence has been submitted that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.

(4) Application requirements.

(a) A standard drawing of the electric-generating wind device and support structure, including the tower, base, and electric connections.

(b) A plat plan or survey that shows the proposed location of the electric-generating wind device, including proposed setbacks in compliance with this section, the location and height of existing buildings, locations of all overhead utility lines.

(c) All permit fees shall be paid at the time of the issuance of the building permit, including the building permit fee, zoning fee and electrical permit fee.

(5) Zoning districts. Monopole/unipole structures supporting electric-generating wind devices are permitted in all zoning districts on lots or land parcels one acre or larger, subject to the following requirements:

(a) An electric-generating wind device height shall not exceed 100 feet in height except by Special Use approval by the Board of Zoning Appeals and City Council.

(b) Electric-generating wind device towers shall maintain a setback from all property lines equal to the height of the electric-generating wind device height.

(c) Minimum ground clearance shall be at least 25 feet from grade level to the blade tip at the lowest point.

(d) Shall be located in the rear yard.

(6) Rooftop mounted electric-generating wind devices are permitted in all zoning districts subject to the following requirements:

(a) The electric-generating wind device shall not exceed six feet in height measured from the peak of the roof to the center of the turbine.

(b) The electric-generating wind device shall have a minimum clearance of two feet from the roof peak to the blade tip at its lowest point.

(c) Rooftop electric-generating wind devices are prohibited from being located on any face of a structure facing any street from roof peak toward the street.

(7) Vertical axis wind devices. Vertical axis wind devices are allowed in all zoning districts subject to the requirements as provided in division (J)(5) of this section.

(8) Other laws, codes, ordinances. Any EGWD shall comply with all federal, state and local laws, including the Federal Aviation Administration regulations. The burden of proof for compliance of these regulations is the responsibility of the owner or applicant for any such EGWD.

(Ord. 799, passed 12-18-70; Am. Ord. 1547, passed 4-1-91; Am. Ord. 1896, passed 6-1-98; Am. Ord. 2003-08-36, passed 7-7-03; Am. Ord. 2008-08-28, passed 8-18-08; Am. Ord. 2009-10-32, passed 10-5-09; Am. Ord. 2010-10-18, passed 11-1-10; Am. Ord. 2012-10-27, passed 10-1-12; Am. Ord. 2013 04-05, passed 3-28-13)

' 150.32 OFF-STREET PARKING.

(A) Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts, except the B-1 business district, whenever any new use is established or existing use is enlarged.

USE	PARKING SPACES REQUIRED
Residential	2 per dwelling unit
Church and school	1 per 6 seats in principal assembly room
Hotels, motels, boarding houses and bed and breakfast establishments	1 for each living or sleeping unit
Private club or lodge	1 per 4 members
College residence hall or fraternity	1 per 4 occupants
Theater	1 per 4 seats
Hospitals and rest homes	1 per 3 beds and 1 for each 2 employees on maximum working shift
Professional offices, wholesale houses, and medical clinics	1 for every 250 square feet of floor space
Restaurants, cafeterias, taverns, bars and other eating or drinking establishments	1 space for every 2 patron seats
Restaurant(s) drive-in, through or pick-up food or drink service	1 space for every 2 patron seats plus 1 space for every 15 feet of customer waiting area
Shopping centers and any multiple use building	1 space for every 175 square feet of sales or office floor area (minimum of 5 spaces per unit)
Bowling alleys	5 for each alley
Recreational or assembly places; e.g., dance halls, night clubs; funeral homes	1 for every 100 square feet floor space
Industrial	1 for each 2 employees on the maximum working shift
Retail businesses	1 space for every 125 square feet

of sales floor area plus 1 space
for every 2 employees

(B) Minimum five car off-street parking lot required for each business or office located or provided for on the property.

(C) All off-street parking lots or driveways shall be constructed of concrete or asphalt (hot asphaltic concrete or hot asphaltic emulsion) all subject to the approval and satisfaction of the city engineer.

(D) All parking lots and driveways, in business, office, service, and residential uses over two units, and all non-residential uses, shall be designed with curbs; curbing may be waived upon the approval of the site development plan by the Advisory Plan Commission or by approval of the Advisory Board of Zoning Appeals.

(E) Parking lots shall be properly striped with a minimum 9-foot x 18-foot spaces with a minimum 24-foot driveway aisle (15-foot one-way) between parking area designated handicapped parking shall be provided pursuant to all local, state and federal law and the requirements of the federal Americans with Disabilities Act of 1990 and all regulations promulgated thereunder.

(F) (1) Parking lots, and all driveways providing access to parking lots, shall meet the minimum yard (setback) requirements of ' 150.20(A).

(2) Landscape, lawn, and grass areas. The required front yard area as provided in ' 150.20(A) shall be devoted to lawn, landscape and two approved trees to be planted in required front yard, not to exceed 50-foot separation and a minimum of two-inch caliper.

(G) Parking lots and drives to shall have proper drainage pursuant to city standards and any other requirements deemed necessary by the City Engineer.

(H) Parking lots adjacent to a residential lot or residence shall be screened with minimum five-foot high solid evergreen plantings; and/or a solid, opaque fence not less than five feet in height, as permitted and approved by the City Engineer.

(I) Parking lots for employees or storage areas for vehicles in an I-1 Industrial Zoned area, that are not accessible to the public, may be gravel only upon the approval of the Board of Zoning Appeals or by the Site Development Plan approved by the Plan Commission. The type(s), color(s) and grade of gravel utilized in such use shall be subject to the approval of the City Engineer.

(J) Parking lots may be located on a lot other than that containing the principal use as provided in a ' 150.18 permitted use, as described in Table A, only upon the approval of a Special Use.

(K) All lighting used to illuminate any off-street parking lot shall be so arranged to reflect the light away from any adjoining residential zone or residential use.

(L) Parking spaces shall not be permitted in or on any road, street, parkway or alley right-of-way or easement.

(M) Parking lots are to be constructed on vacant parcels of property shall require a zoning permit and approval of the City Engineer; and, if required by ordinance, a Special Use approval.

(N) Fire Lanes, appropriately signed, marked and designated, as required by the Fire Chief or any state or local fire code shall be designated in every parking lot.

(O) No motor vehicle maintenance, repair work, or storage of any motorized vehicles or component part thereof, shall be permitted or conducted in any parking lot.
(Ord. 799, passed 12-18-70; Am. Ord. 1633A, passed 8-3-92; Am. Ord. 1808, passed 7-3-96; Am. Ord. 2002-09-50, passed 10-7-02; Am. Ord. 2006-09-26, passed 9-5-06)

' 150.325 BICYCLE PARKING REQUIREMENTS.

(A) Bicycle parking spaces shall be provided in accordance with the specifications in this section.

USE	PARKING SPACES REQUIRED
Multi-family	1 p.s./3 units (preferably covered - only if garages/unit are not present)
Commercial/Retail/Office Space	5% of motor vehicle req. (min. 4 p.s./max. 40 p.s.)
Recreational (Community Parks or Recreational Facilities)	Minimum of 4 spaces - with more as required by city based on the approximate use of the facility (if the facility qualifies for motor vehicle req. - 30% of motor vehicle requirement)
Educational	1 p.s./20 students K-5 1 p.s./30 students 6-8 1 p.s./50 students 9-12
Hotels/Motels	5% of motor vehicle requirement if the main entrance is within 1,500 feet of a designated bike/ pedestrian path
Exemptions	Single- and two-family dwellings; warehousing and distribution; mortuaries; auto service; day care centers; car washes; drive-up establishments and airports

(B) Location and design elements.

(1) The racks shall be of the inverted U-structure design.

(2) The racks shall accommodate U-locks/chains and support bicycles at two locations on the rack.

(3) The racks shall have a thermoplastic powder coating and must be anchored securely to ground per the manufacturer's specifications.

(4) Bicycle parking should be reasonably and safely separated from vehicle parking (e.g. grade differences, landscaping, poles, etc.)

(5) Rack spaces shall be two feet by six feet per bicycle with a five foot wide access aisle from behind. Sidewalk adjacent may serve as access site.

(6) Parking spaces shall be within 50 feet of a main entrance to the business or residential establishment which it serves and be safely and conveniently located upon the premises (including lightning if appropriate for safety).

(7) Parking areas may be shared by and serve two separate venues if within 50 feet of one another.

(8) Parking areas should be easily accessible from bicycle trails, sidewalks and other non-motorized modes of transportation. (Ord. 2007-12-42, passed 12-3-07)

' 150.33 MOBILE HOME PARKS.

Mobile home parks, where permitted, shall be in accordance with the Mobile Home Parks Act of l955, as amended; the Indiana State Board of Health Regulations, as amended; and the requirements of this section.

(A) The minimum area of a mobile home park shall be five acres.

(B) Each mobile home site within the mobile home park shall have a minimum area of 3,600 square feet.

(C) Each mobile home site shall have a minimum width of 40 feet.

(D) Not less than l0% of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.

(E) The mobile home park shall be appropriately landscaped and screened from adjacent properties.

(F) The mobile home park shall meet all applicable requirements of the subdivision control code, Chapter 15l.

(G) Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks provided:

(1) They are subordinate to the residential character of the park;

(2) They are located, designed and intended to serve only the needs of persons living in the park;

(3) The establishments and the parking areas related to their use shall not occupy more than l0% of the total area of the park; and

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(H) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.
(Ord. 799, passed 12-18-70)

' 150.335 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS.

(A) Definition.

(l) For regulatory purposes, a "PLANNED UNIT DEVELOPMENT DISTRICT" shall be defined as land under unified control, planned and developed as a whole, in a single development operation or definitely programmed series of development operations including all land and buildings, for principal and accessory structures and uses substantially related to the character of the district, according to comprehensive and detailed plans which include not only streets, utilities, lot or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other; and with a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general expense.

(2) The application for the approval of planned unit development shall also be an application for a re-zoning to a "PLANNED UNIT DEVELOPMENT DISTRICT." The regulations for the district shall be those that are approved by the Common Council after proper processing and other approvals required herein. The use of the term "PLANNED UNIT DEVELOPMENT" or "PLANNED UNIT DEVELOPMENT PLAN" shall also mean "PLANNED UNIT DEVELOPMENT DISTRICT," when applicable.

(B) Statement of intent. The purpose of planned unit development district regulations is to encourage and allow for more creative and imaginative design for land development than is possible under conventional district regulations. The planned unit development district also provides for more efficient use of land

resulting in more economical land development, preservation of natural site qualities, better urban amenities, more open space, and a higher quality project are the normal results of the planned unit development process. The following objectives may be obtained through the use of a planned unit development district:

(l) To permit a maximum choice in the types of environment available to the public, by allowing a development that would not be possible under the strict application of other sections of this chapter;

(2) To promote a creative approach to the use of land and related physical facilities that results in better design and development with the inclusion of aesthetic amenities;

(3) To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design;

(4) To encourage a pattern of development to preserve natural vegetation, topograhic and geologic features, and environmentally appropriate features;

(5) To provide for the prevention or control of soil erosion, surface flooding, and the preservation of subsurface water;

(6) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development and the public at large, if appropriate;

(7) To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;

(8) To promote more efficient use of the land resulting in more economic networks of utilities, streets, and other facilities;

(9) To encourage a method for the permanent preservation of architectural and historic landmarks;

(l0) To encourage a land use which promotes the public health, safety, and welfare.

(C) General requirements.

(l) Planned unit development districts shall be so located in relation to sanitary sewer, storm and drainage surface systems, and other utility systems and installations that neither extension nor enlargement of those systems will be required in a form, character, manner, location, degree, scale, or timing resulting in higher net public costs or earlier incursion of public costs than would developments in forms generally permitted under existing zoning for the area.

(2) Planned unit development districts shall be so located with respect to necessary public facilities as to have access in the same degree as would development permitted under existing zoning; and shall be so located, designed, and scaled that access for public services is equivalent to, and net cost for services is not greater than access for public services for development as permitted under existing zoning.

(D) Procedure.

(l) Pre-application conference. All applicants interested in seeking approval for a planned unit development district shall meet with the City Engineer and director of the proposed project to clarify any questions regarding the procedure and steps the applicant is to follow.

(2) Workshop session with Plan Commission. An informal presentation of the applicant's project for review by the Plan Commission in order to receive an initial Plan Commission reaction to the proposed plan is required.

(a) The developer will submit a brief written description of the proposed project, with a sketch-plan of the proposed project. An appropriate number of copies must be submitted to the Commission two weeks in advance of the proposed workshop.

(b) After receiving staff and Plan Commission comments, the developer may proceed to preliminary plan approval or schedule another workshop, if needed.

(3) Preliminary plan approval.

(a) Purpose. The purpose of preliminary plan approval is to obtain tentative approval or commitments from the city that the plans, design, and program that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of final plan approval and subsequent construction. This is a relatively detailed submission, drawn to scale and dimensioned, that assures the developer that his plan is acceptable and that he can invest the money necessary to prepare final plans with the assurance that the final plan will be accepted, if it substantially conforms to the preliminary plan. It is at this stage that final modifications, adjustments, and interpretations are made to the sketch-plan previously submitted.

(b) Procedure. A request for preliminary approval of the planned unit development shall be submitted to the secretary of the Plan Commission, who shall refer it to the Plan Commission for public hearing. A report and recommendation of the Plan Commission to the Common Council on the preliminary approval of the PUD district is required. The required procedure for review of the preliminary plan shall be as follows.

l. Submission of the following:

a. Written application for review of the preliminary plan on forms prescribed by the city;

b. The applications shall be accompanied by the fee set by the Common Council for the application;

c. Sufficient supporting data, plans, or information to indicate the extent and nature of the proposal and that the project is ready for a public hearing. The public hearing shall not be held if these documents are not received.

2. A public hearing shall be scheduled and held by the Plan Commission in accordance with procedures established by the Plan Commission for such hearings.

3. Copies of the preliminary plan and supporting data shall be submitted to the Department of Planning and Development, the City Engineer, and the Building Commissioner at least two weeks in advance of the public hearing for their comments and review.

4. Following the public hearing and review of the preliminary planned unit development plan and supporting data for conformity to these regulations, the Plan Commission shall, within 45 days, unless an extension is requested by the petitioner,

recommend approval, modification, or disapproval, and the reason therefor, or indicate why a report and recommendation cannot be made to the Common Council. The Plan Commission shall set forth its reasons for recommending approval or denial based on the information received from the applicant, staff, and interested third parties.

5. The Common Council, after receipt of the preliminary planned unit development plan from the Plan Commission, shall approve, modify, or disapprove the preliminary plan within a period of 60 days unless an extension is requested by the petitioner. Upon preliminary approval, the planned unit development plan shall return to the Plan Commission for final plan approval. Approval of the preliminary plan shall not be deemed approval of the final plan.

(4) Final plan approval.

(a) Purpose. The purpose of the final plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands not so subdivided, into common open space and building sites. The final plan shows the exact location of facilities, while the preliminary plan shows the general scale location of the same facilities.

(b) Procedure. The final plan shall be submitted as a planned unit development plan and shall conform substantially to the preliminary plan as approved; and, if desired by the developer or required by the city, may be submitted in stages with each stage reflecting the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

l. A final planned unit development plan and other supporting data required for approval shall be submitted to the secretary of the Plan Commission two weeks before the Plan Commission meeting, and shall conform to the requirements of this section. Final plans and supporting data shall show in detail the design, location, and use of all buildings, facilities, and site improvements, as well as additional information the Plan Commission may require.

2. The final plan and accompanying engineering shall be approved by the City Engineer.

3. The final plan shall also be approved by the Director of Planning and Development and the Building Commissioner, and checked for conformance with this section by those two offices.

4. After review of the final plan, the Plan Commission shall recommend approval or disapproval of the final plan and the reasonstherefor, within 30 days, unless the petitioner requests an extension.

5. The Common Council, after receipt of the final plan from the Plan Commission, shall act upon the final plan within 60 days, unless the petitioner shall request an extension, and may pass an ordinance granting the Special Use Planned Unit Development District and authorizing the planned unit development and the issuance of the necessary permits. No permit shall be issued until the final plan and supporting data have been recorded by the County Recorder and shall be issued in full conformance with this section.

(5) Recording of the final plan. The final plan shall be recorded in conformance with the requirements of the county.

(E) Changes in the planned unit development. The planned unit development project shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together will all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the planned unit development set forth therein. Changes to the recorded planned unit development shall be made as follows:

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(l) Major changes. Changes which alter the concept or intent of the planned unit development, including changes in density, changes in the height of buildings, reduction of proposed open space, changes in total bedroom counts, changes in the development schedule, changes in the road standards, or changes in the final governing agreements, provisions, covenants, or other changes, may be approved only by submission and reconsideration of a new preliminary or final planned unit development plan and supporting data, and following the preliminary or final plan procedure. If the major change alters data or evidence submitted during the sketch-plan or preliminary plan stages, then resubmission must begin at preliminary plan stage. If only final plan data or evidence is altered as a result of the major change, then the resubmission shall begin at the final plan stage. If major changes are proposed, a new public hearing shall be required during the resubmission of the preliminary or final plan. All approved changes to the "original" final plan shall be recorded with the County Recorder as amendments to the final plan or reflected in recording of a new corrected final plan.

(2) Minor changes. The Plan Commission may, in accordance with procedure established in their rules, approve minor changes in the planned unit development which do not change the concept or intent of the development. Minor changes shall be any change not defined as a major change.

(F) Submission timing and reversion clause. The final plans must be submitted for approval in accordance with agreed-to scheduling. The first final plat must be submitted not later than one year from approval of the preliminary plan; and construction, as authorized by the issuance of a building permit, must begin within one year of date of the filing of the final plan dealing with such construction. In the event that this is not done, the planned unit development district shall revert to the zoning classification affixed to that property prior to the approval of the planned unit development district, or the Plan Commission shall initiate such zoning changes as it deems necessary to serve the public interest, with the approval of the Common Council. In addition, if sketch-plan approval is granted and the first preliminary plat is not submitted for review within one year of the approval, then the aforementioned procedure dealing with reversion shall be followed. If construction falls more than two years behind the building schedule filed with the final plan, the Plan Commission shall either extend the schedule period or initiate action to revert the zoning of the area of the planned unit development district. Extension in the building schedule for one-year periods may be recommended by the Plan Commission and granted by the Common Council.

(G) Occupancy. Upon the completion of the planned unit development, a portion thereof, or an individual building or element of the planned unit development in full compliance with the final planned unit development plan and supporting data, then and only then can a certificate of occupancy be issued by the Building Commissioner to allow the use of a building or facility.

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(H) Required information and data. The planned unit development plans and supporting data shall include at least the following information.

(I) Sketch-plan stage.

(a) Sketch-plan. A drawing of the planned unit development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The plan shall indicate the overall land use pattern, general circulation system, open space or park system, and the major features of the development. The sketch-plan does not require a detailed site plan of buildings, roads, walks, and the like. The sketch-plan should include:

l. Boundary lines or legal description.

2. Easements, general location, and purpose.

3. Streets on or adjacent to the tract (circulation pattern).

4. Land use pattern proposed.

5. Map data, name of development, name of site planner, northpoint, scale, date of preparation, and acreage of site.

(b) Site data. A written explanation of the graphic elements of the plan, including:

l. Description and quantity of land uses.

2. Description of residential units by type.

3. Number of dwelling units.

4. Estimated population.

5. Description of the development standards and design criteria.

(c) Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumption and choices of the developer.

(d) Ownership. A statement of the present and proposed ownership of all land within the project.

(e) Notification list. A list of all persons and addresses of the persons to whom notices of the public hearing to be held by the Plan Commission should be sent. (Developer, designer,

and the owners of land immediately adjoining within 300 feet of the proposed project.)

(f) Environment. A preliminary statement identifying existing natural and environmental resources and the method to protect the physical amenities of the site, including information on:

l. Topography.

2. Flood plains and surface hydrology.

3. Vegetation and natural coverage.

4. Soils and subsurface conditions.

5. Geology.

6. Scenic vistas and views.

(g) Utilities. A preliminary engineering study providing information on existing and proposed sanitary sewer, storm sewer, water, and other utilities necessary to adequately service the development.

(h) Traffic. A preliminary traffic analysis providing information on the existing road network and future improvements deemed necessary to service the development.

(i) Financial impact. A school and tax impact study shall be prepared indicating the impact of the development on local taxing bodies.

(j) Market study. Evidence showing the need and feasibility of the proposed development.

(k) Schedule. A preliminary development schedule indicating the approximate dates when construction of various stages of the development can be expected to begin and be complete.

(2) Preliminary plan stage.

(a) Detailed plan. A drawing of the planned unit development shall be prepared at a scale of not less than one inch equals l00 feet and shall show such designations as proposed streets (public and private), all buildings and the use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings must include:

l. Boundary lines. Bearing and distance.

2. Easements. Location, width, and purpose.

3. Streets on and adjacent to the tract. Street name, right-of-way width, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, and the like.

4. Utilities on and adjacent to the tract. Location, size, and invert relation elevation of sanitary, storm, and combined sewers, location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction, distance to, and size of nearest usable water mains and sewers adjacent to the tract, showing invert elevation of sewers.

5. Ground elevations on the tract. For land that slopes less than 0.5% show one-foot contour; for land that slopes more than 0.5% show two-foot contours; also show spot elevations at all breaks in grades, along all drainage channels or swales, and at points of special significance.

6. Subsurface conditions on the tract if required by Plan Commission. Locations and results of tests made generally to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet, location and results of soil percolation tests if septic tanks are proposed.

7. Other conditions on tract. Water courses, flood plains, marshes, rock out-crop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings, and other significant features.

8. Other conditions on adjacent land. Approximate directions and gradient of ground slope, including any embankments or retaining walls, character and location of major building, railroads, power lines, towers, and other non-residential land uses or adverse influences; owner of adjacent unplatted land. For adjacent platted land refer to subdivision by platter name and show approximate percent built-up, typical lot size, and dwelling type.

9. Zoning. Show zoning districts on and adjacent to the tract.

l0. Proposed public improvements. Highways or other major improvements planned for future construction on or near the tract.

ll. Open space. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated.

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l2. Structures. General location, purpose, and height, in feet or stories, of each building other than single- family residences on individually platted lots.

l3. Map data. Name of development, name of site planner, northpoint, scale, date of preparation, and acreage of site.

l4. Miscellaneous. Such additional information as may be required by the Plan Commission.

(b) Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumption and choices of the developer.

(c) Character. Explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the flexibility of these regulations, and referencing the general benefits that will accrue to the public as a result of planned unit development.

(d) Ownership. Statement of present and proposed ownership of all land within the project.

(e) Names. Names and addresses of persons to whom the notice of the public hearing to be held by the Plan Commission should be sent.

(f) Schedule. Development schedule indicating:

l. Stages in which project will be built, with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.

2. Approximate dates for beginning and completion of each stage.

3. If different land uses are to be included with the planned unit development, the schedule must include the mix of uses to be built in each stage.

(g) Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned unit development and any of its common open space.

(h) Density. Provide information of the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type.

(i) Non-residential use. Provide information on the type and amount of ancillary and non-residential uses, including the amount of common open space.

(j) Service facilities. Provide information on all service facilities and off-street parking facilities.

(k) Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of development, the design of the building, and the number, size and type of dwelling unit. Also provide floor area of building types and total ground coverage of the buildings.

(l) Landscape plans. Preliminary plans for plant materials, earth sculpturing, berming, and aesthetic features shall be submitted.

(m) Facilities plans. Preliminary plans for information, adequate to indicate that the proposed development can be reviewed, shall be submitted for:

1. Roads, including classification, right-of-way width, and width of pavement.

2. Sanitary sewer.

3. Water supply system.

4. Storm drainage.

5. Lighting program.

6. Sidewalks, paths, and cycle trails.

(n) School impact study. Provide information on the student load and financial impact on the local school districts, including expected scheduling of potential students.

(o) Tax impact study. Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project.

(p) Traffic analysis. Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by planned unit development. Also an analysis should be made of the adequacy of the internal vehicular circulation pattern.

(q) Market study. Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.

(3) Final plan stage.

(a) Final detailed plan. A final planned unit development plan suitable for recording with the County Recorder shall be prepared. The purpose of the final plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other land, not so treated, into common open areas and building areas. The final plan shall include:

l. An accurate legal description of the entire area under immediate development within the planned unit development.

2. A planned unit development plan of all lands which are a part of the final plan being submitted, and meeting all the requirements for a final plan. If lands which are a part of the final plan are to be subdivided, then a subdivision plan is also required.

3. An accurate legal description of each separate unsubdivided use area including common open space.

4. Designation of the exact location of all buildings to be constructed.

5. Certificates, seals, and signatures required for dedication of lands, and recording the document.

6. Tabulation on separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.

(b) Common open space documents. All common open space shall be either conveyed to municipal or public corporations, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, verifying that the common open area will be permanently preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of that corporation to impose a legally enforceable lien for the maintenance and improvement of common open space.

(c) Public facilities. All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plan or a subdivider bond posted to guarantee construction of the required improvements. The subdivider bond, payable to the city, shall be sufficient to cover the total cost of the improvements plus l0%. Detailed construction plans shall be submitted for all public facilities to be built.

(d) Construction plans. Detailed plans shall be submitted for the design, construction, or installation of site amenities, including buildings, landscaping, lakes, and other site improvements.

(e) Construction schedule. A final construction schedule shall be submitted for that portion of the planned unit development for which approval is being requested.

(f) Guarantee deposit. A deposit shall be made to the city in the form of cash, letter of credit, or maintenance bond approved by the Plan Commission, in a form acceptable to the City Attorney equal to 15% of the estimated cost of public facility installation. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the city for a period of l8 months from the date of acceptance of the facilities by the city. After the l8-month period, the deposit shall be refunded if no defects have developed; or if any defects have developed, then the balance of the deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.

(g) Delinquent taxes. A certificate shall be furnished from the appropriate county official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the title have been paid.

(h) Covenants. Final agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned unit shall be recorded at the same time as the final planned unit development plan.

(l) Standards. The planned unit development must meet the following standards in lieu of the standards specified in the zoning code:

(l) Comprehensive plan. A planned unit development must conform with the planning objectives of the city as specified in that portion of the comprehensive plan.

(2) Size and ownership. The site of the planned unit development should be a minimum of five acres and should be under a single owner or unified control.

(3) Compatibility. The uses permitted in a planned unit development must be of a type and so located as to exercise no undue detrimental influence upon the surrounding properties. In addition, a planned unit development shall not endanger the public health, welfare, or safety; nor shall it substantially diminish or impair the values in the neighborhood in which it is to be located.

(4) Character and uses. The planned unit development must be of a character and contain such uses that are needed in the area of the proposed project.

(5) Density. The density of a planned unit development (either in dwelling units for residential, or floor area for other uses) shall generally correspond to the density regulations imposed by the underlying or previous zoning district. However, increases in density may be granted in accordance with the provisions of division (I)(ll) below. The density of the planned unit is not necessarily required to precisely correspond with the normal density of the underlying or previous zoning district, but instead should reflect the district's character through complementary building types and architectural design.

(6) Yard, height, and bulk requirements. Yard, height and bulk requirements shall conform to the requirements of the underlying or previous zone in which the proposed planned unit development is to be located, unless specifically varied by the Plan Commission as part of the planned unit development process. (Example: If a planned unit development is located in an R-l zone, it would have to meet the setback requirements of that zone.)

(7) Parking requirements. Parking requirements shall be in conformance with the standards set forth within this section.

(8) Traffic. Adequate provision shall be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(9) Design standards. The provisions of Chapter 15l of this code shall be adhered to unless a variance is granted by the Common Council.

(l0) Industrial performance standards. If industrial uses are included in the planned unit development, industrial performance standards, as specified in the industrial districts herein, shall be adhered to and may not in any instance be waived.

(ll) Departure from standards. The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and specific content regulations of this section to the extent specified in the preliminary plan and document authorizing the planned unit development, so long as the planned unit development provides tangible benefits to the neighborhood or community in which it is located. The waiver of any requirements shall be the direct cause of accrual of positive benefits to residents of the development as well as to the general community. Departure from any requirement specified in this section or other city ordinances is a privilege, and shall be granted only upon recommendation of the Plan Commission to the Common Council, and only with the approval of the Common Council.

(J) Findings. The Plan Commission shall, after the public hearing, set forth to the Common Council the reasons for the recommendations, and those recommendations shall set forth with particularity in what respects the proposal would be in the public interest, including, but not limited to, finding of fact on the following:

(I) In what respects the proposed plan is consistent with the stated purpose of the planned unit development district regulations.

(2) The extent to which the proposed plan meets the requirements and standards of the planned unit development district regulations.

(3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property; including, but not limited to, the density, dimensions, area, bulk, and use; and the reasons why the departures are deemed to be in the public interest.

(4) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation, and visual enjoyment.

(5) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhoods.

(6) The desirability of the proposed plan as regards physical development, tax base, and economic well being of the city.

(7) The conformity with planning objectives of the city.

(K) Conditions and guarantees. Prior to the granting of any planned unit development district, the Plan Commission may recommend, and the Common Council shall stipulate, such conditions and restrictions upon the establishment, design, location, lay-out, height, density, construction, aesthetics, operation, and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified in this section. In all cases in which planned unit developments are granted, the Board of Public Works and Safety shall require such evidence and guarantees as it may deem necessary as proof of the conditions stipulated in connection with the approval of the planned unit development. (Ord. 799, passed l2-l8-70; Am. Ord. l259, passed 4-4-83)

' 150.34 TEMPORARY STRUCTURES.

(A) Temporary structures and/or construction trailers used in conjunction with construction work or emergencies are temporary permitted uses in business, highway service, office service and industrial districts. The Building Commissioner may issue permits for no more than two such temporary structures and/or construction trailers per each construction project for a period of time not to exceed 12 months provided all other building and zoning laws or requirements are met.

(B) Requests for a temporary sales office, seasonal sales office, and temporary construction trailers or structures in a residential district that exceed 12 months may only be permitted after the approval of a variance, subject to any reasonable time limits or other conditions that may be imposed, by the Advisory Board of Zoning Appeals.

(C) All other building or other permits required by any state or local building or zoning law shall be obtained prior to the issuance of any permit by the Building Commissioner for any temporary structure.
(Ord. 799, passed 12-18-70; Am. Ord. 1800, passed 5-9-96)

' 150.35 (RESERVED).

' 150.36 HOME OCCUPATIONS.

The purpose of this section is to allow for home occupations which are compatible with the neighborhoods in which they are located. A permit for home occupation may be granted by the Board of Zoning Appeals as a special use in a residential zone if such use complies with all of the following criteria:

(A) The home occupations shall be conducted wholly within the enclosed living area of the dwelling unit or attached garage but not in any other accessory or detached structure. "ATTACHED GARAGE" as used in this section, shall mean an outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof or, at the least, connected to the dwelling by a completely enclosed breezeway.

(B) The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not a part of the family.

(C) There shall be no exterior evidence of the conduct of a home occupation other than signs permitted in Section 150.35 (A).

(D) Electrical or mechanical equipment which creates visible or audible interference with radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise, vibrations, smoke, dust, odors, heat or glare not normally associated with residential uses is prohibited.

(E) The home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

(F) The establishment and conduct of a home occupation shall not change the principal character of use of the dwelling unit involved. Not more than 20% of the usable space in the dwelling unit shall be devoted to the home occupation.

(G) The home occupation shall not involve the extensive use of heavy commercial vehicles for delivery of materials to or from the premises.

(H) In the event a special use home occupation is recommended by the Board of Zoning Appeals and approved by the Common Council of the City, the Building Administrator shall thereafter issue a permit for the home occupation for the period of one year from the date of the Common Council approval. No permit shall be issued until Administrative Building Council requirements have been met and approval obtained. Request for a renewal shall be filed with the Building Administrator and renewals of the permit shall be for a period of two years thereafter from the filing of the request and after review by the Building Administrator to verify continued compliance with the necessary criteria established with the initial approval. A permit fee of $10 will be required.

(I) In the event the Building Administrator determines that any home occupation granted after the effective date hereof or any home occupation previously granted and not in compliance with existing or prior law as applicable thereto, then the Building Administrator shall notify the operator of the home occupation to comply with all necessary conditions and criteria within 30 days of the notice of noncompliance. If the operator of the home occupation fails to comply or agree to comply within a specific period of time designated by the Building Administrator, then legal action to enforce the requirements of existing or prior law, as the case may be, shall be taken.

(J) In the event the Building Commissioner determines that any home occupation granted after the effective date hereof or any home occupation previously granted and not in compliance with existing or prior law as applicable thereto, then the Building Commissioner shall notify the operator of the home occupation to comply with all necessary conditions and criteria within 30 days of the notice of noncompliance. If the operator of the home occupation fails to comply or agree to comply within a specific period of time designated by the Building Commissioner, then legal action to enforce the requirements of existing or prior law, as the case may be, shall be taken.
(Ord. 799, passed 12-18-70; Am. Ord. 972, passed 7-5-77; Am. Ord. 1159, passed 3-2-81; Am. Ord. 2009-12-37, passed 12-7-09)

' 150.37 OFF-STREET LOADING.

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles utilizing this space. In no case will loading or unloading be permitted within public rights-of-way.
(Ord. 799, passed l2-l8-70)

' 150.38 PERFORMANCE STANDARDS.

All uses established or placed into operation after the effective date of this chapter shall comply with the following performance standards in the interests of protecting the public health, safety and welfare, and lessen injury to property. No use in existence on the effective date of the chapter shall be so altered or modified to conflict with these standards.

(A) Fire protection. Fire fighting equipment and prevention measures acceptable to the city fire department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

(B) Electrical disturbances. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.

(C) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

Cross-reference:

Noise control regulations, see Chapter 98

(D) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

(E) Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.

(F) Air pollution. No use shall discharge across the lot lines flyash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property.

(G) Heat and glare. No use shall produce heat or glare in such a manner as to create a nuisance perceptible from any point beyond the lot lines.

(H) Water pollution. No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties and conflict with water pollution standards established by public agencies.

(I) Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations.
(Ord. 799, passed 12-18-70)

ADMINISTRATION AND ENFORCEMENT

' 150.50 ADMINISTRATIVE RESPONSIBILITY.

The Plan Commission shall establish the procedures and responsibilities for the administration and enforcement of this chapter in accordance with the following provisions and state legislation.
(Ord. 799, passed 12-18-70)

' 150.51 PERMITS.

No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of this chapter, or unless a written order is received from the Board of Zoning Appeals, the Plan Commission, or a court in accordance with this chapter and state legislation.

(A) An improvement location permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered. If an improvement location permit is issued the applicant shall apply for an occupancy permit, which permit shall not be issued until the structure is complete and compliance with this chapter is in evidence.

(B) An occupancy permit shall be obtained before any person may:

(1) Occupy or use any vacant land;

(2) Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, or structurally altered;

(3) Change the use of a structure or land to a different use; or

(4) Change the use of a nonconforming use.

A temporary occupancy permit may be issued for a period not exceeding 6 months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as necessary to protect the safety of the occupants and the public.

(C) No improvement location permit shall be required for:

(1) Essential Services as defined in ' 150.02;

(2) Patios, landings, balconies, decks less than 30 inches height from lot grade; retaining walls less than four feet in height; lawn furniture, play equipment; tree houses and fences.

(D) All applications for permits shall be accompanied by a plot plan which is drawn to scale and shows clearly and completely:

(1) The location, dimensions, and nature of the property;

(2) The location and dimensions of any existing or proposed structures;

(3) All adjoining thoroughfares and any existing or proposed access to these thoroughfares;

(4) The existing and proposed use of all structures and land; and

(5) Other information such as water, sewer, and drainage information may be necessary to determine conformance with this chapter.

(E) If the work described in any permit has not begun within l80 days from the date of issuance thereof, the permit shall expire and a written cancellation notice shall be sent to the property owner.

(F) If the work described in any permit has not been completed within 2 years of the date of issuance thereof, the permit shall expire and a written cancellation notice shall be sent to the property owner. Further work shall not proceed unless a new permit is obtained.

(G) All grading performed on individual parcels of real property or upon subdivision lots shall be in conformance with a grading plan submitted with and as a part of the application for a building permit. The grading plan must indicate final elevations and grades, and must be prepared and certified by a professional engineer or land surveyor licensed by this state, and shall bear his stamp at the time of submission. The grading plan shall be designed so as to minimize surface water drainage onto adjacent lots or parcels of real property, and so as to minimize flooding or ponding conditions on the subject subdivision lot or parcel of real property. If a subdivision lot, the grading plan shall additionally be in substantial conformance with the subdivision grading plan or storm drainage plan, if any. Before an occupancy permit may be issued, a professional engineer or land surveyor licensed by this state must certify in writing that the grades of the improved subdivision lot or parcel of real property are in substantial conformance with those shown on the grading plan first submitted pursuant hereto, or as amended, if the amendment has been approved by the City Engineer. Thereafter, the Building Commissioner may issue an occupancy permit, provided all other requisites for such a permit have been satisfied. All engineering and surveying costs incurred by an applicant for an occupancy permit shall be the responsibility of that applicant.

(1) However, the following activities for which a building permit is required are exempted from the provisions and requirements of this division (G):

(a) Residential room additions.

(b) Residential swimming pools.

(c) Garages on residential lots or parcels.

(d) Storage sheds on residential lots or parcels.

(2) The provisions of this division (G) shall apply only to lots and parcels of real property first platted after December 31, 1985.

(3) A lot owner whose property is subject to this division shall not change the grades of the lot so as to materially deviate from the grading plan, without having first obtained the written approval of the City Engineer.

(H) Improvement Location Permit Fees:

(1) Residential, commercial, industrial,
agricultural $50.00

(2) All additions, garages/carports, in-ground swimming pools and other accessory building.....$25.00

(3) All signs - free-standing and on building $20.00

(Ord. 799, passed 12-18-70; amend. Ord. 1166, passed 5-4-81; amend. Ord. 1180, passed 7-6-81; amend. Ord. 1258, passed 2-7-83; amend. Ord. 1574, passed 3-4-91; amend. Ord. 1576, passed 5-6-91; amend. Ord. 2003-03-07, passed 3-3-03; Am. Ord. 2009-01-02, passed 1-5-09)

' 150.52 FEES.

(A) The Planning Department shall charge and collect fees for applications or petitions filed pursuant hereto. No part of any fee paid pursuant to this section shall be refunded to the applicant or petitioner, unless the application or petition is withdrawn prior to publication of public notice. The applicant or petitioner shall assume and pay all publication costs for the legal notices and costs relating to individual notices to property owners required by law. The following fees shall be charged to and payable by the applicant or petitioner, as the case may be, at the time the application or petition is filed:

(1) Zone changes:
Agricultural and Residential .....$150 plus $5 per acre
Multi-family/Business/Office Service/Highway Service/ Industrial Zones ..... $250 plus $5 per acre

(2) Site development plan approval..... $100

(3) Board of Zoning Appeals petitions:
Appeal of administrative authority $50
Variance (Residential Zones) $50
Variance (Multi-family/Business/ Office Service/Highway Service/ Industrial Zones)..... $100
Special Use, Use Variances.....$100 plus $5 per acre

(B) Any petitioner or applicant who requests, or whose petition requires, a special meeting of the Advisory Plan Commission or the Advisory Board of Zoning Appeals shall pay in advance to the scheduling of said special meeting a fee to the city in the sum of $1,200 for each special meeting of the Advisory Plan Commission so required and the sum of $550 for each special meeting of the Advisory Board of Zoning Appeals so required.

(Ord. 799, passed 12-18-70; amend. Ord. 1013, passed 3-6-78; amend. Ord. 1304, passed 3-5-84; amend. Ord. 1508, passed 10-2-89; Am. Ord. 1798, passed 3-4-96; amend. Ord. 1838, passed 3-3-97; Am. Ord. 2005-09-28, passed 9-6-05; Am. Ord. 2007-08-26, passed 8-6-07)

' 150.53 METHOD OF APPEAL.

Any person aggrieved or affected by any provision of this chapter, or by any decision of the administrator, may appeal to the Board of Zoning Appeals, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by certiorari.
(Ord. 799, passed 12-18-70)

BOARD OF ZONING APPEALS

' 150.60 GENERAL.

In accordance with state law, the Mayor shall appoint a Board of Zoning Appeals, which Board may adopt rules to govern its procedure. The Board of Zoning Appeals shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law. When permitting any appeal, variance, special exception, or change of a nonconforming use, the Board may impose such
conditions and requirements as it deems necessary for the protection of adjacent property and public interest. (Ord. 799, passed 12-18-70)

' 150.61 APPEALS.

The board shall have the power to hear and decide appeals from any order, requirement, decision, grant, or refusal made in the administration of this chapter. (Ord. 799, passed 12-18-70)

' 150.62 VARIANCES.

Variances from development standards of the zoning ordinance. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A variance may be approved under this section only upon determination in writing that:

(A) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

(B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(C) The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property.
(Ord. 799, passed 12-18-70; amend. Ord. 840, passed 10-2-72; amend. Ord.
2002-05-19, passed 5-2-02)

' 150.621 VARIANCE OF USE FROM TERMS OF ZONING ORDINANCE.

A Board of Zoning Appeals shall recommend to the legislative body for a favorable or unfavorable or no recommendation for variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:

(A) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

(B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(C) The need for the variance arises from some condition peculiar to the property involved;

(D) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

(E) The approval does not interfere substantially with the comprehensive plan.
(Ord. 2002-05-19, passed 5-2-02)

' 150.63 SPECIAL EXCEPTIONS.

The board of zoning appeals shall hear and decide on applications for special exceptions to the terms of this zoning code in the classes of cases set forth hereinafter. The board may authorize an exception if it has determined that such authorization is consistent with the spirit of this chapter, and that the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(A) Granting. After a public hearing has been noticed and held in the manner prescribed hereinafter for variations and appeals, the board of zoning appeals may allow, as a special exception, the following:

(1) The same off-street parking facility to qualify as a required facility for 2 or more uses, provided the substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;

(2) A nonconforming use or building to be continued beyond the period of time prescribed for the termination thereof, provided

that the extension of time shall be granted within 6 months before the end of the original period, and shall be no longer than the original termination period. However, the board may, after public hearing noticed and held, renew any extension of time within 6 months before the end thereof, but not for longer than the

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original termination period and in no case for longer than l0 years.

(3) In a residentially zoned district on sites not less than l0 acres in area, outdoor recreation uses, including the dispensing of food or beverages, or any merchandise or equipment directly related to the recreational use, and provided further that:

(a) Paved off-street parking be provided in an amount as determined by the board of zoning appeals.

(b) Trash and litter control and collection be pro-vided by the petitioner.

(B) Restrictions. The board of zoning appeals may impose such restrictions and conditions upon the premises benefitted by an exception as may be necessary to prevent injurious effect therefrom upon other property in the neighborhood and to better carry out the general intent of the chapter.

(C) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of ' 150.38.

(D) The special exception shall be sited, oriented and landscape to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

(E) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(F) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(G) The special exception shall preserve the purpose of this chapter.

(H) The petitioner to whom a special exception is granted shall commence construction consistent with the authorization of the board of zoning appeals within one year. If the petitioner fails to commence construction within one year, the authorization of the board of zoning appeals shall automatically terminate and expire. The authorization of the board of zoning appeals may be reinstated by said board upon good cause being shown by the petitioner or his successor in interest.
(Ord. 799, passed l2-l8-70; amend. Ord. 840, passed l0-2-72; amend.
Ord. 895, passed l0-7-74)

' 150.64 NON-CONFORMING USES.

The board shall have the power to authorize changes of lawful non-conforming uses as follows:

(A) A non-conforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they

existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located. No change of a non-conforming use shall entail structural alterations or any additions other than those required by law for the purpose of safety and health.

(B) The board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.

(C) Any change of a lawful non-conforming use authorized by the board of zoning appeals shall be acted upon within one year of the board's authorization. If the petitioner fails to make the change within one year, the authorization of the board of zoning appeals shall automatically terminate and expire. The authorization of the board of zoning appeals may be reinstated by the board upon good cause being shown by the petitioner or his successor in interest. (Ord. 799, passed l2-l8-70; amend. Ord. 840, passed l0-2-72)

AMENDMENTS

' 150.70 GENERAL.

The council may introduce and consider amendments to this chapter and to the zone map, as proposed by council, by the plan commission or by a petition by the owners of 50% or more of the area involved in, or defined by, the petition.
(Ord. 799, passed l2-l8-70)

' 150.7l PETITIONS.

Petitions for zone map change shall be filed with the city planning department, and the petitioner, upon such filing shall, whether or not the proposed change is enacted, pay a fee as required in ' 150.52, and shall pay the publication costs of all required public notices.
(Ord. 799, passed l2-l8-70; amend. Ord. 1508, passed 10-2-89)

' 150.72 REFERRAL.

Any proposed amendment not originating from the plan commission shall be referred to the plan commission for consideration and report before any final action is taken by council. The plan commission shall hold a public hearing, as prescribed by law, and report its findings and recommendations in writing to the council within such reasonable time after the public hearing as the council may specify in the referring action.
(Ord. 799, passed l2-l8-70)

' 150.73 ACTION.

After receiving the plan commission's report, city council may proceed to take action on the proposed amendment. In the event the report of the plan commission is adverse to the proposed amendment, the amendment ordinance shall not be passed except by an affirmative vote of at least 75% of the members of council. Failure of council

to pass such proposed amendment ordinance by affirmative vote within 90 days after its rejection by the Plan Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Plan Commission or Council until the expiration of one year after the date of its original rejection by the Plan Commission.
(Ord. 799, passed l2-l8-70)

SIGNS

' 150.80 PERMITS AND FEES REQUIRED; EXCEPTIONS.

(A) A fee as per ' 152.55 shall be collected by the Clerk-Treasurer when the sign permit is issued.

(B) Every application for a permit shall be accompanied by a plan or plans drawn to scale, and shall include the following:

(1) The dimensions of the sign, and when applicable, the dimensions of the wall surface of the building to which it is to be attached.

(2) The dimensions of the sign's supporting members.

(3) The maximum and minimum height of the sign.

(4) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.

(5) A current photograph of the face of the building to which the sign is to be attached, when applicable.

(C) While these exceptions would not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance, and its compliance with the provisions of this subchapter, the following changes or activities do not require a sign permit.

(1) The changing of the advertising copy or message of a painted, plastic face, or printed sign; provided, however, except for signs specifically designed for the use of replaceable copy, electric signs are not included in this exception.

(2) The electrical maintenance, repainting, or cleaning of a sign.

(3) The repair of a sign.

(4) Placement of temporary signs on the real estate for the purpose of sale or lease of that real estate, and temporary construction signs upon real estate on which the construction is taking place.

(5) Political signs, subject to the provisions of ' 150.88(E).
(Ord. l298, passed l2-5-83; Am. Ord. 2007-04-11, passed 5-7-07) Penalty, see ' 150.99

' 150.8l NONCONFORMING SIGNS.

(A) Any sign or sign structure lawfully existing or under construction at the time of the adoption of this subchapter or of a later amendment, but whose location or use does not conform with that required or permitted in the regulations herein, shall be known as "NONCONFORMING." Thereafter, such signs will continue to be nonconforming but will be also considered obsolete and subject to the regulations thereof.

(B) A nonconforming sign shall not be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, excepting routine maintenance or relocation in whole or in part to any other location where it would remain nonconforming.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07) Penalty, see ' 150.99

' 150.82 INSPECTION.

(A) All signs for which a permit is required shall be subject to inspection by a representative of the city who shall be authorized to enter at all reasonable times upon any property or premises to ascertain compliance with provisions of this subchapter.

(B) The city may order the removal of any sign that is not in accordance with the provisions of this subchapter, or take such other legal or equitable action as may be required to insure compliance therewith.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07)

' 150.83 ERECTION, MAINTENANCE, AND REPAIR.

(A) Every sign, and all parts, portions, units, and materials comprising it together with the frame, background, supports, or anchorage thereof, shall be built in accordance with applicable building codes.

(B) Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times; including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign.

(C) If the sign is not made to comply with applicable safety standards, the Building Department may require its removal in accordance with this subchapter.
(Ord. 298, passed 2-5-83; Am. Ord. 2007-04-11, passed 5-7-07) Penalty, see ' 150.99

Cross-reference:
Building code, see ' ' 152.50 - 152.61

' 150.84 ALTERATIONS.

No sign shall be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of this subchapter. The repainting, changing of parts, or preventative maintenance of signs shall not be deemed to be an alteration if performed by the sign permit holder.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07) Penalty, see ' 150.99

' 150.85 UNSAFE AND UNLAWFUL SIGNS.

(A) If the Planning and Building Department shall find that any sign is unsafe or insecure, or is a public nuisance, or has been constructed, erected or is being maintained in violation of the provisions of this subchapter, then that Department shall give written notice of the nonconformance to the person who owns or manages the property.

