

LAKE STATION

CITY CODE

THE GENERAL ORDINANCES
OF THE
CITY



Hoosier Codification Service, Inc.
P.O. Box 2634
South Bend, Indiana 46680
(219) 234-7663

Supplement Service, beginning with Supp. No. 3-94



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CURRENT OFFICIALS
OF THE CITY
OF
LAKE STATION, INDIANA
(2012—2015)

MAYOR: Keith Soderquist

CITY COUNCIL

Todd Lara, Council-At-Large
Garry Szostek, Council-At-Large
John McDaniel, 1st District
Donald Huddleston, 2nd District
Todd Rogers, 3rd District
Harry Pedroza, Jr., 4th District
Rick Long, 5th District

CLERK-TREASURER: Brenda Samuels

CITY JUDGE: Christopher Anderson



A
Brief History
of the City
of
Lake Station, Indiana

The City of Lake Station is located in the northeast portion of Lake County, Indiana. The City is bounded by Gary on the west and north, Portage on the east, and Hobart, New Chicago, and unincorporated Hobart Township on the south. Interstates 80-94 (east-west) and I-65 (north-south), plus the Indiana Toll Road all border or traverse parts of the City of Lake Station which offer excellent regional highway accessibility. Central Avenue and Ripley Street (Indiana 51) are major arterial routes running through the City, and U.S. Highway 6 passes along its southern boundary.

The shoreline of Lake Michigan is approximately two (2) miles north of the City, and portions of the Indiana Dunes National Lakeshore are the same distance away.

The City of Lake Station lies on the foreslope of what was once the site of Lake Chicago. As the glacier retreated, level lake bed areas, sand bars and old beach ridges were left. This sandy region is known as the Calumet Lacustrine Plain, and is marked by existing U.S. Highway 6, (Ridge Road) which forms a southern boundary of the City. Much of the original natural features in Lake County have been lost to urban development. The original vegetation of the County consisted of deciduous hardwood trees, prairie grasses, water tolerant grasses, sedges, and a few water tolerant trees. Most of the remaining wooded features and wet lands are located along the major rivers and streams.

The Little Calumet River passes through the northern portion of the City of Lake Station and is planned as a significant regional recreational facility in conjunction with a Army Corps of Engineers flood control project. Currently the river in the City, known as Burns Ditch, has been dredged and only a narrow tree line remains, along with scattered wet areas. Of more local significance is Deep River which winds through the central portion of the City. This stretch of the river remains quite natural with major topographic changes, woodlands, and some wetland areas. It has a significant potential for park development.

The area now known as the City of Lake Station was first inhabited by the Pottowatomie Indians. In 1835, John Wood and John Barker, natives of Massachusetts traveled along the Great Lakes and landed at the trading post where Michigan City stands today. In December of that year, John Wood found a location for his future mill site along Deep River in what is now Lake

County.

In 1836, J.C. Davis, Henry Fredrickson and John Chapman purchased land from the United States government on the Calumet River. The land was platted by these men that year and stores and hotels were built to serve travelers on the Michigan City-Joliet stage line.

In 1837, John Wood returned to the area with his wife, Hannah, and their children, and began the construction of the first grist mill. This was the beginning of industry in Lake County, and farmers from miles around brought their grain to be ground at the Wood Grist Mill.

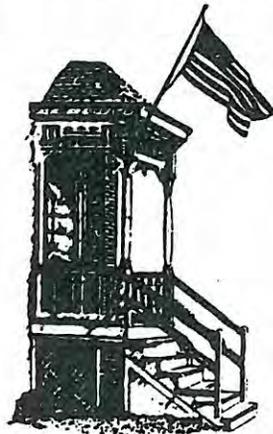
In 1851, the Michigan Central Railroad was completed through the northern part of Lake County. The railroad closely followed the Pottawatomie Indian trail. A train depot was erected in 1852.

On April 1, 1852, George Earle platted and recorded the town site of Lake Station. Growth rapidly followed as Lake Station became the center for Lake County with the building of the Joliet and Northern Indiana Railroad to Joliet. During this time, George Pullman tried to procure land in Lake Station to build the Pullman Palace Car Company. The parties failed to reach agreement on a land purchase price which resulted in the Pullman Palace Car Company being established in Illinois.

The growth of the Town of Lake Station was slowed by the building of other railroads and other stations in the area. However, the outlook for growth brightened in 1906 when United States Steel Corporation began platting and building the City of Gary. William Earle, now owner of the property, saw the growth of Gary and thought of a suburb outside of the city for residential living.

William Earle founded and platted the new suburb of East Gary on May 5, 1908. The community included the site of Lake Station and part of the site of Old Liverpool. In all it contained 6,542.92 acres. On February 15, 1977, East Gary was renamed the City of Lake Station.

The City of Lake Station remembers its proud traditions of the past and is blending progressive attitudes into its plans for the future. It has grown to a population of 15,087 as of the 1980 U.S. Census. Its hardworking civic and community leaders are striving to make the City of Lake Station, Indiana, an even better place to live and work for generations to come.



PREFACE

The Lake Station City Code is a codification of the general and permanent ordinances of the City enacted through Ordinance No. 85-14 passed July 18, 1985, and updated by Municipal Code Corporation through its Supplement Service beginning with Supplement No. 3-94.

Special ordinances which relate to limited or special purposes, and the levying of special assessments, are not included.

The ordinances contained in this Code were organized by subject matter classifications. Obsolete and conflicting provisions have been eliminated and the remaining laws, edited and revised where necessary. To facilitate usage, the Code Chapters are arranged in subject-matter order and numbered consecutively. Each Chapter is preceded by a Chapter Table of Contents which designates the material included within the Chapter.

The Comparative Table lists all ordinances contained in this Code chronologically by ordinance number, and identifies date of passage, the former ordinance section, and the new Code Section of this Code. Former sections of the City Code of East Gary, Indiana, are also referenced to the new Code sections of the Lake Station City Code.

The General Index which appears at the end of this Code will serve as a research aid in the location of specific sections within this Code. Where appropriate, the Chapters have been subdivided into Articles, Divisions, and Sections. Catchlines described the contents of each section and appear in bold print as a further reference aid.

State law citations are included in appropriate notes throughout the Code.

Hoosier Codification Service, Inc. wishes to express their appreciation for the cooperation and assistance of all of the Lake Station City Officials and employees during the preparation of the Lake Station Codification, and especially Mayor Arthur L. Hartley, Clerk-Treasurer Rebecca L. Williams, City Attorney James A. Greco, all of the Common Council members, former Mayor Carl H. Miller, former Clerk-Treasurer Betty Sonntag, former City Attorney J. Michael Katz, and former Park Superintendent Kevin Wood.

General supervision in the preparation of this Code was by attorney Kathleen Farrand, and Judith Jones, Chief Editorial Assistant of Hoosier Codification Service, Inc.

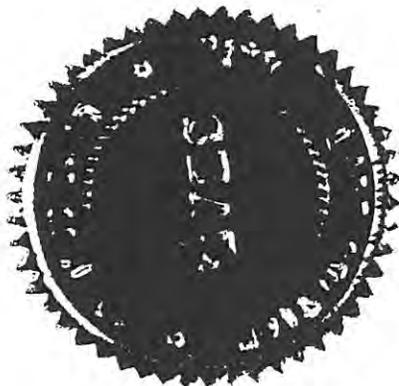
Hoosier Codification Service,
Inc.
South Bend, Indiana
October, 1985



CERTIFICATION

We, Arthur L. Hartley, Mayor, and Rebecca L. Williams, Clerk-Treasurer, of the City of Lake Station, pursuant to the laws of the State of Indiana, hereby certify that the general and permanent ordinances of the City of Lake Station, Indiana, as revised, amended, restated, rearranged, renumbered, and codified and presented in 12 Chapters, are correct as printed, and constitute the Lake Station City Code.

Signed and sealed this 7th day of August, 1986.



Arthur L. Hartley
Arthur L. Hartley, Mayor

Rebecca L. Williams
Rebecca L. Williams, Clerk-Treasurer

ATTEST AS TO LEGALITY:

James A. Greco
James A. Greco, City Attorney

Thomas K. Parry
Thomas K. Parry
Common Council Attorney

CODE OF ORDINANCES
City of
LAKE STATION, INDIANA
Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2014-18, adopted December 18, 2014.

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2012-17, adopted September 20, 2012.

See the Code Comparative Table for further information.

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Ordinance No. 2009-27, adopted January 7, 2010.

See the Code Comparative Table for further information.

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Ordinance No. 2008-26, adopted September 18, 2008.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 5, 6-05
September 2005

CODE OF ORDINANCES

City of

LAKE STATION, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2005-16, adopted May 6, 2005.

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2002-05, adopted July 18, 2002.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 3, 5-01
August 2001

CODE OF ORDINANCES

City of

LAKE STATION, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2001-11, adopted March 17, 2001.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 2, 2-99
March 2000

CODE OF ORDINANCES

City of

LAKE STATION, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 99-02, adopted February 18, 1999.

See the Code Comparative Table for further information.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
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2009-27	1- 7-2010	Include	7, 3-11
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2011-24	12-29-2011	Include	8, 9-12
2012-01	2- 2-2012	Include	8, 9-12
2012-2	3-15-2012	Include	8, 9-12
2011-03	2-16-2012	Include	8, 9-12
2012-06	4-19-2012	Include	8, 9-12
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2014-03	3- 6-2014	Include	9, 12-14
2014-18	12-18-2014	Include	9, 12-14

CHAPTER 1
GENERAL PROVISIONS

- Sec. 1-1 Code Citation and Designation.
- Sec. 1-2 Effective Date of Code; Repeal of General Ordinances in Conflict; Savings Clause.
- Sec. 1-3 Definitions.
- Sec. 1-4 Code Application.
- Sec. 1-5 Interpretation of Each Component Part of the Code.
- Sec. 1-6 Repeal Shall Not Revive Ordinances.
- Sec. 1-7 Effective Date of Ordinance.
- Sec. 1-8 Construction and Severability of Code.
- Sec. 1-9 General Penalties.
- Sec. 1-10 City Seal.

CHAPTER 1
GENERAL PROVISIONS

Sec. 1-1 Code Citation and Designation.¹

The ordinances embodied in the following Chapters, Articles, Divisions and Sections shall constitute the local government code of the City of Lake Station, Indiana, and be designated as the "Lake Station City Code", and may be cited as the "City Code" or, in the provisions which follow, as "this Code", and shall include any ordinance hereafter enacted which is supplemental or amendatory thereto, subject to Sec. 3-20.

Sec. 1-2 Effective Date of Code; Repeal of General Ordinances in Conflict; Savings Clause.

All of the provisions of this Code shall be in full force and effect from the date of passage pursuant to I.C., 36-4-6-14, and the filing of two (2) copies of this Code in the office of the Clerk-Treasurer, and all ordinances of a general and permanent nature in force at that time which include the subject matter of the Chapters denominated herein, are hereby repealed from and after said date.

Such repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before said effective date; nor shall it affect any ordinance accepting gifts and dedications of real estate; nor any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of bonds of the City; or other evidence of the City's indebtedness, or any contract or obligation assumed by the City; nor shall said repeal affect the Administration's ordinances or resolutions of this Code; nor shall it affect transfer and appropriation ordinances; nor shall it affect ordinances concerning annexation or dis-annexation of territories to or from the City, or any ordinances changing or concerning names of streets, or opening and closing streets, or ordinances commonly known as zoning map amendments; nor shall it affect any right, easement or franchise, conferred by any person or corporation; nor shall it affect any prosecution, suit or proceeding pending on said date, except that the proceeding thereof shall conform as far as possible to the provisions of this Code.

Sec. 1-3 Definitions.²

In the construction of this Code and of all ordinances, the following definitions shall be applied:

(1) "City" means the City of Lake Station, Indiana, or the area within the territorial limits of the City of Lake Station, Indiana, and such

¹I.C., 36-1-5-1 through 36-1-5-6, address the codification of ordinances by all units of government except Townships.

²I.C., 36-1-2-1 through 36-1-2-24, set forth the definitions of general applicability.

territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provisions.

(2) "Clerk-Treasurer" means the Clerk and Fiscal Officer of the City of Lake Station, a third class City.

(3) "Code" means local government code of the City of Lake Station, Indiana, which is designated as the Lake Station City Code.

(4) "Common Council" means the City Legislative Body made up of seven (7) elected councilmen.

(5) "Computation of Time" means the time within which an act is required to be done and is to be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

(6) "County" means the County of Lake.

(7) "Easements" means a right, distinct from ownership, to use in some way the land of another without compensation.

(8) "et seq." is the Latin phrase meaning "and the following".

(9) "I.C.," shall refer to state law found in the Indiana Code.

(10) "May" is permissive.

(11) "Mayor" means the Mayor of the City of Lake Station.

(12) "Month" means a calendar month.

(13) "Must" and "shall" are each mandatory.

(14) "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

(15) "Owner" applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

(16) "Person" means any individual, firm, partnership, corporation, association, fiduciary, company, governmental entity, or organization of any kind.

(17) "Personal property" includes every kind of property except real property.

(18) "Preceding" and "following" mean next before and next after, respectively.

(19) "Property" includes real and personal property.

(20) "Real Property" includes lands, tenements and hereditaments.

(21) "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

(22) "State" means the State of Indiana.

(23) "Street" includes all streets, highways, avenues, lanes, alleys, courts, squares, or other public ways in the City which have been or may hereafter be dedicated and open to public use.

(24) "Substantial Property Interest" means any right in real property that may be affected in a substantial way by actions authorized by Planning

³I.C., 36-4-1-1, sets forth the classification of Indiana cities.

and Development laws of the State of Indiana, including a fee interest, a life estate, a future interest, a present⁴ possessory interest, or an equitable interest of a contract purchaser.

(25) "Tenant" and "occupant", applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

(26) "Written" includes printed, typewritten, or otherwise reproduced in permanent visible form.

(27) "Year" means a calendar year.

Sec. 1-4 Code Application.

This Code shall refer only to the omission or commission of acts within the territorial limits of the City of Lake Station and to that territory outside this City over which the City has jurisdiction or control by virtue of any constitutional provision, law or otherwise lawful contract.

Sec. 1-5 Interpretation of Each Component Part of The Code.

(a) Each Chapter is comprised of "Articles" which address subject matter classifications within the Chapter. Articles may then be divided into "Divisions" which further define the particular topics.

(b) Each Section of this Code shall be numbered consecutively by Chapter. The number shall consist of two (2) component parts separated by a dash, the figure before the dash referring to the Chapter number and the figure after the dash referring to the position of the Section within the Chapter.

(c) The decimal system shall be used for all additions or amendments to this Code. When a Chapter or Section is to be added, the new Chapter or Section shall be given a decimal character.

Sec. 1-6 Repeal Shall Not Revive Ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinances which have been repealed thereby.

Sec. 1-7 Effective Date of Ordinance.

Unless otherwise expressly provided, an ordinance shall take effect when passed according to I.C., 36-4-6-14.

Sec. 1-8 Construction and Severability of Code.

The following rules shall govern the Construction of this Code.

⁴I.C., 36-7-9-2, of the State's Planning and Development Article defines "substantial property interest".

(a) The present time includes the past and future tenses; and the future the present, unless otherwise provided.

(b) The masculine gender includes the feminine.

(c) The singular number includes the plural, and the plural the singular.

(d) Whenever reference is made to any provision of this Code or statute of the State of Indiana, such reference applies to all amendments and additions now or hereafter enacted.

(e) If any Chapter, Article, Division, Section, Subsection, sentence or clause of this Code is for any reason declared to be unconstitutional or otherwise invalid, such declaration shall not affect the validity of the remaining provisions of this Code.

Sec. 1-9 General Penalties.

(a) Any person violating any⁵ of the provisions of this Code shall be guilty of an ordinance violation.

(b) Each day a violation of this Code is⁶ committed or permitted to continue shall constitute a separate offense.

(c) Except in cases where a different punishment is prescribed by statute or a specific Section of this Code, any person convicted of an ordinance violation shall be punished by ^{7a} fine of not more than two thousand five hundred dollars (\$2,500.00).

(d) The City may bring a civil action to enjoin any person from:

(1) Violating ⁸any ordinance regulating or prohibiting a condition or use of property; or

(2) Engaging in conduct without^{9a} a license if an ordinance requires a license to engage in the conduct.

(e) The Court may suspend all or any part of a penalty imposed for an ordinance violation and may require as a condition of such suspension that the defendant shall perform uncompensated work that benefits the community.

⁵I.C., 34-4-32-1 through 34-4-32-5, address infraction and ordinance violation enforcement proceedings.

⁶I.C., 9-4-1-127.1, addresses Class C infractions; also see I.C., 34-4-32-4.

⁷I.C., 36-1-3-8.

⁸I.C., 36-1-6-2, addresses ordinance violations affecting real property and the City taking expenses of compliance as a lien against the property.

⁹I.C., 36-1-6-4, addresses injunctions.

Sec. 1-10. City seal.

(a) The City Seal of Lake Station, Indiana, is depicted on the certification page of this Code.

(b) The clerk-treasurer shall be the custodian of the city's seal and affix it to such documents and instruments as required.



Chapter 2

CITY ADMINISTRATION

Article 1. Establishment of the Executive and Administrative Organization of the City

- Sec. 2-1. City name.
- Sec. 2-2. Organization.
- Secs. 2-3—2-5. Reserved.

Article 2. The Executive Branch

- Sec. 2-6. The mayor.
- Sec. 2-7. Election of the mayor.
- Sec. 2-8. Mayor's term of office.
- Sec. 2-9. Deputy mayor.
- Sec. 2-10. Reserved.

Article 3. The Fiscal Division

- Sec. 2-11. Clerk-treasurer.
- Sec. 2-12. Election and term of office.
- Secs. 2-13, 2-14. Reserved.

Article 4. Board of Public Works and Safety, Executive Departments

- Sec. 2-15. Establishment of board of public works and safety.
- Sec. 2-16. Clerk of the board.
- Sec. 2-17. Meetings.
- Sec. 2-18. Removal of board members.
- Secs. 2-19—2-21. Reserved.
- Sec. 2-22. Department of law.
- Sec. 2-23. Reserved.
- Sec. 2-24. Department of planning and development.
- Sec. 2-25. Building department.
- Sec. 2-26. Appointments by city executive.
- Sec. 2-27. Official surety bonds.
- Sec. 2-28. Compensation and salary.
- Sec. 2-29. Payroll period and schedule of pay.
- Sec. 2-30. Public employees' retirement fund.
- Sec. 2-31. Conflict of interests.
- Sec. 2-32. City employee benefits.
- Secs. 2-33—2-36. Reserved.

Article 5. Specific Boards, Commissions, Committees, Departments, Etc.

Division 1. Generally

- Sec. 2-37. Economic development commission.

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- Sec. 2-37.5. Department of redevelopment; commission.
- Sec. 2-38. Organization of the building department.
- Sec. 2-39. Police pension board of trustees.
- Sec. 2-40. Police department, reserve officers.

Division 2. Reserved

Secs. 2-41—2-48.11. Reserved.

Article 6. Establishment of Funds

- Sec. 2-49. Accident report account.
- Sec. 2-50. Bond sinking fund created.
- Sec. 2-51. City development fund.
- Sec. 2-52. Cumulative building fund.
- Sec. 2-53. Cumulative capital improvement fund.
- Sec. 2-54. Cumulative sewage and disposal plant fund.
- Sec. 2-55. Cumulative street fund.
- Sec. 2-56. Firearms, training, and equipment fund.
- Sec. 2-57. Funds for memberships.
- Sec. 2-58. General improvement fund.
- Sec. 2-59. Industrial development fund.
- Sec. 2-60. Miscellaneous funds continued.
- Sec. 2-61. Petty cash fund.
- Sec. 2-62. Police pension fund.
- Sec. 2-63. Special nonreverting operating fund for the parks and recreation department.
- Sec. 2-64. Special nonreverting capital fund for the parks and recreation department.
- Sec. 2-65. Special nonreverting donation fund for the parks and recreation department.
- Sec. 2-66. Cash change funds.
- Sec. 2-67. Unsafe building fund.
- Sec. 2-68. Abandoned vehicle account fund.
- Sec. 2-69. Emergency medical services training and equipment fund.
- Sec. 2-70. Fire department training and equipment fund.
- Sec. 2-71. Hazardous material fund.
- Sec. 2-72. Nonreverting cumulative fund for repair, improvement, operation, and maintenance of civic center.
- Sec. 2-73. Police equipment and training fund.
- Secs. 2-67—2-80. Reserved

Article 7. Fair Housing

- Sec. 2-81. Policy statement.
- Sec. 2-82. Definitions.
- Sec. 2-83. Unlawful practice.
- Sec. 2-84. Discrimination in the sale or rental of housing.
- Sec. 2-85. Discrimination in residential real estate-related transactions.
- Sec. 2-86. Discrimination in the provision of brokerage service.
- Sec. 2-87. Interference, coercion, or intimidation.
- Sec. 2-88. Prevention of intimidation in fair housing cases.
- Sec. 2-89. Equal access to housing in HUD programs.

- Sec. 2-90. Exemptions.
 Sec. 2-91. Administrative enforcement of article.
 Sec. 2-92. Severability of provisions.

**ARTICLE 1. ESTABLISHMENT OF THE EXECUTIVE, AND ADMINISTRATIVE
 ORGANIZATION OF THE CITY**

Sec. 2-1. City name.

The city is and shall continue to be known by its historic name as Lake Station, Indiana.

Sec. 2-2. Organization.

The government of the city shall consist of three (3) branches, those being:

- (a) The executive branch (I.C. 36-4-5-1 et seq.);
- (b) The legislative branch (I.C. 36-4-6-1 et seq.); and
- (c) The judicial branch (I.C. 33-10.1-1-3 et seq.).

In addition, the city government shall include a fiscal division (I.C. 36-4-10-1 et seq.) and statutory boards and commissions.

(Ord. No. 84-5, § 1, 3-1-84)

Secs. 2-3—2-5. Reserved.

ARTICLE 2. THE EXECUTIVE BRANCH

Sec. 2-6. The mayor.

The mayor is the city executive (I.C. 36-1-2-5) and head of the executive branch. He or she shall faithfully perform all the duties and responsibilities as set forth in the ordinances embodied in the Lake Station City Code, the several statutes of the State of Indiana contained in the Indiana Code and the rules and regulations contained in the Indiana Administrative Code.

State law references—Mayor's powers generally, I.C. 3-2-7-1 et seq.; authority to appoint officers, employees, etc., I.C. 36-4-9-8.

Sec. 2-7. Election of the mayor.

The mayor shall be elected pursuant to I.C. 3-2-7-1, et seq.

Sec. 2-8. Mayor's term of office.

(a) The mayor shall take office at 12:00 noon on the first day of January following his election and shall serve for four (4) years and until a successor is elected and qualified pursuant to I.C. 3-2-7-5.

(b) In the event of absence, illness, or inability of the Mayor to discharge his powers and duties, the provisions of I.C. 36-4-5-8, shall apply.

(c) In the event of the mayor's office becoming vacant, the provisions of I.C. 36-4-5-9, shall apply.

Secs. 2-9, 2-10. Reserved.

ARTICLE 3. THE FISCAL DIVISION

Sec. 2-11. Clerk-treasurer.

(a) The clerk-treasurer is the fiscal officer (I.C. 36-1-2-7) of the City of Lake Station and shall perform those duties and responsibilities designated by Title 36, Article 4, Chapter 10, of the Indiana Code and such other duties as are required by the local government code and the several statutes of the State of Indiana.

(b) The clerk-treasurer is authorized, pursuant to I.C. 36-4-11-4, to appoint the number of deputies and employees authorized by the common council. Such deputies and employees shall work under the exclusive direction of the clerk-treasurer, and serve at the pleasure of the clerk-treasurer.

(c) The clerk-treasurer shall be the clerk of the common council and shall perform the duties prescribed by I.C. 36-4-6-9, and such other duties as the Council may direct.
(Ord. No. 84-5, § 1D, 3-1-84)

State law reference—Powers of clerk-treasurer generally, I.C. 36-4-10-1—36-4-10-5.

Sec. 2-12. Election and term of office.

(a) The clerk-treasurer shall be elected in the same manner as the mayor.

(b) The clerk-treasurer shall take office at 12:00 noon on the first day of January following his or her election, and shall serve for four (4) years and until a successor is elected and qualified pursuant to I.C. 3-2-7-5.

Secs. 2-13, 2-14. Reserved.

ARTICLE 4. BOARD OF PUBLIC WORKS AND SAFETY, EXECUTIVE DEPARTMENTS

Sec. 2-15. Establishment of board of public works and safety.

(a) There is established a board of public works and safety pursuant to I.C. 36-4-9-5. Such board shall act as the works board (I.C. 36-1-2-24) and safety board (I.C. 36-1-2-16) and faithfully perform the duties and responsibilities as set forth in the local government code and the several statutes of the State of Indiana.

(b) The board shall be the chief administrative body of the City of Lake Station and shall have control of the day to day operations of the following executive departments which are established.

- (1) Police department;
- (2) Fire department;
- (3) Emergency medical services department;
- (4) Water department (I.C. 36-9-2-14);
- (5) Sewer department (I.C. 36-9-2-17);
- (6) Public works department;
- (7) Sanitation department;
- (8) Civil defense department (I.C. 10-4-1-1 et seq.);
- (9) Engineering department;
- (10) Maintenance department;
- (11) Street department (I.C. 36-9-2-5);
- (12) Building department (I.C. 36-9-7-1 et seq.).

State law references—Establishing police and law enforcement system, I.C. 36-8-2-2; establishing firefighting system, I.C. 36-8-2-3.

Sec. 2-16. Clerk of the board.

The clerk-treasurer shall serve as clerk of the board of public works and safety without additional compensation.

(Ord. No. 80-8, § 1, 2-7-80)

Sec. 2-17. Meetings.

The board of public works and safety shall make rules governing the time and place for holding regular and special meetings, and for giving notice thereof.

(Ord. No. 80-8, § 3, 2-7-80)

Sec. 2-18. Removal of board members.

The mayor shall have the power at any time to remove any member of the board of public works and safety and to fill by appointment any vacancy occurring in such office pursuant to applicable Indiana law.

State law reference—Suspension and removal of officers, I.C. 36-4-11-2.

Secs. 2-19—2-21. Reserved.**Sec. 2-22. Department of law, powers and duties.**

There is established a department of law which shall have the powers and duties set forth in I.C. 36-4-9-12.

State law reference—City attorney as head of department of law, I.C. 36-4-9-11.

Sec. 2-23. Reserved.

Editor's note—Ord. No. 2004-12, adopted May 20, 2004 repealed Ord. No. 94-22, thus eliminating the department of parks and recreation and vacating Sections I through VIII, therefore in effect repealing § 2-23 of the Code, which pertained to the parks and recreation department. Ord. No. 2004-12, furthermore provided that "upon passage of this ordinance eliminating the department of parks and recreation, the parks and recreation board shall also be vacated. The mayor and the board of public works and safety will be known as *the park authority*."

Sec. 2-24. Department of planning and development.

There is established a department of planning and development. The department shall consist of three (3) divisions:

- (a) The plan commission organized pursuant to I.C. 36-7-4-200 Series-commission establishment and membership, whose duties and responsibilities are contained in the local government code and the several statutes of the State of Indiana.
- (b) The board of zoning appeals organized pursuant to I.C. 36-7-4-900 Series-board of zoning appeals, whose duties and responsibilities are contained in the local government code and the several statutes of the State of Indiana; and
- (c) The economic development commission organized pursuant to I.C. 36-7-12-1 et seq., whose duties and responsibilities are contained in the local government code and the several statutes of the State of Indiana.

Sec. 2-25. Building department.

There is established a building department (formerly designated as the planning and building department) pursuant to I.C. 36-7-9-1 et seq., and it shall be responsible for the administration of Title 36, Article 7, Chapter 9, and all applicable sections thereof which are incorporated by reference herein and its duties and responsibilities therein contained and as set forth in the several statutes of the State of Indiana, and this Code.

Sec. 2-26. Appointments by the city executive.

- (a) The city executive shall appoint:
 - (1) A city civil engineer;
 - (2) A city attorney;
 - (3) A chief of the fire department;
 - (4) A chief of the police department;
 - (5) Other officers, employees, boards and commissions required by statute.

The officers, employees, boards and commissions appointed pursuant to this section shall exercise and perform the duties prescribed by statute and ordinance which pertain to such position.

(b) The mayor may suspend or remove from office any officers, deputies, or other employees of the city appointed by him or a prior executive, by notifying them to that effect and sending a written statement of the reasons for the suspension or removal to the common council pursuant to I.C. 36-4-11-2.

State law reference—Appointments, I.C. 36-4-9-8.

Sec. 2-27. Official surety bonds.

(a) Minimum individual surety bonds are established and required for the following positions:

(1) Clerk-treasurer.....	\$45,000.00
(2) Deputy clerks	8,500.00
(3) Secretary of police pension board	8,500.00

(b) Pursuant to I.C. 5-4-1-18, a minimum blanket bond is authorized, established and required in the minimum amount of eight thousand five hundred dollars (\$8,500.00) for the following positions:

- Public works and utilities clerks
- Building department secretary
- Police department clerk/radio operators

(c) Pursuant to I.C. 8-1.5-3-5, an individual surety bond is established and required for the superintendent of utilities in the amount of fifty thousand dollars (\$50,000.00).

(d) Pursuant to I.C. 36-10-3-16, a blanket surety bond is established and required in the amount of eight thousand five hundred dollars (\$8,500.00) for each officer and employee who handles money in the performance of his duties as may be required pursuant to I.C. 36-10-3-1 et seq.

A blanket bond is authorized, established, and required in the minimum amount of eight thousand five hundred dollars (\$8,500.00) for all other parks and recreation department employees.

State law reference—Bond and oath requirements, I.C. 5-4-1-1 et seq.

Sec. 2-28. Compensation and salary.

(a) The mayor shall fix the compensation, subject to the approval of the common council, and/or salary and benefits of each appointive officer, deputy and other employees of the city by specific ordinance pursuant to I.C. 36-4-7-3.

(b) The salaries of the members of the park and recreation board shall be governed by I.C. 36-10-3-9.

(c) The compensation of officers and personnel of the park and recreation department shall be governed by I.C. 36-10-3-10.

(d) The annual compensation of all members of the police and fire departments and other appointees shall be fixed by ordinance of the Common Council pursuant to I.C. 36-8-3-3.

Sec. 2-29. Payroll period and schedule of pay.

(a) The pay date shall be every week on a Friday. If a payday falls on a holiday, payday shall be on the preceding Thursday.

(b) All contractual employees of the city or of the common council shall submit claims for payment of contractual services with the board of public works or the common council prior to the last monthly meeting of each month as provided by I.C. 36-4-8-7 or I.C. 36-4-8-5. (Ord. No. 92-03CC, § 1, 2-6-92; Ord. No. 2008-03, § I, 3-20-2008)

Sec. 2-30. Public employees' retirement fund.

(a) The City of Lake Station shall continue to be a participant in the public employees' retirement fund subject to I.C. 5-10.3 et seq., and the rules promulgated by the board of trustees of the public employees' retirement fund.

(b) The city, through the office of the clerk-treasurer, agrees to make required contributions.

(c) The clerk-treasurer is appointed as the city's authorized respondent for P.E.R.F. employment verification purposes.

(d) Elected officials shall be members of the fund including: mayor, city judge, clerk-treasurer, and common council members.

(e) All employees of the City of Lake Station and its several departments, boards and commissions shall be members of the fund provided that such membership shall be governed by the several statutes of the State of Indiana and the following provisions:

- (1) Employees under sixty (60) years of age who become full-time employees shall become members after twelve (12) months of continuous service, uninterrupted by a break in service of more than two (2) months. Such employees may choose to become members after one (1) month of service.

- (2) Employees who are sixty (60) or more years old when they are employed are entitled to become, at their option, members of the fund.
- (3) Employees occupying positions normally requiring performance of service of more than six hundred (600) hours during a year who were hired before July 1, 1982.
- (4) Employees hired after June 30, 1982, occupying positions normally requiring performance of service of more than one thousand (1,000) hours during a year.
- (5) Employees excluded are those who do not meet the aforementioned provisions. Also excluded are those employees who are members of, who are eligible to be members of, or who will become eligible by reason of employment to be members of other pension or retirement funds or plans, except the federal Social Security program, maintained in whole or in part by appropriations by the City of Lake Station or the State of Indiana.

State law references—Membership provisions, I.C. 5-10.3-7-1—5-10.3-7-3; optional membership, I.C. 5-10.3-7-3.

Sec. 2-31. Conflict of interests.

All officers, officials, employees, or other public servants of the city shall be governed by the provisions of I.C. 35-44-1-1 et seq.

Sec. 2-32. City employee benefits.

Policies regarding sick leave, vacations, mileage, holidays, and other related benefits for City employees shall be addressed in the annual salary ordinance pursuant to I.C. 36-4-7-3, I.C. 36-8-3-3, and I.C. 36-10-3-10.

Secs. 2-33—2-36. Reserved.

**ARTICLE 5. SPECIFIC BOARDS, COMMISSIONS, COMMITTEES, AND
DEPARTMENTS**

DIVISION 1. GENERALLY

Sec. 2-37. Economic development commission.

- (a) The economic development commission is organized pursuant to I.C. 36-7-12-1 et seq.
- (b) The commissioners' duties and responsibilities are contained in the local government code and the several statutes of the State of Indiana.
(Ord. No. 84-5, § 1A, 5, 3-1-84)

Sec. 2-37.5. Department of redevelopment; commission; district.

- (a) The common council hereby establishes the department of redevelopment of the city, pursuant to I.C. 36-7-14 (the act).

(b) The department will be controlled by a board of five (5) members known as the Lake Station Development Commission.

(c) Pursuant to the act all of the territory within the corporate boundaries of the city will be a taxing district to be known as the redevelopment district of the City of Lake Station for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the act. All of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the act to the extent of the special taxes levied under the act.

(Ord. No. 91-17, §§ 2, 3, 8-15-91)

Editor's note—Ord. No. 91-17, §§ 2, 3, adopted Aug. 15, 1991, enacted provisions establishing a department of redevelopment; designating a redevelopment commission, and describing a redevelopment taxing district. Such provisions did not specify manner of codification, but have been included by the editor as § 2-37.5.

Sec. 2-38. Organization of the building department.

(a) *Creation.* The building department, as established in section 2-25 of this Code, is governed by I.C. 36-7-9-1 et seq., and the several statutes of the State of Indiana.

(b) *Hearing authority.* The building department hearing authority shall consist of three (3) members who shall serve as follows:

- (1) **President:** Who shall be a member of the common council and shall be appointed by the mayor.
- (2) **Members:** One (1) who shall be appointed by the mayor, and one (1) of whom shall be a member of the common council.

(c) *Enforcement authority:* The building department enforcement authority shall be the chief administrative officer of the department; and shall be appointed by the mayor.

(d) *Employees:* The building department's employees may include but not be limited to: Building inspector, electrical inspector, plumbing inspector, sewer inspector, heating and air conditioning inspector, code enforcement officer, and secretary.

(e) *Salaries:* The building department's authorities, officers, and employees shall be compensated in accordance with the ordinance commonly known as the "salary ordinance" as amended, and currently in effect. Such compensation shall be limited by the ordinance commonly known as the "budget ordinance" as amended and currently in effect.

(Ord. No. 86-4, §§ A—D, 3-1-84)

Sec. 2-39. Police pension board of trustees.

There shall be a Police Pension Board of Trustees to be organized to perform certain duties prescribed by I.C. 36-8-6-1 et seq. (1925 Fund), and I.C. 36-8-8-1 et seq. (1977 Fund), with regard to the statutory pensions of police officers.

(Ord. No. 84-5, § 1 E, 3-1-84)

Sec. 2-40. Police department, reserve officers.

(a) *Establishment of police reserves.* Pursuant to I.C. 36-8-3-20, authority is granted for the appointment of up to fifteen (15) reserve police officers to assist the Lake Station Police Department in the performance of official law enforcement duties on behalf of the City of Lake Station, Indiana.

(b) *Appointment.* Reserve Police Officers of the Lake Station Police Department shall be appointed by the same authority that appoints regular members of the department.

(c) *Rules and regulations.* The police chief, with the approval of the board of public works and safety, may adopt rules governing reserve police officers.

(d) *Qualifications and duties.* Reserve police officers have all of the same police powers as regular members of the Lake Station Police Department, except as limited by the rules of the department adopted pursuant to subsection (c) above. Reserve police officers may not be appointed until they have completed the training and probationary period specified by the rules adopted pursuant to subsection (c).

(e) *Compensation and benefits.* To the extent that sums may be appropriated by the city, reserve police officers may receive uniform, travel, meal, or expense allowances or reimbursements and may be insured for accident coverage. Reserve police officers may be issued or assigned department uniforms or equipment. Reserve police officers are not eligible to participate in any pension program provided for the regular members of the department.

(Ord. No. 93-07, §§ 1—5, 6-3-93)

Editor's note—Ord. No. 93-07, §§ 1—5, adopted June 3, 1993, provided for the establishment and operation of reserve police officers. Such provisions have been designated by the editor as § 2-40.

Cross reference—Police department under control of board of public works and safety, § 2-15.

DIVISION 2. RESERVED*

Secs. 2-41—2-48.11. Reserved.

ARTICLE 6. ESTABLISHMENT OF FUNDS**Sec. 2-49. Accident report account.**

(a) There is created an accident report account for the Lake Station Police Department.