(B) Failure to remove or alter the sign so as to comply with the standards herein set forth within ten days after notice, or failure to file an appeal with the Board of Zoning Appeals within permissible time limits, shall subject such sign to removal or alteration by the city at the expense of the owner of the property upon which it is located.

(C) The Planning and Building Department may cause any sign which it determines is an immediate peril to persons or property to be removed summarily and without notice.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07)

' 150.86 REMOVAL OF OBSOLETE SIGNS.

(A) With the exception of an approved billboard, any sign that does not advertise a bona fide business conducted on the zoning lot, or a product sold on the zoning lot, shall be removed by the owner, agent, or person having the beneficial use of the property upon which the sign may be found, within ten days after written notification thereof by the Planning and Building Department.

(B) Upon failure to comply with the notice within the time specified in the order, the city may cause removal of the sign, and any expense incident thereto shall be paid by the owner of the property upon which the sign is located or attached.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07)

' 150.87 GENERAL STANDARDS.

(A) Signs advertising real estate for sale or lease may be permitted upon the real estate that is for sale or lease, and shall not exceed 32 square feet in area unless otherwise restricted by ordinance or statute, in which case the more stringent requirements will prevail.

(B) Signs advertising acreages of over 20 acres for sale or lease shall be permitted on the real estate for sale or lease, and shall not to exceed 96 square feet in area unless otherwise restricted by ordinance or statute, in which case the more stringent requirements will prevail.

(C) No sign shall be attached to a tree, utility pole, or be located in a public right-of-way.

(D) Permitted signs shall be located on the zoning lot where the structure or event advertised upon the sign is located.

(E) The following signs are exempt from the regulations of this subchapter:

(1) Memorial signs and tablets or monuments.

(2) Address numerals and signs not exceeding 1.5 square feet, bearing the names of occupants of the premises in residential districts.

(3) Governmental flags and insignia and legal notices.

(4) Governmental signs.

(F) No sign shall rotate, display animation or be of the animation type, but may be LED, electronic message board or electronic digital signs. These signs shall reduce their brightness at dusk and cannot change messages for eight seconds. The signs shall not flash. (Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07; Am. Ord. 2009-09-30, passed 10-5-09) Penalty, see ' 150.99

' 150.88 DISTRICT REGULATIONS.

(A) All districts. In all zoning districts, highway directional signs and markings shall be made and installed in accordance with the specifications of the state or city. Included shall be signs announcing the location of, or directing traffic to, given locations which include, but are not limited to, the following:

(1) Service areas for automobiles, food, and lodging.

(2) Public and quasi-public information signs.

(3) Business or business districts.

(B) Square footage, height and setback requirements:

	ON BLDG.	MIN. FRONT	MIN. SIDE	FREE STANDING	PROJECTION DEPTH	MAX. HEIGHT	MIN. REAR
C-1		50	20				20
A-1		50	20				20
RES.		N/A	NA			N/A	N/A
B-1	*	0	0		12"	30'	0
B-2	100 SF***	15	8	200 SF**	18"	30'	10
B-3	100 SF***	35	10	200 SF**	18"	30'	10
HS	100 SF	35	10	200 SF**	18"	30'	10
I-1	100 SF	30	20	200 SF**	18"	30'	20
OS-1	100 SF	30	10	200 SF**	18"	30'	20

* 3 square feet per linear foot of building frontage

** total for all businesses

*** for more than one tenant in a commercial strip mall, plaza, or center, 3 square feet per linear foot of each individual business frontage, not to exceed 100 sq. ft. per business

(C) All Residential (R-1, R-2, R-3) and Conservation Districts (C-1). In all residential and conservation districts the following listed signs are permitted subject to the regulations noted after each.

(1) Name plates and identification signs, subject to the following: Area and number. For multiple-family dwellings, apartments, hotels, and buildings other than dwellings, a single identification sign not exceeding 12 square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed, provided that on a corner lot, two such signs, one facing each street, shall be permitted.

(2) Location. Permitted signs shall be located directly upon the structure or premises within the buildable area of the zoning lot, depending on the permitted use.

(3) Height. No sign shall be located higher than the first floor of the building on which it is located, nor higher than six feet, if free-standing.

(4) Illumination. No sign in this category may be illuminated except by indirect lighting (no back lighting).

(5) Projections. Signs mounted upon dwelling structures shall be flush and not project more that two inches beyond the surface of the structure upon which it is mounted.

(6) For sale or for rent signs and temporary construction signs shall be subject to the following:

(a) Area and number. There shall not be more than one such sign per zoning lot, except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed 16 square feet in area.

(b) Location. Permitted signs may be located within the front yard, but not within ten feet of another zoning lot. Signs may be located on the permitted structure or use, but not within any road right-of-way.

(c) Illumination. No sign under this category may be illuminated.

(d) Projections/mounting. A sign mounted to a permitted structure or use must be flush and not project beyond two inches from the surface upon which it is mounted, and shall not be of the flashing or intermittent type.

(D) Bulletins for non-dwelling uses shall be subject to the following:

(1) Area and number. There shall be not more than one sign per zoning lot except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed 50 square feet in area.

(2) Location. A permitted sign may not be located within any required yard and it shall not be closer than 25 feet to any other zoning lot.

(3) Setback. A permitted sign shall be set back from the front property line 30 feet.

(4) Height. No sign shall be higher than six feet above the curb level.

(5) Illumination. Permitted signs may be illuminated, but only so as to not shine on any adjacent property or onto a public highway so as to interfere with the vision of motorists. The message and illumination shall not be of the flashing or intermittent type.

(6) Projection/mounting. If a permitted sign is located upon a building, it shall be mounted flush and shall not project more than 18 inches from the surface of the building on which it is mounted.

(E) Temporary political signs shall be subject to the following:

(1) Area and number. Not more than one sign on behalf of a candidate for political office or for a political party is permitted. Each sign shall not exceed 32 square feet in area.

(2) Location/setback. Signs permitted in this category may be located only within the boundaries of the zoning lot of each permitted use.

(3) Illumination. No sign shall be illuminated.

(4) Removal. Removal of signs permitted under this category shall be the responsibility of the candidate or political party advertised, and shall be removed within five days after the election. Signs may not be erected earlier than 30 days prior to the applicable election day.

(5) Projection/mounting. No sign shall be mounted on a dwelling structure except for placement in windows.

(F) B-1 Business District. In the B-1 Business District, the following signs are permitted, subject to approval by the Historic Preservation Commission and the regulations noted after each:

(1) Signs on marquees, canopies, and awnings shall be subject to the following:

(a) Area and number. On each marquee, canopy, or awning, the name and address of the establishment on the premises or zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.

(b) Location. The location of permitted marquees, canopies, and awnings will determine the location of signs on each.

(c) Height. All signs shall have the same height as the marquee, canopy, or awning on which they are located.

(d) Projection/mounting. No sign shall project more than 12 inches from the surface area of the marquee, canopy, or awning on which it is located, but shall be affixed flat and flush to the surface when feasible.

(e) Illumination. Signs permitted under this category may be illuminated but not of the flashing or intermittent type

(2) Business identification signs subject to the following:

(a) Type, area, and number. Only signs that depict the name, address, number or logo of the business located on the zoning lot

shall be permitted under this category. The area of all signs shall not exceed three square feet for each lineal foot of frontage of the zoning lot.

(b) Location. All signs under this category shall be located directly upon the building located on the zoning lot.

(c) Height. No sign permitted under this category shall be higher than the permitted uses, or higher than 30 feet above curb level, whichever is less.

(3) Perpendicular/projecting (shingle or blade) business identification signs. Permits for perpendicular/projecting signs located on state designated highways are required to obtain written permission for such encroachment from the Indiana Department of Transportation (INDOT) prior to issuing a building permit.

(a) Type, area and number.

1. Only one sign per business under this category that depicts the business name, address number, or logo of the business shall be permitted under this category.

2. Such signs shall be double faced as long as the opposing sign surfaces are parallel to each side and the same design is identical to the design on the opposite side.

3. The surface area of such signs shall not exceed eight square feet per face.

4. Such projections signs shall not exceed one and one-half inches in thickness.

(b) Location. All signs under this category shall be mounted directly on the ground level facade of the building near the entrance to business.

(c) Height. No signs installed under this category shall have any part lower than eight feet from the elevation of the existing sidewalk.

(d) Projections. No signs under this category shall project more than 55 inches from the building wall. No part of the sign shall be closer than 12 inches from the inside edge of the street curb, as measured from a line extended vertically from the inside edge of the street curb.

(e) Spacing. Spacing between signs shall be no less than 20 feet measured from the center of the proposed sign to the center of the closest projections sign.

(f) Corner building. Signs under this category which are applied on corner buildings may use a sign projecting from a point at which two walls meet to form a corner and may be oriented in any direction. Such projecting signs shall not exceed one and one-half inches in thickness.

(g) Stacking. In instances where a second floor business exists, stacking of projection signs may be permitted, not to exceed eight square feet of area. The lower sign in such application shall advertise the business on the first level. The sign above shall advertise the second floor business.

(h) Illumination. No signs permitted under this section shall be internally illuminated. The source of illumination shall be mounted on the building from which the sign is fixed, or mounted on the hanging apparatus from which the sign hangs. Illumination of such signs shall not be red, green or amber in color.

(i) Shape. Projection sign shape shall satisfy the Downtown Historic District Design Guidelines.

(j) Hangers/bracket supports. Projection sign hangers and supports shall satisfy the Downtown Historic District Design Guidelines. Supports shall not attach to sidewalks.

(G) Business District (B-2 and B-3), I-1 and OS-1. The following listed signs are permitted subject to the regulations following each.

(1) Signs on marquees, canopies, and awnings, subject to the following:

(a) Type, area, and number. On each marquee, canopy, or awning, the name and address of the establishment on the premises or zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.

(b) Projection/mounting. No signs permitted under this category shall project beyond the surface area of the marquee, canopy, or awning on which it is located and shall be mounted flat and flush to the surface.

(2) Business identification signs in (B-1, B-2, B-3, I-1, HS-1, OS-1) zones shall be subject to the following:

(a) Type, area, and number. Only signs that depict the name, address, number or logo for each business located on a zoning lot shall be permitted under this category. Signs for each business may be located on the building, and all signs in total shall not exceed 100 square feet in total area. The other identification sign shall be part of one free-standing sign not to exceed 200 square feet in size, which

shall be for the purpose of identification of all businesses located on the zoning lot.

(b) Height. No sign permitted under this category shall be higher than the permitted uses, or higher than 30 feet above curb level, whichever is less.

(c) Projection/mounting. A sign on a building shall be mounted flush, and no sign shall project beyond the top of the permitted building or beyond 18 inches from the wall surface of the permitted buildings.

(3) Traffic signs or signs accessory to parking areas shall be subject to the following:

(a) Type, area, and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance. Each sign shall not exceed nine square feet in area, one sign per parking area, designating the conditions of use or identity of the parking area and limited to a maximum size of nine square feet, provided that on a corner lot no more than two such signs, one facing each street, may be permitted.

(b) Setback. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.

(c) Height. No sign under this category shall exceed a height of five feet above curb level.

(d) Projection/mounting. Signs permitted under this category may be mounted or erected upon standards or separate supports.

(e) Illumination. Signs permitted under this category may be illuminated only from within the structure of the sign itself and so as not to create a hazard to motorists, and shall not be of the flashing or intermittent type.

(H) Billboard signs outside of the I-65 Corridor may be permitted only within the B-2 and B-3 Districts subject to the following:

(1) Type, area, number, and administrative approval. One free-standing sign which depicts information concerning products not sold or services not provided on the zoning lot upon which it is located and which sign does not exceed 300 square feet in area, may be permitted subject to other provisions within this division and after approval of a site development plan approval.

(2) Location. A permitted billboard under this category shall be located within the buildable area of the zoning lot. No sign

shall be located closer than 1,320 feet to any residential district or 660 feet to any B-1 zoning district.

(3) Setback. A permitted billboard sign under this category shall be subject to the same setback as permitted uses.

(4) Spacing. No billboard sign shall be spaced or located closer than 2,500 feet to any other billboard sign.

(5) Height. A sign permitted under this category shall not be higher than 35 feet above curb level of the nearest adjoining road.

(6) Illumination. Signs permitted under this category may be illuminated but not of the flashing or intermittent type.

(I) Billboard signs within the I-65 Corridor may be permitted only within the B-2 and B-3 Districts subject to the following:

(1) Type, area, number, and administrative approval. One free-standing sign which depicts information concerning products not sold or services not provided on the zoning lot upon which it is located and which sign does not exceed 672 square feet in area, may be permitted subject to other provisions within this division and after approval of a site development plan approval.

(2) Location. A permitted billboard under this category shall be located within the buildable area of the zoning lot. No sign shall be located closer than 300 feet to any residential district or no closer than 660 feet to any B-1 zoning district.

(3) Setback. A permitted billboard sign under this category shall be no closer than 20 feet or no farther than 200 feet from the right-of-way of I-65. The location of the billboard will be coordinated with any existing or proposed berms, trails, or landscaping required under the I-65 Buffer Zone Development Guidelines.

(4) Spacing. No billboard sign shall be perpendicularly spaced or located closer than 1,250 feet to any other billboard sign with the I-65 Corridor.

(5) Height. A sign permitted under this category shall not be higher than 65 feet above curb level of the nearest adjoining road.

(6) Illumination. Signs permitted under this category may be illuminated but not of the flashing or intermittent type.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07; Am. Ord. 2009-03-07, passed 3-2-09; Am. Ord. 2009-09-30, passed 10-5-09; Am. Ord. 2013-10-16, passed 10-9-13) Penalty, see ' 150.99

' 150.89 FLAGS, PENNANTS, AND BANNERS.

Use of flags, pennants, or banners are permitted within the B-1, B-2, B-3, and I-1 zoning districts, subject to the following:

(A) Type, area, and number. Flags, pennants and banners affixed to the physical real estate, building, or the building's structural improvements may be permitted on a zoning lot in accordance with requirements herein set forth.

(B) Location. All permitted flags, pennants, and banners must be affixed to the building or its structural improvement. No flags, pennants, or banners may be located within any required yard. Any portion of the zoning lot or adjoining lots under the same ownership shall be considered the same location.

(C) Setback. All flags, pennants, or banners must be set back at least the same depth as required building setback line from all rights-of-way or property lines, whichever is greater.

(D) Height. No flags, pennants, or banners shall exceed a height of 30 feet above curb level.

(E) Illumination. No flags, pennants, or banners shall be illuminated.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07; Am. Ord. 2013-10-16, passed 10-9-13) Penalty, see ' 150.99

' 150.90 PORTABLE ADVERTISING SIGNS OR DISPLAYS.

(A) Portable advertising signs or displays, such as sandwich boards or "A" framed boards, which are not permanently affixed to real estate or structural improvements thereon, are not in conformance with sign provisions herein and shall not be permitted.

(B) Portable advertising signs, displays, and vehicles located within the public right-of-way shall be permitted only upon application to and by approval of the Board of Public Works and Safety.

(C) For purposes of this subchapter "PERMANENTLY AFFIXED" shall mean fastened or secured in accordance with the design and material specifications of applicable building codes.
(Ord. 1298, passed 12-5-83; Am. Ord. 2007-04-11, passed 5-7-07; Am. Ord. 2013-10-16, passed 10-9-13) Penalty, see ' 150.99

' 150.99 PENALTY.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of any regulation in or any provisions of this chapter or of any

regulation enacted hereunder by the Board of Zoning Appeals. The Board or the Plan Commission may institute a suit for a mandatory injunction directing the removal of a structure erected in violation of this chapter. Any police officer or code enforcement officer who witnesses a violation of the above is hereby empowered to effect the immediate removal of the offending structure and cite the offending owner of the structure and/or landowner. Any structure or use that violates this chapter shall be deemed to be a common nuisance and the owner of the structure or land shall be liable for maintaining a common nuisance. Any person who violates any provision of this chapter shall upon conviction be fined not less than $10 and not more than $300. Each day that the violation continues shall constitute a separate offense. (Ord. 799, passed 12-18-70; Am. Ord. 2007-04-11, passed 5-7-07; Am. Ord. 2013-12-20, passed 1-7-14)

CHAPTER 151: SUBDIVISION CONTROL

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GENERAL PROVISIONS

' 151.01 SHORT TITLE.

This chapter shall be known and may be cited as the subdivision control code.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.02 PURPOSE.

This chapter is adopted in accordance with the comprehensive plan for the following purposes:

(A) To assist the orderly and efficient development of the city;

(B) To promote the health, safety, morals and general welfare of the residents of the city;

(C) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.03 COMPLIANCE REQUIRED.

This chapter shall apply to all subdivision of land within the city and shall require compliance as follows (I.C. 36-7-4-700):

(A) No person proposing a subdivision shall proceed with any grading or improvements for streets or the installation of public utilities until the primary plat of the proposed subdivision has been approved by the Plan Commission.

(B) No person proposing a subdivision shall sell, agree to sell, transfer, lease or otherwise convey or dispose of any lot, parcel or tract in the proposed subdivision, or construct or commence the construction of any building in the proposed subdivision, until the secondary plat thereof has been approved by the Commission and recorded in accordance with the provisions hereof.

(C) No permit to erect, alter, repair or place any building upon land in a subdivision shall be issued until a plat of subdivision has been approved by the Commission and recorded, and improvements required by the Plan Commission have been constructed or the construction thereof guaranteed as herein provided.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.04 EXCEPTIONS PERMISSIBLE.

Where, owing to special conditions not intentionally created or assumed by a subdivider or owner, a literal enforcement of this chapter would result in unnecessary hardship, the Plan Commission may make some reasonable exception thereto. Such exception shall not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.05 CONFLICTS, HIGHEST STANDARD TO GOVERN.

Whenever there is a difference between minimum standards of dimensions specified herein and those contained in other regulations, resolutions or ordinances of the city, county or state, the highest standards shall govern.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.06 JURISDICTIONAL AREA.

This chapter shall apply to all incorporated land within the city.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.07 DEFINITIONS.

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

(A) "INCLUSIONS." Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "person" includes a partnership, a corporation and unincorporated association. The word "shall" is mandatory.

(B) "ALLEY." A permanent service way providing secondary means of access to abutting lands.

(C) "BLOCK." Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.

(D) "BUILDING." Any structure, or part thereof, affixed to the land.

(E) "BUILDING SET-BACK LINE." A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

(F) "CLEAR SIGHT TRIANGLE." An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

(G) "COMMISSION OR PLAN COMMISSION." The Crown Point Plan Commission.

(H) "COMPREHENSIVE PLAN." The Comprehensive Plan of Crown Point, on file with the City Clerk-Treasurer, indicating the general locations recommended for circulation facilities, community improvements and land uses.

(I) "CROSS WALK." A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

(J) "CUL-DE-SAC." A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

(K) "ENGINEER." The City Engineer or a designated engineering consultant.

(L) "HALF STREET." One side of a street divided longitudinally by a property line.

(M) "HEALTH BOARD." The Indiana State Board of Health.

(N) "INSPECTOR." An authorized representative of the city or the Commission assigned to make any or all necessary inspections of the work performed and materials furnished by the developer.

(O) "LOT." A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In

determining the size of a lot, no part of a street right-of-way or cross walk may be included.

(P) "LOT DEPTH." The mean horizontal distance between the front and rear lines of a lot.

(Q) "LOT DOUBLE FRONTAGE." A lot, the generally opposite ends of which both abut on streets.

(R) "LOT WIDTH." The mean horizontal distance between side property lines of a lot.

(S) "PLAT." A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

(T) "STREET." A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as follows:

(1) "ARTERIAL STREETS." Street providing for traffic movements between traffic generation areas.

(2) "SECONDARY STREETS." Streets providing connection primarily between arterial streets or arterial and local streets.

(3) "LOCAL STREETS." Streets serving primarily as access to abutting properties not intended as major arteries carrying through traffic.

(U) "SUBDIVIDER." Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

(V) "SUBDIVISION."

(1) The division of a parcel of land into lots, parcels, sites, units, plats, or interests for the purpose of offer, sale lease, or development, either on the installment plan or upon any and all other plans, terms or conditions, including resubdivision, subdivision includes the division of development of land zoned for residential and nonresidential uses whether by deed, metes, and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(2) Exempt Divisions - the following parcels are exempt from the definition of Asubdivision@ as found in ' 150.02(A):

(a) Division of land for agriculture purposes only;

(b) Division of land into 20 acre parcel or more for single family residential use, provided parcel meets the minimum lot frontage requirement and not involving any new street or easement of access.

(c) Parcels and lots of record prior to adoption of Ordinance 766 passed 12-2-68.

(W) "WATERCOURSE." Includes channel, creek, ditch, drain; river and stream.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97; Am. Ord. 1924, passed 12-7-98)

PROCEDURE FOR SUBMISSION OF PLATS

' 151.10 ADVISORY MEETINGS (WORKSHOPS).

A person desiring approval of a plat of a subdivision may appear before the Plan Commission to discuss his proposal before filing an application for primary plat approval. No fee or formal application is required for this meeting. Its purpose is to save the subdivider time and money.

(A) The subdivider should submit a letter of intent describing generally the area which he intended to subdivide and setting forth such items as:

(1) The proposed use of the land, its present zoning, and any change of zoning needed;

(2) Existing features and land characteristics of the area;

(3) The approximate size of the proposed development;

(4) Availability of park, recreation and school facilities;

(5) Availability of city and other utilities, and proposed plan for securing water, and disposing of sewage and storm water;

(6) Proposed access to existing streets; and,

(7) A description of any other miscellaneous developmental features.

(B) The subdivider should be prepared to discuss the details of his proposed subdivision, and should also submit a sketch plan as outlined in ' 151.21.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.11 PRIMARY PLAT, APPLICATION AND SUBMISSION.

After the advisory meeting, the subdivider shall submit an application for approval of a primary plat to the Commission. The application shall

be on a form provided by the city and shall be submitted at least 21 days prior to the regular commission meeting at which the application is to be considered. The application shall be accompanied by the following:

(A) Twelve copies of all maps and data as set forth in ' 151.22.

(B) Certified list of adjacent property owners.

(C) A check or money order to cover the cost of checking and verifying the proposed plat, in the amount set forth in ' 151.55.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97; Am. Ord. 2005-12-44, passed 12-5-05)

' 151.12 PRIMARY APPROVAL OF APPLICATION.

The Commission shall review the application at its next regular meeting after proper submission and shall give workshop approval or return the application to the subdivider with reasons for disapproval. If workshop approval is given, the Commission shall proceed as follows:

(A) Copies of the maps and data sheets submitted shall be delivered to the engineer for his consideration and recommendations.

(B) Copies of the maps and data sheets submitted shall be delivered to the local telephone, gas and electric companies for their consideration and recommendations as to the adequacy of the utility easements. The Commission shall also secure recommendations for street lighting for the proposed subdivision and the amount of deposit in excess of the anticipated revenue which will be required by Northern Indiana Public Service Company prior to making street light installations.

(C) Upon receiving recommendations from the engineer to the local telephone, gas and electric companies, the Commission shall notify the applicant of any changes which have been recommended, in order that the subdivider may make such changes. The Commission shall then set a date for a public hearing, notify the applicant in writing, and notify by general publication and otherwise any persons or governmental units having a probable interest in the proposed plat. Publication of the notice of public hearing shall be at the applicant's expense.

(D) After public hearing, the Commission shall approve, conditionally approve, or disapprove the primary plat, setting forth reasons and providing the subdivider with a copy. If the primary plat is disapproved, the subdivider may submit a new primary plat.

(E) Approval of a primary plat shall be effective for a period of 12 months, unless extended for good cause by the Commission. No extension shall exceed 12 months.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.13 SECONDARY PLAT.

After primary plat approval is obtained, the subdivider shall submit an application for secondary plat approval at least 21 days prior to the regular Plan Commission meeting. The secondary plat shall conform to the requirements of ' 151.23. The application shall be accompanied by:

(A) Twelve black or blue line prints, three reproducible ink tracing of the plat upon tracing cloth or film (mylar), and one plat drawing recorded on computer disk in AutoCAD format specified by the engineering department.

(B) A certificate that all improvements required by this chapter and applicable ordinances have been installed in accordance with specifications and standards of construction of the city; or

(C) A bond to the city guaranteeing that the improvements will be installed, or a deposit of funds or securities in escrow that will cover the cost of the improvements as estimated by the engineer, and set forth in ' 151.24. Such bond or escrow shall be fixed and approved by the Board of Public Works and Safety, and may be released only by the city, as hereinafter provided.

(D) A check or money order to cover the cost of inspecting the installation of the improvements in the amount set forth in Table "C".

(E) A check or money order to cover the amount of deposit in excess of anticipated revenue required by Northern Indiana Public Service Company prior to the making of street light installations, which shall be paid over to Northern Indiana Public Service Company by the city.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97; Am. Ord. 2005-12-44, passed 12-5-05)

' 151.14 SECONDARY PLAT APPROVED.

If the Plan Commission finds that the secondary plat is in accordance with the requirements of this chapter, the president and secretary, or other authorized members, shall endorse the plat and return it to the subdivider. If disapproved, the Commission shall attach to the original tracing of the secondary plat a statement of the reasons for such action and return it to the subdivider.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.15 RECORDING.

No plat shall be recorded until approved by the Commission and signed by the commission officers. Unless a plat is duly recorded within 180 days from the date of secondary plat approval, the Commission approval of the plat shall expire and shall be of no effect until reinstated.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

PLAT SPECIFICATIONS

' 151.20 GENERAL REQUIREMENTS.

In a subdivision for residential use of less than five lots and where the lots abut existing public roads and utilities, the Commission may waive data requirements such as topographic, street and utility information where the Commission deems such information is unnecessary.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.21 SKETCH PLAN.

(A) Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

(1) Legal description of the subdivision;

(2) Proposed name;

(3) Date, scale, and north arrow;

(4) Name and address of the owner, subdivider, planner, and engineer or surveyor preparing the plat;

(5) A small scale drawing of the section or government subdivision of the section in which the subdivision lies, with the location of the subdivision indicated thereon;

(6) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;

(7) Present zoning and requested zoning;

(8) Location, widths, type of construction of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-ways, parks, cemeteries, watercourses, drainage ditches and wetlands, regulated drains, soil erosion control measures, swamps, low areas subject to flooding, permanent buildings, bridges, and other pertinent data as determined by the Plat Officer.

(9) Indication of the gross land area of the subdivision and computation of the density as defined in this chapter;

(10) Type of development anticipated on the lots;

(11) General statement as to how surface water drainage will be handled;

(12) General statement as to how sewage will be treated and how domestic water will be supplied;

(13) Topographic information, which may be of a very general nature, such as is obtainable from U.S.G.S. maps or elevations. Such topographic information shall be referenced to U.S.G.S. datum;

(14) Proposed layout width of all new streets and proposed pavement widths;

(15) All soil types according to the published soil survey;

(16) Approximate location and area of property proposed to be dedicated for public use, or to be reserved by deed covenant, for use of all property owners in the subdivision with the proposed conditions, if any, of such dedication or reservation;

(17) Lot numbers and lot dimensions;

(18) If the individual lot sewage disposal systems are proposed in the subdivision, soil maps prepared from the published soil survey showing all soil types

(19) Such other information shall be supplied by the subdivider which may be deemed necessary by the Plan Commission or staff toward proper sketch plan review.
(Ord. 1861, passed 8-4-97)

' 151.22 PRIMARY PLAT.

The following maps and data shall be submitted with the application for primary plat approval. These maps and data may be on separate sheets or combined on one sheet, depending on the size and complexity of the proposed subdivision.

(A) Location map of the proposed subdivision showing:

(1) Location within the city;

(2) Zoning of the tract and adjacent properties.

(3) Existing related streets including the distance therefrom.

(B) Site map of the proposed subdivision and all lands within at least 100 feet of its boundaries showing:

(1) Contours of the site at vertical intervals of two feet if the general slope is less than 10%, and at intervals of five feet if the general slope is greater than 10%;

(2) Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings, or nonresidential usage of land;

(3) Names of owners of properties adjacent to the subdivision; provided, that the Commission may make reasonable modification of this requirement where ownerships are numerous.

(4) Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs and sidewalks;

(5) Finished land grades throughout the subdivision to eliminate ponding of water and to prevent erosion by surface runoff;

(6) Existing and proposed easements, including widths and purposes;

(7) Utilities, including the size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines;

(8) Areas subject to periodic overflow of flood or storm waters and wetland delineation;

(9) Subsurface conditions, including information about ground water levels and soil type;

(10) Tract boundary lines by calculated distances and bearings;

(11) Proposed tree plantings and landscaping; and

(12) Title, graphic scale, north point and date.

(C) Subdivision plat of the proposed subdivision drawn at a scale no smaller than 100 feet to one inch showing:

(1) Subdivision name;

(2) Names and addresses of owner, subdivider, and person who prepared the plan;

(3) Street pattern, including the names (which shall not duplicate existing streets in the city unless it is an extension of an existing street), widths of rights-of-way of streets, widths of easements for alleys, approximate grades of streets, widths of easements for alleys, approximate grades of streets where they exceed 8%;

(4) Layout of lots, including dimensions, numbers, building set-back lines or front yard lines;

(5) Parcels of land dedicated or reserved for schools, parks, playgrounds or other public or community use;

(6) Key plan, legend, notes, graphic scale, north point and date.

(D) Engineering plans for the proposed subdivision showing:

(1) Profiles, cross-sections and specifications for proposed street improvements;

(2) Profiles and other explanatory data concerning installation of water distribution systems (including fire hydrant locations), storm sewers, and sanitary sewers;

(3) A report on the feasibility of connection to an existing sewage system, including distances to the nearest public sewer, service load of the subdivision, and capacity of the treatment plant;

(4) If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design population, type and location of the treatment plant and the receiving stream;

(5) If connection to a public or a private sewerage system is not feasible, a report on the feasibility of on-lot sewerage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table and elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the state board of health.

(E) Restrictions and protective covenants to be adopted in the secondary subdivision plat.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.23 SECONDARY PLAT REQUIREMENTS.

The secondary plat shall be drawn at a scale no smaller than 100 feet to one inch. The secondary plat shall show:

(A) Subdivision names, names and addresses of owner and subdivider, evidence of title of land as shown by the books of the county recorder, graphic scale, north point, date, certificate of approval of Plan Commission.

(B) Survey data with certification by a registered professional engineer or land surveyor, showing:

(1) Calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback

lines, and parcels of reserved or dedicated land for community purposes;

(2) Location and distances to the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;

(3) Location, type, material and size of monuments;

(4) Complete curve data;

(5) Lot numbers, house numbers and street names;

(6) Finished land grades;

(7) Notations as to whether improvements are dedicated or not. (Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.24 PERFORMANCE BOND REQUIREMENTS.

The secondary plat shall not be submitted to the County Recorder for recording until one of the following has been accomplished:

(A) The streets and other improvements required by this chapter are accepted by the Board of Public Works and Safety.

(B) A performance bond running to the city is executed by the subdivider and is approved by the City Engineer. Said performance bond shall be 100% of the estimated cost of all streets and public improvements, plus a 10% inflation add-on figure per year of performance bond which this chapter requires and which are shown on the approved plans and specifications. The amount of the bond shall be fixed by the City Engineer based on costs which are current in the trades for like items of construction and for installation. All bonds shall be with a company licensed to do business in the state. Performance bonds shall specify that all improvements will be installed within a period of two years.

(C) Upon approval by the City Engineer, two separate performance bonds may be posted: one for road construction and storm water management systems; and one for sidewalks, street signs, landscaping, monuments, trees, etc.

(D) Cash, or other acceptable negotiable securities, is posted with the Clerk Treasurer in lieu of the performance bond.

(E) It is further understood that this performance bond assures all snow removal and other maintenance of roads and other improvements as stated in aforementioned paragraphs to be rendered and completed by the developer prior to release of said bond.

(F) It is further understood that this bond shall cover as-built plans on said improvements. Prior to the release of the two year performance bond, the subdivider shall provide a map showing all

permanent improvements installed within the subdivision, including tlocation of streets sanitary and storm sewer improvements, water mains, valves and stubs, and other permanent improvements, and shall not be released until the subdivision is certified by Plan Commission according to the approved plans certified by a Civil Engineer registered in the state. Four copies of the plans shall be submitted to the City Engineer with proper signatures and seal pursuant to the City Ordinance.

(G) It is further provided that one extension for a period of one year may be granted by the Board of Public Works and Safety at current cost estimates.

(H) No building permits shall be issued in a subdivision with delinquent bonds.
(Ord. 1861, passed 8-4-97)

DESIGN STANDARDS

' 151.25 PURPOSE.

The purpose of this section is to provide for reasonable and acceptable standards of subdivision and site design. These standards will foster functional and attractive subdivision development, minimize adverse impacts of improper design, and insure that subdivision development remains a community asset. In order to promote this, subdivisions herein shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs. These standards are considered minimums in terms of acceptability.
(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.26 GENERAL REQUIREMENTS.

The Plan Commission shall not approve any plat unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood, or other hazard.
(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.27 STREET AND ROAD SYSTEMS DESIGN.

The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of present and expected future populations; to have a simple and logical pattern; to respect natural and topographic features so as to result in usable lots, reasonable grades both for streets and driveways intersecting therewith; and to promote an attractive streetscape.

(A) Streets shall be classified in a street hierarchy with design tailored to function. Residential street systems shall be designed to meet the needs of the planned neighborhood and, where applicable, provide an alternate to through traffic.

(B) Street design standards shall vary according to the City Engineer, adhering closely to Appendix "A".

(C) Streets shall be constructed in accordance with the standards in Table A which is attached to Ordinance No. 1807, passed July 3, 1996, and which is incorporated herein by reference.

(D) Street layout shall not isolate or landlock adjacent or nearby parcels of undeveloped property from existing public streets.

(E) Local street intersections shall be at 90-degree angles when possible with a minimum intersection length of 100 feet, but never less than 80 degrees. No more than two streets shall cross at an intersection. Opposing "T" type intersections shall require a minimum separation distance of 200 feet measured from centerline to centerline.

(F) Cul-de-sac streets are allowed provided that the maximum distance a cul-de-sac extends from an intersection is 600 feet, measured along the centerline including a turnaround with an outside curb radius of at least 50 feet and a right-of-way radius of not less than 70 feet.

(G) Private streets (driveway easements) are unacceptable in most instances. Exceptions will be considered for planned unit developments, cluster, and condominium developments. Approval of private roads shall be granted by the Plan Commission and City Council and built to standards set forth by the Plan Commission.

(H) Marginal access streets (frontage roads) may be required when a subdivision abuts or contains a proposed extension of a collector or arterial street. These are required for adequate protection of commercial and/or residential properties, to afford separation of through and local traffic, and to retain the traffic-carrying capacity of the collector and arterial streets. A 15-foot wide landscaped area shall be required between the marginal access street and the collector or arterial street. This marginal access street shall be dedicated to the public.

(I) Where topography and the size of the parcel allow for curvilinear local road layout and design, such design shall be utilized in the full development and subdivision of the parcel and will receive approval by the city.

(J) A subdivision or an extension of an existing subdivision which creates a total of 40 or more lots shall require two or more points of access to publicly dedicated primary roads build to city specifications.

(K) All construction shall be performed in the manner prescribed in the current addition of Standard Specifications of the State Highway Department of Indiana and in the manner prescribed in any subsequent and applicable City Ordinance. In any instance where conflicting requirements may appear between Standard Specifications and applicable City Ordinance, the City Ordinance Regulation shall be binding. As a minimum, all streets shall be constructed with ten inches of compacted

aggregate base (slag is prohibited), plus three inches of H.A.C. Binder Course, and two inch H.A.C. Surface Course. A Tensar Geo Grid or other equivalent material shall be placed immediately below the ten inch compacted aggregate base, as shown in Appendix "A". All subterranean construction below street pavements shall be backfilled with a material approved by the City Engineer. Prior to placing the street surfacing, adequate sub-surface drainage for the street shall be provided where necessary. Concrete pavement (rigid pavement) can be used by the subdivider. Minimum consistency for the concrete shall conform to standards set forth in the Indiana Department of Transportation Standard Specifications and referencing the standards in the American Association of State Highway and Transportation Officials. Minimum requirements for concrete pavement shall be a six inch concrete slab on top of a two inch sand pad. In the event the subdivider elects to use concrete pavement, he shall submit three copies of a construction plan to the City Engineer and shall have this plan approved by the City Inspecting Officials before concrete street construction is begun.
(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.28 CURB AND GUTTER.

Curb and gutter shall be required for the purposes of drainage, safety, prevention of unnecessary maintenance, and delineation and protection of the pavement edge in all major subdivisions. A variance from this requirement may be allowed for subdivisions in or near the agricultural zoning districts.

(A) Curb style and requirements shall vary according to the City Engineer.

(B) Curbing shall be designed to provide for handicapped accessible ramps to allow for bicycles and wheelchairs at street intersections and other areas as may be required by the City Engineer.

(C) Curbing shall without exception be concrete and shall be constructed in accordance to the specifications of the City Engineer.

(D) A minimum distance of two feet shall separate curbs from walkways and bicycle pathways.
(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.29 WALKWAYS - BICYCLE PATHWAYS.

Pedestrian walkways shall be required for safety and located where necessary to reduce or eliminate potential vehicle/pedestrian conflicts.

(A) Pedestrian walkways shall be required for all major subdivisions and along all collector and arterial streets.

(B) Pedestrian ways shall be placed on both sides of the street and parallel to it within the dedicated nonpavement right-of-way, with exceptions permitted to preserve natural features or where slope makes pedestrian systems impractical. They shall also conform to construction

requirements of the City Engineer and shall be five feet in width and made of concrete. These pedestrian walkways shall have a handicap accessible ramp where they intersect streets.
(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.30 LOTS.

Lots shall conform to the requirements of the city zoning ordinance for minimum square footage and lot frontages for the zoning district within which plat is located.

(A) Corner lots shall exceed by a minimum of ten feet the width requirements of the city zoning ordinance in order to accommodate the additional setback requirements.

(B) Residential lots shall not face onto a freeway right-of-way, arterial or collector street, or other nonresidential zoned property, but may front upon a marginal access street. Lots on a cul-de-sac which open onto a major street and which may front nonresidential zoned areas or freeway rights-of-way, arterial or collector streets may be allowed.

(C) All lots shall abut, with their entire frontage, on a dedicated public street, or private street as approved by the Plan Commission.

(D) Lots extending through a block and facing two streets are prohibited, except where a lot may back up to a freeway right-of-way, arterial or collector street, or nonresidential zoned area, provided that a 20-foot wide landscaped buffer area with a minimum five-inch high berm with evergreen plantings separate the lots from a freeway right-of-way, arterial or collector street, or nonresidential land use.

(E) For lots abutting lakes, streams, other water bodies, and dedicated open areas such as parks, that portion of the lot facing that amenity may be designed on the plat as the front, provided that the setback from the street is equal to the setback required for the front. In no case, however, shall the front setback be less than that required by the zoning ordinance.

(F) Lot lines shall be perpendicular to the street right-of-way and radial from curvilinear streets. Side lot lines should be straight unless made impractical by natural features or street curves. Variations shall be allowed by the Plan Commission where variation from these requirements results in a better arrangement of lots.

(G) Lots shall not be platted within the floodplain of any water body located in the city or upon other lands in which in the opinion of the City Engineer would increase the danger to health, life, or property, or increase flooding hazard. These lands shall be set aside for other uses such as parks or open space.

(H) Lots shall be divided according to the number of units for platting purposes to assure proper assignment of tax key numbers.
(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97; Am. Ord. 1941, passed 6-7-99)

' 151.31 BLOCKS.

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this provision may be made for blocks adjacent to nonresidential uses, arterial and collector streets, freeway rights-of-way, railroad right-of-way, river, and/or other open watercourses.

(A) Blocks shall ordinarily have a length greater than 400 feet from centerline to centerline of intersecting streets.

(B) Blocks shall ordinarily not have a length greater than 1,000 feet from centerline to centerline of intersecting streets.
(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.32 UTILITIES.

(A) Storm water facilities. No plat shall be approved by the city which does not adequately provide for storm and flood water management features including, but not limited to, detention and retention areas, piping, runoff channels, and basins, and no subdivision shall be approved unless adequate drainage will be delivered and provided to an adequate drainage watercourse or facility. Such facilities may be required by the City Engineer to be oversized to accommodate upstream drainage or minimize the impact of the proposed subdivision on the downstream drainage area.

(1) The location of storm water utility lines where practical shall fall within the dedicated right-of-way of existing and proposed streets according to the specifications and standards of the City Engineer.

(2) Where public storm sewers are available, the applicant shall install storm sewer facilities and be required to hook up to these existing facilities. However, where such public facilities are not available, adequate provision shall be made on-site.

(3) Culverts and other drainage features shall in each case be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside of the proposed subdivision. Such sizing shall be based upon accepted standards and specifications promulgated by the City Engineer.

(4) Drainage features on-site shall also take into consideration downstream watercourse drainage and shall be designed so that additional runoff to downstream facilities shall not be overburdened.

(5) Low-lying lands, wetlands, and lands along watercourses which are subject to flooding or overflow during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage areas. Such lands subject to periodic flooding shall not be computed in determining the number of

lots to be utilized for average densities, nor for computing the area requirements for lots.

(6) Drainage easements incapable of inclusion in the road right-of-way shall be perpetual and unobstructed having a minimum width of 20 feet, have satisfactory access to the road, run parallel with the lot lines where practical, and be acceptable to the City Engineer.

(7) Storm sewer design shall be based upon ten-year storm.

(8) Retaining/detaining pond size shall be calculated at 150% of the general rule calculation.

(B) Water and sewer. All transmission lines for water and sewer utilities shall be located within the street right-of-way. Where such transmission lines run between subdivisions, and/or are extended from an existing subdivision or to a proposed subdivision, easements shall be located between and run parallel with property lines. Easements shall be unobstructed and shall be a minimum of 20 feet in width, or ten feet on each side of the property line.

(C) Gas, wire and cable utilities. All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the subdivision. Required aboveground servicing equipment of underground distribution lines is exempt from this requirement. This may include, but not be limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, street lights and street light poles.

(D) Easements for all underground utilities listed in division (C) above shall be located within a ten-foot easement provided by the proprietor on each side of the street right-of-way. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision, and shall be perpetual easements located immediately adjacent to the street right-of-way.

(E) The water and sewer facilities for subdivisions shall meet all applicable city, county and state regulations.

(F) Water mains shall be a minimum of six inches in residential areas and eight inches in business and industrial areas.

(G) Sanitary local sewers shall be a minimum of eight inches, inside diameter.

(1) All laterals shall have a bedding of stone;

(2) Residential taps shall be a minimum of six inches;

(3) Industrial taps shall be a minimum of eight inches; and,

(4) With industrial taps, a 4' x 4' inspection manhole shall be installed between the building and city main sewer.

(H) Lights shall be installed in all residential subdivisions. Lighting for safety shall be provided at intersections and along walkways.

(I) Wetwells must follow the following guidelines:

(1) Cover must have at least 4' x 2.5' stainless steel access door;

(2) Pump controls will be made of non-corrosive materials (no copper);

(3) All guide rails, chains, cables, etc. will be made of non-corrosive materials; and

(4) All hardware mounting power cords, tubes, floats, guiderails, and chains will be braced using stainless steel brackets, nuts and bolts (Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

' 151.33 WATER AND SEWER SYSTEMS; LIFT STATIONS.

The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the state board of health, city standards for construction adopted for the city water and sewer departments, and all other applicable city, county and state regulations.

(A) Water mains in residential areas shall be minimum of six inches.

(B) Water mains in business and industrial areas shall be a minimum of eight inches.

(C) Hydrants shall be the same as presently used throughout the city with two 22 inch openings and one 5 inch Storz pumper outlet. Hydrants shall be placed along streets not more than three feet back of the curb line, at intersections whenever possible. The maximum distance between hydrants and valves in residential areas shall be 450 feet and in business and industrial districts no more than 350 feet.

(D) Sanitary house connection sewers shall be a minimum of six inches, inside diameter.

(E) Sanitary local sewers to serve a subdivision, or a part thereof, shall be a minimum of eight inches, inside diameter.

(F) Lift stations. Where lift stations are required due to topography conditions as determined by the City Engineer, they shall be designed to the specifications and standards of the state board of health and the current Ten States Standards and shall be submitted to the state board of health for approval. In addition the following minimum requirements shall be met.

(1) Depending upon the capacity of the lift station and other design considerations, the lift station may be constructed at the site, consisting of reinforced concrete or other approved materials, or may be a steel or concrete pre-fab or pre-cast set in place at the site. For small capacities of less than 250 gallons per minute (g.p.m.) per pump, submersible pumps complete with necessary fittings, controls, and alarms, installed in a reinforced concrete or other approved chamber, may be used.

(2) Alarms shall be provided which will indicate power failure and high water. The alarms shall be provided with remote connection to the wastewater department or another city facility as designated by the City Engineer.

(3) All panels, disconnect switches, controls, weatherheads, lighting, and alarms shall be mounted in or on a panel or other enclosure which is secure from vandalism, including shots from firearms, rock throwing, or other destructive acts.

(4) The lift station site shall be enclosed with fencing or other approved means at a minimum of six feet in height, with an additional three-strand barb wire security fence provided above the top. A gate of sufficient width to accommodate vehicle traffic (ten feet minimum) shall be provided. A heavy-duty padlock or other keyed locking device complete with two keys shall be provided. A hard surface access road shall be provided to the site and on the site from the public street. The remaining area of the site shall be seeded and provided with landscaping in the amounts of not less than one bush or tree per 50 square feet of fenced site area. The electrical and alarm panels and housing shall be located within the fenced site area, positioned in a manner to reduce vulnerability to vandalism. The fenced site area shall be sufficient in size to provide ease of access to the station and provide ample space to park the standby power equipment.

(5) The lift station shall be equipped with a permanently mounted generator to automatically supply power to the station equipment in case of emergency.
(Ord. 766, passed 12-2-68; Am. Ord. 1202, passed 1-4-82; Am. Ord. 1861, passed 8-4-97; Am. Ord. 2012-06-09, passed 6-4-12)

' 151.34 PARKS AND RECREATIONAL SPACE.

(A) Required space.

(1) All subdivisions shall require the creation of recreational space within the platted subdivision. Recreational space shall be of suitable size, dimension, topography and general character and shall have adequate road access, for the general purposes envisioned. The acreage shall be determined by the Crown Point Advisory Plan Commission based upon the following formula:

Required Recreational/Park Acreage = .005 x Projected Subdivision Population

(2) For the purposes of this calculation, the "Projected Subdivision Population" shall be calculated based upon the average household size of occupied housing units in Lake County, Indiana, set by the U.S. Census Bureau, of 2.64 persons per dwelling unit. This formula shall be applied to each section/phase of a subdivision, and to the combination of sections/phases of a subdivision.

(3) In the sole discretion of the Plan Commission, this requirement for recreational space within a subdivision may be waived if the total recreation space as calculated herein is less than 14,500 square feet (approximately 1/3 acre)

(B) Location and type. The location and type of recreation and park areas within the subdivision shall be directed and approved by the Plan Commission following the suggestions and recommendations of the Director of Parks and Recreation. Recreational facilities required may, in the discretion of the Plan Commission, include either active or passive facilities, or a combination thereof.

(C) Dedication to city. Recreational spaces and facilities required by this section may be accepted for dedication to the city only upon resolution duly adopted by the Board of Public Works.

(D) Government conservation mandates. Raw land conservation mandates issued by a governmental or quasi-governmental entity, including but not limited to pristine wetlands; wetlands returned to a pristine state; and native forests/timber stands, shall not be deemed recreational space in satisfaction of this section absent a finding to that effect by the Plan Commission in granting subdivision plat approval. In any event, no more than one-half of any government mandated land conservation area shall be deemed to satisfy the recreational space requirements of this section. Nothing herein shall be construed to require the Plan Commission to accept mandated conservation areas as recreational space/parks.

(E) "In lieu of" payments. Subject to the approval of the Plan Commission and the Director of Parks and Recreation, the developer/subdivider may elect to make a cash "in lieu" of land dedication payment to the Department of Parks and Recreation for deposit in an escrow account to be used only for public park acquisition, development, and capital improvement within the area under the jurisdiction of the Parks and Recreation Department. Approval of any such "cash in lieu of land dedication" request shall be in the sole discretion of the Plan Commission and the Director of Parks and Recreation. Cash contributions made pursuant to this section shall be equivalent to the fair market value of the amount of land that would otherwise be required to be set aside for recreational/park space within the subdivision.

(F) Bond required. In a subdivision subject to this section, secondary plat approval by the Plan Commission shall be conditioned upon the posting of a bond or other security by the developer/

subdivider in an amount adequate to insure the required development of any area required hereunder for recreation/park purposes.

(G) Sale of dedicated recreation/park space. If in the sole discretion of the city it is determined that recreation/park space for which the city accepted dedication is either unnecessary, unsuitable or not economically feasible to be maintained as recreational/park space, the city may sell such property in accordance with statutory procedures governing the sale of real estate by the city, and the proceeds thereof shall by deposited in an escrow account to be used only for public park acquisition, development, and capital improvement within the area under the jurisdiction of the Parks and Recreation Department.
(Ord. 872, passed 12-3-73; Am. Ord. 1861, passed 8-4-97; Am. Ord. 2006-02-04, passed 3-6-06)

IMPROVEMENTS

' 151.35 GENERAL REQUIREMENTS FOR IMPROVEMENTS.

All of the required improvements specified in '' 151.35 through 151.44 shall be constructed in accordance with the design standards set forth in '' 151.25 through 151.34, and also in accordance with any other duly adopted city standards for construction and all other applicable city, county and state regulations.

(A) When the subdivider begins construction of his improvements before the Plan Commission has approved the secondary plat, written authorization shall be obtained from City Engineer. In any event, no work shall begin before the primary plan has been approved by the Plan Commission.

(B) When construction of improvements is started based upon primary plan approval, all improvements shall be completed within one year from the date of such approval. Should unusual circumstances develop, or if the scope of the work is extremely large, the Commission may grant an extension for a period of one year.

(C) During the course of construction of the improvements, the subdivider shall be required to notify, in writing, the City Engineer at least 24 hours before each of the following operations in order that the Inspector may make required inspections:

(1) Before base material is deposited in place for inspection of all street sub grades, especially areas where backfilling was placed over subterranean construction, and curb and gutter construction;

(2) Before bituminous topping is placed on the base material for inspection of the base construction.

(3) Before finished surface is applied on the bituminous binder coat for inspection of bituminous surface.

(D) It is essential that these inspections be made in order for the city to ascertain the quality of construction prior to accepting improvements for public maintenance. The subdivider shall pay a fee for the required inspections. The total fee for a subdivision shall be determined on an individual lot basis and shall be $5 per lot per inspection with a minimum fee of $20. This fee is to be paid to the Clerk Treasurer and to be given quietus to the Motor Vehicle Fund. If a re-inspection is necessary, the same $5 per lot per inspection with a minimum fee of $20 fee shall apply, as per Table "C".

(E) No later than five days after the date of each inspection, the City Engineer shall notify the subdivider in writing of the results of the inspection. Before the Board Public Works and Safety accepts streets and improvements, all inspection fees as required above shall have been paid.
(Ord. 1861, passed 8-4-97)

' 151.36 MONUMENTS AND MARKERS.

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.37 STREETS TO BE GRADED AND SIZED AS SHOWN ON PLANS AND PROFILES.

The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the commission and shall include the following improvements:

(A) Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

(B) Curbs of concrete shall be required on all streets.

(C) Pavement shall be required on all streets and shall be of a material and thickness approved by the City Engineer in accordance with the latest standard specifications for road and bridge construction and maintenance of the state highway commission, per ' 151.27.

(D) Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.38 STORM DRAINAGE.

The construction of a storm drainage system shall conform to the following requirements:

(A) Drainage ditches or channels shall have a minimum design velocity of two feet per second with bottom of ditch or channel to be sod or concrete.

(B) Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.

(C) Storm drainage shall be designed and located so that footing drains may be connected thereto, and all footing drains shall be connected to the storm sewer.

(D) When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall be required to see or provide other means to prevent the wash from damaging adjacent property or accumulation of street surfaces. The subdivider is also responsible for keeping streets clear

of any debris, mud, stone, snow, etc., while development is in progress.

(E) It is the responsibility of the owner and occupier of each lot or parcel of real estate, and any contractor's performing service thereon or for said owners or occupiers of land, to maintain and keep all recorded drainage easements and drainage swales located on or adjacent to their land free of all obstructions or take or permit any action that will hamper, impede or change the flow of storm water runoff in and along said easements. Any person or entity in violation of this section shall be cited and subject to the actions or penalties provided for in ' 151.99
(Ord. 766, passed 12-2-68; Am. Ord. 1199, passed 1-4-82; Am. Ord. 1861, passed 8-4-97; Am. Ord. 1894, passed 5-4-98)

' 151.39 WATER SUPPLY.

Where public water supply is available, as determined by the Commission the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot.

(A) Where public water is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if the evidence is deemed not acceptable. Copies of well logs from the test wells which are obtained shall include the name and address of the well driller, and shall be submitted with the plan to the Commission.

(B) If a private water supply is permitted, individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; approximately 100 feet from all tile disposal fields and other sewage disposal facilities; ten feet from all cast-iron sewer lines; 30 feet from any vitrified sewer tile lines; and shall not be located within any floor plan. (Ord. 766, passed 12-2-68)

(C) Where a private water supply is permitted, its use shall be discontinued when a public water supply becomes available.
(Ord. 1861, passed 8-4-97)

' 151.40 SEWERS.

(A) A subdivider shall provide the subdivision with a complete sanitary sewer system and a complete storm drainage sewer system. Private sewerage disposal systems in residential subdivisions shall not be permitted.

(B) In the case of a commercial or industrial subdivision where the municipal sewerage system is not reasonably accessible to the subdivision, an approved package plant sewerage disposal system serving the entire subdivision may be permitted; or, if the soils and land area permit, private sewerage disposal systems on individual lots, consisting of septic tanks and tile absorption fields, may be

permitted. However, when the municipal sewerage lines of sufficient size and capacity shall be within 300 feet of any subdivision boundary, the developer, his grantees, successors, and assigns to the real estate shall timely connect the sanitary and storm drainage sewer discharges, respectively, to these sewer lines, by the construction of sanitary and storm sewers.

(1) The total cost thereof shall be paid by all fee owners of real estate in the subdivision, in proportion to the acreage owned in relationship to the aggregate acreage in the subdivision, exclusive of dedicated streets, septic fields, and common retention ponds. The sanitary and storm drainage sewers shall then be dedicated to the city.

(2) The cost shall be due and payable to the city upon approval of the construction of the improvements and acceptance thereof by the city works board. Interest thereon shall accrue at the legal rate, and the Clerk-Treasurer shall collect the same.
(Ord. 766, passed 12-2-68; amend. Ord. 119, passed 1-4-82; Am. Ord. 1861, passed 8-4-97)

' 151.41 UTILIZES.

Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas, and other utility distribution lines shall be installed within public rights-of-way, or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas, and in any case shall be installed prior to the placement of any paving.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.42 TREES.

(A) As a requirement of the subdivision approval, the developer shall plant shade trees on the property of the subdivision. Trees are to be planted no closer than 30 feet, nor further apart than 60 feet. Trees may be planted in the front of the building line, including the right-of-way of the road, between the sidewalk and curb. A waiver may be granted by the Plan Commission Board if there are trees along the right-of-way or on abutting property which, in the opinion of the Plan Commission, comply with the intent of regulation.

(B) The type of trees shall be determined by the subdivider, except that it must comply with Table B: "List of Prohibited Trees for Street Planting." Newly planted street trees shall have at least one and one-half inch caliper, measured one foot from the ground. Street trees located between the curb and sidewalk shall be located such they will not cause damage to the street, sidewalk and/or underground or above-ground utilities. Location of street trees shall be reviewed by the Engineering Department.

(C) The developer shall deposit with the city, prior to the recording of the subdivision plat, cash or other acceptable negotiable

security accepted by the City Board of Public Works and Safety and deposited with the City Clerk/Treasurer in the amount of $75 per required tree as determined by the Engineering Department, per Table "C."
(Ord. 1861, passed 8-4-97)

' 151.43 STREET SIGNS.

The developer shall deposit with the city, at the time of secondary subdivision approval, the sum of $100 for each road sign required by the City Engineer, per Table "C". The city shall install all road signs before issuing a certificate of occupancy for any residence on the street.
(Ord. 766, passed 12-2-68; Am. Ord. 991, passed 11-7-77; Am. Ord. 1861, passed 8-4-97)

' 151.44 STREET LIGHTS.

The developer shall deposit with the City Clerk-Treasurer, at the time of the secondary subdivision approval, the sum of $1,000 as security for each street light required by the Advisory Plan Commission to be installed as shown on the subdivision plat, per Table "C". In lieu of a cash deposit, the developer may be allowed to post a suitable bond or commercial letter of credit approved in advance by the city Legal Department.
(Ord. 1462, passed 5-2-88; Am. Ord. 1861, passed 8-4-97)

ACCEPTANCE OF IMPROVEMENTS

' 151.45 INSPECTION.

When the plans of streets and other improvements have been approved, as provided in this chapter, the subdivider shall, before commencing construction or installation of the streets or improvements, notify the City Engineer of his intention to proceed.

(A) Final acceptance of all streets and certain improvements is the responsibility of the Board of Public Works and Safety.

(B) When the subdivider has completed construction of the improvements, he shall notify the City Engineer by letter of this fact and formally request a final inspection by the City Inspecting Officials. In this letter, he shall briefly describe all of the improvements. The subdivider shall also provide the city with four copies of an "as built" map showing the actual location of all street improvements, sanitary and storm sewer improvements, water mains, valves, and stubs, and any other permanent improvements which the subdivider has installed. In addition to the as-built plans, the subdivider shall provide core tests performed by a certified testing laboratory of the H.A.C. pavement. One core (minimum) will be taken for every 660 lineal feet of new pavement and one core (minimum) for each deceleration lane and/or passing blister. The location of said core samples shall be designated by the City Engineer or his agent. The location of said cores shall be shown on the as-built plans and a

report showing the results of the samples shall accompany the as-built plans. No later than 14 days after the receipt of this letter by the City Engineer, weather conditions permitting, the City Inspecting Officials shall make their inspection.
(Ord. 1861, passed 8-4-97)

' 151.46 ACCEPTANCE.

After streets and improvements have been installed and constructed pursuant to the requirements of this chapter, the subdivider shall notify the City Engineer that construction and installation has been completed

(A) Before acceptance of subdivision improvements, the City Engineer, the Deputy Building Inspector, the Water and Wastewater Superintendent, and the Street Department Superintendent shall inspect said improvements as described above and submit a report to the Board of Public Works and Safety on the condition of such improvements and a recommendation for their action thereon.

(B) No later than 14 days after the final inspection of the subdivision improvements. The subdivider shall be notified by the City Engineer in writing of the results of the inspection.

(C) The City Inspecting Officials shall, no later than eight weeks before the expiration date of the Maintenance Bond, inspect the subdivision streets and improvements to ascertain their condition. The subdivider is required at this time to crack seal all streets within the subdivision. The subdivider shall be notified by letter, no later than six weeks before said expiration date, as to the results of the inspection. Should there be conditions concerning the improvements which the City Inspecting Officials find unsatisfactory, the subdivider has the opportunity to correct them. No later than 14 days prior to the expiration date of the Subdivision Maintenance Bond, the City Engineer shall relate by letter to the Board of Public Works and Safety, the City Attorney, and the subdivider, the condition the City Inspecting Officials find the streets and improvements in and, consequently, their recommendations regarding the release of the Maintenance Bond.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.47 MAINTENANCE BOND.

Prior to any street or other improvements being accepted by the city, as herein provided, the subdivider shall post a maintenance bond or other security naming the city as obligee in an amount of 25% of the performance bond to insure maintenance of the improvements for a period of at least 24 months from the date of acceptance by the city.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.48 BOND RELEASE.

Bonds or other securities provided by the subdivider to guarantee installation of improvements may be reduced or released by the city upon recommendation of the City Engineer.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.49 UNDERGROUND PUBLIC UTILITIES.

All newly constructed utility distribution lines and service lines therefrom for telephone, gas, and electric service (except electric power substation tie-lines), cable television installed hereafter, shall be placed underground as per the National Electric Code (N.E.C.). Distribution lines shall be within easements or dedicated streets and public ways. The installation of such facilities shall be made in compliance with applicable orders, rules, and regulations of the state public service commission, now or hereafter effective, and owners or subdividers of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations, now and hereafter effective and filed with the Commission by any public utility whose service will be required with respect to the provision of the underground facilities.
(Ord 851, passed 3-19-73; Am. Ord. 1861, passed 8-4-97)

' 151.50 VARIANCE.

Where the subdivider can show that a provision of this chapter would cause unreasonable or unnecessary hardship if strictly adhered to, and where, in the opinion of the Commission, because of the circumstances, topography, other conditions peculiar or related to the site, or unreasonableness of construction of utility facilities a departure may be made without destroying the intent of the provisions, the Commission may authorize a variance. Any variance thus authorized is required to be entered in the minutes of the Commission, and the reasoning on which the departure was justified set forth.
(Ord. 851, passed 3-19-73; Am. Ord. 1861, passed 8-4-97)

FEES AND PENALTIES

' 151.55 PRIMARY AND SECONDARY FEES.

(A) In order to defray a part of the city's cost of checking and verifying subdividers' primary plats, the subdividers shall pay a fee as follows, per Table "C":

(1) Residential subdivision, single-family, $100, plus $5 per lot.

(2) Residential subdivision, multifamily, $200, plus $1 per unit.

(3) Nonresidential subdivision, $100, plus $5 per acre.

(B) In order to defray a part of the city's cost of checking and verifying a subdividers' secondary plat of subdivision, the subdividers shall pay a fee as follows, per Table "C":

(1) Residential subdivision, single-family, $100, plus $5 per lot.

(2) Residential subdivision, multifamily, $200, plus $1 per unit.

(3) Nonresidential subdivision, $100, plus $5 per acre.

(C) In each instance, payment shall be made by check or money order, and shall accompany the application for approval of the primary or the secondary plat.
(Ord. 766, passed 12-2-68; Am. Ord. 1013, passed 3-6-78; Am. Ord. 1861, passed 8-4-97)

' 151.56 ENGINEERING FEES.

In order to defray a part of the city's cost of the City Engineer's inspection and review of subdivision development and improvements, the subdividers shall pay a fee in the amount as follows:

(A) Engineering inspection, .625% of the cost of site improvements.

(B) Engineering review, .625% of the cost of site improvements.
(Ord. 766, passed 12-2-68; Am. Ord. 1013, passed 3-6-78; Am. Ord. 1861, passed 8-4-97)

' 151.57 ROAD INSPECTION FEES.

During the course of construction of improvements within a new subdivision, inspections must be made in accordance to ' 151.35(C), with fees for said inspections to be the following: the total fee for a subdivision shall be determined on an individual lot basis and shall be $5 per lot per inspection with a minimum fee of $20. If a reinspection is necessary, the same $5 per lot per inspection with a minimum fee of $20 fee shall apply, as per Table "C".
(Ord. 1861, passed 8-4-97)

' 151.58 APPEALS.

Any decision or requirement of the Plan Commission made under the authority of this chapter is subject to the right of appeal, and reviewed by certiorari.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

' 151.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $10, and not more than $300. Each day the violation continues shall constitute a separate offense.
(Ord. 1861, passed 8-4-97)

TABLE A:
STREET STANDARDS

	Arterial Streets	Secondary Streets	Local Streets	Cul-De-Sacs	Cross-walks	Alleys
Right-of-way width	100 feet	80 feet	60 feet	70 feet(R)	12 feet	30 feet
Paving width (including curbs and gutters)	40 feet	36 feet	31 feet	50 feet(R)	10 feet	20 feet
Maximum grade	6%	8%	10%	10%	C	10%
Minimum angle for intersection	90°	80°	70°	70°	C	70°
Minimum curb radius	35 feet	25 feet	15 feet	15 feet	C	5 feet
Maximum grades for 25 feet before intersection	3°	3°	3°	3°	C	3°
Site triangles (distances along sides of) through street/stop street	500 feet/30 feet	500 feet/30 feet	250 feet/25 feet	250 feet/25 feet	C	50 feet/20 feet
Horizontal alignment (minimum radii of center line)	600 feet	400 feet	200 feet	100 feet	C	100 feet
Vertical curves (minimum sight distance)	500 feet	350 feet	200 feet	100 feet	C	100 feet

TABLE B:
LIST OF PROHIBITED TREES FOR STREET PLANTING

SCIENTIFIC NAME	COMMON NAME (for reference only)
Acer negundo	Boxelder
Acer saccharinum	Silver Maple
Aesculus species	Chestnut and Buckeye
Ailanthus altissima	Tree of Heaven
Betula pendula and papyrifora	European Birch and Paper Birch
Carya species	Hickory
Catalpa species	Catalpa
Cercis canadensis	Eastern Redbud
Crataegus species (with thorns)	Hawthorn
Elaeagnus angustifolia	Russian Olive
Fagus species	Beech

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SCIENTIFIC NAME	COMMON NAME (for reference only)
Ginkgo biloba (female only)	Ginkgo
Gleditsia triacanthos (with thorns)	Honey locust (varieties with thorns)
Juglans species	Walnut
Maclura pomifera	Osage-orange
Morus species	Mulberry
Platanus occidentalis	American Sycamore
Populus species	Poplar, Cottonwood, Aspen
Prunus species	Cherry, Plum, Peach
Quercus palustris	Pin Oak
Robonia species	Black Locust
Salix species	Willow
Sorbus species	Mountain Ash
Ulmus species	Elm
Coniferous species	Pines, Spruce, Fir

TABLE C:
LIST OF FEES FOR CHAPTER 151 - SUBDIVISION CODE

REQUIREMENT	FEE
Inspection of Aggregate Road Base	$5.00 per lot per inspection with a minimum fee of $20.00
Inspection of H.A.C. Road Binder	$5.00 per lot per inspection with a minimum fee of $20.00
Inspection of H.A.C. Road Surface	$5.00 per lot per inspection with a minimum fee of $20.00
Re-inspection of any above	$5.00 per lot per inspection with a minimum fee of $20.00
Trees within a development	$75.00 per tree
Street signs	$100.00 per sign
Street lights	$1000.00 per light
Subdividers fee primary plats: Residential subdivision, single-family	$100, plus $5 per lot

REQUIREMENT	FEE
Subdividers fee primary plats: Nonresidential subdivision	$100, plus $5 per acre.
Subdividers fee secondary plats: Residential subdivision, single-family	$100, plus $5 per lot
Subdividers fee secondary plats: Residential subdivision, multifamily	$200, plus $1 per unit.
Subdividers fee secondary plats: Nonresidential subdivision	$100, plus $5 per acre.
Engineering inspection	.625% of the cost of site improvements
Engineering review	.625% of the cost of site improvements

APPENDIX A: FIGURES AND DIAGRAMS

[artwork]

[artwork]

[artwork]

[artwork]

APPENDIX B - CERTIFICATES

(1) Each Secondary Plat submitted to the Commission for approval shall carry an approval from the President and Secretary of the Plan Commission

Submitted to, approved and accepted by the City Plan Commission of the City of Crown Point, Lake County, Indiana, this _____ day of _____ 199__.

_____
President

_____
Secretary

(2) Each Secondary Plat submitted to the Commission for approval shall carry a Certificate signed by a Registered Professional Engineer or Land Surveyor in substantially the following form:

"I, ____(name)_____, hereby certify that I am a Professional Engineer (or a Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on _(date)___, that all monuments shown thereon actually exist; and that their location, size, type and material are accurately shown".
(SEAL)

_____

(3) Each Secondary Plat submitted to the Commission for approval shall carry a Deed of Dedication in substantially the following form:

"We, the undersigned, _____(names)_____, owners of real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide real estate in accordance with the within plat. This subdivision shall be known and designated as ___(name)___. All streets, alleys, parks and other public lands shown and not heretofore dedicated, are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building structure."

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 19___.

_____

_____

STATE OF INDIANA)
COUNTY OF LAKE)

Before me, the undersigned Notary Public in and for the County of Lake, State of Indiana, appeared _____(names)_____ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and Notarial Seal this _____ day of _____, 19___.

(Notary Public)

(5) Utility Easement.

An easement is hereby granted to the County of Lake, all public utility companies including Ameritech and Northern Indiana Public Service Company severally, and private utility companies where they have a "Certificate of Territorial Authority" to render service, and their respective successors and assigns, to install, place, and maintain sewers, water mains, gas mains, conduits, cables, poles and wires - either overhead or underground with all necessary braces, guys, anchors, and other appliances in, upon, and along and over the strips of land designated on the plat and marked "Utility Easement" for the purpose of serving the public in general with sewer, water, gas, electric and telephone service, including the right to use the streets where necessary, and to overland lots with aerial service wires to serve adjacent lots, together with the right to enter upon the said easements for public utilities at all times for any and all the purposes aforesaid and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No permanent buildings, gardens, shrubs, landscaping, and/or other purposes which interfere with the use of said easement shall be placed on said easement.

(6) Drainage Easement.

An easement is hereby granted to the City of Crownpoint for the installation of a drainage swale, ditch, or waterway upon and along the strip or strips of land designated on the plat and marked "Drainage Easement" for the purpose of handling the storm water run-off.
(Am. Ord. 1983, passed 5-5-00)

(7) Engineering

STATE OF INDIANA)
COUNTY OF LAKE) SS:

This is to certify that I have checked the above engineering details.

_____
City Engineer
(Ord. 1861, passed 8-4-97)

APPENDIX C - SURVEYING REQUIREMENTS

Every subdivision of land under the terms of this Ordinance shall require a survey meeting the following requirements prepared by a surveyor registered in the State of Indiana.

(1) Requirements. The description and location of all survey monuments placed in the subdivision shall be shown upon all maps of record. Permanent monuments shall be of concrete reinforced with one #4 vertical rod, and not less than 4 inches square on top and tapered to 6 inches square at the bottom and 36 inches long set flush with the ground.

Block corners shall be established by placement of an iron rod or pipe not less than 2 inch in diameter and not less than 2 feet long and shall be driven flush with the ground. All points of intersection between lot lines and section, quarter section, or quarter quarter section lines shall be marked and referenced with an iron rod or pipe in an approved manner. Permanent monuments shall be erected at all corners or changes in bearing of the exterior boundary of the subdivision. All monuments shall be installed prior to recording of Secondary Plat, or if not, a Bond shall be posted to guarantee their installation.

(2) Certificates. Each and all Secondary Plats shall bear thereon the following certificates:

(a) Plan Commission Approval Statement (see Appendix B, Item 1.)

(b) Land Surveyor's Statement (see Appendix B, Item 2.)

(c) Deed of Dedication (see Appendix B, Item 3.)

(d) Certificate of Maintenance Responsibility (see Appendix B, Item 4.)
(Ord. 1861, passed 8-4-97)

CHAPTER 152: BUILDING REGULATIONS

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UNDERGROUND UTILITIES

' 152.0l PERMIT REQUIRED.

It is unlawful for any person, firm or corporation to use the public streets or alleys or public places in the city to install and thereafter maintain any electric wires, telephone or electric pole or poles, cross-arms, transformers or gas conduits or gas mains of any kind, or to encumber any of the streets, alleys or public places therewith without first obtaining a permit from the Board of Public Works and Safety of the city. The Board shall require the applicant to file with the application an accurate chart or map showing the proposed installation and a statement showing the necessity for same.
(Ord. 474, passed 8-24-37) Penalty, see ' 152.99 (A)

' 152.02 DISTANCE REQUIRED BETWEEN NEW CONDUITS AND EXISTING CONDUITS.

It shall be unlawful for any firm, person or corporation to install in the public streets or alleys of the city any electric wire conduit or gas conduit of any kind within l2 inches of any water, sewer or other gas or electric conduit, provided that if necessity shall be shown before the Board of Public Works and Safety by the applicant for installation nearer to any electric or gas conduit or sewer or water mains or pipes than l2 inches, the Board may grant a special permit for such installation upon a proper

showing that same will be safe and that each and all of the in-stallations will be fully protected from harm by the proposed in-stallation, provided nothing herein shall be construed to prevent the owner of same from installing like utility conductor nearer than l2 inches to his or its own installation.
(Ord. 474, passed 8-24-37) Penalty, see ' 152.99 (A)

' 152.03 UNLAWFUL TO INSTALL WIRING ABOVE THE SURFACE.

(A) It shall be unlawful for any person, firm or corporation to install on the surface or above the surface of any public street or alley of the city as new or permanent installation any telephone or electric wire or wiring carrying or for the purpose of carrying more than 2300 volts of electric current or to be charged therewith l/2 block of the court house square of the city without a permit from the Board of Public Works and Safety of the city. Provided, that such installation in any street or alley or crossing or extending cross-wise on any street or alley may be considered as temporary installation and a special permit issued therefor by the Board of Public Works and Safety of the city, and provided further that the Board of Public Works and Safety, upon the written approval of the Electrical Inspector of the city, may authorize and permit the installation by the city or any other person, firm or corporation of pre-stressed concrete cement and metal poles in lieu of underground conduit and in lieu of wooden poles. The installation of such poles, however, shall be permitted only upon special permit and shall be limited to the area specifically described by metes and bounds or plat in the application for such permit.
(Ord. 474, passed 8-24-37; amend. Ord. 6l9, passed ll-5-56)
Penalty, see ' 152.99 (A)

UNSAFE BUILDING CODE

' 152.20 ESTABLISHMENT; ADOPTION OF STATE LAW.

(A) Under the provisions of IC 36-7-9, there is hereby established the Unsafe Building Code.

(B) IC 36-7-9-l through 36-7-9-28 is hereby adopted by reference as the Unsafe Building Code. All proceedings within the city for the inspection, repair, and removal of unsafe buildings shall be governed by those sections and the provisions of this subchapter. In the event the provisions of this subchapter conflict with the provisions of IC 36-7-9-l through 36-7-9-28, then the provisions of the state statute shall control.
(Ord. l268, passed 6-6-83)

' 152.2l DEFINITIONS.

(A) The description of an "UNSAFE BUILDING" contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the city, by adding the

following definition: "UNSAFE BUILDING". Any building structure which has any or all of the conditions or defects herein described shall be deemed to be an unsafe building, provided that those conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

(l) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

(3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

(4) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(5) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

(6) Whenever any portion thereof has wracked, warped, buckled, or settled to such extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(7) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

(8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(9) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(l0) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage, or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(ll) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated so as to become an attractive nuisance to children, or freely accessible to persons for the purpose of committing unlawful acts.

(l2) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to that building or structure provided by the building regulations of this city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

(l3) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50%, or in any supporting part, member, or portion, less than 66% of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

(l4) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the county Board of Health to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Fire Inspector to be a fire hazard.

(l6) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute that building or portion thereof an attractive nuisance or hazard to the public.

(B) The definition of "SUBSTANTIAL PROPERTY INTEREST" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.
(Ord. l268, passed 6-6-83)

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' 152.22 POWERS OF THE BUILDING COMMISSIONER.

(A) The Building Commissioner, as chief administrative officer of the Department of Building, shall be authorized to administer and to proceed under the provisions of IC 36-7-9-l through 36-7-9-28 in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(B) Wherever in the building regulations of the city unsafe building code, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer of the city, this shall be construed to give that officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what the regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.
(Ord. l268, passed 6-6-83)

' 152.23 UNSAFE BUILDINGS A NUISANCE.

All buildings or portions thereof within the city which are determined after inspection by the Building Commissioner to be unsafe as defined in this subchapter are hereby declared to be public nuisances, and shall be abated by repair, rehabilitation, demolition, or removal.
(Ord. l268, passed 6-6-83) Penalty, see ' 152.99(B)

' 152.24 STANDARDS OF WORKMANSHIP.

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Building Commissioner of the city.
(Ord. l268, passed 6-6-83) Penalty, see ' 152.99(B)

' 152.25 UNIFORM STANDARD FOR SEALING UNSAFE BUILDINGS.

An unsafe building shall be sealed in accordance with the materials and standards permitted by Uniform Building Code. Doors and windows shall be boarded up with the use of a minimum l/2-inch exterior, glued plywood, fastened with the use of wood screws, at a spacing of two feet on the edge of the panel, and also any intermediate supports. Nuts and bolts shall be used when wood screws are not practical. The perimeter of the building shall be fenced with a chain link fence eight feet tall, when it is deemed

necessary by the enforcement authority.
(Ord. l268, passed 6-6-83) Penalty, see ' 152.99(B)

' 152.26 PROHIBITION.

No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises; or cause or permit the same to be done contrary to or in violation of any of the provisions of this subchapter or any order issued by the Building Commissioner.
(Ord. l268, passed 6-6-83) Penalty, see ' 152.99(B)

' 152.27 UNSAFE BUILDING FUND.

An Unsafe Building Fund is hereby established in the operating budget of the city in accordance with the provisions of IC 36-7-9-l4.
(Ord. l268, passee 6-6-83)

REMOVAL OF BUILDINGS

' 152.30 BUILDING REMOVAL; INSPECTION; FEE.

Whenever any person, firm or corporation has, pursuant to a city license or otherwise, removed a building into or upon any lot or parcel of real estate within the city, such building shall be placed in condition for use within 90 days, but shall not be occupied or used on its new situs or location until same has been inspected by the engineer of the city and a recommendation of such engineer filed with the city Plan Commission and an occupancy permit recommended by such commission and issued by the Clerk-Treasurer to the owner of the building. The Clerk-Treasurer shall charge a fee of $5 for the issuance of the permit.
(Ord. 642, passed ll-3-58) Penalty, see ' 152.99(C)

' 152.3l REMOVAL TO BE IN ACCORDANCE WITH PLANNING LAWS.

No such permit shall be issued except for such occupancy, and in accordance with the planning laws and ordinances of the area of the city where the newly occupied building is located. (Ord. 642, passed ll-3-58) Penalty, see ' 152.99(C)

' 152.32 PERMIT REQUIRED PRIOR TO OCCUPANCY.

It shall be unlawful for any person, firm or corporation to occupy such building at its new situs until such permit has been issued to the owner or lawful occupant thereof.
(Ord. 642, passed ll-3-58) Penalty, see ' 152.99(C)

FIRE PREVENTION REGULATIONS

' 152.40 MATERIALS AND CONSTRUCTION REQUIREMENTS.

No building or structure of any kind or any addition thereto, shall be erected, constructed, placed or moved from one place to another, within the fire limits of the city, unless the same shall be constructed throughout of, or shall consist of, materials and be constructed in conformity with the following provisions:

(A) All outside walls and party walls of any such building, structure, or addition thereto, proposed to be erected, constructed, placed or moved, within the fire limits shall be constructed of either stone, brick, cement, concrete, tile, or any combinations of same, or of any other incombustible materials.

(B) All wooden joists, beams, plates, lintels, and other timbers connected with any outside walls, or party walls, of any such building or structure, shall be recessed, or set back at least 4 inches from the outer surface of all such walls.

(C) All such walls of any flat roofed building or structure shall extend above the outside surface of such roofs at least 24

inches, and in no case shall the plank or sheeting of any roof ex-tend across any such walls.

(D) The weather covering of any roof, and all of its append-ages, on any such building or structure shall be constructed of, or be protected throughout with some incombustible materials, such as gravel, crushed granite, tile, slate or asbestos.

(E) All chimneys built on any such building or structure shall be lined with terra cotta or fire clay, flue linings, and the walls of such chimneys shall be at least 4 inches thick, and all chimneys on flat roofed buildings or structures shall extend at least 5 feet above such roof and all chimneys on pitched roofed buildings or structures shall extend at least 2 feet above the ridge of such roof, and no wooden joists or timbers of any kind shall rest in, upon, or against the walls of any chimney.

(F) All outside appendages to any such building or structure, such as dormer windows, bay windows, balconies, cornices, mouldings, towers, spires, ventilators, elevator shaft extensions, and other extensions, shall be constructed of, or be fully protected through-out with some incombustible materials.
(Ord. 515, passed l0-2-44) Penalty, see ' 152.99(D)

' 152.4l REPAIRS.

Repairs on any frame or wooden buildings or structures now located within the fire limits of the city, may be made only to the extent of replacing or substituting the materials and work made necessary by ordinary wear and tear resulting from the proper use thereof. Provided, that in the event that any person or persons shall desire to increase the height of any such building or structure, or any part thereof, now located within the fire limits, to a height not to exceed 2 full stories, the city Plan Commission of the city, may issue a permit authorizing the same to be done, if in their judgment the fire hazard of such building or structure will not be increased thereby.
(Ord. 515, passed l0-2-44) Penalty, see ' 152.99 (D)

' 152.42 RESTORATION AFTER 60% DAMAGE.

In the event that any frame or wooden building or structure now located within the fire limits of city, shall at any time become damaged from any casualty to the extent of 60% of its original value or condition, then in such event such building or structure shall not be repaired, remodeled or restored in any manner, and if such damaged building or structure, if let standing, shall be dangerous to life, limb or property, in any manner, the same shall be ordered torn down and removed, upon the written recommendation of the city Plan Commission and the written order of the board of works and safety of the city. (Ord. 515, passed l0-2-44) Penalty, see ' 152.99 (D)

' 152.43 FIRE PREVENTION REGULATIONS SUPPLEMENTAL TO ZONING CODE.

The provisions of '' 152.40 through 152.44 shall be supplemental to the provisions of the zoning code and shall be enforced by the Board of Public Works and Safety of the city, under the rules and regulations of the City Plan Commission and the Board of Zoning Appeals of the city, which Commission and Board are hereby granted full power and authority to administer and carry into effect all of the provisions of '' 152.40 through 152.44.
(Ord. 515, passed 10-2-44) Penalty, see ' 152.99 (D)

' 152.44 VIOLATIONS DECLARED A NUISANCE.

Any building or structure, erected, constructed, raised, remodeled, or repaired in violation of any provision of, or requirement of this chapter is hereby declared to be a common nuisance, and the same may be abated in any manner as nuisances are now, or may hereafter be abated under the laws of the state.
(Ord. 515, passed 10-2-44) Penalty, see ' 152.99 (D)

BUILDING CODE

' 152.50 TITLE; PURPOSE; SCOPE.

(A) This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Crown Point, Indiana", may be cited as such, and will be referred to herein as "this code."

(B) The purposes of this code are to provide minimum standards for the protection of life, limb, health, environment, and public safety; and to conserve energy in the design and construction of buildings and structures.

(C) The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4.
(Ord. 1249, passed 2-7-83; Am. Ord. 1480, passed 9-5-88)

' 152.51 ADMINISTRATIVE AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever, in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the city, this shall be construed to give that officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what those regulations, codes or standards shall be, or power to require

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conditions not prescribed by ordinances, or to enforce ordinance provisions in any arbitrary or discriminatory manner. Any variances from adopted building rules are subject to approval under IC 22-13-2-7(b).
(Ord. 1249, passed 2-7-83; Am. Ord. 1480, passed 9-5-88)

' 152.52 ADOPTION OF STANDARD CODES BY REFERENCE.

(A) The following rules, regulations, and codes, and any rules or regulations promulgated thereunder, are hereby adopted by reference as the rules and regulations governing the construction and alteration of buildings and structures in the city and shall include later amendments to these articles as the same are published in the Indiana Register or the Indiana Administrative Code, with effective dates as fixed therein:

(1) Article 13 - Building Codes:

(a) Fire Building Safety Standards

(b) Indiana Building Code

(2) Article 14 - Indiana Residential Code

(3) Article 16 - Indiana Plumbing Code

(4) Article 17 - Indiana Electric Code

(5) Article 18 - Indiana Mechanical Code

(6) Article 19 - Indiana Energy Conservation Code

(7) Article 20 - Indiana Swimming Pool Code

(8) Article 22 - Indiana Fire Code

(9) Article 24 - Migrant Day Care Nursery Fire Safety Code

(10) Article 25 - Indiana Fuel Gas Code

(B) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws adopted by this Building Code. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until after final approval by the Fire Prevention and Building Safety Commission.

(C) Copies of this code and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of the Clerk-Treasurer.
(Ord. 1249, passed 2-7-83; Am. Ord. 1470, passed 6-13-88; Am. Ord. 1480, passed 9-5-88; Am. Ord. 1923, passed 1-6-99; Am. Ord. 2003-09-25, passed 10-6-03)

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' 152.53 PERMIT REQUIRED; APPLICATION.

(A) A permit shall be obtained before the commencement of construction, alterations, demolition, or repair of any building, structure, or improvement, including decks, patios and balconies 12 inches or higher from lot grade.

(B) Regardless of cost a permit shall be required for the construction of a fireplace or a wood or coal burning stove.

(C) Permits and applications therefor shall be on forms furnished by the Planning and Building Department. Permits can only be issued by the Building Commissioner or his or her duly authorized deputy. All permit and in1spection fees shall be paid to the Clerk-Treasurer.

(D) No permits shall be issued for the foregoing purposes, unless the application for the permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the Department of Fire and Building Services of the state must also be filed with that Department. No local permits shall be issued hereunder until a copy of a release for construction from the State Building Commissioner is received by the Building Commissioner.

(E) (1) Each business locating within the boundaries of the city shall submit a plan describing how its solid waste will be managed, including reduction, reuse and recycling steps taken to reduce its waste stream.

(2) Each person and/or entity applying for business building permits shall provide as a part of their submission a plan describing how their solid waste will be managed, including reduction, reuse and recycling steps taken to reduce their waste stream, which plan shall be subject to approval as part of the permitting process.

(3) Each person and/or entity applying for building permits for multi-family structures, including but not limited to fourplexes and other such structures, shall provide as part of their submission a plan describing how the solid waste for the occupants of such structures will be managed, including reduction, reuse and recycling steps taken to reduce their waste stream, which plan shall be subject to approval as part of the permitting process.

(4) Each individual, business, or other entity, or any other applicant, applying for a permit to demolish any structure, be it residential, business or otherwise, or obtaining any renewal thereof, shall provide as part of its submission a plan describing how the material will be managed, including reduction, reuse and recycling

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steps taken to reduce its waste stream, which plan shall be subject to approval as provided as part of the permitting process.
(Ord. 1249, passed 2-7-83; Am. Ord. 1470, passed 6-13-88; Am. Ord. 1480, passed 9-5-88; Am. Ord. 2005-02-03, passed 2-7-05; Am. Ord. 2005-05-13, passed 5-12-05; Am. Ord. 2009-01-01, passed 2-2-09; Am. Ord. 2009-10-33, passed 10-5-09) Penalty, see ' 152.99(E)

' 152.54 REVIEW OF APPLICATION BY BUILDING COMMISSIONER.

Prior to the issuance of any building permit hereunder, the Building Commissioner shall do the following.

(A) Review all building permit applications to determine full compliance with the provisions of this subchapter.

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair: uses construction materials and utility equipment that are resistant to flood damage; and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction, including prefabricated and mobile homes, is:

(1) Protected against flood damage.

(2) Designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, or flood damage.

(3) Uses construction methods and practices that will minimize flood damage.

(E) Review building permit applications to determine conformance to approved site development plans.
(Ord. 1249, passed 2-7-83)

' 152.55 INSPECTIONS AND FEES.

(A) The fees for the issuance of an Improvement Location (Building) Permit shall be as follows:

(1) Agricultural and one- or two-family residential dwellings units: The permit fee for all additions, remodeling, alterations, and accessory structures shall be equal to $7 per $1,000 of estimated

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construction value per permit, as estimated by the Building and Planning Staff, with a minimum fee of no less than $50 per permit.

(2) Multi-family, condominium, offices, commercial, industrial and all other uses not identified in section (A)(1) above: The permit fee for all additions, remodeling, alterations and accessory structures shall be a sum equal to $8 per $1,000 of estimated construction value per permit, as estimated by the Building and Planning Staff, with a minimum fee of no less than $100 per permit.

(3) Renewal of permit: 10% of the original cost plus costs for required inspections and re-inspections to finalize any given project at $25 per each inspection.

(4) Occupancy permit: $25 per single family dwelling unit and $25 per unit for all other buildings and structures.

(5) Electrical:

(a) Residential electric - new homes:

$100 (100 amp) + $100 for interior wiring
$125 (200 amp) + $100 for interior wiring
$.25 per each amp over 200 amp
$50 flat fee for temporary pole 200 amps and under

(b) Remodeling:

$100 (100 amp service charge + $50 with misc. wiring together)
$125 (200 amp service charge + $50 with misc. wiring together)
$.25 per amp over 200 amp
$100 (100 amp service charge)
$125 (200 amp service charge)
$.25 per amp over 200 amp
$75 flat fee (Nipsco inspection)
$75 flat fee for branch circuit or misc. wiring

(c) Commercial and industrial electric:

$100 (100 amp) + $150 for interior wiring
$125 (200 amp) + $150 for interior wiring
$.25 per amp over 200 amp
$150 interior build-out
$100 misc. wiring
$50 flat fee for temporary pole
$75 per sign (hook-up)
$75 (Nipsco inspection)

(6) Plumbing:

(a) Residential and agricultural:

$70 plus $5 per fixture
$30 minimum fee per structure

(b) Commercial, industrial, multi-family:

$75 plus $5 per fixture
$50 minimum fee per unit

(7) HVAC-Mechanical:

(a) Agricultural, one- and two-family, multi-family and condominiums shall be a flat fee of $75 per unit.

(b) Office, commercial, industrial and all other uses not specified in division (7)(a) above, shall pay a fee of $100 per HVAC unit in or on the building.

(8) Fireplaces: $50 per fireplace

(9) Swimming Pools:

$150 flat fee per permanent above ground pool
$50 flat fee per temporary (inflatable) above ground pool
$50 plus $7 per $1,000 of estimated construction cost for each in ground pool

(10) Demolition: $25

(11) Signs: $50 plus $.50 per square foot

(12) All fees shall be waived for all units of City Government.

(B) The estimated construction value shall be determined by utilizing the building valuation data provided by the then current International Conference of Building Officials (I.C.B.O.) Building Standards to determine fees for payment of inspection and administration cost based on the following inspection schedule:

(1) There shall not be less than fourteen inspections required for every building permit, except as noted, made in the following order:

(a) Footing pre-pour inspection.

(b) Footing inspection.

(c) Pre-pour foundation inspection.

(d) Foundation inspection.

(e) Rough framing inspection.

(f) Underground plumbing and/or electrical inspection.

(g) Rough plumbing inspection.

(h) Rough electrical inspection.

(i) Rough HVAC-Mechanical inspection.

(j) Gas line (HVAC) inspection.

(k) Insulation inspection (before drywall).

(l) Electrical service inspection.

(m) Final HVAC-Mechanical inspection.

(n) Final occupancy inspection (building, plumbing, and electrical).

(2) All building projects including fireplaces, other than one or two family construction, shall have a rough and final fire inspection conducted by the City Fire Inspector or Fire Chief.

(C) "Re-inspection@ shall be defined as each inspection made in excess of the number of inspections authorized in division (B) above. Each re-inspection shall be charged at the rate of $25 each and no certificate of occupancy shall issue prior to the payment of all inspection and re-inspection fees to the city.

(D) The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. When additional inspections are required due to failure of the permit holder to have work ready for inspection at the designated stage of construction, the Director of Planning and Building shall have the power to assess a re-inspection fee of $25 for each additional inspection. Re-inspection fees shall be paid prior to the issuance of a certificate of occupancy.

(E) After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to

insure full compliance with the provisions of this subchapter and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

(F) Each Improvement Location (Building) Permit shall expire two years after its date of issuance. If all construction and inspections are not completed, or a Final Certificate of Occupancy is not granted, within two years of the issuance of the original permit, all construction or work at the project site shall cease until such time as a renewal permit is applied for and issued by the city.
(Ord. 1249, passed 2-7-83; Am. Ord. 1451, passed 12-7-87; Am. Ord. 1470, passed 6-13-88; Am. Ord. 1480, passed 9-5-88; Am. Ord. 1508, passed 10-2-89; Am. Ord. 1922, passed 1-6-99; Am. Ord. 1969, passed 2-7-00; Am. Ord. 2004-04-08, passed 5-3-04; Am. Ord. 2004-06-11, passed 6-7-04; Am. Ord. 2007-05-16, passed 5-7-07; Am. Ord. 2007-06-20, passed 6-4-07; Am. Ord. 2009-01-01, passed 2-2-09; Am. Ord. 2009-10-33, passed 10-5-09; Am. Ord. 2009-12-39, passed 1-4-10; Am. Ord. 2011-07-14, passed 7-5-11) Penalty, see ' 152.99(E)

' 152.56 STANDARDS.

(A) All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in those ordinances.

(B) All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.
(Ord. 1249, passed 2-7-83) Penalty, see ' 152.99(E)

' 152.57 STOP ORDER.

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing the work to be done, and those persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.
(Ord. 1249, passed 2-7-83)

' 152.58 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this subchapter shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this subchapter.
(Ord. 1249, passed 2-7-83)

' 152.59 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the city; or cause or permit the same to be done, contrary to or in violation of the provisions of this code.
(Ord. 1249, passed 2-7-83) Penalty, see ' 152.99(E)

' 152.60 RIGHT OF APPEAL.

Any person affected by an order, decision, or final action made pursuant to this subchapter may, within ten days of notification thereof, appeal the same to the Board of Works and Public Safety by submitting to the City Clerk/Treasurer a written petition stating pertinent provisions and grounds for appeal. Within ten days of the filing of a petition, the Board shall hold a hearing on said petition. Within five days after the conclusion of the hearing, the Board shall revoke, modify, or affirm the order, decision, or final action being appealed. All persons shall have the right to appeal any order of the Building Commissioner, first through the Board of Works and Public Safety and as outlined above, and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of I.C. 22-13-2-7 and 4-21.5-3-7.
(Ord. 1249, passed 2-7-83; Am. Ord. 1480, passed 9-5-88)

' 152.61 REMEDIES.

The city, upon the approval and authorization of the Board of Public Works and Safety, or upon the written authorization of the Mayor, may bring an action or actions for injunctive or other equitable relief, or for money damages or penalties allowed by this chapter or other ordinance or laws, as may be deemed appropriate.
(Ord. 1249, passed 2-7-83; Am. Ord. 2004-06-11, passed 6-7-04)

DISPLAY OF STREET NUMBERS

' 152.70 DISPLAY OF STREET NUMBERS REQUIRED.

(A) 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 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.

(B) For shopping centers, multiple use commercial and industrial buildings with an alley or roadway servicing the rear of the building, the street number and name of the business shall be displayed on all service door(s) to that business, as provided in ' 152.72.
(Ord. 1283, passed l0-3-83; Am. Ord. 1758, passed 5-1-95) Penalty, see ' 152.99(F)

' 152.71 REQUIREMENT FOR STRUCTURES DISTANT FROM PUBLIC WAY.

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 ' 152.70, shall instead display the assigned street number on a light post, mailbox, fence, or other structure near the entrance to that parcel, which is plainly and readily visible by the naked eye from the street or public way which adjoins it.
(Ord. l283, passed l0-3-83) Penalty, see ' 152.99(F)

' 152.72 SPECIFICATIONS.

The display of the assigned street number shall employ arabic numerals of a minimum of four inches in height, the color of which must clearly contrast with the background upon which they are placed.
(Ord. 1283, passed 10-3-83; Am. Ord. 2006-02-05, passed 2-6-06) Penalty, see ' 152.99(F)

' 152.73 GRACE PERIOD.

Any person who violates this subchapter shall have 30 days following written notification of non-compliance in which to comply without fine or other penalty.
(Ord. 1283, passed 10-3-83) Penalty, see ' 152.99(F)

BOARDING OF DOORS, WINDOWS, AND OTHER OPENINGS

' 152.75 DEFINITIONS.

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

"DOOR." A movable structure for opening or closing an entrance or means of access.

"MATERIAL" or "SUBSTANCE." Any solid, opaque material or substance, including, but not limited to, plywood, sheet metal, wooden boards, and hardware cloth.

"PERSON." Any natural person, corporation, association, trust, venture, partnership, or other entity, who is an owner, co-owner, occupant, tenant, co-tenant, or possessor of a structure.

"STRUCTURE." That term as defined in ' 150.02 of this code.

"WINDOW." An opening in a structure for letting in light or air, or looking through.

"WINDOW SHUTTERS." A hinged cover or screen used to temporarily close a window.
(Ord. 1429, passed 3-2-87)

' 152.76 BLOCKING DOORS OR WINDOWS RESTRICTED.

No exterior door or window on any structure, nor any exterior opening, doorway, entrance, or exit on any structure, may be or remain covered, blocked off, obscured, obstructed, screened, or shut out by any material or substance, unless pursuant to the terms of ' 152.77. (Ord. 1429, passed 3-2-87) Penalty, see ' 152.99

' 152.77 EMERGENCY PERMITS; RENEWAL.

In the event of damage to a structure by fire, act of God, force majeure, or other catastrophe, a person may cover the doors, windows, entrances, exits, and other openings in the exterior of that damaged structure with materials or substances; provided, however, that no such materials or substances may be applied to, fastened on, attached to, or erected upon such a structure until an emergency permit for the same has been issued by the City Building Commissioner, or, in his absence, the City Fire Inspector. Only materials approved by the issuer of said permit and specifically stated therein may be used for such purpose by the permittee. Such an emergency permit shall expire 90 days from the date of the damage, and shall be renewable for additional 30-day periods in the discretion of the City Building Commissioner. The City Building Commissioner shall issue a renewal permit only if reasonable and timely progress of any investigation of the cause of the damage to or of any repairs to the structure is satisfactorily documented. Such permit and renewals thereof, if issued, shall be without charge or fee. (Ord. l429, passed 3-2-87) Penalty, see ' 152.99

' 152.78 EXCEPTIONS; SHUTTERS AND REMODELING.