(b) The source of funds which are to be deposited into said fund is the fees received for accident reports and information under I.C. 9-3-1-3.

***Editor's note**—Ord. No. 2010-07, adopted July 1, 2010, repealed §§ 2-41—2-48.11, which pertained to police department merit system and derived from Ord. No. 2005-09, adopted March 3, 2005.

(c) Said fund is to be used at the discretion of the chief of police of the department for any department purpose reasonably related to the keeping of accident reports and records for the prevention of street and highway accidents.

Sec. 2-50. Bond sinking fund created.

A bond sinking fund is created for the gradual extinguishment of the bonded indebtedness of the city.

Sec. 2-51. City Development Fund.

A City Development Fund is created to be used to pay expenses incurred in promoting the betterment of the City, including, but not necessarily limited to the following:

(a) Direct expenses for travel, meals and lodging in conjunction with City business or meeting of organizations to which the City belongs;

(b) Expenses incurred in the promotion of economic or industrial development for the City, including, but not limited to, meeting room rental, meals, decorations, travel, awards, memorabilia;

(c) Expenses incurred in interviewing job applicants;

(d) Expenses incurred in developing relations with other units of government;

(e) Other expenses of a civic or governmental nature deemed to be in the best interest of the City.

Sec. 2-52. Cumulative Building Fund.

A Cumulative Building Fund is continued for the purpose of providing funds for the purchase, planning, erection, remodeling or extension of a city governmental building, or for any or all of the above enumerated municipal undertakings. (Ord. No. 78-30, §1, 10-5-78)

(b) The City of Lake Station has levied an additional tax at the rate of fifty cents for each \$100.00 of taxable real property within the present City of Lake Station taxing district to provide monies for said Cumulative Building Fund. Said tax to be first levied in 1978 payable in 1979 and thereafter for a total period of ten (10) years to expire in 1988 as provided by I.C., 36-8-16-1 et seq.

Sec. 2-53. Cumulative Capital Improvement Fund.

A Cumulative Capital Improvement Fund is continued for purposes permitted under I.C., 36-9-16-1 et seq.

Sec. 2-54. Cumulative Sewage and Disposal Plant Fund.

A Cumulative Sewage and Disposal Plant Fund is continued for purposes permitted under I.C., 36-9-26-1 et seq.

Sec. 2-55. Cumulative Street Fund.

A Cumulative Street Fund is created to provide money for the acquisition of rights-of-way for public ways and sidewalks and the construction and reconstruction of public ways and sidewalks. It shall be funded and operated in accordance with I.C., 36-9-16.5-1 et seq.

Sec. 2-56. Firearms, Training, and Equipment Fund.

(a) A Firearms Training Fund is continued, pursuant to I.C., 35-47-2-3, and is designated as the Firearms, Training, and Equipment Fund.

(b) It shall be funded by all fees collected for handgun license applications, grants and donations.

(c) Monies shall be used by the police department exclusively to train law enforcement officers in the proper use of firearms or other law enforcement duties, and to purchase law enforcement related equipment.

(d) Expenditures may be made without appropriation upon the basis of a claim filed, allowed, and paid in the regular legal manner.

Sec. 2-57. Funds for Memberships.

(a) The Common Council is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the City of Lake Station and the elected and appointed officials and members of the municipality's boards, council, departments, or agencies, in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purposes the betterment and improvement of municipal operations.

(b) The Common Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to which the municipality belongs.

Sec. 2-58. General Improvement Fund.

A General Improvement Fund is continued for purposes permitted under I.C., 36-9-17-1 et seq.

Sec. 2-59. Industrial Development Fund.

An Industrial Development Fund is continued for purposes permitted under

I.C., 36-7-13-1 et seq.

Sec. 2-60 Miscellaneous Funds Continued.

The following funds are continued in effect. Each shall be funded and operated in accordance with all statutory requirements:

- (a) Central Avenue Barrett-Bond Fund
- (b) Excess Levy Fund
- (c) Federal Revenue Sharing Fund
- (d) General Fund
- (e) Local Road and Street Fund (I.C., 8-14-2-1 et seq.)
- (f) Motor Vehicle Highway (MVH) Fund (I.C., 8-14-1-1 et seq.)
- (g) Park Fund
- (h) Park Donation Fund
- (i) Park Security Deposit Fund
- (j) Payroll Fund
- (k) Public Lighting Fund
- (l) Sewage Fund
- (m) Water Fund
- (n) Park Debt Service Fund

Sec. 2-61 Petty Cash Fund, Office of the Clerk-Treasurer.

- (a) A Petty Cash Fund is continued pursuant to I.C., 36-1-8-3, for the purpose of paying small or emergency items of operating expense.
- (b) A receipt shall be taken for each and every expenditure from such fund and a claim shall be filed by the custodian of the fund, to reimburse such fund for expenditures so made.
- (c) No reimbursement shall be made unless there is attached to the claim receipts totaling the amount so claimed, and such reimbursement shall be approved, allowed and paid in the same manner as other claims.
- (d) A Petty Cash Fund in the amount of five hundred dollars (\$500.00) is approved by the Common Council of the City of Lake Station, Indiana, for the purpose of payment of emergency items of operating expense for the City of Lake Station, Indiana. (Res. No. 80-1, 3-6-80)

Sec. 2-62 Police Pension Fund.

- (a) A Police Pension Fund is continued for the City to be administered by a

Board of Trustees pursuant to I.C., 36-8-6-1 et seq., as to the 1925 fund, and I.C., 36-8-8-1 et seq., as to the 1977 fund.

(b) The Board of Trustees of the Police Pension Fund of the City shall be composed of seven (7) members: the Mayor, the Clerk-Treasurer and the Chief of Police, who shall be ex-officio members of the Board, one (1) retired member of the Police Department of the City, if there is one, and the remaining members shall be active members of the Police Department of the City. The Mayor shall be the presiding officer to oversee the transaction of official business, the Clerk-Treasurer shall be the treasurer, and a secretary shall be selected from the members.

(c) The duties, powers and responsibilities of the Board of Trustees of the Police Pension Fund shall be those provided by law.¹²

Sec. 2-63 Special Non-Reverting Operating Fund for the Parks and Recreation Department.

There is continued a Special Non-Reverting Operating Fund pursuant to I.C., 36-10-3-22. Monies derived from parks and recreation activity fees may be deposited in said fund as directed by the Parks and Recreation Board, and shall be deposited at least once each month with the Clerk-Treasurer.

Sec. 2-64 Special Non-Reverting Capital Fund for the Parks and Recreation Department.

There is continued a Special Non-Reverting Capital Fund pursuant to I.C., 36-10-3-20.

Sec. 2-65 Special Non-Reverting Donation Fund for the Parks and Recreation Department.

There is continued a Special Non-Reverting Donation Fund pursuant to I.C., 36-10-3-18.

Sec. 2-66 Cash Change Funds.

There are established cash change funds pursuant to I.C., 36-1-8-2, for the following:

¹²I.C., 36-8-6-3, addresses the selection, compensation and duties of officers.

<u>OFFICE/DEPARTMENT</u>	<u>RESPONSIBLE OFFICER/EMPLOYEE</u>	<u>MAXIMUM AMOUNT</u>
Clerk-Treasurer	Clerk-Treasurer	\$100.00
Public Works/Utilities	Superintendent	\$550.00
Parks & Recreation	Superintendent	\$200.00
City Court	Court Clerk	\$200.00

Sec. 2-67 Unsafe Building Fund.

The Unsafe Building Fund is established pursuant to I.C., 36-7-9-14.

Sec. 2-68 Abandoned Vehicle Account Fund.

The Abandoned Vehicle Account Fund is established pursuant to I.C., 9-9-1.1-14(a).

Sec. 2-69 Emergency Medical Service Training and Equipment Fund.

(a) There is established an Emergency Medical Service Training and Equipment Fund. Said Fund shall be non-reverting and funded by contributions and donations.

(b) All contributions and donations shall be deposited at least once each month with the Clerk-Treasurer.

(c) Monies deposited in said Fund shall be expended without appropriation subject to the disbursement on approved claims allowed by the Board of Public Works and Safety. Monies shall be used for the purpose(s) stipulated by the donor or contributor. In the event that the donor or contributor does not stipulate the use of the monies, such monies may be expended for any Emergency Medical Service training or equipment.

Sec. 2-70 Fire Department Training and Equipment Fund.

(a) There is established a Fire Department Training and Equipment Fund. Said Fund shall be non-reverting and funded by contributions and donations.

(b) All contributions and donations shall be deposited at least once each month with the Clerk-Treasurer.

(c) Monies deposited in said Fund shall be expended without appropriation subject to the disbursement on approved claims allowed by the Board of Public Works and Safety. Monies shall be used for the purpose(s) stipulated by the donor or contributor. In the event that the donor or contributor

does not stipulate the use of the monies, such monies may be expended for any Fire Department training or equipment.

** Pages 24 through 28 Reserved for Future Use.

- (2) For response calls outside the boundaries of the city, the sum of three hundred dollars (\$300.00) for each hour or any part of an hour a fire department vehicle responds;
- (3) The replacement value of any fire department or city equipment used and returned, used and discarded, damaged, lost, spent, destroyed, or rendered unrepairable, broken, or unusable as a result of such response;
- (4) The costs of any medical treatment, and/or medical evaluation of any city employee, whether full or part-time, who may be injured, contaminated, or toxically exposed during such response;
- (5) The costs of any medical treatment, and/or medical evaluation of any volunteer who may be injured, contaminated, or toxically exposed during such response; and
- (6) An amount equal to the wages for all man hours (or fractions thereof) involved in such response at the appropriate rate of pay for each person, employee, or volunteer responding, including without limitation, any overtime pay due or earned.

(d) *Collection of fees and expenses.* The hazardous material coordinator shall promptly compute the fees and expenses to be collected from a responsible party pursuant to this section, and deliver an itemized invoice therefor to the clerk-treasurer, who shall thereupon notify the responsible party and demand immediate payment. On-going expenses, if any, shall be invoiced as the same are incurred. In the event of nonpayment by the responsible party within thirty (30) days following demand, the matter shall be referred by the clerk-treasurer to the legal department for collection.

(e) *Nonreverting fund.* A special nonreverting fund is hereby established which shall be known as the "hazardous materials nonreverting fund" ("the fund"). All funds, monies, expenses, or fees received or recovered from any responsible party pursuant to this section shall be promptly deposited in the fund. Fund monies may be expended for reimbursement of expenses incurred in responding to hazardous materials emergencies, and for the purchase of equipment, supplies, materials, or improvements for the fire department and for such other city departments as may be involved in or as may respond to any hazardous materials emergency. Monies from the fund shall accumulate, and shall not revert to the general fund of the city.

(Ord. No. 99-17, §§ 1—4, 11-11-99)

Sec. 2-72. Nonreverting cumulative fund for repair, improvement, operation, and maintenance of civic center.

(a) A nonreverting cumulative fund for the repair, improvement, operation, and maintenance of the civic center (hereinafter, "the fund") is hereby established.

(b) The fund shall consist of (1) funds raised by and granted to the city for the purposes of the fund, and (2) any appropriation made from the general fund of the city or of taxes levied by the common council for the purposes for which the fund is allowed to be used.

(c) The monies accumulated in the fund may only be used for the repair, improvement, operation, and maintenance of the civic center.

(Ord. No. 2000-34, §§ 1—3, 10-23-2000)

Sec. 2-73. Police equipment and training fund.

The city hereby establishes a non-reverting cumulative fund for the purpose of purchasing police equipment and training:

- (1) A non-reverting cumulative fund for the purchase of police equipment and training is hereby established.
- (2) The fund shall consist of fees collected for non-compliance of the front seat passenger restraint ordinance.
- (3) The funds accumulated in this account may only be used for the purchase of police equipment or training.

(Ord. No. 2002-03, §§ 1—4, 7-18-2002)

Secs. 2-67—2-80. Reserved

ARTICLE 7. FAIR HOUSING*

Sec. 2-81. Policy statement.

It shall be the policy of the City of Lake Station to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et seq.

(Ord. No. 2014-02, § 1, 2-20-14)

Sec. 2-82. Definitions.

The definitions set forth in this Section shall apply throughout this Article:

An aggrieved person includes any person who (I.C. 22-9.5-2-2):

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et seq.

***Editor's note**—Ord. No. 2014-02, §§ 1—12, adopted Feb. 20, 2014, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as Article 7, §§ 2-81—2-92.

Complainant (I.C. 22-9.5-2-4) means a person, including the commission, who files a complaint under I.C. 22-9.5-6.

Discriminatory housing practice means an act that is unlawful under Sections 2-84, 2-85, 2-86, 2-87 or 2-88 of this Article or I.C. 22-9.5-5.

Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).

Familial status means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined by "familial status" in this Section.

Handicap means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities.
- (2) A record of having such an impairment, or
- (3) Being regarded as having such an impairment,
- (4) An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
- (5) Any other impairment defined under I.C. 22-9.5-2-10.

The term 'handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)); nor does the term 'handicap' include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

To rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
(Ord. No. 2014-02, § 2, 2-20-14)

Sec. 2-83. Unlawful practice.

Subject to the provisions of subsection (2) of this Section, Section 2-89 of this Article and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 2-84 of this Article shall apply to:

- (1) All dwellings except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in Section 2-84 shall apply to:
 - a. Any single-family house sold or rented by an owner where the private individual owner does not own more than three (3) such single-family houses at any one (1) time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one (1) such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one (1) time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:
 1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 2. Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 2-84(3) of this Article, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.
- (3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
 - a. They have, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - b. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

- c. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

(Ord. No. 2014-02, § 3, 2-20-14)

Sec. 2-84. Discrimination in the sale or rental of housing.

As made applicable by Section 2-83 and except as exempted by Section 2-83(2) and 2-89, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induct any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that person.
- (7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - a. That person; or
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that person.

- (8) For purposes of this subsection, discrimination includes:
- a. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
 - b. A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - c. In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty (30) months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:
 1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 3. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling;
 - ii. Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as ANSI A117.1") suffices to satisfy the requirements of paragraph (c)(3)(iii).

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

(Ord. No. 2014-02, § 4, 2-20-14)

Sec. 2-85. Discrimination in residential real estate-related transactions.

(a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) As used in this section, the term residential real estate-related transaction means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this Article prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(Ord. No. 2014-02, § 5, 2-20-14)

Sec. 2-86. Discrimination in the provision of brokerage service.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(Ord. No. 2014-02, § 6, 2-20-14)

Sec. 2-87. Interference, coercion, or intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 2-83, 2-84, 2-85 or 2-86 of this Article.

(Ord. No. 2014-02, § 7, 2-20-14)

Sec. 2-88. Prevention of intimidation in fair housing cases.

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - a. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1); or

- b. Affording another person or class of persons opportunity or protection so to participate; or
 - (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than ten thousand dollars (\$10,000.00) or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life.
- (Ord. No. 2014-02, § 8, 2-20-14)

Sec. 2-89. Equal access to housing in HUD programs.

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

(Ord. No. 2014-02, § 9, 2-20-14)

Sec. 2-90. Exemptions.

(a) Exemptions defined or set forth under Title 22-9.5-3 et seq. of Indiana Code shall be exempt from the provisions of this Article to include those activities or organizations set forth under subsections (b) and (c) of this Section.

(b) Nothing in this Article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(c) Nothing in this Article regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:

- (1) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or
- (2) Intended for, and solely occupied by, person sixty-two (62) years of age or older; or

- (3) Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.
(Ord. No. 2014-02, § 10, 2-20-14)

Sec. 2-91. Administrative enforcement of article.

(a) The authority and responsibility for properly administering this Article and referral of complaints hereunder to the commissioner as set forth in subsection (b) hereof shall be vested in the Chief Elected Official or his designee of the City of Lake Station, Indiana.

(b) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Lake Station, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Article, herein elects to refer all formal complaints of violation of the sections of this Article by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the City of Lake Station, Indiana, shall refer all said complaints to the commission as provided for under subsection (a) of this Section to said commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

(c) All executive departments and agencies of the City of Lake Station, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Article and shall cooperate with the Chief Elected Official and the commission to further such purposes.

(d) The Chief Elected Official of the City of Lake Station, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(Ord. No. 2014-02, § 11, 2-20-14)

Sec. 2-92. Severability of provisions.

If any provision of this Article or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Article and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ord. No. 2014-02, § 12, 2-20-14)

Chapter 3

GOVERNMENT; LEGISLATIVE AND JUDICIAL BRANCHES

Article 1. Legislative Branch

- Sec. 3-1. Common council.
- Sec. 3-2. Five districts.
- Sec. 3-3. Regular meetings.
- Sec. 3-4. Special meetings.
- Sec. 3-5. Agenda.
- Sec. 3-6. Presiding officer; duties.
- Sec. 3-7. Call to order; presiding officer pro tempore.
- Sec. 3-8. Roll call.
- Sec. 3-9. Quorum; voting.
- Sec. 3-9.1. Abstaining from vote.
- Sec. 3-10. Meetings to be public.
- Sec. 3-11. Order of business.
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- Sec. 3-13. Addressing the council; time limit.
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- Sec. 3-15. Decorum of observers.
- Sec. 3-16. Sergeant-at-arms.
- Sec. 3-17. Standing committees of the council; committee of the whole.
- Sec. 3-18. Special committees.
- Sec. 3-19. Members may file protests against council action.
- Sec. 3-20. Amending the City Code.
- Sec. 3-21. Introducing ordinances for passage or approval.
- Sec. 3-22. Ordinance passage procedure.
- Sec. 3-23. Council attorney.
- Sec. 3-24. Legal review of ordinances.
- Secs. 3-25—3-30. Reserved.

Article 2. Judicial Branch

- Sec. 3-31. City court established.
- Sec. 3-32. Jurisdiction and enforcement.
- Sec. 3-33. Power and authority.
- Sec. 3-34. City court alcohol program monitoring fee.
- Sec. 3-35. City court alcohol program monitoring fund.

ARTICLE 1. LEGISLATIVE BRANCH

Sec. 3-1. Common council.

(a) The legislative branch of the city is the common council which is the legislative body (I.C., 36-1-2-9) and is organized pursuant to I.C., 36-4-6-1 et seq. It shall faithfully perform the duties and responsibilities contained in the Local Government Code and the several statutes of the state and shall act as the city fiscal body pursuant to I.C., 36-1-2-6.

(b) The council shall be composed of seven (7) members. Five (5) members shall be elected from the districts established in section 3-2 of this Code, and two (2) at-large members.

(c) Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which he or she resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(Ord. No. 84-5, § 1B, 3-1-84)

Sec. 3-2. Five districts.

(a) The city is divided into five (5) districts for purposes of conducting elections for city officers.

(b) A map incidating the five (5) councilmanic districts shall be kept on file in the clerk-treasurer's office, and shall be open for public inspection during regular business hours. Said map shall be designated "Exhibit 1" and incorporated herein and made a part hereof by reference.

(c) The districts shall be governed by the provisions of I.C., 36-4-6-4, and I.C., 3-1-8-1 et seq.

Sec. 3-3. Regular meetings.

The common council shall hold regular meetings on the first and third Thursdays of each month at 7:30 p.m., prevailing time, provided, however that when the day fixed for a regular meeting of the council falls upon a day desingated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding weekday not a holiday unless cancelled by majority vote of the common council. All regular meetings of the council shall be held in the Council Chambers, 3625 Central Avenue, Lake Station, Indiana.

State law reference—Regular and special meetings of the common council, I.C., 36-4-6-7.

Sec. 3-4. Special meetings.

Any meeting of the common council which is not a regular meeting, whether designated a work session or otherwise, shall be called and subject to notice in the manner required by this section.

- (1) The mayor may call a special meeting of the council whenever, in his or her opinion, the public's business requires it. A special meeting may also be called by not less than four (4) members of the council by the execution of a written special meeting request form. Such form shall contain the date of the request, the date and time of the special meeting, the place of the meeting (if it is to be held at a place other than the place designated for regular meetings of the council), the purpose of the meeting, signature lines for the signatory members of the council and the dates of each signature.
- (2) Such special meeting request forms in blank shall be kept by the president pro tempore of the council and in the office of the clerk-treasurer. The councilmember or members requesting the special meeting shall be responsible for obtaining and filling out the

form, obtaining the signatures of sufficient members of the council to call the meeting, and for delivering the form to the clerk-treasurer. The clerk-treasurer shall, upon receipt of a duly completed and executed special meeting request form or a notice of

special meeting issued by the mayor under subsection (3), give written notice of the special meeting and the purpose for which the meeting is called by causing same to be served upon each member of the council in person, or by leaving a copy at his or her residence at least forty-eight (48) hours prior to the time of the special meeting.

- (3) In the event a special meeting is called by the mayor, the mayor shall give written notice to the clerk-treasurer of the date, time, place and purpose of the meeting.
- (4) Notice of special meetings shall be given to the public and to news media representatives by the clerk-treasurer in the manner required by law, and notice shall be posted on the door of the meeting room. No business shall be transacted during a special meeting except for the purpose or purposes stated in the notice.
- (5) Requests for special meetings by councilmembers or notices of special meetings by the mayor must be delivered to the clerk-treasurer not less than five (5) business days prior to the date of the meeting.
- (6) If a special meeting is required to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of a governmental activity under the jurisdiction of the city by any event, then the time requirements of notice under this section shall not apply, but news media which have requested notice of meetings must be given the same notice as is given to the members of the council, and the public must be notified by posting a copy of the notice according to law.
- (7) Attendance by a councilmember at a special meeting of the council constitutes waiver of notice.

(Ord. No. 80-17, § 2, 5-1-80; Ord. No. 2001-04, § 1, 3-1-2001)

Sec. 3-5. Agenda.

(a) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the common council shall be delivered to the clerk-treasurer at least seventy-two (72) hours prior to each council meeting.

(b) The clerk-treasurer shall immediately arrange a list of such matters according to council's order of business and furnish each member of council, the council attorney, the mayor and the city attorney with a copy of the same prior to the council meeting. The agenda shall be fixed seventy-two (72) hours prior to the meeting and delivered not less than forty-eight (48) hours prior to the council meeting.

(c) Matters of unusual importance or of an emergency nature may be added to the agenda at any time by the presiding officer or a councilmember with the consent of a majority of all members elected to the council.

(Ord. No. 65-458, 4-15-65; Code § 105.03)

Sec. 3-6. Presiding officer; duties.

(a) The mayor shall be the presiding officer of the common council whenever present, and may only vote when necessary to break a tie pursuant to state law.

(b) The presiding officer shall preserve strict order and decorum at all regular and special meetings of council, announce the decision of council on all subjects and decide all questions of order, subject, however, to an appeal to council, in which event a majority vote of council shall govern and conclusively determine such question of order.

(Ord. No. 65-458, 4-15-65; Code §105.04)

State law reference—Presiding officer and authority to vote to break tie, I.C., 36-4-6-8(b).

Sec. 3-7. Call to order; presiding officer pro tempore.

(a) The mayor shall take the chair at the time appointed for the meeting and shall immediately call the common council to order.

(b) In the absence of the mayor, the president pro tempore shall preside.

(c) Upon the arrival of the mayor, the president pro tempore shall relinquish the chair upon the conclusion of the business immediately before the council.

(Ord. No. 65-458, 4-15-65; Code §105.05)

State law reference—Selecting a president pro tempore, I.C., 36-4-6-8(b).

Sec. 3-8. Roll call.

Before proceeding with the business of common council, the clerk-treasurer shall call the roll of the members, and the names of those present shall be entered in the minutes.

(Ord. No. 65-458, 4-15-65; Code §105.06)

Sec. 3-9. Quorum; voting.

A majority of all the members elected to the common council shall constitute a quorum at any regular or special meeting of council, and a majority vote of all members duly elected pursuant to section 3-1 of this Code, shall be required to pass an ordinance, pursuant to the several statutes of the state. However, 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 ($\frac{2}{3}$) of all members duly elected pursuant to section 3-1 of this Code, of the council. In the absence of a quorum, the presiding officer may compel the attendance of absent members.

(Ord. No. 65-458, 4-15-65; Code §105.07)

State law reference—Quorum, I.C., 36-4-6-10.

Sec. 3-9.1. Abstaining from vote.

In any vote on any motion, resolution, ordinance or other matter brought before the common council, it shall be the privilege and right of any member of the common council present, without the need for stating his or her reason for abstaining from a vote and without the need

for filing any type of statement of cause or justification, to abstain from said vote and cast neither an affirmative nor a negative vote on any such issue. In this regard, it is the intention of the common council that any such vote shall be recorded in a third category and as a nullity and shall not be counted in any way in attempting to determine the number of affirmative votes or negative votes which might have been cast on an issue and further shall not be counted in any manner to attempt to determine if a "tied vote" has occurred (i.e., 4 "yes", 2 "no", 1 "abstain"). It is further the intention of the common council that, even though the presence of the member shall be counted for the purpose of establishing a quorum and for the purpose of determining the number of members present required to pass or defeat any such issue (e.g., votes requiring two-thirds ($\frac{2}{3}$) of the elected members present or votes requiring a majority of the members present, etc.), the act of abstaining from the vote shall result in a nullity of action and shall have the same effect in counting affirmative and negative votes cast on any such issue as if the member had not even been present at the meeting.

(Ord. No. 98-01, 2-19-98)

Editor's note—Ord. No. 98-01, adopted Feb. 19, 1998, amended the rules of procedure of the common council to add provisions which pertained to abstaining from a vote. Such ordinance did not specify manner of codification; hence, for purposes of classification such provisions have been designated by the editor as § 3-9.1.

Sec. 3-10. Meetings to be public.

All regular and special meetings of the common council shall be open to the public, and shall conform with the requirements of the Indiana Open Door Law. Promptly at the hour set and on the day of each meeting the members of council, the clerk-treasurer, and the mayor shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition.

(Ord. No. 65-458, 4-15-65; Code § 105.08)

State law reference—Indiana Open Door Law, I.C., 5-14-1.5-1—5-14-1.5-7.

Sec. 3-11. Order of business.

The following order of business shall be observed at every regular meeting of the common council unless temporarily set aside or altered for good cause at any time by the presiding officer, with the consent of the majority of the common council:

- (1) Roll call.
- (2) Approval of minutes of previous meeting.
- (3) Reading of agenda.
- (4) Petitions, remonstrances and public statements.
- (5) Reports of departments, boards, and committees.
- (6) Unfinished business.
- (7) New business.
- (8) Comments of the council.

(9) Comments of the mayor.

(10) Adjournment.

No meeting of the council shall be adjourned without a motion for adjournment, duly seconded and favorably acted upon by a majority of councilmembers present.

(Res. No. 79-2, 3-1-79)

Sec. 3-12. Rules of debate.

The following rules shall govern debate in all meetings of the common council:

- (a) *Presiding officer may debate and vote.* 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.
- (b) *Getting the floor; improper references to be avoided.* A councilmember desiring to speak shall address the chair and, upon recognition by the presiding officer, shall be confined to the question under debate, avoiding all personalities and indecorous language.
- (c) *Interruptions.* A councilmember, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided. If a councilmember, while speaking, is called to order, he shall cease speaking until the question of order is determined, and if in order shall be permitted to proceed.
- (d) *Privilege of closing debate.* The councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- (e) *Parliamentary rules.* All matters not otherwise specifically covered herein shall be governed by the most recent edition of Robert's Rules of Order.

(Ord. No. 2001-3, § 2, 3-1-2001)

Sec. 3-13. Addressing the council; time limit.

(a) A person desiring to address the common council under business heading "Petitions, Remonstrances and Public Statements", may do so without prior permission subject to subsection (c) below.

(b) As to all other business of the common council, a person desiring to address the council shall first secure permission of the presiding officer to do so and in the absence of such permission may appeal to the council for permission to be heard and such permission may be granted by a majority vote of the council.

(c) A person addressing the common council shall give his name and address in an audible tone of voice for the records and, unless further time is granted by council, shall limit his address to five (5) minutes.

(d) Persons other than councilmembers and any 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.

(e) Questions shall not be asked a councilmember except through the presiding officer.
(Ord. No. 65-458, 4-15-65; Code §§ 105.11, 105.13)

Sec. 3-14. Addressing council after motion made.

When a motion is before the common council, a person shall not address the council without first securing the permission of the presiding officer to do so.
(Ord. No. 65-458, 4-15-65; Code § 105.12)

Sec. 3-15. Decorum of observers.

Any person who makes personal, impertinent, or slanderous remarks or who becomes boisterous or delays or interrupts the proceedings or peace of the common council, or refuses to comply with the orders of the presiding officer, shall be forthwith, by the presiding officer, barred from further attendance at the council meeting.
(Ord. No. 65-458, 4-15-65; Code § 105.16)

Sec. 3-16. Sergeant-at-arms.

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.
(Ord. No. 65-458, 4-15-65, Code § 105.17)

Sec. 3-17. Standing committees of the council; committee of the whole.

(a) Standing committees shall be appointed by the president pro-tem of the council with the approval of the common council.

(b) A committee of the whole shall be a standing committee. The president pro-tem of the council shall be the presiding officer of the committee of the whole, and the rules of proceedings in council shall be observed in the committee of the whole as far as the same may be applicable.
(Ord. No. 65-458, 4-15-65; Code § 105.20)

Sec. 3-18. Special committees.

Special committees, as needed, shall be appointed by the council.
(Ord. No. 65-468, 4-15-65; Code § 105.19)

Sec. 3-19. Members may file protests against council action.

A councilmember shall have the right to have the reasons for his vote entered in the minutes, upon providing the clerk-treasurer a complete written statement of same, prior to adjournment of the council meeting.

Sec. 3-20. Amending the City Code.

(a) All ordinances which are of a general and permanent nature, and which would amend the Lake Station City Code, shall be in the following form: Ord. No. _____

(Include the last two digits of the calendar year followed by a dash and the chronological number of the ordinance: Ex. 85-1) (Short title)

An Ordinance of the Common Council of the City of Lake Station, Indiana, amending Chapter _____, Article _____, Section(s) _____, of the Lake Station City Code by the inclusion/deletion of Section(s), entitled _____.

WHEREAS, (background statements setting forth the purpose or background of the Ordinance where appropriate)

WHEREAS,

WHEREAS,

WHEREAS,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAKE STATION, INDIANA, AS FOLLOWS:

SECTION I. Chapter _____, Article _____, Section(s) _____, of the Lake Station City Code, is/are hereby amended to read as follows: (set forth specific amendatory language)

SECTION II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

SECTION III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAKE STATION, INDIANA, THIS _____ DAY OF _____, 19_____.
_____ Presiding Officer

ATTEST:

Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Lake Station, on the _____ day of _____, 19_____ at the hour of _____m.

Clerk-Treasurer

APPROVED, SIGNED AND RETURNED by me to the Common Council of the City of Lake Station on the _____ day of _____, 19_____.

Mayor, City of Lake Station

ATTEST:

Clerk-Treasurer

State law references—Procedure for codification of ordinances, I.C., 36-1-5-1 et seq.; requirements for adoption of ordinances, I.C., 36-4-6-14.

Sec. 3-21. Introducing ordinances for passage or approval.

Ordinances and resolutions shall be introduced and sponsored by the mayor or member(s) of the council, and any councilmember may assume sponsorship thereof by moving that such ordinances and resolutions be adopted.

Sec. 3-22. Ordinance passage procedure.

(a) Except as otherwise provided by statute, every ordinance shall receive two (2) readings prior to its passage; provided, that the second reading may be by title only; provided, further, that no ordinance shall receive its second reading or pass at the same meeting at which it was introduced, except by a suspension of the rules by unanimous consent, and then only in case there are present and voting at least two-thirds ($\frac{2}{3}$) of all members of the council.

(b) In no case shall the reading of an ordinance in its entirety be dispensed with on its first reading unless the council shall move to suspend the rules by the unanimous consent as previously set forth and then only on such elongated ordinances as franchise agreements, zoning, redistricting, contracts, and similar ordinances which contain lengthy legal descriptions wherein the reading of same to the public would be of no service, or on lengthy ordinances of a technical nature which may be read in an abbreviated form which summarizes the provisions thereof.

Sec. 3-23. Council attorney.

The common council, by majority vote, may appoint an attorney to render advice to and to represent the council, upon such terms as the council may approve by majority vote. Legal research, written opinions of counsel, representation in cases and controversies, and other legal matters assigned to the council attorney must, before they are authorized to be performed, receive the approval of the majority of the Lake Station Common Council either by vote at a meeting thereof or, if delay until a meeting is not advisable or, in an emergency, the approval of a majority of the members of the council communicated directly to the attorney or the president pro-tempore of the common council. Members of the council may obtain oral or telephone consultation with the council attorney without obtaining prior approval of any other member.

(Ord. No. 2001-3, § 1, 3-1-2001)

Sec. 3-24. Legal review of ordinances.

Unless the draft ordinance is prepared by the attorney for the common council, no draft ordinance shall be introduced for adoption before the council until it shall have been presented to the attorney for the council for legal review and the council has received the attorney's report. Such review shall include a determination of whether the draft ordinance is in proper form, whether it conflicts with any other effective ordinance or the City Code, and whether the council has the legal authority to enact it. The attorney shall report to the council on each such draft ordinance submitted for review within a reasonable time of such submission. The council, by vote of two-thirds of its members, may waive the requirement of review for any draft ordinance under this section.

(Ord. No. 2002-05, § 1, 7-18-2002)

Secs. 3-25—3-30. Reserved.**ARTICLE 2. JUDICIAL BRANCH****Sec. 3-31. City court established.**

There is established and continued, a city court to be headed and operated by a city judge elected and seated pursuant to I.C., 33-10.1-1-3.

Sec. 3-32. Jurisdiction and enforcement.

(a) The city court shall have jurisdiction over all violations of city ordinances and of all misdemeanors and infractions.

State law reference—City court criminal jurisdiction, I.C. 33-10.1-2-2.

(b) The city court has concurrent jurisdiction with the Lake Circuit and Superior Courts in civil cases where the amount in controversy does not exceed five hundred dollars (\$500.00) subject to the limitations set forth in I.C., 33-10.1-2-3.1.

(c) All proceedings to enforce a statute defining an infraction shall be brought in the name of the state.

(d) All proceedings to enforce a provision of the City Code or an ordinance shall be brought in the name of the city.

(e) All proceedings to enforce a statute defining an infraction or to enforce a provision of the City Code or ordinance shall be conducted in accordance with the Indiana Rules of Trial Procedure and must be brought within one (1) year after the alleged conduct or violation occurred.

(f) The plaintiff in a proceeding instituted to enforce a statute defining an infraction or to enforce a provision of the City Code or ordinance must prove the commission of the alleged conduct or violation by a preponderance of the evidence.

(g) All proceedings to enforce a statute defining an infraction or to enforce a provision of the City Code or ordinance shall be instituted by the issuance of a complaint and summons in the manner and form as prescribed by I.C., 9-4-7-4(b).

State law reference—Enforcement proceedings for infraction and ordinance violations, I.C., 34-4-32-1.

Sec. 3-33. Power and authority.

The city judge shall have all powers incident to a court of record and shall have full power and authority to make and adopt rules and regulations for the conduct of business of the city court in accordance with the several statutes of the state and the Indiana Rules of Procedure.

State law reference—Power of city courts, I.C., 33-10.1-2-1 et seq.

Sec. 3-34. City court alcohol program monitoring fee.

There is hereby established a city court alcohol program monitoring fee in the amount of fifty dollars (\$50.00) which shall be assessed and charged to each and every person found guilty or liable in the city court or who agrees to pay the fee as part of a pre-trial diversion program or plea-agreement, for an infraction, violation or offense involving or relating to the consumption or unlawful possession or distribution of alcoholic beverages. Such fee shall be levied and taxed in the same manner as other costs of court provided by law. The clerk-treasurer of the city shall deposit all of such fees in the alcohol program monitoring fund of the city court under section 3-34 of the City Code for the uses and purposes stated therein. For the purposes of this section, the term "offense involving or relating to the consumption or unlawful possession or distribution of alcoholic beverages" includes, without limitation, violations of City Code sections 5-16, 8-152, 8-153, any infraction or violation of a statute of the state relating to operating a motor vehicle while having an excess blood alcohol concentration, refusal to submit to chemical or other test for alcohol by a police officer, public intoxication and such other offenses which the court may determine are within the purview of this section.

(Ord. No. 2002-16, § 1, 12-20-2001)

Sec. 3-35. City court alcohol program monitoring fund.

There is hereby created a City Court Alcohol Program Monitoring Fund of the City of Lake Station which shall be a cumulative, non-reverting fund. All city court alcohol program monitoring fees assessed pursuant to section 3-34 of the City Code shall be deposited into the fund by the clerk-treasurer. No revenues from general or special tax levies on all of the taxable property of the city may be deposited into the fund. The common council shall annually appropriate, exclusively from the fund, sufficient monies to fund the salary and employment benefits, if any, together with telephone service for an employee of the city court to conduct monitoring of alcohol counseling and rehabilitation programs serving persons under the court's jurisdiction, and monies in the fund shall be expended for no other purpose. Such employee shall be appointed by and under the sole control and supervision of the judge of the

city court. Such employee's salary, benefits and office telephone service shall be defrayed exclusively from the fund. No expenditure from the fund shall be made for any purpose before January 1, 2002.

(Ord. No. 2001-16, § 2, 12-20-2001; Ord. No. 2011-17, 10-20-2011)

Chapter 4

FEES, LICENSES, PERMITS AND FRANCHISES

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ARTICLE 1. IN GENERAL.