Nothing in this subchapter shall be interpreted to prohibit the erection of window shutters on any structure, or the remodeling or renovation of any structure, when such remodeling or renovation is performed pursuant to all applicable statutes, ordinances, and permits. (Ord. 1429, passed 3-2-87)

COVERING OF WINDOWS AND OTHER OPENINGS IN UNOCCUPIED COMMERCIAL STRUCTURES

' 152.80 DEFINITIONS.

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

"COMMERCIAL STRUCTURE." A structure, as that term is defined at ' 150.02 of this code, which either is intended, in part or in whole, for a use related to business or commerce, as those terms are defined at ' 150.02 of this code, or whose most recent use was, in part or in whole, related to business or commerce, as those terms are defined at

' 150.02 of this code, or which is located in either a B-1, B-2, B-3, I-1, or OS-1 zoning district, as those terms and designations are defined at ' 150.l9 of this code.

"COVERING." Curtains, draperies, window shades, Venetian blinds, and similar materials and devices which are commercially manufactured for the purpose of the decoration and screening of windows, but not including any other solid, opaque material or substance, including, but not limited to, soap, paint, paper, newspapers, cardboard, other paper products, plywood, sheet metal, wooden boards, and hardware cloth.

"DOOR." A movable fixture or device intended or designed for opening or closing an entrance or means of access or exit to a commercial structure, which fixture or device contains a window.

"PERSON." Any natural person, corporation, association, trust, venture, partnership, or other entity, who is an owner, co-owner, occupant, tenant, co-tenant, or possessor of a commercial structure.

"VACANT" or "UNOCCUPIED." Shall have interchangeable meaning, and shall mean and refer to a condition of disuse, emptiness, abandonment, or lack of activity related to business or commerce, which condition continues for a period of ten or more consecutive days.

"WINDOW." An opening in a commercial structure or door intended or designed for the passage of light or air, or for the purpose of visual observation.

"WINDOW SHUTTERS." Hinged covers or screens used to temporarily close a window.
(Ord. 1455, passed 2-1-88)

' 152.81 COVERING REQUIRED ON DOORS OR WINDOWS OF UNOCCUPIED COMMERCIAL STRUCTURE.

All exterior doors or windows on any vacant or unoccupied commercial structure shall have affixed to the entire interior thereof, a covering, unless otherwise permitted pursuant to the terms of ' 152.82.
(Ord. 1455, passed 2-1-88) Penalty, see ' 152.99

' 152.82 EMERGENCIES; PERMIT.

In the event of damage to a vacant or unoccupied commercial structure by fire, act of God, force majeure, or other catastrophe, a person may cover the doors or windows on the exterior of that damaged structure with materials or substances as provided in ' 152.77, but only if done in strict compliance with and pursuant to the terms and permit procedures contained in '' 152.75 through 152.78 which are hereby incorporated by reference.
(Ord. 1455, passed 2-1-88) Penalty, see ' 152.99

' 152.83 EXCEPTIONS; SHUTTERS AND REMODELING.

Nothing in this subchapter shall be interpreted to prohibit the erection of window shutters on any structure, or the remodeling or renovation of any structure, when such remodeling or renovation is performed pursuant to all applicable statutes, ordinances, and permits. (Ord. 1455, passed 2-1-88)

' 152.99 PENALTY.

(A) Any person, firm, or corporation which shall violate any provision of '' 152.01 through 152.03 shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $300.
(Ord. 474, passed 8-24-37; amend. Ord. 619, passed 11-5-56)

(B) Any person violating the provisions of '' 152.20 through 152.27 shall be fined in a sum not exceeding $2500. Each day the violation continues shall be deemed a separate and distinct violation of the provisions hereof. (Ord. l268, passed 6-6-83)

(C) Any and each day of occupancy or attempted occupancy without the permit required by '' 152.30, 152.31, and 152.32 shall constitute a separate offense and shall subject the violator to punishment by a fine of not less than $10 nor more than $25 for each offense.

(D) Any person, firm, or corporation which shall violate any of the provisions of '' 152.40 through 152.44 or which shall fail to comply therewith, or with any of the requirements thereof, or which shall erect, construct, alter, or repair any building or structure in violation of any detailed plan or statement submitted for approval and as approved hereunder, shall for each and every violation or noncompliance be guilty of an offense hereunder, and upon conviction thereof shall forfeit and pay to the city a fine in any sum not to exceed $300 for each offense, and each day such violation or noncompliance shall be permitted to exist shall constitute a separate and distinct offense.
(Ord. 515, passed 10-2-44)

(E) If any person, firm, or corporation shall violate any of the provisions of '' 152.50 through 152.61, or shall do any act prohibited therein; or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Commissioner; or shall fail, neglect, or refuse to obey any lawful order given by the Building Commission in connection with the provisions of '' 152.50 through 152.61, for each violation, failure, or refusal, that person, firm, or corporation shall be fined any sum not less than $50, nor more than $2,500. Each day of such unlawful activity as is prohibited by the first sentence of this division shall constitute a separate offense. (Ord. 1249, passed 2-7-83)

(F) An owner or occupant of a building, house, or structure on a parcel of real estate which has been or is assigned a street number, and who fails to erect or to properly maintain the numerical display required by '' 152.70 through 152.73, shall be liable for a fine of no more than $100. Each day a violation of '' 152.70 through 152.73 exists shall be deemed a separate violation. (Ord. 1283, passed 10-3-83)

(G) (1) Any person who shall violate any provision of '' 152.76 and 152.77 shall be liable for a fine of no less than $25 and no more than $100, provided, further, that each day or part of a day such violation exists shall constitute a separate and distinct violation.

(2) Any person who shall violate any provision of '' 152.76 and 152.77 shall be deemed the author and maintainer of a public nuisance. (Ord. 1429, passed 3-2-87)

(H) (1) Any person who shall violate any provision of '' 152.81 and 152.82 shall be liable for a fine of no less than $25 and no more than $100, provided, further, that each day or part of a day such violation exists shall constitute a separate and distinct violation.

(2) Any person who shall violate any provision of '' 152.81 and 152.82 shall be deemed the author and maintainer of a public nuisance. (Ord. 1429, passed 3-2-87)

CHAPTER 153: FLOOD DAMAGE PREVENTION

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GENERAL PROVISIONS

' 153.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; OBJECTIVES.

(A) Statutory authorization. The Indiana Legislature has in I.C. 36-7-4 and I.C. 14-28-4 granted the power to local government units to control land use within their jurisdictions. Now, therefore, be it ordained by the Common Council of the City of Crown Point, Indiana, that this Ordinance No. 2012-01-01 for flood hazard areas is hereby added to the code of ordinances, as follows.

(B) Findings of fact.

(1) The flood hazard areas of Crown Point are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(C) Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

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

(D) Objectives. The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(7) To ensure that potential homebuyers are notified that property is in a flood area.
(Ord. 2012-01-01, passed 1-3-12)

' 153.02 DEFINITIONS.

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

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

(1) "ZONE A." Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

(2) "ZONE AE AND A1-A30." Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (ZONE AE is on new and revised maps in place of ZONES A1-A30.)

(3) "ZONE AO." Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

(4) "ZONE AH." Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

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

(6) "ZONE A99." Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. "ZONE A99" may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

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

"ADDITION (TO AN EXISTING STRUCTURE)." Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

"APPEAL." A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

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

"BASE FLOOD ELEVATION (BFE)." The elevation of the 1% annual chance flood.

"BASEMENT." That portion of a structure having its floor sub-grade (below ground level) on all sides.

"BUILDING." See "STRUCTURE."

"COMMUNITY." A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

"COMMUNITY RATING SYSTEM (CRS)." A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

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

"DEVELOPMENT." Any man-made change to improved or unimproved real estate including but not limited to:

(1) Construction, reconstruction, or placement of a structure or any addition to a structure;

(2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) Construction of flood control structures such as levees, dikes, dams, channel improvements, and the like;

(5) Mining, dredging, filling, grading, excavation, or drilling operations;

(6) Construction and/or reconstruction of bridges or culverts;

(7) Storage of materials; or

(8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

"ELEVATED STRUCTURE." A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

"ELEVATION CERTIFICATE." A certified statement that verifies a structure's elevation information.

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

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

"EXISTING CONSTRUCTION." Any structure for which the "START OF CONSTRUCTION" commenced before the effective date of the community's first floodplain ordinance.

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

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA." The Federal Emergency Management Agency.

"FIVE-HUNDRED YEAR FLOOD (500-YEAR FLOOD)." The flood that has a 0.2% chance of being equaled or exceeded in any year.

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

"FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)." An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

"FLOOD HAZARD BOUNDARY MAP (FHBM)." An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

"FLOOD INSURANCE RATE MAP (FIRM)." An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY (FIS)." The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

"FLOOD PRONE AREA." Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "FLOOD.")

"FLOOD PROTECTION GRADE (FPG)." The elevation of the regulatory flood plus two feet at any given location in the SFHA. (See "FREEBOARD.")

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

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

"FLOODPLAIN MANAGEMENT REGULATIONS." This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. "FLOODPLAIN MANAGEMENT REGULATIONS" are also referred to as "FLOODPLAIN REGULATIONS," "FLOODPLAIN ORDINANCE," "FLOOD DAMAGE PREVENTION ORDINANCE," and "FLOODPLAIN MANAGEMENT REQUIREMENTS."

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

"FLOODPROOFING CERTIFICATE." A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

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

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

"FRINGE." Those portions of the floodplain lying outside the floodway.

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

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

"HIGHEST ADJACENT GRADE." The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

"HISTORIC STRUCTURE." Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

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

"LETTER OF MAP AMENDMENT (LOMA)." An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A "LOMA" is only issued by FEMA.

"LETTER OF MAP REVISION (LOMR)." An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

"LETTER OF MAP REVISION BASED ON FILL (LOMR-F)." An official revision by letter to an effective NFIP map. A "LOMR-F" provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

"LOWEST ADJACENT GRADE." The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

"LOWEST FLOOR." The lowest of the following:

(1) The top of the lowest level of the structure;

(2) The top of the basement floor;

(3) The top of the garage floor, if the garage is the lowest level of the structure;

(4) The top of the first floor of a structure elevated on pilings or pillars;

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

(b) Such enclosed space shall be usable solely for the parking of vehicles and building access.

"MANUFACTURED HOME." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "MANUFACTURED HOME" does not include a recreational vehicle.

"MANUFACTURED HOME PARK OR SUBDIVISION." A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

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

"NATIONAL FLOOD INSURANCE PROGRAM (NFIP)." The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

"NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929." As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

"NEW CONSTRUCTION." Any structure for which the "START OF CONSTRUCTION" commenced after the effective date of the community's first floodplain ordinance.

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

"NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)." As adopted in 1993, is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

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

"ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD)." The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See "REGULATORY FLOOD."

"ONE-PERCENT (1%) ANNUAL CHANCE FLOOD." The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the "1% ANNUAL CHANCE FLOOD." See "REGULATORY FLOOD."

"PARTICIPATING COMMUNITY." Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

"PHYSICAL MAP REVISION (PMR)." An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

"POST-FIRM CONSTRUCTION." Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

"PRE-FIRM CONSTRUCTION." Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

"PROBATION." A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

"PUBLIC SAFETY AND NUISANCE." Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free

passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

"REGULAR PROGRAM." The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

"REGULATORY FLOOD." The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in ' 153.04 of this chapter. The "REGULATORY FLOOD" is also known by the term "BASE FLOOD," "ONE-PERCENT (1%) ANNUAL CHANCE FLOOD," and "100-YEAR FLOOD."

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

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

"SPECIAL FLOOD HAZARD AREA (SFHA)." Those lands within the jurisdictions of the city subject to inundation by the regulatory flood. The "SFHAs" of the City of Crown Point are generally identified as such on the Lake County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated January 18, 2012. The "SFHAs" of those parts of unincorporated Lake County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Lake County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated January 18, 2012. (These

areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).

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

"STRUCTURE." A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

"SUBSTANTIAL DAMAGE." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

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

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

"VARIANCE." A grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

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

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

"WATER SURFACE ELEVATION." The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

"ZONE." A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

"ZONE A." See definition for "A ZONE."

"ZONE B, C, and X." Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (ZONE X is used on new and revised maps in place of ZONES B and C.)
(Ord. 2012-01-01, passed 1-3-12)

' 153.03 APPLICATION.

This chapter shall apply to all SFHAs and known flood prone areas within the jurisdiction of Crown Point.
(Ord. 2012-01-01, passed 1-3-12)

' 153.04 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

(A) This chapter's protection standard is the regulatory flood.

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

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Crown Point shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Lake County and Incorporated Areas dated January 18, 2012 and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated January 18, 2012.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Crown Point, delineated as an "A Zone" on the Lake County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated January 18, 2012, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. (Ord. 2012-01-01, passed 1-3-12)

' 153.05 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard. (Ord. 2012-01-01, passed 1-3-12)

' 153.06 COMPLIANCE.

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

compliance with the terms of this chapter and other applicable regulations.
(Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.07 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2012-01-01, passed 1-3-12)

' 153.08 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the elevation {natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.
(Ord. 2012-01-01, passed 1-3-12)

' 153.09 INTERPRETATION.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. 2012-01-01, passed 1-3-12)

' 153.10 WARNING; DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this

chapter does not create any liability on the part of Crown Point, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.
(Ord. 2012-01-01, passed 1-3-12)

' 153.11 VIOLATIONS.

Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this chapter.
(Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.12 INCREASED COST OF COMPLIANCE (ICC).

In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure," the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.
(Ord. 2012-01-01, passed 1-3-12)

ADMINISTRATION

' 153.25 FLOODPLAIN ADMINISTRATOR DESIGNATED.

The Common Council of Crown Point hereby appoints the Director of Planning and Building or his or her designee to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.
(Ord. 2012-01-01, passed 1-3-12)

' 153.26 PERMIT PROCEDURES.

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

(B) Specifically the following information is required:

(1) Application stage.

(a) A description of the proposed development;

(b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

(c) A legal description of the property site;

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

(f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;

(g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(2) Construction stage. Upon placement of the lowest floor, or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
(Ord. 2012-01-01, passed 1-3-12)

' 153.27 FLOODPLAIN ADMINISTRATOR; DUTIES AND RESPONSIBILITIES.

(A) The Floodplain Administrator and/or designee is hereby authorized and directed to enforce the provisions of this chapter. The Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

(B) Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied;

(2) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations;

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to '' 153.44 and 153.46(A) of this chapter, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment);

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter;

(7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(9) Verify and record the actual elevation of the lowest floor (including basement) of ail new or substantially improved structures, in accordance with ' 153.26;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with ' 153.26;

(11) Review certified plans and specifications for compliance.

(12) Stop work orders.

(a) Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.

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

(13) Revocation of permits.

(a) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(14) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized city officials shall have the right to enter and inspect properties located in the SFHA. (Ord. 2012-01-01, passed 1-3-12)

FLOOD HAZARD REDUCTION

' 153.40 GENERAL STANDARDS.

In all SFHAs and known flood prone areas the following provisions are required:

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground

anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(I) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter; and

(J) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not further extended or replaced.

(K) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one to one) due to the fill or structure.

(1) The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;

(2) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory floodwater, will not be subject to ponding when not inundated by floodwater, and that it shall not be refilled;

(3) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by floodwater;

(4) The fill or structure shall not obstruct a drainage way leading to the floodplain;

(5) The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater;

(6) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and

(7) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this subchapter. (Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.41 SPECIFIC STANDARDS.

In all SFHAs, the following provisions are required:

(A) In addition to the requirements of ' 153.40, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(1) Construction or placement of any new structure having a floor area greater than 400 square feet;

(2) Addition or improvement made to any existing structure:

(a) Where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

(b) With a previous addition or improvement constructed since the community's first floodplain ordinance.

(3) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;

(4) Installing a travel trailer or recreational vehicle on a site for more than 180 days;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(6) Reconstruction or repairs made to a repetitive loss structure.

(B) Residential construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) below.

(C) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) below. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

(1) A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in ' 153.27(B)(10).

(2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(D) Elevated structures.

(1) New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

(2) Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

(a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area); and

(b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

(d) Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device; and

(e) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(f) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

(g) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and

(h) Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally

approved design, shall be presented as a condition of issuance of the final certificate of occupancy.

(E) Structures constructed on fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

(1) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.

(2) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

(3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(5) The top of the lowest floor including basements shall be at or above the FPG.

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

(1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:

(a) Outside a manufactured home park or subdivision;

(b) In a new manufactured home park or subdivision;

(c) In an expansion to an existing manufactured home park or subdivision; or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(2) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

(3) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (D) of this section.

(4) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(5) Recreational vehicles placed on a site shall either:

(a) Be on site for less than 180 days; and

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for "manufactured homes" as stated earlier in this division (F).
(Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.42 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

(E) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(F) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders). (Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.43 CRITICAL FACILITY.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible. (Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.44 STANDARDS FOR IDENTIFIED FLOODWAYS.

(A) Located within SFHAs, established in ' 153.04, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving and the like undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

(B) No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of

Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

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

(D) For all projects involving channel modifications or fill (including levees) the city shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data. (Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.45 STANDARDS FOR IDENTIFIED FRINGE.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in this subchapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG. (Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.46 STANDARDS FOR SFHAS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.

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

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

(2) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended flood protection grade has been received from the Indiana Department of Natural Resources.

(3) Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this subchapter have been met.

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

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

(2) Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met.

(C) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.
(Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

' 153.47 STANDARDS FOR FLOOD PRONE AREAS.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per this subchapter.
(Ord. 2012-01-01, passed 1-3-12) Penalty, see ' 153.99

VARIANCE PROCEDURES

' 153.60 VARIANCE AND APPEALS BOARD DESIGNATED.

The Board of Zoning Appeals (BZA) as established by the City of Crown Point, Indiana shall hear and decide appeals and requests for variances from requirements of this chapter.
(Ord. 2012-01-01, passed 1-3-12)

' 153.61 DUTIES OF BOARD.

The BZA shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the

Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the Board may appeal such decision to the Circuit Court of Lake County.
(Ord. 2012-01-01, passed 1-3-12)

' 153.62 VARIANCE PROCEDURES.

In passing upon such applications, the BZA shall consider all technical evaluations, all relevant factors, ail standards specified in other sections of this chapter, and:

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

(B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(C) The importance of the services provided by the proposed facility to the community;

(D) The necessity to the facility of a waterfront location, where applicable;

(E) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(F) The compatibility of the proposed use with existing and anticipated development;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and

(J) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
(Ord. 2012-01-01, passed 1-3-12)

' 153.63 CONDITIONS FOR VARIANCES.

(A) Variances shall only be issued when there is:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(B) No variance for a residential use within a floodway subject to ' 153.44 or ' 153.46(A) of this chapter may be granted.

(C) Any variance granted in a floodway subject to ' 153.44 or ' 153.46(A) of this chapter will require a permit from the Indiana Department of Natural Resources.

(D) Variances to the provisions for flood hazard reduction of ' 153.41 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(E) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(F) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(G) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See ' 153.64).

(H) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See ' 153.64).
(Ord. 2012-01-01, passed 1-3-12)

' 153.64 VARIANCE NOTIFICATION.

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

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(B) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.
(Ord. 2012-01-01, passed 1-3-12)

' 153.65 HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
(Ord. 2012-01-01, passed 1-3-12)

' 153.66 SPECIAL CONDITIONS.

Upon the consideration of the factors listed in this subchapter, and the purposes of this chapter, the BZA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(Ord. 2012-01-01, passed 1-3-12)

' 153.99 PENALTY.

(A) All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the city. All violations shall be punishable by a fine not exceeding $2,500 per day.

(B) A separate offense shall be deemed to occur for each day the violation continues to exist.

(C) The city's Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(D) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 2012-01-01, passed 1-3-12)

CHAPTER 154: CONVERSION TO CONDOMINIUMS

Section

154.0l Construction; application
154.02 Definitions
154.03 Notice of intent required; disclosure
154.04 Rights of tenants
154.05 Water and sewer utilities

154.99 Penalty

' 154.0l CONSTRUCTION; APPLICATION.

(A) This chapter shall be construed liberally to insure protection for the consumer tenant when he is subject to a condominium conversion.

(B) This chapter shall apply to all residential property within the city which is brought within the provisions of the State Horizontal Property Law, or which qualifies as a common law condominium, so as to make the property a conversion condominium as defined in '154.02. However, this chapter shall not apply to the following.

(l) Condominium units which, prior to the effective date of this chapter, have been sold under a binding contract of sale to a purchaser for use as a residence.

(2) Condominiums lawfully established prior to the effective date of this chapter.
(Ord. l208, passed 3-l-82)

Statutory reference:
State Horizontal Property Law, see IC 32-l-6-l et seq.

' 154.02 DEFINITIONS.

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

"CONDOMINIUM." Real estate formally submitted or subject to the provisions of IC 32-l-6-l et seq., as that state law may be amended from time to time, or a "COMMON LAW CONDOMINIUM" as that term has been interpreted under state law.

"CONDOMINIUM INSTRUMENTS." The declaration, by-laws, and plats and floor plans of the condominium, together with any exhibits or schedules thereto, which IC 32-l-6-l et seq. requires to be filed in the office of the County Recorder.

"CONDOMINIUM UNIT." An enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a structure of

one or more floors or stories designed for residential use, with either a direct exit to a public street or highway or an exit to a thoroughfare or to a given common space leading to a thoroughfare, together with the undivided interest in the common leading to a thoroughfare, together with the undivided interest in the common areas as that phrase is defined by IC 32-l-6-2.

"CONVERSION CONDOMINIUM." A condominium in which some or all of the units were occupied before the establishment of the condominium.

"DECLARATION." The "DECLARATION" required to be filed in the office of the County Recorder by IC 32-l-6-l et seq. in order to bring property within the provisions of that state law.

"DEVELOPER." Any person who has property legally or equitably owned by him subject to the provisions of IC 32-l-6-l et seq., including any successor to the developer's entire interest in the property.

"TENANT." A person occupying, under an existing lease, a unit of a building located on property which has not been submitted to the provisions of IC 32-l-6-l-et seq. or qualified as a common law condominium. For the purposes of the right of first option given in' 154.04, "TENANT" means a tenant who was a tenant on the date of the notice of intent and a tenant on the date he exercises his right of first option.
(Ord. l208, passed 3-l-82)

' 154.03 NOTICE OF INTENT REQUIRED; DISCLOSURE STATEMENT.

(A) Notice of intent. A developer intending to submit property to the provisions of IC 32-l-6-l et seq. or to qualify property as a common law condominium, shall give notice of this intent, not less than l20 days and not more than one year prior to the recording of a declaration and other condominium instruments, to all persons who are tenants on the date the notice is given, and to the City Engineer, the City Building Commissioner, the City Attorney, and the Superintendent of Waterworks. The notice of intent shall be delivered to each tenant either by personal delivery or by registered or certified United States mail, return receipt requested. The notice of intent shall contain the following information.

(l) A proposed date, no earlier than l20 days from the date of delivery of the notice, upon which the developer intends to file the declaration in the office of the County Recorder, or to otherwise qualify as a common law condominium.

(2) A copy of the proposed declaration and by-laws.

(3) A copy of the disclosure statement required by this chapter.

(4) A statement clearly explaining the rights given each tenant under the terms of division (B) of this section.

(5) The notice of intent may be conditioned upon the attainment of a fixed percentage of condominium sales with a fixed period of time for the stated condominium conversion development.

(6) The number of water meters and connections that will be required for the conversion.

(B) Disclosure statement. The disclosure statement required to be delivered to each tenant by division (A) shall include the following information.

(l) The name, address, and telephone number of the developer who proposes to submit the premises to the provisions of IC 32-l-6-l et seq. or to qualify the premises as a common law condominium.

(2) A copy of a report from a qualified registered architect or licensed professional engineer describing the present condition and expected useful life of the roof, foundation, external and supporting walls, mechanical, electrical, plumbing, heating, and structural elements and all other common facilities, together with an estimate of repair and replacement at current market prices.

(3) A list of any outstanding notices of uncured violations of the building code, zoning code, or other municipal regulations, together with the estimated cost of curing those violations.

(4) An itemized common area expense budget providing the estimated cost of all operating, administrative, maintenance, repair, and other expenses which are to be paid by the owners of the condominium units on a pro-rata basis.

(5) A statement of all current real property taxes and other assessments against the property, and the estimated amount of the taxes or assessments which would be payable by the unit owner.

(6) A statement of the initial offering price for the condominium to be sold and the terms and conditions for the sale.

(7) A statement of any available financing arrangements for a tenant.
(Ord. l208, passed 3-l-82) Penalty, see '154.99

' 154.04 RIGHTS OF TENANTS.

(A) Any person who was a tenant on the date of the notice of intent and whose tenancy expires other than for cause prior to the expiration of l20 days from the date on which a copy of the notice of intent was received, shall have the right to an additional

tenancy on the same terms and conditions for the same rental until the expiration of the l20 day period if the tenant gives written notice to the developer of his intent to exercise that right within 30 days of the date upon which the notice was received. Any additional tenancy may be withheld if the tenant is in arrears, has committed waste, or has been determined to cause a general nuisance. In the case of any tenant who is over 65 years of age, or who is deaf, blind, or unable to walk without mechanical assistance, the tenant shall have the right, upon giving written notice, to an additional tenancy on the same terms and conditions and for the same rental for a period of l80 days following receipt of notice of intent if the tenant gives written notice of his intent to exercise that right within 30 days of the date upon which the notice of intent was received.

(B) A developer shall not sell or offer to sell any conversion condominium unit which is in the possession of a tenant who received notice pursuant to '154.03(A) without first offering to sell the unit to the tenant. The developer shall deliver to the tenant, either by personal delivery or by registered or certified United States mail, return receipt requested, an offer to sell the unit to the tenant, specifying the price and all other terms and conditions of the offer. The offer shall be made no later than l20 days before the date upon which the developer will require the tenant to vacate.

(l) No tenant entitled to receive such an offer shall be required to vacate his unit any earlier than l20 days from the receipt of the offer, except by reason of nonpayment of rent, waste, or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy shall not be altered during that period.

(2) The tenant shall have 60 days from receipt of the offer to either accept or reject the offer. If the tenant rejects the offer or fails to accept the offer within the 60-day period, the developer may not offer to dispose of an interest in that unit during the 90 days following either the tenant's rejection of the offer or the expiration of the 60-day period, whichever occurs first, at the price or on terms more favorable to the offeree than the price or terms offered to the tenant.

(C) If a developer, in violation of division (B) above, conveys a unit to a purchaser for value who has no knowledge of the violation, recordation of the deed conveying the unit extinguishes any right a tenant may have under division (B) to purchase that unit if the deed states that the seller has complied with division (B); but this does not affect any claim the tenant may have against the developer for damages, nor does it affect the penalties provided in '154.99
(Ord. l208, passed 3-l-82) Penalty, see '154.99

' 154.05 WATER AND SEWER UTILITIES.

(A) Water. The developer shall provide a separate water connection and water meter, approved in advance of conversion by the City Engineer, for each unit. The developer shall be liable, and pay the city, for all costs of connections, installations, and water meters, in advance, and shall deposit in advance with the Clerk-Treasurer a cash bond or surety in an amount established by the City Engineer as sufficient to pay for these costs. The bond shall be released only upon unconditional approval of the installations, connections, and meters by the City Engineer. Applicable consumer deposits shall be made for each connection and water meter.

(B) Sewer. Each tenant shall be charged for sewer use on the same basis as any other user of water in the city.
(Ord. l208, passed 3-l-82) Penalty, see '154.99

Cross-reference:

Condominium units to be separately connected and metered for water use, see ' 50.04

' 154.99 PENALTY.

(A) Any person found guilty of violating any of the provisions of this chapter, upon conviction, may be punished by a fine not exceeding $2,500 per violation.

(B) Any person who makes or causes to be made any material misrepresentations with respect to the information required to be included in a disclosure statement shall be guilty of a violation of this chapter, and upon conviction may be punished by a fine not to exceed $2,500.

(C) The penalty provisions of this section shall be in addition to any legal or equitable remedy available under state law.
(Ord. l208, passed 3-l-82)

CHAPTER 155: MANUFACTURED HOUSING

Section

General Provisions

155.0l Application of regulations
155.02 Definitions
155.03 Permitted placement
155.04 Exterior apprarance standards
155.05 Installation standards
155.06 Remedies for violations; removal

Permits

155.l0 Improvement location permit
155.ll Certificate of occupancy
155.l2 Failure to obtain

155.99 Penalty

GENERAL PROVISIONS

' 155.0l APPLICATION OF REGULATIONS.

This chapter shall apply only to manufactured housing located outside of manufactured housing parks. For the purpose of IC 36-7-4-ll06, this chapter shall apply only to manufactured homes constructed after January l, l98l.
(Ord. l206, passed 3-l-82)

' 155.02 DEFINITIONS.

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

"MANUFACTURED HOME." A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bearing a seal certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Code and complying with the Uniform Building Code for One-and-Two Family Homes of the state. A MANUFACTURED HOME" shall contain a minimum of 950 square feet occupied space and exceed a minimum width of 23 feet.
(Ord. l206, passed 3-l-82)

' 155.03 PERMITTED PLACEMENT.

(A) The establishment, location, and use of manufactured homes as permanent residences approved individually, by specific materials, or by design, shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to the residential use in the district.

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(B) Manufactured homes shall meet the following requirements and limitations.

(l) The dwelling shall meet the appropriate exterior appearance standards as hereinafter set forth in '155.04.

(2) The dwelling shall be located in a district where the use is permitted in the schedule of uses as defined in the zoning code.

(3) The dwelling shall receive all required permits and conform with the comprehensive plan, building codes, and other ordinances of the city.
(Ord. l206, passed 3-l-82)

' 155.04 EXTERIOR APPEARANCE STANDARDS.

A manufactured home shall comply with the following.

(A) It shall conform to the minimum square footage requirements of appropriate zoning classification in the zoning code for residential construction.

(B) It shall be placed on a foundation meeting all the requirements of a conventional single-family home foundation.

(C) It shall be anchored to the ground, in accordance with approved manufactured home installation standards.

(D) It shall have wheels, axles, and hitch mechanisms removed.

(E) It shall meet appropriate utility connection standards, in accordance with approved home installation standards.

(F) It shall have siding material of a type customarily used on site-constructed residences.

(G) It shall have roofing materials of a type customarily used on site-constructed residences, with a minimum of three inches of pitch for each foot of horizontal travel.

(H) It shall be placed onto a permanent exterior perimeter retaining wall, in accordance with the approved manufactured home installation standards.
(Ord. l206, passed 3-l-82)

' 155.05 INSTALLATION STANDARDS.

(A) Perimeter retaining wall. Those manufactured homes designated in the zoning code as requiring perimeter retaining walls must be set onto an excavated area with foundations, footing, and basement walls constructed in accordance with the terms of the one-and two-family dwelling code. The space between the floor

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joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter retaining wall. The wall shall be composed of solid masonry, which shall extend below the frost line. The design by a registered professional engineer or architect shall safely support those loads, as determined by the character of the soil.

(B) Foundations. All manufactured housing shall be installed on foundations in accordance with the requirements of the one-and two-family dwelling code of the state.
(Ord. l206, passed 3-l-82)

' 155.06 REMEDIES FOR VIOLATIONS; REMOVAL.

(A) The legal department may institute suit for injunctive relief or damages in court of competent jurisdiction to enforce the terms of this chapter, and for all other appropriate relief.

(B) A structure, located on property in violation of this chapter, shall be subject to removal from the property. However, the owner shall be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to force compliance, the expenses involved shall be chargeable to the owner and constitute a lien against the property.
(Ord. l206, passed 3-l-82)

PERMITS

' 155.l0 IMPROVEMENT LOCATION PERMIT.

(A) Prior to the location, relocation, or establishment of any manufactured home, the home owner or authorized representative shall secure from the Building Commissioner an improvement location permit, which states that the building and its location conform with the comprehensive plan and the zoning code. Each application for an improvement location permit shall be accompanied by the following.

(l) A plot plan as required for all dwelling units, but which at a minimim include elevations, roof materials, exterior dimensions, perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like.

(2) Sewer and water tap-on permits.

(3) A copy of the approved instructions, which will be used for installation purposes, where applicable.

(4) Any other information, as may be required by the Building Commissioner for the proper enforcement of this chapter.

(5) An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Plan

Commission in the improvement permit.
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(B) After the receipt of the information required for an improvement location permit, as specified in division (A) above, the Building Commissioner shall review the standards set in this chapter. If the applicant has met all required standards, then within 30 days the improvement location permit shall be issued by the Building Commissioner.

(C) If, after receipt of the information required for an improvement location permit, as specified in division (A) above, the Building Commissioner finds that the applicant has not fully met the standards of this chapter, and the changes or additional actions needed are deemed by the Building Commissioner to be relatively minor or simple, a conditional approval can be granted within 30 days, with the stated conditions which must be met prior to occupancy explained therein. The applicant's agreement in writing to the further conditions thereafter is deemed an amendment to his application. If the applicant does not so agree, the application is deemed denied without further action.

(D) If the Building Commissioner determines that an application does not comply with the requirements of this chapter, then, within 30 days of the date of the application, the Commissioner shall deny the application in writing, stating the reasons therefor.
(Ord. l206, passed 3-l-82)

' 155.ll CERTIFICATE OF OCCUPANCY.

(A) Prior to the occupancy of any manufactured home, the home owner or authorized representative shall secure from the Building Commissioner a certificate of occupancy stating the building and its use comply with all provisions of this chapter applicable to the building or the use in the district in which it is located.

(B) After submission of an application for a certificate of occupancy, the Building Commissioner shall inspect the property and make any referrals to other local officials for technical determinations as he deems appropriate for conformance with conditions of the improvement location permit and the standards set out in this chapter. If the applicant has conformed with all of the required conditions and standards, a certificate of occupancy shall be issued.

(C) If any of the conditions or standards required by this chapter have not been complied with, the certificate of occupancy shall not be issued, and a written statement specifying the reasons for non-issuance shall be made and given to the applicant.
(Ord. l206, passed 3-l-82)

' 155.l2 FAILURE TO OBTAIN.

Failure to obtain either an improvement location permit or a certificate of occupancy shall be a violation of this chapter and punishable under the provisions of '155.99.
(Ord. l206, passed 3-l-82)

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' 155.99 PENALTY.

Each day of non-compliance with the provisions of this chapter constitutes a separate and distinct violation. Any person, firm, or corporation violating the terms of this chapter shall be fined in a sum of not less than $l00 nor more than $2,500.
(Ord. l206, passed 3-l-82)

l984 S-8 Repl.

CHAPTER 156: HISTORIC DISTRICTS

Section

156.01 Purpose and definitions
156.02 Historic Preservation Commission establishment and organization
156.03 Historic districts, conservation districts, and guidelines
156.04 Public hearing
156.05 Interim protection
156.06 Certificates of appropriateness (COA)
156.07 Staff approvals
156.08 Visual compatibility
156.09 Preservation of historical and architectural character upon alteration or relocation mandated
156.10 Appeal provisions
156.11 Maintenance
156.12 Relationship with zoning districts
156.13 Interested parties

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' 156.01 PURPOSE AND DEFINITIONS.

(A) Purpose of Historic Preservation and Protection. In order to promote the educational, cultural and general welfare of the citizens of the city and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the city and to enhance tourism within the city; it is deemed essential by the city that qualities relating to its history and harmonious outward appearance to its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture and material between historic buildings and those of contemporary design. It is the intention of the city through this chapter to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes and neighborhoods which impart a distinct aesthetic quality to the city and serve as visible reminders of its historic heritage.

(B) Definitions. The following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural and the plural the singular. "SHALL" is always mandatory. "PERSON" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"ALTERATION." A material or color change in the external architectural features of any building, structure, or site within a historic district.

"CLASSIFICATIONS."

(a) Outstanding: The "O" classification means that the property has sufficient historic or architectural significance that is listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state or national importance.

(b) Notable: A classification of "N" means the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.

(c) Contributing: A "C" classification means the property is at least 40 years old, but does not meet the criteria for an "O" or "N" classification. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed in the National Register only as part of a historic district.

(d) Non-Contributing: Property classified as "NC" is not included in an inventory unless it is located within the boundaries of a historic district. Such properties may be less than 50 years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register.

"DEMOLITION." The complete or substantial removal of any building, structure or site located in a historic district.

"HISTORIC DISTRICT." A single building, structure, object or site or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance adopted under this chapter.

"INTERESTED PARTY." One of the following:

(a) The Mayor.

(b) The City Council.

(c) The City Plan Commission.

(d) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted under this chapter.

(e) An owner or occupant of property located in a historic district established by an ordinance adopted under this chapter.

(f) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.

(g) The state historic preservation officer designated under IC 14-3-3.4-10.

"PRESERVATION GUIDELINES." Criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or building during the process of rehabilitation or new construction.

"PRIMARY AREA." The principal area of historic and/or architectural significance within a historic district as delineated on the map establishing the boundaries of the historic district.

"ROUTINE MAINTENANCE." Work for which no certificate of appropriateness is required.

"SECONDARY AREA." An area in a historic district delineated on the map establishing the boundaries of the historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent, primary area.

"STREETSCAPE." Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lights, trash receptacles, benches, etc.) use of plant materials such as trees and shrubs and the setback, mass and proportion of those buildings which enclose the street.

"VISUAL COMPATIBILITY." Those elements of design that meet the guidelines set out in ' 156.08.
(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

' 156.02 HISTORIC PRESERVATION COMMISSION ESTABLISHMENT AND ORGANIZATION.

(A) Creation. There is hereby established the Crown Point Historic Preservation Commission (hereinafter the "Commission").

(1) The Commission shall be composed of nine members who reside in the city and appointed by the Mayor as follows:

(a) One person from the membership of the Advisory Plan Commission.

(b) Two persons from a list submitted to the Mayor by the Common Council.

(c) Six persons who are interested in the preservation and

development of historic areas and shall include professionals in the

disciplines of architectural history, planning and other disciplines related to historic preservation to the extent that those professionals are available in the community. Of the six persons, no more than three shall be of the same political party. At least two of the six persons shall be owners of property within a designated historic district.

(2) Each member of the Commission shall be a voting member and each member shall serve for a term of three years. Each member shall serve until a successor is appointed and qualified. In the event that any member dies, resigns, ceases to qualify, is removed, or a vacancy on the Commission is created for any reason, the vacancy shall be filled by appointment for the remainder of the term.

(3) Commission Administrator. The City Planning Director shall serve as the ex-officio Administrator of the Commission. The Administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue certificates of appropriateness as directed by the Commission.

(4) Officers. The Commission shall elect from its membership a Chairperson and Vice-Chairperson who shall serve for one year and who may be reelected.

(5) Rules. The Commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(6) Meetings. Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings and actions. The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

(B) Powers and Duties of the Commission.

(1) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation and preservation that affect visual quality in a historic district, which include, but are not limited to, viewsheds, landscapes and streetscapes of historic importance. The Commission may not consider details of design, interior arrangements or building features, if those details, arrangements or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration or demolition in the historic district obviously incongruous with the historic district.

(2) The Commission shall conduct surveys and establish historic districts in accordance with the provisions of '' 156.20 and 156.22.

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(3) The Commission may adopt preservation guidelines for architectural review. If adopted, preservation guidelines shall be published and made readily accessible to the general public.

(4) The Commission has the authority to receive funds in order to promote its stated purpose.

(5) The Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(6) The Commission, through this chapter, may:

(a) Acquire by purchase, gift, grant, bequest, devise or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the Commission;

(b) Hold title to real and personal property; and

(c) Sell, lease, rent or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the Commission considers best.

(7) The Commission shall establish procedures that the Commission must follow in acquiring and disposing of property.
(Ord. 2003-06-18, passed 7-14-03; Am. Ord. 2007-06-22, passed 6-4-07)

' 156.03 HISTORIC DISTRICTS, CONSERVATION DISTRICTS, AND GUIDELINES.

(A) All recommendations for the establishment of a historic district shall be in the form of a written report and must be based on the criteria outlined in this section. A written recommendation for establishing a historic district may be initiated from either of the following two sources:

(1) Based on its survey, the Commission may draw and submit historic district maps for Common Council approval.

(2) Owners of property in fee simple wishing to establish a historic district which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property to the Common Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

(B) Conservation Districts. The Commission may recommend, and the Common Council may provide that the establishment of a historic district shall occur in two phases. During the first phase, which continues for a period of three years from the date the ordinance is adopted, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building

or structure subject to view from a public way.
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(1) At the expiration of the initial three-year period, the first phase of a conservation district continues and the second phase does not become effective if a majority of the property owners in the district object to the Commission, in writing, to the requirement that certificates of appropriateness be issued for the following activities:

(a) A conspicuous change in the exterior appearance of historic buildings by additions, construction, alteration or maintenance involving exterior color changes;

(b) A change in walls or fences or construction of walls and fences, if along public ways;

(c) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration or maintenance involving exterior color change.

(2) The objections of a majority of property owners must be received by the Commission not earlier than 180 days or later than 60 days before the third anniversary of the adoption of the ordinance.

(C) Commission Preparation of Historic District Maps. In order to establish a historic district, the Commission shall first prepare a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted by the Commission, which identifies historic buildings, structures and sites located within the city.

(2) A district may be limited to the boundaries of a property containing a single building, structure or site.

(3) The map may divide the district into primary and secondary areas as follows:

(a) Primary Area. The principal area of historic and architectural significance.

(b) Secondary Area. An area adjacent to the primary area that has a visual relationship to the primary area and could affect the preservation of the primary area. That purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(D) (1) The Commission shall classify and designate on the map all buildings, structures and sites within each historic district described on the map. Buildings, structures and sites shall be classified as historic or non-historic. Historic buildings, structures and sites must possess identified historic or architectural merit of a degree warranting their preservation. The Commission shall further classify and designate all buildings and structures within a proposed

historic district as follows:
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(a) Outstanding;

(b) Notable; or

(c) Contributing.

(2) Non-historic buildings, structures and sites are those not classified on the map as historic. In lieu of other classifications, the Commission may devise its own system of further classification of historic buildings, structures and sites.
(Ord. 2003-06-18, passed 7-14-03)

' 156.04 PUBLIC HEARING.

(A) Before the map setting forth the historic district boundaries and building classifications, or any amendment thereto, is submitted to the Common Council, the Historic District Preservation Commission shall conduct a public hearing thereon.

(B) Notice of the public hearing shall be by publication in accordance with IC 5-3-1-2(b). In addition, the Administrator shall cause each owner of an interest in property included within any proposed historic district to be notified in writing of the public hearing and the purpose thereof, by United States Mail, first class, postage prepaid, mailed at least 15 days prior to the date of the public hearing.

(C) As proof of the written notice, the Administrator may submit to the Commission an affidavit of mailing in the usual form, with a list of the names and addresses of said affected property owners, certified to a current date by the County Auditor, Title Company or Township Assessor prior to the commencement of the public hearing.

(D) The map setting forth the historic district boundaries and building classifications shall be submitted to, and approved in an ordinance by the Common Council before the historic district is established and the building classifications take effect.

(E) The Historic Preservation Commission may conduct additional surveys and draw and submit additional maps for approval of the Common Council, as it considers appropriate.

(F) Officially approved historic districts shall be delineated upon the city's zoning map, along with necessary references. In all zoning districts lying within the boundaries of a historic district, the regulations for both the zoning district and for the historic district shall apply.

(G) The map establishing boundaries of the historic district may be recorded in the office of the Lake County Recorder.
(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

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' 156.05 INTERIM PROTECTION.

(A) When submitting a map to the Common Council under ' 156.03, the Commission may declare one or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(B) Not more than two working days after declaring a building, structure or site to be under interim protection under this section, the Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building, structure or site with a written notice of the declaration. The written notice must:

(1) Cite the authority of the Commission to put the building, structure or site under interim protection under this section;

(2) Explain the effect of putting the building, structure or site under interim protection; and

(3) Indicate that the interim protection is temporary.

(C) A building or structure put under interim protection under subsection (A) above remains under interim protection until the map is:

(1) Submitted to; and

(2) Approved in an ordinance or rejected by the Common Council.

(D) While a building, structure or site is under interim protection under this section:

(1) The building, structure or site may not be demolished or moved; and

(2) The exterior appearance of the building, structure or site may not be conspicuously changed by:

(a) Addition;

(b) Reconstruction; or

(c) Alteration.

(E) The Commission may approve a certificate or appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in ' 156.06(E) and any proposed preservation guidelines prepared for the building, structure or site, but the certificate of appropriateness shall have no effect and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the Common Council.

(F) (1) Any request for a demolition permit received by the city pertaining to properties located within a National Register Historic District within the corporate boundaries of the city, properties listed in the Lake County Interim Report or a property that is individually listed on the National Register of Historic Places, shall be subjected to no less than a 60-day or more than 74-day waiting period before issuance of a demolition permit.

(2) The City of Crown Point Director of Planning and Building shall notify in writing the Crown Point Historic Preservation Commission of the demolition requests within three working days of receipt of an application for a demolition permit by mailing or otherwise delivering the notices to the chairperson of the Commission and the staff person who regularly assists in the administration of the Commission=s duties and activities.

(3) Notice of the request for a demolition permit shall be posted in a conspicuous place on the property sought to be demolished for a period of no less than 14 days. Notice signs shall be prepared and posted by the city.

(4) At the conclusion of no less than 60 days or more than a 74-day waiting period, a demolition permit may be issued by the city.

(5) The Director of Planning and Building shall waive or shorten the aforementioned 60-day waiting period in the event the Director concludes that the subject property is deemed hazardous to the public health, safety, and welfare as provided in the Unsafe Building Code.

(6) At the discretion of the Director of Planning and Building, the waiting period of no less than 60 days or more than 74 days may be extended for an additional 14 days.
(Ord. 2003-06-18, passed 7-14-03; Am. Ord. 2004-03-03, passed 3-1-04; Am. Ord, 2004-08-21, passed 8-2-04)

' 156.06 CERTIFICATES OF APPROPRIATENESS (COA).

(A) Certificates of Appropriateness (COA) Required. A certificate of appropriateness must be issued by the Commission before a permit is issued for, or work is begun on, any of the following:

(1) Within all areas of a historic district:

(a) The demolition of any building or structure;

(b) The moving of any building or structure;

(c) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance; or

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(d) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(2) Within a primary area of a historic district:

(a) A change in walls and fences, or the construction of walls and fences, along public ways;

(b) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change.

(3) Within a conservation district:

(a) The moving of any building;

(b) The demolition of any building; or

(c) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(B) Application for Certificates of Appropriateness. Application for a certificate of appropriateness may be made in the City Planning Department on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission. Rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions, or other information which the Commission requires to make a decision.

(C) Approval or Denial of Certificates of Appropriateness. The Commission may approve or deny certificates of appropriateness for any actions covered by this chapter. If an application for a certificate of appropriateness is approved by the Commission, or is not acted on by the Commission within 30 days after it is filed, a certificate of appropriateness shall be issued. The Commission may grant an extension of the 30-day limit if the applicant agrees to it. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application. A Certificate of Appropriateness expires 12 months from the date of approval. Construction shall commence within six months of approval date. Re-application and approval is required to continue in the event of COA expiration or failure to commence construction within the allotted time frame.

(D) Appeal to Common Council. In the event that the Historic Preservation Commission denies an application for a certificate of

appropriateness, the applicant may appeal that decision to the Common

Council by filing a Notice of Appeal with the Clerk-Treasurer within ten days of the denial. The Notice of Appeal shall specify why the appeal is being made. The Clerk-Treasurer shall notify the Common Council of the Notice of Appeal within five days of receipt by the Clerk's office. The hearing of the appeal shall be placed upon the agenda of a meeting of the Common Council not later than 31 days after the appeal is received by the Clerk. The Council shall have 31 days from the hearing of the appeal to vote on the appeal. A simple majority of the Common Council shall be necessary to overturn the decision of the Historic Preservation Commission denying the certificate of appropriateness. Only one vote of the Common Council is required to take action on the appeal and that vote is not subject to veto by the Mayor. In the event that the Common Council overturns a decision of the Historic Preservation Commission denying a certificate of appropriateness, the Historic Preservation Commission shall issue a certificate of appropriateness to the person bringing the appeal within ten days of the vote by the Common Council. Nothing about this appeal process to the Common Council is intended to affect the procedure established by IC 36-7-11-4 for judicial review under IC 4-21.5-5.