Sec. 4-1. Authority to license.

The city has the authority to impose a license fee reasonably related to the administrative cost of exercising such regulatory powers.

State law reference—Authority to impose fee, I.C. 36-1-3-8(5).

Sec. 4-2. Issuance and inspections.

(a) The clerk-treasurer shall issue licenses upon payment of the license fees and compliance with the applicable provisions of this Code.

(b) The police department shall inspect all places of business under license or required to have a license.

State law references—Clerk-treasurer's authority, I.C. 36-4-10-5(10), (11); authority of city to regulate businesses, I.C. 36-8-2-10; authority to inspect, I.C. 36-8-3-10(13).

Sec. 4-3. Complaints, revocations, suspensions.

(a) The common council shall hear any complaint against a person to whom the city has issued a license in accordance with the provisions of this Code and the several statutes of the State of Indiana.

(b) The common council may revoke or suspend any license if it finds, after proper notice and hearing, that the person has willfully violated a term or condition of his license, or has willfully done or permitted to be done an act in violation of a statute or provisions of this Code.

(c) The common council shall file a copy of its findings and determination with the clerk-treasurer within twenty-four (24) hours after they are made.

State law reference—Similar provisions, I.C. 36-4-5-5.

Sec. 4-4. Chart on fees, permits, and licenses.

<i>Activity</i>	<i>Fee</i>	<i>Section of Code</i>
Accident report	\$5.00	4-7
Emergency medical service		
Residents	0.00	4-8
Nonresidents	150.00 per call	4-8
Building permits		Ch. 7
Carnival, circus	50.00 per day	4-14
Domestic animal license		
Neutered or spayed	2.00	4-15
Not neutered or not spayed	5.00	
Itinerant merchants, hawkers, peddlers	5.00 (daily) 20.00 (weekly) 50.00 (monthly) 150.00 (per year)	4-18
Junkyards, junk dealers	250.00	4-19
Parades	50.00	4-20
Precious metal and gem dealers	25.00	4-21
Public records, copying		
Single-sided, standard size (8½ × 11 or 8½ × 14 inches)	00.25 (per page)	4-10
Double-sided, standard size (8½ × 11 or 8½ × 14 inches)	00.25 (per side)	4-10
Non-standard size	Commercial copying facilities rate plus 10.00 service charge	4-10
Certification of group of pages	1.00 (per package)	4-10
Taxicab	100.00	4-26
plus per vehicle	5.00	
Zoning permits	15.00	10-1
Certificate of zoning compliance	15.00	10-1

(Ord. No. 91-29CC, § 1, 12-5-91; Ord. No. 92-05CC, § 1, 4-16-92; Ord. No. 95-013, § 2, 5-4-95; Ord. No. 95-013, § 2(b)—(e), 5-4-95)

Sec. 4-5. Annual fee review.

The common council shall review on an annual basis all fees established under this chapter.

Sec. 4-6. Reserved.

ARTICLE 1.5. SPECIFIC FEES AND LICENSING PROCEDURES

Sec. 4-7. Fees for traffic accident reports.

(a) The police department is authorized to charge the fee of five dollars (\$5.00) per copy of each standard accident report and one dollar (\$1.00) per each additional page pursuant to I.C. 9-3-1-3.

(b) Monies collected shall become part of the accident report account of the city, addressed in section 2-49 of this Code.

Sec. 4-8. Emergency medical services and advanced life support fees and charges.

(a) *Definitions.* For purposes of the section, the following terms and phrases shall have their corresponding meanings, to-wit:

- (1) The term "city" shall mean and refer to the City of Lake Station, Indiana.
- (2) The term "person" shall mean and refer to any human being, and shall include, without limitation, a person's administrator, executor, guardian, personal representative, custodian, or successor-in-interest by any name.
- (3) The term "emergency medical/advanced life support department" shall mean and refer to the Lake Station Emergency Medical Services/Advanced Life Support Department.
- (4) The term "director" shall mean and refer to the department head of the emergency medical/advanced life support department.

(b) *Refusal of service.* Any conscious person over eighteen (18) elapsed years of age has the right to refuse service of the EMS/ALS department; provided, however, a refusal of service form shall be signed by any person refusing treatment or refusing to be taken to the hospital.

(c) *Transportation to hospital.* A person utilizing the services of the EMS/ALS department shall be taken to the nearest licensed hospital. All emergency patients shall be taken to the receiving hospitals only and not any doctor's office or any clinic.

(d) *The City of Lake Station shall charge the following fees:*

- (1) Basic life support emergency charge \$400.00

Defined as: Where medically necessary, the provision of basic life support services as defined in the National EMS Education and Practices Blueprint for the EMT-Basic.

- (2) Advanced life support Level 1 charge \$500.00

Defined as: Where medically necessary, the provision of an assessment by an advanced life support provider and/or the provision of one (1) or more ALS interventions.

(3) Advanced life support Level 2 charge \$700.00

Defined as: Where medically necessary, the administration of at least three (3) different medications and/or the provision of one (1) or more of the following ALS procedures:

- a. Manual defibrillation /cardioversion
- b. Endotracheal intubation
- c. Central venous line
- d. Cardiac pacing
- e. Chest decompression
- f. Surgical airway
- g. Intraosseus line

(4) Advanced life support refusal of service \$150.00

Defined as: Where medically necessary, the provision of an assessment by an advanced life support provider and/or the provision of one (1) or more ALS interventions. After treatment under advanced life support Level 1, patient refuses further treatment and transportation to an emergency medical center. Patient then signs a refusal of service and all ALS procedures are then discontinued.

(5) Nonresident impact fee, added to each above \$100.00

Defined as: For the purposes of this section, a "resident" shall mean a person who resides in the corporate boundaries of the city or a person who pays property taxes for real estate locates in the corporate boundaries of the city the time the service is rendered. A "nonresident" shall mean a person who does not reside in the corporate boundaries of the city or a person who does not pay property taxes for real estate locates in the corporate boundaries of the city at the time services are rendered.

(6) Mileage charge for ambulance services, per mile \$9.79

Defined as: This charge shall begin from the time the ambulance arrives at the patient's home or pick-up point to the arrival at the hospital or termination point.

(7) Medical service fee for oxygen fee within the scope of emergency medical services at the basic life support level \$14.25

(e) In the event payment is made for ambulance services to a resident of the city by a third-party pay or, the emergency medical services department may accept assignment of said payment in full satisfaction of the amount due from the resident, and/or, in its discretion, waive collection of the balance due.

(f) Payment for any fee for emergency medical services provided by the Lake Station EMS may be paid by credit card. The Lake Station EMS shall implement the use of credit card services upon adoption of this ordinance.

(g) A fee of twenty-five dollars (\$25.00) is established for any check returned for non-sufficient funds (NSF fee) paid for services provided by the Lake Station EMS. (Ord. No. 2000-8, § 1, 4-6-2000; Ord. No. 2005-25, § 1, 8-4-2005; Ord. No. 2007-24, § 1, 10-4-2007; Ord. No. 2008-26, § 1, 9-18-2008; Ord. No. 2011-24, § 1, 12-29-2011)

Sec. 4-9. Building permits and fees.

Specific provisions governing the requirements for building permits and fees may be found in chapter 7 of this Code.

Sec. 4-10. Public documents; searching, accessing and copying.

(a) If a person is entitled to a copy of a public record under state law and the city has reasonable access to a machine capable of reproducing the public record, then the city shall provide at least one (1) copy of the public record to the person requesting same; however, if the city does not have reasonable access to a machine capable of reproducing the record, then the person shall be entitled only to inspect and manually transcribe the record.

(b) From the effective date of Ordinance No. 95-013 forward, all offices, agencies, departments and employees of the city, with the exception of the police and fire departments, shall charge and collect the following fees for searching for, accessing, copying, and certifying public records held by the various departments of the city, which costs have been determined to be the actual cost of certifying and copying public records by the city:

- (1) Costs and expenses for inspection and searches. Pursuant to IC 5-14-3-8, no offices, agencies, departments or employees of the city shall charge any fee or expense against any person to either inspect or manually transcribe a public record;
- (2) Copying of single-sided, standard sized records. For each eight and one-half by eleven (8½" x 11") or eight and one-half by fourteen (8½" x 14") page to be copied ten cents (\$0.10) per side for black and white, twenty-five cents (\$0.25) per side for color;
- (3) Copying of or produced on videotapes, DVD's, CD's, or other electronic medium the greater of, per item:
 - A. Those reproduced by the City of Lake Station..... \$10.00
 - B. Those requiring reproduction by outside resource . . . \$2.00 (plus 105% of outside costs); or
 - C. The direct cost of the development of a program, if any; the labor required to retrieve electronically stored data; plus the actual cost of any medium used for electronic output.
- (4) Copying of non-standard-sized records. All other public records in sizes other than those listed above and which cannot be reasonably copied using machines located

within the offices of the city and which must be taken to an outside commercial copying facility for reproduction shall be charged at the commercial copying facility's rate plus a service charge of ten dollars (\$10.00) per order; and

- (5) Certification of any group of pages. Certification of any group of pages which can be reasonably affixed together into one (1) package shall be five dollars (\$5.00) per package. Certification charges are in addition to any applicable copying charges.

(c) All costs and expenses for public records enumerated herein must be paid in full at the time any such document is requested and all documents must be picked up by the person requesting them from the office from which the document is requested within ten (10) working days of production.

(d) Notwithstanding the provisions of paragraph (2) of Ordinance No. 95-013 [subsection (b) above], elected officials of the city shall be entitled to obtain up to twenty-five (25) pages of copies of public records of the city in any one calendar month free of charge. When requesting copies in excess of such number, such officials shall be charged and pay for record copies at the same rate and in the same manner as other members of the public. Said allowance for free copies shall not accumulate from month to month.

(e) Nothing contained in this section is intended to, nor shall any part of this section be construed as, expanding, reducing, modifying or changing any state law regarding access to public documents; the sole and exclusive purpose of this section is to establish a uniform schedule and method for setting fees and charges associated with access to the city's public records.

(Ord. No. 95-013, § § 1—4, 5-4-95; Ord. No. 2001-15, § § 1, 2, 8-16-2001; Ord. No. 2010-18, 12-16-2010)

Editor's note—Ord. No. 95-013, § § 1—4, adopted May 4, 1995, enacted provisions which pertained to charges and fees for searching, accessing and copying public documents. Such ordinance did not specify manner of codification; hence, inclusion herein as § 4-10 was at the discretion of the editor. The user's attention is also directed to § 4-4, Chart of fees, etc.

Sec. 4-11. Fire extinguishing fees.

There shall be assessed the following charges for extinguishing fires:

Structure fires shall be billed at the fixed rate of five hundred dollars (\$500.00).

Automobile fires in which the fire department is used to extinguish fires shall be billed a fixed rate of two hundred and fifty dollars (\$250.00).

In addition vehicle extrications shall be charged a fixed rate of two hundred and fifty dollars (\$250.00).

(Ord. No. 2008-10, 5-15-2008)

Sec. 4-12. Miscellaneous fee schedule.

Miscellaneous Fee Schedule.

<i>Section in this Code</i>	<i>Type of fee</i>	<i>Amount</i>
6-96	(1) Trash collection pick-up	\$12.50
	each additional 95-gallon canister	\$4.00
	(2) Trash collection pick-up—Limited income household	\$9.50
	each additional 95-gallon canister	\$4.00
	(3) Trash collection pick-up—Senior citizen, limited income household	\$6.50
	(4) Trash collection pick-up—Outside city limits	\$22.50
	each additional canister	\$6.00
6-96	(5) Trash collection pick-up—City business, per location	\$22.50
	each additional canister	\$6.00
9-73	Connection to trunk system	\$1,500.00

(Ord. No. 2007-02, 9-17-2007; Ord. No. 2007-13, 10-4-2007; Ord. No. 2008-14, 6-18-2008; Ord. No. 2010-15, 10-21-2010)

Sec. 4-13. City drop-off center.

(a) Only city residents are allowed to use the city's drop-off center and all patrons shall establish their city residency by providing a valid Indiana driver's license or other documentation deemed sufficient to demonstrate city residency by the superintendent of public works or his designee; and

(b) The fees set forth in the fee schedule attached hereto as Exhibit A are to be charged to any resident who has already used the drop-off center four (4) or more times that calendar year or has already brought two (2) or more standard sized pick-up loads to the drop-off center as determined by the superintendent of public works or his designee.

(c) The superintendent of public works shall install the appropriate signage at the drop-off center to advise all users of the above terms and conditions.

(d) The names and addresses of all users of the drop-off center and the amount of their load shall be entered into an appropriate log or database at the time of each use so that it can be readily determined how many times, if ever, a resident has used the drop-off center and the size of the load(s) the resident brought in.

(e) In the event of an emergency caused by a flood or other calamity, upon his finding that it is in the best interest of the city and its citizens to do so, the mayor may, by written executive order, temporarily suspend the requirement to pay a fee provided for above until such time as the mayor determines that the suspension is no longer necessary to protect the health, safety, and welfare of the citizens of Lake Station.

(f) For pick-up items (minimum five dollars (\$5.00) for one item), thereafter twenty dollars (\$20.00) per yard will be added to utility bill.

EXHIBIT A

<i>Costs for Utilizing City of Lake Station Dumpsters</i>				
<i>Vehicle Size</i>	<i>First Drop-Off</i>	<i>Second Drop-Off</i>	<i>3rd and Beyond</i>	<i>Non-Residents, Contractors, Landlord</i>
Ranger, S10; or trailer of comparable size	Free	\$15.00	\$50.00	\$100.00
1/2-Ton; or trailer of comparable size	Free	\$25.00	\$50.00	\$125.00
3/4-Ton; or trailer of comparable size	Free	\$35.00	\$70.00	\$150.00
1-Ton; or trailer of comparable size	Free	\$50.00	\$100.00	\$175.00
Dump or Larger; or trailer of comparable size	\$50.00	\$150.00	\$200.00	\$250.00

Notes:

Lake Station residents only.

Proof of residency required.

January 1st thru December 31st.

(Ord. No. 2010-04, §§ 1—6, 4-15-2010)

Editor’s note—Ord. No. 2010-04, §§ 1—6, adopted April 15, 2010, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included as § 4-13.

Cross reference—Public health and safety matters, public nuisances, ch. 6.

Sec. 4-14. Carnival and circus permits.

(a) *Definitions.*

- (1) "*Carnival*" as used herein shall mean and include amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities and sideshows presented by traveling companies.
- (2) "*Circus*" as used herein shall mean and include performances given by traveling companies on vacant lots with tents, or some other kind of temporary enclosure, where performances are given for a fee. Performances may include, but are not limited to: trained animal acts, races, feats of horsemanship, acrobatics, strength, trapeze acting, or clowns.

(b) *Permit required.* It shall be unlawful to conduct or operate any carnival or circus which is open to the public and for admittance to which a fee is charged, without first obtaining a permit from the board of public works and safety.

(c) *Application.*

- (1) Each applicant for a permit under this section shall procure from the clerk of the board of public works and safety an application for such license which must be filed at least thirty (30) days prior to the proposed carnival or circus.
- (2) The application shall require the applicant to furnish information, including but not limited to the following:
 - a. Legal name of the applicant and position;
 - b. Present address and telephone number of the applicant;
 - c. Name and address of the traveling company or organization;
 - d. Location of the proposed carnival or circus;
 - e. Proposed dates of the circus or carnival to be in the city;
 - f. Number and types of sideshows, concessions, and rides to be included therein;
 - g. Date of issuance and number of licenses issued by the city for vendors associated with the circus or carnival;
 - h. References of other cities or towns recently visited by the applicant.

(d) *Application procedure.*

- (1) Each completed application for a permit under this section shall be accompanied by a site plan, drawing or diagram, showing the location and the layout of the proposed carnival or circus, and proof of required public liability insurance.
- (2) Upon the filing of a complete application, the same shall be referred to the board of public works and safety and thereafter shall be referred by the board to the following departments or agencies for review and recommendation:
 - a. To the chief of police or his designee, for a background check of the applicant and for recommendations for crowd and noise control, litter control, proper restroom facilities, security and other matters related to public safety. The chief of police shall also refer the application to the county health department.
 - b. To the fire chief and director of E.M.S. or their designees for a check of ingress and egress to the proposed site for proper emergency fire lanes, parking, and other matters related to public safety.
- (3) The board of public works and safety may request or receive inspection reports and recommendations from any other department or bureau prior to or after issuance of a permit.
- (4) Each of the individuals listed in subsection (d)(2) a and b, shall file a signed written report with the board of public works and safety.

- (5) The board of public works and safety shall approve each permit application if it meets all of the requirements of this section.
- (6) Any applicant may appeal a denial of a permit pursuant to the procedures set forth in section 4-3 of this Code.

(e) *Liability insurance required.* No permit shall be issued unless the applicant files with the clerk to the board of public works and safety a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or circus. Such insurance shall be in the minimum amount of five hundred thousand dollars (\$500,000.00) for each person, and one million dollars (\$1,000,000.00) for each occurrence. Said policy shall also contain a provision specifically holding the city harmless from any liability resulting from such a carnival or circus. Workmen's compensation coverage shall be in full force and effect during the duration of such carnival or circus which complies with the requirements of the several statutes of the state.

(f) *Permit fees.*

- (1) The fee for the issuance of a permit under this section shall be fifty dollars (\$50.00) per day of operation.
- (2) All other license requirements of this Code shall be complied with by vendors proposing to do business at the carnival or circus.
- (3) Permits issued under this section shall be done in quadruplicate.

(g) *Hours of operation.* In no event shall such a carnival or circus begin before 10:00 a.m. nor shall it continue past 12:00 midnight.

(h) *Violation of section deemed a nuisance.* Any carnival or circus operated, conducted or maintained contrary to the provisions of this section shall be unlawful and declared a public nuisance.

(i) *Penalties.* Any person who shall violate any of the provisions of this section, shall upon conviction, be fined as provided in section 1-9 of this Code, and each such violation shall constitute a separate offense.

State law reference—Workers compensation requirements, I.C. 22-3 et seq.

Sec. 4-15. Animal licenses required.

(a) No person shall own, keep or harbor domestic animal within the city unless such animal is licensed. Written application for a license shall be made to the clerk-treasurer and shall state the name, species, breed, color, gender and distinguishing marks of the animal. The license fee shall be paid to the clerk-treasurer at the time of making the application. The clerk-treasurer shall issue a receipt and a numbered metallic or plastic tag for each animal licensed, and shall maintain for three (3) years two (2) records of such receipts and tags, one arranged alphabetically by name of the animal owner and the other arranged numerically by tag numbers. Such records shall be open to public inspection at all business hours.

(b) The yearly license fee shall be two dollars (\$2.00) for an animal that has been neutered or spayed and five dollars (\$5.00) for an animal that has not been neutered or spayed.

(c) Each animal license issued by the clerk-treasurer shall expire on December 31 next following the date of issuance.

(d) If ownership of the animal is transferred, the new owner may have the current license transferred to his name upon payment of a fee of one dollar (\$1.00).

(e) The owner shall keep on the animal at all times when the animal is not inside a private building, a collar or harness, and the tag issued by the clerk-treasurer shall be affixed to the collar or harness in such a manner that the tag shall be clearly visible.

(f) No person shall use a tag for any animal which is issued for a different animal.

(g) If a license is destroyed or lost, a duplicate or replacement may be obtained from the clerk-treasurer for a fee of one dollar (\$1.00).

(Ord. No. 64-444, 10-15-64; Code § 521.03; Ord. No. 92-05CC, § 2, 4-16-92)

Cross reference—Animal regulations, § 6-13 et seq.

Secs. 4-16, 4-17. Reserved.

Sec. 4-18. Itinerant merchants, hawkers, and peddlers licenses.*

(a) *Definitions.* As defined in this Section, the words "Itinerant Vendors," "Hawkers," "Peddlers," "Solicitors" and "Canvassers," shall include any transient person who shall engage temporarily in the making or selling of any goods, wares or merchandise of any kind

***State law reference**—I.C., 36-8-2-11 addresses the public solicitation of sales and I.C., 25-37-1-1 et seq. is the transient merchant laws of the State of Indiana.

whatsoever, including the sale, or soliciting for sale of photographs and magazine subscriptions within the City regardless of whether such goods, wares or merchandise are peddled from house to house, sold or hawked upon the streets or other public places, or sold from any room, building, structure or lot rented or leased for the purpose of carrying on such business, for present or future delivery, by telephone or other wise.

(b) *License required.* It shall be unlawful for any itinerant vendor, hawker, peddler, solicitor or canvasser of goods, wares or merchandise, to offer the same for sale within the City without having first obtained a license in compliance with the provisions of this Section. This Section shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, or to sales made by Sheriffs, constables, administrators, guardians, receivers or other properly elected and qualified officers, or to sales made by producers of farm or dairy products where such produce was raised or produced on the premises of the seller, or to the sale of newspapers by one who has a regular and established route for sale of the same, or to unpaid agents or members of a nonprofit organization engaged in such activities for the purpose of raising money to be used solely for charitable, community service, nonprofit recreational or religious purposes, consistent with the organization's charter or organizational purposes.

(c) *Term of license.* No license shall be issued for less than one (1) day, nor for longer than one (1) year.

(d) *Fee.* The amount to be paid for a license shall be Five (\$5.00) Dollars per day, Twenty (\$20.00) Dollars per week, Fifty (\$50.00) Dollars per month, and One Hundred Fifty (\$150.00) Dollars per year.

(e) *Clerk-Treasurer to issue.* The Clerk-Treasurer shall issue all licenses granted to itinerant vendors, hawkers, peddlers, solicitors and canvassers and each license shall be properly signed by the Clerk-Treasurer, upon the Clerk-Treasurer having received from the applicant the proper sum for such license and upon compliance with all other provisions of this Section.

(f) *Application.* Not less than fourteen (14) days prior to the issuance of any license by the Clerk-Treasurer, an applicant for a license, as a condition precedent to the issuance of such license, shall file with the Clerk-Treasurer a sworn application, in writing and in triplicate, on forms to be furnished by the Clerk-Treasurer, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and the address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.

- (6) The manufacturer or producer of the goods or products proposed to be sold, the address of the principal place of business, and point of manufacture or production of such goods or products and the proposed method of delivery.
- (7) Two (2) photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which pictures shall be 2" x 2", showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) A full set of fingerprints of the applicant shall be applied to the application under the direction of the Chief of Police or designee thereof.
- (9) 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 therefor.

(g) *Display of license.* Any itinerant vendor, hawker, peddler, solicitor or canvasser shall display the license with a photograph as hereinabove specified affixed thereto, when requested to do so by any person when offering to sell any goods, wares, or merchandise, or to any police officer of this City when so requested.

(h) *Expiration date.* All annual licenses issued under the provisions of this ordinance shall expire on December 31 of the year when issued. Other than annual licenses shall expire on the date specified in the license.
(Ord. No. 70-22, § 8, 11-19-70)

(i) *Revocation.* Licenses issued may be revoked by the Common Council after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as itinerant vendor, hawker, peddler, solicitor or canvasser.
- (3) Any violation of this Section.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting the business of itinerant vending, hawking, peddling, soliciting or canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

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 five (5) days prior to the date set for hearing.

The Common Council may revoke or suspend any license if it finds, after proper notice and hearing, that the person has willfully violated a term or condition of his license, or has willfully done or permitted to be done an act in violation of a statute or provision of this Code.

The Common Council shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after they are made.

(j) *Time of business.* The time during which itinerant vendors, hawkers, peddlers, solicitors and canvassers may engage in business within the City shall be limited to the hours of 9:00 a.m. through 5:00 p.m. during the days Sunday through Saturday, inclusive, from October 31 to April 30, inclusive, and to the hours of 9:00 a.m. through 9:00 p.m. during the days Sunday through Saturday, inclusive, from May 1 to November 1, inclusive.
(Ord. No. 71-13, 5-7-71)

(k) *Penalty.* Any person convicted of violating any of the provisions of this Section shall be fined in the sum of not less than twenty-five dollars (\$25.00) nor more than Three Hundred (\$300.00) Dollars for each violation thereof. Each separate act of attempted or accomplished vending, hawking, peddling, soliciting or canvassing without a license shall constitute a separate offense.
(Ord. No. 70-22, § 11, 11-19-70)

Sec. 4-19. Junkyards and junk dealers licensing and regulations.*

(a) *Definitions:* Except where otherwise indicated by context, the following definitions shall apply in the interpretation and enforcement of this Section:

- (1) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (2) "Junk" shall mean old iron, steel, brass, copper, tin, lead, or other base metals; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.
- (3) "Junkyard" shall mean a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.
- (4) "Junk dealer" shall mean a person who operates a junkyard, as defined above, within the City.
- (5) "Business premises" or "premises" shall mean the area of a junkyard as described in a junk dealer's license or application for license.

***State law reference**—I.C., 25-21-1-1 et seq., is the Indiana Junk Dealers Act.

(b) *License required.* It shall be unlawful for any person to act as a junk dealer in the City whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefor from the Clerk-Treasurer after approval by the Board of Public Works and Safety. A junk dealer who operates more than one (1) junkyard within the City shall be required to have in effect a separate license for each yard.

(c) *Applications.* An applicant for license shall file with the Clerk-Treasurer of a written application signed by himself, if an individual, by all partners, if a partnership, and by the president or chief officer and secretary of a corporation or other organization, upon forms provided by the Clerk-Treasurer, together with five (5) copies of such application and required fee. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information or material:

Junk dealer applications:

- (1) Name, residence address, and telephone number of each individual owner, partner, or, if a corporation or other organization, each officer and director.
- (2) Trade names used during the previous five (5) years by the applicant and each person signing the application, along with the locations of prior establishments.
- (3) Names and addresses of employers of each person signing the application during the previous five (5) years.
- (4) The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.
- (5) The name, residence address, and telephone number of each person employed or intended to be employed in the business as of the time the application is filed.
- (6) Exact address or location of the place where the business is or is proposed to be carried on, plus a survey prepared by an Indiana licensed surveyor of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, easements and locations of all buildings on the business premises.
- (7) A diagram or floor plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls of buildings, or on the business premises.
- (8) Such other information as the Board of Public Works and Safety shall find reasonably necessary to effectuate the purposes of this ordinance and to arrive at a fair determination of whether the terms of this Section have been complied with.

(d) Investigation; approval and issuance of license; junk dealers:

- (1) Upon receipt of an application for a junk dealer's license, the Clerk-Treasurer shall furnish copies of same to the members of the Board. The Chief of Police shall cause an investigation to be made of the applicant's business responsibility and moral character. The proposed or existing premises and equipment with which the junkyard is being or

is to be operated shall be examined by the other members of the Board or their duly appointed representatives. No junk dealer's license shall be issued unless the application is approved by the Board.

- (2) The license as issued shall bear the following language on its face: "IMPORTANT: This license applies only to the premises indicated herein and authorizes the licensee to operate a junkyard in a lawful place and manner only; it is not a substitute for any certificate of occupancy, building permit, or other certificate or permit that might be required by law and it does not relieve the licensee of the responsibility to have all such required permits or certificates at all times and comply with all laws affecting the above-described business."
- (3) The Clerk-Treasurer shall keep a permanent record of all applications filed and all licenses issued in accordance with this Section.

(e) *Period of license and renewal procedure.*

- (1) Any license or renewal license issued hereunder shall be effective as of the date of its issuance and shall expire one (1) year from the date of its issuance.
- (2) An applicant for a renewal license shall file with the Clerk-Treasurer a written application upon forms provided by the Clerk-Treasurer, signed and sworn to in the same manner required in the case of an original application. The application shall contain such information of the licensed business during the preceding license period as is reasonably necessary to enable the Board to determine the applicant's eligibility for a renewal license.

(f) *License fees.* The annual fee to be paid for any license or renewal license issued hereunder shall be two hundred fifty dollars (\$250.00), due and payable upon, and to be computed as of the date of issuance of such license.

(g) *License not transferable.* No license issued shall be transferred or assigned or used by any person other than the one to whom it was issued, and no junk dealer's license shall be used at any location other than the one described in the application upon which it was issued.

(Ord. No. 71-16, § 8, 6-17-71)

(h) *General operating requirements.* The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this Section:

- (1) The license issued shall be conspicuously displayed on the business premises.
- (2) The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
- (3) No space not covered by the license shall be used in the licensed business.
- (4) No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes or other insects.
- (5) Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than twelve (12) inches.

- (6) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
- (7) No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
- (8) Junk shall be stored in piles not exceeding eight (8) feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.
- (9) No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
- (10) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
- (11) No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the Building Code; and no junk or other material shall be burned on the premises in the open except in accordance with requirements of the Fire Prevention Code, and the regulations promulgated by the Air Pollution Control Board of the State of Indiana.
- (12) No noisy processing of junk or other noisy activity shall be carried upon the licensed business premises on Sundays, or on any day between the hours of 6:00 p.m. and 7:00 a.m.
- (13) The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid vertical wall or fence of a minimum height of twelve (12) feet measured from ground level and constructed of nonflammable materials. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. The height of any junk stored on the premises shall not exceed the height of such wall or fence.
- (14) The license shall permit inspection of the business premises by any member or representative of the Board at any reasonable time.
- (15) No junk dealer licensed hereunder or his agent or employee shall purchase or receive any junk for use in the licensed business from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Such writing shall be held available for inspection by any member, or representative of the Board for a period of at least three (3) years.
- (16) Each acquisition of junk shall be recorded in English in a permanent register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the junk acquired, and the date of the transaction. Such data shall be held available for inspection by any member, or representative of the Board for a period of at least three (3) years.

- (17) No junkyard shall be allowed to become a nuisance; nor shall any junkyard be operated in such manner as to become injurious to the health, safety, or welfare of the community or of any residents.

(i) *Inspections.* The Board of Public Works and Safety or its duly authorized representatives, shall inspect the junkyards of all junk dealers licensed under this Section at least once a year to determine whether such yards are being operated in accordance with the provisions of this Section and other applicable provisions of law. Such inspections shall be by written report filed with the Board of Public Works and Safety.

(j) *Revocation and suspension.* When the Common Council, after proper notice and hearing, determines that the public interest so requires, it shall revoke or suspend the license of any junk dealer when it finds, after due investigation, that:

- (1) The junk dealer or any agent or officer of such dealer who takes part in the operation of the licensed business is not of good character or reputation or is not capable of operating the licensed business or carrying on the licensed activity in a manner consistent with public health and safety; or
 - (2) The junk dealer has failed to comply with the provisions of this Section or any provision of law applicable to the premises, equipment, or operation of the licensed business; or
 - (3) The licensee has obtained his license through fraud or misstatement; or
 - (4) The licensed business or activity is being conducted in a manner detrimental to the health, safety, or general welfare of the public, or is a nuisance, or is being operated or carried on in an unlawful manner; or
 - (5) The licensed business or activity is no longer being operated or carried on.
- (Ord. No. 71-16, § 11, 6-17-71)
- (6) The Common Council shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after they are made, and shall comply with all of the provisions of Section 4-3 of this Code.

(k) *Penalties.* Any person, firm or corporation violating any of the provisions of this Section shall, upon conviction thereof, be fined in an amount not exceeding Three Hundred Dollars (\$300.00). Each day such violation is committed or permitted to continue, shall constitute a separate offense.

Sec. 4-20. Parade permits.

(a) *Definition.* Parade means any march, procession, or demonstration, consisting of people, animals, or vehicles, or combination thereof, except funeral processions, upon any public street, alley, or sidewalk, which does not comply with the normal and usual traffic regulations or control.

(b) Permit required. It shall be unlawful for any person to conduct a parade in or upon any public street, alley, or sidewalk in the City or knowingly participate in any such parade unless and until a parade permit has been obtained from the Clerk-Treasurer.

(c) *Application.* Any individual desiring to conduct a parade shall apply to the Clerk-Treasurer for a permit at least thirty (30) days prior to the date of the proposed parade. The Clerk-Treasurer shall provide the application forms which shall require the following information:

- (1) Name of the applicant, the sponsoring organization, the parade chairman, and the addresses and telephone numbers of each.
- (2) The purpose of the parade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled, and the time when the parade will assemble, start, and terminate.
- (3) A description of the floats, marching units, vehicles, bands, including a description of any sound amplification equipment to be used.
- (4) Such other information as the Chief of Police may deem reasonably necessary.

(d) *Investigations:* The Clerk-Treasurer shall refer all completed applications to the Board of Public Works and Safety. The Board shall refer such applications to the Chief of Police, or designee thereof, for a written review and recommendation. The Chief shall address the following items in his written report:

- (1) Whether the time, route, or size of the parade would disrupt to an unreasonable or unsafe extent the movement of other traffic.
- (2) Whether the parade is of such a size or nature which would require a diversion of a large number of police officers to properly police the line of movement and the areas contiguous thereto and thereby deny reasonable police protection to the rest of the City.
- (3) Whether the parade would interfere with other parades for which permits have been issued.
- (4) Whether the information contained in the application is found to be false or misleading.
- (5) Whether the applicant agrees to abide by or comply with all conditions of the permit.

(e) Any permit issued under this Section shall be subject to such conditions as established by the Board of Public Works and Safety.

(f) *Insurance.* The applicant shall file with the Clerk-Treasurer written proof of public liability insurance in the minimum amount of five hundred thousand dollars (\$500,000) for each person, and one million dollars (\$1,000,000) for each incident, and shall contain a clause holding the City of Lake Station harmless for any liability.

(g) *Permit fee.* Upon the approval of an application by the Board, the Clerk-Treasurer shall issue a permit upon payment of fifty dollars (\$50.00).

Said permit fee may be waived by the Board of Public Works and Safety if the sponsoring organization is a not-for-profit group duly organized pursuant to applicable Internal Revenue Service regulations.

(h) *Denials.* Any applicant denied a permit under this Section may appeal to the Common Council pursuant to the provisions of Section 4-3 of this Code.

(i) Any person violating any of the provisions of this Section shall be subject to the penalties set forth in Section 1-9 of this Code.

Sec. 4-21. Licensing dealers of precious metals and gems.*

(a) *Dealers licensing.* No person, firm or corporation shall operate or conduct a business for the purchase, sale, or trade of used precious metals and precious gems including but not limited to gold, silver, platinum, plated articles, diamonds, rubies, sapphires or opals in any form except coins or bullion which have been issued by any government or mint, without having first obtained a license therefor, and without complying with the provisions of this Section. Any person, firm or corporation that shall operate or conduct a business as set forth above shall be a "Dealer."

(b) *Application.* Applications for "Dealer" licenses shall be made to the Clerk-Treasurer in writing and shall state the full name and place of residence of the applicant or, if the applicant be a partnership, of each member thereof, or, if a corporation or association, of each officer thereof, together with the place or places where the business is to be conducted.

(c) *License fee.* Such application shall be accompanied by a registration fee of Twenty-five (\$25.00) Dollars per annum for each place of business conducted by the licensee.

(d) *Bond.* The applicant shall, at the time of making such application, file with the City a bond, with one (1) or more sureties, in which the applicant shall be the licensee. Such bond shall be in the penal sum of Ten Thousand Dollars (\$10,000.00) and shall be to the benefit of the City for its use and for the use of any person or person who may have a cause of action against the licensee of said bond under the provisions of this Section. Such bond shall be on the condition that said obligor will faithfully conform to and abide by the provisions of this Section and of all rules and regulations lawfully made by the City hereunder, and will pay to the City and to any such person or persons any and all money that may become due or owing to them from said licensee under and by virtue of the provisions of this Section. Such bond shall be in a form subject to the approval of the City Attorney. If the Clerk-Treasurer shall find at any time that the bond is insecure or exhausted or otherwise doubtful, an additional bond, to be in a form approved by the City Attorney, in the sum of not less than Ten Thousand (\$10,000.00) Dollars shall be filed by the licensee within ten (10) days after the written demand upon the licensee by the City.

(e) *Issuance of license.* Upon the filing of such application, the payment of the license fee and the approval of such bond, the Clerk-Treasurer shall notify the Chief of Police. The Chief, or designee thereof, shall investigate the financial standing and character of the applicant, and

***State law reference—**I.C., 25-37.5-1-1 et seq., is the Indiana Valuable Metal Dealer Act.

of the members thereof, if the applicant be a partnership, and of the officers and directors thereof, if the applicant be a corporation and that the business will be operated honestly, fairly, and efficiently within the purpose of this Section. The Chief shall then report in writing to the Board of Public Works and Safety. The Board of Public Works and Safety shall issue a license authorizing the applicant to engage in the business of dealing within the definition of this Section. Such license shall remain in full force and effect until it is surrendered, revoked, or suspended. If the Board of Public Works and Safety shall find otherwise, it shall notify the Clerk-Treasurer, who shall notify the applicant of the denial and return to the applicant the bond and the sum paid by the applicant as a license fee. The Board of Public Works and Safety shall give every applicant a reasonable opportunity to be heard and shall approve or deny, by written order, every applicant for license within thirty (30) days from the hearing.

(f) *Annual license fee.* Every licensee shall, on or before the first day of December, pay to the Clerk-Treasurer the sum of two hundred fifty dollars (\$250.00) as an annual license fee for the year commencing January first and shall at the same time file with the Clerk-Treasurer an application and bond in the same amount and of the same character as required by this Section for renewal application bonds accompanying the original application for a license. Said renewal shall be approved or rejected prior to December 31st.