(E) Criteria for Considering Effect of Actions on Historic Buildings. The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance or moving of an historic building, structure, site or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

(1) Purposes of this chapter;

(2) Historical and architectural value and significance of the building, structure, site or appurtenance;

(3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;

(4) The texture, material, color, style and detailing of the building, structure, site or appurtenance;

(5) The continued preservation and protection of original or otherwise significant structure, material and ornamentation;

(6) The relationship of buildings, structures, appurtenances or architectural features similar to one within the same historic district, including primary areas, visual compatibility as defined in ' 156.08; and

(7) The position of the buildings or structure in relation to the street, public right-of-way and to other buildings and structures. (Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03; Am. Ord. 2008-05-16, passed 7-7-08)

' 156.07 STAFF APPROVALS.

(A) The Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a certificate of appropriateness.

(B) The Commission shall specify by rule the types of applications for certificates of appropriateness that the staff of the Commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a certificate of appropriateness for the following:

(1) The demolition of a building, structure or site.

(2) The moving of a building or structure.

(3) The construction of an addition to a building or structure.

(4) The construction of a new building or structure. (Ord. 2003-06-18, passed 7-14-03)

' 156.08 VISUAL COMPATIBILITY.

(A) For new construction, contemporary design, and non-historic buildings: to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any non-historic building, structure or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.

(B) Criteria for Considering Visual Compatibility Within Historic Primary Areas. Within the primary area of a historic district, new buildings, structures and appurtenances that are moved, reconstructed, materially altered, repaired or changed in color, must be visually

compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

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(1) Height. The height of proposed buildings must be visually compatible with adjacent buildings.

(2) Proportion of Building's Front Facade. The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.

(3) Proportion of Openings Within the Facility. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(5) Rhythm of Spacing of Buildings on Streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, squares, and places to which it is visually related.

(6) Rhythm of Entrances and Porch Projections. The relationship of entrances and porch projections of a building to sidewalks must be visually compatible to the buildings, squares, and places to which it is visually related.

(7) Relationship of Materials, Texture, and Color. The relationship of the materials, texture, and color of the facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(8) Roof Shapes. The roof shape of a building must be visually compatible with the buildings, squares, and places to which it is visually related.

(9) Walls of Continuity. Appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.

(10) Scale of a Building. The size of a building and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.

(11) Directional Expression of Front Elevation. A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.
(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

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' 156.09 PRESERVATION OF HISTORICAL AND ARCHITECTURAL CHARACTER UPON ALTERATION OR RELOCATION MANDATED.

(A) A historic building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving and signs may be moved, reconstructed, altered or maintained only in a manner that will preserve the historical and architectural character of the building, structure or appurtenance.

(B) A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (A) above.
(Ord. 2003-06-18, passed 7-14-03)

' 156.10 APPEAL PROVISIONS.

(A) The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions and economic values of the city and to afford the city, historical organizations, property owners and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.

(B) If the Commission denies the issuance of a certificate of appropriateness for the demolition of a building, structure or site, a demolition permit may be issued by other agencies and a building, structure or site may be demolished, but only after the property owner has demonstrated to the Commission that the historic building, structure or site is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.

(C) Notice of the proposed demolition must be given for a period fixed by the Commission based on the Commission's classification on the approved map, but not less than 60 days nor more than one year. Notice must be posted premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, the notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than 15 days after the application for a permit to demolish is filed, and the final publication at least 15 days before the date of the permit.

(D) The Commission may approve a certificate of appropriateness at any time during the notice period under subsection (C) above. If the certificate of appropriateness is approved, a demolition permit shall be issued without further delay, and demolition may proceed.
(Ord. 2003-06-18, passed 7-14-03)

' 156.11 MAINTENANCE.

(A) Historic buildings, structures and sites shall be maintained to meet the applicable requirements established under state statute for building generally so as to prevent the loss of historic material

and the deterioration of important character defining details and features.

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(B) Ordinary Repairs and Maintenance. Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location or external visual appearance of any structure, or part thereof.
(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

' 156.12 RELATIONSHIP WITH ZONING DISTRICTS.

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is a conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements shall apply.
(Ord. 2003-06-18, passed 7-14-03)

' 156.13 INTERESTED PARTIES.

(A) An interested party, as defined in ' 156.01(B), has a private right of action to enforce and prevent violation of the provisions of this chapter or an ordinance adopted by the city under this chapter, and with respect to any building, structure or site within a historic district, and has the right to restrain, enjoin or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this chapter or an ordinance adopted under this chapter.

(B) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.

(C) The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.

(D) The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this chapter, or an ordinance adopted by a unit under this chapter, had been, or was about to be violated.

(E) An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney fees and court costs from the person against whom judgment was rendered.

(F) An action arising under this section must be brought in the circuit or superior court of the county in which the historic district lies and no change of venue from the county shall be allowed in the action.

(G) The remedy provided in this section is in addition to other remedies that may be available at law or in equity.
(Ord. 2003-06-18, passed 7-14-03)

' 156.99 PENALTY.

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall be subject to a fine as follows, for each offense:

(1) Not less than $10 nor more than $2,500 for demolition; and

(2) Not less than $10 nor more than $300 for all other offenses.

(B) Each day of the existence of any violation of this chapter shall be a separate offense.

(C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving or maintenance of any building, structure or appurtenance which is begun, continued or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The city may institute a suit for injunction in the City Court of Crown Point to restrain any person or government unit from violating any provision of this chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this chapter.

(D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.
(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

CHAPTER 157: STORMWATER MANAGEMENT

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GENERAL

' 157.001 AUTHORITY AND TITLE.

(A) This chapter is adopted in accordance with statutory authority granted to the City of Crown Point under "Home Rule" as well as the "Indiana Drainage Code", and further is required by I.C. 36-9-28.5, I.C. 36-9-27-69.5, Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5). Based on this authority and these requirements, this chapter regulates:

(1) Discharges of prohibited non-stormwater flows into the stormwater drainage system.

(2) Stormwater drainage improvements related to development of lands located within the City of Crown Point, Indiana.

(3) Drainage control systems installed during new construction and grading of lots and other parcels of land.

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(4) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.

(5) The design, construction, and maintenance of stormwater drainage facilities and systems.

(6) The design, construction, and maintenance of stormwater quality facilities and systems.

(7) Land disturbing activities affecting wetlands.

(B) This chapter shall be known and may be cited as the City of Crown Point Stormwater Management Ordinance.
(Ord. 2006-04-12, passed 5-1-06)

' 157.002 APPLICABILITY AND EXEMPTIONS.

(A) This chapter shall regulate all development and redevelopment occurring within the City of Crown Point, Indiana, falling under the jurisdiction of the City of Crown Point government and any significant discharge into the city's stormwater conveyance facilities. No building permit shall be issued and no land disturbance started for any construction for any development or redevelopment, until the plans required by this chapter for such construction have been accepted in writing by the City Engineer on behalf of the City of Crown Point Board of Public Works and Safety. With the exception of the requirements of '' 157.020 through 157.026 and ' 157.073, single-family dwelling houses in approved subdivisions, new buildings (or cumulative building additions) with less than 500 square feet of area, and land-disturbing activities affecting less than 7,000 square feet of area shall be exempt from the requirements of this chapter. Also exempt from this chapter shall be the agricultural land-disturbing activities.

(B) In addition to the requirements of this chapter, compliance with the requirements set forth in local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of the City of Crown Point as well as with applicable Federal or State of Indiana statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this chapter shall be the most recent edition available.

(C) The City of Crown Point government public works projects shall be exempt from obtaining a permit, but are expected to meet all applicable technical requirements of this chapter and the City of Crown Point Stormwater Technical Standards Manual.

(D) Any construction project which has had its final drainage plan approved by the City Engineer within a two-year period prior to the effective date of this chapter shall be exempt from all requirements of this chapter, with the exception of the requirements of '' 157.040

through 157.043 and applicable sections of the subchapter, Permit Requirements and Procedures, that are in excess of the requirements of ordinances in effect at the time of approval. Such an exemption is not applicable to the requirements detailed in '' 157.020 through 157.026.

(E) The City Engineer has the authority to modify, grant exemptions, and/or waive any and all the requirements of this chapter and its associated technical standards document. A pre-submittal meeting with the City Engineer may be requested by the applicant to discuss the applicability of various provisions of this chapter and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City Engineer that may be based on the review of more detailed information and plans.
(Ord. 2006-04-12, passed 5-1-06)

' 157.003 BACKGROUND.

(A) On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program, was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This Federal regulation went into affect March 10, 2003. In response to Phase II of NPDES, the Indiana Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5).

(B) Under these new state and federal regulations, The City of Crown Point is required to implement a regulatory mechanism for stormwater management. Therefore, this chapter "The Stormwater Management Ordinance of the City of Crown Point" was established to regulate stormwater quality and quantity.
(Ord. 2006-04-12, passed 5-1-06)

' 157.004 FINDINGS.

The City of Crown Point City Council finds that:

(A) Water bodies, roadways, structures, and other property within, and downstream of the City of Crown Point are at times subjected to flooding;

(B) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;

(C) Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;

(D) Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;

(E) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within The City of Crown Point will, absent reasonable regulation and control, adversely affect the city=s water bodies and water resources;

(F) Pollutant contributions from illicit discharges within the city will, absent reasonable regulation, monitoring, and enforcement, adversely affect the city's water bodies and water resources;

(G) Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;

(H) Adopting the standards, criteria, and procedures contained and referenced in this chapter and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;

(I) Adopting this chapter is necessary for the preservation of the public health, safety, and welfare, for the conservation of our natural resources, and for compliance with state and federal regulations.
(Ord. 2006-04-12, passed 5-1-06)

' 157.005 PURPOSE.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Crown Point through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the coordinated development of land and water resources within the city. This chapter establishes methods for managing the quantity and quality of stormwater entering into the stormwater drainage system in order to comply with state and federal requirements. The objectives of this chapter are:

(A) To reduce the hazard to public health and safety caused by excessive stormwater runoff.

(B) To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.

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(C) To regulate the contribution of pollutants to the stormwater drainage system and public waters from runoff from new development and re-development.

(D) To prohibit illicit discharges into the stormwater drainage system.

(E) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.
(Ord. 2006-04-12, passed 5-1-06)

' 157.006 ABBREVIATIONS.

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewer System
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

(Ord. 2006-04-12, passed 5-1-06)

' 157.007 DEFINITIONS.

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

"AGRICULTURAL LAND DISTURBING ACTIVITY." Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands, and other infrastructure.

"BASE FLOW." Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

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"BEST MANAGEMENT PRACTICES." Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

"BUFFER STRIP." An existing, variable width strip of vegetated land intended to protect water quality and habitat.

"CAPACITY (of a storm drainage facility)." The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

"CATCH BASIN." A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

"CHANNEL." A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

"COMPREHENSIVE STORMWATER MANAGEMENT." A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

"CONSTRUCTED WETLAND." A man-made shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

"CONSTRUCTION ACTIVITY." Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

"CONSTRUCTION SITE ACCESS." A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

"CONTIGUOUS." Adjoining or in actual contact with.

"CONTOUR." An imaginary line on the surface of the earth connecting points of the same elevation.

"CONTOUR LINE." Line on a map which represents a contour or points of equal elevation.

"CONTRACTOR or SUBCONTRACTOR." An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

"CONVEYANCE." Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

"CROSS SECTION." A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

"CULVERT." A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

"DECHLORINATED SWIMMING POOL DISCHARGE." Chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than 0.05 milligram per liter) of chlorinated residual.

"DESIGN STORM." A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

"DETENTION." Managing stormwater runoff by temporary holding and controlled release.

"DETENTION BASIN." A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

"DETENTION STORAGE." The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

"DETENTION TIME." The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

"DETRITUS." Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

"DEVELOPER." Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate including but not limited to:

(1) Construction, reconstruction, or placement of a building or any addition to a building;

(2) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site;

(3) For more than 180 days;

(4) Installing utilities, construction of walls, construction of roads, or similar projects;

(5) Construction of flood control structures such as levees, dikes, dams, or channel improvements;

(6) Mining, dredging, filling, grading, excavation, or drilling operations;

(7) Construction or reconstruction of bridges or culverts;

(8) Storage of materials; or

(9) Any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

"DISCHARGE." Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

"DISPOSAL." The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

"DITCH." A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

"DRAIN." A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

"DRAINAGE." The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see "Natural Drainage".

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"DRAINAGE AREA." The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

"DRY WELL." A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

"DURATION." The time period of a rainfall event.

"ENVIRONMENT." The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

"ERODIBILITY INDEX (EI)." The soil Erodibility Index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of (RxKxLS)/T (from the universal soil loss equation) and (CxI)/T (from the wind erosion equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than eight are considered highly erodible land.

"EROSION." The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

(1) "ACCELERATED EROSION." Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.

(2) "CHANNEL EROSION." An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.

(3) "GULLY EROSION." An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from one to two feet to as much as 75 to 100 feet.

(4) "RILL EROSION." An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see "Rill").

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(5) "SPLASH EROSION." The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.

(6) "SHEET EROSION." The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

"EROSION AND SEDIMENT CONTROL." A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

"FILL MATERIAL." Any material used for primary purpose of replacing a wetland area with dry land or of changing the bottom elevation of a wetland or a waterbody. This definition shall be considered to be automatically amended to conform with the definition of fill material established from time to time by the United States of America or United States Army Corps of Engineers.

"FILTER STRIP." Usually a long, relatively narrow area (usually, 20 to 75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

"FLOATABLE." Any solid waste that will float on the surface of the water.

"FLOOD (or FLOOD WATERS)." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"FLOODPLAIN." The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The FLOODPLAIN includes both the floodway and the floodway fringe districts.

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

"FLOODWAY FRINGE." That portion of the floodplain lying outside the floodway, which is inundated by the regulatory flood.

"FOOTING DRAIN." A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

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"GARBAGE." All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

"GASOLINE OUTLET." An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create 5,000 or more square feet of impervious surfaces, or generate an average daily traffic count of 100 vehicles per 1,000 square feet of land area.

"GEOGRAPHICAL INFORMATION SYSTEM." A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

"GRADE."

(1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.

(2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit.

(3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

"GRADING." The cutting and filling of the land surface to a desired slope or elevation.

"GRASS." A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

"GROUNDWATER." Accumulation of underground water, natural or artificial. The term does not include man-made underground storage or conveyance structures.

"HABITAT." The environment in which the life needs of a plant or animal are supplied.

"HIGHLY ERODIBLE LAND (HEL)." Land that has an erodibility index of eight or more.

"HYDROLOGIC UNIT CODE." A numeric United States geologic survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

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"HYDROLOGY." The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

"ILLICIT DISCHARGE." Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

"IMPAIRED WATERS." Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) list of impaired waters.

"IMPERVIOUS SURFACE." Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

"INDIVIDUAL BUILDING LOT." A single parcel of land within a multi-parcel development.

"INDIVIDUAL LOT OPERATOR." A contractor or subcontractor working on an individual lot.

"INDIVIDUAL LOT OWNER." A person who has financial control of construction activities for an individual lot.

"INFILTRATION." Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

"INLET." An opening into a stormwater drainage system for the entrance of surface storm water runoff, more completely described as a storm drain inlet.

"LAND-DISTURBING ACTIVITY." Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

"LAND SURVEYOR." A person licensed under the laws of the State of Indiana to practice land surveying.

"LARGER COMMON PLAN OF DEVELOPMENT OR SALE." A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

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"LOWEST ADJACENT GRADE." The elevation of the lowest grade adjacent (abutting) to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well).

"LOWEST FLOOR." Refers to the lowest of the following:

(1) The top of the basement floor;

(2) The top of the garage floor, if the garage is the lowest level of the building;

(3) The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

(4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

(b) Such enclosed space shall be usable only for the parking of vehicles or building access.

"MANHOLE." Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

"MEASURABLE STORM EVENT." A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half inch of rainfall.

"MULCH." A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

"MUNICIPAL SEPARATE STORM SEWER SYSTEM." An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

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"NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM." A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

"NATURAL DRAINAGE." The flow patterns of stormwater run-off over the land in its pre-development state.

"NUTRIENT(S)."

(1) A substance necessary for the growth and reproduction of organisms.

(2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

"OPEN DRAIN." A natural watercourse or constructed open channel that conveys drainage water.

"OPEN SPACE." Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other man-made activities.

"OUTFALL." The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

"OUTLET." The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

"PEAK DISCHARGE (or PEAK FLOW)." The maximum instantaneous flow from a given storm condition at a specific location.

"PERCOLATION." The movement of water through soil.

"PERMANENT STABILIZATION." The establishment, at a uniform density of 70% across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

"PERVIOUS." Allowing movement of water.

"POINT SOURCE." Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

"POROUS PAVEMENT." A type of infiltration practice to improve the quality and reduce the quantity of storm water run-off via the use of man-made, pervious pavement which allows run-off to percolate through the pavement and into underlying soils.

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"PROFESSIONAL ENGINEER." A person licensed under the laws of the State of Indiana to practice professional engineering.

"PROJECT SITE." The entire area on which construction activity is to be performed.

"PROJECT SITE OWNER." The person required to submit a stormwater permit application, and required to comply with the terms of this chapter, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

"RAIN GARDEN." A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

"RECEIVING STREAM, RECEIVING CHANNEL, or RECEIVING WATER." The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

"RECHARGE." Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

"REDEVELOPMENT." Alterations of a property that change a site or building in such a way that there is disturbances of one acre or more of land. The term does not include such activities as exterior remodeling.

"REFUELING AREA." An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

"REGULATORY FLOOD." The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and accepted by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The REGULATORY FLOOD is also known as the "base flood".

"REGULATORY FLOODWAY." See "Floodway".

"RELEASE RATE." The amount of storm water release from a storm water control facility per unit of time.

"RESERVOIR." A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

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"RETENTION." The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

"RETENTION BASIN." A type of storage practice, that has no positive outlet, used to retain storm water runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

"RETURN PERIOD." The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a 1% probability of being equaled or exceeded in any one year.

"RIPARIAN ZONE." Of, on, or pertaining to the banks of a stream, river, or pond.

"RIPARIAN HABITAT." A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

"RUNOFF." That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

"RUNOFF COEFFICIENT." A decimal fraction relating the amount of rain which appears as runoff and reaches the stormwater drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50% of the rain falling on a given surface appears as storm water runoff.

"SEDIMENT." Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

"SEDIMENTATION." The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

"SENSITIVE WATER." A waterbody in need of priority protection or remediation based on its:

(1) Providing habitat for threatened or endangered species;

(2) Usage as a public water supply intake;

(3) Relevant community value;

(4) Usage for full body contact recreation; and

(5) Exceptional use classification as found in 327 IAC 2-1-11(b), outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

"SITE." The entire area included in the legal description of the land on which land disturbing activity is to be performed.

"SLOPE." Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise), e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator, e.g., 1V:2H. Slope expressions in this chapter follow the common presentation of slopes, e.g., 2:1 with the Metric presentation shown in parenthesis, e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as (100*V/H), e.g., a 2:1 (1V:2H) slope is a 50% slope.

"SOIL." The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

"SOIL AND WATER CONSERVATION DISTRICT." A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under I.C. 14-32.

"SOLID WASTE." Any garbage, refuse, debris, or other discarded material.

"SPILL." The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

"STORM DURATION." The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

"STORM EVENT." An estimate of the expected amount of precipitation within a given period of time. For example, a ten-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

"STORM SEWER." A closed conduit for conveying collected storm water, while excluding sewage and industrial wastes. Also called a storm drain.

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"STORMWATER." Water resulting from rain, melting or melted snow, hail, or sleet.

"STORMWATER POLLUTION PREVENTION PLAN." A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

"STORMWATER RUNOFF." The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

"STORMWATER QUALITY MANAGEMENT PLAN." A comprehensive written document that addresses stormwater runoff quality.

"STORMWATER QUALITY MEASURE." A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

"STORMWATER DRAINAGE SYSTEM." All means, natural or man-made, used for conducting storm water to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

"STRIP DEVELOPMENT." A multi-lot project where building lots front on an existing road.

"SUBDIVISION." Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

"SUBSURFACE DRAIN." A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

"SURFACE RUNOFF." Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

"SWALE." An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

"TEMPORARY STABILIZATION." The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of 70% across the disturbed area.

"TILE DRAIN." Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

"TOPOGRAPHIC MAP." Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

"TOPOGRAPHY." The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

"TRAINED INDIVIDUAL." An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

"URBAN DRAIN." A drain defined as URBAN DRAIN in Indiana Drainage Code.

"URBANIZATION." The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

"VEGETATED SWALE." A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

"WATER QUALITY." A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

"WATER RESOURCES." The supply of groundwater and surface water in a given area.

"WATERBODY." Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

"WATERCOURSE." Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

"WATERSHED." The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. WATERSHEDS are often broken down into subareas for the purpose of hydrologic modeling.

"WATERSHED AREA." All land and water within the confines of a drainage divide. See also "Watershed".

"WETLANDS." Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition shall be considered to be automatically amended to conform with the definition of a wetlands established from time to time by the United States of America or United States Army Corps of Engineers.
(Ord. 2006-04-12, passed 5-1-06)

' 157.008 RESPONSIBILITY FOR ADMINISTRATION.

(A) The Board of Public Works and Safety shall administer, implement, and enforce the provisions of this chapter through the City Engineer and the Plan Commission. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by Board of Public Works and Safety to qualified persons or entities acting in the beneficial interest of or in the employ of the City Government.

(B) For projects directly impacting a Lake County regulated drain, both the City Engineer and the Lake County Plan Commission shall administer, implement, and enforce the provisions of this chapter.
(Ord. 2006-04-12, passed 5-1-06)

' 157.009 CONFLICTING ORDINANCES.

The provisions of this chapter shall be deemed as additional requirements to minimum standards required by other city ordinances, and as supplemental requirements to Indiana's Rule 5 regarding stormwater discharge associated with construction activity, (327 IAC 15-5), and Indiana's Rule 13 regarding stormwater runoff associated with municipal separate storm sewer system conveyances (327 IAC 15-13). In case of conflicting requirements, the most restrictive shall apply.
(Ord. 2006-04-12, passed 5-1-06)

' 157.010 INTERPRETATION.

Words and phrases in this chapter shall be construed according to their common and accepted meanings, except that words and phrases defined in '' 157.006 and 157.007 shall be construed according to the respective definitions given in those sections. Technical words and technical phrases that are not defined in this chapter but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.
(Ord. 2006-04-12, passed 5-1-06)

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' 157.011 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts and/or stormwater quality may be altered by man-made or natural causes. This chapter does not imply that land uses permitted will be free from stormwater damage. This chapter shall not create liability on the part of City Council, Board of Public Works and Safety, the Plan Commission, the City Engineer, the Department of Public Works, or any officer, representative, or employee thereof, for any damage which may result from reliance on this chapter or on any administrative decision lawfully made there under.
(Ord. 2006-04-12, passed 5-1-06)

PROHIBITED DISCHARGES AND CONNECTIONS

' 157.020 APPLICABILITY AND EXEMPTIONS.

(A) This chapter shall apply to all discharges, including illegal dumping, entering the stormwater drainage system under the control of the city, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the stormwater drainage system, illegal dumping, and contaminated runoff.

(B) Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this chapter unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are not included in this exemption.

(C) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written acceptance has been granted for the subject discharge to the stormwater drainage system, is also exempted from this chapter.
(Ord. 2006-04-12, passed 5-1-06)

' 157.021 PROHIBITED DISCHARGES AND CONNECTIONS.

(A) No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of Best Management Practices (BMPs).

(B) The City Engineer is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the city's stormwater drainage system.
(Ord. 2006-04-12, passed 5-1-06) Penalty, see ' 157.999

' 157.022 EXEMPTED DISCHARGES AND CONNECTIONS.

Notwithstanding other requirements in this chapter, the following categories of non-stormwater discharges or flows are exempted from the requirements of this chapter:

(A) Water line flushing;

(B) Landscape irrigation;

(C) Diverted streamflows;

(D) Rising ground waters;

(E) Uncontaminated groundwater infiltration;

(F) Uncontaminated pumped ground water;

(G) Discharges from potable water sources;

(H) Foundation drains;

(I) Air conditioning condensation;

(J) Irrigation water;

(K) Springs;

(L) Water from crawl space pumps;

(M) Footing drains;

(N) Lawn watering;

(O) Individual residential car washing;

(P) Flows from riparian habitats and wetlands;

(Q) Dechlorinated swimming pool discharges;

(R) Street wash water;

(S) Discharges from firefighting activities; and

(T) Naturally introduced detritus (e.g. leaves and twigs).
(Ord. 2006-04-12, passed 5-1-06)

' 157.023 STORAGE OF HAZARDOUS OR TOXIC MATERIAL.

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.
(Ord. 2006-04-12, passed 5-1-06) Penalty, see ' 157.999

' 157.024 PRIVATE PROPERTY MAINTENANCE DUTIES.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 2006-04-12, passed 5-1-06)

' 157.025 SPILL REPORTING.

(A) Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Fire Department concerning the discharge. A written report concerning the discharge shall be filed with the Board of Public Works and Safety through the City Engineer's Office and IDEM, by the dischargers, within five days. The written report shall specify:

(1) The composition of the discharge and the cause thereof;

(2) The date, time and estimated volume of the discharge;

(3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence; and

(4) The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

(B) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a discharger for such discharge. It shall not, however, be a

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defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.
(Ord. 2006-04-12, passed 5-1-06)

' 157.026 INSPECTIONS AND MONITORING.

(A) Storm drainage system. The Board of Public Works and Safety and the City Engineer has the authority to periodically inspect the portion of the storm drainage system under the city's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

(B) Potential polluters. If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Board of Public Works and Safety and the City Engineer may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the Board of Public Works and Safety and the City Engineer's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Board of Public Works and Safety and the City Engineer or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in '' 157.080 through 157.085.

(C) New development and re-development. Following the final completion of construction and the receipt of as-built drawings by the City Engineer's Office, the City Engineer has the authority to inspect new development and redevelopment sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this chapter.
(Ord. 2006-04-12, passed 5-1-06)

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STORMWATER QUANTITY MANAGEMENT

' 157.030 APPLICABILITY AND EXEMPTIONS.

The storage and controlled release rate of excess stormwater runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the city. The City Engineer, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional exemptions regarding the detention requirements are provided under ' 157.031(A)(5).
(Ord. 2006-04-12, passed 5-1-06)

' 157.031 POLICY ON STORMWATER QUANTITY MANAGEMENT.

(A) Detention policy. It is recognized that most streams and drainage channels serving the city do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in ' 157.031(A)(5), the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in ' 157.007) located within the city.

(1) General release rates. In general, the post-development release rates for developments up to and including the 100-year return period storm may not exceed 0.2 cfs per acre of development. For sites where the pre-developed area has more than one outlet, the release rate should be computed based on pre-developed discharge to each outlet point. The computed release rate for each outlet point shall not be exceeded at the respective outlet point even if the post developed conditions would involve a different arrangement of outlet points.

(2) Site-specific release rates for sites with depressional storage.

(a) For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the Stormwater Technical Standards Manual, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that stormwater can currently overflow the depressional storage area. Post-developed release rate for sites with depressional storage shall be the two-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be larger than general release rates provided above.

(b) Also note that for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled

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unless the City Engineer can be assured, through dedicated easement, that the noted storage will be preserved in perpetuity.

(3) Management of off-site runoff.

(a) Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility without attenuation. Such runoff may also be bypassed through the detention/retention facility without attenuation, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

(b) Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the City Engineer when the ratio of off-site area to on-site area is larger than 5:1.

(4) Downstream restrictions.

(a) In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the City Engineer, shall be required to store that portion of the runoff exceeding the capacity of the receiving storm sewers or watercourses. When such downstream restrictions are suspected, the City Engineer may require additional analysis to determine the receiving system's limiting downstream capacity.

(b) If the proposed development makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the development shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

(5) Direct release provisions. Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity and quality management systems within a watershed, it is the

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policy of the Board of Public Works and Safety to discourage direct release of runoff from a new development or redevelopment without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream adopted by the City Engineer (not a "beat the peak" analysis) substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in this chapter may be waived. Other special circumstances when such a waiver may be considered by the City Engineer include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed or when the subject development is immediately next to a major stream that has a larger than 100 square miles drainage area.

(B) Grading and building pad elevations.

(1) Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than six inches above finished grade and a minimum of 15 inches above an adjacent road elevation unless a written variance is granted by the City Engineer.

(2) For all structures located in the Special Flood Hazards Area (SFHA) as shown on the FEMA maps, the lowest floor elevations of all residential, commercial, or industrial buildings, shall be such that lowest floor elevation, including basement, shall be at the flood protection grade and therefore have two feet of freeboard above the 100-year flood elevation.

(3) The lowest adjacent grade for residential, commercial, or industrial buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale, the lowest adjacent grade for residential, commercial, or industrial buildings shall have two feet of freeboard above the 100-year flood elevation under proposed conditions.

(4) For areas outside a FEMA or IDNR designated floodplain, the lowest adjacent grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of two feet above the 100-year pond elevation or two feet above the emergency overflow weir elevation, whichever is higher. In addition to the lowest adjacent grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).

(5) The 100-year overflow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. A statement shall be added to the

plat that would refer the viewer to the construction plans to see the entire extent of overflow path as hatched areas. No fences or landscaping can be constructed within the easement areas that may impede the free flow of stormwater. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by the homeowners association. The lowest adjacent grade for all residential, commercial, or industrial buildings shall be set a minimum of one foot above the noted overflow path/ponding elevation, calculated based on all contributing drainage areas, on-site and off-site, in their proposed or reasonably anticipated land use and with storm pipe system assumed completely plugged.

(6) It shall be the property owners' responsibility to maintain the natural features on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or man-made features on their lots.

(C) Acceptable outlet and adjoining property impact policies.

(1) Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the City Engineer) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse (as determined by the City Engineer) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed stormwater drainage system or tied to an acceptable outlet. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

(2) Where the outfall from the stormwater drainage system of any development flows through real estate owned by others prior to reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate through a recorded easement.

(3) If an adequate outlet is not located on-site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the City Engineer.

(D) No net loss floodplain storage policy.

(1) Floodplains exist adjacent to all natural and man-made streams, regardless of contributing drainage area or whether they have

been previously identified or mapped. Due to potential impacts of floodplain loss on peak flows in streams and on the environment, disturbance to floodplains should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of floodplain should be preserved to the extent possible.

(2) In an attempt to strike a balance between the legitimate need for economic development within the city and the need to preserve the natural functions of floodplains to the extent possible, compensatory excavation one and one-half times the floodplain storage lost shall be required for all activities within floodplain of streams located in the city where drainage area of the stream is equal or larger than one square mile. This requirement shall be considered to be above and beyond the minimum requirements provided in the applicable flood hazard areas ordinance currently in effect in the city. The City Engineer may alter the compensation ratio, based on extenuating circumstances, for a specific project.

(3) Note that by definition, compensatory storage is the replacement of the existing floodplain and, in rare exceptions, the floodway storage lost due to fill. Compensatory storage is required when a portion of the floodplain is filled, occupied by a structure, or when as a result of a project a change in the channel hydraulics occurs that reduces the existing available floodplain storage. The compensatory storage should be located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area.

(4) Computations must show one and one-half times the provision of compensatory floodplain storage for ten-year, 50-year, and 100-year storm events. That is, the post-development ten-year floodplain storage along a stream shall be one and one-half times the ten-year pre-development floodplain storage along the stream within the property limits, the post-development 50-year floodplain storage along a stream shall be one and one-half times the 50-year pre-development floodplain storage along the stream within the property limits, and the post-development 100-year floodplain storage along a stream shall be one and one-half times the 100-year pre-development floodplain storage along the stream within the property limits.

(5) Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with ten through 100-year flood elevations noted on each cross section. The scale chosen should be large enough to show the intent of proposed grading. Cross-sections should reflect both the existing and proposed conditions on the same plot. The location and

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extent of the compensatory storage area as well as the location and orientation of cross-sections should be shown on the grading plan. (Ord. 2006-04-12, passed 5-1-06)

' 157.032 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the city Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above. (Ord. 2006-04-12, passed 5-1-06)

' 157.033 DRAINAGE EASEMENT REQUIREMENTS.

There shall be no trees or shrubs planted, nor any structures or fences erected, in any drainage easement, unless otherwise accepted by the City Engineer in writing. The following specific areas shall be included in a petition:

(A) Subdivisions.

(1) All new channels, drain tiles equal to or greater than 12 inches in diameter, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed in subdivisions requiring a stormwater management permit from the city shall be contained within a minimum 30 feet of drainage easement. New drain tiles refer to all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers and the like.

(2) New drain tile, 12 inches or larger in diameter shall be placed in a 30-foot easement (15 feet from centerline on each side) and shall be designated on the record plat as 30-foot drainage easement. Wider easements may be required by the City Engineer when the depth of pipe is greater than six to ten feet, depending on the pipe size.

(3) A minimum of 25 feet from top of the bank on each side of a new channel shall be designated on the record plat as a drainage easement.

(4) Rear-yard swales and emergency overflow paths associated with detention ponds shall be contained within a minimum of 30 feet width (15 feet from centerline on each side) of drainage easement.

(5) A minimum of 30 feet beyond the actual footprint (top of the bank) of stormwater detention facilities shall be designated as drainage easement. A minimum 30-foot width easement shall also be required as access easement from a public right-of-way to the facility, unless the pond is immediately next to a public right-of-way.

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(6) The statutory 75-foot (each side) drainage easement for regulated drains already within the Lake County regulated drainage system may be reduced if the drain is re-classified by the County Surveyor as an urban drain.

(7) Any crossing and/or encroachment of a regulated drainage easement requires application and acceptance from the Lake County Surveyor's Office.

(B) Non-subdivisions. Where the City Engineer is responsible for maintenance of the drainage system, regulated drainage easements of 75 feet from the top bank on each side of the channel or each side of the tile centerline must be dedicated to the city.

(C) Municipalities and schools. All new channels, swales, drain tiles, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed on the municipal or school property will be maintained, repaired, and constructed by the entity. The design must meet the standards of the city Stormwater Management Ordinance and the City Engineer for sizing and installation. Any off-site portion of the drainage system must be within easements and have clearly defined maintenance agreements.
(Ord. 2006-04-12, passed 5-1-06) Penalty, see ' 157.999

' 157.034 PLACEMENT OF UTILITIES.

No utility company may disturb existing storm management facilities without the consent of the City Engineer, whose decision may be appealed to the Board of Public Works and Safety. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in '' 157.080 through 157.085 and ' 157.999.
(Ord. 2006-04-12, passed 5-1-06) Penalty, see ' 157.999

' 157.035 STRUCTURES NEAR COUNTY-REGULATED DRAINS.

For regulated drains not located in platted subdivisions, no permanent structure (including fences) shall be constructed within 75 feet measured at right angles from (1) the existing top edge of each bank of a regulated open drain; or (2) the center line of a tiled regulated drain, unless otherwise accepted by the Lake County Drainage Board. The Indiana Drainage Code may be consulted for further details.
(Ord. 2006-04-12, passed 5-1-06)

' 157.036 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) After the approval of the stormwater management permit by the City Engineer and the Plan Commission, and the commencement of construction activities, the Board of Public Works and Safety and the City Engineer has the authority to conduct inspections of the work being done

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to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

(B) The City Engineer and the Board of Public Works and Safety also have the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the terms and conditions of the approved stormwater management permit, and shall not be subsequently altered, revised or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions to the permit. If deficiencies are found during the inspection, the owner of the facility will be notified by Board of Public Works and Safety and the City Engineer and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Board of Public Works and Safety and the Public Works Department will undertake the work and collect from the owner using lien rights if necessary.

(C) Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved.
(Ord. 2006-04-12, passed 5-1-06)

STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

' 157.040 APPLICABILITY AND EXEMPTIONS.

(A) The City Engineer will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within the city that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on 7,000 square feet or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development. This chapter also applies to disturbances of less than 7,000 square feet of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 7,000 square feet or more land, within the MS4 area. Section 157.042 of this chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of 327 IAC 15-5 (Rule 5) shall also be in compliance with 327 IAC 15-5.

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(B) The requirements under this subchapter do not apply to the following activities:

(1) Agricultural land disturbing activities; or

(2) Timber harvesting activities.

(C) The requirements under this chapter do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10.

(2) Coal mining activities permitted under I.C. 14-34.

(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(D) For an individual lot where land disturbance is expected to be 7,000 square feet or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Building Department, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with '' 157.070 through 157.076; regardless of whether the individual lot is part of a larger permitted project site.

(E) An individual lot with land disturbance or impact less than 7,000 square feet, located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to submit individual lot plot plan permit applications prior to receiving a building permit. Details of the permitting process are contained in '' 157.070 through 157.076.

(F) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the City Engineer in accordance with '' 157.070 through 157.076. It will be the responsibility of the project site owner and/or permit holder to ensure compliance with this chapter during the construction activity and implementation

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of the construction plan, and in following and implementing all best management practices, and to notify the City Engineer with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this chapter.
(Ord. 2006-04-12, passed 5-1-06)

' 157.041 POLICY ON STORMWATER POLLUTION PREVENTION.

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. The developer must submit to the City Engineer, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials type and specification, handling and storage, and construction sequencing. The following principles apply to all land-disturbing activities and should be considered in the preparation of a stormwater pollution prevention plan within the city.

(A) Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.

(B) Existing natural vegetation should be retained and protected wherever possible. Areas immediately adjacent (within 35 feet of top of bank) to watercourses and lakes also should be left undisturbed wherever possible. Unvegetated or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or their representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.

(C) All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.

(D) The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included in the Stormwater Technical Standards Manual.

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(E) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable and erosion resistant construction site access point (such as crushed stone, slag, aggregate and the like) shall be provided at all points of construction traffic ingress and egress to the project site.

(F) Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable state statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.

(G) Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(H) Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

(I) Natural features, including wetlands, shall be protected from pollutants associated with stormwater runoff.
(Ord. 2006-04-12, passed 5-1-06)

' 157.042 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

(A) In calculating the total area of land disturbance, for the purposes of determining applicability of this subchapter to the project, the following guidelines should be used:

(1) Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.

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(2) Strip developments will be considered as one project site and must comply with this subchapter unless the total combined disturbance on all individual lots is less than one acre and is not part of a larger common plan of development or sale.

(3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:

(a) For a single-family residential project site where the lots are one-half acre or more, one-half acre of land disturbance must be used as the expected lot disturbance.

(b) For a single-family residential project site where the lots are less than one half acre in size, the total lot must be calculated as being disturbed.

(c) To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one acre in size, in which case the total lot must be calculated as being disturbed.

(B) The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the "Indiana Stormwater Quality Manual" or the city Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 5.
(Ord. 2006-04-12, passed 5-1-06)

' 157.043 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) Following approval of the stormwater management permit by the Plan Commission and/or Building Department and commencement of construction activities, the City Engineer and the Board of Public Works and Safety have the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

(B) A self-monitoring program must be implemented by the project site owner and/or permit holder to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to City Engineer, shall perform a written evaluation of the project site by the end of the next business day following each measurable storm event. If there are no measurable storm events within a given week, the site

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should be monitored at least once in that week. Weekly inspections by the trained individual shall continue until the entire site has been stabilized and a notice of termination has been issued. The trained individual should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures, and construction materials storage/containment facilities, to ensure they are functioning properly. The trained individual should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

(C) The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommended and completed. The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner and/or permit holder is responsible for implementing, in accordance with this subchapter, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

(D) Although self-monitoring reports do not need to be submitted to City Engineer, the City Engineer has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to City Engineer and/or the City of Crown Point Board of Public Works and Safety, in an organized fashion, within 48 hours upon request.
(Ord. 2006-04-12, passed 5-1-06)

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

' 157.050 APPLICABILITY AND EXEMPTIONS.

(A) In addition to the requirements of '' 157.040 through 157.043, the stormwater pollution prevention plan, which is to be submitted to the City Engineer as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the city that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of or impact on one acre or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development, and disturbances of less than one acre of land that are

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part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land, within the MS4 area.

(B) The requirements under this subchapter do not apply to the following activities:

(1) agricultural land disturbing activities;

(2) Forest harvesting activities;

(3) Construction activities associated with a single-family residential dwelling disturbing less than five acres, when the dwelling is not part of a larger common plan of development or sale;

(4) Single-family residential developments consisting of four or less lots;

(5) A single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale;

(6) Individual building lots within a larger permitted project.

(C) The requirements under this subchapter do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10.

(2) Coal mining activities permitted under I.C. 14-34.

(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(D) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the City Engineer in accordance with '' 157.070 through 157.076. It will be the responsibility of the project site owner and/or permit holder to ensure proper construction and installation of all stormwater BMPs in compliance with this chapter and with the approved stormwater management permit, and to notify the City Engineer with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However,

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all eventual property owners of stormwater quality management facilities meeting the applicability requirements must comply with the requirements of this chapter.
(Ord. 2006-04-12, passed 5-1-06)

' 157.051 POLICY ON STORMWATER QUALITY MANAGEMENT.

(A) It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in the city, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of Best Management Practices (BMP), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. The city has established a minimum standard that the measurement of the effectiveness of the control of stormwater quality will be based on the management of Total Suspended Solids (TSS).

(B) The project site owner must submit to the City Engineer, a Storm Water Pollution Prevention Plan (SWPPP) that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the city Stormwater Technical Standards Manual. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the city Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the city Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the city Stormwater Technical Standards Manual.

(C) Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks.
(Ord. 2006-04-12, passed 5-1-06)

' 157.052 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

(A) Calculation of land disturbance should follow the guidelines discussed in ' 157.042.

(B) The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual or the city Stormwater Technical

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Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.
(Ord. 2006-04-12, passed 5-1-06)

' 157.053 EASEMENT REQUIREMENTS.

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, a 30-foot wide perimeter beyond the actual footprint of the stormwater quality management facility as well as a 30-foot wide access easement from a public right-of-way to each BMP shall be provided.
(Ord. 2006-04-12, passed 5-1-06)

' 157.054 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) After the approval of the stormwater management permit by the City Engineer or, if applicable, the Plan Commission and the commencement of construction activities, the City Engineer and the Board of Public Works and Safety have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this subchapter, the Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

(B) Stormwater quality management facilities shall be maintained in good condition, in accordance with the operation and maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual or the Stormwater Technical Standards Manual, and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised, or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, maintenance of stormwater quality facilities shall be the long-term responsibility of the facility's owner.

(C) The City Engineer and the Board of Public Works and Safety have the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow the operation and maintenance procedures included in the Stormwater Technical Standards Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the facility will be notified by the City Engineer and the Board of Public Works and Safety and will be required to take all necessary measures to correct such deficiencies. If the owner

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fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Board of Public Works and Safety will undertake the work and collect from the owner using lien rights if necessary.
(Ord. 2006-04-12, passed 5-1-06)

DEVELOPMENT IN WETLANDS REGULATIONS

' 157.060 APPLICABILITY AND EXEMPTIONS.

(A) This subchapter shall apply to all land-disturbing activities regulated by this chapter. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in ' 157.007, identified as containing wetlands until the owner thereof has obtained all required state and federal permits or releases related to the dredging or filling of wetlands. As a pre-condition to receiving a building or land disturbance permit for a development identified as containing wetlands where the applicant for the permit does not intend to fill a wetland, such unaffected wetland must be identified in one of the methods enumerated in ' 157.062, shown on the proposed development plans, and submitted to the City Engineer along with plans to protect and avoid any disturbance to such unaffected wetland.

(B) The requirements under this subchapter do not apply to the following:

(1) For the purpose of city's regulations, artificially-constructed ponds, drainage ditches, stormwater retention/detention basins, gravel pits, stone quarries, and treatment lagoons that exist at the site and that may appear to display wetland-like properties. However, the applicant would need to independently contact IDEM or the U.S. Army Corps of Engineers for appropriate federal and state requirements;

(2) Wetlands or portions thereof for which federal or state permits for fill were issued prior to the enactment of this subchapter; or to

(3) Any area or use excluded from local planning and zoning jurisdiction by federal or state law.

(C) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that all wetlands identified to be present at the project site are sufficiently protected and preserved as set forth in this subchapter.
(Ord. 2006-04-12, passed 5-1-06)

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' 157.061 POLICY ON WETLANDS DISTURBANCE PREVENTION.

It is the public policy of the city to preserve, protect, and conserve freshwater wetlands, and the benefits derived wherefrom, to prevent the despoliation and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial to economic, social, and agricultural development of the city.
(Ord. 2006-04-12, passed 5-1-06)

' 157.062 WETLANDS IDENTIFICATION.

(A) In implementing the terms of this subchapter, any of the following materials shall be prima facia evidence which may be relied upon by the City Engineer for the identification, delineation, and existence of a wetland:

(1) National Wetlands Inventory (NWI) maps produced or maintained by the United States Fish and Wildlife Service (USFWS).

(2) Maps produced, or maintained and utilized, by the United States Corps of Engineers for identification and/or delineation of wetlands.

(3) Maps produced, or maintained and utilized, by the United States Natural Resources Conservation Service (NRCS) for the identification and/or delineation of wetlands.

(4) USDA B NRCS Soil Survey of the city hydric soils list.

(5) Field investigations performed by the United States Army Corps of Engineers or private consultants recognized by the Corps as authorities in wetland identification and delineation.

(B) Note.

(1) NWI maps are intended to identify potential wetlands. Due to the lack of field verification, NWI classified wetlands are sometimes erroneously identified, missed, or misidentified. Additionally, the criteria used in identifying these wetlands, as established by USFWS, are different from those currently used by the U.S. Army Corps of Engineers. NWI maps best serve as an indicator of potential jurisdictional wetlands.

(2) Likewise, soil survey maps were developed from actual field investigations by soil scientists from the NRCS but they address only one of the three required wetland criteria and may reflect historical conditions rather than current site conditions.

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(3) It is recommended that all sites be field reviewed by a qualified person with experience in wetland identification in order to determine the presence or absence of wetlands.
(Ord. 2006-04-12, passed 5-1-06)

PERMIT REQUIREMENTS AND PROCEDURES

' 157.070 CONCEPTUAL DRAINAGE PLAN REVIEW.

In order to establish that an adequate drainage outlet(s) exists for a proposed development seeking a preliminary plat approval or development plan approval from the Plan Commission, a developer may apply for a conceptual drainage plan review by the City Engineer's office. As part of the noted conceptual drainage plan review, a developer shall submit conceptual drainage plans for review by the City Engineer prior to the Plan Commission hearing. Note that any preliminary drainage approval by the Plan Commission and/or City Engineer as a result of such a review is based on preliminary data and shall not be construed as a final drainage approval or considered binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

(A) Two complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems and proposed outlets (plan sheets must be larger than 11 inches by 17 inches, but not to exceed 24 inches by 36 inches).

(B) General description of the existing and proposed drainage systems in narrative form.

(C) Watershed boundaries on county's one-foot or two-foot topographic mapping.

(D) Existing watercourse or regulated drains.

(E) Letter of intent for obtaining any needed consents, off-site easements, right-of-way, or regulatory permits.
(Ord. 2006-04-12, passed 5-1-06)

' 157.071 PERMIT PROCEDURES.

(A) Except as provided in ' 157.050, this section applies to all development, or re-development of land, that results in land disturbance of 7,000 square feet or more. Individual lots with land disturbance less than one acre that are developed within a larger permitted project site, should refer to ' 157.073 for plan review requirements and procedures.

(B) Figure 1 is a flowchart summarizing the plan review/permit approval process and can be found at the end of this subchapter. The

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project site owner shall submit an application for a stormwater management permit to the city. The application will include a Draft Notice of Intent letter (NOI) that would also act as permit application form, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in ' 157.072 below. Three copies of each application material must be submitted to the city. Additionally, a digital copy of the construction plans is required in a format accepted by the City Engineer.

(C) After the city receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. The information provided will be reviewed in detail by the City Engineer and/or its plan review consultant(s). Once all comments have been received and review completed, the City Engineer will either approve the project or request modifications.

(D) Once a permit has been issued, the project site owner must file a Notice of Intent a minimum of 48 hours prior to the commencement of construction activities. Notification shall be in the form of an updated NOI form. The submittal of the NOI must be provided to the city and the IDEM. The IDEM submittal must include a proof of publication, verification that the jurisdictional entity approved the plan, and a $100 fee. For City of Crown Point, copies of the final, approved construction plans, stormwater drainage technical report, stormwater pollution prevention plan for construction sites, and post-construction stormwater pollution prevention plan shall also accompany the above-noted written notification and proof of publication. The number of required copies varies from case-to-case and should be determined by contacting the city. A pre-construction meeting is required to be held with the participation of the city prior to any grading activity to ensure that appropriate perimeter control measures have been implemented on the site and the location of any existing tiles has been properly marked.