(g) *Revocation of license: grounds, procedure.* The Common Council, upon recommendation by the Board of Public Works and Safety, shall, upon ten (10) days' notice to the licensee, stating the contemplated action and in general the grounds therefor, and after proper hearing, revoke, by written finding and determination, any license issued hereunder if it shall find that:

- (1) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required to comply with any ruling or requirements of the ordinance lawfully made pursuant to and within the authority of this Section, or
- (2) The licensee has violated any provision of this Section or any rule or regulation lawfully made under and within the authority of this Section, or
- (3) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the Board of Public Works and Safety refusing originally to issue such license. All revocation or suspension hearings shall be conducted pursuant to the provisions of Sec. 4-3 of this Code.

(Ord. No. 81-36, § 5.06.070, 10-1-81)

(h) *Effect of revocation, suspension or surrender of license.* No revocation or suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any client.

(Ord. No. 81-36, § 5.06.080, 10-1-81)

(i) *Records.* Every person, firm or corporation operating a business described in this Section shall keep a bound record of all scheduled articles purchased from the public. Such records shall show the date of purchase, the description, including any numbers and/or initials

thereon, a photograph of the articles purchased, purchase price paid and the name and address of the person from whom purchased. The seller shall execute a document stating that they are eighteen (18) years of age and the property sold is theirs.

(j) *Investigations.* For the purpose of discovering violations and securing information lawfully required or otherwise necessary, the Police Department or a person or persons duly designated by it, may investigate and examine the bound record books and picture files that coincide with said purchase transactions. The duly designated representatives of the Police Department shall have and be given free access to the place of business and bound record books and photographs during the routine and normal course of business hours. The licensee shall keep said bound record books and photographs for a period of three (3) years after making final entry in same.

(k) *Unlawful transaction.* No licensee shall: (1) purchase or trade any article from a person under eighteen (18) years of age; or (2) purchase or trade any article from any person who is known by him to have been convicted of a violation of the Offenses Against Property Act or similar statute in any other jurisdiction or from any person whom he has reason to suspect or believe to be.

(1) *Violation/penalty.* Any person, firm, partnership or corporation or licensee convicted of violating any of the provisions of this Section shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars and any licensee violating the provisions of this Section shall be subject to revocation of his license(s).

Secs. 4-22—4-25. Reserved.

Sec. 4-26. Taxicab licenses.

(a) *Definition.* "Taxicab" means a motor vehicle while being used for the performance of a contract for the transportation of a passenger or passengers for hire to and from points chosen or designated by the passenger or passengers, and operating over any available route between such points, but not at the time being operated over or along a definite, advertised, announced or substantially fixed route from, to or between definite or substantially fixed terminals, locations or districts or according to substantially fixed or announced times or intervals of arrival or departure.

(Ord. No. 49-295, 4-21-49, Code § 731.01)

(b) *Declaration of necessity.* The Common Council declares that it is necessary for the protection of the public health, safety, and property rights of citizens of the City that certain standards be maintained by those who shall desire to engage in the business of operating taxicabs in the City, and further that regulations be provided for the business of operating taxicabs in the City, and that those engaged in the business of operating taxicabs shall be licensed.

(c) *License required.* No person shall engage in the City in the business of operating taxicabs until such person, receives a taxicab operator's license. All such persons engaged in such business are referred to as "taxicab operators."

(d) *Out-of-town taxicabs.* No person shall operate any taxicab on or over the streets of the City unless such person shall have a taxicab license issued, provided, however, that taxicabs licensed by other cities may be driven into and out of the City on trips from such other political subdivisions when the driver thereof shall have complied with the laws of such other subdivisions as to licenses and other requirements.

(e) *Operation of unlicensed taxicabs prohibited.* No licensed taxicab operator shall operate any taxicab which shall not be licensed as required.

(f) *Application information; fee.* Whenever a person, firm, partnership or corporation shall desire to engage in the City in the business of operating taxicabs, such person, firm, partnership or corporation shall file an application for a taxicab operator's license with the Clerk-Treasurer of the City, on a form to be furnished by the City. Such application form shall contain the following information:

- (1) The full name and address of the applicant, and if a partnership, the name and address of each partner, and if a corporation, the names and addresses of the officers and the board of directors thereof, and the name of the general manager of the business.
- (2) The address of the principal place of business of such applicant and where such applicant's office or other places of business will be located in the City.
- (3) Number of taxicabs the applicant desires to operate, listing the make, description, year, color, state license number, and maximum seating capacity of each vehicle.
- (4) Statement of the financial responsibility of the applicant.
- (5) Such other information as the Common Council shall from time to time require.
- (6) Two (2) photographs, 2" x 2" in size of each taxicab driver.

The Chief of Police, or designee thereof, shall inspect each vehicle prior to the issuance of a license under this Section.

Such applicant, at the time the application is filed, shall pay to the Clerk-Treasurer of the City a license fee of one hundred dollars (\$100.00) plus five dollars (\$5.00) for each taxicab operated with the City.

In the event the application is denied, such fee will be returned. If the applicant and/or the general manager are found to be persons of good character, or if a partnership, the partners are of good character, and if it is found that there are no unsatisfied judgments against such applicant arising out of the negligent operation of a motor vehicle and further that such proposed place of business of such applicant will not constitute a fire hazard and nuisance, then the Common Council shall authorize the Clerk-Treasurer to issue an operator's license.

Thereupon, the Clerk-Treasurer shall issue such license to the applicant and thereafter such applicant shall have the right to operate taxicabs licensed as required. Every operator licensed under this Section shall post his license bearing his picture in such a place as to be in full view of all passengers while such operator is operating a taxicab.

(g) *Insurance required.*

- (1) Before any taxicab operator's license shall be issued to any taxicab operator, the applicant for such license shall first furnish and deposit with the clerk-treasurer a public liability and property damage insurance policy, or a certificate from a responsible insurance company showing that such taxicab operator has insurance against liability for damages sustained by any person or person other than the employee of the owner and occasioned by the negligent operation of such taxicab. Such insurance policy shall provide coverage in the amount of five hundred thousand dollars (\$500,000.00) for the injury or death of any one (1) person as a result of any one (1) accident, and shall provide coverage in the amount of one million dollars (\$1,000,000.00) in the aggregate for the injury or death of two (2) or more persons in any one accident, and coverage of fifty thousand dollars (\$50,000.00) for property damage. Such insurance policy or policies shall be written by a company authorized to do business in the State of Indiana, and shall contain a hold harmless clause designating the City of Lake Station harmless.
 - (2) Such insurance policies herein required shall provide that they cannot be cancelled until thirty (30) days' written notice of such cancellation shall have been given to the licensee and to the clerk-treasurer by the surety. If the taxicab operator of any licensed taxicab on which an insurance policy has been issued and of which cancellation is sought to be made by the company or companies issuing same, shall fail to procure and file with the clerk-treasurer another policy of insurance before cancellation of the one then in effect, then the license issued for such taxicab automatically becomes void and of no effect.
 - (3) When the clerk-treasurer shall be satisfied that the applicant has complied with this Section and that each taxicab for which a license is sought meets the requirements, then the clerk-treasurer shall collect from such applicant the fee prescribed.
- (Ord. No. 49-295, 4-21-49; Code § 731.07)

(h) *Expiration of license; renewal.* All licenses issued under this section shall expire on December 31 of each year. New licenses must be issued each year for each taxicab to be operated. Persons, firms, partnerships or corporations holding taxicab operator's licenses at the end of any fiscal year may obtain renewals thereof for the next calendar year by paying an annual license fee of one hundred dollars (\$100.00), plus five dollars (\$5.00) for each vehicle, unless their licenses shall have been revoked by the mayor as set forth in section 4-3 of this Code.

(i) *Registry of licensees.* The clerk-treasurer shall keep a register showing the names and addresses of each person owning or operating a taxicab, licensed, together with the current license number and description and make of such taxicab, the seating capacity and the date on which the license was issued, the record of the insurance policy or policies including the date of issuance and expiration of such policy, the amount thereof and the name and address of the agent and of the company issuing same.

(j) *Passengers riding outside of taxicab prohibited.* No owner, operator or driver of any licensed taxicab shall permit more than one (1) person in the front seat with the drive of such taxicab and no passenger shall be permitted to ride in any place on the outside of such taxicab.

(k) *Operation limited to licensee.* The operation of taxicabs in the city shall be limited to the person, firm, partnership or corporation holding a license to operate the same or the duly licensed driver of such licensee, who at all times shall be under the control and subject to the direction of such licensee. No taxicab licensed hereunder shall be leased or rented out by the owner thereof to any other person, firm or corporation to operate the same for the purpose of transporting passengers for hire.

(l) *Name on door required.* Every taxicab licensed under the provisions of this section shall have the name of the taxicab's, firm, partnership, or corporation plainly printed in letters at least two (2) inches in height on each side of the taxicab, in the center of a door panel of such taxicab.

(m) *Penalty.* Any person, firm, partnership or corporation which is convicted of violating any of the provisions of this section or fails to comply therewith, shall, be fined not more than three hundred dollars (\$300.00). Each day of continued violation shall constitute a separate offense.

(Ord. No. 49-295, 4-21-49; Code § 731.99)

Sec. 4-27. Legal fees for attorneys employed by the city.

(a) The City of Lake Station agrees to pay up to one hundred fifty dollars (\$150.00) per hour for any legal services.

(b) The clerk-treasurer's office shall be provided a monthly statement containing the following information: date(s) the services were performed, the name of the individual performing the services, a brief description of the services performed, time spent performing the services, the charge for each service item. The minimum unit of time for billing of legal services shall be one-tenth (0.1) of one (1) hour.

(Ord. No. 2004-07, 2-19-2004; Ord. No. 2009-27, § 1, 1-7-2010)

Editor's note—Ord. No. 2004-07, adopted Feb. 19, 2004, enacted provisions establishing legal fees for attorneys employed by the city; and legal services cost and expenses. These provisions were not specifically amendatory; at the editor's discretion these provisions were set out as §§ 4-27 and 4-28. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 4-28. Legal services costs and expenses.

The City of Lake Station shall be responsible for reimbursing the individual performing the legal services for the direct cost incurred in retaining appraisers, accountants or other similar professionals on behalf of the city, but only if the common council has approved such hiring in advance.

- (1) The cost of any mailing done at the direction of the City of Lake Station.
- (2) The cost of any filing fees that are initiated by the direction of the City of Lake Station.

(3) The cost of any on-line research initiated by the direction of the City of Lake Station. (Ord. No. 2004-07, 2-19-2004; Ord. No. 2009-27, § 2, 1-7-2010)

Note—See the editor's note at § 4-27.

Sec. 4-29. Scrapper's license.

(a) A "scrapper" shall hereafter be defined as those that would collect primarily metal, but any recyclables for resale within the city limits of Lake Station.

(b) Scappers to operate within the corporate boundaries of the City of Lake Station shall be required to obtain a scrapper's license. The amount of the license shall be thirty-five dollars (\$35.00), renewable from January 1 to January 1.

(c) In order to obtain the license, it shall be the applicant's responsibility to provide the following to the city clerk's office:

- (1) Proof of insurance;
- (2) Proof of a valid driver's license;
- (3) A certificate from a certified mechanic ensuring the vehicle to be licensed is mechanically sound and safe for the roadway;
- (4) A photograph of the licensee and a photograph of the vehicle to be licensed;

In addition,

- (1) The vehicle must have an acceptable means to secure all loads;
- (2) A city permit sticker shall be placed on the driver's side window.

(d) It shall be the scrapper's responsibility to obtain a writing from each owner or property from which the scrap is to be collected. The writing shall contain:

- (1) The date and time of collection;
- (2) The name of the owner of the collected property;
- (3) The location from which the material will be collected;
- (4) The location to where the material is to be disposed and on which date;
- (5) A description of the material to be collected.

(e) Records will be maintained for a period of one (1) year from the date of the collection. Records shall be available for inspection upon the demand of any law enforcement officer. Failure to comply with any of the provisions herein shall result in immediate suspension of the "scrapper's" license and the "scrapper's" license fee shall be forfeited. All scrap shall be picked up between the hours of 8:00 a.m. and 4:00 p.m. Monday through Saturday.

(f) Each license is not transferable from vehicle to vehicle, nor from licensee to licensee. (Ord. No. 2008-29, 11-6-2008)

Editor's note—Ord. No. 2008-29, adopted Nov. 6, 2008, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-29.

Sec. 4-30. Police department administrative fees.

The Lake Station Police Department is hereby authorized and empowered to charge and collect fees for specific services as follows:

- | | | |
|-----|--------------------------------|--|
| 1. | Crash report (accident report) | \$10.00 |
| 2. | VIN inspections | \$5.00 (residents) |
| | | \$10.00 (non-residents) |
| 3. | Salvage VIN inspection | \$15.00 (residents only) |
| 4. | Vehicle release form | \$10.00 |
| 5. | Fingerprints | \$5.00 (residents) |
| | | \$10.00 (non-residents) |
| 6. | Gun permits | \$50.00 (lifetime, no current handgun permit) |
| | | \$40.00 (lifetime with current valid handgun permit) |
| | | \$10.00 (4-year handgun permit) |
| 7. | Offense/arrest report | \$5.00 |
| 8. | In-house criminal history | \$10.00 |
| 9. | Photograph/CD | \$25.00 |
| 10. | Single photo sheet (8½ × 11) | \$10.00 |
| 11. | 911 Audio tape/CD | \$15.00 |
| 12. | Videotape | \$20.00 |
| 13. | Police officer application | \$25.00 |

(Ord. No. 2009-20, § I, 9-17-2009)

Editor's note—Ord. No. 2009-20, § I, adopted Sept. 17, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-30.

Sec. 4-31. Administrative towing fee.

(a) Whenever the Lake State Police Department, Lake Station Code Enforcement or any other department of city government, in order to promote public safety, or to facilitate city's operations, orders that a vehicle be towed from any location and that vehicle is later claimed by the owner, sold at auction, or later scrapped, the designated towing service(s) authorized to tow that vehicle shall assess against the owner of record an administrative fee of twenty-five dollars (\$25.00), which shall be collected in addition to any and all other applicable towing charges.

(b) The administrative towing fee created by this section shall be added to the towing bill assessed by the authorized towing service as part of the authorized towing bill.

(c) The administrative towing fee created by this section shall be forwarded by the authorized towing service to the Lake Station Police Department within thirty (30) days of the vehicle sale date at auction, or within thirty (30) days of release of the vehicle.

(d) The clerk-treasurer shall deposit the administrative towing fee created by this section into the general fund.

(Ord. No. 2009-21, § I, 9-17-2009)

Editor’s note—Ord. No. 2009-21, § I, adopted Sept. 17, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-31.

Cross reference—Traffic and parking regulations, ch. 8.

Sec. 4-31.1. Towing and storage fees.

(a) That the common council of the City of Lake Station, Indiana, hereby establishes a schedule of charges and fees for vehicles towed, stored, or impounded pursuant to a contract with the city to provide those services within the boundaries of the City of Lake Station.

(b) The contractor may charge and collect reasonable towing and storage charges for vehicles towed, stored, and/or impounded by in no event shall charges be in excess of the following schedule of charges and fees:

1.	Light duty tow	\$180.00
2.	Heavy duty tow	\$225.00
3.	Semi-wrecker	\$350.00
4.	Storage inside/out:	\$20.00 per day (motor vehicle storage outside)**
		\$30.00 per day (motor vehicle storage inside)**
		\$50.00 per day (heavy/oversize vehicle or tractor trailer storage outside)**
		\$75.00 per day (heavy/oversize vehicle or tractor trailer storage inside)**
5.	Winch and drive away	\$50.00
6.	Vehicle rollover	\$100.00
7.	Add. Equip/driver	\$50.00
8.	Disconnect linkage	\$15.00
9.	Jump start	\$45.00
10.	Unlock doors	\$45.00

*Includes fifty dollars (\$50.00) administrative fee.

**No storage fee shall apply if the vehicle is towed and released on the same calendar date.
(Ord. No. 2013-09, §§ 1, 2, 9-5-13)

Editor’s note—Ord. No. 2013-09, §§ 1, 2, adopted Sep. 5, 2013, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-31.1.

Sec. 4-32. Processing fee for inmates booked into city jail.

(a) The Lake Station City Jail shall assess a processing fee of twenty-five dollars (\$25.00) each time an individual is booked as an inmate into the Lake Station City Jail and subsequently is found guilty or pleads guilty to any criminal offense.

(b) Except in the case of indigence or acquittal, the processing fee shall be collected from the bond posted, or from the court fees assessed as a condition of plea or sentence, and said processing fee of twenty-five dollars (\$25.00) shall be deposited into the general fund.

(Ord. No. 2009-22, § I, 9-17-2009)

Editor's note—Ord. No. 2009-22, § I, adopted Sept. 17, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-32.

Sec. 4-33. Fees for credit card use for city court or city services.

Any credit card payments rendered to any city department that accepts credit cards shall be assessed a two dollar (\$2.00) fee.

(Ord. No. 2009-22[A], 10-1-2009)

Editor's note—Ord. No. 2009-22[A], adopted Oct. 1, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-33.

Sec. 4-34. Landlord—Tenant registration fee.

(a) That all owners of real property in the City of Lake Station shall register all rental housing on an annual basis and pay a fee for each rental unit in the sum of five dollars (\$5.00) per unit.

(b) That the owners of rental property shall annually register at the City of Lake Station City Hall, 1969 Central, Lake Station, Indiana.

(c) That registration for the year 2014 will commence on Tuesday, April 1, 2014. The fee will be received Monday through Friday between the hours of 9:00 a.m. and 3:00 p.m.

(d) That the term "rental housing" includes all single-family, duplexes and apartment buildings that are not owner occupied regardless of whether rent is being charged.

(e) A "rental unit" means a structure or part of a structure used as a home, residence or sleeping unit by a single person or household unit, or other facilities or area promised for the use of a residential tenant and includes, but without limitation, apartment units, boarding houses, rooming houses, mobile home, and single and two-family dwellings.

(f) Property owners are required to provide the following to process the registration of their rental property:

- (1) Address of the rental property, including number of units.
- (2) Proof of ownership (mortgage, deed, property tax statement, etc.).
- (3) Proof of property insurance (reflecting coverage and liability amounts).
- (4) Copy of owner's valid driver's license or state issued identification.
- (5) Occupant information, including name, address and phone number for each tenant.
- (6) Name, address, phone number, fax number and email (contact information) of the owner.

(7) Name, address, phone number, fax number and email of the local contact person in the case of an absentee owner.

(8) Rental registration fee of five dollars (\$5.00) per each rental unit, whether vacant or occupied (only check or money order accepted).

(g) That in the event there is a change in ownership and/or local contact person, the name, address, phone number, fax number and email of the new owner and/or local contact person shall be filed with the city.

(h) A late fee shall be assessed in the amount of one hundred dollars (\$100.00) in addition to the registration fee, for each dwelling or rental unit not registered. The late fee will not begin being assessed until April 15, 2015.

(i) Failure to register any and all real property utilized as rental housing and covered under this section shall be a violation of this section and the owner shall be subject to a fine not to exceed two thousand five hundred dollars (\$2,500.00) per unit.

(j) This section will be in full effect after passage and signing by the Lake Station Common Council and properly advertised pursuant to State Statute.

(k) Landlords and tenants may contact City Hall for additional information at 219-962-2081.

(Ord. No. 2014-03, §§ 1—11, 3-6-14)

Editor's note—Ord. No. 2014-03, §§ 1—11, adopted March 6, 2014, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 4-34.

Sec. 4-35. Reserved.

ARTICLE 2. REGULATIONS OF CABLE TELEVISION

Sec. 4-36. Short title.

This article shall be known and may be cited as the City of Lake Station CATV Regulations.

Sec. 4-37. Definitions.

For the purpose of this Article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

(a) "Additional services" shall mean any communications services other than Regular Subscriber Service and Pay television provided by Grantee over the CATV System

either directly or as a carrier for its subsidiaries, affiliates or any other person engaged in communications services, including, but not limited to, burglar alarm, data and other electronic intelligence transmission, facsimile reproduction, meter reading and home shopping. Additional Services shall not include the delivery by the CATV System of any programming on the Educational Access Channels or Public Access Channels, which programming is included in Regular Subscriber Service.

- (b) "Anniversary date" shall mean the date on which this Franchise was accepted by Grantee.
- (c) "CATV" shall mean community antenna television.
- (d) "CATV system" shall mean a system of cables, wires, lines, towers, wave guides, microwave and laser beams, and any associated converters, equipment or facilities designed and constructed for the purpose of producing, receiving, amplifying and distributing by audio, video and other forms of electronic or electric signals to and from subscribers and locations in the City.
- (e) "Channels" shall mean a band of frequencies, six megahertz wide, in the electromagnetic spectrum which are capable of carrying either (1) audio-video television signals and non-video signals or (2) non-video signals.
- (f) "Converter" shall mean an electronic device which converts signals to a frequency not susceptible to interference within the television receiver of a Subscriber and which, by an appropriate channel selector, also permits a Subscriber to view all signals delivered at designated dial locations.
- (g) "Educational access channels" shall mean Channels on the CATV System which are reserved for carriage of program material provided by local educational authorities who obtain use of such channels from Grantee for the presentation of such material.
- (h) "Federal Communications Commission" or "FCC" shall mean that agency hereunder in terms of a franchise privilege, permit, license or otherwise, to construct, operate, and maintain the CATV System.
- (i) "Franchise" shall mean and include an authorization granted hereunder in terms of a franchise privilege, permit, license or otherwise, to construct, operate, and maintain the CATV System.
- (j) "Franchise area" shall mean the City of Lake Station.
- (k) "Franchise year" shall mean any twelve (12) month period commencing on an Anniversary Date and extending to the day immediately preceding the next subsequent Anniversary Date.
- (l) "Grantee" shall mean the person, firm or corporation designated by resolution of the Common Council of the City of Lake Station to construct and operate the CATV system in accordance with the provisions of this Franchise.
- (m) "Grantee channels" shall mean the Channels on the CATV System which are reserved for carriage of program material originated locally by Grantee.

- (n) "Gross revenues" shall mean all revenues collected by the Grantee, including but not limited to, Regular Subscriber revenues, Pay Television revenues, revenues derived from auxiliary services, leased channel revenues, and advertising revenues. Gross Revenues shall not include any taxes which are imposed on any Subscriber or User of CATV System by any governmental unit including copyright fees.
- (o) "Pay television" shall mean the delivery over the CATV System of programming to Subscribers for a fee or charge over and above the charge for Regular Subscriber Service, on a per-program, per-channel or other subscription basis.
- (p) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (q) "Public access channels" shall mean channels on the CATV System which are reserved for carriage of program material in the public interest provided by persons who obtain use of such Channels from Grantee for the presentation of such material.
- (r) "Regular subscriber service" shall mean the carriage of broadcast signals and FCC mandated non-broadcast services.
- (s) "Street" shall mean the surface or the space above and below any public street, road, highway, alley, bridge, sidewalk or other public place or way now or hereafter held by City for the purpose of public travel and shall include other easements or rights of way now held or hereafter held by City which shall, within their proper use and meaning, entitle City and Grantee to the use thereof for the purposes of installing or transmitting CATV System transmissions over poles, wires, cables, conductors, conduits, manholes, amplifiers, appurtenances, attachments and other structures, equipment and facilities as may be ordinarily necessary and pertinent to a CATV System.
- (t) "Subscriber" shall mean any person who receives any service delivered by the CATV System.
- (u) "City" shall mean the City of Lake Station, Indiana, a municipal corporation of the State of Indiana.
- (v) "Common Council" shall mean the present governing body of City or any successor to the legislative powers of the present Common Council.
- (w) "Board of Public Works and Safety" shall mean the present Board of the City or any successor to the administrative powers of the present Board of Public Works and Safety.
- (x) "User of CATV System" shall mean a person who utilizes the CATV System to produce or to transmit programs or other communications to Subscribers.

(Ord. No. 82-18, § 2, 7-1-83)

Sec. 4-38. Grant of authority.

There is granted to the grantee designated by resolution of the Common Council of the City of Lake Station, Indiana, the right, privilege and franchise to have, acquire, construct,

reconstruct, maintain, use and operate all necessary or desirable poles, towers, anchors, wires, cables, electronic conductors, underground conduits, manholes and other structures and appurtenances necessary for the construction, maintenance and operation of a CATV System in the Franchise Area of the City.

(Ord. No. 82-18, § 3, 7-1-83)

Sec. 4-39. Term of franchise and renewal.

(a) *Initial term.* Upon the filing with City by Grantee of the written acceptance required herein, this Franchise shall be in full force and effect for a term and period of fifteen (15) years commencing thirty (30) days after its final passage and approval.

If the City is not satisfied that compliance has been achieved, or that good faith progress is being made toward compliance, it may schedule a public hearing to determine whether the Franchise should be revoked. The Grantee and the public shall be given at least ninety (90) days notice of such a hearing and all interested parties shall be heard in open hearing. At the conclusion of the public hearing, the City shall determine whether the Franchise should be terminated and shall set forth, in writing, the facts and reasons upon which its decision is based.

(b) *Renewal.* The Common Council may hold a public hearing not less than twelve (12) months prior to the expiration date of this Franchise, the purpose of which will be to review Grantee's performance during the entire term of its Franchise, to consider, among other matters, the adequacy of this Franchise, from the standpoint of the City, Grantee and FCC's rules for cable television and to determine the advisability of renewing Grantee's Franchise for an additional period of years. The Common Council may hear any interested persons during such hearings and may determine whether Grantee did reasonably comply with the terms and conditions imposed by this Franchise. If the Common Council determines that the Grantee's performance has been satisfactory in accordance with the terms and conditions imposed by this Franchise, the Common Council may at its sole option renew Grantee's Franchise for an additional fifteen (15) year period. Grantee shall notify the City in writing eighteen (18) months prior to the expiration date of Grantee's request to renew or not to renew and at the same time Grantee may request that a public hearing be held. However, at the time of such renewal request, all terms and conditions of this Franchise shall be subject to review and change and the City need not approve any renewal Franchise unless there is mutual agreement at that time between the City and Grantee as to all the terms and provisions of such Franchise renewal. However, renewal shall not be unreasonably denied. If this Franchise is renewed by the City, all of the terms and provisions contained herein shall be controlling during the renewal period, except to the extent that said terms and provisions are modified by the City, or unless the Franchise is superseded by a new franchise. Should the City, for any reason, be unable to complete the renewal proceeding prior to expiration of this Franchise, Grantee shall have the right to continue operation of this CATV System pursuant to the terms of this Franchise until such time as the renewal proceeding is concluded. Should the City deny

any renewal of this Franchise, such denial shall be accompanied by a written statement setting forth the reasons for the denial. Grantee shall have the right to request review of any such denial by any Court of competent jurisdiction.

(Ord. No. 82-18, § 4, 7-1-83)

Sec. 4-40. Additions to franchise area by annexation.

The Franchise Area shall include territory which is annexed by the City during the term of this Franchise and which is contiguous to the original Franchise Area; provided, however, that within ninety (90) days after the effective date of any City annexation, the Common Council may hold a hearing to determine whether the newly annexed territory should be excluded from the Franchise Area, and, if it so determines, the Common Council may exclude any newly annexed territory from the Franchise area.

Sec. 4-41. Use, rental or lease of utility poles and facilities.

There is granted to Grantee the authority to contract with City or any appropriate board or agency thereof including but not limited to the Board of Public Works and Safety or with the holder or owner of any utility franchise in the City for the use, rental or lease of its or their poles, underground conduits and other structures and facilities for the purpose of extending, carrying or laying Grantee's wires, cables, electronic conductors and other facilities and appurtenances necessary or desirable in conjunction with the operation of its CATV System. The City agrees that any public utility owning or controlling such poles or underground conduits may, without amendment to its Franchise, allow, and is encouraged to allow, Grantee to make such use thereof pursuant to any agreement reached between such utility and Grantee.

(Ord. No. 82-18, § 6, 7-1-83)

Sec. 4-42. Compliance with applicable laws.

The work done and activity in connection with the construction, reconstruction, maintenance, operation or repair of Grantee's CATV System shall be subject to and governed by the laws of the State of Indiana and the United States of America, including the FCC and any other local, county, state or federal agency having jurisdiction.

(Ord. No. 82-18, § 7, 7-1-83)

Sec. 4-43. Subject to police powers of city.

The construction, maintenance and operation of Grantee's CATV System and all property of Grantee subject to the provisions of this Franchise shall be subject to all lawful police powers, rules and regulations of City. City shall have the power at any time to order and require Grantee to remove or abate any pole, line, tower, wire, cable, guy, conduit, electric conductor or any other structure or facility that is dangerous to life or property. In the event Grantee, after written notice, fails or refuses to act, City shall have the power to remove or abate the

same at the expense of Grantee, all without compensation or liability for damages to Grantee. Grantee agrees to furnish City with a copy of its strand map at least fifteen (15) days prior to commencing construction of the CATV system.

(Ord. No. 82-18, § 8, 7-1-83)

Sec. 4-44. Conditions of street occupancy.

(a) *Use.* All structures, wires, cables, equipment and facilities erected or maintained by Grantee within City shall be located as to cause minimum interference with the proper and intended use of the streets and with the rights or reasonable convenience of the owners or occupiers of property which adjoins any of such streets. Grantee shall, prior to commencing construction of its system, submit a strand map to the Board of Public Works and Safety for its approval. The strand map shall set forth in detail the proposed use of the City's streets, alleys, rights-of-way and easements by the grantee in the construction and operation of its CATV system within the City.

(b) *Restoration.* The surface of any street and/or surrounding landscape disturbed by Grantee in laying, construction, maintaining operation, using, extending, removing, replacing or repairing its CATV System shall be restored by Grantee immediately after the completion of the work, at its cost and expense, to as good a condition as before the commencement of the work and maintained by Grantee to the satisfaction of the Superintendent of the Local Road and Street Department or other person designated as liaison by the City with notification to Grantee for one (1) year from the date of completion of such restoration work. No street shall be encumbered by construction, maintenance, removal, restoration or repair work by Grantee for a longer period than shall be necessary to execute such work. If there is an unreasonable delay by Grantee in restoring and maintaining streets after such excavations or repairs have been made, City shall have the right, without further notice, to restore or repair the same and to require Grantee to pay the reasonable cost of such restoration or repair.

(c) *Relocation.* Whenever by reason of the construction, repair, maintenance, relocation, widening, raising or lowering of the grade of any street by the City or by the location or manner of construction, reconstruction, maintenance or repair of any public property, structure or facility by the City, it shall be deemed necessary by the City for Grantee to move, relocate, change, alter or modify any of its facilities or structures, such change, relocations, alteration or modification shall be promptly made by Grantee, at its cost and expense, when directed in writing to do so by the City, without claim for or right of reimbursement of cost or damages against the City. In the event Grantee, after such notice, fails or refuses to commence, pursue or complete such relocation work within a reasonable time, the City shall have the authority, but not the obligation, to remove or abate such structures or facilities and to require Grantee to pay to the City the reasonable cost of such removal or abatement, all without compensation or liability for damages to Grantee.

(d) *Temporary removal of wire for building moving.* Upon written request of any person holding a building moving permit issued by the City, Grantee shall remove, raise or lower its wires and cable temporarily to permit the moving of houses, buildings, or other bulky

structures. The reasonable expense of such temporary removal, raising or lowering shall be paid by the benefited person, and Grantee may require such payment in advance, Grantee being without obligation to remove, raise or lower its wires and cables until such payment shall have been made. Grantee shall be given not less than seventy-two (72) hours advance written notice to arrange for such temporary wire and cable adjustment.

(e) *Tree trimming.* The Common Council may, from time to time, pass ordinances authorizing the Grantee to trim or remove trees on or along City property.

(f) *Placement of fixtures.* Grantee shall not place poles, towers or similar fixtures where they will interfere with any gas, electric or telephone fixtures, water hydrant or main, drainage facility, sanitary sewer, or any other structure similar in nature and appurtenances thereto, and all such poles, towers and similar facilities shall be placed as directed by the City and in such manner as not to interfere with the usual travel or use of the streets.

(Ord. No. 82-18, § 9, 7-1-83)

Sec. 4-45. Indemnification and liability for damages.

Grantee shall indemnify and pay, and by its acceptance of this Franchise specifically agrees that it will indemnify and pay, the following:

- (a) *Damages and penalties.* All damages or penalties which the City, its officers, agents or employees, may legally be required to pay as a result of damages arising out of copyright infringements and all other damages arising out of the installation, maintenance or operation of Grantee's CATV System, whether or not any act or omission complained of is authorized, allowed or prohibited by this Franchise; and
- (b) *Expenses.* All expenses incurred by the City in defending itself, its officers, agents or employees, against any and all claims for damages or penalties described in Subsection (a). These expenses shall include all out-of-pocket expenses, such as, but not limited to, attorney fees, witness fees and court costs and shall also include the reasonable value of any services rendered by any officers or employees of the City.

It is the intent of this Section and by its acceptance of this Franchise, Grantee specifically agrees that it shall indemnify and hold City, its officers, agents and employees, harmless from all liability, damage, cost or expense arising from claims for injury to persons, damage to property or penalties occasioned by reason of any conduct undertaken by reason of this Franchise. The City shall not and does not by reason of the granting of this Franchise assume any liability of Grantee whatsoever for injury to persons, damage to property or penalties.

- (c) *Claims.* The City shall notify the Grantee in writing within a reasonable time after the presentation of any claim or demand, either by suit or otherwise, made against the City relative to the foregoing. Where any such claim or demand against the City is made by suit or other legal action, written notice shall be given by the City to the

Grantee with sufficient promptness so as not to prejudice Grantee in the defense of said proceeding. Failure of the City to so notify Grantee shall not release Grantee from its obligation to indemnify the City of Lake Station.

(Ord. No. 82-18, § 10, 7-1-83)

Sec. 4-46. Liability insurance.

(a) *Minimum coverage.* Within thirty (30) days after the effective date of this Franchise, Grantee shall file with the Clerk-Treasurer, and shall maintain on file throughout the term of this Franchise, a liability insurance policy issued by a company duly authorized to do business in the State of Indiana, insuring the City and Grantee with respect to the installation, maintenance and operation of Grantee's CATV System in the following minimum amounts:

- (1) Five hundred thousand dollars (\$500,000) for bodily injury or death to any one person;
- (2) One million dollars (\$1,000,000) for bodily injury or death resulting from any one accident;
- (3) One hundred fifty thousand dollars (\$150,000) for property damage resulting from any one occurrence; and
- (4) One hundred fifty thousand dollars (\$150,000) for all other types of liability.

(b) *Notice of cancellation or reduction.* Such policy of liability insurance shall contain the provision that written notice of expiration, cancellation or reduction in coverage of the policy shall be delivered to the Clerk-Treasurer and to Grantee at least thirty (30) days in advance of the effective date thereof.

(c) *Term.* Such liability insurance shall be kept in full force and effect by Grantee during the existence of this Franchise and thereafter until after the removal of all poles, wires, cables, underground conduits, manholes and other conductors and fixtures incident to the maintenance and operation of Grantee's CATV System, should such removal be required by the Board of Public Works and Safety and Common Council or undertaken by Grantee.

(Ord. No. 82-18, § 11, 7-1-83)

Sec. 4-47. Installation schedules.

(a) *Permits, licenses and certificates.* Within thirty (30) days after the acceptance of this Franchise, Grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, utility, joint-use attachment agreements and permits, licenses, authorizations and certificates to be granted by duly constituted local, state and federal governmental entities and regulatory agencies having jurisdiction over the installation and operation of CATV Systems. Grantee agrees to notify City in writing within fifteen (15) days of receipt of all permits and authorizations.

(b) *Start of construction.* Within six (6) months after acceptance of this Ordinance by the Grantee, the Grantee shall commence with construction and installation of its CATV System, subject to the conditions of this Franchise.

(c) *Initial rendering of services.* Within twelve (12) months after commencement of construction of its CATV System, Grantee shall have extended service to all residents of the Franchise Area. Grantee agrees to furnish and make the proposed service available to all residents within the boundaries of the City of Lake Station, with no exceptions, including but not limited to, all residents in any territories subsequently annexed to the City, subject to the provisions of Section 4-40, hereof without regard to subscriber density or amount of subscribers obtained by Grantee in any given territory.

(d) *Compliance.* Failure of Grantee to commence and diligently pursue each of the foregoing requirements and to abide by and to complete each of the matters set forth herein shall be grounds for termination of the Franchise; provided, however, Grantee shall notify the Common Council as soon as reasonably possible of any major delay in meeting the construction schedule despite Grantee's good faith efforts and because of circumstances beyond Grantee's control. Grantee shall be relieved from any of the foregoing time requirements without forfeiture of this Franchise, where the delay is attributable to strikes, labor disputes, riots, weather conditions, wars, or national emergency. Additionally, the Common Council may extend the time for commencement and completion of construction and installation for additional periods for any other reason in the event Grantee, acting in good faith, experiences delays; such extension(s) shall not be unreasonably withheld. Grantee shall provide the City with a report at least once each month setting forth the progress made as of the date of each report. The City may request any additional information not included in said report which shall be provided by the Grantee to the City.

Grantee shall advise the City of any delays in construction, the reason for the delay and the probable length of same.

(Ord. No. 82-18, § 12, 7-1-83)

Sec. 4-48. Operational standards.