(E) Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this chapter and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the city. A Notice of Termination (NOT) shall be sent to the city once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The City Engineer, or a representative, shall inspect the construction site to verify the requirements for a NOT have been met. Once the applicant receives a "verified" copy of the NOT, they must forward a copy to IDEM. Permits issues under this scenario will expire five years from the date

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of issuance. If construction is not completed within five years, the NOI must be resubmitted at least 90 days prior to expiration.
(Ord. 2006-04-12, passed 5-1-06)

' 157.072 INFORMATION REQUIREMENTS.

(A) Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in '' 157.021, 157.030, 157.040, 157.050. If a project or activity is exempt from any or all requirements of this chapter, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing or impacting less than one acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under ' 157.073.

(B) The different elements of a permit submittal for a secondary stormwater plan approval include a Notice of Intent (NOI), proof of publication of a public notice, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana.

(1) Draft notice of intent.

(a) The NOI is a standard form developed by the Indiana Department of Environmental Management which requires general project information. As part of the Stormwater Management Permit application package, the NOI form should be completed in full based on data and information available at the time of application.

(b) An updated version of this form, accompanied by proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence will need to be resubmitted later after the stormwater management permit is granted and at least 48 hours prior to commencement of construction. The publication must include the following language:

> "(Company name, address) is submitting an NOI letter to notify the City of Crown Point Board of Public Works and Safety and the City Engineer and the Indiana Department of Environmental Management of our intent to comply with the requirements of the City of Crown Point Stormwater Management Ordinance, as well

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as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Runoff from the project site will discharge to (stream(s) receiving the discharge(s))."

(2) Construction plans. Construction plan sheets (larger than 11 inches by 17 inches, but not to exceed 24 inches by 36 inches in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. This must be submitted in digital format acceptable to the City Engineer as well as hard copy. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans need to include the following detailed items:

(a) Title sheet which includes location map, vicinity map, operating authority, design company name, developer name, and index of plan sheets.

(b) A copy of a legal boundary survey for the site, performed in accordance with Rule 12 of Title 865 of the Indiana Administrative Code or any applicable and subsequently adopted rule or regulation for the subdivision limits, including all drainage easements and wetlands.

(c) A reduced plat or project site map showing the parcel identification numbers, lot numbers, lot boundaries, easements, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than 11 inches by 17 inches for all phases or sections of the project site.

(d) An existing project site layout that must include the following information:

1. A topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one-foot when slopes are less than or equal to 2% and shall be two feet when slopes exceed 2%. All elevations shall be given in either National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum of 1988 (NAVD). The horizontal datum of topographic map shall be based on Indiana State Plane Coordinates, NAD83. The map will contain a notation indicating these datum information.

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a. If the project site is less than or equal to two acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least 100 feet.

b. If the project site is greater than two acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least 200 feet.

2. Location, name and normal water level of all wetlands, lakes, ponds and water courses on or adjacent to the project site.

3. Location of all existing structures on the project site.

4. One hundred year floodplains, floodway fringes, floodways, and date reference information used to establish such. Please note if none exists.

5. Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.

6. Location of storm, sanitary, combined sewer, and septic tank systems and outfalls.

7. Apparent land use of all adjacent properties.

8. Identification and delineation of sensitive areas.

9. The location of regulated drains, farm drains, inlets and outfalls, if any of record, along with recordation number, etc.

10. Location of all existing cornerstones within the proposed development and a plan to protect and preserve them.

11. Date topographic survey (field work) was performed.

(e) A grading and drainage plan, including the following information:

1. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas, along with finished floor elevations of all living areas.

2. One hundred year floodplains, floodway fringes, floodways, and date reference information used to establish such. Please note if none exists.

3. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

4. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.

5. Existing and proposed topographic information at a contour interval appropriate to indicate drainage patterns.

6. Location, size, and dimensions of all existing streams to be maintained, and new drainage systems such as culverts, bridges, storm sewers, conveyance channels, and 100-year overflow paths/ponding areas shown as hatched areas, along with all associated easements.

7. Location, size, and dimensions of features such as permanent retention or detention facilities, including natural or constructed wetlands, used for the purpose of stormwater management. Include existing retention or detention facilities that will be maintained, enlarged, or otherwise altered and new ponds or basins to be built.

8. One or more typical cross sections of all existing and proposed channels or other open drainage facilities (including existing retention or detention facilities) carried to a point above the 100-year high water and showing the elevation of the existing land and the proposed changes, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this chapter, and the relationship of structures, streets, and other facilities.

(f) Utility plan sheet(s) showing the location of all proposed utility lines for the project.

(g) Storm sewer plan/profile sheet(s) showing the elevation, size, length, location of all proposed storm sewers. Existing and proposed ground grades, storm sewer structures elevations, and utility crossings also must be included.

(h) A 24-inch by 36-inch plat (both in hard copy and digital format) acceptable to the City Engineer, including the following information:

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1. Legal description.

2. Cross reference to Rule 12.

3. Regulated drain statement and table.

(i) Any other information required by the Plan Commission and/or City Engineer in order to thoroughly evaluate the submitted material.

(3) Stormwater drainage technical report. A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include the following detailed items:

(a) A summary report, including the following information:

1. Description of the nature and purpose of the project.

2. The significant drainage problems associated with the project.

3. The analysis procedure used to evaluate these problems and to propose solutions.

4. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods.

5. The proposed design of the drainage control system.

6. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems. Any hydrologic or hydraulic calculations or modeling results must be adequately cited and described in the summary description. If hydrologic or hydraulic models are used, the input and output files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.

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7. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.

8. Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.

(b) A hydrologic/hydraulic analysis, consistent with the methodologies and calculation included in the city Stormwater Technical Standards Manual, and including the following information:

1. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of present land use and proposed land use. Any off-site drainage entering the site or any downstream restrictions should be addressed as well. This report should be comprehensive and detail all of the steps the engineer took during the design process.

2. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but are not limited to the following: runoff curve numbers and runoff coefficients, runoff calculations, stage-discharge relationships, times-of-concentration and storage volumes.

3. Copies of all computer runs. These computer runs should include both the input and the outputs. Electronic copies of the computer runs with input files must also be included.

4. A set of exhibits should be included showing the drainage sub-areas and a schematic detailing of how the computer models were set up.

5. A conclusion which summarizes the hydraulic design and details how this design satisfies this chapter.

6. Signed and certified (stamped) by a professional engineer registered in the State of Indiana.

(4) Stormwater pollution prevention plan for construction sites. A stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this chapter and must include the following:

(a) Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.

(b) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.

(c) Fourteen-digit watershed hydrologic unit code.

(d) An estimate of the peak discharge, based on the ten-year storm 24-hour event, of the project site for post-construction conditions.

(e) Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.

(f) Locations of specific points where stormwater discharge will leave the project site.

(g) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.

(h) Temporary stabilization plans and sequence of implementation.

(i) Permanent stabilization plans and sequence of implementation.

(j) Temporary and permanent stabilization plans shall include the following:

1. Specifications and application rates for soil amendments and seed mixtures.

2. The type and application rate for anchored mulch.

(k) General construction sequence of how the project site will be built, including phases of construction and the associated time of year they are expected to be done.

(l) Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.

(m) Location of all soil stockpiles and borrow areas.

(n) A typical erosion and sediment control plan for individual lot development.

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(o) Self-monitoring program including plan and procedures.

(p) A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.

(q) Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.

(r) Name, address, telephone number and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

(5) Post-construction storm water pollution prevention plan. The post-construction storm water pollution prevention plan must include the following information:

(a) A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.

(b) Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.

(c) A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.

(d) A sequence describing when each post-construction stormwater quality measure will be installed.

(e) Stormwater quality measures that will remove or minimize pollutants from stormwater run-off.

(f) Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(g) An operation and maintenance manual for all post-construction stormwater quality measures to facilitate their proper long term function. This operation and maintenance manual shall be made

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available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures. The manual shall include the following:

1. Contact information for the BMP owner (such as name, address, business phone number, cell phone number, pager number, e-mail address and the like).

2. A statement that the BMP owner is responsible for all costs associated with maintaining the BMP.

3. A right-of-entry statement allowing city personnel to inspect and maintain the BMP.

4. Specific actions to be taken regarding routine maintenance, remedial maintenance of structural components, and sediment removal. Sediment removal procedures should be explained in both narrative and graphical forms. A tabular schedule should be provided listing all maintenance activities and dates for performing these required maintenance activities.

5. Site drawings showing the location of the BMP and access easement, cross sections of BMP features (such as pond, forebay(s), structural components and the like), and the point of discharge for stormwater treated by the BMP. Additionally, the drawings should provide dimensional information and indicate where applicable warning signs will be placed around a stormwater quality pond. These drawings need to be submitted both in hard copy and in digital format acceptable to the City Engineer.
(Ord. 2006-04-12, passed 5-1-06)

' 157.073 REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT.

(A) For individual lots disturbing or impacting less than one acre, developed within a larger permitted project, a formal review and issuance of an individual lot plot plan permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this chapter must be implemented in accordance with permitted plan for the larger project.

(B) The following information must be submitted to the Building Department, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an individual lot plot plan permit that must be obtained prior to the issuance of a building permit.

(1) A lot plan sealed/signed by an Indiana registered land surveyor with following minimum requirements:

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(a) Drainage patterns and swales.

(b) Flood zone designation.

(c) Proposed or existing structures tied to lot lines to nearest tenth of a foot.

(d) Bearings and distances of lots including: set-back lines, square footage, easements, streets, alleys, sidewalks, building set-back lines, width of lots at building set-back line and lot grades.

(e) Proposed elevations required to nearest tenth [must be in accordance with approved subdivision plan (including Benchmark)] for the following:

1. Entry way.

2. Main floor.

3. Top of foundation.

4. Ground grade at each corner of building.

5. Ground grade at lot corners.

6. Grade at side yard.

7. Slope of driveway expressed as a percentage.

8. Elevations of adjacent properties including top finished floor, lot and building corners.

(f) A certified as-built with all the lot plan information and as-built information will be required for occupancy. Any difference of over 0.5 feet, either vertically or horizontally between proposed and actual, shall be highlighted by the registered land surveyor signing the as-built. If winter conditions do not allow final grading, a certificate of future compliance must be noted on as-built drawing.

(2) Erosion and sediment control plan that, at a minimum, includes the following measures:

(a) Installation and maintenance of a stable construction site access.

(b) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.

(c) Minimization of sediment discharge and tracking from the lot.

(d) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.

(e) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(f) Self-monitoring program including plan and procedures.

(3) Certification of compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the City Engineer or, if applicable, the Plan Commission, for the larger project.

(4) Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

(C) The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.
(Ord. 2006-04-12, passed 5-1-06)

' 157.074 CHANGES TO PLANS.

Any changes or deviations in the detailed plans and specifications after approval of the applicable stormwater management permit shall be filed with, and accepted by, the City Engineer prior to land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.
(Ord. 2006-04-12, passed 5-1-06)

' 157.075 TERMS AND CONDITIONS OF PERMITS.

(A) In granting a stormwater management permit, the City Engineer may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in '' 157.080 through 157.085 and ' 157.999.

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(B) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the stormwater management permit and the schedule for proposed implementation.

(C) It is the intent of this chapter to direct the community's physical growth away from sensitive areas and towards areas that can support it without compromising water quality. In the event that a project site is determined to impact or discharge to a sensitive area or is located in an impact drainage area, the City Engineer may require more stringent stormwater quantity and quality measures than detailed in this chapter or in the latest edition of the Indiana Stormwater Quality Manual.

(1) Determination of sensitive areas. Sensitive areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water, and surface drinking water sources can be found in the Storm Water Quality Management Plan (SWQMP) - Part B, dated May 2005 draft and its updates. If wetlands are suspected on a site, wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE) and the wetland addressed in accordance to the requirements of '' 157.060 through 157.062. If the presence of threatened or endangered species habitat is suspected on a site, the site must be evaluated and inspected by a professional experienced in such and the results reported to the City Engineer. Special terms and conditions for development determined to impact or discharge to any sensitive area shall be included in the stormwater management permit.

(2) Determination of impact drainage areas.

(a) The following areas shall be designated as impact drainage areas, unless good reason for not including them is presented to the City Engineer.

1. A floodway or floodplain as designated by the most updated the City Code dealing with floodplain regulation.

2. Land within 75 feet of each bank of any ditch within the Lake County regulated drainage system.

3. Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Lake County regulated drainage system.

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(b) The Board of Public Works and Safety or, if applicable, the Plan Commission is authorized, but is not required, to classify certain additional geographical areas as impact drainage areas. In determining impact drainage areas, the Board of Public Works and Safety or, if applicable, the Plan Commission shall consider such factors as land use, topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

(c) Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an impact drainage area by the Board of Public Works and Safety or, if applicable, the Plan Commission. Special terms and conditions for development within any impact drainage area shall be included in the stormwater management permit.
(Ord. 2006-04-12, passed 5-1-06)

' 157.076 CERTIFICATION OF AS-BUILT PLANS.

(A) After completion of construction of the project and before final project acceptance of the stormwater management plan (the issuance of a "verified" NOT), a professionally prepared and certified 'as-built' set of plans by a professional engineer or licensed land surveyor registered in the State of Indiana shall be submitted to the City Engineer for review. Additionally, a digital copy of the 'as-built' plans is required in a format accepted by the City Engineer. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

(1) Pipe size and pipe material.

(2) Invert elevations.

(3) Top rim elevations.

(4) Pipe structure lengths.

(5) BMP types, dimensions, and boundaries/easements.

(6) "As-planted" plans for BMPs, as applicable.

(7) Data and calculations showing detention basin storage volume.

(8) Data and calculations showing BMP treatment capacity.

(9) Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the City Engineer and/or the Point Plan Commission. (See certificate in Stormwater Technical Standards Manual.)

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(B) The property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with the Board of Public Works and Safety through the City Engineer, prior to final project acceptance (the issuance of a "verified" NOT), in an amount not less than 25% of the cost of the stormwater drainage system, and in a form satisfactory to the Board of Public Works and Safety attorney in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans, and this chapter. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the final project acceptance by the City Engineer and/or the Plan Commission.

(C) To verify that all enclosed drains are functioning properly, visual recordings (via closed circuit television) of such tile drains shall be required, once following the completion of installation (including the installation of all utility mains) and the second time before release of maintenance bonds. These visual recordings will be scheduled by the City Engineer, and paid for by the developer. Notices shall be provided to the City Engineer within 72 hours following the completion of installation and again at least 60 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the City Engineer before the plat is recommended for recording and again before maintenance bond would be recommended to be released.
(Ord. 2006-04-12, passed 5-1-06)

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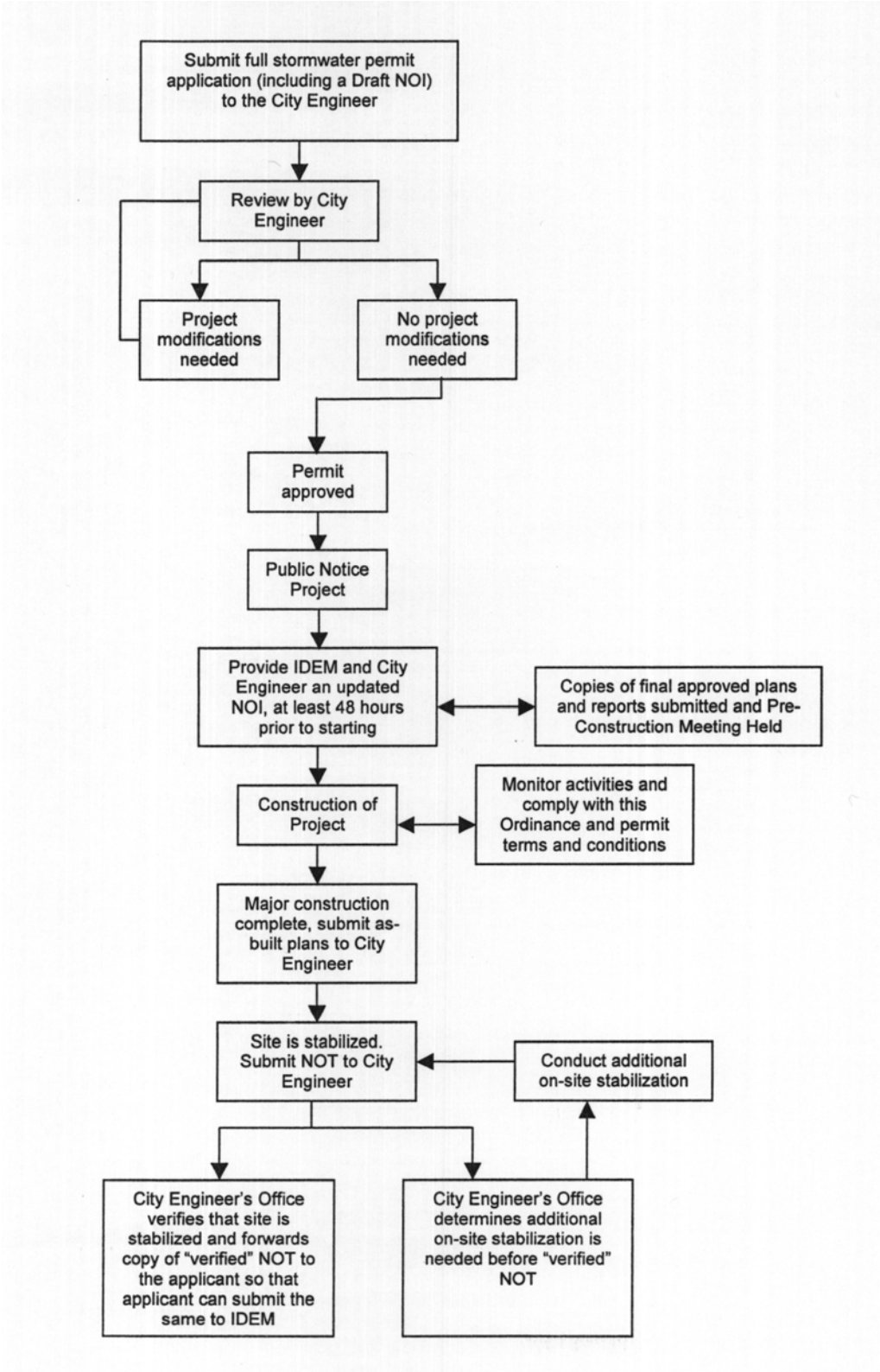
FIGURE 1: PERMIT APPROVAL PROCESS



ENFORCEMENT

' 157.080 COMPLIANCE.

In addition to the requirements of this chapter, compliance with the requirements set forth in the local zoning ordinances is also necessary. Compliance with all applicable ordinances of the city as well as with applicable State of Indiana statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this chapter shall be the most recent edition available. Violations of the requirements of this chapter are subject to the penalties listed in ' 157.999.
(Ord. 2006-04-12, passed 5-1-06)

' 157.081 STOP WORK ORDER.

(A) In addition to the penalties listed in ' 157.999, if land disturbance or impact activities are conducted contrary to the provisions of this chapter or accepted final stormwater management plans, the Board of Public Works and Safety through the City Engineer may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Board of Public Works and Safety through the City Engineer to proceed with the work. The Board of Public Works and Safety through the Department of Public Works may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this chapter or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

(B) Any person who neglects or fails to comply with a stop work order shall be punishable by a fine of not less than $1,000, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may be assessed by the Board of Public Works and Safety and/or the City Engineer.
(Ord. 2006-04-12, passed 5-1-06)

' 157.082 FAILURE TO COMPLY OR COMPLETE.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the Board of Public Works and Safety through the City Engineer may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Board of Public Works and Safety for all costs of such work.
(Ord. 2006-04-12, passed 5-1-06)

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' 157.083 SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM.

(A) Suspension due to emergency situations. The Board of Public Works and Safety and/or the City Engineer may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Board of Public Works and Safety and/or the City Engineer may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the United States, or to minimize danger to persons.

(B) Suspension due to the detection of illicit discharge. Any person discharging to the stormwater drainage system in violation of this chapter may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The Board of Public Works and Safety through the City Engineer will notify a violator of the proposed termination of its MS4 access. The violator may petition the Board of Public Works and Safety through the City Engineer for a reconsideration and hearing.
(Ord. 2006-04-12, passed 5-1-06)

' 157.084 CORRECTIVE ACTION.

Nothing herein contained shall prevent the Board of Public Works and Safety through the City Engineer from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the city's NPDES permit, attorney fees, and other costs and expenses.
(Ord. 2006-04-12, passed 5-1-06)

' 157.085 APPEALS.

Any person to whom any provision of this chapter has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Board of Public Works and Safety the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Board of Public Works and Safety shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Board of Public Works and Safety may consider the recommendations of the City Engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board of Public Works and Safety may grant a

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variance from the terms of this chapter to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

(A) The application of the chapter provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with this chapter; and

(B) The granting of the relief requested will not substantially prevent the goals and purposes of this chapter, nor result in less effective management of stormwater runoff.
(Ord. 2006-04-12, passed 5-1-06)

' 157.999 PENALTY.

(A) Any party and/or person(s) found in violation of any provision of this chapter shall be responsible for a civil infraction and subject to a maximum fine of $2,500 for a first offense, and a maximum of $7,500 for a subsequent offense, plus costs, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.

(B) Any party and/or person(s) who aids or abets any party and/or person(s) in a violation of this chapter shall be subject to the penalties provided in this section.

(C) For purposes of this section, "subsequent offense" means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility or was adjudicated to be responsible.
(Ord. 2006-04-12, passed 5-1-06)

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CHAPTER 158: RENTAL HOUSING

Section

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' 158.01 PURPOSE.

The purpose of this chapter is to provide for the annual registration and inspection of rental residential property and to facilitate the prevention and correction of violations of laws and

ordinances pertaining to rental residential property so as to protect the public health, safety and welfare of the people of the City of Crown Point including, but not limited to, the following:

(A) To protect the public health and safety by insuring rental units comply with the City of Crown Point's building codes, property maintenance codes and all other applicable regulations adopted by the State of Indiana or other governmental agencies.

(B) To protect the character and stability of residential neighborhoods.

(C) To correct and prevent housing conditions that adversely affect or are likely to adversely affect safety, general welfare and health of the persons occupying dwellings.

(D) To prevent the overcrowding of rental units.

(E) To facilitate the enforcement of minimum standards for maintenance of existing rental residential buildings and thus to prevent slums and blight.

(F) To preserve the value of land and buildings throughout the city.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.02 DEFINITIONS.

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

"ADULT." Every person at least 18 years of age or younger if emancipated.

"DWELLING UNIT." The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"FAMILY." Includes all of the following:

(1) An individual;

(2) Two or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or

(3) Five or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

"HABITABLE ROOM." Any room meeting the requirements of this chapter for sleeping, living, or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

"MULTI-FAMILY DWELLING." A residential building designed for, or modified to accommodate, more than one independent rental unit.

"OWNER." Any person having a legal or equitable title in a rental building or premises.

"PERSON." A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter, in the present tense includes the future, and the singular includes the plural.

"PREMISES." A lot, plot or parcel of land containing a rental building or rental unit.

"REGISTRATION PERMIT." The permit issued by the city upon registration of each rental unit.

"RENTAL BUILDING." A building containing one or more rental units.

"RENTAL COMPLIANCE INSPECTOR." That municipal officer, appointed by the Mayor and operating under the control of the Board of Public Works and Safety, charged with the primary responsibility of enforcement of the provisions of this chapter.

"RENTAL HOUSING CODE." Sections 158.18 through 158.36 of this code.

"RENTAL UNIT." A rented dwelling unit or rooming unit.

"ROOMING HOUSE." Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related by blood or marriage.

"ROOMING UNIT." Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"TENANCY AGREEMENT." Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.

"TENANT." Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.03 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter. This chapter applies to all rental units located within the city, but shall not apply to the following:

(a) Occupancy in a single-family, owner-occupied dwelling unit.

(b) Occupancy in a "group home" or "institutional residential" as those terms are defined in this code of ordinances.

(c) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority. This exception does not apply to privately owned rental units receiving Section 8 subsidies.

(d) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.

(e) Occupancy in a dormitory owned by any social agency, hospital, or institute of higher learning such as The Sisters of St. Francis, Indiana University, Purdue University, or Ivy Tech, and the like.

(f) Transient occupancy in a hotel, motel or other similar lodging.

It shall be the responsibility of each person owning or operating a dwelling unit that said person claims is exempt from this chapter to produce such documentation or other information as may be requested by the Rental Compliance Inspector and/or his or her designee(s) so as to

permit the Rental Compliance Inspector and/or his or her designee(s) to determine whether said dwelling unit is exempt.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.04 REGISTRATION OF RENTAL UNITS REQUIRED.

After December 31, 2012, no owner of real estate within the city shall use said real estate for the purpose of erecting or maintaining a rental unit without registering each rental unit with the city. All existing rental units shall be registered with the city no later than December 31, 2012. The registration shall be affected by furnishing to the city a complete and accurate application upon forms prescribed by the city, setting forth the following information:

(a) The name of the owner;

(b) Address of the owner;

(c) Street address of the rental unit;

(d) If the owner is not a resident of Lake County, Indiana, or a county contiguous to Lake County within the State of Indiana, the name, address and telephone number of the owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any and all agents shall be within Lake County or a contiguous county. Any owner who does not reside in Lake County, Indiana, or a contiguous county shall be required to designate an agent.

The registration application shall be signed by the owner. Whenever ownership of a rental unit or group or complex of rental units changes, the new owner shall have the responsibility to report the change in ownership to the city and pay a $5 administrative fee within 30 days of the change of ownership. Previously issued registration permits shall automatically expire thirty 30 days following transfer of title to a registered property. A registration permit shall otherwise remain in effect until suspended or revoked as set forth in this chapter. Issuance of a registration permit is not evidence that a property meets the requirements of this chapter, or is otherwise fit for human habitation.

Notification to the owner or his or her agent at the address shown on the registration application shall constitute sufficient notice pursuant to any provision of this chapter. Registration of a rental unit shall be evidenced by issuance of a registration permit.

An application for renewal of a registration permit shall contain the same information as an initial application.

All registrations shall be maintained on file and shall be made available for public review by the owner, any of the owner's agents, or leasing companies.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.05 TENANT INFORMATION.

Each owner of a rental unit shall at all times maintain an up-to-date list containing the names and contact information for all tenants in each rental unit owned or operated by the owner. Each owner shall provide the city, upon ten days written notice, any information from such list determined by the city to be necessary for any valid legal purpose such as an application for a warrant to inspect a rental unit, levying a fine against a tenant, or the giving of any notice to a tenant.

Both tenant and owner are subjected to the provisions of I.C. 32-31-1 et seq.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.06 REGISTRATION AND INSPECTION FEES.

There shall be a $50 annual registration fee assessed for each rental building and a $20 annual registration fee assessed for each rental unit located within the City of Crown Point. The above-referenced registration fees shall be paid to the city at the time that the owner submits the registration application to the Department of Planning and Building. The Department of Planning and Building will accept money orders, certified checks, and business checks. Under no exception shall Planning and Building accept personal checks, credit cards, or cash. For credit card payments, registration permits fees can be processed through the Clerk-Treasurer's Office.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.07 INSPECTION SCHEDULE.

Upon payment of the initial registration application and no sooner than ten days, owner's premise will be subject to inspection by the Rental Compliance Inspector and/or his or her designee(s).

Payment of registration application shall be notice to the owner that access shall be granted to city inspectors no sooner than ten days of said payment receipt.

Prior to December 31, 2013 and for each subsequent year, the Rental Compliance Inspector and/or his or her designee(s) shall publish a schedule for the annual inspection of registered properties.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.08 REGISTRATION PERMITS.

For all registered rental units, the Department of Planning and Building shall issue a certificate stating the date of the unit's registration. The owner of each rental unit shall be responsible for continuously maintaining a copy of the certificate. Each owner shall provide the Rental Compliance Inspector and/or his or her designee(s) with a copy of the certificate upon request.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.09 COMPLAINT-DRIVEN INSPECTIONS.

Each rental unit and/or premises within the city is subject to inspection by the Rental Compliance Inspector and/or his or her designee(s) in accordance with this chapter. As of January 1, 2013, whenever the Rental Compliance Inspector and/or his or her designee(s) receives information creating a reasonable belief that a non-exempt rental unit or premises violates any of the standards of this chapter (including non-registration of a rental unit), the Rental Compliance Inspector and/or his or her designee(s) may conduct an inspection of the rental unit or premises.

No inspection shall be initiated under this chapter unless the tenant has given the owner notice of the alleged violation and the owner has had a reasonable amount of time to make repairs or provide a remedy to the condition. The city may act immediately to inspect in situations where there is an emergency that threatens the safety of the tenant or the safety of the premises.

Unless waived by either the owner or tenant, the following procedure shall be used to obtain entry to rental units and premises for the purpose of inspection. The Rental Compliance Inspector and/or his or her designee(s) shall cause written notice to be mailed to the owner or his or her agent of the rental unit or premise setting forth the date and time scheduled for the inspection together with the appropriate inspection application. The owner or his or her agent shall have ten days from the notice issuance date in which to submit a complete and accurate inspection application to the Rental Compliance Inspector and/or his or her designee(s). In the inspection application, the owner shall include a current list of tenants for each rental unit to

be inspected and shall indicate whether the owner and all tenants consent to an inspection of the rental unit(s) or premises.

The owner shall be responsible for granting access to each rental unit or premise to the Rental Compliance Inspector and/or his or her designee(s). In the event the owner and/or tenant refuses entry to any given rental unit or premise for inspection pursuant to this chapter, the appropriate court of Lake County shall be utilized by the city to obtain a warrant for entry and inspection as provided in this chapter. If the owner and/or tenant do not consent, the Rental Compliance Inspector and/or his or her designee(s) shall request a search warrant from a court of appropriate jurisdiction to conduct an inspection of the rental unit to determine whether the rental unit complies with this chapter. The Rental Compliance Inspector and/or his or her designee(s) shall conduct an inspection as authorized by such search warrant. The Mayor and Common Council have determined that the inspections provided in this chapter for all rental units constitute a reasonable method to protect the health, safety, and welfare of its citizens.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.10 COMPLAINT-DRIVEN INSPECTION FEES.

In the event that no violations of this chapter are discovered during the initial inspection, the owner shall not be charged a fee for the inspection. However, in the event that the initial inspection reveals any violation of this chapter for which the owner is responsible the owner shall be charged an inspection fee of $50. This inspection fee shall be paid to the city by the owner within 30 days of the date of the initial inspection. The Department of Planning and Building will accept money orders, certified checks, and business checks. Under no exception shall Planning and Building accept personal checks, credit cards, or cash. For credit card payments, inspection fees can be processed through the Clerk-Treasurer's Office.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.11 NOTIFICATION OF DEFICIENCIES TO LANDLORD; RE-INSPECTIONS.

In the event any inspection reveals a deficiency with the application of the codes referenced herein, the Rental Compliance Inspector and/or his or her designee(s) shall within ten days from the date of the inspection notify the owner of the rental unit of the deficiencies. Such notice of deficiencies shall:

(a) Be in writing;

(b) Shall include a description of the real estate sufficient for identification;

(c) State the reason or reasons why the notice is being issued including a reference to any sections of the Rental Housing Code that have been violated;

(d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with provisions of this subchapter; and

(e) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Crown Point Board of Public Works and Safety.

The notice prescribed above shall be deemed to be properly served upon the owner or his or her agent at the address shown on the registration application.

A re-inspection shall be conducted after the end of the above-referenced compliance time frame. If the Rental Compliance Inspector and/or his or her designee(s) find that compliance with all noted violations has not been accomplished, the Rental Compliance Inspector and/or his or her designee(s) may commence proceedings to suspend and/or revoke the registration permit for the premises.

The first re-inspection performed after the expiration of the compliance time frame shall be assessed a fee of $75 per rental unit to be inspected. All further re-inspections necessitated by the continued existence of violations shall be assessed a fee of $200 per rental unit to be inspected. No registration permits shall be issued until said fees are paid in full.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.12 PROBATION, SUSPENSION OR REVOCATION OF REGISTRATION PERMITS.

(a) Probation. Based upon charges filed by the Rental Compliance Inspector and/or his or her designee(s), the Board of Public Works and Safety may, if it finds the charges to be true, impose up to three year probation for the registration permit for any premises found to be under the following circumstances:

(1) If there is an adjudication of three or more violations of this code of ordinances or Indiana Criminal Code on the rental unit within one year, unless the owner was the party reporting the violation or unless the owner or owner's agent has evicted the tenants;

(2) An adjudication that the owner, owner's agent or person acting on behalf of the owner has violated ' 158.14 or ' 158.15 of this code.

(b) Suspension. Based upon charges filed by Rental Compliance Inspector and/or his or her designee(s), the Board of Public Works and Safety may, if it finds the charges to be true, impose up to a 120 day suspension of the registration permit for any premises found to be under the following circumstances:

(1) One or more additional bases exist that would support the imposition or probation within one year of any other sanctions being imposed under this section and the owner has not taken appropriate corrective action.

(2) An adjudication that the owner, owner's agent, or person acting on behalf of the owner has:

(A) Knowingly violated the maximum occupancy provisions set forth in the Rental Housing Code;

(B) Illegally used or allowed the illegal use of non-habitable or non-occupiable space;

(C) Illegally converted space to occupiable or habitable use or illegally added an additional rental unit to the property

(D) Violated the provisions of ' 158.04 (rental certificate required);

(E) Failed to correct any code violation at the property affecting health and safety within the time allowed;

(F) Provided the Rental Compliance Inspector and/or his or her designee(s) with any false or materially incomplete information in connection with the property or the registration permit.

The suspension shall begin upon the vacation of the rental unit. The owner shall take all legal steps necessary to vacate the rental unit as soon as possible and, if available, to provide a similar unit to the tenant vacated.

(c) Revocation. Based upon charges filed by the Rental Compliance Inspector and/or his or her designee(s), the Board of Public Works and Safety may, if it finds the charges to be true, permanently revoke the registration permit for any premises under the following circumstances:

(1) Any occupancy during or payment of rent for the period of any suspension under ' 158.12; or

(2) Within three years after suspension, any further occurrence or violation that would be grounds for a suspension of the registration permit.

(d) The Rental Compliance Inspector and/or his or her designee(s) shall prepare and file charges with the Board of Public Works and Safety specifying the specific violation and relief requested. Such charges and notice of a hearing shall be served upon the owner or his or her agent by certified mail, return receipt requested to the address of record.

(e) The Board of Public Works and Safety shall set a date for hearing of the charges, not less than ten days after mailing of the notice. The Board of Public Works and Safety shall hear the evidence and argument of the Rental Compliance Inspector and/or his or her designee(s) and the owner. After the hearing, the Board of Public Works and Safety shall make a written decision supported by findings. The decision of the Board of Public Works and Safety may be appealed to a court of general jurisdiction in Lake County within 30 days of the decision.

(f) Following the permanent revocation of a registration permit by the Board of Public Works and Safety, an owner may apply to the city for the issuance of a new registration permit. As part of the application process for a new registration permit the owner shall permit the Rental Compliance Inspector and/or his or her designee(s) to inspect each rental unit and/or premises wherein the registration permit was previously revoked to determine compliance with the requirements of this chapter.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.13 RENTAL COMPLIANCE INSPECTOR AND/OR HIS OR HER DESIGNEE(S).

The Rental Compliance Inspector shall be appointed by the Mayor pursuant to ordinance. The decisions of the Rental Compliance Inspector and/or his or her designee(s) may be appealed to the Board of Public Works and Safety on petition filed with the Board within 20 days after hand delivery or mailing, whichever occurs first, of the Rental Compliance Inspector and/or his or her designee(s)'s decision.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.14 TRUTH IN ADVERTISING.

(a) No owner of a rental unit shall incorrectly represent in any advertisement, sign, or other written or oral form, the occupancy limits of the rental unit.

(b) No tenant of a rental unit advertising for sublease shall incorrectly represent in any advertisement, sign, or other written or oral form, the occupancy limits of the rental unit.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.15 RETALIATORY EVICTION PROHIBITED.

It shall be a violation of this chapter if a court of competent jurisdiction determines that any owner or his or her agent brought or threatened to bring an action for possession of a rental unit for the purpose of retaliating against a tenant for requesting an inspection of a rental unit.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.16 VIOLATION; PENALTY.

In addition to probation, suspension and revocation of a registration permit as set forth in ' 158.12 of this code, the Board of Public Works and Safety may impose the following penalties on any and all persons found to be in violation of this chapter:

(a) For submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, a fine of up to $500, unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, in which case the fine may be up to $2,500;

(b) For failure to maintain a rental certificate pursuant to ' 158.08, a fine of up to $500, unless the violator has been convicted of a previous violation for failing to maintain a rental certificate, in which case the fine shall be up to $1,000;

(c) For failure to timely sign or submit a complete registration application, any tenant information requested pursuant to ' 158.05 or an inspection application, a fine of up to $100, each day a violation of this provision exists or continues to exist constituting separate and distinct violation of the ordinance;

(d) For knowingly committing, permitting or allowing any overoccupancy as set forth in ' 158.31, a fine of up to $200, unless the violator has been convicted of a previous violation involving overoccupancy, in which case the fine shall be up to $1,000, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of the ordinance;

(e) For rental of any dwelling unit without first obtaining or continuing to have a valid registration permit, a fine of up to $100, unless the violator has been convicted of previous violation involving renting without a registration permit, in which case the fine shall be up to $500, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of the ordinance;

(f) For bringing or threatening to bring an action for possession of a rental unit for the purpose of retaliating against a tenant for requesting an inspection of a rental unit in violation of ' 158.15, a fine of up to $2,500;

(g) For violation of any other provision of this chapter, a fine of up to $100, for each day after which a correction was to be made pursuant to ' 158.11(d).
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.17 RENTAL HOUSING FUND ESTABLISHED.

(a) The Common Council hereby establishes a non-reverting Rental Housing Fund.

(b) The Board of Public Works and Safety shall be named and have the authority for the allocation and expenditure of all costs associated with the administration of the Rental Housing program.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.18 RENTAL HOUSING CODE.

There is established the Rental Housing Code, the purpose of which is to protect community neighborhoods and the public health, safety and welfare in all existing and new rental buildings, rental units and premises by:

(a) Establishing minimum maintenance standards for rental buildings and rental units and premises; for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of rental buildings and rental units;

(b) Fixing the responsibilities of owners, operators and occupants of rental buildings and rental units; and

(c) Providing for administration, enforcement and penalties.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.19 INTENT.

(a) The provisions of the Rental Housing Code shall be construed liberally to insure the public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

(b) The provisions of the Rental Housing Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

(c) All other provisions of the city's code of ordinances relating to building maintenance, are incorporated by reference as if fully set forth herein.

(d) Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of the Rental Housing Code shall be done in accordance with the procedures and provisions of this chapter and this code of ordinances.

(e) The provisions of this chapter shall not be construed as abolishing or impairing existing remedies available to the city relating to the removal or demolition of any buildings that are deemed dangerous, unsafe or unsanitary.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.20 DEFINITIONS.

All of the definitions set forth in ' 158.02 are hereby incorporated by reference into the Rental Housing Code as if set forth fully herein. All definitions set forth in ' 158.02 shall apply herein unless the context clearly indicates or requires a different meaning.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.21 STRUCTURES.

(a) This chapter establishes minimum requirements for the initial and continued occupancy and use of all rental buildings, rental units and premises and does not replace or modify requirements otherwise established by ordinance which may be additional to or more stringent

than the provisions contained herein for the construction, repair, alteration, or use of structures, equipment or facilities.

(b) This chapter shall apply to all rental buildings, rental units and premises whether or not existing at the time this chapter is adopted.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.22 ENFORCEMENT AUTHORITY.

It shall be the duty and responsibility of the Rental Compliance Inspector and/or his or her designee(s) enforce the provisions of this chapter.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.23 DUTIES AND POWERS OF THE RENTAL COMPLIANCE INSPECTOR AND/OR HIS OR HER DESIGNEE(S).

(a) General. The Rental Compliance Inspector and/or his or her designee(s) shall enforce all of the provisions of the Rental Housing Code relative to the maintenance of rental buildings, rental units and premises, except as may otherwise be specifically provided for by other regulations, ordinances or laws.

(b) Notices and orders. The Rental Compliance Inspector and/or his or her designee(s) shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the Rental Housing Code requirements for the safety, health and general welfare of the public.

(c) Inspections. In accordance with ' 158.09 and in order to safeguard the safety, health and welfare of the public, the Rental Compliance Inspector and/or his or her designee(s) is authorized to enter any rental building, rental unit or premises at any reasonable time for the purpose of making inspections and performing duties under this chapter. Provided that, should consent to enter not be voluntarily given, application for an inspection warrant shall be made pursuant to the provisions of ' 158.09 hereof.

(d) Coordination of enforcement. Whenever, in the opinion of the Rental Compliance Inspector and/or his or her designee(s), it is deemed necessary or desirable to have inspections made by any other city department, the Rental Compliance Inspector and/or his or her designee(s) shall arrange for such inspections. He or she shall make reasonable effort to arrange for the coordination of inspections to minimize the number of visits by inspectors, and to confer with the

other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order, notice or citation which it determines must be issued.

(e) Rule making authority. Upon the recommendation of the Rental Compliance Inspector and/or his or her designee(s), the Crown Point Board of Public Works and Safety shall have those powers as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this chapter to secure its intent, but such rules shall not have the effect of waiving requirements specifically provided in this chapter or of violating accepted practice involving public safety. Prior to taking effect, such rules and regulations must be approved by the Crown Point Common Council by resolution.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.24 NOTICES AND ORDER.

(a) Notice to owner or to person or persons responsible. Whenever the Rental Compliance Inspector and/or his or her designee(s) determines that there has been a violation of this chapter, or has a reasonable belief that a violation has occurred, the Rental Compliance Inspector and/or his or her designee(s) shall give notice to the owner or his or her agent in conformance with ' 158.11.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.25 SCOPE; TENSE AND DEFINITION OF TERMS.

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

(b) Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(c) Terms defined in other codes. Where terms are not defined in this subchapter and are defined in the municipal code of ordinances, building, electrical, plumbing and/or mechanical codes otherwise adopted by this code, they shall have the same meanings ascribed to them as in those codes.

(d) Terms not defined. Where terms are not defined under the provisions of this subchapter or under the provisions of the municipal

code of ordinances, the building, electrical, plumbing and/or mechanical codes, they shall have ascribed to them their ordinarily accepted meaning, or such as the context herein may imply.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.26 APPLICABILITY OF REQUIREMENTS.

(a) Scope. The provisions of this chapter shall govern the minimum standards for maintenance of rental buildings and rental units within the City of Crown Point, Indiana.

(b) Responsibility. The owner of the premises shall maintain such properties in compliance with these requirements. A person shall not let to another for occupancy or use premises which do not comply with the following requirements of this chapter.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.27 PREMISES CONDITION.

(a) Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage. Should a tenant vacate the premises leaving an accumulation of abandoned furniture, appliances, clothing, and the like, it shall be the responsibility of the owner to dispose of the same.

(b) Grading and drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water within any structure located thereon.

(c) Weeds. All premises shall be kept free from weeds or plant growth that is noxious or detrimental to the public health and welfare.

(d) Grass height. All grass and weeds over eight inches in height on any premises shall be mowed and the trimmings raked and disposed of properly.

(e) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be structurally sound; shall be properly surface coated to prevent deterioration; and shall be free of all electrical and fire hazards and harmful insects and rodent infestation.

(f) Outdoor furniture, vending machines and appliances. All furniture placed outside the rental building shall be waterproof and

shall be maintained in good repair. Vending machines, if any, shall be in an enclosed area not visible from the public street. No appliances shall be located outside any rental building.

(g) Parking. Except for those premises meeting the definition of a legal, non-conforming use as set forth in the city's code of ordinances, all rental buildings must have parking which complies with the city ordinance of the City of Crown Point, Indiana. No parking will be allowed on lawns, on public sidewalks, or parkways.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.28 EXTERIOR OF STRUCTURES.

(a) General. The exterior of rental buildings and accessory structures shall be structurally sound and sanitary and shall not pose a threat to the health and safety of the occupants.

(b) Structural members. All structural members of all rental buildings and accessory structures shall be maintained to prevent deterioration and be capable of safely bearing the anticipated loads imposed upon them.

(c) Foundation walls. All foundation walls shall be maintained structurally sound and free from open cracks and breaks so as to prevent the entry of animals and other pests.

(d) Exterior walls. Every exterior wall shall be maintained free of holes, breaks, loose or rotting materials. All exterior surface material shall be maintained, weatherproofed and shall be properly surface coated as needed to prevent deterioration.

(e) Roofs. The roof shall be structurally sound, tight, and not have defects, which admit rain or moisture. Roof drainage shall be adequate to prevent rainwater or other moisture from causing dampness in the walls or interior portion of the building.

(f) Overhead extensions. All canopies, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored. They shall be protected from the elements and against decay and rust by the periodic application of weather-coating material such as paint or similar surface treatment.

(g) Chimneys. All chimneys and similar appurtenances shall be structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or

rust by periodic application of weather-coating material such as paint or similar surface treatment.

(h) Stairs and porches. Every stair, porch, balcony, and all attached appurtenances shall be so constructed as to be safe to use and capable of supporting anticipated loads and shall be maintained in sound condition and good repair.

(i) Exterior doors, windows, and frames. Every exterior door, window, and frame shall be constructed and maintained to exclude rain as completely possible, and to substantially exclude air infiltration.

(j) Insect screens. From May 15 to October 15 of each year every window or other outside opening used for ventilation of habitable rooms shall be supplied with adequate screening. Every screen door shall be in good working condition, , except that such screens shall not be required for outside doors of rental units that are air-conditioned, or provide access to common hallways of multi-family rental facilities.

(k) Door hardware. Every door which connects a rental unit with any area exterior to the unit shall have a functioning locking device, door hinge and door latch and shall be maintained in good condition. Door locks in rental units shall be capable of tightly securing the door.

(l) Basement hatchways. Every basement or cellar hatchway shall be constructed and maintained to prevent the entrance of rodents, rain and surface drainage water into the rental building and shall be secured to prevent unauthorized entry.

(m) Exterior handrails. Every handrail and guardrail shall be maintained in good condition, be securely fastened and be capable of supporting anticipated loads.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.29 INTERIOR OF STRUCTURES.

(a) General. The interior of a rental building and its equipment shall be structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect occupants from the environment. Occupants shall keep that part of the structure or premises which they occupy or control in a clean and sanitary condition. Every owner of a rental building shall maintain, in a clean and sanitary condition, the shared or common areas of the structure and exterior property.

(b) Structural members. The supporting structural members of every rental building shall be structurally sound and not show any evidence of deterioration which would render them incapable of carrying the anticipated loads.

(c) Interior surfaces. Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, substantially cracked or loose plaster, decayed wood, peeling or loose wallpaper and other defective surface conditions shall be eliminated. All lead based interior painted surfaces shall be maintained in good condition. Chalky or peeling lead based paint surfaces shall be repaired.

(d) Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit such floor to be easily kept in clean and sanitary condition. This does not preclude carpet, provided that it is devoid of mildew, mold or other unsafe or unsanitary conditions.

(e) Free from dampness. In all rental buildings, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the rental building.

(f) Sanitation. The interior of every rental building shall be free from any accumulation of rubbish, refuse or garbage.

(g) Disposal of rubbish. Every occupant of a rental building shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(h) Rubbish storage facilities. The owner of every rental building shall supply approved covered containers for rubbish, and the owner of the rental building shall be responsible for the removal of rubbish.

(i) Storage. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

(j) Stairs, ramps, landings, porches, decks, and balconies. All walking surfaces shall be maintained in good repair and capable of supporting anticipated loads.

(k) Exit facilities. All interior stairs and railings and other exit facilities of rental buildings shall be maintained in sound condition and good repair by replacing tread and risers that evidence excessive wear or are broken, warped or loose. Every inside stair

shall be constructed and maintained to be safe to use and capable of supporting the anticipated loads.

(l) Handrails and guards. Every handrail and guardrail shall be firmly fastened and capable of supporting anticipated loads and shall be maintained in good repair.

(m) Extermination. All rental buildings and rental units shall be maintained free of rodent and insect infestation. Where found, rodents or insects shall be exterminated using approved methods that are not hazardous to human health. Proper precautions shall be taken to prevent re-infestation after extermination.

(1) Owner. The owner of any rental building shall be responsible for the extermination within the rental building.

(2) Single occupant. The occupant of a one-family dwelling or a single tenant residential structure shall be responsible for extermination on the premises.

(3) Multiple occupancy. The owner of a rental building shall be responsible for extermination in common or shared areas of the rental building and exterior premises.

(4) Occupant. The occupant of any dwelling unit shall be responsible for the continued rodent and pest-free condition of the dwelling unit unless the tenant notifies the owner within 30 days of occupancy of such infestation and the infestation is not due to a pet in the dwelling unit; and under such circumstances, the owner shall be responsible for extermination. If infestation is caused by failure of an occupant to prevent infestation in the dwelling unit, the occupant shall be responsible for extermination.

(5) Defects in structure. The owner of any rental building shall be responsible for extermination of insects or rodents caused by defects in the structure.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.30 LIGHT AND VENTILATION REQUIREMENTS.

(a) Scope. The provisions of this section shall govern the minimum conditions and standards for the light and ventilation of a rental building. All light and ventilation conditions shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. All rental buildings shall provide such light and ventilation in compliance with these requirements. A person shall

not let to another for occupancy or use any premises which do not comply with the following requirements of this section.

(c) All rooms within rental units shall be provided with natural or artificial light sufficient in intensity and distribution to permit the safe use of said room.

(d) Every common hall and stairway in rental buildings shall be lighted at all times with at least an 800 lumen light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. Alternate means of lighting may be used so as to comply with these minimal lighting standards.

(e) For ventilation purposes, every habitable room or connecting habitable room, collectively referred to as "habitable area" shall have at least one operable window which can be easily opened and facing directly outdoors or to a court. Every bathroom and toilet room shall comply with the ventilation requirements for habitable rooms as required in ' 158.30(e) except that a window shall not be required in such rooms equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system shall discharge to the outdoors and shall not be recirculated.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.31 SPACE, USE, AND LOCATION REQUIREMENTS.

Every dwelling unit shall contain at least 600 square feet and every rooming unit shall contain at least 120 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(a) Sleeping rooms. In every rental unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space.

(b) Ceiling height. At least one-third of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floors area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.

(c) Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(d) Overcrowding. The number of persons occupying a rental unit shall not create conditions that endanger the life, health, safety, or welfare of occupants.

(e) Food preparation. Every space occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in sanitary manner.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.32 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.

(a) Scope. The provisions of this section shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of rental building or rental unit shall provide and maintain plumbing facilities in compliance with these requirements. A person shall not let to another for occupancy or use any rental unit or premises which does not comply with this section.

(c) Required facilities. Every dwelling unit shall contain its own kitchen sink, appropriate hookups for kitchen appliances such as refrigerators or stoves, its own water closet, lavatory, bathtub or shower. All provided facilities and hookups shall be maintained in good repair and in a sanitary condition. A kitchen sink shall not serve as a substitute for the required lavatory.

(d) Fixtures. All plumbing fixtures shall be properly installed and maintained in a safe, sanitary, and functional condition, free from leaks, obstructions, and defects and capable of function for which fixture was designed.

(e) Water connections. Every plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, bathtubs, showers, and laundry facilities shall be supplied with hot and cold running water.

(f) Water supply. All water supply inlets for plumbing fixtures owned and supplied by the owner shall be free from contamination as defined by governing water regulatory laws. Water supply to plumbing fixtures shall be maintained to provide sufficient volume and pressure to allow plumbing fixtures to function properly.

(g) Water heaters. All water heaters shall be properly installed, maintained, and capable of providing an adequate supply of water at a

temperature of not less than 110°F to every required kitchen sink, lavatory, bathtub, shower, and laundry facility. Gas burning water heaters shall not be located in a bedroom, toilet room, bathroom, or any other room without adequate combustion air provided. A combination temperature and pressure relief valve and relief valve discharge pipe shall be required.

(h) Drainage. All plumbing stacks, vents, waste and sewer lines shall be maintained free of leaks, obstructions, and defects and function properly. Every plumbing fixture shall be connected to a public sewer system or to an approved private sewage system. A tenant and all occupants shall use the drainage, heating and sanitary systems in a reasonable manner and the tenant shall be responsible for all repairs and maintenance resulting from the negligent or unreasonable usage of such systems.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.33 MECHANICAL AND ELECTRICAL REQUIREMENTS.

(a) Scope. The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities shall comply with these requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of the rental building or rental unit shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not let to another for occupancy or use any rental building or rental unit which do not comply with the requirements of this section.

(c) Heating facilities and mechanical equipment.

(1) Residential buildings. Every owner of a rental building or rental unit, shall supply a heat source adequate to maintain therein from October 1 through May 1 of the following year, a minimum inside temperature of 68°F, at three feet above floor level in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments, between the hours of 6:00 a.m. and 11:00 p.m., and not less than 65°F between the hours of 11:00 p.m. and 6:00 a.m. in all the rooms. Provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, neglect or malicious act of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner or occupant.

(2) Mechanical appliances. All mechanical appliances and equipment shall be properly installed and maintained in safe working

condition and shall be capable of performing the function for which it was designed and intended.

(3) Fuel. All fuel-burning equipment shall be connected to an approved chimney or vent, except for fuel-burning equipment and appliances that are labeled for unvented operation.

(4) Clearances. All required clearances to combustible material shall be maintained.

(5) Safety controls. All safety controls for fuel-burning equipment shall be maintained in operable condition.

(6) Combustion air. A supply of air for complete combustion of the fuel in the fire burning equipment and for ventilation of the space shall be provided.

(7) Fireplace. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe; connected to approved chimneys; and equipped with a damper or other approved device capable of substantially excluding air infiltration.

(8) Climate control. Facilities for interior climate control (heating, cooling and/or humidity) shall be maintained and operated in a continuous manner in accordance with the designed capacity.

(d) Electrical facilities and equipment.

(1) Electric service. Every rental unit shall be provided with an electrical system and contain at least two separate and remote receptacle outlets.

(2) Installation. All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe working condition.

(3) Lighting. All public hallways, stairways, kitchens, bathrooms, laundry rooms, and mechanical equipment rooms shall contain at least one operable electric lighting fixture.

(4) Ground fault interruptor protection. Any newly remodeled bathroom or newly installed kitchen receptacle after the adoption of this chapter shall have ground fault interruptor protection.

(5) Electrical system hazards. In rental buildings where the electrical system constitutes a hazard to the occupants or the

structure by reason of inadequate service, improper wiring or installation, improper fusing, insufficient receptacle and lighting outlets, deterioration or damage, or similar reasons, the Rental Housing Officer and/or his or her designee(s) shall require the defects to be corrected to eliminate the hazard.

(6) Elevators. In rental buildings equipped with elevators, State of Indiana inspection certificates shall be displayed in accordance with State of Indiana Code and at least one elevator shall be maintained in operation at all times when the rental building is occupied. Rental buildings equipped with only one elevator shall be allowed to take elevator temporarily out of service for service or maintenance.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.34 FIRE SAFETY.

(a) Scope. The provisions of this section shall govern the minimum fire safety facilities and equipment required. All rental buildings shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The owner of all rental buildings shall provide and maintain such fire facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not let to another for occupancy or use any premises which do not comply with following requirements of this section.

(c) Means of egress.

(1) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a rental building to the exterior of a street, a yard, court, or passageway leading to a public open area at grade.

(2) Direct exits. Every rental unit shall have access directly to the outside or to a common corridor, and every sleeping room shall have an approved direct means of egress to the outside.

(3) Locked doors. All doors in the required means of egress shall be readily openable from the inner side. Exits from rental units shall not lead through other such units, or through toilet rooms or bathrooms.

(4) Exit signs. All exit signs shall be illuminated and visible.

(d) Accumulations and storage.

(1) Accumulations. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(2) Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

(3) Residential unit. A rental unit shall not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 110°F or lower.

(e) Fire resistance ratings.

(1) General. Except for legal, non-conforming uses, the required fire-resistant rating of fire resistant rated walls, ceilings, floors, fire stops, shaft enclosures, and partitions shall be maintained.

(2) Doors. All fire and smoke-stop doors shall be maintained in operable condition and shall not be blocked or obstructed.

(f) Fire protection systems.

(1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times and in accordance with Indiana Fire Code.

(2) Fire alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(3) Sprinkler heads. Sprinkler heads of fire suppression systems, if required, shall be clean, free of corrosion and paint, and not bent or damaged.

(4) Standpipe systems. Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

(5) Smoke detectors required. The owner of each rental building shall supply all required operational smoke detectors in all rental buildings and rental units. The tenant shall ensure that each smoke detector in the rental unit remains functional and not disabled. If the smoke detector is battery operated, the tenant shall replace

batteries in the smoke detectors as necessary. If smoke detectors are hard-wired and/or not operational, the tenant shall immediately notify the owner of the rental building.

(6) Type and placement of smoke detectors. The type, placement and maintenance of smoke detectors shall conform to the requirements of I.C. 22-11-18-1 et seq., and as that statute may, from time to time, be amended.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.35 RELATIONSHIP TO OTHER ORDINANCES.

It is the intent of the Mayor and Common Council of the City of Crown Point, Indiana, that this chapter provides a comprehensive regulatory program for rental housing within the City of Crown Point. Provisions of this chapter are to be interpreted to be compatible with all other ordinances of the city, whether in effect as of the date of the adoption of this chapter, or thereafter adopted. When this chapter conflicts with other ordinances, private covenants, commitments, permits, agreements, state laws, federal laws, or other regulations, the greater restriction shall control.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

' 158.36 PENALTIES.

In addition to probation, suspension and revocation of a registration permit as set forth in ' 158.12 of this code, the Board of Public Works and Safety may impose the following penalties on all persons found to be in violation of the Rental Housing Code:

(a) For a violation of any provision of the Rental Housing Code, a fine of up to $500, unless the violator has been convicted of a previous violation of the Rental Housing Code, in which case the fine may be up to $2,500. Each day a violation of the Rental Housing Code exists or continues to exist constitutes a separate and distinct violation of the Rental Housing Code.
(Ord. 2011-12-26, As Amended, passed 6-4-12; Am. Ord. 2013-02-02, passed 2-4-13)

	Arterial Streets	Secondary Streets	Local Streets	Cul-de-sacs	Cross-walks	Alleys
Right-of-way width	100 feet	80 feet	60 feet	60 feet	12 feet	30 feet
Paving width (including) curbs and gutters)	40 feet	36 feet	31 feet	31 feet	10 feet	20 feet
Maximum grade	6%	8%	10%	10%	-	10%
Minimum angle for intersection	90°	80°	70°	70°	-	70°
Minimum curb radius	35 feet	25 feet	15 feet	15 feet	-	5 feet
Maximum grades for 25 feet before inter-section	3%	3%	3%	3%	-	3%
Site triangles (distance along sides of) through street/stop street	500 feet /30 feet	500 feet /30 feet	250 feet /25 feet	250 feet /25 feet	- -	50 feet /20 feet
Horizontal alignment (minimum radii of center line)	600 feet	400 feet	200 feet	100 feet	-	100 feet
Vertical curves (minimum sight distance)	500 feet	350 feet	200 feet	100 feet	-	100 feet

(Ord. 766, passed l2-2-68)

Ord. No. 957

ORDINANCE RESTATING, REVISING AND CODIFYING CERTAIN ORDINANCES OF THE CITY OF CROWN POINT INTO THE CITY CODE OF CROWN POINT

WHEREAS, the Common Council believes it is in the interest of the City and the citizens of Crown Point to incorporate important ordinances of the City of Crown Point into a Code of Ordinances; and

WHEREAS, a Code of Ordinances has been prepared for the City of Crown Point, Indiana, incorporating the ordinances of major importance to the public.

NOW THEREFORE BE IT HEREBY ORDAINED by the Common Council of the City of Crown Point, Indiana.

l. That the ordinances described in said Code shall hereafter be known as "The City Code of Crown Point."

2. That said ordinances therein contained as revised and restated, and codified into titles, chapters and sections shall be in full force and effect two weeks after its passage, publication of this ordinance, and filing in the office of the Clerk-Treasurer.

3. That two copies of said Code shall be on file and available for public inspection during normal business hours at the office of the Clerk-Treasurer of the City of Crown Point.

Passed and adopted this 6th day of December , l976.

/s/ Richard C. Collins
Presiding Officer

l977 S-l

ATTEST:

/s/
Eileen V. Shults, Clerk-Treasurer

Presented by me to Richard C. Collins, Mayor of the City of Crown Point, Indiana, this day of , l976.

/s/
Eileen V. Shults, Clerk-Treasurer

Approved, signed and returned by me to the Common Council of the City of Crown Point, Indiana, this 6th day of December , l976.

/s/
Richard C. Collins, Mayor

l977 S-l

Ord. No. 1522

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF CROWN POINT.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1989 Supplement to the Code of Ordinances of the City of Crown Point, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Crown Point, State of Indiana:

SECTION 1. That the 1989 Supplement to the Code of Ordinances of the City of Crown Point as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is herby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed this 2nd day of January , 1990.

/s/ James A. Forsythe
Presiding Officer

1990 S-15

ADOPTING ORDINANCE

ATTEST:

/s/ Eileen V. Shults,
Clerk-Treasurer

Presented by me to James A. Forsythe, Mayor of the City of Crown Point, Indiana, this day of , l990.

/s/ Eileen V. Shults,
Clerk-Treasurer

Approved, signed and returned by me to the Common Council of the City of Crown Point, Indiana, this 2nd day of January , l990.

/s/ James A.Forsythe,
Mayor

1990 S-15

Ord. No. 1566

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF CROWN POINT, INDIANA.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1990 Supplement to the Code of Ordinances of the City of Crown Point, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Crown Point, State of Indiana:

SECTION 1. That the 1990 Supplement to the Code of Ordinances of the City of Crown Point as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage.

Passed and adopted this 7th day of January, 1991.

James A. Forsythe /s/
Presiding Officer

1992 S-16

CROWN POINT - ADOPTING ORDINANCE

ATTEST:

Eileen V. Shults /s/
Clerk-Treasurer

Presented by me to James A. Forsythe, Mayor of the City of Crown Point, Indiana, this 7th day of January, l991.

Eileen V. Shults /s/
Clerk-Treasurer

Approved, signed and returned by me to the Common Council of the City of Crown Point, Indiana, this 7th day of January, l991.

James A. Forsythe /s/
Mayor

1992 S-16

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CITY OFFICIALS

MAYOR:	David Uran
CHIEF OF STAFF:	Keith W. Stevens
CLERK-TREASURER:	Patti Olson
CITY ATTORNEY:	David H. Nicholls
POLICE CHIEF:	Pete Land
FIRE CHIEF:	Greg DeLor
CITY JUDGE:	Kent A. Jeffirs
CITY ENGINEER:	Tris Miles
PLANNING ADMINISTRATOR BUILDING ADMINISTRATOR:	Joseph Cash

CITY COUNCIL

1ST DISTRICT:	William Feder
2ND DISTRICT:	Robert Clemons
3RD DISTRICT:	Andrew S. Kyres
4TH DISTRICT:	Laura Sauerman
5TH DISTRICT:	Chad Jeffries
AT LARGE:	Carol Drasga
AT LARGE:	Mark A. Schweitzer

PARALLEL REFERENCES

References to Ordinances
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1513	10-16-89	T.S.O. I
1516	11-6-89	T.S.O. I
1518	12-4-89	T.S.O. I
1520	2-5-90	T.S.O. I
1521	2-5-90	Ch. 78, Sched. III
1522	1-2-90	Adopt. Ord.
1525	2-5-90	Ch. 78, Sched. III
1526	4-2-90	70.99, 75.22
1527	3-5-90	93.06
1528	3-5-90	75.20, 93.15
1531	3-5-90	T.S.O. I
1533	4-2-90	Ch. 120
1535	4-2-90	T.S.O. I
1537	5-7-90	T.S.O. VI
1538A	5-7-90	T.S.O. I
1539	6-4-90	70.99, 74.20, 74.21
1540	6-4-90	93.15, 93.16, 93.99
1542	6-4-90	70.40 - 70.45
1544	9-4-90	50.01
1547	4-1-91	150.31
1550	9-4-90	T.S.O. I
1551	9-4-90	T.S.O. I
1552	9-4-90	T.S.O. I
1554	10-1-90	31.03
1557	11-5-90	31.01
1558	12-3-90	T.S.O. I
1561	12-10-90	50.02
1564	1-7-91	T.S.O. I
1566	1-7-91	Adopt. Ord.
1569	3-4-91	T.S.O. I
1570	3-4-91	T.S.O. I
1572	3-4-91	T.S.O. I
1573	5-6-91	72.60 - 72.63, 72.99
1574	3-4-91	150.51
1575	4-1-91	76.01 - 76.12
1576	5-6-91	150.51
1579	6-3-91	T.S.O. VI
1580	6-3-91	T.S.O. VI
1581	6-3-91	Ch. 78, Sched. I
1582	6-3-91	T.S.O. I
1583	6-10-91	T.S.O. I
1584	6-3-91	T.S.O. I
1585	8-5-91	T.S.O. IV
1586	6-3-91	T.S.O. I
1587	7-1-91	T.S.O. I
1593	8-5-91	T.S.O. I
1594	8-5-91	T.S.O. I
1599	9-2-91	T.S.O. I
1602	11-4-91	T.S.O. I

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1612	4-22-92	31.04
1613	4-22-92	31.03
1614	4-6-92	33.34
1615	4-6-92	33.55
1617	4-6-92	76.13
1618	3-5-92	Ch. 78, Sched. VII
1619	3-5-92	Ch. 78, Sched. VII
1620	5-7-92	T.S.O. I
1627	6-1-92	35.12
1627-A	7-6-92	T.S.O. I
1628	7-6-92	T.S.O. I
1631	7-6-92	T.S.O. I
1633A	8-3-92	150.32
1635	8-3-92	T.S.O. I
1639	10-5-92	T.S.O. I
1642	11-2-92	T.S.O. I
1644A	11-2-92	T.S.O. I
1645	11-2-92	T.S.O. I
1646	11-20-92	T.S.O. I
1652	1-11-93	31.01
1654	1-11-93	T.S.O. I
1655	1-4-93	T.S.O. I
1659	3-1-93	30.03
1660	3-1-93	50.02, 50.03
1665	3-15-93	T.S.O. I
1667	4-5-93	30.02
1670	7-8-92	T.S.O. VI
1671	5-7-93	T.S.O. IV
1672	5-10-93	T.S.O. IV
1673	6-7-93	T.S.O. I
1674	7-8-93	T.S.O. VI
1679	8-24-93	T.S.O. I
1680	8-24-93	T.S.O. I
1688	10-4-93	T.S.O. I
1689	9-7-93	T.S.O. I
1690	10-4-93	T.S.O. I
1691	10-4-93	Ch. 78, Scheds. II, III
1692	11-1-93	T.S.O. I
1694	12-6-93	130.04, 130.99
1697	2-7-94	119.20 - 119.37
1699	3-7-94	T.S.O. I
1700	4-4-94	T.S.O. I
1703	3-7-94	T.S.O. I
1704	5-2-94	T.S.O. VI
1705	5-2-94	T.S.O. VI
1707	4-4-94	T.S.O. I
1709	6-6-94	50.03
1710	6-6-94	75.23
1711	6-6-94	33.56
1714	7-5-94	35.12
1717	6-6-94	T.S.O. I

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1718	6-6-94	T.S.O. VI
1719	8-1-94	T.S.O. I
1720A	1-3-95	90.01, 90.99
1724	6-6-94	70.44, 75.10, 75.38, 76.09, 91.05
1726	10-3-94	Ch. 78, Sched. II
1729	9-6-94	T.S.O. I
1730	9-6-94	T.S.O. I
1732	10-3-94	Ch. 78, Sched. II
1733	11-7-94	T.S.O. VI
1734	11-21-94	51.25 - 51.38
1735	11-21-94	51.01 - 51.17, 51.99
1737	11-15-94	T.S.O. I
1738	11-7-94	T.S.O. IV
1743	1-3-94	T.S.O. I
1747	2-6-95	76.13
1744	2-16-95	T.S.O. I
1748-A	5-1-95	51.18
1753	2-6-95	70.44
1753A	3-6-95	T.S.O. I
1754	3-6-95	T.S.O. I
1756	4-3-95	T.S.O. V
1757	4-3-95	T.S.O. I
1758	5-1-95	152.70
1760	7-3-95	T.S.O. V
1761	6-5-95	T.S.O. I
1762	5-1-95	T.S.O. I
1763	6-5-95	52.03
1764	- -95	111.15
1766	7-10-95	T.S.O. IV
1767	8-9-95	74.20, 74.21
1768	9-25-95	150.02, 150.11, 150.135, 150.175, 150.195, 150.20 150.21, 150.24
1773	9-5-95	T.S.O. IV
1774	8-7-95	T.S.O. I
1775	8-7-95	T.S.O. I
1778	10-2-95	97.05, 97.09
1781	11-6-95	121.001 - 121.017, 121.030 - 121.047, 121.060 - 121.071, 121.080 - 121.087, 121.100 - 121.105, 121.120 - 121.130, 121.140 - 121.151, 121.160 - 121.166
1783	11-6-95	T.S.O. V
1784	11-6-95	T.S.O. I
1790	1-3-96	T.S.O. I
1792	2-5-96	Ch. 78, Sched. II
1794	4-1-96	T.S.O. IV

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1796	3-4-96	T.S.O. I
1798	3-4-96	150.52
1800	5-9-96	150.34
1802	5-9-96	35.01 - 35.04, 35.10 - 35.12
1803	5-9-96	33.01, 33.03, 33.11, 33.12, 33.25, 33.26, 33.30 - 33.33, 33.40, 33.41
1804	7-3-96	T.S.O. I
1806	7-3-96	T.S.O. IV
1807	7-3-96	151.24 - 151.305
1808	7-3-96	150.32
1809	7-18-96	72.52, 72.99
1815	9-3-96	Ch. 78, Sched. III
1816	8-26-96	Ch. 78, Sched. II
1818	10-7-96	150.25
1819	11-4-96	31.03
1820	11-4-96	76.06
1822	11-4-96	T.S.O. I
1823	11-4-96	T.S.O. I
1826	10-7-96	T.S.O. I
1827	12-2-96	T.S.O. I
1829A	3-3-97	120.02, 151.42
1830	1-6-97	T.S.O. I
1831	1-6-97	T.S.O. I
1832	1-6-97	T.S.O. I
1833	2-3-97	T.S.O. IV
1834	1-6-97	T.S.O. V
1836	3-3-97	T.S.O. I
1838	3-3-97	150.52, 151.55
1839	3-10-97	34.18
1842	5-5-97	T.S.O. I
1843	5-5-97	T.S.O. I
1844	5-5-97	Ch. 78, Sched. II
1845	5-29-97	50.02
1848	6-2-97	96.07
1849	7-7-97	T.S.O. I
1851	7-7-97	T.S.O. I
1852	7-7-97	T.S.O. I
1859	8-4-97	T.S.O. I
1860	8-4-97	30.03
1861	8-4-97	Ch. 151
1862	10-6-97	150.02, 150.19, 150.22, 150.26
1865	10-6-97	T.S.O. I
1866	10-16-97	T.S.O. I
1836-A	7-6-98	T.S.O. I
1850-B	4-2-98	T.S.O. VI

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1868	12-1-97	T.S.O. I
1869	12-1-97	T.S.O. I
1871-A	2-2-98	51.18
1873	1-5-98	T.S.O. I
1874	12-1-97	T.S.O. VI
1881	2-2-98	T.S.O. I
1882	2-2-98	T.S.O. I
1883	3-2-98	33.58
1884	3-3-98	33.59
1886-A	3-2-98	33.57
1887	3-2-98	33.60
1889	3-2-98	T.S.O. I
1890	3-2-98	Ch. 78, Sched. III
1892	4-20-98	T.S.O. VI
1893-A	6-1-98	93.30
1894	5-4-98	151.38
1895	5-4-98	T.S.O. I
1896	6-1-98	150.31
1897	6-1-98	75.20, 90.01, 90.02, 92.04, 92.05, 92.07, 92.15, 130.01
1898	6-6-98	98.07
1902	8-3-98	72.61, Ch. 78, Sched. III
1904	8-3-98	T.S.O. I
1906	9-8-98	T.S.O. I
1907	9-8-98	T.S.O. I
1908	9-8-98	72.53
1909	9-8-98	72.54
1911	11-2-98	36.30 - 36.33
1912	10-5-98	Ch. 78, Sched. III
1913A	11-2-98	93.06
1914	10-20-98	Ch. 78, Sched. VII
1919	11-17-98	556.11, 156.13, 156.20, 156.24, 156.48, 156.80, 156.98
1922	1-6-99	152.55
1923	1-6-99	152.52
1924	12-7-98	150.02, 150.07
1926	12-21-98	33.12
1929	5-3-99	51.27
1930	3-5-01	75.21
1931	3-1-99	30.03
1934	3-1-99	T.S.O. I
1935	4-5-99	T.S.O. I
1937	5-3-99	T.S.O. I
1938	5-3-99	T.S.O. I
1939	5-3-99	T.S.O. I

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1941	6-7-99	151.30
1946	7-6-99	T.S.O. I
1949	12-6-99	T.S.O. IV
1951	12-6-99	T.S.O. IV
1952	8-2-99	T.S.O. I
1955	9-7-99	T.S.O. I
1957	9-13-99	T.S.O. I
1961	10-4-99	T.S.O. I
1962	10-4-99	Ch. 78, Sch. III
1963	11-1-99	150.20
1964	1-3-00	T.S.O. I
1965	2-10-00	T.S.O. I
1969	2-7-00	152.55
1971	3-6-00	T.S.O. I
1972	3-6-00	T.S.O. I
1973	4-3-00	T.S.O. I
1974	3-6-00	Ch. 78, Sch. VII
1975	5-1-00	72.60 - 72.63, 72.99
1976	5-1-00	T.S.O. I
1979	5-1-00	T.S.O. IV
1981	6-5-00	T.S.O. I
1982	6-5-00	35.02
1983	7-5-00	Ch. 151, App. B
1988	8-7-00	T.S.O. I
1997	10-2-00	T.S.O. VI
1998	10-2-00	Ch. 78, Sch. II, Sch. III
2000	12-4-00	37.10 - 37.12
2001	12-4-00	T.S.O. I
2002	12-4-00	T.S.O. I
2003	12-4-00	T.S.O. I
2004	12-27-00	33.36
2006	1-8-01	38.01 - 38.13, 38.99
2012	3-5-01	122.01 - 122.24, 122.99
2014	2-5-01	T.S.O. I
2015	2-5-01	T.S.O. I
2001-03-02	3-5-01	150.02, 150.18
2001-04-06	4-2-01	T.S.O. I
2001-05-10	5-7-01	T.S.O. I
2001-05-11	5-7-01	96.07
2001-06-12	6-4-01	T.S.O. I
2001-06-13	6-4-01	T.S.O. I
2001-06-14	7-2-01	T.S.O. I
2001-07-15	7-2-01	T.S.O. I
2001-08-17	8-6-01	T.S.O. I
2001-08-20	8-6-01	30.02
2001-08-21	8-15-01	51.27
2001-10-25	10-1-01	T.S.O. I
2001-12-32	1-7-02	T.S.O. I

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2002-02-04, As Amended	11-1-10	33.37
2002-03-05	3-4-02	T.S.O. I
2002-03-06	3-4-02	T.S.O. I
2002-03-07	3-4-02	T.S.O. I
2002-03-08	3-4-02	T.S.O. I
2002-04-11	4-2-02	T.S.O. I
2002-04-12	4-2-02	T.S.O. I
2002-04-13	4-2-02	T.S.O. I
2002-04-14	4-2-02	T.S.O. I
2002-04-15	4-2-02	T.S.O. I
2002-04-16	4-2-02	T.S.O. I
2002-05-19	5-2-02	150.02, 150.19, 150.62, 150.621
2002-05-20	8-5-02	T.S.O. I
2002-05-21	8-5-02	T.S.O. I
2002-05-23	5-2-02	T.S.O. I
2002-07-31	8-5-02	T.S.O. I
2002-08-32	8-5-02	T.S.O. IV
2002-08-34	9-3-02	T.S.O. I
2002-08-38	9-3-02	50.10 - 50.22, 50.99
2002-09-41	9-3-02	Ch. 78, Schs. II and III
2002-09-45	10-7-02	90.03 - 90.07, 90.99
2002-09-50	10-7-02	150.02, 150.19, 150.32
2002-10-51	11-4-02	33.55
2002-10-52	11-7-02	31.01
2002-11-54	12-2-02	52.08
2002-12-57	1-6-03	T.S.O. I
2002-12-58	1-6-03	T.S.O. I
2002-12-59	12-2-02	31.01
2003-01-02	3-3-03	50.05
2003-02-03	3-3-03	T.S.O. IV
2003-02-05	3-3-03	T.S.O. I
2003-02-07	3-3-03	150.51
2003-04-09	6-2-03	T.S.O. V
2003-05-13	7-14-03	T.S.O. I
2003-05-14	5-5-03	T.S.O. I
2003-05-15	6-2-03	T.S.O. IV
2003-06-16	6-2-03	Ch. 78, Sch. III
2003-06-18	7-14-03	156.01 - 156.13, 156.99
2003-07-19	8-4-03	50.02
2003-08-20	10-6-03	T.S.O. IV
2003-08-36	7-7-03	90.01, 90.02, 90.99, 92.15, 92.20, 92.50, 92.60, 92.99, 96.01, 96.10 - 96.13, 150.31
2003-09-25	10-6-03	152.52
2003-09-26	10-6-03	T.S.O. VI
2003-09-27	10-6-03	T.S.O. VI
2003-09-28	10-6-03	T.S.O. VI

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2003-10-29	10-6-03	T.S.O. I
2003-11-31	11-3-03	T.S.O. VI
2004-01-01	3-1-04	T.S.O. I
2004-03-01	3-1-04	T.S.O. I
2004-03-02	3-1-04	150.18
2004-03-03	3-1-04	156.05
2004-03-04	4-5-04	114.03, 114.11, 114.17 - 114.19, 114.21, 114.23, 114.30, 114.35, 114.36, 114.99
2004-03-05	3-1-04	T.S.O. I
2004-03-06	3-1-04	31.03
2004-03-07	5-3-04	150.19
2004-04-08	5-3-04	152.55
2004-06-11	6-7-04	152.55, 152.61
2004-06-13	7-6-04	31.05
2004-06-14	7-6-04	70.18
2004-07-16	7-6-04	T.S.O. VI
2004-07-17	7-6-04	50.03
2004-07-18	7-6-04	T.S.O. I
2004-07-22	8-30-04	52.08
2004-08-20	8-2-04	T.S.O. VI
2004-08-21	8-2-04	156.05
2004-08-25	8-2-04	33.26
2004-10-31	10-4-04	T.S.O. IV
2004-10-32	10-4-04	T.S.O. I
2004-10-32A	10-4-04	T.S.O. I
2004-10-33	10-4-04	T.S.O. I
2004-10-34	10-4-04	T.S.O. I
2004-10-35	10-4-04	T.S.O. I
2004-10-36	10-4-04	T.S.O. I
2004-10-37	11-1-04	50.02, 50.06
2004-11-39	11-1-04	50.03
2004-09-29	12-6-04	90.10 - 90.13
2004-11-40	12-6-04	T.S.O. V
2004-12-41	12-6-04	50.06
2004-12-42	12-6-04	33.41
2004-12-43	12-6-04	T.S.O. VI
2005-02-03	2-7-05	118.02, 118.08, 152.53
2005-03-04	3-7-05	T.S.O. I
2005-03-05	3-7-05	T.S.O. I
2005-03-06	4-4-05	T.S.O. IV
2005-05-09	6-6-05	T.S.O. I
2005-05-12	6-6-05	T.S.O. IV
2005-05-13	5-12-05	152.53
2005-06-15	6-6-05	T.S.O. I
2005-06-17	6-6-05	98.99

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2005-06-18	6-6-05	50.17, 50.22, 50.99
2005-06-19	6-6-05	130.04
2005-08-21	8-1-05	T.S.O. VI
2005-08-22	8-1-05	T.S.O. VI
2005-08-26	8-29-05	T.S.O. I
2005-09-28	9-6-05	150.52
2005-10-33	11-7-05	T.S.O. I
2005-11-37	1-3-06	150.25
2005-11-38	11-21-05	39.01 - 39.07
2005-11-41	11-16-05	150.19
2005-12-43	12-5-05	T.S.O. I
2005-12-44	12-5-05	150.25, 151.11, 151.13
2006-01-02	1-3-06	35.01
2006-01-03	1-3-06	T.S.O. VI
2006-02-04	3-6-06	151.34
2006-02-05	2-6-06	152.72
2006-02-08	2-6-06	T.S.O. I
2006-03-09	3-6-06	150.19
2006-03-10	4-3-06	123.01 - 123.07, 123.99
2006-04-12	5-1-06	157.001 - 157.011, 157.020 - 157.026, 157.030 - 157.036, 157.040 - 157.043, 157.050 - 157.054, 157.060 - 157.062, 157.070 - 157.076, 157.080 - 157.085, 157.999
2006-05-13	5-1-06	T.S.O. IV
2006-06-14	6-5-06	T.S.O. I
2006-06-15	6-12-06	T.S.O. IV
2006-07-17	6-30-06	150.255
2006-08-18	9-5-06	T.S.O. I
2006-09-24	10-2-06	T.S.O. I
2006-09-25	9-5-06	T.S.O. I
2006-09-26	9-5-06	150.32
2006-09-27	9-5-06	T.S.O. VI
2006-09-28	9-5-06	T.S.O. VI
2006-09-30	10-2-06	T.S.O. IV
2006-11-34	1-3-07	T.S.O. IV
2006-11-35	1-3-07	T.S.O. IV
2006-11-36	12-4-06	T.S.O. I
2006-12-39	12-4-06	T.S.O. IV
2006-12-40	12-4-06	T.S.O. I
2006-12-41	12-4-06	T.S.O. I
2006-12-43	12-4-06	38.02 - 38.04, 38.06, 38.07, 38.10, 38.11
2006-12-45	12-27-06	T.S.O. VI
2007-01-01	2-5-07	T.S.O. IV

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2007-01-02	8-1-08	T.S.O. I
2007-01-03	1-3-07	T.S.O. I
2007-01-04	1-3-07	T.S.O. I
2007-02-05	2-5-07	T.S.O. IV
2007-02-06	2-5-07	91.20, 91.21, 91.22
2007-03-08	4-2-07	T.S.O. IV
2007-03-09	3-5-07	70.43
2007-03-10	4-2-07	50.02, 50.14
2007-04-11	5-7-07	150.80 - 150.90, 150.99
2007-04-12	4-2-07	37.02
2007-04-14	4-2-07	33.26
2007-05-15	5-7-07	T.S.O. I
2007-05-16	5-7-07	152.55
2007-06-20	6-4-07	152.55
2007-06-22	6-4-07	156.02
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Ord. No.	Date	Description
523	8-26-46	Certain land from class U l to U 4.
539	6-20-49	Classifying lot 4l in Clark=s Reserve to U 3.
567	7-7-52	Changing certain land from U 3 use to U 4 use.
577	6-l-53	Classifying certain land as U 3.
584	8-l8-53	Parcel l and parcel 2 of certain described land classified as U 3.
585	l2-7-53	Five acres of specific land is classified as U 4.
588	5-3-54	Classifying certain land as U 3.
59l	6-l4-54	Changing certain land from class U l to U 4.
593	7-6-54	Classifying certain land as U 3.
609	l2-5-55	Certain land classified as U 3.
6l0	l2-5-55	Changing land from class U l district to a class U 3 district.
635	ll-4-57	Changing land from class U l district to class U 3 district.
643	l2-9-58	Changing certain land from class U l and U 2 to class U 3.
646	3-2-59	Classifying certain land as U 3.
650	5-25-59	Classifying certain land as U 3.
652	9-l4-59	Rezoning certain land from a class U l to a class U 3.
668	l2-5-60	Rezoning certain land from a class U l to a class U 3.
67l	5-l-6l	Classifying lots l, 2, 3, and 4 in block 25, as U 3.
678	l-2-62	Rezoning certain land from a class U l to a class U 2.

Ord. No.	Date	Description
70l	2-8-65	Changing certain property from R-2 to B-l.
709	5-3-65	Rezoning certain land to B-2.
743	l-2-68	Property at the southwest corner of the intersection of Main and North Sts. from T-l to B-l.
748	5-6-68	Property at the intersection of North Main St. and Goldsboro St. from T-l to B-l.
79l	8-3-70	20 acre tract of land rezoned from R-l to I-2.
794	l0-5-70	Change a certain described tract of land in the city from R-l to B-2.
798	l2-7-70	Change a certain described tract of land in the city from R-3 to B-2.
803	7-6-7l	Change southwest corner of lot of land owned by John Gosh from I-l to R-3.
804	8-2-7l	Change lots 72 to 78 in Cottage Grove Addition from R-2 to R-3.
805	7-6-7l	A tract of land containing about l.53 acres from R-l to R-2.
8l3	l0-4-7l	A tract of land in Railroad Addition from R-3 to B-l.
8l4	l2-6-7l	Change a certain described tract of land in the city from R-l to B-2.
8l5	l2-6-7l	A lot in Wirtz Crown Heights from R-l to B-2.
8l8	l-3-72	Change lots located at l800 North Main St. from R-l to B-2.
8l9	2-7-72	Certain described property rezoned from R-l to B-3.
820	2-7-72	Certain described property rezoned from R-l to B-2.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
822	3-6-72	Change lots 3, 4, and 5 of Hoffman=s Addition from a B-2 to a R-3.
823	3-6-72	A tract of land in Ross Twp. containing 9.l2 acres rezoned from R-l to R-3.
824	3-6-72	A tract of land in the city containing about 3.3 acres rezoned from R-l to I-l.
825	4-3-72	Certain described property rezoned from R-l to B-2.
826	4-3-72	Certain described land in the Wirtz Crown Heights Addition rezoned from R-l to B-2.
827	4-3-72	Certain described land in the city rezoned from R-l to B-2.
838	9-5-72	Lots 2l, 22, and 23 in Block 3 of Rolling View Addition rezoned from R-3 to B-2.
839	l0-2-72	Certain described land in the city rezoned from R-3 to B-2.
842	ll-6-72	Certain described land in the city rezoned from R-l to B-2.
850	3-l9-73	A tract of land containing 3.69 acres rezoned from R-l to R-2.
866	ll-5-73	A tract of land containing .524 acres, more or less, rezoned from R-l to I-l.
873	2-4-74	Lots l and 2 in Block 6 of Railroad Addition rezoned from R-3 to I-l.
878	4-l-74	Certain described land rezoned from R-l to B-2.
894	9-3-74	A parcel of land containing 50 acres, more or less, rezoned from R-l to I-l.
896	ll-4-74	A tract of land containing 6.534 acres rezoned to provide for Planned Unit Development.

Ord. No.	Date	Description
903	l-6-75	A tract of land containing 2.50 acres, more or less, rezoned from R-l to an I-l.
906	4-7-75	Special use permit to erect a 2-family dwelling on lot l, Block 22 in Railroad Addition.
9l7	ll-3-75	Special use granted to Bridgeport Rentals, Inc. in order to erect 5 duplex units, with certain restrictions.
925	3-l-76	Allow special use - roller rink in an I-l district.
927	4-5-76	Allowing a special use - 2-family dwellings in an R-2 area.
93l	5-3-76	Granting a special use - beauty shop.
942	8-2-76	Granting special use - automobile sales, service, and repair.
948	l0-4-76	Granting special use - multifamily dwelling.
95l	l2-6-76	Granting special use - home occupation.
958	l-3-77	Rezoning l02 North Ave. from R-3 to B-2.
959	l-2l-77	Granting special use - nursery school; day-care center.
963	2-7-77	Granting special use - 2-family dwelling.
973	5-2-77	Granting special use - nursery school.
977	6-6-77	R-l to I-l.
979	7-5-77	R-2 to R-3.
980	7-5-77	Granting special use - multifamily dwelling.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
l026	9-5-78	Granting special use - bicycle repair shop.
l038	l0-2-78	Granting special use - automobile sales, service, and repair.
l055	l-2-79	Granting special use - multi-family dwelling.
l074	7-2-79	Part of Lot 2 and all of Lots 3 and 4 in Block 36 in the Railroad Addition rezoned from R-2 to B-2.
l075	7-2-79	Granting special use - taxidermy business.
l078	7-2-79	Certain real estate in School Lot No. 5 rezoned from R-l to R-3.
l079	7-2-79	Granting special use - multi-family dwellings.
ll0l	l2-3-79	Part of SE l/4 of the SW l/4 of Section 4, Township 34 North, Range 8 West of the Second Principal Meridian rezoned from R-l and R-2 to R-3. The NW l/4 the SE l/4 of the SW l/4 of Section 4, Township 34 North, Range 8 West of the Second Principal Meridian rezoned from R-l and R-2 to R-3. The West 396 feet of the N l/2 of the N l/2 of the SW l/4 of the SW l/4 in Section 4, Township 34 North, Range 8 West of the Second Principal Meridian rezoned from R-l and R-2 to R-3.
ll02	l2-3-79	Granting special use - mobile home park.
ll07	l-7-80	Granting special use - home beauty shop.
lll6	5-5-80	Granting special use - multi-family dwelling.

Ord. No.	Date	Description
ll20	7-7-80	Granting special use - fast food restaurant.
ll2l	7-7-80	Granting special use - fast food restaurant.
ll29	8-4-80	Granting special use - home beauty shop.
ll30	8-4-80	Granting special use - restaurant.
ll3l	9-2-80	Granting special use - home craft shop.
ll50	l2-l-80	Granting special use - Shalimar Planned Unit Development.
ll54	l-5-8l	Granting special use - Police Department Combat Pistol Range.
ll55	l-5-8l	Granting special use - commercial recreation center.
ll6l	4-6-8l	Granting special use - home media consultant office.
ll74	6-l-8l	Lots l to 8, Block 23, Railroad Addition rezoned from R-3 to I-l.
ll8l	7-6-8l	Granting special use - beauty shop home occupation.
ll82	7-6-8l	Granting special use - duplex.
ll96	l0-5-8l	Granting special use - home occupation fix - it shop.
ll97	l0-5-8l	Granting special use - home occupation beauty salon.
l255	l2-20-82	
l2l8-A	6-l-82	Special use granted to Charles and Marjorie Quickle for a fast-food restaurant in the 800 block of North Main Street.
l2l9	6-7-82	Special use granted to Roger Thomas for a supply yard at 69l Foote Street.

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CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
l220	6-2l-82	Special use granted to Southlake Towing, Inc. for a junk yard at 800 East North Street.
l226	6-6-82	Special use granted to Susan Berka for home occupation - physical therapist at 305 North Court Street.
l229	8-2-82	Special use granted to Marty Andersen for a duplex at l30 South Union Street.
l233	9-7-82	Special use granted to R. Dean and Russell E. Maybaum for a duplex at l57 North West Street.
l242	l0-4-82	Special use granted to Hershel and Julia Robinson for a home occupation (beauty shop) at l022 East North Street.
l243	l0-4-82	Special use granted to Paul and Janice Shultz for a fast food restaurant at 93l North Main Street.
l25l	l2-6-82	Special use granted to Wallace Bartolac for multiple family dwellings at l3l4 North Main Street.
l255	l2-20-82	6l6 Thomas Street rezoned from R-3 to I-l.
l257	l-3-83	Rezoning two parcels, formerly owned by the Penn Central Railroad, in the Railroad Addition, from railroad property to I-l.
l264	4-4-83	Special use granted to Nancy J. Leonard for a beauty shop at 274 Chase Drive.

Ord. No.	Date	Description
l270	5-2-83	Special use granted to Richard B. Holtz for a two-family dwelling at 4ll East Clark Street.
l27l	5-2-83	Special use granted to Philip C., Audrey, Robert R., and Joyce Rietveld, for a multi-family dwelling in a part of lot l, unit 9, Fountain Ridge Second Addition; on the condition that the area adjacent to the premises be maintained as a recreational facility. (Amended by Ord. l290)
l274	6-6-83	Special use granted to Crown Point Lodge No. 260, Local Order of Moose, for a restaurant at l200 North Indiana Avenue.
l279	7-5-83	Special use granted to George Drackert, for a beauty shop at 234 Marimar Court.
l280	7-5-83	Special use granted to Joseph A. and Carole M. Festa, for a beauty shop at 6l2 Lexington Avenue.
l290	9-28-83	Amends Ord. l27l
l30l	l-3-84	Special use granted to James and Gail Sweeney for a beauty shop at 423 West Walnut Street.
l302	l-3-84	Special use granted to George and Mary Jane Hopper, for a duplex at 7l3 North Grant Street.
l309	4-l6-84	Special use granted to permit a planned unit development known as Summit Park Condominiums.
l3l2	6-ll-84	Special use granted to permit a planned unit development known as Waterford.
l3l6	7-l0-84	Final approval of Waterford planned unit development. (Amended by Ord. 1510)

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
l32l	8-l3-84	Lots l8 through 22 and all of lot 23 not heretofore annexed, in Liberty Park Highlands, and property commencing at a point 805 feet north of the east and west center line of Section 5, Township 34 North, Range 8 west, zoned B3.
l326	9-4-84	Special use granted to the Commercial Bank of Crown Point for a multi-family residence at 50l North Grant Street.
l332	ll-5-84	Special use granted to Katy L. De Paoli for a beauty shop at l52 Horst Street.
l333	l2-3-84	Certain property adjacent to l0732 Broadway rezoned from Rl to B3.
l364	l0-7-85	Special use granted to Nancy J. Webb for home occupation - beauty shop at 82l North West Street.
l365	ll-4-85	Rezoning property at 960l Indiana Avenue from B-2 to R-3.
l366	ll-4-85	Special use granted to William B. Davis, Glenn C. Hanna, and Clyde D. Compton for a multi-family residential at 960l Indiana Avenue.
l37l	ll-4-85	Special use granted to Herbert S. Lasser, acting as agent, for a multi-family residence at 96l4 Dona Court.
l383	4-7-85	Special use granted to Gerald M. Fedorchak for a hospital and clinic on the east side of Broadway.
l389	5-5-86	Rezoning property at 700 - 704 North Main Street from R-3 to B-2.
l390	5-5-86	Special use granted to Irvin and Edna Luebcke for a hospital and clinic on the north 485 feet of the east 594.5 feet of the northeast quarter of Section 33, Township 35 north, Range 8 west.

Ord. No.	Date	Description
l395B	8-l8-86	Special use granted to Fred and Dora F. Henrich for a fast food restaurant/drive through window at l3l8 North Main Street.
l399	8-l8-86	Rezoning property at l498 North Main Street from R-l to B-2.
l400	8-l8-86	Special use granted to Taco Bell Corp. for a fast food restaurant with drive through window at ll80 North Main Street.
l40l	8-l8-86	Rezoning property at 404 North Grant Street from R-3 to B-l.
l403	9-2-86	Special use granted to James A. Ozinga d/b/a Ozinga Ready Mixed Concrete, and Genevieve Ewen for property at l30l Summit Street.
l404	9-2-86	Special use granted to Alfonzo Navarro to rezone from R-l to R-3 for a multi-family dwelling at 60l North Pratt Street.
l4l8	ll-3-86	Rezoning property at 20l2 North Main Street from R-l to OS-l.
l424	l2-l-86	Granting to James R. Hagg a re-zone from R-2 to special use for a duplex at 622 West Joliet Street.
l426	3-2-87	Special use granted to Mary Kirrin for a multiple-family dwelling at 9609 Arthur Street.
l43l	6-l-87	Special use granted to Ken and Joan Adler for a special-use duplex in an R-3 zone at 609 E. Dahlgren Street.
1458	4-11-88	Rezoning appproximately two acres which are a part of the southeast quarter of Section 9, Township 34 north, Range 8 west from R-1 to B-2.
1465	6-6-88	Rezoning lots 1 through 4, including Block 34, in the Railroad Addition from R-3 to B-3.
1467	6-13-88	Rezoning a parcel of land in the east half of the northeast quarter of Section 33, Township 35 north, Range 8 west from R-1 to OS-1.