The Common Council shall require that Grantee's CATV System shall be installed, maintained and operated in accordance with the highest accepted standards of the industry and to that end the Subscriber may receive the best and most desirable form of service. Toward accomplishment of this purpose, Grantee and its CATV System shall meet the following minimum standards and service offerings:

- (a) *Compliance with FCC rules.* Grantee shall comply with present and future rules and regulations of the FCC in connection with and relating to the operation of its CATV System. Grantee shall register this Franchise with the FCC within sixty (60) days of the effective date hereof.
- (b) *Quality of color signals.* Grantee's CATV System shall be capable of transmitting and passing the entire color television spectrum without the introduction of material degradation of color intelligence and fidelity.
- (c) *Rated for continuance operation.* Grantee's CATV System shall be designated and rated for twenty-four (24) hours a day continuous operation.

- (d) *Quality of picture.* Grantee's CATV System shall be capable of and shall produce a picture upon any Subscriber's television screen in black and white or color, provided the Subscriber's television set is capable of producing a color picture, that is undistorted and free from ghost images and accompanied by proper sound, assuming the technical, standard production television set in good repair and the television broadcast signal transmission is satisfactory. In any event, the picture produced shall be as good as the state-of-the art allows.
 - (e) *No cross modulation or interference.* Grantee's CATV System shall transmit or distribute signals of adequate strength to produce good pictures with good sound in all television receivers of all Subscribers without causing cross modulation in the cables or interference with other electrical or electronic systems including existing television service in the City.
 - (f) *Channel capacity.* Grantee's CATV System shall have a minimum channel capacity of fifty-four (54) television channels and a future dual cable with an additional capacity of fifty-four (54) channels shall be constructed as soon as the additional channels are available and there is sufficient subscriber demand. The dual cable shall be installed underground during the initial construction of the CATV system in those areas where other utilities are presently located underground and dual cable may be installed above ground at the discretion of the Grantee in those areas where other utilities are presently located above ground.
- (Ord. No. 84-4, § 13.6, 3-1-84)
- (g) *Signals to be carried.* Grantee shall carry on its own CATV System the signals of all stations significantly viewed in Chicago, Illinois, and the signals of no less than two (2) distant independent commercial stations as well as the signals of such distant educational and non-English language stations as may be technically and economically feasible.
 - (h) *Temperature range.* Grantee's CATV System shall be capable of operating throughout the air temperature range of -20 to 100 degrees Fahrenheit (-29 to +38C.) without degradation of audio or video facility.
 - (i) *Educational access channels.* At least one (1) channel shall be reserved for the use of the educational authorities in the City. Such channel shall be provided free of charge.
 - (j) *Public access channels.* At least one (1) channel shall be reserved for the use of the public, without charge, on a first come, first service, nondiscriminatory basis.
 - (k) *Standard of care.* Grantee shall at all times employ a high standard of care and shall install, maintain and use approved methods and devices for preventing failures or accidents which are likely to cause damages, injuries or nuisances to the public.
 - (l) *Service and repair.* Grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Insofar as possible, such interruptions shall be preceded by forty-eight (48) hours notice and shall

occur during periods of minimum use of the CATV System. Grantee shall provide a daily pro-rata credit to any subscriber who is without service for any continuous period in excess of twenty-four (24) hours due to the fault of Grantee.

- (m) *Grantee's office.* Grantee shall maintain a business office located in the City of Lake Station which shall be open during all usual business hours, have a listed telephone and be so equipped, and operated that complaints and requests for installation, repairs or adjustments may be received twenty-four (24) hours a day, seven (7) days a week. Grantee shall furnish the Common Council or its designee or other designee of the City with all information requested concerning subscriber, complaints. Such office shall maintain complete and updated maps of Grantee's CATV System and the construction plans and specifications thereof. Said updated maps shall be provided at no cost to the City from time to time reflecting the latest update.
- (n) *Complaints.* The Building Department or its designee shall be responsible for receiving and acting on any complaints unresolved within a reasonable time, and shall process the same as complaints are handled generally under the Building Code. Grantee shall be responsible for and shall remit to the Treasurer of the City a sum equal to the prevailing charge for an electrical inspection generally for each and every complaint so handled. A written notice of this complaint procedure including the identity of the responsible official, shall be given to each new subscriber at the time of initial subscription to the cable system. Subsequent notice thereof shall be sent to all subscribers at least biannually.
- (o) *Service calls.* Grantee shall respond to all service calls within twenty-four (24) hours and correct malfunctions as promptly as possible, but, in all events, within a reasonable time which shall be seventy-two (72) hours after notice thereof, except during the time of a general breakdown due to weather or other catastrophe. For such purpose, Grantee shall maintain a competent staff of employees sufficient in size to provide adequate and prompt service to Subscribers. Grantee shall keep permanent written record of all complaints as much as is reasonably possible, and the same shall be open for inspection by officials of the City during regular business hours. Said records shall be maintained for a period of five (5) years.
- (p) *State of the art.* Grantee shall, where economically feasible, undertake any and all construction and installation necessary to keep current with the latest developments in the state of the art of CATV, whether with respect to increasing Channel capacity, developing other new services, institute more extensive two-way service or otherwise.
- (q) *Cable locator.* A cable locator shall be available at no cost to the City at said City's request.
- (r) *Mobile van.* Upon the City's furnishing to the Grantee reasonable notice, the Grantee shall make a Mobile Van available to the City.
- (s) *Combined programming.* Until such time as there is demand for each channel, provided in Sub-section (i) and (j) of this Section, for full time for its designated use,

public, educational, and government channel programming may be combined on one or more composite access channels. Grantee may utilize any time not otherwise used on such access channels for its own programming.

- (t) *Key lock.* The Grantee shall provide and install free of charge a parental guidance key lock system to all subscribers who desire to censor programming, however, Grantee may require a reasonable deposit on all such systems.

(Ord. No. 82-18, § 13, 7-1-83)

Sec. 4-49. Performance bond.

The Grantee shall maintain throughout the period of installation and construction, a faithful performance bond in favor of the City, in such form and in such sureties as shall be acceptable to the City in the sum of one hundred thousand dollars (\$100,000) guaranteeing the faithful performance of all of the obligations of the Grantee under this Ordinance. When the construction and installation of the CATV System is completed as defined herein, the sum of the performance bond shall be reduced to ten thousand dollars (\$10,000) through the remainder of the term of the Franchise, or any renewal or extension thereof. The Grantee shall post such performance bond before a building permit will be issued for commencement of construction.

(Ord. No. 84-4, § 14, 3-1-84)

Sec. 4-50. Emergency use of the CATV system.

In the event of an emergency or disaster, Grantee shall upon request of the Common Council or its designee make available its facilities to the City for emergency use during the period of such emergency or disaster and shall provide such personnel as may be necessary to operate its facilities under the circumstance.

(Ord. No. 82-18, § 15, 7-1-83)

Sec. 4-51. Compliance with state and federal laws.

Notwithstanding any other provision of this Franchise to the contrary, Grantee shall at all times comply with all laws, rules, and regulations of the state and federal governments and any administrative agencies thereof. If any such state or federal law, rule or regulation shall require or permit Grantee to perform any other service in conflict with the provisions of this Franchise or any other ordinance, rule, regulation or charter provision of the City, then immediately following knowledge thereof Grantee shall notify the Common Council in writing of the point of conflict believed to exist between such state or federal law, rule or regulations and this Franchise or any ordinance, law, regulation or charter provision of the City. If the Common Council determines that a material provision of this Franchise does in fact conflict with such state or federal law, rules or regulation, it shall have the right to modify any provision hereof to such reasonable extent as may be necessary to carry out the full intent and purpose of this Franchise.

(Ord. No. 82-18, § 16, 7-1-83)

Sec. 4-52. Employment requirements.

Grantee shall afford equal opportunity in employment to all qualified persons. No person shall be discriminated against in employment because of race, color, religion, national origin, sex, age or handicap. Grantee shall establish, maintain and carry out a positive, continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policies and practices.

(Ord. No. 82-18, § 17, 7-1-83)

Sec. 4-53. Other business activity.

Grantee shall not engage in the business of selling, repairing or installing television receivers or radio receivers within City during the term of this Franchise. Grantee shall not suggest, recommend or single out any television or radio sales or service firm or business establishment to be patronized by Subscribers. Grantee shall exercise all reasonable influence on its officers, agents, employees and representatives to insure compliance with this Section. It is provided, however, that this Section does not prohibit Grantee from servicing or repairing Converters and other technical equipment which it owns and which are leased or otherwise furnished to Subscribers for use with Grantee's services.

(Ord. No. 82-18, § 18, 7-1-83)

Sec. 4-54. Payment to city.

(a) *Amount and time.* As compensation for the right, privilege and Franchises herein conferred, Grantee shall pay to City each year during the term of this Franchise a sum equal to three (3%) percent of grantee's Gross Revenues for such year provided that said fee may be increased to an amount not to exceed five percent (5%) of said Gross Revenues upon approval of or deregulation by the Federal Communication Commission. Such payments shall be made quarterly. Grantee shall file with the Clerk-Treasurer within sixty (60) days after the expiration of each quarter of each calendar year, or portion thereof, during which this Franchise is in effect, a financial statement prepared according to generally accepted accounting principles showing in detail the Gross Revenues of Grantee during the preceding quarter of the calendar year. Such statement shall be accompanied by Grantee's payment to City of three (3%) percent of such Gross revenues for such quarter.

(b) *Right of inspection of records.* The City shall have the right to inspect Grantee's records showing the Gross Revenues from which payments to City are computed and to audit and recompute any and all amounts paid under this Franchise. No acceptance of payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this Franchise or for the performance of any other obligation hereunder.

(c) *Other payments to city.* The franchise fee payable hereunder shall be exclusive of and in addition to all ad valorem taxes or special assessments for municipal improvements.

(Ord. No. 82-18, § 19, 7-1-83)

Sec. 4-55. Records and reports.

(a) *Books of account.* Grantee shall keep complete and accurate books of accounts and records of its business and operations under and in connection with this Franchise. All such books of accounts and records shall be maintained at Grantee's principal office.

(b) *Access by city.* The City, through its duly designated officers, agents or representatives, shall have access to all books and accounts and records of Grantee for ascertaining the correctness of any and all reports and may examine its officers and employees under oath in respect thereto. Access shall be given by Grantee to such officers, agents, or representatives of the City at all reasonable times not only to Grantee's records of Gross Revenues, but also to all of Grantee's plans, contract, engineering, planning, financial, statistical, customer and Subscriber service records relating to the properties and operation of its CATV System and to all other records and reports required to be kept or which are kept by Grantee.

(c) *Annual report.* An annual report showing the number of Subscribers as of that year's Anniversary Date of this Franchise and Gross Revenue and Regular Subscriber Service revenue received by Grantee for the preceding calendar year, prepared and certified by a certified public accountant, and such other information as the City shall request with respect to the properties and expenses related to Grantee's CATV System, shall be filed by Grantee with the Clerk-Treasurer within ninety (90) days following the end of each calendar year or portion thereof during which this Franchise is in effect.

(d) *False entry.* Any false entry in the books of accounts and records of Grantee or false statement in the reports to the City or its duly designated officers, agents or representatives, of a material fact, knowingly made by Grantee, shall constitute a violation of a material provision of this Franchise ordinance.

(Ord. No. 82-18, § 20, 7-1-83)

Sec. 4-56. Grantee's rules.

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 Grantee to exercise its rights and to perform its obligations under this Franchise and to assure an uninterrupted service to all Subscribers; provided, however, such rules, regulations, terms and conditions shall not be in conflict with any of the provisions of this Franchise or any ordinance of the City, the provisions of its charter, the laws of the State of Indiana, and the United States of America and the rules and regulations of the FCC. Any other federal, state and local terms and conditions shall be filed with the Clerk-Treasurer and shall thereafter be maintained current by Grantee.

(Ord. No. 82-18, § 21, 7-1-83)

Sec. 4-57. Rates.

The initial rates Grantee will charge its Subscribers shall be on file in the office of the Clerk-Treasurer as of the date of passage of this Article (7-1-83). Thereafter, these rates shall be changed when appropriate in accordance with the provisions of this Section. Such initial

rates and any changed rates from time to time shall be filed with the Clerk-Treasurer and shall be incorporated herein by reference as though fully set out in this Article. Said rates shall be open to public inspection during regular business hours at the Clerk-Treasurer's office.

Any rates established shall be reasonable, just and fair to the public, and no greater than the lowest rate of any other franchise(s) granted to the Grantee by any other governmental unit in Lake County, Indiana, and shall provide to the Grantee a return upon its investment reasonably sufficient to:

- (a) Assure confidence in Grantee's financial soundness;
- (b) Support its credit and attract necessary capital under efficient and economical management; and
- (c) Provide a return to equity owners commensurate with current returns on investment in other enterprises having corresponding risks.

No rate established shall afford any undue preference or advantage among Subscribers, but separate rates may be established for separate classes of Subscribers.

Changes in established rates shall be made as follows:

- (a) For the first thirty-six (36) months after the date of the ordinance but in no case less than two (2) years from the date service to the whole community is initiated there shall be no changes in initial rates for Regular Subscriber Service;
- (b) After three (3) years, Grantee shall not establish or make any change in rates except by filing a request for rate modification with the Common Council at least thirty (30) days prior to the proposed effective date of the modification. The Common Council shall schedule a public hearing for that purpose within forty-five (45) days, at which Grantee and members of the public shall be heard.
- (c) A request for a rate increase shall not be unreasonably denied, and any denial of a rate increase, in whole or in part, shall be accompanied by a written statement by the Common Council which shall set forth the reasons for the denial. In the event that the Common Council denies a proposed rate increase, in whole or in part, Grantee shall have the right to request arbitration, in accordance with the rules of the American Arbitration Association to determine the reasonableness of the Council's action or, at its option, Grantee shall have the right to request review of the denial by any Court of competent jurisdiction.

(Ord. No. 82-18, § 22, 7-1-83)

Sec. 4-58. Discontinuance of service.

(a) *Discontinuance of service for non-payment.* Grantee may disconnect installations and discontinue service to a Subscriber upon failure to pay Subscriber's bill within thirty (30) days of rendition; provided, however, Grantee shall give five (5) days written notice to Subscriber, delivered either by mail or served in person, that service will be discontinued unless arrearages are paid before the expiration of the five (5) day period.

(b) *Disconnection of installation because of deceit.* Grantee may disconnect installation and discontinue service to a Subscriber who operates or attempts to operate more than one (1) television set at any one time on an installation for which no service fees are being paid, or permits anyone else to do the same; provided, however television servicemen may disconnect or reconnect the terminal unit on the rear of the television receiver for the purpose of repairing or replacing receiver equipment at the request of a Subscriber.

(Ord. No. 82-18, § 23, 7-1-83)

Sec. 4-59. Distant extension of distribution cable.

In the event that a potential Subscriber's premises are located at such a distance from a distribution cable that Grantee deems it not economically feasible to provide service at the rates authorized herein, the Board of Public Works and Safety shall determine, upon request from the potential Subscriber or Grantee, the amount, conditions, and refund provisions of the cable extension charge which, in addition to the rates authorized herein, would be fair and reasonable under the particular conditions and circumstances. In no event shall it be deemed "not economically feasible" to extend a distribution cable a distance of two hundred (200) feet or less, from an existing public utility or other public easement or right-of-way.

(Ord. No. 82-18, § 24, 7-1-83)

Sec. 4-60. Prohibition of discriminatory or preferential practices.

In its rates or charges, or in making available the services or facilities of the CATV System, or in its rules or regulations, or in any other respect, Grantee shall not make or grant preference or advantage to any Subscriber or potential Subscriber or to the User of the CATV System and shall not subject any such person to any prejudice or disadvantage. This provision shall not be deemed to prohibit promotional campaigns to stimulate subscriptions to the CATV System or other legitimate uses thereof.

(Ord. No. 82-18, § 25, 7-1-83)

Sec. 4-61. Non-exclusive franchise.

The rights, privileges and Franchise(s) granted hereby are not exclusive and nothing herein contained shall be construed to prevent the City from granting any like or similar rights, privileges and franchise to any other person within all or any portion of the City.

(Ord. No. 82-18, § 26, 7-1-83)

Sec. 4-62. Revocation of franchise.

In addition to all other rights and powers of the City by virtue of this Franchise or otherwise, the City reserves, as an additional and as a separate and distinct power, the right to terminate and cancel this Franchise and all rights and privileges of Grantee hereunder in any of the following events or for any of the following reasons:

- (a) Violation of provisions. If Grantee shall by act or omission violate any term, condition or provision of this Franchise and shall fail or refuse to effect compliance within thirty (30) days following written demand by the City to do so.

- (b) Insolvent or bankrupt. If Grantee becomes insolvent or is adjudged bankrupt or all or any part of Grantee's facilities are sold under an instrument to secure a debt and are not redeemed by Grantee within thirty (30) days from the date of such sale; provided, however this shall not be an event of termination or cancellation in the event of a bankruptcy proceeding and the trustee, receiver or debtor in possession agrees in writing to be bound by the terms of this Franchise.
- (c) Fraud or deceit. If Grantee attempts to or does practice any fraud or deceit in its conduct or relations under this Franchise with the City, Subscribers or potential Subscribers.
- (d) Method of termination and cancellation. Any such termination and cancellation of this Franchise shall be by ordinance adopted by the Common Council; provided, however, before any such ordinance is adopted, Grantee must be given at least sixty (60) days advance written notice, which notice shall set forth the causes and reasons for the proposed termination and cancellation, shall advise Grantee that it will be provided an opportunity to be heard by the Common Council regarding such proposed action before any such action is taken, and shall set forth the time, date, and place of the hearing. In no event shall such hearing be held less than thirty (30) days following delivery of such notice to Grantee.
- (e) Other than its failure, refusal or inability to pay its debts and obligations, including, specifically, the payments to the City required by this Franchise, Grantee shall not be declared in default or be subject to any sanction under any provision of this Franchise in those cases in which performance of such provision is prevented by reasons reasonably beyond its control.

(Ord. No. 82-18, § 27, 7-1-83)

Sec. 4-63. Assignment of franchise.

The rights, privileges and Franchise granted hereunder may not be assigned, in whole or in part, without the prior consent of the Common Council expressed by a resolution or ordinance and then only under such conditions as may thereby be prescribed. No assignment to any person shall be effective until the assignee has filed with the Clerk-Treasurer an instrument, duly executed, reciting the fact of such assignment, accepting the terms of this Franchise, and agreeing to comply with all of the provisions hereof. No such consent shall be required for a transfer:

- (a) To a parent or subsidiary of a Grantee; or
- (b) To a corporation whose stock is held by the same stockholders as Grantee;
- (c) Of less than twenty (20%) percent of the voting securities of a corporate Grantee unless such transfer also results in a transfer of voting control;
- (d) Of stock from one present stockholder to another present stockholder unless such transfer also results in a transfer of voting control;

- (e) To a transfer that involves a reorganization or merger of interests with another entity for the purpose of securing financing and management assistance provided that the Grantee and its principals retain an effective ownership interest in the reorganization or merged entity.

(Ord. No. 82-18, § 28, 7-1-83)

Sec. 4-64. Acceptance of franchise.

Within thirty (30) days from the effective date of this ordinance, Grantee shall file with the Clerk-Treasurer a written statement in the following form signed in its name and behalf:

"To the Common Council of the City of Lake Station, Indiana:

For itself, its successors and assigns, the grantee hereby accepts the attached ordinance and agrees to be bound by all of its terms, conditions and provisions."

Grantee:

By: _____

Dated this ____ day of _____, 198__."

(Ord. No. 82-18, § 29, 7-1-83)

Sec. 4-65. Public, educational and municipal service.

(a) Grantee shall without charge make one (1) aerial connection for Regular Subscriber Service into the internal distribution system of each existing and future municipal office buildings, police station, fire station, community center, library, and public and parochial schools. Grantee shall make a connection at one outlet in each such premises for the purpose of enabling the said premises to distribute the Regular Subscriber Service. Where such premises consists of more than one (1) building, only one (1) tie-in and connection shall be made.

(b) Grantee shall make such tie-in and connection at the location designated by the appropriate official as the location of the "head-end" of the internal distribution system of the premises. The responsibility of Grantee shall terminate when the tie-in and connection to the internal distribution system is complete, and the responsibility for performance of the internal distribution system, and for the distribution of the transmissions throughout such system shall be solely that of the premises. Grantee makes no representation or warranty as to the ability of such distribution system to carry the programs transmitted over its cable system; however, Grantee will offer, without charge, technical consulting services to the premises in order to make the internal system work effectively for the purposes intended herein.

(c) The procedure for making such connections shall be as follows: Connections will be made at the time when Grantee is serving the area within which the premises is located. At such time, Grantee shall send written notification of the provisions of this paragraph to such premises. Thereafter, upon written request from the recipient official, Grantee will make the above-described tie-in and connection to the internal distribution system of such premises. When Grantee is serving the area, but the building on the premises to be connected with an

aerial installation is located than 500 feet from the nearest CATV cable, the cost of the aerial cable installation beyond 500 feet will be paid by the premises. For underground installations, Grantee shall charge the recipient its actual cost. Such costs will be submitted to said premises, in writing, before installation is begun. All such Premises will be connected according to the orderly progress and construction of the system.
(Ord. No. 82-18, § 30, 7-1-83)

Sec. 4-66. Interface of CATV companies.

Subject to the applicable rules and regulations of the FCC, in the event that more than one (1) franchise is issued within, or immediately adjacent to the City, and if such operating systems are contiguous and technically compatible with Grantee, and have allocated access channels, Grantee shall provide suitable inter-connection facilities for one access channel at the boundary of its service area. In no event, however, shall Grantee be required to interconnect with a cable system not having substantially the same access provisions in its franchise as contained in this Franchise, unless such system agrees voluntarily to connect with Grantee, nor shall Grantee be required to interconnect at any point beyond any area where it has trunk or feeder service. In no event shall interconnection be required where the combined cable systems include more than fifty (50) trunk amplifiers in cascade or as the state-of-the-art then permits.

(Ord. No. 82-18, § 31, 7-1-83)

Sec. 4-67. Studio facility.

Grantee shall establish and maintain a studio located in the City for reasonable use by the City for local programming. The Studio facility shall be provided as soon as reasonably practicable, but in no event later than one (1) year from the date of registration of this Franchise with the FCC.

(Ord. No. 82-18, § 32, 7-1-83)

Sec. 4-68. Publication costs and attorney fees.

The Grantee, upon receiving the Franchise provided for herein, shall reimburse and pay to the City the cost of publication of this Franchise as such publication is required by law. The Grantee, after accepting the Franchise, also shall pay all reasonable attorney fees, costs and expenses incurred in granting this Franchise.

Sec. 4-69. Amendments.

The City expressly reserves the right to amend any provision of this ordinance (including, but not limited to rates) to conform with any more favorable provisions in any ordinance granting to Grantee a franchise in any municipality or other governmental unit(s) in Lake County, Indiana.

Grantee agrees to file with the Clerk-Treasurer of the City a complete certified copy of any ordinance granting a Franchise to Grantee by any governmental unit in Lake County, Indiana, within thirty (30) days of the effective date(s) thereof and to the extent possible, all such more favorable provisions shall be retroactive in this Ordinance to such effective date(s).
(Ord. No. 82-18, § 34, 7-1-83)

Sec. 4-70. Incorporation of proposal.

The proposal furnished by the Grantee to the City is hereby made a part of this Ordinance; and all information and representations made in said proposal are binding on the Grantee.
(Ord. No. 82-18, § 35, 7-1-83)

Sec. 4-71. Severability—General terms.

If any provision, section, subsection, sentence, clause or phrase of this Franchise is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this Franchise. It is the intent of the City in adopting this Franchise that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provisions; and to this end all provisions of this Franchise are declared to be severable. Failure to enforce or insist upon compliance with any of the terms or conditions of this ordinance shall not constitute a waiver or relinquishment of any such terms or conditions by the City, but the same shall be and remain at all times in full force and effect.
(Ord. No. 82-18, § 36, 7-1-83)

Secs. 4-72—4-75. Reserved.

ARTICLE 3. ECONOMIC REVITALIZATION AREAS

Sec. 4-76. Purposes.

(a) The Common Council of the City of Lake Station, Indiana, recognizes the need to stimulate growth and to maintain a strong economy within its corporate limits.

(b) The Council further recognizes that it would be beneficial to the City for the redevelopment of real property and industrial equipment within the City to qualify as an Economic Revitalization Area for tax abatement purposes.

(c) I.C., 6-1.1-12.1-1 through I.C., 6-1.1-12.1-5.7, provide for tax abatement for rehabilitation or redevelopment of real property and equipment in Economic Revitalization Areas.

(d) Due to economic conditions within Northwest Indiana during the past several months, normal development and economic growth of the community have suffered and the normal development of property and the use of property has been impaired.

(e) It is the desire of the Common Council of Lake Station, Indiana, to avail itself of all means at its disposal to foster economic development and growth within the community.

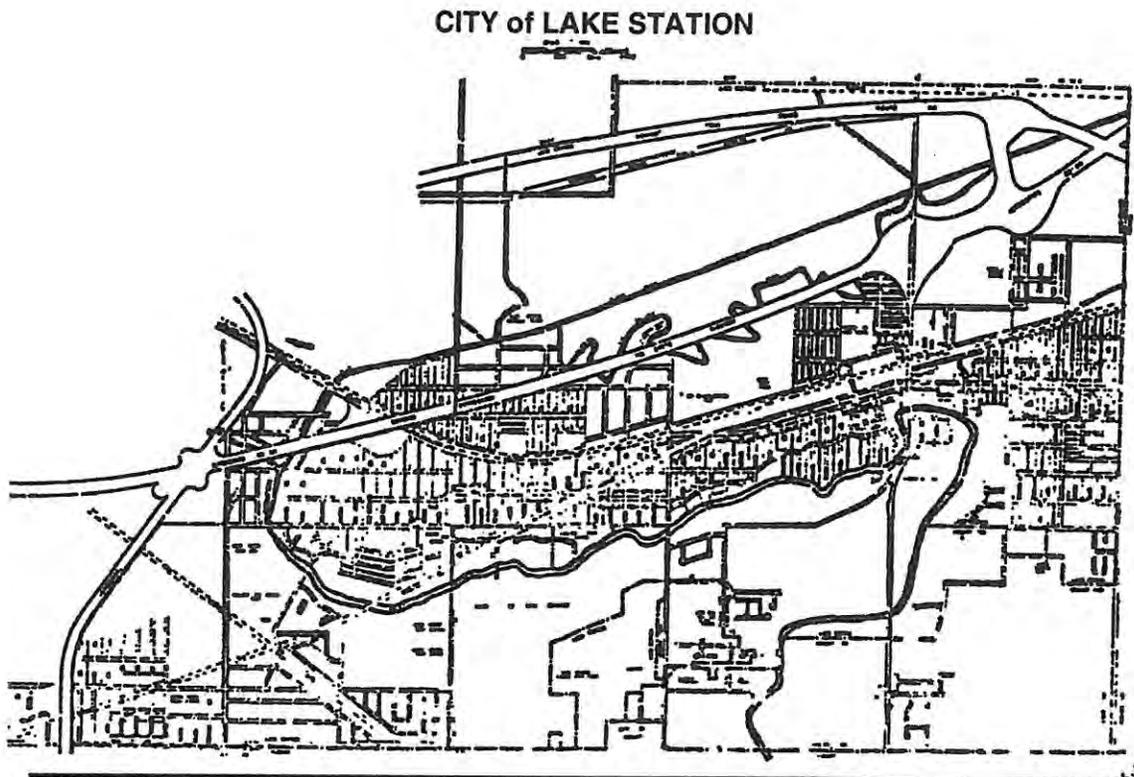


Sec. 4-77. Designation of areas.

(a) The city, whose corporate boundaries are identified by the map of the city which appears on the next page which is incorporated herein, and [is] declared to be an economic revitalization area in its entirety.

(b) This article shall not give any person, firm, organization or corporation any rights or assess any obligations as to tax abatement status that would be greater than those granted or imposed by the laws of the state.

(Res. No. 84-6, 9-26-84)

**ARTICLE 4. PERMITS FOR LAND DUMPING AND FILL****Sec. 4-78. Definitions.**

The following definitions shall apply throughout this article:

City means the City of Lake Station, Indiana.

Dumping and fill means to dump, deposit, apply, excavate, move or otherwise place upon land within the city, with the purpose or effect of changing its natural topographic contour, any fill material.

Fill material means soil, sand, gravel, clay, rock, earth or other solid or semi-solid materials, but not including any substance or material defined as "solid waste," "hazardous waste," or "special waste" as those terms are defined pursuant to I.C. §§13-11-2-205, 99 and 215, respectively, or by any subsequently enacted provision of state law governing the regulation of waste materials.

Person means an individual, corporation, partnership, company, business organization, or association, whether for profit or not-for-profit, but shall not include agencies of local government, the State of Indiana, or the United States.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-79. Dumping and fill of land prohibited without permit.

(a) It is unlawful for any person to dump, deposit, apply, excavate, move or otherwise place upon land within the city, with the purpose or effect of changing its natural topographic contour, any fill material, unless excepted pursuant to subsection (b), without a permit duly issued and in effect under this article.

(b) The following activities are excepted from the application of this article:

- (1) The dumping and fill of fill material by or at the direction of any governmental agency or public utility in connection with any public works project, street improvement, sewer or utility construction or repair project;
- (2) The dumping and fill of fill material in a total amount, not to exceed forty (40) cubic yards, in any period of one (1) year, commencing on the first day of actual dumping or fill upon any part of a single contiguous parcel of land.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-80. Application and fees.

A person desiring to secure a permit for dumping and fill of land shall make written application to the clerk-treasurer of the city upon an application form to be prepared by the clerk-treasurer and containing the following information:

- (a) The names, addresses, telephone numbers of each person who is a holder of the legal title or who holds a beneficial interest in the land upon which the dumping and fill activities will be carried out, together with the name, address, and telephone number of each contractor or other person who will actually carry out dumping and fill activities upon the land;
- (b) A statement of the character, location, purpose and intent of the dumping and fill activity with reference to a plat of survey for the parcels of land upon which all such activities will take place. Such plat shall be prepared by a registered land surveyor or engineer of the state in accordance with accepted survey standards, shall be attached

to the application, and shall disclose, by contour lines upon the plat at intervals of not more than two (2) feet, the topographic nature of the parcels of land affected. Such plat shall include a legal description and key number of all parcels upon which dumping and fill activities will take place and shall be presented at a scale of not less than one (1) inch to one hundred (100) feet;

- (c) A description of the manner of dumping and fill activities to be undertaken, the amount, kind, character and exact source of the fill material and an exact description of all equipment to be utilized, together with the exact route within the city which all trucks and other equipment will travel in the course of performing such activities and in traveling to the property;
- (d) A detailed description of all protective measures and equipment to be used to prevent spillage and blowing of material onto adjacent property and flooding of land or diversion of watercourses;
- (e) An agreement, to be executed by the owners of the land upon which dumping and fill activities will take place and their contractors performing the work that:
 - 1. They will indemnify and hold harmless the city and adjoining landowners from any damage caused by their dumping and fill activities including damage due to changes in the drainage characteristics of adjoining properties caused by such activities;
 - 2. They will perform all dumping and fill activities in strict compliance with all applicable laws of the state and the United States, and that the fill material to be employed is not subject to permit, regulation or control by any agency of the state or the United States;
 - 3. They grant to the city the right to enter the land upon which dumping and fill activities are proposed to take place at any time for the purpose of observing such activities or inspecting the site of such activities to determine compliance with this article, the permit issued pursuant to this article, and to investigate complaints of violations of same;
 - 4. They will execute a written undertaking to comply fully with all applicable provisions of this article, laws governing their dumping and fill activities and the conditions of the permit in a penal sum to be determined by the city board of public works and safety in an amount not less than ten thousand dollars (\$10,000.00) secured by a real estate bond or qualified surety under the laws of the state and covering all damages, attorney fees, costs of litigation or enforcement suffered by the city for violation of any such laws, ordinance or conditions;
- (f) The applicant shall tender to the clerk-treasurer the sum of two hundred dollars (\$200.00) as application fee when filing the application, and, upon approval thereof by the board of public works and safety, a permit fee of one hundred dollars (\$100.00) at time of issuance of the permit, and annually upon renewal thereof.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-81. Notice and hearing.

Upon completion and filing of the application and payment of the application fee, the clerk-treasurer shall place the application on the agenda of the next meeting of the board of public works and safety of the city ("board") for the purpose of scheduling a public hearing. The board shall assign a public hearing date to the application, and the applicant shall give written notice by registered or certified mail to all owners of property within fifteen hundred (1500) feet of the boundaries of the parcels upon which dumping and fill activities will take place. Such notice shall be mailed not less than fifteen (15) days before the hearing and shall contain the date, place and time of the public hearing, the names of all owners of the property upon which the dumping and fill activities will take place, the address of said property, and a description of the nature, extent and purpose of the activities to be undertaken.

The applicants shall file with the clerk-treasurer on or before the date of the public hearing a report issued by a title insurance or abstracting company detailing the names and address of all of the record owners of all parcels of real estate within the area described above for the giving of notice, and the return receipts and proof of mailing of notice to all such persons. The board shall conduct said hearing in the same manner as public hearings on other matters. (Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-82. Grant of permit.

At the conclusion of the hearing, and within thirty (30) days of same, the board shall determine whether the health and safety of the residents of the city will be adversely affected by the project or whether damage to public or private property is likely if the proposed dumping and fill activities are allowed. The board shall then render its decision granting or denying the application for permit. If it is granted, the board shall specify those conditions in addition to or different from the general conditions provided in this article attaching to the permit. If denied, the board shall specify its findings in support of its decision. (Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-83. Terms of permit; conditions.

Unless otherwise determined by the board for good cause, every permit issued under this article shall contain and be subject to the following conditions:

- (a) The permit shall be in effect for a period of one (1) year from the date of issue. Permits shall be subject to renewal in the same manner as a new permit;
- (b) All dumping and fill work will comply with all applicable laws and regulations of the city, state, and United States at all times, and that all fill material will be carried, handled and deposited so as to avoid spillage, blowing or contamination of streets and adjoining property;
- (c) The ultimate height of any fill undertaken by the applicant will not exceed ten (10) feet above the natural grade of the nearest public road adjoining the fill site;

- (d) Dumping and fill activities shall not be taken at unreasonable times or intervals such that undue noise and vibration shall be inflicted on surrounding property residents and occupants interfering with the peace and quiet enjoyment of their property;
- (e) The fill activities undertaken shall have adequate lateral support;
- (f) After permitted dumping and fill activities have been completed to the grade allowed by the city engineer, the subgrade shall be scarified to a depth of four (4) inches and rolled until a "proctor density" of not less than eighty-five (85) percent is obtained. Unless a building or structure will be erected over the fill site, clean black dirt shall be placed on the surface of the filled area to a depth of at least four (4) inches rolled and compacted.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-84. Reports.

The permit applicants shall file every three (3) months from the date of issue of the permit a report in writing with the board detailing the extent of the dumping and fill activities performed since the permit was issued or the last report, the exact source and type of all fill materials used, and the anticipated completion date.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-85. Enforcement.

The board shall cause the land upon which dumping and fill activities are undertaken in the city to be inspected periodically by the city engineer or his designee. The city engineer may issue citations of violation of this article or the terms and conditions of the permit, and may allow a grace period, not to exceed five (5) days in which the applicants may remedy any such citation. Thereafter, the board may seek prosecution of said citations in the same manner as other city ordinances.

The city engineer, in the event he determines that injury to life or health, or damage to public or private property is likely to result from a violation of this article or the terms and conditions of the permit, may issue a stop work order to the applicants and individuals performing dumping and fill activities and suspend their permit. Such persons shall immediately stop work until further notice from the board of the city engineer. The city may, at its sole option, obtain enforcement of the provisions of this article and the permit by application for injunctive and declaratory relief before any court of competent jurisdiction.

The applicants may appeal such orders to the board which shall conduct an evidentiary hearing to determine if the permit should be reinstated and the stop order withdrawn. The city shall carry the burden of proof at hearing. The applicants may be represented by counsel and present such evidence they wish and confront the evidence and witnesses of the city. The hearing will be held pursuant to not less than ten (10) days' written notice to the applicants, and the board shall render its decision in writing not more than twenty (20) days after hearing.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-86. Penalties and sanctions for violation.

A person violating any provision of this article, the permit, a stop work order or order of the board shall be subject to the fines and penalties specified in section 1-9 of the City Code. Each day of violation shall be deemed a separate offense. Liability for such violation shall attach to all applicants and other persons committing prohibited acts or failing to perform acts commanded by this article or the permit. Such liability shall be in addition to civil liability for equitable relief and damages.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-87. Jurisdiction; reports to other agencies.

This article is not intended to confer jurisdiction upon the city over matters within the authority and jurisdiction of the Indiana Department of Environmental Management, The Indiana Department of Natural Resources, United States Environmental Protection Agency, United States Army Corps of Engineers and any other state or federal agency. The city shall report to the appropriate state or federal agency and evidence or information indicating a violation of law or regulation within the jurisdiction of any of such agencies.

(Ord. No. 2000-09, § 1, 3-16-2000)

Sec. 4-88. Interpretation.

No interpretation of this article shall be made which shall exceed the jurisdiction and authority of the city, or which conflicts with that of any other governmental agency. The provisions of this article shall be deemed severable. In the event it is determined that any provision thereof is void or unenforceable, the balance of this article shall be given effect to the extent practicable.