Ord. No.	Date	Description
1468	6-13-88	Rezoning a parcel of land in the east half of the northeast quarter of Section 33, Township 35 north, Range 8 west from R-1 to B-3.
1469	6-13-88	Rezoning the north 129 feet of the west 227 feet located in the northwest corner of the south 572.70 feet of the west 54 acres of the southeast quarter of Section 32, Township 35 north, Range 8 west from R-1 to B-2, except the right-of-way of the Chicago and Erie Railroad.
1491	2-13-89	Rezoning two parcels: (1) Part of the south 660 feet of the east half of the southeast quarter of Section 33, Township 35 north, Range 8 west from R-1 to B-3. (2) Part of the south 660 feet of the east half of the southeast quarter of Section 33, Township 35 north, Range 8 west, from R-1 to OS-1.
1497	4-19-89	Rezoning the southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter of Section 4, Township 34, Range 9, all in Lake County, Indiana, excepting the North 125 feet thereof from R-1 to I-1.
1506	10-2-89	Rezoning a parcel of land being a part of the south 572.70 feet of the west 54 acres of the southeast quarter of Section 32, Township 35 north, Range 8 west lying south of Beaver Dam Ditch from R-1 to B-3.
1510	10-2-89	Amending the final plan for Waterford Planned Unit Development.
1511	10-16-89	Special use granted to permit a planned unit development known as Greenwood Springs.
1512	10-2-89	Rezoning all that parcel of land situate in the city in the southeast quarter of Section 5, Township 34 North, Range 8 west being part of the Depot Grounds of the Railroad Addition to Crown Point from R-1 to I-1; and

Ord. No.	Date	Description
		Rezoning part of that parcel of land situate in the city being part of the southeast quarter of Section 5, Township 34 north, Range 8 west from R-1 to I-1.
1513	11-6-89	Special use granted to Candance Conn for a multiple family dwelling at 112 East Goldboro.
1516	11-6-89	Special use granted to the Lake County Board of Commissioners for a temporary jail facility at 2293 North Main Street.
1518	12-4-89	Special use granted to the Lake County Board of Commissioners for municipal building expansion located at 2450 West 93rd Avenue.
1520	2-5-90	Special exception granted to Judith M. Miller and LeRoy C. Niemeyer for a billboard in a I-1 zone located at 810 North Indiana Avenue.
1531	3-5-90	Special use granted to Gough Construction for a day care center and outdoor playground located at 1936-1938 North Main Street.
1535	4-2-90	Rezoning all of lot 13, Smith=s Addition of Outlots, lying south of the southerly right-of-way line of the Erie Railroad in the southwest quarter of the southeast quarter of the northeast quarter of Section 5, Township 34 north, Range 8 west from R-2 to I-1.
1538A	5-7-90	Special use granted to Mildred Harris for an apartment building at 219 North Grant Street.
1550	9-4-90	Special use granted to permit a planned unit development known as Pebble Brooks that includes part of the northwest quarter of the northeast quarter of Section 33, Township 35 north, Range 8 west of the second principal meridian.
1551	9-4-90	Special use granted to Louis Retailleau for a hotel (Bed and Breakfast Inn) at lot 41, known as 302 South Main Street.

Ord. No.	Date	Description
1552	9-4-90	Special use granted to Shirley and Keith Vickers for a day care center and home at 416 East Joliet Street.
1558	12-3-90	Rezoning lot 1, Hixon Acres, from R-1 to OS-1.
1564	1-7-91	Special exception granted to James C. Trump and William P. Schmelter for a billboard in a I-1 zone located at 1201 East Summit Street.
1569	3-4-91	Special use granted to Richard E. Gardner, John T. Grydzuk, and Lyndon W. Grydzuk for a junkyard in an I-1 zone located at 950 Hub Court.
1570	3-4-91	Rezoning four parts of the southeast quarter of Section 32, Township 35 North, Range 8 West from R-1 to B-3.
1572	3-4-91	Rezoning a premises known by its common address as 10500 Broadway from R-1 to B-3.
1582	6-3-91	Rezoning part of the northwest quarter of Section 33, Township 35 North, Range 8 West from R-1 to a Planned Unit District to be known as Stratford Apartments.
1583	6-10-91	Special use granted to Clayton Root and Jim B. Brown for a two-unit duplex in an R-3 zone located in lots 7 and 8 and the vacated alley, block 23, Railroad Addition.
1584	6-3-91	Special use granted to Russel C. Westphal for a pool room in a B-1 zone located at 114 Hack Court.
1586	6-3-91	Special exception granted to John C. Wirtz and Floyd C. Mowry for a billboard in a B-3 zone located at 310 East 109th Avenue.
1587	7-1-91	Rezoning part of the north half of the northwest quarter of Section 4, Township 34 North, Range 8 West from R-1 to I-1.
1593	8-5-91	Rezoning part of the south 572.70 feet of the west 54 acres of the southeast quarter of Section 32, Township 35 North, Range 8 West from R-1 to B-3.

Ord. No.	Date	Description
1594	8-5-91	Special use granted to Mary W. Gindoz and John D. Henderson for a home occupation (resale/second hand store) in an R-3 district located at 319 North Jackson Street.
1599	9-2-91	Rezoning part of the east half of the northwest quarter of Section 9, Township 34 North, Range 8 West from R-1 to B-1.
1602	11-4-91	Special use granted for municipal buildings (permanent jail facilities) to be located at 2293 North Main Street.
1620	5-7-92	Granting rezoning and changing the zoning map from R-1 to R-2 and R-3 Residential: 1. Rezoning the west 190 feet of part of the southwest quarter of Section 33, Township 35 North, Range 8 West from R-1 to R-2. 2. The east 154.7 feet of part of the southwest quarter of Section 33, Township 35 North, Range 8 West from R-1 to R-3.
1627-A	7-6-92	Granting special use for R-2 Duplex and R-3 Fourplex, known as 10005 Merrillville Road.
1628	7-6-92	Creating special use in a B-3 zoned area (fast food restaurant with drive-thru).
1631	7-6-92	Amending the zoning ordinance for the city regarding Fieldstone Crossing Townhome Planned Unit Development.
1635	8-3-92	Granting rezoning and changing the zoning map from Residential to I-1 Industrial, on property commonly known as 133 North Indiana Avenue.
1639	10-5-92	Creating special use in a R-2 zoned area (Home Occupation), namely a Custom Stencil Shop located at 915 Merrillville Road.
1642	11-2-92	Rezoning property located at 616 Thomas Street from I-1 to R-2.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
1644A	11-2-92	Special use granted for a duplex for property located at 616 Thomas Street.
1645	11-2-92	Amends Ord. 1366.
1646	11-20-92	Denying special use for 2-unit duplex for property located at 147 and 149 North Court Street.
1654	1-11-93	Special use granted for 2 apartments for property located at 107 West Joliet Street.
1655	1-4-93	Granting special use for temporary jail facilities to be located at 2293 North Main Street.
1665	3-15-93	Granting special use for a dormitory-community corrections facility on property located at 9600 West 93rd Avenue.
1673	6-7-93	Special use granted to construct and operate assisted living units and intergenerational care on property located in the city.
1679	8-24-93	Special use granted to construct 2 duplex dwelling units on property located at 813 East Monitor Street.
1680	8-24-93	Rezoning certain property located in Section 33, Township 35 North, Range 8 West, containing 0.737 acres more or less, from R-1 to R-2.
1688	10-4-93	Rezoning certain property located in Fountain Ridge Second Addition from R-1 to R-2.
1689	9-7-93	Special use granted to construct 2 duplex dwelling units on property located at the northwest corner of 97th Avenue and Buchanan Street.
1690	10-4-93	Granting special use for existing 2-unit residence located at 1406 West 96th Avenue.
1692	11-1-93	Rezoning certain property located in the corporate boundaries of the city from R-1 to R-3 Residential and R-1 to I-1 Industrial.

Ord. No.	Date	Description
16993-7-94		Granting special use for R-3 duplexes.
17004-4-94		Granting a special use for R-3 multi-family townhouse development.
17033-7-94		Granting special use for B-1 commercial recreation (expand pool room to second floor).
17074-4-94		Denying special use for R-2 two-unit apartment building.
17176-6-94		Granting a zone change from I-1 Industrial Zone to a R-1 Residential Zone.
17198-1-94		Denying special use for an auto service station in a B-2 Zoning District.
17299-6-94		Granting a zone change from a B-2 Business Zone to a B-1 Business Zone.
17309-6-94		Granting a special use for construction of two eight-unit apartment buildings in an R-3 Zoning District.
173711-15-94		Rezoning land known as Crown Ridge Planned Unit Development to be developed as a special use in R-1 Zone.
17431-3-94		Creating a special use for a YMCA located in R-1 zone.
17442-16-95		Rezoning certain property located at 529 N. Sheridan Street from R-3 to I-1 Zone.
1753A	3-6-95	Granting a special use for construction of the fast-food restaurant in B-3 Zoning District.
17543-6-95		Granting a special use for construction of apartments in R-1 Zoning District.
17574-3-95		Granting a special use for construction of a duplex in R-3 Zoning District.
17616-5-95		Granting an extension of time limit for a special use (municipal buildings-temporary jail facility) in R-1 zoned area.

CROWN POINT - ZONING MAP CHANGES

Ord. No. Date	Description
17625-1-95	Rezoning certain property located at the 10600 block of Broadway from R-1 Zone to B-3 Zone.
17748-7-95	Granting a special use for operation of an automobile service business in B-2 Zoning District.
17758-7-95	Granting a special use for installation of a drive-through window in B-2 Zoning District.
178411-6-95	Rezoning property located at 751 Merrillville Road from R-3 to B-2.
17901-3-96	Denying a special use in an I-1 zoning district for premises located at 501 Foote Street.
17963-4-96	Granting a use variance for property currently zoned R-3 located at 302 E. North Street.
18047-3-96	Granting a use variance for property currently zoned B-2 located at 401 E. Goldsbough Street.
182610-7-96	Amending the zoning ordinance regarding Mallard Bay Apartments formerly Stratford Apartments planned unit development.
182211-4-96	Rezoning a part of the Northeast Quarter of Section 9, Township 34 north, Range 8 west of the Second Principal Meridian from I-1 Industrial to R-3 Multi-Family.
182311-4-96	Rezoning a part of the Northeast Quarter of Section 9, Township 34 north, Range 8 west of the Second Principal Meridian from I-1 Industrial to R-2 Residential.
182712-2-96	Creating a special use variance in a B-1 zoned area located at 220 S. Main Street.
18301-6-97	Creating a special use variance in a R-2 zoned area located at 1500 to 1900 Block of East North Street.
18311-6-97	Creating a special use variance in a R-3 zoned area located at 1500 to 1900 Block of East North Street.

Ord. No.	Date	Description
18321-6-97		Creating a special use variance in a B-2 zoned area located at 513 N. Main Street.
18363-3-97		Rezoning part of the Northeast Quarter of Section 9, Township 34 north, Range 8 west of the Second Principal Meridian from R-1 Residential to Planned Unit Development R-1.
18425-5-97		Rezoning property located approximately 1/4 mile north of 121st Avenue and 1/4 mile west of Lake Street from R-1 Residential to R-2 Residential.
18435-5-97		Rezoning property located on the south side of South Street, approximately 1/4 mile east of Lake Street from R-1 Residential to R-3 Residential.
18497-7-97		Creating a special use in a R-2 zoned area located approximately 1/4 mile west of Lake Street commonly known as the Ellendale Farm development.
18517-7-97		Creating a special exception in a I-1 zoned area located at 506 Foote Street.
18527-7-97		Creating a special use in a R-2 zoned area located on Summit Street.
18598-4-97		Creating a special use in a B-2 zoned area located at 116 N. Indiana Avenue.
186510-6-97		Creating a special use in a I-1 zoned area located at 864 Madison Street.
186610-16-97		Granting a R-1 Planned Unit Development, being part of Section 16, Township 34 north, Range 8 west of the Second Principal Meridian.
1836-A	7-6-98	Rezoning property located in part of Section 16, Township 34 North, Range 8 West of the Second Principal Meridian from R-1 Residential to Planned Unit Development R-1.
186812-1-97		Creating a special use variance in a B-2 zoned area located at 401 E. Goldsbough Street.

Ord. No.	Date	Description
186912-1-97		Rezoning property located at 2008 Main Street from R-1 Residential to B-2 Business Zone.
18731-5-98		Rezoning property located at 1516 and 1518 Main Street from R-1 Residential to a I-1 Industrial Zone.
18812-2-98		Amending a special use variance in a R-3 zoned area located at 333 Kristee Court.
18822-2-98		Creating a special use in a R-2 zoned area located on 301 Walnut Street.
18893-2-98		Creating a special use in a R-3 zoned area located on 311 South Court Street.
18955-4-98		Creating a special use in a R-3 zoned area located at a vacant lot east of 604 North Street.
19048-3-98		Creating a special use in a R-2 zoned area located 1260 E. North Avenue.
19069-8-98		Creating a special use in a B-3 zoned area located 10190 Broadway.
19079-8-98		Creating a special use in a R-2 zoned area located 1001 Merrillville Road.
19343-1-99		Creating a special use in a R-1 zoned area located in Stratford Estates, Unit 1, Lot 82.
19354-5-99		Rezoning property in the general location of 1330 Madison Street from a R-1 Residential to a R-2 Residential.
19375-3-99		Creating a special use in a R-2 zoned area located at 1330 North Madison Street.
19385-3-99		Rezoning property in the general location of Southwest Quadrant of 113th Avenue and Broadway from I-1 Industrial to R-2 Residential.

Ord. No.	Date	Description
19395-3-99		Rezoning property in the general location of Southwest Quadrant of 113th Avenue and Broadway from I-1 Industrial to B-2 Business.
19467-6-99		Rezoning property in the general location of the Southwest corner Burrell Drive and Marshall Street from R-1 Residential to OS-1 Office Service.
19528-2-99		Creating a special use in a R-3 zoned area located at 213 East Clark Street.
19559-7-99		Rezoning property in the general location of the 300 Block East 113th Avenue from R-1 Residential to B-3 Business.
19579-13-99		Creating a special use in a I-1 zoned area located at 1500 East North Street.
196110-4-99		Rezoning property in the general location of 920 Merrillville Road from R-3 Residential to OS-1 Office Service.
19641-3-00		Creating a special use in an R-2 zoned area located west of White Hawk Drive and north of Summit Street (100.573 acres).
19652-10-00		Rezoning and changing the zoning map in the general location of 2911 East 109th Avenue from A-1 Agricultural to R-1 Residential.
19713-6-00		Rezoning and changing the zoning map in the general location of 1121 South Indiana Avenue from R-1 Residential to OS-1 Office Service.
19723-6-00		Rezoning and changing the zoning map in the general location of 1151 South Indiana Avenue from R-1 Residential to OS-1 Office Service.
19734-3-00		Creating a special use and variance in an I-1 zoned area located at 314 West Summit Street.

Ord. No.	Date	Description
19765-1-00		Rezoning and changing the zoning map in the general location of northeast section of Stillwater Subdivision (Stillwater Parkway and Ravin Nest Court) from R-1 Residential to R-2 Residential.
19816-6-00		Rezoning and changing the zoning map in the general location of a quarter mile east of Broadway been 109th Avenue and 113th Avenue (approximately 87 acres) from R-1 Residential to I-1 Industrial.
19888-7-00		Creating a special use in a B-1 zoned area located at 210 Main Street.
200112-4-00		Rezoning and changing the zoning map from R-2 Residential to B-2 Business in the general location of 700 Merrillville Road.
200212-4-00		Creating a special use to construct a single-family residence in an A-1 Agricultural Zoned District located at 3020 East 129th Avenue.
200312-4-00		Creating a special use to operate a home occupation, beauty shop, in a R-1 Residential Zoned District located at 1130 Pratt Street.
20142-5-01		Creating a special use in an I-1 Zoned District to construct a billboard on property located at 1503 North Main Street.
20152-5-01		Creating a special use in an I-1 Zoned District for co-location of a wireless communication facility on property located at 1110 East 129th Avenue.
2001-04-06	4-2-01	Rezoning and changing the zoning map in the general location of the 11800 block Broadway (approximately 16 acres) from B-2 Business to R-3 Multi-Family.
2001-05-10	5-7-01	Creating a special use for a 74-unit townhouse development in an area currently zoned R-3 located at 11800 Broadway.
2001-06-12	6-4-01	Rezoning and changing the zoning map for 13.93 acres of property from I-1 Industrial to R-2 Residential.

Ord. No.	Date	Description
2001-06-13	6-4-01	Rezoning and changing the zoning map for the proposed construction of a commercial development in the general location of the 900 block of Grant Street and the 900 block of Jackson Street (approximately 1.3 acres) from R-3 Residential to B-2 Business.
2001-06-14	7-2-01	Creating a special use for a 50-foot communication tower in an area currently zoned B-1 located on 114 West Clark Street.
2001-07-15	7-2-01	Creating a special use variance for a duplex on 30 lots in an area currently zoned R-2 located between the 1600 to 1700 block of East South Street.
2001-08-17	8-6-01	Rezoning and changing the zoning map from A-1 Agricultural to R-1 Residential for a certain property in the general location of 11815 Iowa Street.
2001-10-25	10-1-01	Rezoning and changing the zoning map from R-1 Residential to OS-1 Office Space for certain property in the general location of 8 West State Road 231.
2001-12-32	1-7-02	Rezoning and changing the zoning map from I-1 Industrial and R-1 Residential to B-2 Business for certain property in the general location of 801 W. 113th Avenue.
2002-03-05	3-4-02	Rezoning and changing the zoning map from R-1 Residential to R-2, R-3 Residential for certain property in the general location of 93rd Avenue and Chase Street.
2002-03-06	3-4-02	Rezoning and changing the zoning map from I-1 Industrial to R-1 Residential and Preliminary P.U.D. for certain property in the general location of 1175 East Troutwine Drive.
2002-03-07	3-4-02	Rezoning and changing the zoning map from R-1 Residential to I-1 Industrial for certain property in the general location near I-65.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
2002-03-08	3-4-02	Creating a variance of use that converts a residence at 621 North Pratt Street to a church office.
2002-04-11	4-2-02	Rezoning and changing the zoning map from A-1 Agricultural to R-1 and R-3 Residential for certain property in the general location of 812 East 113th Street.
2002-04-12	4-2-02	Rezoning and changing the zoning map from I-1 Industrial to B-3 Business for certain property in the general location of 812 East 113th Street.
2002-04-13	4-2-02	Creating a special use variance for a maximum of 116 townhome units in an R-3 zone and 93 duplex units in an R-2 zone located at the southwest corner of 93rd Avenue and Chase Street.
2002-04-14	4-2-02	Creating a special use variance in an I-1 zoned area for a martial arts center located at 901 East Summit.
2002-04-15	4-2-02	Creating a special use variance in an I-1 zoned area for the operation of a vehicle storage yard located at 1025 Erie Court.
2002-04-16	4-2-02	Creating a special use variance in an R-3 zoned area for the construction of a condominium complex located at 812 East 113th Street.
2002-05-20	8-5-02	Rezoning and changing the zoning map from R-1 Residential to OS-1 Office Use for certain property in the general location of 100 block of West State 231.
2002-05-21	8-5-02	Approving a Planned Unit Development in an R-1 Residential zoned area at the general location of the 100 block of West State Road.
2002-05-23	5-2-02	Creating a special use variance in a B-3 zoned area for the construction and operation of Geisen Funeral Home in the general location of 113th and Broadway.
2002-07-31	8-5-02	Rezoning and changing the zoning map from OS-1 to R-2 Residential for certain property in the general location of 311 West 101st Avenue.

Ord. No.	Date	Description
2002-08-34	9-3-02	Rezoning and changing the zoning map from A-1 Agriculture to R-1 and R-2 Residential for certain property in the general location of 1710 East 109th Street.
2002-12-57	1-6-03	Rezoning and changing the zoning map from R-1 Residential to R-2 Residential for certain property in the general location of north of Liberty Park Subdivision, west of American Legion Baseball Field.
2002-12-58	1-6-03	Rezoning and changing the zoning map from R-1 Residential to R-2 Residential for certain property in the general location of 812 East 113th Avenue.
2003-02-05	3-3-03	Designating properties at 403, 420, 422, 426 and 432 South Court Street, 326, 352 and 357 South Main Street, 107, 113, 114 and 301 West South Street, 105, 205, 214 and 218 East South Street and 338, 346, 352, 358 and 403 South East Street as South Street Historic District.
2003-05-13	7-14-03	Rezoning and changing the zoning map from R-1 Residential to B-3 Business for certain property in the general location of 2111 - 2113 North Main Street.
2003-05-14	5-5-03	Rezoning and changing the zoning map from A-1 Agricultural to R-1 Residential for certain property in the general location of 2901 East 113th Avenue.
2003-10-29	10-6-03	Rezoning and changing the zoning map from R-1 Residential to B-2 Business for certain property in the general location of the southwest corner of 93rd and Chase Street.
2004-01-01	3-1-04	Rezoning and changing the zoning map from A-1 Agricultural to R-1 Residential for certain property in the general location of the east side of Iowa Street, approximately 1/4 mile south of 113th Avenue.
2004-03-01	3-1-04	Rezoning and changing the zoning map from R-1 Residential to OS-1 Office Service for certain property in the general location of the south side of Burrell Drive, approximately 1/4 west of South Court Street.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
2004-03-05	3-1-04	Designating the Lake County Sanatorium Nurses Home as a single site historic district.
2004-07-18	7-6-04	Rezoning and changing the zoning map from B-2 Business to OS-1 Office Service for certain property in the general location of 1401-1461 Greenwood Avenue.
2004-10-32	10-4-04	Rezoning and changing the zoning map from I-1 Industrial to R-1 Residential for certain property in the general location of the 11700 block of Delaware Street.
2004-10-32A	10-4-04	Rezoning and changing the zoning map from I-1 Industrial to R-2 Residential for certain property in the general location of the 11700 block of Delaware Street.
2004-10-33	10-4-04	Rezoning and changing the zoning map from I-1 Industrial to B-3 Business for certain property in the general location of the southwest corner of North Street and State Road 53 (Broadway).
2004-10-34	10-4-04	Rezoning and changing the zoning map from R-1 Residential to B-3 Business for certain property in the general location of 1801 North Main Street.
2004-10-35	10-4-04	Rezoning and changing the zoning map from R-1 Residential to R-2 Residential for certain property in the general location of 1801 North Main Street.
2004-10-36	10-4-04	Rezoning and changing the zoning map from R-1 Residential to R-2 Residential for certain property in the general location of 1801 North Main Street.
2005-03-04	3-7-05	Rezoning and changing the zoning map from A-1 Agriculture to R-2 Residential for certain property in the general location of 2323 East 101st Avenue (adjacent to Summertree Golf Course).
2005-03-05	3-7-05	Rezoning and changing the zoning map from A-1 Agriculture to R-1 Residential for certain property in the general location of 2323 East 101st Avenue (adjacent to Summertree Golf Course).

Ord. No.	Date	Description
2005-05-09	6-6-05	Rezoning and changing the zoning map from A-1 to I-1 in the general location of Northwest Corner State Road 231 and 129th Avenue.
2005-06-15	6-6-05	Rezoning and changing the zoning map from R-3 Residential to OS-1 Office Service for certain property in the general location of 210 N. Jackson Street.
2005-08-26	8-29-05	Rezoning and changing the zoning map from I-1 Industrial to B-3 Business for certain property in the general location of State Road 231.
2005-10-33	11-7-05	Rezoning and changing the zoning map from R-1 Residential to B-2 Business Use for certain property in the general location of 115 East 113th Avenue.
2005-12-43	12-5-05	Rezoning and changing the zoning map from R-2 Residential to OS-1 Office Service for certain property in the general location of 811 E. Franciscan Drive.
2006-02-08	2-6-06	Rezoning and changing the zoning map from R-1 Residential to B-2 Business for certain property in the general location of 102 E. S.R. 231.
2006-06-14	6-5-06	Rezoning and changing the zoning map from I-1 Industrial and R-2 Residential Use to B-2 Business for certain property in the general location of 1495 N. Main Street.
2006-08-18	9-5-06	Rezoning and changing the zoning map from R-3 Residential to B-2 Business for certain property in the general location of 415 N. Grant Street.
2006-09-24	10-2-06	Adding 208 South Main Street to the Courthouse Square Historic District.
2006-09-25	9-5-06	Rezoning and changing the zoning map from R-1 Single-Family to R-2 Residential use for certain property in the general location of the area extending south from Shannon Drive.
2006-11-36	12-4-06	Rezoning and changing the zoning map from R-1 and R-2 Residential use to OS-1 Office Services for certain property in the general location of 103 E. US 231.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
2006-12-40	12-4-06	Rezoning and changing the zoning map from R-1 Residential to PUD Planned Unit Development District for certain property in the general location of 15 acres on the northwest corner of Lake Street and 121st Avenue, and 7.5 acres on Shannon Drive extended east.
2006-12-41	12-4-06	Rezoning and changing the zoning map from R-1 Residential to PUD Planned Unit Development District for certain property in the general location of the 900 block of East 113th Avenue, south of 113th Avenue and west of I-65.
2007-01-03	1-3-07	Rezoning and changing the zoning map from R-2 Residential to B-3 Business Use for certain property in the general location of 500 North Indiana Avenue.
2007-01-04	1-3-07	Rezoning and changing the zoning map from I-1 Industrial to B-3 Business Use for certain property in the general location of 1158 to 1206 E. Summit.
2007-05-15	5-7-07	Rezoning and changing the zoning map from R-1 Residential to R-2 Residential Use for certain property in the general location of 4606 W. 121st Avenue.
2007-09-31	10-1-07	Rezoning and changing the zoning map from R-1 Residential to PUD Planned Unit Development for certain property in the general location of the real estate located on the north side of 133rd Avenue, between State Road 55 to the east and Marshall Street to the west.
2007-09-32	10-1-07	Rezoning and changing the zoning map from R-1 Residential to PUD Planned Unit Development for certain property in the general location of the real estate located on the north side of 133rd Avenue, between State Road 55 to the east and Marshall Street to the west.
2007-11-37	11-5-07	Adding 425, 431, 439, 445 and 449 South Court Street to the Holley Historic District.
2007-01-02	8-1-08	Rezoning and changing the zoning map to provide for a PUD to be known as the Heritage Planned Unit Development.

Ord. No.	Date	Description
2007-12-44	12-17-07	Rezoning and changing the zoning map from I-1 Industrial to C-1 Conservation Use for certain property in the general location of the area bounded by Merrillville Road on the west, Indiana Avenue on the east, Summit Street on the south, and Center Ross Road on the north.
2008-02-07	3-3-08	Rezoning and changing the zoning map from R-1 Residential to R-2 Residential Use for certain property in the general location of 3425 W. 121st Avenue.
2008-05-15	7-7-08	Rezoning and changing the zoning map from B-2 Business to B-1 Business for certain property located at 238 S. Main Street and 299 S. East Street.
2008-06-17	6-7-08	Rezoning and changing the zoning map from I-1 Industrial to B-3 Business for certain property located in the area of the northeast corner of SR 231 and the proposed north extension of Mississippi Street.
2008-06-19	8-18-08	Rezoning and changing the zoning map from R-1 Residential to B-2 Business for certain property in the area of the 11300 block of South Broadway, east side of Route 53.
2008-07-22	8-18-08	Rezoning and changing the zoning map from R-1 Residential to B-2 Business for certain property in the area of the southeast corner of Burrell Drive and Court Street.
2008-07-23	8-18-08	Rezoning and changing the zoning map from R-1 Residential to B-3 Business and R-3 Residential for certain property in the area of the southwest quadrant at the intersection of I-65 and U.S. 231.
2008-07-26	7-7-08	Granting special use permit to Youche Country Club, Inc. for private club and eating and drinking establishment servicing alcoholic beverages at 2301 W. 129th Place.
2008-10-35	10-6-08	Rezoning and changing the zoning map from R-1 Residential to B-3 Business and R-3 Residential for certain property in the area of the southwest quadrant at the intersection of I-65 and U.S. 231.

CROWN POINT - ZONING MAP CHANGES

Ord. No.	Date	Description
2009-05-18	5-4-09	Rezoning and changing the zoning map from R-1 Residential to B-3 Business located at 1209 East 129th Street.
2009-06-21	7-6-09	Establishing properties in the East Side Neighborhood as the East Side Historic District.
2010-09-14	9-7-10	Rezoning property located in the southeast quadrant of I-65 and US 231 (Franciscan Medical Campus) from I-1 Industrial to OS-1 Office Services.
2011-01-01	2-7-11	Rezoning property located in the general area of the northwest quadrant of Indiana Avenue and Summit Street (51 acres +/-) from C-1 Conservation to B-3 Business.
2011-07-10	8-1-11	Rezoning Parcel 1 from R-1 Residential to B-3 Business; Parcel 2, Lots 1, 2 & 3 from R-1 Residential to B-3 Business and Lots 44, 45, 46 & 47 from R-1 Residential to I-1 Industrial; and Parcel 3, Lot 4 from R-1 Residential to B-3 Business located at the 400 to 600 block of East 109th Avenue (south side).
2012-05-07	6-4-12	Rezoning certain property in the area of the northwest and southwest quadrants of I-65 and 109th Avenue, 300 to 1000 Block of E. 109th Avenue, from R-1 Residential to B-3 Business.
2012-07-10	7-2-12	Rezoning certain property located at 107 E. State Rd. 8 (US 231), from R-1 Residential to B-3 Business.
2012-07-11	7-2-12	Rezoning certain property located at 111 E. State Rd. 231 (St. Rd. 8), from R-1 Residential to B-3 Business.
2013-03-04	3-28-13	Rezoning certain property located at 812 E. 113th Avenue, from Agricultural to B-3 Business.
2013-09-10	9-3-13	Rezoning certain property, five parcels of land located west of I-65 and south of 101st Avenue, from R-1 Residential to B-3 Business.

Ord. No.	Date	Description
2013-11-17	12-2-13	Rezoning certain property located east of Madison Street and 115 feet north of Arrowhead Court, from B-3 Business to I-1 Industrial.
2013-12-19	1-7-14	Rezoning certain property located at 12603-12701 Marshal Street (20 acres), from R-1 Residential District to OS-1 Office Service District.
2014-05-10	5-5-14	Rezoning certain property located at 2301 E. 109th Avenue from A-1 Agricultural to R-2 Residential.
2014-10-21	10-6-14	Rezoning certain property located at 1103 E. 129th Avenue from R-1 Residential to B-3 Business.

TABLE II. MUNICIPAL CONTRACTS AND FRANCHISES

Ord. No.	Date	Description
459	6-3-35	Contract for street lights with Northern Indiana Public Service Co.
473	8-24-37	Three contracts with Northern Indiana Public Service Co. relating to the supply of electricity to the city and pole easements.
53l	10-27-47	Contract for street lights with Northern Indiana Public Service Co.
562	7-27-51	A contract for all electric service for sewage treatment plant with Northern Indiana Public Service Co.
75l	5-20-68	Electric service for water treatment plant with Northern Indiana Public Service Co.
846	12-14-72	Street lighting contract with Northern Indiana Public Service Co.
874	2-4-74	Cooperative ambulance service with Winfield and Center Townships.
946	9-7-76	Rates established for ambulance service.
1044	11-6-78	Rates established for ambulance service.
1156	2-4-81	Lease for New City Hall.
1346	5-6-85	Cable television franchise granted to U.S. Cable of Northern Indiana, for a term of 15 years.
2010-12-26	3-23-11	Authorizing the city to enter into an agreement with Center Township for the establishment of the Crown Point Fire Protection Territory.
2011-03-04	3-31-11	Amending Ordinance No. 2010-12-26 and creating the Crown Point/Center Township Fire Protection Territory.

TABLE III. REAL ESTATE

Ord. No.	Date	Description
5ll	l-3-44	Grant of deed to property needed to widen alley north of Greenwood Ave. in South Park View Addition.
755	7-3-67	Sale of a 9.7 acre tract obtained from Charles Sauerman to Hub Swimming Pool, Inc.
745	2-5-68	Transfer by warranty deed of 6l9.25 ft. of property acquired from Charles Sauerman.

TABLE IV. ANNEXATIONS

Ord. No.	Date	Description
579	6-l-53	A tract of land owned by Edgar A. and Margaret J. Dieman containing about 20 acres.
6l4	l2-23-56	Two parcels in Township 34.
6l5	4-2-56	Territory contained in Section 8, Township 34, Range 8 west of the second principal meridian.
634	ll-4-57	Territory belonging to Elizabeth Scott.
663	l0-3-60	Territory belonging to David Peer and Agnes Peer.
672	6-5-6l	Territory belonging to Oscar and Elizabeth Laubecher.
674	8-7-6l	Territory lying easterly of the center line of Merrillville Road, and west of the second principal meridian.
677	l0-2-6l	Contiguous property belonging to Harold and Henrietta Hallstrom, et al.
686	7-8-63	Contiguous territory belonging to Charles and Helen Sauerman, Margaret L. Sauerman, and Robert and Dorothea Sauerman.
688	8-5-63	Territory belonging to Charles and Olga Kaiser et al.
7l0	5-3-65	Territory belonging to the city, contiguous to the north boundary line of the city.
7l2	8-2-65	Territory belonging to the School City of Crown Point contiguous with the west boundary of the Civil City.
72l	7-5-66	The north 234 feet of the east 3l3.46 feet of the south l/2 of the northeast quarter of the southeast quarter of Section 7, Township 34 north, Range 8 west of the second p. m.
729	l-3-67	Territory belonging to the city contiguous to the east boundary line.

Ord. No.	Date	Description
730	l-3-67	Territory owned by the City of Crown Point, Ind. and Charles 0. Sauerman et al, and contiguous with the southeast boundary of the city.
733	6-5-67	Territory belonging to Northern Indiana Public Service Company.
74l	8-5-67	Territory belonging to Charles and Olga Kaiser.
742	9-5-67	Territory belonging to the Tenbrook Corporation.
752	6-3-68	Territory belonging to Clyde and Helen Biggs et al.
768	4-7-69	Territory belonging to the Lake County Trust Company.
782	l-5-70	Territory contained in Jeffrey Manor Subdivision.
787	4-6-70	Territory contained in the northeast quarter of the southwest quarter of Section 4, Township 34, north Range 8 west of the second p. m.
789	6-l-70	Two parcels lying contiguous to the west boundary of the city.
795	9-8-70	Correcting the description of parcel 2 in Ordinance 789.
80l	5-3-7l	Territory belonging to Olga Kaiser.
807	7-6-7l	Annexation of certain contiguous territory.
8l2	l2-4-72	Territory owned by Lake County, Indiana, situated adjacent to the corporate limits of the city.
847	l2-4-72	Territory contiguous to the east boundary of the city.
864	l0-l-73	A tract of land containing about 25.002 acres in Lake County.

CROWN POINT - ANNEXATIONS

Ord. No.	Date	Description
939	7-6-76	Annex contiguous territory on petition of owners.
967	3-7-77	Annexation of a contiguous territory to the city.
969	4-4-77	Annexation of the contiguous territory to the city.
98l	8-l-77	Annexation of a contiguous territory to the city, part of the NW l/4, Section 5, Township 34 North, Range 8 West.
l002	l-3-78	Annexation of a contiguous territory to the city for a public school.
l0l9	6-5-78	Annexation of a contiguous territory to the city, part of the North l/2 of Section 3l lying North and East of the railroad right-of-way, and part of the NW l/4 of Section 32 lying SW of the city limits.
l050	l-2-79	Annexation of Lots l, 2, 3, 4, 5, and ll in Schulien=s Wild Woods Subdivision.
		Annexation of part of the NW l/4 of the NW l/4 of Section l6, Township 34 North, Range 8 West of the Second Principal Meridian in Lake County.
l092	l0-l-79	Annexation of all of that part of the SE l/4 of Section 6, Township 34 North, Range 8 West of the second Principal Meridian not in the city, in Lake County.
		Annexation of all that part of the NE l/4 of Section 7, Township 34 North, Range 8 West of the Second Principal Meridian lying North of Highway 23l, in Lake County. (amended by Ord. ll58)

Ord. No.	Date	Description
l096	ll-5-79	Annexation of part of the NE l/4 of Section 6, Township 34 North, Range 8 West of the Second Principal Meridian in Lake County.
		Annexation of part of the NW l/4, Section 5, Township 34 North, Range 8 West of the Second Principal Meridian in Lake County.
ll00	l2-3-79	Annexation of part of the SE l/4 of the SW l/4 of Section 4, Township 34 North, Range 8 West of the Second Principal Meridian in Lake County.
ll58	3-2-8l	Amending Ord. l092 so that the legal description reads as follows.
		The East l/2 of the SE l/4 of Section 6, Township 34 North, Range 8 West of the Second Principal Meridian, and the East l/2 of the NE l/4 of Section 7, Township 34 North, Range 8 West of the Second Principal Meridian, lying North of U.S. 23l (Joliet Street).
ll84	8-3-8l	The north l65 feet of the East 250 feet of the Southeast l/4 of the Northeast l/4 of Section l7, Township 34 North, Range 8 West of the Second Principal Meridian.
ll93	ll-2-8l	Annexation of two parcels described as follows.
		(A) Part of the Southwest l/4 of the Northwest l/4 of Section l6, Township 34 North, Range 8 West of the Second Principal Meridian.
		(B) Part of Lot l0, Schulien=s Wild Woods, as shown in Plat Book 32, page 55, in Lake County, including the right-of-way of ll9th Place adjacent to and adjoining the north property line of the above - described two parcels.

Ord. No	Date	Description
l253	3-7-83	Shady Lawn, except for lot ll. Shady Lawn Second Subdivision, except for lots 58 through 64.
l3l8	7-l-84	Lots l8 through 22, inclusive, in Liberty Park Highlands.
l32l	8-l3-84	Lots l8 through 22 and all of lot 23 not heretofore annexed, in Liberty Park Highlands, and property commencing at a point 805 feet north of the east and west center line of Section 5, Township 34 North, Range 8 west.
l327	9-4-84	Annexation of two parcels described as follows. (A) The North l6.5 feet of the Northwest l/4 of the Northeast l/4 of the Northwest l/4 of Section l6, Township 34 North, Range 8 West of the Second Principal Meridian. (B) The Southeast l/4 of the Northwest l/4 of the Northeast l/4 of Section l6, Township 34 North, Range 8 West of the Second Principal meridian.
l377	2-3-86	Annexing certain territory commonly known as the ABroadway Corridor@ (amended by Ord. l436).
l4l3	ll-3-86	Annexing a part of the Southeast l/4 of Section l7, Township 34 North, Range 8 West of the Second Principal Meridian.
1585	8-5-91	Annexing three portions of Section 16, Township 34 North, Range 8 West.
1671	5-7-93	Annexing certain real estate being more particularly described in legal description attached to Ord. 1671.
1672	5-10-93	Annexing certain real estate being more particularly described in legal description attached to Ord. 1672.
1738	11-7-94	Annexing certain real estate consisting of six lots located at 871, 885, 905, 925, 945 and 995 Indiana Avenue.

Ord. No	Date	Description
1766	7-10-95	Annexing certain real estate located in the east half of the northwest quarter of the southeast quarter of Section 7; and the east 262.94 feet of the west half of the northwest quarter of the southeast quarter of Section 7; and the east half of the southeast quarter of the southwest quarter of Section 7; and the south half of the southeast quarter of Section 7; and the east half of the northwest quarter of Section 18; and the northeast quarter of Section 18, all in Township 34 north, Range 8 west.
1773	9-5-95	Annexing the following described real estate: (A) The southwest 1/4 of the southwest 1/4, Section 17, Township 34 North, Range 8 West of the 2nd P.M. (B) The north half of the northwest quarter of the northwest quarter of Section 20, Township 34 North, Range 8 West of the 2nd P.M.
1794	4-1-96	Annexation of the north 1/2 of the northeast 1/4 of the northwest 1/4 of Section 20, Township 34 North, Range 8 West of the 2nd P.M., containing 20 acres, more or less.
1806	7-3-96	Amending the written legal description as contained in Ordinances 1671 and 1672 and in Resolutions 730 and 731, with said amendments thereto relating back and effective on the date each ordinance or resolution was originally enacted.
1833	2-3-97	Annexing the following described real estate: (A) The south half of Section 31, Township 35 north, Range 8 west of the Second Principal Meridian. (B) The northeast quarter of Section 6, Township 34 north, Range 8 west of the Second Principal Meridian.

Ord. No	Date	Description
1949	12-6-99	Annexing certain real estate located along the south of Burrell Drive in two parcels as part of the northeast quarter of Section 20, Township 34 North, Range 8 West of the Second Principal Meridian.
1951	12-6-99	Annexing certain real estate as part of the northwest quarter of Fractional Section 6, Township 34 North, Range 8 West of the Second Principal Meridian.
1979	5-1-00	Amending annexation ordinances 1949 and 1951.
2002-08-32	8-5-02	Amending annexation ordinance 2002-06-25.
2003-02-03	3-3-03	Annexing property commonly known as Lake 7.
2003-05-15	6-2-03	Annexing property commonly known as 12614 Marshall.
2003-08-20	10-6-03	Annexing part of the north half of the southwest quarter of Section 32 lying west of the right-of-way of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad, containing approximately 49.5 acres, more or less.
2004-10-31	10-4-04	Annexing part of the northeast quarter of Section 19, Township 34 North, Range 8 West of the Second Principal Meridian, containing .23 acres.
2005-03-06	4-4-05	Annexing the southeast quarter of the southeast quarter of Section 36, Township 35 North, Range 9 West of the 2nd Principal Meridian.
2005-05-12	6-6-05	Annexing certain real estate to the city.
2006-05-13	5-1-06	Annexing certain real estate to the city.
2006-06-15	6-12-06	Annexing certain real estate to the city.
2006-09-30	10-2-06	Annexing three parcels of real estate to the city.
2006-12-39	12-4-06	Annexing Youche County Club property to the city.
2006-11-34	1-3-07	Annexing certain real estate to the city.

Ord. No	Date	Description
2006-11-35	1-3-07	Annexing certain real estate to the city.
2007-01-01	2-5-07	Annexing the north 200 feet of the east 217.80 feet of the south half of the northwest quarter of the northwest quarter of Section 20, Township 34 North, Range 8 West of the Second Principal Meridian.
2007-02-05	2-5-07	Annexing EF Highlands to the city.
2007-03-08	4-2-07	Annexing part of the southeast quarter of Section 20, Township 34 North, Range 8 West of the Second Principal Meridian.
2007-08-27	9-4-07	Annexing Crest Grove to the city.
2007-11-36	11-5-07	Annexing Crest Grove to the city.
2008-03-10	4-7-08	Annexing part of the southeast quarter of Section 17, Township 34 North, Range 8 West of the Second Principal Meridian.
2008-04-13	4-7-08	Annexing part of the northeast quarter of the southeast quarter of Section 18, Township 34, Range 8 west of the Second Principal Meridian.
2008-10-39	10-20-08	Annexing part of the west proportionally split 26 rods of the northeast quarter of the southeast quarter of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian.
2009-02-06	2-2-09	Annexing part of the northeast quarter of the southeast quarter of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian.
2013 10-15	11-4-13	Annexing part of the south half of the northeast quarter of the northwest quarter of Section 20, Township 34 North, Range 8 West of the Second Principal Meridian.

TABLE V. VACATIONS

Ord. No.	Date	Description
916	11-3-75	Dahlgren St. from Grant St. to Sherman St. vacated as a public street.
1756	4-3-95	Vacating a portion of Goldsborough Street west of Sheridan Street, being approximately 66 feet in width and 132 feet in depth; and that portion of the platted alley lying west of lots 6, 7 and 8, in Block 24 in Railroad Addition.
1760	7-3-95	Vacating a certain 16-foot alley described as lying west of the west right-of-way line of Thomas Street and extending west from said west right-of-way line to the west line of the Chicago and Erie Railway Depot grounds in Block 1 of Rolling View Addition.
1783	11-6-95	Vacating the east 20 feet of Lot 8, Hub Industrial Park, as set forth in Plat Book 48, page 75 in the Recorder=s Office.
1834	1-6-97	Vacating the east 220 feet of the southeast quarter of the northwest quarter of the northeast quarter of Section 16, now known as Outlot A in Briarcreek Subdivision.
2003-04-09	6-2-03	Vacating the roadway easement located on the real estate described as the north 97.79 feet of Lots 1, 2, 3, and 4 Commercial Park Subdivision.
2004-11-40	12-6-04	Vacating that portion of the platted alley lying west of Lot 5 and east of lot 4, in Block 24 in Railroad Addition.

TABLE VI. FUNDS

Ord. No.	Date	Description
545	12-19-49	Cumulative building or sinking fund for the erection, remodeling, and extension, or repairing municipal sewage plant and conveying sewers.
708	5-17-65	Cumulative building and sinking fund for the erection, remodeling, extending, and repairing of the sewage treatment plant and the sanitary sewers and storm water sewers and drains for the city.
832	7-27-72	Cumulative building and sinking fund to provide funds for the planning, erecting, remodeling, extending, and repairing of sewage disposal plants and sewers to convey sanitary sewage to such plants and for the construction of storm sewers and the remodeling, repairing, or extending of the same, and for relief sewers and drains in aid of the sanitary system and storm sewers.
854	5-7-73	Cumulative building and equipment fund and providing for a tax levy.
1016	5-1-78	Increases tax levy for the Cumulative Sewage Treatment and Disposal Plant Fund created by Ord. 832.
1284	9-6-83	Cumulative building and equipment fund for the purchase of fire equipment, the erection of new fire stations, and the expansion and/or remodeling of existing fire houses. Provision of a tax levy.
1537	5-7-90	General improvement fund for various purposes including construction, repair, and improvement of streets, alleys, sidewalks, curbs, gutters, and sewers.
1579	6-3-91	Reestablishing the cumulative building fund for municipal sewers provided for by Ord. 832. Imposing a property tax levy to provide for this fund.
1580	6-3-91	Establishing a cumulative capital development fund. Providing a personal and property tax levy for the fund.
1670	7-8-92	Reestablishing the cumulative building fund for municipal sewers.

Ord. No.	Date	Description
1674	7-8-93	Reestablishing the cumulative capital development fund.
1704	5-2-94	Additional appropriation for Cumulative Fire Fund.
1705	5-2-94	Providing a tax levy for a cumulative Building and Equipment Fund for the City Fire Department.
1718	6-6-94	The segregation and distribution of certain funds of the sewage works utility.
1733	11-7-94	Establishing a special non-reverting fund as the Recycling and Solid Waste Fund for monies received from the Lake County Solid Waste Management District.
1850-B	4-20-98	An amended and restated ordinance concerning the acquisition, construction and improvement by the city of its waterworks utility and the issuance and sale of revenue bonds.
1874	12-1-97	Amending Ord. 1850 concerning the acquisition, construction and improvement by the city of its waterworks utility and the issuance and sale of revenue bonds.
1892	4-20-98	Establishing a special non-reverting gift fund for the Park Department.
1997	10-2-00	Creating a Perpetual Building Improvement Escrow Fund.
2003-09-26	10-6-03	Reestablishing the Cumulative Capital Development Fund.
2003-09-27	10-6-03	Reestablishing the Crown Point Fire Department Cumulative Building and Equipment Fund.
2003-09-28	10-6-03	Reestablishing a Cumulative Building Fund for municipal sewers.
2003-11-31	11-3-03	Creating an Assistance to Firefighters Grant Program Fund.
2004-07-16	7-6-04	Creating the Sauerman Woods Restoration Donation Fund.

Ord. No.	Date	Description
2004-08-20	8-2-04	Amending Ord. 1444 concerning the re-establishment of a Cumulative Capital Improvement Fund.
2004-12-43	12-6-04	Creating a Special Events Non-reverting Fund.
2005-08-21	8-1-05	Creating a Supplemental Adult Services Fund for the Crown Point City Court.
2005-08-22	8-1-05	Creating a Deferral Program Fund for the City Court and Police Department.
2006-01-03	1-3-06	Amending Ord. 1997 concerning the transfer of non-refunded money into the General Fund.
2006-09-27	9-5-06	Establishing a Major Moves Construction Fund to receive the city=s local distributions from the State of Indiana Major Moves Construction Fund.
2006-09-28	9-5-06	Creating a Community of Character Non-Reverting Fund for monetary gifts or donations received for the Community of Character initiative.
2006-12-45	12-27-06	Establishing a Non-Reverting Vehicle and Equipment Purchase Fund for the Crown Point Fire Rescue Department.
2009-03-09	4-6-09	Amending Ordinance No. 2006-12-45.
2009-06-22	7-6-09	Re-establishing the Cumulative Capital Development Fund.
2009-12-40	12-7-09	Creating a new fund entitled Public Safety Fund (Excess Welfare Dist).
2010-03-03	3-1-10	Creating a new fund entitled Senior Discount (HIDTA) Fund.
2011-03-03	3-7-11	Creating a new fund entitled Sportsplex Development/Construction Fund.
2011-06-08	6-6-11	Amending Ordinance No. 2011-03-03.
2011-07-15	7-5-11	Amending Ordinance No. 2006-12-45.
2012-04-05	5-7-12	Creating a new fund entitled Non-Reverting Sportsplex Lease 25 Fund.

Ord. No.	Date	Description
2012-08-18	8-6-12	Amending Ordinance No. 2009-06-22 re-establishing the Cumulative Capital Development Fund.
2012-10-28	10-1-12	Creating a new fund entitled Non-Reverting Builder=s Test Fee Fund.
2014-02-02	2-3-14	Creating a new fund entitled CEDIT Fund.
2014-02-04	2-3-14	Creating a new fund entitled CAGIT/LOIT Public Safety Fund.
2014-04-06	4-7-14	Amending Ordinance No. 2012-04-05.
2014-04-07	4-7-14	Amending Ordinance No. 2012-02-02.
2014-04-08	4-7-14	Amending Ordinance No. 2014-02-04.
2014-11-27	11-3-14	Amending Ordinance No. 2005-08-22.

CITY OF CROWN POINT, INDIANA

LAND USAGE PAMPHLET

Contains Title XV of 2014 S-41 Supplement, current through
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