(Ord. No. 2000-09, § 1, 3-16-2000)

Secs. 4-89, 8-90. Reserved.**ARTICLE 5. BUSINESS LICENSES****Sec. 4-91. Definitions.**

The following definitions shall apply throughout this article:

Business means any enterprise for profit conducted by a person, and also a charitable, educational, scientific, fraternal or civic organization which solicits contributions from its members or the public, whether for profit or not-for-profit, but not including any church, synagogue, temple, mosque or other place of worship, or any public or private school; provided, however, that it shall not mean any enterprise of any kind conducted exclusively from the individual business owner's or manager's dwelling place within the city.

City means the City of Lake Station, Indiana.

Person means an individual, corporation, partnership, company, business organization, or association, whether for profit or not-for-profit, but shall not include agencies of local government, the State of Indiana, or the United States.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-92. License required.

It shall be unlawful for any person to conduct or engage in a business in the city for a period of ninety (90) consecutive days or more without having obtained and maintained in effect, for as long as the person pursues any activity in connection with said business, a duly issued business license from the clerk-treasurer in the manner provided in this article.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-93. Application.

A person desiring to secure a business license under this article shall make written application to the clerk-treasurer of the city upon an application form to be prepared and distributed by the clerk-treasurer and containing the following information:

- (a) The names, addresses, and telephone numbers of the business applicant and of each person in charge of the business' management within the city;
- (b) A statement of the location, by reference to exact street address or precise geographical description within the city, of every office, plant, yard, staging area, or other facility used by or under the control of the applicant business in conducting its activities;
- (c) A description of the buildings, equipment, and specialized machinery in use or to be used by the business applicant at each location within the city, and a description of the business related activities conducted at each such location;
- (d) A statement of those explosive, hazardous, flammable, infectious, or otherwise dangerous materials or substances kept at any such location in substantial quantity, and whether the business applicant holds any permit or license issued by any agency of state or federal government for the possession, storage and use of same. If such permit or license is held by the applicant, a copy shall be provided with and attached to the application;
- (e) The names, addresses, and telephone numbers, residential as well as business, of at least two (2) persons who will serve as official contacts in the event of an emergency at any such location.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-93.1. Additional business license/permit requirement; solid waste plan.

(1) Each business located within the boundaries of the City of Lake Station, upon being licensed/permitted or obtaining any renewal thereof, shall provide as part of its submission a plan describing how its solid waste will be managed, including reduction, reuse and recycling steps taken to reduce its waste stream, which plan shall be subject to approval as provided under the above cited applicable ordinance; and,

(2) Each person and/or entity applying for business building permits shall provide as 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 provided under the above cited applicable ordinance.

(3) Current business permits issued for 2008 will have until May 30, 2008 to comply with this section or their business license will be void.
(Ord. No. 2008-04, 3-20-2008)

Sec. 4-94. Fees.

A business applicant shall pay to the clerk-treasurer a fee of fifty dollars (\$50.00) with the application for issuance of license and for any renewal thereof, except that such fees shall be waived for applicant organizations exempt from taxation by the State of Indiana or the United States. A license issued or renewed under this article shall be in effect for a period of one (1) year unless otherwise revoked. Renewal of licenses shall be made by written application in the same manner as new licenses except that the applicant need only state that information upon the application that has materially changed since the prior license was issued.

All business licenses are to be renewed by January 15 of each calendar year. Any license fee unpaid on or after March 1 of each calendar year shall be subject to a late fee of fifty dollars (\$50.00).

(Ord. No. 2000-10, § 1, 3-16-2000; Ord. No. 2004-31, 11-4-2004; Ord. No. 2012-17, 9-20-2012)

Sec. 4-95. Issuance of license.

The clerk-treasurer shall forward all applications received under this article to the zoning office of the city for such inspection or investigation as that office deems necessary to assure compliance with the City Code and other laws and regulations. Not more than ten (10) days following receipt of the application, the zoning office shall make its report to the clerk-treasurer in writing upon the application, and, if favorable, shall forthwith issue the license to the business applicant. If such report is not favorable, the clerk-treasurer shall forthwith supply a copy of the report to the applicant business who, upon compliance with any deficiencies after reinspection by the zoning office, shall be issued the license by the clerk-treasurer.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-96. Revocation or suspension of license.

In the event that any duly authorized official of the city shall determine that a business, licensed or unlicensed under this article, is conducting its activities in violation of any of the ordinances of the city, such official shall make written report of same to the clerk-treasurer who shall issue a cease and desist order or citation for violation of ordinance to the business.

If the business shall not cease or desist from its activities in violation of ordinance within seventy-two (72) hours of receipt of citation or notice to cease and desist, the business' license may be suspended or revoked by the clerk-treasurer.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-97. Hearing and appeal.

A business who is aggrieved by the denial, suspension or revocation of a business license under this article may petition the city board of public works for appeal in writing, and the board shall conduct hearing upon the petition. The city shall carry the burden of proof at hearing. The petitioner may be represented by counsel and present such evidence it wishes and confront the evidence and witnesses of the city. The hearing will be held pursuant to not less than ten (10) days' written notice to the petitioner, and the board shall render its decision in writing not more than twenty (20) days after hearing.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-98. Penalties for violation.

A person violating any provision of this article, a cease and desist order or order of the board of public works shall be subject to the fines and penalties specified in section 1-9 of the City Code. Each day of violation shall be deemed a separate offense.

(Ord. No. 2000-10, § 1, 3-16-2000)

Sec. 4-99. Interpretation.

No interpretation of this article shall be made which shall exceed the jurisdiction and authority of the city, or which conflicts with that of any other governmental agency. The provisions of this article shall be deemed severable. In the event it is determined that any provision thereof is void or unenforceable, the balance of this article shall be given effect to the extent practicable.

(Ord. No. 2000-10, § 1, 3-16-2000)

ARTICLE 6. ALARM SYSTEM PERMITS*

Sec. 4-100. Purpose.

It is declared to be the purpose of this article to reduce the number of false alarms activated by private emergency alarm systems, and to provide the city emergency service agencies current information upon the users and properties served by such systems.

(Ord. No. 2003-13, § 1, 11-20-2003)

***Editor's note**—Ord. No. 2003-13, adopted Nov. 20, 2003, amended ch. 4 by adding provisions herein set out as Art. 6, §§ 4-100—4-109. See the Code Comparative Table for a detailed analysis of inclusion.

Sec. 4-101. Definitions.

[The following terms as used in this article shall have the meaning indicated:]

Alarm system means any assembly of equipment which is designed or functions to provide an audible, mechanical, or electrical signal, or automatic dialing device which indicates a disturbance or some other activity that requires urgent attention.

Alarm means an audible, mechanical, or electrical signal from which a detection system indicates a disturbance of the detection system or some other activity that requires urgent attention.

For the purpose of this article, the term alarm system shall not include:

- (1) An alarm system installed on a motor vehicle.
- (2) A smoke or carbon monoxide detector not connected to an automatic dialing device.
- (3) A residential alarm equipped only to emit an audible alert that resets within fifteen (15) minutes upon false activation.

Alarm user means any individual, corporation, partnership, or other legal entity in ownership or control of an alarm system.

Automatic dialing device means any device connected to an alarm system which automatically sends a prerecorded message or coded signal to a selected phone number indicating the need for an emergency response.

Emergency service personnel means an employee or employees of the city police department, fire department, or the Hobart Communications Center who routinely responds to a summons for assistance when there is a reasonable belief that the need exists.

False alarm means an alarm eliciting an emergency response when the situation does not require emergency services. For the purposes of this article, this does not include alarms triggered by severe atmospheric conditions.

Permit holder means the individual, corporation, partnership, or other legal entity to which an alarm system permit is issued.
(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-102. Alarm system permit required.

(a) It shall be unlawful for anyone who owns or controls property to operate, cause to be operated, or permit the operation of an alarm system on that property unless a current alarm system permit has been obtained from the city police department. However, no permit shall be required for an alarm system that automatically stops within fifteen (15) minutes after activation, unless emergency service personnel are routinely notified and dispatched to a private residence to investigate said alarm. Activation of any newly installed alarm system shall not constitute a violation of this subsection for the first thirty (30) days after installation.

(b) Anyone who violates this section shall be subject to the penalty provision of this article (section 4-108) unless an alarm system permit is obtained within ten (10) days after receiving notification of the violation.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-103. Application for alarm system.

Application for a permit for the operation of an alarm system shall be made by a person or legal entity having ownership, a leasehold interest in, or control over the property upon which the alarm system is installed. Such application shall be made in writing to the Lake Station Police Department within five (5) days following installation of an alarm system and prior to its operation. The application shall include the following information:

- (1) Street address of the property on which the alarm system is operational.
- (2) Any business name and owner name used for the premises on which the alarm system is operational.
- (3) Name of the person or alarm system business that will install the alarm system.
- (4) Name and telephone numbers of two (2) people or of an alarm system business, which have agreed:
 - a. To receive notification at any time; and
 - b. To come to the alarm site within forty-five (45) minutes after receiving a request from emergency service personnel to do so; and
 - c. To grant access to the alarm site and to deactivate the alarm system if such becomes necessary.
- (5) Identification, description and location of any potentially hazardous materials stored on the premises.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-104. Issuance of alarm system permit.

(a) The police department shall issue an alarm system permit to the person or legal entity in possession or control of the property upon application and payment of the permit fee, unless it is found that the application is incomplete or false. The police department shall deposit the application fee in the non-reverting fund established for police training and equipment only. Such permit shall contain a registration number.

(b) After receipt of the application, the city communications center supervisor shall record the application data for use by emergency service personnel. All information provided in the application for permit shall be held confidential, provided; however, nothing in this article shall prohibit the use of such information for public safety purposes, for enforcement of this article, or for purposes of financial reporting and audit by the state board of accounts.

(c) The permit holder shall promptly notify the Lake Station Police Department in writing of any change of information contained in the permit application. Failure to keep the emergency information required in section 4-103 of this article current shall be subject to the penalty provision (section 4-108) of this article.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-105. Permit fee and term.

(a) The fee for an alarm system permit shall be ten dollars (\$10.00) per year.

(b) An alarm system permit issued pursuant to this article shall be personal to the permit holder for a specific location and is not transferable.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-106. Prohibited activity.

(a) The emission by an alarm system of more than three (3) false alarms in any one (1) calendar year shall constitute a violation of this article and the owner of the property upon which the alarm system is located shall be subject to the penalties prescribed in section 4-108 of this article.

(b) A person who owns, leases, or controls property on which an alarm system is installed shall receive a written warning from the police department after three (3) false alarms issued by such alarm system during one calendar year.

(c) This section shall apply to all locations within the city with alarm systems installed prior to and after the taking effect of this article.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-107. Enforcement—False alarms.

If an alarm system emits more than three (3) false alarms in one calendar year, the police department may issue written notice of violation of section 4-106(a) of this article to the person or entity who owns, leases, or controls the property on which such alarm system is installed. Each false alarm over the first three (3) false alarms in one calendar year constitutes a separate violation. Copy of all such notices shall be provided to the city attorney and may be prosecuted as a violation of a city ordinance under the Code.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-108. Penalty.

The penalty for violation of this article shall consist of a fine or fines to be assessed against the person or entity who owns, leases, or controls the property on which the alarm system is installed. Such fines are hereby established as follows:

1st violation (or 4 false alarms in one calendar year)	\$25.00
2nd violation (or 5 false alarms in one calendar year)	50.00

3rd violation (or 6 false alarms in one calendar year)	100.00
4th violation (or 7 false alarms in one calendar year).....	200.00

A person who violates this article in excess of four (4) times in one (1) calendar year may be punished by assessment of a fine not to exceed two thousand five hundred dollars (\$2,500.00) for each additional violation.

All penalties paid and collected under this article shall be deposited in the non-reverting fund of the city for police equipment and police training.

(Ord. No. 2003-13, § 1, 11-20-2003)

Sec. 4-109. Saving clause.

Should any portion of this article be determined by any court of competent jurisdiction to be unenforceable, the remaining provisions shall remain in full force and effect, to the extent practicable.

(Ord. No. 2003-13, § 1, 11-20-2003)

Chapter 5

PARKS AND RECREATION

Article 1. General Provisions

- Sec. 5-1. Authority to operate.
- Sec. 5-2. Governing state law.
- Sec. 5-3. Park and recreation authority; created.
- Secs. 5-4—5-6. Reserved.

Article 2. Park Rules and Regulations

- Sec. 5-7. Park hours.
- Sec. 5-8. Speed limits within parks.
- Sec. 5-9. Roadways/parking areas.
- Sec. 5-10. Trash and waste deposit.
- Sec. 5-11. Fire regulations.
- Sec. 5-12. Molesting wildlife/hunting.
- Sec. 5-13. Regulations for weapons, explosives, fireworks.
- Sec. 5-14. Camping regulations.
- Sec. 5-15. Sales of merchandise.
- Sec. 5-16. Sale of alcoholic beverages.
- Sec. 5-17. Compliance with orders of security and park personnel.
- Sec. 5-18. Horses.
- Sec. 5-19. Snowmobiles.
- Sec. 5-20. Swimming.
- Sec. 5-21. Aircraft, balloon, parachuting regulations.
- Sec. 5-22. Defacement, destruction, removal of property prohibited.
- Sec. 5-23. Tampering with park plants, trees prohibited.
- Sec. 5-24. Penalties.
- Secs. 5-25—5-30. Reserved.

ARTICLE 1. GENERAL PROVISIONS*

Sec. 5-1. Authority to operate.

The city may establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

Sec. 5-2. Governing state law.

The Park and Recreation Law found in I.C., 36-10-3-1 et seq., shall govern operation of the Park and Recreation Department.

***State law reference**—I.C., 36-10-2-2, authorizes cities to establish and maintain park facilities.

Sec. 5-3. Park and recreation authority; created.

(1) The Lake Station Common Council hereby establishes the Lake Station Department of Parks and Recreation, and repeals all prior ordinances or resolutions creating a parks department, or park and recreation authority.

(2) The city department of parks and recreation shall consist of a park and recreation board, a superintendent and all other personnel that the board determines. That after the board has been created pursuant to I.C. 36-10-3-1, et. seq., all books, papers, documents and other property of the former park and recreation authority shall be transferred to and become the property of the board.

(3) The city department of parks and recreation shall have all the powers, duties, and responsibilities as set out in I.C. 36-10-3-1, et. seq.

(Ord. No. 2007-32, 12-6-2007)

Editor's note—Formerly, Ord. No. 2004-12, adopted May 20, 2004 repealed Ord. 94-22, thus eliminating the department of parks and recreation and vacating Sections I through VIII, therefore in effect repealing § 5-3 of the Code, which pertained to the parks and recreation board. Ord. No. 2004-12, furthermore provided that "upon passage of this ordinance eliminating the department of parks and recreation, the parks and recreation board shall also be vacated. the mayor and the board of works and safety will be known as *the park authority*."

Secs. 5-4—5-6. Reserved.**ARTICLE 2. PARK RULES AND REGULATIONS****Sec. 5-7. Park hours.**

The rules and regulations found in this article are in addition and supplemental to municipal, state and federal laws and ordinances.

(a) *Community Parks:*

- (1) Community parks include: Riverview Park and Four Winds Park.
- (2) Community parks are open from 7:00 a.m. or the hour of sunrise, whichever shall first occur, until 11:00 p.m. local time.

(b) *Neighborhood Parks:*

- (1) Neighborhood parks include: Warrick Park, Mock Park, Miller Park, Columbus Park, Johnson Park and Englehart Park.
- (2) Neighborhood parks are open from the hour of sunrise to the hour of sunset local time.

Sec. 5-8. Speed limits within parks.

The speed of ten (10) miles per hour shall be lawful on all roadways within all community and neighborhood parks. Speeds in excess shall be considered prima facie evidence of a violation of this section.

(Code § 317.03)

Sec. 5-9. Roadways/parking areas.

(a) *Roadways*: Vehicles and all motorized equipment shall only be operated on designated roadways.

(b) *Parking Areas*: Vehicles and all motorized equipment shall only be parked in designated parking areas except for those vehicles and time periods which the parks and recreation superintendent may designate as special uses.

Sec. 5-10. Trash and waste deposit.

(a) All trash and waste resulting from activities inside parks shall be deposited in receptacles provided.

(b) No person shall bring into and leave or dump any trash or waste in any park area.

Sec. 5-11. Fire regulations.

(a) Fires may be started and maintained only in designated areas, or grills.

(b) All fires shall be continuously supervised, and shall be totally extinguished when the individual(s) involved leave(s) the immediate vicinity of the fire.

(c) No person shall be allowed to use any timber, wood, twigs, branches or other vegetation material as fuel for fires, except by special permit issued by the board or the parks and recreation superintendent.

Sec. 5-12. Molesting wildlife/hunting

No person shall molest wildlife or hunt in any park within the City of Lake Station.

Sec. 5-13 Regulations for Weapons, Explosives, Fireworks.

Except in authorized shooting areas or except for law enforcement officers or Board employees authorized by the Board or the Parks and Recreation Superintendent, no person may carry or use any firearm, weapon, explosive, or firework in any park without the specific written authorization the Board or the Parks and Recreation Superintendent.

Sec. 5-14 Camping Regulations.

Except for those persons or organizations having written authorization from the Board or the Board's designated representative, no person shall camp in any park.

Sec. 5-15 Sale of Merchandise.

Except for those persons or organizations authorized by permit or under contract with the Board, no person shall offer for sale or exchange any merchandise or solicit or receive contributions of money or articles within any community or neighborhood park.

Sec. 5-16 Sale of Alcoholic Beverages.

Except for those persons authorized in writing by the Board and possessing a permit issued by the Indiana Alcoholic Beverage Commission, no person shall sell, barter, exchange, distribute, or give away any alcoholic beverages in any park.

Sec. 5-17 Compliance with Orders of Security and Park Personnel.

No person shall fail or refuse to comply with any reasonable order relating to the public safety and/or park and park facility rules and regulations given by police, security officers or park personnel.

Sec. 5-18 Horses.

No person shall use, ride, or drive any horse or other animal within any park, except upon bridle paths and designated areas without written authorization by the Parks and Recreation Superintendent.

Sec. 5-19 Snowmobiles.

(a) No person shall operate a snowmobile or similar recreational equipment within a park other than in areas designated by authorized signs.

(b) Prior to any operation of a snowmobile or similar recreational equipment within a designated "snowmobile" area, the owner(s) and operator(s) shall complete and sign waiver of liability forms.

Sec. 5-20 Swimming.

(a) No persons shall bathe, wade, or swim in any park except in designated areas.

(b) All swimmers shall abide by the posted rules and regulations.

Sec. 5-21 Aircraft, Balloon, Parachuting Regulations.

No person shall voluntarily bring, land or cause to descend upon any park any airplane, flying machine, balloon, parachute or other apparatus for aviation, except by written permission from the Board.

Sec. 5-22 Defacement, Destruction, Removal of Property Prohibited.

No person shall injure, deface, destroy, disturb, befoul, or remove any part of any park, building, sign, equipment, vegetation, mineral, or any other property found therein.

Sec. 5-23 Tampering With Park Plants, Trees Prohibited.

No person shall trim, plant, remove, injure or destroy any trees, shrubs, vines, flowers or plants of any kind located within any of the community or neighborhood parks within the City, except for maintenance purposes done by Parks and Recreation Department employees, or those persons authorized by the Parks and Recreation Superintendent.

Sec. 5-24 Penalties.

Any person who shall violate any of the provisions of this Article shall, upon conviction, be subject to the penalties provided in Section 1-9 of this Code, and each such violation shall constitute a separate offense.

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PARKS AND RECREATION

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Sec. 5-25 through 5-30

Reserved for Future Use

** Pages 102 and 103

Reserved for Future Use

Chapter 6

PUBLIC HEALTH AND SAFETY MATTERS; PUBLIC NUISANCES

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- Sec. 6-108. Time limits regarding obstruction of highways and streets by railroad corporations.
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- Sec. 6-110. Maintenance of sidewalks.
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Division X. Water Quality Regulations

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- Sec. 6-153. Unsafe building fund.
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- Sec. 6-157. Injunctions.
- Sec. 6-158. Civil forfeitures.
- Sec. 6-159. Appointment of receiver.
- Sec. 6-160. Court order authorizing performance of work; judgement for costs.
- Sec. 6-161. Emergencies.
- Sec. 6-162. Change of venue and judge.
- Sec. 6-163. Priority of actions.
- Sec. 6-164. Manner of serving notice.
- Sec. 6-165. Recording of orders, statements of rescission.
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- Sec. 6-181. Intent and definitions.
- Sec. 6-182. Collection box permit.
- Sec. 6-183. Application for a permit and fee.
- Sec. 6-184. Requirements for a permit.
- Sec. 6-185. Term of permit and renewal of permit.
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- Sec. 6-187. Appeal to plan commission.
- Sec. 6-188. Penalty and remedies.
- Sec. 6-189. Miscellaneous provisions.

ARTICLE 1. GENERAL PROVISIONS

Sec. 6-1. City's authority to regulate.

The city may regulate the conduct, or use or possession of property which might endanger the public health, safety, or welfare of its citizens.

Cross reference—Enforcement of statutes and this Code, § 3-32.

State law reference—Authority to regulate for purposes of health, safety and welfare, I.C. 36-8-2-4.

Sec. 6-2. Preservation of public peace and order.

The city may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system.

State law reference—Authority to preserve public peace and order, I.C. 36-8-2-2.

Sec. 6-3. Authority to regulate air and sound.

The city may regulate the introduction of any substance or odor into the air, or any generation of sound.

State law reference—Authority to regulate air and sound, I.C. 36-8-2-8.

Sec. 6-4. Authority to regulate public gatherings.

The city may regulate public gatherings, such as shows, demonstrations, fairs, conventions, sporting events, and exhibitions.

State law reference—Authority to regulate public gatherings, I.C. 36-8-2-9.

Sec. 6-5. Authority to establish fire department.

The city may establish, maintain and operate a firefighting and fire prevention system and may provide facilities and equipment for that system.

State law reference—Authority to establish firefighting system, I.C. 36-8-2-3.

Sec. 6-6. Offenses against public health, order and decency.

All offenses against public health, order or decency not addressed by this Code shall be governed by applicable state statute.

State law reference—Similar provisions, I.C. 35-45-1-1 et seq.

Sec. 6-7. Code enforcement officer.

The code enforcement officer shall be appointed by the mayor to enforce the City Code and all ordinances of the city with the exception of section 10-1, Chapter 10, Article 1, of the City Code and all zoning ordinances of the city. The code enforcement officer shall also be responsible for the enforcement of the animal control ordinances of the city.

(Ord. No. 88-7, § 1, 5-5-88; Ord. No. 92-22CC, § 1, 10-15-92)

Sec. 6-7.1. Ordinance violations bureau.

The City of Lake Station pursuant to I.C. 33-36-2-1 et seq. establishes a ordinance violations bureau. The ordinance and code provisions of the City of Lake Station that are subject to admission of violation before the violations clerk under the provisions of this Code are attached hereto and marked as Exhibit "A". All provisions of I.C. 33-36-2-1 et seq. as they exist and as may be amended in the future are adopted as part of this Code as if the same were reprinted herein in its entirety.

There is now an established schedule of ordinance and code provisions for the City of Lake Station. Said prescribed fines shall be assessed to the violators who elect to admit liability under the provisions of this section.

In the event a person charged with a Code violation of the city does not pay the appropriate fine set forth in Exhibit "A" within ten (10) days from the date said person is cited or enters a written denial with the violations clerk, the matter shall be assigned to a court of competent jurisdiction by the city attorney and the general penalty provisions of this Code, the same

providing for a fine of one dollar (\$1.00) to twenty-five hundred dollars (\$2,500.00) per day per violation shall apply. All fines set forth on Exhibit "A" shall apply only in the event of a first violation by the defendant from and after the adoption of this section. Any subsequent violations of the same ordinance by the same person shall be subject to the general penalty provisions of this Code which provide for a fine of one dollar (\$1.00) to twenty-five hundred dollars (\$2,500.00) per day per violation.

In the event a person charged with a traffic related violation elects to contest said violation in a court of competent jurisdiction, the police chief, prior to the assignment of the matter to said court, may amend said traffic violation to a state statute violation. Thereafter, the amended violation shall be prosecuted, pursuant to state law, by the county prosecutor.

Exhibit "A"

Seat belt violation	\$25.00
Other traffic violations.....	\$35.00
Health and sanitation.	
Unlawful growth of noxious vegetation.....	\$25.00
Illegal dumping	\$50.00
Miscellaneous offenses.	
Failure to comply with lawful order or command of law enforcement officer or fireman.....	\$50.00
Disturbing the peace	\$50.00
Parade or solicitation without a permit	\$35.00
Posting notice on utility poles	\$35.00

(Ord. No. 2007-08, 6-7-2007)

Sec. 6-8. Resisting official action.

It shall be unlawful for any person or persons to knowingly or intentionally interfere, or attempt to impede or interfere with any city official or employee in the performance of their official duties.

State law reference—Resisting law enforcement officer, I.C. 35-44-3-3.

Sec. 6-9. Removal of rubbish and refuse.

The board of public works and safety may, by contract or otherwise, remove all dead animals, rubbish, and other refuse from the city. The board may erect crematories or other plants for the destruction and disposal of this refuse.

Sec. 6-10. Penalties.

Except as specifically set forth herein, any violation of any provision of this chapter shall be subject to the penalties provided by section 1-9 of this Code.

ARTICLE 2. PUBLIC NUISANCES

Sec. 6-11. Public nuisances prohibited.

(a) No person shall cause, permit, keep or maintain within the city limits of Lake Station, anything which is injurious to the public health, safety, or welfare of which is an obstacle to the free use of property. The existence of any of the above is declared to be a public nuisance and is prohibited.

(b) Specific nuisances are identified in this Code and are declared illegal. Such declaration is for the purpose of identification and shall not limit the scope of enforcement regarding other nuisances which may not be specifically listed herein.

Sec. 6-12. Abatement of public nuisances.

(a) *Notice to abate.* Whenever the chief of police, environmental protection agent or other authorized officer finds that a public nuisance exists, he or she shall cause to be served upon the property owner, as shown by the records of the county auditor, a written notice to abate the nuisance within a reasonable time after such notice. Such notice shall be sent to the property owner by certified mail, return receipt requested.

(b) *Contents of notice to abate.* The notice to abate shall contain:

- (1) A description of what constitutes the public nuisance;
- (2) The location of the public nuisance;
- (3) A statement of the act or acts necessary to abate the nuisance;
- (4) A reasonable time within which to complete the abatement;
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the costs against the property owner.

(c) *Request for hearing.* Any person ordered to abate a public nuisance may have a hearing before the board of public works and safety to determine whether a nuisance does exist. A request for a hearing must be made in writing and delivered to the board within the time stated in the notice, or it will be conclusively presumed that a nuisance exists that must be abated as ordered.

At the conclusion of the hearing, the board shall render its written findings and determinations as to whether a nuisance exists. If it finds that a nuisance exists, it shall order the nuisance abated within an additional period of time which must be reasonable under the circumstances.

(d) *Failure to abate.* If the person notified to abate a public nuisance neglects or fails to abate as directed, the city may perform the action required to abate, keeping an accurate account of the expenses incurred. An itemized expense account shall be certified and filed with the fiscal officer.

(e) *Ordinance violation.* In the event the nuisance is not abated within said period of time, in addition to the provisions of subsection (d), the property owner shall be charged with an ordinance violation and shall be subject to the penalties provided by section 1-9 of this Code.

(f) *Collection of cost of abatement.* The clerk-treasurer shall send a statement by certified mail of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, he shall certify the costs to the county auditor. The amount due shall then be collected with, and in the same manner as general property taxes and disbursed into the general fund of the city.

(Ord. No. 88-7, § 1, 5-5-88)

Sec. 6-12.5. Noise control.

It is hereby declared that creating, assisting in creating, permitting, continuing, or permitting to continue any unreasonably loud, disturbing or unnecessary noise in the city is unlawful and constitutes a violation of city ordinance, subject to the following:

- (1) The acts below are declared to be violations of this section, but such enumeration shall not be deemed to be exclusive:
 - a. The operation of any electronic device, radio, audio player, television, stereo, "boombox" or similar unit at such level of volume that the device can be plainly heard or related vibrations detected out of doors at a distance of fifty (50) feet or more away from the source;
 - b. The use or operation of any automobile, motorcycle, or other vehicle, engine, stationary or moving instrument, device or thing so used or repaired or so loaded in such manner as to create a loud and unnecessary roaring, booming, grating, grinding, rattling or other noise;
 - c. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a necessary warning of danger to property or persons, provided that this paragraph shall not apply to bells and sirens on emergency facilities and vehicles operated by public safety agencies of local or state government;
 - d. The making of any loud noise upon the public street or in such proximity thereto as to be distinctly and loudly audible upon such street;
 - e. The making of any noise by crying, calling, barking or shouting or by means of any whistle, rattle, bell gong, musical instrument, loud speaker, amplifier or other device, or by sound truck for the purpose of advertising goods, wares,

merchandise, services, or for the purpose of attracting attention or inviting patronage of a business or support of a candidate for office, political party or public issue;

- (2) Nothing in this section shall prohibit or make unlawful the ringing of or sounding of any church bells or chimes located upon, in or about any church or place of worship in the city.
 - (3) Violations of this section shall be chargeable as a violation of city ordinance and shall be subject to the penalties provided by section 1-9 of the City Code. Every incident of violation and every day during which a violation continues is chargeable as a distinct and separate offense.
 - (4) Incidents of sustained, loud, reasonably uncomfortable or distracting noise upon the streets or public areas of the city are hereby declared to constitute a public nuisance under this article and may be abated under the terms thereof, in addition to, or in the alternative of citation for violation of city ordinance.
- (Ord. No. 2000-26, § 1, 8-3-2000; Ord. No. 2001-06, § 1, 3-1-2001)

ARTICLE 3. PUBLIC HEALTH AND SAFETY REGULATIONS

DIVISION I. ANIMAL CONTROL

Sec. 6-13. Definitions.

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

Abandon. To deposit, leave drop off or otherwise dispose of any live animal on public or private property without providing the requisite care prescribed [in this chapter].

Agent. Any person eighteen (18) years or older who is authorized by the animal's owner to act on the owner's behalf with respect to his or her animal(s).

Altered animal. Any animal that has been operated on to prevent it from procreating.

Animal. Any live, nonhuman, vertebrate, or invertebrate creature that is domestic, wild, or exotic.

Animal control agency. Any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this chapter for and on behalf of the city.

Animal control officer. A person authorized to carry out the provisions of this chapter.

Animal performances or exhibitions. Any spectacle, performance, display, act, exhibition, or event in which an animal or animals are used.

Animal shelter. The facility established by the county board of commissioners and operated by the designated animal control authority or its authorized agents or a private entity, for the temporary care, confinement, detention, and humane treatment of animals held under the authority of this chapter or state law.

At large. An animal that is:

- (1) Not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
- (2) On a leash that does not adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
- (3) On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

Auction. Any place or facility where animals are regularly bought, sold, or traded by means of auction sale, except for those facilities otherwise defined in this chapter or state law.

Bite. To seize, tear, wound, or cut with the teeth, resulting in a break in the skin.

Board. The Board of County Commissioners of Porter County.

Breeder. Any person or for-profit business or corporation which harbors or keeps dogs or cats, and allows or causes those animals to procreate, for the purpose of selling those offspring.

Circus. Any performances, which are given for a fee, by traveling companies on vacant lots, using tents, or some other kind of temporary enclosure for sheltering the public.

Commercial animal establishment. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

Controlled animal. Any animal not defined as a domestic animal in this chapter with the exception of small, nonpoisonous aquatic or amphibious animals, nonpoisonous reptilian animals, small cage birds, and psittacine. Controlled animals shall include but not be limited to the following:

- (1) All poisonous animals, including rear-fang snakes;
- (2) Apes: chimpanzees, gibbons, gorillas, orangutans, and siamangs;
- (3) Baboons;
- (4) Bears;
- (5) Bison;
- (6) Cheetahs;
- (7) Crocodilians;
- (8) Constrictor snakes, such as boa, python, and anaconda;
- (9) Coyotes;
- (10) Deer, including all members of the deer family, such as white-tailed deer, elk, antelope, and moose;

- (11) Elephants;
- (12) Game cocks and other fighting birds;
- (13) Hippopotami;
- (14) Hyenas;
- (15) Jaguars;
- (16) Leopards;
- (17) Lions;
- (18) Lynxes;
- (19) Monkeys;
- (20) Ostriches;
- (21) Pumas, also known as cougars, mountain lions and panthers;
- (22) Rhinoceros;
- (23) Sharks;
- (24) Snow leopards;
- (25) Spiders and insects which are poisonous;
- (26) Tigers;
- (27) Wolves.

Confined. Restriction of an animal at all times by the owner or his or her agent to an escape-proof building or other enclosure away from other animals and the public.

Criminal trespass.

- (1) Means:
 - a. Not having a contractual interest in the property, knowingly or intentionally entering the real property of another person after having been denied entry by the other person or his or her agent;
 - b. Not having a contractual interest in the property, knowingly or intentionally refusing to leave the real property of another person after having been asked to leave by the other person or his or her agent;
 - c. Accompanying another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the other vehicle;
 - d. Knowingly or intentionally interfering with the possession or use of the property of another person without his or her consent; or
 - e. Not having a contractual interest in the property, knowingly or intentionally entering the dwelling of another person without his or her consent.

- (2) For purposes of this chapter, a person has been denied entry if the denial was by means of personal communication, oral or written, or by putting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

Dangerous animal.

- (1) Any animal which:
 - a. Has attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - b. Has attacked, attempted to attack, bitten, or seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - c. Has a history, documented with a public agency or its designee, of attacking or biting any humans or domestic animals;
 - d. Has a known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten or endanger the safety of humans or domestic animals;
 - e. Has been found to be at large and has been documented to be at large by an animal control officer on three (3) or more separate occasions in a twelve-month period; or
- (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person is:
 - a. Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - b. Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - c. Teasing, tormenting, abusing, or assaulting the animal.
- (3) No K-9 patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a dangerous animal.

Designee. A person, organization, or entity selected appointed, or nominated for a particular purpose or duty.

Director. The person appointed to be responsible for the administration, operation and programs of the shelter and its personnel.

Domestic animal. Livestock or animals belonging to species normally kept, harbored, and maintained by persons as pets, irrespective of the particular reason for which the animal is kept or maintained. These animals include but are not limited to the following species:

- (1) Dog;
- (2) Cat;
- (3) Cattle;

- (4) Horse;
- (5) Donkey;
- (6) Sheep;
- (7) Goat;
- (8) Rabbit;
- (9) Mouse;
- (10) Rat;
- (11) Guinea pig;
- (12) Hamster;
- (13) Gerbil;
- (14) Cow or ox;
- (15) Pigeon, homing, or racing;
- (16) Chicken, turkey, goose, duck;
- (17) Swine;
- (18) Chinchilla;
- (19) Mink;
- (20) Ferret;
- (21) Bison;
- (22) Llama; and
- (23) All other animals defined in I.C. 15-2.1-2-15.

Exotic animal. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii. This definition does not include fish, fur-bearing animals commercially bred for the furrier trade, and birds protected under federal laws and regulations.

Exposed to rabies. Any human or nonhuman, warm-blooded mammal that has been bitten or exposed to any other animal known or reasonably suspected to have been infected with rabies.

Fight. A conflict between two (2) or more animals that is intentionally organized for such purpose.

Fowl. Any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar types of birds normally kept in cages.

Harboring. The actions of any person that permit an animal habitually to remain, to be lodged or to be fed within one's home, store, enclosure, yard or place of business or any premises on which the persona resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days or more.

Humane officer. Any person or agency designated by the state or the city as a person who is qualified to perform the duties required by the law of this city and state regarding animals.

Hobby kennel. Any establishment housing fifteen (15) or fewer dogs and having four (4) or less litters per year.

Home confinement. Confinement within an escape proof enclosure or exercised on a leash by the owner.

Impounded. If any animal pursuant to this chapter or any state statute has been received into the custody of any animal shelter, the animal will have been impounded as that word is used in this chapter.

K-9 patrol dog or police dog. A professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

Keeper. Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling, or caring for the animal. A person shall be construed as a keeper of an animal even if he or she does not have the owner's permission.

Kennel. Any premises wherein any person engages in the business of boarding, breeding, buying, letting, or keeping cats and dogs for the purpose of hire, training for a fee, or selling.

Leash. A cord, chain, rope, strap, electric collar or other such physical restraint.

Livestock. Horses, stallions, colts, mares, geldings, sheep, rams, lambs, bullocks, steers, heifers, cows, calves, bulls, mules, jacks, jennets, burros, goats, kids, swine and fur bearing animals being raised in captivity.

Muzzle. A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.

Nip. To pinch or squeeze with the teeth without breaking the skin or damaging any tissue.

Not-for-profit. A business, association, or entity established or organized as a not-for-profit by the Internal Revenue Service or the state Department of Revenue. "For-profit" means all other types of businesses, associations or entities.

Off property. Beyond the legal boundaries of the real property on which the owner, agent or keeper resides.

Owner. Any person having a right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him or her.

Performing animal exhibition. Any spectacle, display, act, or exhibit or event other than a circus, in which performing animals are used.

Person. Any person, firm, corporation, partnership, association or other legal entity.

Pet. Any animal kept for pleasure rather than utility.

Pet shop. Any person, group of persons, partnership, or corporation, whether operated separately or in connection with another business enterprise which sells or barter animals.

Private kennel. Any premises housing four (4) or more adult dogs not for sale.

Provoked. To deliberately arouse, incite, or excite.

Public nuisance. Any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall include, but not be limited to:

- (1) Any animal found running at large;
- (2) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (3) Any animal that chases or interferes with motor vehicles in a public right-of-way;
- (4) Any animal that attacks other animals;
- (5) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
- (6) Any animal that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (8) Any animal in heat that is not confined or restrained so as to prevent attraction or contact with other animals;
- (9) Any animal in any section of a public park, playground, schoolyard or other recreational area that is found running at large;
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (11) Any animal that trespasses on private property of persons other than the owner of the animal; or
- (12) Any animal determined to be a dangerous animal.

Rabies vaccination. An injection licensed by the U.S.D.A. and approved by the Indiana State Board of Health, given to a dog, cat, or other animal by a licensed veterinarian to prevent the spread of rabies.

Restraint. The securing of an animal by leash or lead, or confining it within the real property limits of its owner or agent.

Riding school or stable. Any place that provides, for a fee, boarding and/or riding instructions for a horse, pony, donkey, mule, or burro.

Rodeo. A performance featuring bronco riding, steer wrestling, calf roping, greased pig contests, or bull riding.

Section. A section of this chapter unless some other ordinance or statute is mentioned.

Serious injury or death.

- (1) Any bodily injury, which is caused by an animal and is medically documented, that:
 - a. Creates a substantial risk of death;
 - b. Causes serious permanent disfigurement, unconsciousness, or extreme pain; or
 - c. Results in a permanent or protracted loss or impairment of a bodily member or organ.
- (2) This definition shall not include any nip from an animal.

Service dogs. Any dog that is trained to assist a handicapped person.

Shall. The action referred to is mandatory.

Stray. Any animal not secured by a lead, or not under the control of a responsible person or control officer, or not confined within the real property limits of its owner, and for which after a reasonable search or inquiry no owner can be ascertained.

Unconfined dangerous animal. A dangerous animal which is not securely confined indoors, not under restraint, or not confined in a securely enclosed and locked pen or structure upon the premises of the owner, agent or keeper of the animal.

Unlicensed dog or cat. Any dog or cat for which the license for the current year has not been obtained, or to which the tag for the current year is not attached.

Unprovoked. Without incitement or stimulation.

U.S.D.A. The United States Department of Agriculture.

Veterinarian. Any person licensed and accredited to practice veterinary medicine in the state.

Vicious animal. Any animal or animals that constitute a physical threat to human beings or other animals.

Wild animal. Any animal not a domestic or exotic animal, with the exception of small nonpoisonous aquatic or amphibious animal and small cage birds, which are normally found in the wild state.

Zoological park. Any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animal, which is operated by a person, partnership, corporation, or governmental agency that is established for educational purposes and is properly zoned for that use, and which possesses valid licenses and permits as required under federal or state law.

(Ord. No. 88-7, § 1, 5-5-88; Ord. No. 88-8, § 1, 5-5-88; Ord. No. 92-22CC, §§ 2, 3, 10-15-92; Ord. No. 2008-11, (1.02), 6-19-2008)

Sec. 6-14. General animal care requirements.

Every owner or his or her agent residing within the corporate limits of the city shall see that each of his or her animals:

- (a) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
- (b) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;
- (c) Lives in a structure, meeting minimum veterinary standards, which will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and which is kept in a sanitary manner;
- (d) If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings;
- (e) Is not beaten, ill-treated, overloaded, over-worked, tormented or otherwise abused or neglected or involved in any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans;
- (f) Is not physically altered in any manner by anyone other than a veterinarian, except for tattooing for identification purposes and grooming;
- (g) Is not abandoned, neglected, or tortured;
- (h) Does not become a public nuisance;
- (i) Does not become a dangerous animal;
- (j) In the case of a dog or cat over the age of three (3) months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by state law, and the animal shall be licensed as required by this chapter and state law;
- (k) Is properly restrained and not at large;

- (1) During mating season, is kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.

(Ord. No. 2008-11, (1.03), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-14 was repealed and a new section 6-14 was enacted, as set out herein. The former section 6-14 pertained to enforcement and derived from the original Code.

Sec. 6-15. Sale of animals as novelties or use as prize prohibited; exceptions.

(a) *Sale of animals as novelties or use as prize prohibited.*

- (1) No person shall display, sell, offer for sale, barter, or give away any animal, reptile, or bird as a novelty or as an advertising device.
- (2) No rabbit, chick, gosling, duckling, turkey or other fowl may be dyed or otherwise colored artificially; nor shall any dyed or artificially colored rabbits, chicks, goslings, ducklings, turkeys, or other fowl be sold, offered for sale, displayed, used as barter, or given away.

(b) *Exceptions.* This section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys, or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this section prohibit a pet shop holding a valid permit under this chapter or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.

(Ord. No. 2008-11, (1.04), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-15 was repealed and a new section 6-15 was enacted, as set out herein. The former section 6-15 pertained to licensing required and derived from the original Code.

Sec. 6-16. Motor vehicle accidents involving animals.

Any person operating a motor vehicle, who knowingly hits, runs over, kills or causes injury to a dog or cat, or domestic animal by which creating a public hazard shall immediately notify the police department. The notice shall include the motorist's name, address, phone number, type of animal hit and the location of the animal.

(Ord. No. 2008-11, (1.05), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-16 was repealed and a new section 6-16 was enacted, as set out herein. The former section 6-16 pertained to restraint and derived from the original Code.

Sec. 6-17. Animals in motor vehicles.

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health

hazard to the animal confined in the motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open section of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle.

(Ord. No. 2008-11, (1.06), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-17 was repealed and a new section 6-17 was enacted, as set out herein. The former section 6-17 pertained to disturbing the peace and derived from the original Code.

Sec. 6-18. Animals running at large.

No person having ownership, charge, control or responsibility for a domestic animal shall permit them to run at large upon any public place, or upon any unenclosed lands the premises of another, such conduct shall constitute a public nuisance.

State law reference—Recklessly permitting a domestic animal to run at large, I.C. 15-2.1-21-8.

Sec. 6-19. Nuisance conditions prohibited.

(a) No person shall keep or harbor any animal or fowl in the city as to create offensive noises, odors or unsanitary conditions which are a menace to the health, comfort or safety of the public and such conditions constitute a public nuisance.

(b) It shall be unlawful for any person to keep, harbor or maintain any cow, horse, sheep, goat, pig or any of their offspring within two hundred (200) feet of any dwelling house of any person.

State law reference—Authority of city to regulate animals and maintain animal shelters, I.C. 36-8-2-6.

Sec. 6-20. Impoundment; redemption.

(a) All domestic animals (animals) whether licensed or unlicensed pursuant to this Code found not under restraint, abandoned, habitually barking or howling or in other ways being a public nuisance, may be seized and impounded by any police officer or animal control officer. Impoundment may be in any animal shelter designated by the board of public works and safety.

(b) If an animal wears a license tag or if the owner can by any other reasonable means be identified and located, the owner shall as soon as is practicable be notified by telephone and/or mail that the animal has been impounded.

(c) If an animal is not redeemed by the owner within seven (7) days after impoundment, the animal shall be disposed of.

(d) In the event that an animal(s) is seized and impounded pursuant to the provisions herein, the owner may redeem each individual animal by payment of appropriate fees to the clerk-treasurer as listed below:

Kennel fees for boarding of a single animal shall be:

For the first impoundment \$15.00

For the second impoundment.....	20.00
For the third impoundment	30.00
Feed fees (after the initial forty-eight (48) hours of impoundment)	
Per day	5.00

(Ord. No. 88-8, § 1, 5-5-88; Ord. No. 92-05CC, § 3, 4-16-92)

State law reference—Control over animal shelters delegated to safety board, I.C. 36-8-3-2.

Sec. 6-21. Poisoning of animals.

(a) No person shall deposit, dispose, or place any poisonous substance on any public or private property within the corporate limits of the city, if a domestic animal is reasonably likely to consume such substance.

(b) A person shall not be liable under subsection (a) of this section, for leaving common rat or mouse poisons or insecticides, in any form, on his or her property if the person exercises reasonable care in restricting a domestic animal's access to the poison so that only the targeted rodents or insects are exposed to the poisons.

(c) No person shall intentionally poison or attempt to poison a dog or cat for nuisance issues or control purposes.
(Ord. No. 2008-11, (1.07), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-21 was repealed and a new section 6-21 was enacted, as set out herein. The former section 6-21 pertained to care of dogs and derived from Ord. No. 64-444, 10-15-64, Code § 521.08.

Sec. 6-22. Trapping of animals restricted.

No person shall trap animals or fowl within the city limits, unless the trap(s) are approved by an animal care facility and used for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers or moles unless the property owner is unaware of their placement.

(Ord. No. 2008-11, (1.08), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-22 was repealed and a new section 6-22 was enacted, as set out herein. The former section 6-22 pertained to rabies; quarantines; rabid animals and derived from Ord. No. 88-8, § I, 5-5-88.

Sec. 6-23. Veterinarians exempted; nonresidents.

Hospitals, clinics and other facilities operated by licensed veterinarians for the care and treatment of animals are exempt from all provisions of this division except section 6-28. The licensing provisions of this division shall not apply to nonresidents of the city unless they keep a dog within the city for more than thirty (30) days.

(Ord. No. 64-444, 10-15-64, Code § 521.11)

Sec. 6-24. Maximum number of domestic animals.

(a) No person shall keep more than a total of five (5) domestic animals over the age of six (6) months per household in any residential area zone. Of the five (5) total domestic animals allowed no more than three (3) shall be dogs and no more than three (3) shall be cats.

(b) This restriction shall not apply to property that is at least one-third ($\frac{1}{3}$) of an acre of land fourteen thousand two hundred and fifty (14,250) square feet; however, any person owning more than three (3) of such animals must comply with subsection (c) of this section.

(c) Persons desiring to have more than three (3) animals who meet the regulations set forth in subsection (b) of this section must have a minimum of one thousand (1,000) additional square feet for each additional animal.

(Ord. No. 2008-11, (1.09), 6-19-2008)

Editor's note—At the direction of the city, and in order to accommodate Ord. No. 2008-11, adopted June 19, 2008, the former section 6-24 was repealed and a new section 6-24 was enacted, as set out herein. The former section 6-24 pertained to penalties and derived from the original Code.

Sec. 6-25. Acreage requirements for certain domestic animals; prohibition of swine.

(a) (1) Any person desiring to keep any of the following domestic animals or fowl in the city must have a minimum of five (5) contiguous acres of land in the city upon which the animals would be kept and which acreage must be enclosed by a fence to confine such animals including but not limited to:

- a. Cow, ox, cattle, calves, or other livestock;
- b. Donkey, ass, burro, or mule;
- c. Sheep;
- d. Goat, except pygmy goat (see subsection (e) of this section);
- e. Chickens, roosters, geese, turkeys, ducks, or other fowl except racing or homing pigeons;
- f. Bees;
- g. Horses;
- h. Bison, llamas; or
- i. Swine, except potbelly pig (see division (e) of this section).

(2) The maximum number of these animals which may be maintained on the property shall be determined in light of current animal husbandry and veterinary standards.

(b) (1) In no event shall the shelter and feeding station for any of the animals or fowl designated in subsection (a) above be closer than two hundred (200) feet from the adjoining property line.

(2) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand, or box located or kept within a zoological park, school, or university building for the purpose of study or observation, as long as the public safety is ensured.

- (3) Bees must be kept in accordance with the following provisions:
- a. If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand, or box is located, a barrier shall be erected that will prevent bees from flying through it.
 - b. Fresh, clean watering facilities for bees shall be provided on the premises.
 - c. The bees and equipment shall be kept in accordance with the provisions of state statutes.

(c) Any person desiring to raise rabbits or pets or racing or homing pigeons within the city must keep those animals and birds in safe and sanitary conditions so that a public nuisance as defined herein is not created.

(d) No person may keep within the city, as presently or hereinafter established, any swine, pigpens, or hog sties. Possession of these items constitutes a public nuisance.

(e) Pot bellied pigs and pygmy goats shall be allowed only on a lot with a minimum of two (2) acres of land for each individual animal, and all other sections of this chapter shall be adhered to.

(Ord. No. 2008-11, (1.10), 6-19-2008)

Sec. 6-26. Owners or agents responsible for removing animal wastes and dead animals.

(a) Any owner or his or her agent taking the owner's dog or cat outside of the owner's real property limits must immediately remove any excrement deposited by the animal on any public or private property, except in the case of a guide dog for a blind person or service dog for a deaf or physically disabled person.

(b) The owner of any dead animal shall remove and properly dispose of the animal within twenty-four (24) hours after its death. The real property owner is responsible for removal of any strange animal carcass on his or her real property.

(Ord. No. 2008-11, (1.11), 6-19-2008)

Sec. 6-27. Leash regulations.

No person being the owner or having custody and control of any dog or cat shall permit or allow the dog or cat to run or to be at large in the streets, or on the walks or public grounds of the city, unless the dog or cat shall wear a collar or a harness and be effectively restrained by a chain or leash not more than ten (10) feet in length.

(Ord. No. 2008-11, (1.12), 6-19-2008)

Sec. 6-28. Animal bites.

(a) If any person is a victim of an animal bite, he or she shall immediately notify the city police department and provide a description of the animal and identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten (10) days.

(b) If the animal's owner which has bitten a person presents proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless in the judgment of the humane officer, police officer or code enforcement agent and based upon considerations of public safety, the humane officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.

(c) In addition to other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before the animal will be released. If the owner is unable or unwilling to pay for the costs, the animal will be humanely euthanized and the owner shall remain liable for any costs incurred in the quarantine and/or impoundment.

(d) If the owner of the quarantined animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Hobart Humane Society for a period of observation of not fewer than ten (10) days.

(e) Animal control officers, police officers or code enforcement agents shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person and shall obtain legal process to do so if necessary.

(f) Unless otherwise provided, the city and any of its agents shall comply with the standards set forth in I.C. 15-2.1-6-1 through I.C. 15-2.1-6-13 entitled "Rabies."
(Ord. No. 2008-11, (1.13), 6-19-2008)

Sec. 6-29. Mandatory vaccination of dogs and cats.

(a) No animal owner or his or her agent shall keep or harbor a dog or cat over the age of three (3) months unless a licensed veterinarian with anti-rabies vaccine has vaccinated it annually.

(b) The owner shall maintain proof of an animal's vaccination so that it can be presented to the city or its agents upon request.

(c) Failure to comply with the provisions of this section shall subject the owner of the unvaccinated dog and/or cat to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in section 6-30.10 of this Code.

(d) In addition the animal may be seized until the animal is immunized and held at the expense of the owner.
(Ord. No. 2008-11, (1.14), 6-19-2008)

Sec. 6-30. Interference with humane officer prohibited.

No person shall interfere with or impede a humane or animal control officer, police officer, code enforcement agent or any other authorized agent in the performance of his or her duties as set forth in this chapter.

(Ord. No. 2008-11, (1.15), 6-19-2008)

Sec. 6-30.1. Exclusion of service dogs prohibited.

No person owning, operating, or maintaining any public place of business to which the general public is invited for any business purpose shall exclude therefrom any dog that has been trained to assist the blind, the hearing-impaired, or the physically-disabled. However, such dog must be in the company of the handicapped person for whom it was trained to assist or in the company of a licensed obedience service trainer.

(Ord. No. 2008-11, (1.16), 6-19-2008)

Sec. 6-30.2. Dangerous and poisonous animals prohibited.

No person shall harbor or possess within the city any poisonous animal, reptile, amphibian, fish, or insect, or any animal that poses a threat to the public health and safety. That animal may be impounded by the animal control agency and disposed of in a manner determined to be in the best interest of the animal, which may include being euthanized.

(Ord. No. 2008-11, (1.17), 6-19-2008)

Sec. 6-30.3. Impoundment procedures.

The Hobart Humane Society as the contracted animal control agency of the City of Lake Station may seize, impound or confine any of the following animals:

- (a) A stray animal brought to the shelter by shelter personnel or any resident of Lake Station;
- (b) Injured animals brought to the shelter for which no owner can immediately be found;
- (c) Biting or dangerous animals or those suspected of being rabid, as established by other sections of this division;
- (d) An animal whose owner wishes to relinquish that ownership;
- (e) Any animal seized by the warden, a law enforcement official; or
- (f) Dogs without current license tags; code enforcement agent to prevent present or future inhumane treatment;
- (g) Any animal running at large;
- (h) Any animal constituting a public nuisance;
- (i) Any unattended animal that is ill, injured, or otherwise in need of care;
- (j) Any unattended animal that is reasonably believed to have been abused or neglected;
- (k) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested, or evicted from his or her regular place of residence.

(Ord. No. 2008-11, (1.18), 6-19-2008)

Sec. 6-30.4. Protected animals.

(a) No person shall possess, offer for sale, attempt to buy or own within the city any of the following animals of either thoroughbred or hybrid stock or pedigree:

- (1) All wild cats of the family felidae;
- (2) Polar bear;
- (3) Red wolf;
- (4) Vicuna;
- (5) Alligator;
- (6) Caiman or crocodile of the order of crocodillia;
- (7) Gray or timber wolf;
- (8) Sea otter;
- (9) Pacific ridley turtle;
- (10) Atlantic green turtle;
- (11) Mexican ridley turtle.

(b) No person shall buy, sell, or offer for sale or own a native or foreign species of subspecies of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress), as amended.

(c) No person shall import or cause to be imported into this city any part of the plumage, skin, or dead body of any species of hawk, owl, or eagle. This subsection shall not construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(d) This section shall not be construed to prevent the importation, possession, purchase, or sale of any species to any person or organization licensed to present a circus or carnival pursuant to this Code.

(e) A humane officer, police officer or code enforcement agent may seize and impound any animal being offered for sale or owned in violation of this section.

(f) Failure to comply with the provisions of this section shall subject the owner of the protected animal to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in section 6-30.10.

(Ord. No. 2008-11, (1.19), 6-19-2008)

Sec. 6-30.5. Keeping certain animals prohibited.

(a) No person shall keep, maintain, or have in his or her possession or under his or her control within the city, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities.

(b) No person shall keep, maintain or have in his or her possession or under his or her control, within the city, any of the following animals of either thoroughbred or hybrid stock or pedigree:

- (1) All poisonous animals, including rear-fang snakes;
- (2) Apes such as chimpanzee, gibbons, orangutans and siamangs;
- (3) Baboons;
- (4) Bears;
- (5) Bison;
- (6) Cheetahs;
- (7) Crocodilians;
- (8) Constrictor snakes, including but not limited to boa, python and anaconda;
- (9) Coyotes;
- (10) Deer such as white-tailed deer, elk, antelope and moose;
- (11) Elephants;
- (12) Game cocks and other fighting birds;
- (13) Hippopotami;
- (14) Hyenas;
- (15) Jaguars;
- (16) Leopards;
- (17) Lions;
- (18) Lynxes;
- (19) Monkeys, old world, new world;
- (20) Ostriches;
- (21) Piranha fish;
- (22) Pumas such as cougars, mountain lions; and panthers;
- (23) Rhinoceroses;
- (24) Sharks;
- (25) Snow leopards;

- (26) Spiders and insects which are poisonous;
- (27) Tigers;
- (28) Wolves; (and hybrids)
- (29) Monitor lizard; or
- (30) Wild animals.

(c) The provisions of this section shall not apply to institutions of higher learning, zoological parks, circuses, or persons harboring animals specifically for the purpose of rehabilitation and release into their natural habitat pursuant to a valid wildlife permit issued by the state or an agency of the United States if:

- (1) Their location conforms to the provisions of city ordinances.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate offensive odors.
- (3) Animals are confined in such a manner so as to prevent their escape and protect the public from coming in direct contact with them.
- (4) Failure to comply with the provisions of this section shall subject the owner or keeper of the animal to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in section 6-7.1.

(Ord. No. 2008-11, (1.20), 6-19-2008)

Sec. 6-30.6. Seizure of certain animals.

(a) No person shall keep, harbor, own, or permit to be kept on his or her premises any wild animal. Wild animals shall include but are not limited to raccoons, skunks, foxes, squirrels, chipmunks, porcupines, possums, wolves, and woodchucks.

(b) Zoological parks, animal care facilities, circuses or carnivals properly licensed pursuant to this chapter, and persons possessing a valid wildlife permit from the state department of conservation are exempt from this section.

(c) Any person who owns, possesses, or harbors any wild animal in violation of this section may have the animal seized and impounded.

(d) Failure to comply with the provisions of this section shall subject the owner or keeper of the animal to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in section 6-30.10.

(Ord. No. 2008-11, (1.21), 6-19-2008)

Sec. 6-30.7 Serious injury or death.

If an animal kills or causes serious injury, the animal shall be deemed a dangerous animal, pursuant to section 6-13, and the animal shall be humanely impounded and/or euthinized at

the discretion of the city court judge or other proper authority. The owner shall be responsible for the costs of caring for the animal during the period of impoundment, including but not limited to costs of boarding and veterinary treatment, if necessary.

(Ord. No. 2008-11, (1.22), 6-19-2008)

Sec. 6-30.8 Inspection.

(a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or state law, a health officer, police officer, code enforcement agent, or animal control officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law, provided that:

- (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
- (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons thereof.

(b) In the event the officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe, dangerous, or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons thereof. If entry is refused or cannot be obtained the officer shall have recourse to secure lawful entry and inspection of the property.

(Ord. No. 2008-11, (1.23), 6-19-2008)

Sec. 6-30.9 Licenses.

(a) No person shall own, keep or harbor domestic animal within the city unless such animal is licensed. Written application for a license shall be made to the clerk-treasurer and shall state the name, species, breed, color, gender and distinguishing marks of the animal. The license fee shall be paid to the clerk-treasurer at the time of making the application. The clerk-treasurer shall issue a receipt and a numbered metallic or plastic tag for each animal licensed, and shall maintain for three (3) years two (2) records of such receipts and tags, one (1) arranged alphabetically by name of the animal owner and the other arranged numerically by tag numbers. Such records shall be open to public inspection at all business hours.

(b) Before a license is issued the applicant must show proof that the animal being licensed is up to date on all vaccinations and proof that the animal is covered for a minimum one hundred thousand dollars (\$100,000.00) for any injury, damage or loss caused by the animal on their homeowners or renters insurance.

(c) The yearly license fee shall be five dollars (\$5.00) for an animal that has been neutered or spayed and ten dollars (\$10.00) for an animal that has not been neutered or spayed.

(d) Each animal license issued by the clerk-treasurer shall expire on December 31 next following the date of issuance.

(e) If the ownership of the animal is transferred, the new owner may have the current license transferred to his name upon payment of a fee of five dollars (\$5.00).

(f) The owner shall at all times when the animal is not inside a private building, a collar or harness, and the tag shall be affixed to the collar or harness in such a manner that the tag shall be clearly visible.

(g) No person shall use a tag for any animal which is issued for a different animal.

(h) If license is lost or destroyed, a duplicate can be obtained from the clerk-treasurer for a fee of one dollar (\$1.00).

(Ord. No. 2008-11, (1.24), 6-19-2008)

Sec. 6-30.10 Penalty.

(a) *Warning notices for pet registration and permits.*

(1) Persons who fail to have their dogs or cats vaccinated pursuant to section 6-39 of this Code, may be served with a warning notice requesting immediate compliance. A police officer, code enforcement agent or animal control agency may serve this notice. Only one (1) warning notice may be given per year to an individual who has failed to have a dog or cat vaccinated or properly registered. All other violations of this chapter are subject to the citations and fines stated herein.

(2) The warning notice shall contain the name and address of the violator, the section violated, nature of the violation, date, time and location of the violation, the name of the officer issuing the warning notice, and the telephone number of the officer to contact for information.

(b) *Citations and / fines payable through city court.* Any person served with a warning notice for failure to have a dog or cat vaccinated or registered and who fails to comply within ten (10) days and any person who violates any other provision of this chapter, shall be issued a citation. Citations shall contain the name and address of the violator, the Code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.

(c) *Fines.*

(1) Any person who violates any of the sections of this chapter shall be subject to a fine of fifty dollars (\$50.00) per violation, which shall be payable through the clerk treasures office; with the exception of vicious animals, animal attacks and biting animals.

(2) Repeat offenders shall be subject a successive doubling of fines.

- (3) The owner of a biting animal shall be subject to a fine of one hundred dollars (\$100.00) per violation and be required to furnish evidence of a veterinary examination for that animal demonstrating proper vaccination; and confinement to the satisfaction of the police department, code [enforcement] agent or animal control officer.
 - (4) The owner of a vicious animal causing serious injury or death shall be subject to a fine of fifteen hundred dollars (\$1,500.00) per violation; and the impoundment of the animal until such time an animal control officer is satisfied with the control of animal or its humane euthanization.
 - (5) The city clerk treasures office shall be responsible for all monies received, fees collected, and all necessary records pertaining animal registration.
- (Ord. No. 2008-11, (1.25), 6-19-2008)

DIVISION II. LOCAL HUNTING AND FISHING REGULATIONS

Sec. 6-31. Hunting prohibited.

No person shall shoot, hunt, trap, kill or confine any wild animals or wild fowl, or pursue to shoot, hunt, trap, kill or confine any wild animals or wild fowl within the corporate limits of the city.

Sec. 6-32. Fishing from bridges prohibited.

No person shall fish from any public bridge within the corporate limits of the city.

Sec. 6-33. Penalty.

The penalties for violation of this division shall be as set forth in section 1-9 of this Code.

Secs. 6-34, 6-35. Reserved.

DIVISION III. WEEDS AND RANK VEGETATION

Sec. 6-36. Removal of weeds and rank vegetation.

The requirements of I.C. 36-7-10-3, which relates to the removal of weeds and rank vegetation, are adopted in the following:

- (a) The owners of real property in the city shall cut and remove weeds or other rank vegetation growing on that property which exceeds the height of twelve (12) inches.
- (b) In the event a property owner(s) shall fail to so act a five-day written notice to remove the vegetation shall be issued by the clerk-treasurer and served by a law enforcement officer upon the landowner(s), if a resident, or by registered mail addressed to the last known address, if a nonresident.
- (c) If the landowner(s) fails to remove the vegetation within the time prescribed, the city may remove the vegetation. The clerk-treasurer shall certify the actual cost incurred

by the city in the removal of such vegetation in a statement delivered to the owner(s) of the property by a law enforcement officer of the city or by registered mail, and the owner(s) shall pay the amount to the clerk-treasurer forthwith.

- (d) In the event the landowner(s) shall fail to pay such amount within ten (10) days after receiving the statement, a certified copy of the statement of costs shall be filed in the office of the auditor of Lake County for collection in accordance with the procedure established by I.C. 36-7-10-3.

Secs. 6-37—6-40. Reserved.

DIVISION IV. FIREWORKS REGULATIONS

Sec. 6-41. Sale of fireworks prohibited from certain locations.

It shall be unlawful to sell fireworks from or out of any of the following places: roadside stands, homes or yards, any type of vehicle, vacant store fronts rented/used for the specific purpose of the sale of fireworks, service stations or service station garages, and any other type of building or space owned, used, or rented for the sole and specific purpose of the sale of fireworks.

Sec. 6-42. Penalties.

(a) Any person convicted of violating any of the provisions of this section shall be fined in the sum of three hundred dollars (\$300.00) for each violation thereof and subject to the provisions of section 1-9 of this Code.

(b) Each separate act of attempted or accomplished sale of fireworks shall constitute a separate offense.

State law reference—State law violation a Class A misdemeanor, I.C. 22-11-14-6.

Sec. 6-43. Fireworks permitted; fines.

On June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9, fireworks are permitted to be ignited from 5:00 p.m. until two (2) hours after sunset.

On the Fourth of July, fireworks are permitted to be ignited from 10:00 a.m. until midnight.

On December 31, fireworks are permitted to be ignited from 10:00 a.m. until 1:00 a.m. on January 1.

It shall be prohibited on all other days and times to ignite fireworks within the corporate limits of lake station without the written consent of the police chief, who will notify the fire chief.

There shall be a minimum fine of one hundred dollars (\$100.00) with repeat offenders charged a minimum of one hundred dollars (\$100.00) and not to exceed twenty-five hundred dollars (\$2,500.00).

Parents shall be liable for any violation of minor children.
(Ord. No. 2007-07, 6-7-2007)

Secs. 6-44—6-56. Reserved.

DIVISION V. CIVIL EMERGENCY REGULATIONS*

Sec. 6-57. Definitions.

As used in this division:

Civil defense means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and coordination of the foregoing functions.

Curfew means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to said civil emergency.

Disaster means occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, air contamination, drought, explosion, transportable accident, riot, or hostile military or paramilitary action.

Energy means coal, petroleum or other liquid fuels, natural or synfuel gas or electricity.

Energy emergency means an existing or projected shortfall of at least eight (8) percent of motor fuel or of other energy sources which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized.

Sec. 6-58. Local disaster emergencies.

(a) A local disaster emergency may be declared only by the mayor of the city. It shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the common council. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk-treasurer.

***State law reference**—Civil Defense and Disaster Law of 1975, I.C. 10-4-1-1 et seq.

(b) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under them.

(c) No interjurisdictional agency or official may declare a local disaster emergency, unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services according to the agreement.

State law reference—Local disaster emergencies, I.C. 10-4-1-23.

Sec. 6-59. Imposition of curfew.

After proclamation of a local disaster emergency, the mayor may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as deemed advisable and application during such hours of the day or night as deemed necessary in the interest of the public safety and welfare.

(Ord. No. 69-27, 1-15-70)

Sec. 6-60. Additional regulations.

After proclamation of a local disaster emergency, the mayor may also in the interest of public safety and welfare make any or all of the following orders:

- (1) Order the closing of all retail liquor stores.
- (2) Order the closing of all taverns and tavern-restaurants.
- (3) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
- (4) Order the discontinuance of the sale of beer and/or other alcoholic beverages.
- (5) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any containers other than a gasoline tank properly affixed to a motor vehicle.
- (6) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.
- (7) Order the discontinuance of selling, distributing, dispensing or giving away of firearms and/or ammunition.

- (8) Issue such other orders as are imminently necessary for the protection of life and property, and which are consistent with the Civil Defense and Disaster Law of 1975, as it may be amended from time to time.

Sec. 6-61. Emergency powers.

During the period of a declared local disaster emergency, the mayor shall have the power to invoke any or all of the following provisions:

- (1) *Alcoholic beverages.* No person shall consume any alcoholic beverages in a public street or place, or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.
- (2) *Weapons.* No person shall carry or possess any rock, bottle, club, brick or weapon.
- (3) *Incendiary missiles.* No person shall make, carry, possess or use any type of "Molotov cocktail," gasoline or petroleum base fire bomb or other incendiary missile.
- (4) *Restricted areas.* No person shall enter any area designated by the mayor as a restricted area unless in the performance of official duties or with written permission from the mayor or duly designated representative or such person shall prove residence therein.

(Ord. No. 69-27, 1-15-70)

Sec. 6-62. Penalty.

Any person violating any provisions of this division or any order made by the mayor of the city in accordance with the terms of this division shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than three hundred dollars (\$300.00). Each day a violation of this division is committed or permitted to continue shall constitute a separate offense.

Secs. 6-63–6-74. Reserved.

DIVISION VI. JUNK AND ABANDONED VEHICLES REGULATIONS

Sec. 6-75. Junk and abandoned vehicles.

Regulations addressing junk and abandoned vehicles are set forth in detail in chapter 8 of this Code.

Secs. 6-76–6-83. Reserved.

DIVISION VII. GARBAGE, TRASH AND REFUSE REGULATIONS*

Sec. 6-84. Definitions.

As used in this division, unless the context clearly indicates otherwise:

Dump shall mean any land or area used for the throwing, storage, dumping and/or disposing.

Recyclable materials shall mean the materials designated by the board of public works and safety under promulgations and regulations established by it from time to time, a list of which designated materials shall be kept on file with the clerk-treasurer and shall be open to public inspection during regular business hours.

Rubbish shall mean all nonputrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery and other waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous refuse, industrial waste or building waste resulting from the operations of a contractor.

Solid waste shall mean all putrescible and nonputrescible solid and semisolid wastes, except human excreta, but including garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

State law reference—Solid waste defined, I.C. 36-9-30-2.

Sec. 6-85. Dumps restricted.

(a) Dumps are declared to be a public nuisance inimical to human health, and as such are not suitable means of solid waste and for rubbish disposal.

(b) Nothing in this section shall be construed as prohibiting any person, firm, partnership, or corporation from the placing or storing, on their own premises, of solid waste produced by them on their premises, when such storage is of a temporary nature, incidental to its removal and disposal, and which does not constitute a public nuisance or health hazard.

Sec. 6-86. Abatement of public nuisances.

Any dump or landfill or the transportation of solid waste, rubbish, or refuse in violation of any provision(s) or section(s) of this division is declared to be a public nuisance and as such, may be abated in such manner as nuisances are now or may hereafter be abated under existing laws including, but not limited to, temporary and permanent injunctive relief. The city or any designated enforcement officer thereof may institute a suit for injunctive relief to restrain any person, firm, partnership, or corporation from violating any provision of this division.

***State law reference**—Solid waste disposal, I.C. 36-9-30-1 et seq.

Sec. 6-87. Cumulative remedies.

The limitations and remedies of this division are cumulative and are in addition to all other limitations and remedies prescribed by law, statute or this Code.
(Ord. No. 50-305, § 11-16-50)

Secs. 6-88, 6-89. Reserved.

Sec. 6-90. City's responsibility and authority to contract.*

(a) The collection and disposal of solid waste, rubbish, or refuse within the corporate limits of the city shall be administered, operated, conducted, and/or maintained by and through the board of public works and safety under the terms and provisions of this division.

(b) The city shall have the right, exercisable by the board of public works and safety to contract with one (1) or more persons, firms, partnerships, or corporations, exclusively or concurrently, with the activities of the city to collect and/or dispose of solid waste, rubbish, and/or refuse.

State law reference—Authority of board of public works to remove solid waste, refuse and rubbish from city, I.C. 36-9-6-19.

Sec. 6-91. "Packer" type vehicles required for collection.

(a) No person, firm, partnership, or corporation shall collect any sanitary waste, rubbish, or putrescible solid and semisolid wastes over the public streets, highways, or alleys of the city except in "packer" type vehicles which are in proper working order.

(b) However, large items of rubbish or discarded appliances, furniture, or similar materials not suitable for collection in packer type vehicles may be collected in a manner authorized by the board of public works and safety which shall be consistent with the purposes of this division.

***Editor's note**—It should be noted that Ord. No. 92-20CC, §§ 1—4, adopted Aug. 31, 1992, provided as follows:

Section 1. That the City of Lake Station, Indiana, procure the services of a private scavenger service for the purpose of providing garbage and refuse pickup for the residents of the City of Lake Station, Indiana.

Section 2. That when the said private scavenger service has commenced, then the City of Lake Station, Indiana, shall immediately cease providing such garbage and refuse pickup for the residents of the City of Lake Station, Indiana.

Section 3. That the City of Lake Station, Indiana, proceed with a recycling program for the use and benefit of the residents of the City of Lake Station, Indiana, and the environment.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

Hence, it is presumed that in the event of conflict between the provisions of this Code and any specifications agreed to under contract(s) between the city and the scavenger service(s), the more recent provisions will prevail.

Sec. 6-92. Storing of refuse.

(a) *Public places.* No person shall place any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the city except in proper containers for collection or under express approval granted by the board of public works and safety. No persons shall throw or deposit waste or rubbish in any stream or other body of water. All garbage, trash and refuse must be stored in either a roll away or dumpster container placed at the rear of the residence or building, or in the alley way where the collection shall take place.

(b) All roll away or dumpster containers required at multi-unit dwellings, as defined in section 6-94(b)(2), must be placed in an enclosure constructed to architecturally conform with the residence or building. Containers may be placed in front of the residence or building for collection on the scheduled day of collection only.

(Ord. No. 2005-18, 7-21-2005)

Sec. 6-93. Points of collection.

(a) Collection containers shall be defined as containers made of metal or durable plastic material with tight-fitting lids or covers and with handles sufficiently strong for workmen to conveniently empty and of not less than twenty (20) gallon capacity nor more than thirty (30) gallons capacity.

(b) Collection containers shall be placed at ground level on the property, and not on the paved portion of the right-of-way of a street or alley, and be accessible to and not be more than ten (10) feet from the side of the street or alley from which collection is made.

Sec. 6-94. Collection practices.

(a) *Frequency of collection.*

- (1) Residential. Solid waste and/or rubbish accumulated by residences shall be collected once each week, except on designated holidays.
- (2) Apartments/multiple dwelling units. Solid waste and or rubbish accumulated by the residences shall be collected once each week, except on designated holidays.
- (3) Commercial. The city shall not collect solid waste and/or rubbish from commercial enterprises or institutions.

(b) *Limitation on quantity.*

- (1) Residential. The city shall collect a reasonable accumulation of solid waste and/or rubbish from each residence for a collection period. The superintendent of the sanitation department shall have the authority to refuse to collect unreasonable amounts and shall advise the board of public works and safety accordingly.
- (2) *Apartment / multi-unit dwellings.* The city shall not provide collection of garbage, trash and refuse for any multi-unit dwellings in the city. Multi-unit dwelling is defined as any building with more than two (2) residences. The owner of a multi-unit dwelling

must provide for collection through a private or commercial waste hauler. Garbage, trash, refuse must be stored in either a roll away or dumpster container, placed at the rear of the building, or in the alley way where the collection shall take place, subject to section 6-92. All roll away or dumpster containers must be placed in an enclosure constructed to architecturally conform with the multi-unit dwelling.

(c) *Hazardous wastes.*

- (1) Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the superintendent of the sanitation department at the expense of the owner or possessor thereof.
- (2) All toxic, poisonous, or highly chemical materials shall be disposed of as directed by the superintendent of the sanitation department at the expense of the owner or possessor thereof, and in compliance with applicable state and federal laws.

(d) *Collection of recyclable materials.* From the time of the placement at the curb of recyclable materials, including but not limited to bottles or cans, newspapers, cardboard, magazines, and miscellaneous paper, for collection in accordance with the regulations established under authority granted herein such recyclable materials shall be the property of the city and no person other than one authorized by the city shall collect or pick up or cause to be collected or picked up any such recyclable materials, including but not limited to any such bottles or cans, newspapers, cardboards, magazines and miscellaneous paper.

(Ord. No. 2005-18, 7-21-2005)

Note—See the editor's footnote to § 6-90.

Sec. 6-95. Recyclable material regulations.

The superintendent of the sanitation department or his designee is authorized and directed to establish and promulgate reasonable regulations subject to the approval of the board of public works and safety, as to the manner, date and times for the collection of recyclable materials, such regulations shall be filed with the clerk-treasurer.

Note—See the editor's footnote to § 6-90.

Sec. 6-96. Trash collection fees.

(1) There shall be and there is hereby established a twelve dollar and fifty cent (\$12.50) fee charged per household per month for trash collection pick-up. The twelve dollar and fifty cent (\$12.50) fee shall cover standard collection as established by the board of works. Collection for each additional ninety-five (95) gallon canister shall be set at four dollars (\$4.00) per month per canister per household.

(2) Notwithstanding, subsection (1), a nine dollar and fifty cent (\$9.50) fee per household per month is established for households that have limited income, or are on a fixed income, and can demonstrate undue hardship. The board of works may grant waivers allowing the nine dollar and fifty cent (\$9.50) fee. Households may apply for the nine dollar and fifty cent (\$9.50) fee by obtaining an application from the clerk-treasurer's office. The application will be

reviewed by the board of works at its first scheduled meeting after the application is filed with the clerk-treasurer. The fee for an additional ninety-five (95) gallon canister shall remain at an additional four dollars (\$4.00) per month per household.

(3) Notwithstanding paragraph one (1), a six dollars and fifty cent (\$6.50) fee per household per month for two (2) forty-five (45) gallon cans (one garbage and one recycle) is established for city households of senior citizens who are on a limited, fixed income and can demonstrate undue hardship. The procedure for applying for this lower rate shall be the same as that stated in paragraph two (2) above.

(4) Notwithstanding paragraph one (1), a twenty-two dollar and fifty cent (\$22.50) fee per household per month for households outside the city limits. This fee shall entitle the household to one (1) ninety-five (95) gallon canister for trash and one (1) sixty-four (64) gallon canister for recyclables. A household may have additional canisters for the additional monthly fee of six dollars (\$6.00) per canister.

(5) A twenty-two dollars and fifty cent (\$22.50) fee per city business entity per location per month for one (1) ninety-five (95) gallon canister for trash and one (1) sixty-four (64) gallon canister for recyclables. An additional fee of six dollars (\$6.00) per month for each additional canister.

(6) The fees stated above shall become effective upon adoption by the council and approval by the mayor.

(Ord. No. 2008-14, 6-19-2008; Ord. No. 2010-15, 10-21-2010)

Cross reference—Miscellaneous fee schedule, § 4-12.

Sec. 6-97. Placement of collection containers.

(a) All collection containers, as defined in section 6-93 of this Code, shall be placed within the lot lines.

(b) All collection containers shall be kept clean and in a sanitary condition.

(c) All such containers must have lids which fit tightly, and all such containers must be kept closed at all times.

Note—See the editor's footnote to § 6-90.

Sec. 6-98. Required number of collection containers.

All owners or occupants shall have a sufficient number of collection containers to accommodate an accumulation of solid waste or rubbish for a period of two (2) weeks.

Note—See the editor's footnote to § 6-90.

Sec. 6-99. Placement and screening of dumpsters.

(a) The following definitions shall apply throughout this section:

Dumpster shall mean a receptacle used to contain solid waste and designed for mechanical or automated pick-up by front loading, rear loading and roll-off vehicles (including roll-off boxes), irrespective of size or capacity;

Screen means an enclosure constructed of suitable metal, wood, masonry or other permanent building material fitted with doors or gates and used to house one (1) or more dumpsters.

(b) It shall be unlawful for any occupant of any building, structure, development, business property or institution served by one (1) or more dumpsters to allow solid waste to spill from, blow out of or fall out of a dumpster without providing a screen enclosing the dumpster or dumpsters under subsection (c) of this section;

(c) No dumpster shall be located within the plain view of the front and street side of any building, business, institution or multi-unit development within the city unless such placement is unavoidably required in order to provide access to the dumpster for collection purposes. In such case, the owner of the real estate served by the dumpster shall provide a screen for enclosure of all such dumpsters in the manner required by subsection (d) of this section;

(d) Persons desiring to erect a screen shall first petition the building commission of the city for a location approval permit for the construction, design and location thereof in writing, and shall not erect such screen without first having obtained said permit from the commission. The commission shall grant said permits whenever it is evident from such petitions that the screen will be constructed of durable and attractive materials, will be so configured as to prevent the scattering of solid waste from the dumpster(s) within, and will be located at a place accessible for collection.

(e) A person allowing solid waste to spill, blow from or fall out of a dumpster unenclosed by a screen or who places a dumpster at a location forbidden by this section, or who fails to obtain a location approval permit before erecting a screen in violation of this section shall be subject to the fines and penalties specified in section 1-9 of the City Code. Each day of violation shall be deemed a separate offense.

(Ord. No. 2000-11, § 1, 3-16-99; Ord. No. 2001-11, § 1, 3-17-2001)

Sec. 6-100. Lake Station Compost Facility.

(a) *Materials accepted.*

(1) Materials accepted by the Lake Station Compost Facility shall include only the following:

- a. Leaves;
- b. Grass;
- c. Logs and branches.

(2) The city will not accept the following materials at the compost facility:

- a. Tree stumps;
- b. Cut/dimensional wood products (2' × 4', etc.);
- c. Railroad ties;

d. Plastic products (bags, bottles, etc.), polyester products and metal products.

- (3) The city reserves the right to refuse to process material if contamination, or non-acceptable products are found in a load. If a load is rejected after inspection, the fee shall not be returned to the customer.

(b) *Fee schedule.*

- (1) Commercial vehicles and non-residents of the City of Lake Station shall be charged the following:

<i>Vehicle Size</i>		<i>Fee</i>
1. Pick-up trucks and small trailers	Loose Pack	\$15.00
	Large Loose Pack	\$20.00
	Dense Pack	\$25.00
	Large Dense Pack	\$30.00
2. Single axle dump trucks	Loose Pack	\$25.00
	Large Loose Pack	\$35.00
	Dense Pack	\$50.00
	Large Dense Pack	\$75.00
	Long Large Dense Pack	\$100.00
3. Tandem trucks	Up to 12'	Loose Pack \$50.00
	Up to 14'	Loose Pack \$75.00
	Up to 16'	Loose Pack \$100.00
	Up to 18'	Loose Pack \$135.00
	Up to 12'	Dense Pack \$100.00
	Up to 14'	Dense Pack \$150.00
	Up to 16'	Dense Pack \$200.00
	Up to 18'	Dense Pack \$250.00
4. Semi-trucks (Trailer)	24'	Loose Pack \$125.00
	28'	Loose Pack \$175.00
	30'	Loose Pack \$225.00
	32'	Loose Pack \$300.00
	24'	Dense Pack \$220.00
	28'	Dense Pack \$300.00
	30'	Dense Pack \$385.00
	Over 30'	Dense Pack \$400.00—\$600.00

Exact cost will be determined by the city representative on site at the compost facility. The cost will depend on the degree of difficulty processing the load, and the size of the load.

- (2) Lake Station residents will not be charged for pick-up trucks and small trailers. Residents of Lake Station will be charged for all other vehicles at the commercial and

non-resident rate. A resident of Lake Station who submits material in a vehicle from outside the City of Lake Station must be present when the vehicle brings the material to the site, and show proof of residency and address where the product came from. Notwithstanding, residents will be charged at the commercial vehicle and non-resident rate for all products brought to the site which were produced by commercial entities (landscapers, tree trimmers, etc.).

- (3) This section repeals and replaces any ordinances or resolutions adopted by either the Lake Station Board of Works or the Lake Station City Council establishing the list of materials accepted by the Lake Station Compost Facility and the fee schedule for acceptance of material.

(Ord. No. 2009-19, §§ I, II, 9-17-2009)

Editor's note—Ord. No. 2009-19, §§ I, II, adopted Sept. 17, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 6-100.

DIVISION VIII. BURNING REGULATIONS

Sec. 6-101. Open burning.

Open burning shall be governed by the rules and regulations of the offices of the Indiana State Board of Health, the state fire marshal, and air pollution control board.

State law reference—City may regulate any substance or odor released into the air, I.C. 36-8-2-8.

Sec. 6-102. Burning on paved streets or alleys prohibited.

It shall be unlawful to burn leaves upon the paved portion of any street or alley.

Sec. 6-103. Adult supervision of fires.

All open burning fires must be attended by an adult person at all times.

Sec. 6-104. Penalties.

Any person convicted of violating any provisions of this division shall be fined not less than twenty-five dollars (\$25.00) and subject to the provisions of section 1-9 of this Code.

Sec. 6-105. Burning/fire regulations.

- (1) Open burning is defined as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.
- (2) No person shall start, kindle, cause, allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this section. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning.

- (3) *Exemptions.* The following types of burning are allowed:
- a. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill, traditional food cooking devices, or campfires.
 - b. Fires used for recreational or ceremonial purposes such as school pep rally fires or the celebration of scout activities. Recreational or ceremonial shall meet the following conditions:
 1. Only clean untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.
 2. The fire shall not be ignited more than two (2) hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.
 3. The pile to be burned shall be less than one thousand (1,000) cubic feet (for example: 10 ft. × 10 ft. × 10 ft.).
 4. The local fire department shall be notified twenty-four (24) hours in advance if the pile to be burned is more than one hundred and twenty-five (125) cubic feet (for example: 5 ft. × 5 ft. × 5 ft.).
 5. The fire shall not be for disposal purposes.
 6. The fire shall not be within five hundred (500) feet of a pipeline or fuel storage area.

- (4) *Variances.* Other types of fires may be approved as follows:

Any other type of fire whereby a citizen of Lake Station has obtained a variance from the provisions of this section by petitioning the common council may be allowed. However, the common council cannot grant a variance for burning that would otherwise violate the provisions of 326 Indiana Administrative Code 4-1 et seq. as amended and Indiana Code 13-17-9.

The following types of fires may be allowed if approved by the Indiana Department of Environmental Management:

- a. Fire fighter training.
 - b. Fire extinguisher training.
 - c. Vegetation propagation.
 - d. Use of an air curtain destructor.
- (5) The following conditions to apply to all exemptions and variances:
- a. Burning shall be done during safe weather conditions. Burning shall not occur during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.
 - b. Fires must be attended at all times until completely extinguished.
 - c. Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health.

- d. Fire fighting equipment adequate for the size of the fire shall be onsite and nearby during times of burning.
 - e. Burning shall not be for disposal purposes.
 - f. All burning shall comply with other federal, state, and local laws, rules, and ordinances.
- (6) *Enforcement.* Any person found in violation of this section shall be subject to the following procedures.
- a. The city police department or city code enforcement shall issue a warning notice to a first-time violator stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in a citation being issued. A person is only entitled to one (1) warning notice. Thereafter a person found in violation of this section shall be issued a citation.
 - b. Issuance of a citation to the violator shall result in the imposition of a twenty-five dollar (\$25.00) fine for the first offense and a fifty dollar (\$50.00) fine for each subsequent violation within twelve (12) months.
 - c. Failure or refusal by the violator to immediately extinguish the fire in violation of this section shall also result in the fire department having the authority to go upon private property to extinguish said fire.
 - d. Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued, shall be considered a separate offense.
 - e. *Liability for fire.* Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this section on the basis that said fire was set by vandals, an accident, or an act of God.
- (7) The open burning provisions are enforceable by the duly appointed code enforcement officer or law enforcement officers within the city, acting on his/her own initiative or at the request of the mayor or council president.
- (8) This section shall be in full force and effect from and after its passage by the common council, approval by the mayor and legal publication.
- (Ord. No. 2005-17, 5-5-2005)

DIVISION IX. GENERAL PUBLIC SAFETY REGULATIONS

Sec. 6-106. Abandoned refrigerator regulations.

(a) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of any kind which has an airtight door or lock, which cannot be released and opened from the inside of such icebox, refrigerator or container.

(b) No person shall leave outside of any building or dwelling, in a place accessible to children, unattended or discarded, any icebox, refrigerator or other container of any kind which has an airtight snap lock or other closing device thereon, without first removing such snap lock, other closing device or doors from such icebox, refrigerator or container.

(c) Whoever violates any of the provisions of this section upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00), and subject to the provisions set forth in section 1-9 of this Code. Each day that a violation is committed or permitted to continue shall constitute a separate offense.

Sec. 6-107. Train speed limit.

Pursuant to I.C., 8-3-20-1 et seq., no railroad corporation or the agent, servant, officer or employee of such corporation shall permit or cause any locomotive, engine, car or train of cars to pass at grade over and upon any street, alley, highway, or other public place within the city at a greater rate of speed than thirty-five (35) miles per hour.

Sec. 6-108. Time limits regarding obstruction of highways and streets by railroad corporations.

(a) Pursuant to I.C., 8-6-7.5-1, it shall be unlawful for a railroad corporation to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing or a railroad-street grade crossing for a period in excess of ten (10) minutes, except where such train, railroad car or engine cannot be moved by reason of circumstances over which the railroad corporation has no control.

(b) Pursuant to I.C., 8-6-7.5-2, it shall be unlawful for a railroad corporation to permit successive train movements to obstruct vehicular traffic at a railroad-highway grade crossing or a railroad-street grade crossing until all vehicular traffic previously delayed by such train movements has been cleared or a period of five (5) minutes has elapsed between train movements.

Sec. 6-109. 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, or into or inside any public place or property, 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 eighteen (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 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.

Sec. 6-110. Maintenance of sidewalks.

(a) The responsibility for care, maintenance, and repairs of sidewalks located within the city is hereby deemed that of landowners 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.

(c) Any sidewalk which is unsafe or not in good repair is declared a public nuisance and subject to the requirements of the public nuisance provisions of this chapter.

Sec. 6-111. Street numbers.

(a) All houses and buildings shall display the correct street address numbers which are clearly visible from the street in front of such house or building with numerals being not less than three (3) inches in height.

(b) Failure to display such street numbers pursuant to this section shall be considered a violation subject to the penalties of section 1-9 of this Code.

Sec. 6-112. Maintenance and/or removal of trees.

(a) Property owners are responsible for the maintenance of trees and the removal of trees or parts thereof upon said owner's property at their own expense, and when needed.

(b) Any tree or parts thereof which become or are unsafe are declared a public nuisance and subject to the requirements of the public nuisance provisions of this chapter.

Secs. 6-113—6-125. Reserved.

DIVISION X. WATER QUALITY REGULATIONS

Sec. 6-126. Fluorides in public water.

The Lake Station Water Department shall provide the means for, and to proceed with, the addition of sufficient quantities of fluoride compound to the public water supply to bring the

total amount of fluoride ions (F) present in the finished water to the optimum concentration recommended by the state board of health but not exceeding one and five-tenths (1.5) parts per million of weight.

Sec. 6-127. Water pollution control.

The City of Lake Station shall comply with all applicable federal and state laws with regard to water pollution within its area of legal jurisdiction in order to achieve designation as the management agency for control of water pollution sources.

Note—Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 found at 33 U.S.C.A. 1251 et seq.

Secs. 6-128—6-130. Reserved.

DIVISION XI. NOISE REGULATIONS*

Secs. 6-131, 6-132. Reserved.

DIVISION XII. CURFEW FOR MINORS; LOITERING†

Sec. 6-133. Definitions.

[For the purposes of this division, the following words and terms shall have the meaning ascribed thereto:]

Loitering means remaining idle in essentially one (1) location and shall include the concepts of spending time idly loafing or walking about aimlessly and shall also include the colloquial expression "hanging around" all whether alone or with others.

Public place means and includes all streets, highway, boulevards, avenues, alleys, sidewalks or other places of public resort, ways and any and all public parks, squares, spaces, plazas, grounds and buildings.

(Ord. No. 94-12, § 1, 6-2-94)

Sec. 6-134. Curfew—Minors.

(a) It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

- (1) Between 12:00 a.m. and 5:00 a.m. on Saturday or Sunday;
- (2) After 10:00 p.m. Sunday through Thursday; or

***State law reference**—Authority to regulate sound, I.C., 36-8-2-8.

†**Editor's note**—Ord. No. 94-12, § § 1—9, adopted June 2, 1994, enacted provisions which pertained to a curfew for minors and prohibited loitering. Such ordinance did not specify manner of codification; hence, inclusion herein of such provisions as Div. XII, § § 6-133—6-139 has been at the discretion of the editor.

(3) Before 5:00 a.m. Monday through Friday.

(b) It is a curfew violation for a child under fifteen (15) years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

(c) This section does not apply to a child who is:

- (1) Accompanied by his parent, guardian, or custodian;
- (2) Accompanied by an adult specified by his parent, guardian, or custodian; or
- (3) Participating in, going to, or returning from:
 - a. Lawful employment;
 - b. A school sanctioned activity; or
 - c. A religious event.

(Ord. No. 94-12, § 2, 6-2-94)

Sec. 6-134.1. Same—Liability of parents.

It is unlawful for the parent, guardian or other adult person having care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places during curfew times as established herein.

(Ord. No. 94-12, § 3, 6-2-94)

Sec. 6-135. Begging prohibited.

It is unlawful for any person to be found begging within the city.

(Ord. No. 94-12, § 4, 6-2-94)

Sec. 6-136. Obscene or provocative language prohibited.

It is unlawful for any person to utter an obscenity or word or words calculated to provoke disorder, including "fighting words," in any public place.

(Ord. No. 94-12, § 5, 6-2-94)

Sec. 6-137. Loitering—Prohibited acts.

No person shall loiter in a public place in such manner as to:

- (1) Create or cause to be created a danger of a breach of the peace;
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (3) Obstruct or interfere with the free passage of pedestrians or vehicles;
- (4) Obstruct, molest or interfere with any person lawfully in any public place or place of public resort;

(e) Obstruct or interfere with any public place.
(Ord. No. 94-12, § 6, 6-2-94)

Sec. 6-137.1. Same—Authority of law enforcement officer.

Whenever any law enforcement officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing, or is likely to cause any of the conditions enumerated by section 6-138, the law enforcement officer may, if the law enforcement officer deems it necessary for the preservation of the public place and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a law enforcement officer shall be guilty of a violation of this section.
(Ord. No. 94-12, § 7, 6-2-94)

Sec. 6-138. Penalty for violation of division.

Any person who violates this division or causes another person to violate this division shall be fined a minimum of fifty dollars (\$50.00), not to exceed two thousand five hundred dollars (\$2,500.00), or in lieu of fine the judge may impose community service.
(Ord. No. 94-12, § 8, 6-2-94)

Sec. 6-139. Division not to affect charges for other violations.

Nothing in this division prohibits the law enforcement officer from charging any person with any other violation of any ordinance or state statute.
(Ord. No. 94-12, § 9, 6-2-94)

Sec. 6-140. Reserved.

ARTICLE 4. UNSAFE BUILDING AND PREMISES*

Sec. 6-141. Definitions.

As used in this article unless the context clearly indicates otherwise:

- (a) *Building department* shall mean the building department of the city, as established in section 2-25 of this Code, which is authorized to administer this article.
- (b) *Enforcement authority* shall mean the chief administrative officer of the building department of the city, who shall be the "enforcement authority", or his designated representative.

***State law reference**—Authority to enforce building standards, I.C., 36-7-9-1 et seq.

- (c) *Substantial property interest* shall mean any right in real property that may be affected in a substantial way by actions authorized by this article, including a fee interest, a life estate, a future interest, a present possessory interest, a contract present possessory interest, or an equitable interest of a contract purchaser.

(Ord. No. 76-38, § 4, 10-8-76)

State law reference—"Substantial property interest" defined, I.C., 36-7-9-2.

Sec. 6-142. Adoption.

This article adopts and implements the provisions of I.C., 36-7-9-1 et seq.

(Ord. No. 76-36, § 3, 10-8-76)

Sec. 6-143. Unsafe buildings and premises described.

(a) For purposes of this article, a building or structure, or any part of a building or structure, that is:

- (1) In an impaired structural condition that makes it unsafe to a person or property;
- (2) A fire hazard;
- (3) A hazard to the public health;
- (4) A public nuisance; or
- (5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance;

- (c) *Substantial property interest* shall mean any right in real property that may be affected in a substantial way by actions authorized by this article, including a fee interest, a life estate, a future interest, a present possessory interest, a contract present possessory interest, or an equitable interest of a contract purchaser.

(Ord. No. 76-38, § 4, 10-8-76)

State law reference—"Substantial property interest" defined, I.C., 36-7-9-2.

Sec. 6-142. Adoption.

This article adopts and implements the provisions of I.C., 36-7-9-1 et seq.

(Ord. No. 76-36, § 3, 10-8-76)

Sec. 6-143. Unsafe buildings and premises described.

(a) For purposes of this article, a building or structure, or any part of a building or structure, that is:

- (1) In an impaired structural condition that makes it unsafe to a person or property;
- (2) A fire hazard;
- (3) A hazard to the public health;
- (4) A public nuisance; or
- (5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance;

is considered an unsafe building.

(b) For purposes of this Article:

- (1) an unsafe building; and
- (2) the tract of real property on which the unsafe building is located;

are considered unsafe premises.

Sec. 6-144. Orders; contents; notice; expiration.

(a) The Enforcement Authority may issue an order requiring action relative to any unsafe premises, including:

- (1) vacating of an unsafe building;
- (2) sealing an unsafe building against intrusion by unauthorized persons in accordance with a uniform standard established by the City of Lake Station;
- (3) extermination of vermin in and about the unsafe premises;
- (4) repair of an unsafe building to bring it into compliance with standards for building condition or maintenance prescribed by law;
- (5) removal of a part of an unsafe building; and

- (6) removal of an unsafe building.

Notice of the order must be given under Sec. 6-164 of this Code.

(b) The ordered action must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties.

(c) The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(d) The order must contain:

- (1) the name of the person to whom the order is issued;
- (2) the legal description or address of the unsafe premises that are the subject of the order;
- (3) the action that the order requires;
- (4) the period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given;
- (5) if a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments;
- (6) if a hearing is not required, a statement that an order under subsection (a)(2) becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest is delivered to the enforcement authority before the end of the ten (10) day period;
- (7) a statement briefly indicating what action can be taken by the enforcement authority if the order is not complied with;
- (8) a statement indicating the obligation created by Section 6-166 of this Article relating to notification of subsequent interest holders and the enforcement authority; and
- (9) the name, address and telephone number of the enforcement authority.

(e) The order shall allow a sufficient time, of at least ten (10) days from the time when notice of the order is given to accomplish the required action. If the order allows more than thirty (30) days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

(f) The order expires two (2) years from the day the notice of the order is given, unless one (1) or more of the following events occurs within that two (2) year period:

- (1) A complaint requesting judicial review is filed under Sec. 6-148 of this Code.
- (2) A contract for action required by the order is let at public bid under Sec. 6-150 of this Code.
- (3) A civil action is filed under Sec. 6-156.

Sec. 6-145. Rescission and modification of orders.

(a) The enforcement authority may issue an order that modifies or rescinds the order previously issued.

(b) All persons who have been issued an order must be notified of its rescission under Sec. 6-164 of this Code by means of a written statement including:

- (1) the name of the person to whom the statement of rescission of order is issued;
- (2) the legal description or address of the unsafe premises that are the subject of the order being rescinded;
- (3) the substance of the order being rescinded;
- (4) a statement that the order is being rescinded; and
- (5) the name, address, and telephone number of the enforcement authority.

(c) If service of the order being modified or rescinded was by publication it is sufficient to serve the statement of modification or rescission by publication unless the enforcement authority has received information in writing that enables it to make service under Section 6-164 by a method other than publication. If service of a statement of rescission is by publication, the publication must include the items listed in Sub-Sections (b)(1) through (b)(5).

Sec. 6-146. Hearings.

(a) A hearing must be held relative to each order of the enforcement authority except for an order issued under Section 6-144 (a)(2). An order issued under 6-144(a)(2) becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest or life estate interest in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority, may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given to continue the hearing on a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority, takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner provided by Section 6-164. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service in accordance with Section 6-164, by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action either to:

- (1) affirm the order; or
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for such person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its term less stringent.

(e) If, at a hearing, a person to whom an order has been issued requests an additional period of time to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority, may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional time.

(f) The Board of Public Works and Safety having control over the Department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with I.C., 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required in Sub-Section (e).

(g) The record of the findings made and action taken by the director at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

Sec. 6-147. Appeals.

(a) An action taken under Sec. 6-146(d), is subject to review by Circuit or Superior Court of Lake County on the request of:

- (1) any person who has a substantial property interest in the unsafe premises; or
- (2) any person to whom the order was issued.

(b) A person requesting judicial review under this Section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken.

(c) The appeal under this Section is an action de novo. The Court may affirm, modify, or revise the action taken by the hearing authority.

Sec. 6-148. Emergency action.

(a) If the enforcement authority finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take action without issuing an order or giving notice. However, this emergency action must be limited to removing any immediate danger.

(b) The department acting through the enforcement authority may recover the cost incurred by the enforcement authority in taking emergency action by filing a civil action in circuit or superior court of Lake County against the persons who held a fee interest or life estate interest in the unsafe premises at the time the enforcement authority found it necessary to take emergency action. The department is not liable for the costs of this civil action.

Sec. 6-149. Order to seal unsafe buildings.

(a) The enforcement authority may cause the action required by an order to seal an unsafe building under Sec. 6-144 (a)(2) to be performed by a contractor if:

- (1) the order has been served in the manner prescribed by Sec. 6-164, on each person having a fee interest or life estate interest in the unsafe premises that are subject of the order;
- (2) the order has not been complied with;
- (3) a hearing was not requested under Section 6-144 (b)(6), or, if a hearing was requested, the order was affirmed at the hearing and;
- (4) the order is not being reviewed under Section 6-147.

(b) The enforcement authority may cause the action required by an order, other than an order under Sec. 6-144 (a)(2) to be performed if:

- (1) an order has been issued to each person having a substantial property interest in the unsafe premises;
- (2) service of an order, in the manner prescribed by Sec. 6-164, has been made on each person having a substantial property interest in the unsafe premises that are the subject of the order;
- (3) the order has been affirmed or modified at the hearing in such a manner that all persons having a substantial property interest in the unsafe premises that are the subject of the order are currently subject to an order requiring the accomplishment of substantially identical action;
- (4) the order, as affirmed or modified at the hearing, has not been complied with; and
- (5) the order is not being reviewed under Sec. 6-147.

(c) If action is being taken under this Section on the basis of an order that was served by publication, it is sufficient to serve the statement that the enforcement authority intends to perform the work by publication, unless the authority has received information in writing that enables it to make service under Sec. 6-164, by a method other than publication.

Sec. 6-150. Performance of work required by orders.

(a) The work required by an order of the enforcement authority may be performed in the following manners:

- (1) If the work is being performed under an order other than an order under Sec. 6-144(a)(2), and if the cost of this work is estimated to be less than five thousand dollars (\$5,000.00), the department, acting through its enforcement authority or other agent, may perform the work by means of its own workers and equipment owned or leased by it. Notice that this work is to be performed must be given to all persons with a substantial property interest, in the manner prescribed in subsection (c) of this Section, at least ten (10) days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate interest in the unsafe premises.
- (2) If the work is being performed under an order other than an order under Sec. 6-144(a)(2), and if the estimated cost of this work is five thousand dollars (\$5,000.00) or more, this work must be let at public bid to a contractor licensed and qualified under law. The obligation to pay costs imposed by Sec. 6-151 is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.
- (3) If the work is being performed under an order to seal an unsafe building under Sec. 6-144(a)(2), the work may be performed by a contractor who has been awarded a base bid contract to seal unsafe buildings for the enforcement authority, or by the department, acting through its enforcement authority or other governmental agency and using its own workers and equipment owned or leased by it. The unsafe building may be sealed without further notice to the persons holding a fee interest or life estate interest, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work, as provided by Sec. 6-151.

(b) Bids may be solicited and accepted for work on more than one (1) property if the bid reflects an allocation of the bid amount among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by Sec. 6-151(a)(1).

(c) All persons with a substantial property interest in the unsafe premises and are subject to an order other than an order under Sec. 6-144(a)(2), must be notified about the public bid in the manner prescribed in Sec. 6-164, by means of a written statement including:

- (1) the name of the person to whom the order was issued;
- (2) a legal description or address of the unsafe premises that are the subject of the order;

- (3) a statement that a contract is to be let at public bid to a licensed contractor to accomplish work to comply with the order;
- (4) a description of work to be accomplished;
- (5) a statement that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of unsafe premises, may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate interest in the unsafe premises;
- (6) the time of the bid opening;
- (7) the place of the bid opening; and
- (8) the name, address, and telephone number of the enforcement authority.

(d) If service of the notice of statement that public bids are to be let is by publication, the publication must include the information required by subsection (c), except that it need only include a general description of the work to be accomplished. The publication also must state that a copy of the statement of public bid may be obtained from the enforcement authority.

(e) Notice of the statement that public bids are to be let must be given, at least ten (10) calendar days before the date of the public bid to all persons who have a substantial property interest in the property and are subject to an order other than an order under Sec. 6-144(a)(2).

(f) If action is being taken under this Section on the basis of an order which was served by publication, it is sufficient to serve the statement that public bids are to be let by publication, unless the enforcement authority has received information in writing that enables it to make service under Sec. 6-164 by a method other than publication.

Sec. 6-151. Liability for costs of work pursuant to order.

(a) When action required by an order is performed by the enforcement authority or a contractor acting under Section 6-150, each person who held a fee interest or life estate interest in the unsafe premises from the time when the order requiring the work performed was recorded to the time that the work was completed is jointly and severally responsible for the following costs:

- (1) The actual cost of work performed by the enforcement authority or the bid price of work accomplished by the contractor under Section 6-150;
- (2) An amount which represents a reasonable forecast of the average processing expense which will be incurred by the enforcement authority in taking the technical, administrative, and legal actions concerning typical unsafe premises which are necessary under this Ordinance so that the action required by an order may be performed by a contractor in Section 6-150. In calculating the amount of the average processing expense, the following costs may be considered:
 - (a) The cost of obtaining reliable information about the identity and location of persons who own a substantial property interest in the unsafe premise.

- (b) The cost of notice of orders, notice of statements of rescission, notice of continued hearing, notice of statements that public bids are to be let or that the enforcement authority intends to accomplish the work, and notice that a hearing may be held on the amounts indicated in the record in accordance with Section 6-164.
- (c) Salaries for employees.
- (d) The costs of supplies, equipment and office space.

(b) The Board of Public Works and Safety shall determine the amount of the average processing expense at the public hearing, after notice has been given in the same manner as is required for other official action of the Board. In determining the average processing expense, the Board may fix the amount at a full dollar amount that is an even multiple of ten (10).

Sec. 6-152. Notice of unpaid costs and judgment lien.

(a) If all or any part of the costs listed in Sec. 6-151, remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after the completion of the work, and if the enforcement authority determines that there is a reasonable probability of obtaining recovery, the enforcement authority shall prepare a record stating:

- (1) the name and last known address of each person who held a fee interest or life estate in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;
- (2) the legal description or address of the unsafe premises that were the subject of work;
- (3) the nature of the work that was accomplished;
- (4) the amount of the unpaid bid price of the work that was accomplished; and
- (5) the amount of the unpaid average processing expense.

The record must be in a form approved by the State Board of Accounts.

(b) The enforcement authority shall swear to the accuracy of the record before the clerk of the circuit court and deposit the record in the clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent to the persons named in the record, in the manner prescribed by Sec. 6-164.

(c) If, within thirty (30) days after the notice required by subsection (b), a person named in the record files with the clerk of the circuit court a written petition objecting to the claim for payment and requesting a hearing, the clerk shall enter the cause on the docket of the circuit or superior court as a civil action, and a hearing shall be held on the question in the manner prescribed by I.C., 4-22-1. However, issues that could have been determined under Sec. 6-147 may not be entertained at the hearing. At the conclusion of the hearing, the court shall either sustain the petition or enter a judgment against the persons named in the record for the amounts recorded or for modified amounts.

(d) If no petition is filed under subsection (c), the clerk of the circuit court shall enter the cause on the docket of the court and the court shall enter a judgment for the amounts stated in the record.

(e) A judgment under subsection (c) or (d) is a debt and a lien on all the real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named. The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a lis pendens notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.

(f) Judgments rendered under this Section may be enforced in the same manner as all other judgments are enforced.

Sec. 6-153. Unsafe building fund.

(a) The enforcement authority shall establish in its operating budget a fund designated as the Unsafe Building Fund. Any balance remaining at the end of any fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(b) Money for the Unsafe Building Fund may be received from any source, including appropriation by a local, state or federal governments, and donations. The following money shall be deposited in such fund:

- (1) money received as payment for or settlement of obligations or judgments established under Sec. 6-148 through Sec. 6-152, and Sec. 6-156 through 6-161.
- (2) money received from bonds posted under Sec. 6-146;
- (3) money received in satisfaction of receivers' notes or certificates, that were issued under with Sec. 6-159, and, which were purchased with money from the "Unsafe Building Fund".

(c) Money in the "Unsafe Building Fund" may be used for the expenses incurred in carrying out the purposes of this Article, including:

- (1) the cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in unsafe premises;
- (2) the cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the department;
- (3) the cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;
- (4) the cost of giving notice of orders, notice of statements of rescission, notice of continued hearing, and notice of statements that public bids are to be let in accordance with Section 6-164.
- (5) the bid price of work by a contractor under sec. 6-149 or sections 6-156 through 6-161.
- (6) the cost of emergency action under Sec. 6-148.

(7) the cost of notes and receivers' certificates issued under Sec. 6-159.

(d) Payment of money from the "Unsafe Building Fund" must be made in accordance with applicable law.

Sec. 6-154. Transfer of monies.

The Board of Public Works and Safety may transfer all or part of the money in a building, demolition, repair, and contingent fund that was established by I.C., 18-5-5-7, to the Unsafe Building Fund.

Sec. 6-155. Inspection and power of enforcement.

(a) If the owners or those in possession of a building refuse inspection, an inspection officer or the enforcement authority may obtain an inspection warrant from any court of record in Lake County in order to determine if the building is an unsafe building. The Court shall issue the warrant subject to the following conditions:

- (1) The person seeking the warrant must establish that the building to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection which naturally includes that building, or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such a search or inspection of the building.
- (2) An affidavit establishing one (1) of the grounds described in subdivision (1) must be signed under oath or affirmation by the affiant.
- (3) The court must examine the affiant under oath or affirmation to verify the accuracy of the affidavit.

(b) The warrant shall be valid only if it:

- (1) is signed by the Judge of the Court and bears the date and hour of its issuance above that signature, with a notation that the warrant is valid only forty-eight (48) hours after its issuance;
- (2) describes (either directly or by reference to the affidavit) the building where the search or inspection is to occur so that the executor of the warrant and the owner or the possessor of the building can reasonably determine what property the warrant authorizes the inspection of;
- (3) indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and
- (4) is attached to the affidavit required to be made in order to obtain the warrant.

(c) Any warrant issued under this Section, is valid for only forty-eight (48) hours after its issuance, must be personally served upon the owner or possessor of the building, and must be returned within seventy-two (72) hours.

Sec. 6-156. Civil actions.

The Building Department acting through its enforcement authority may initiate a civil action regarding unsafe premises in the Circuit or Superior Court of Lake County. The department is not liable for the costs of such an action. The Court may grant one (1) or more of the kinds of relief authorized by Section 6-157 through 6-161.

Sec. 6-157. Injunctions.

A court acting under Sec. 6-156, may grant a mandatory or prohibitory injunction against any person that will cause the order to be complied with, if it is shown that:

- (a) an order, which need not set a hearing date, was issued to the person;
- (b) the person has a property interest in the unsafe premises which are the subject of the order which would allow the person to take the action required by the order;
- (c) the building which is the subject of the order is an unsafe building; and
- (d) the order is not being reviewed under Sec. 6-147.

Sec. 6-158. Civil forfeitures.

(a) A court acting under Sec. 6-156, may impose a civil forfeiture not to exceed one thousand dollars (\$1,000.00) against any person if the conditions of Sec. 6-157 are met.

(b) The forfeiture imposed may be substantially less than the cost of complying with the order unless such cost exceeds one thousand (\$1,000.00) dollars. The effective date of such forfeiture may be postponed for a period not to exceed thirty (30) days, after which the court may order the forfeiture reduced or stricken if it is satisfied that all work necessary to fully comply with the order has been done.

(c) On request of the enforcement authority, the Court shall enter a judgment in the amount of the forfeiture. If there is more than one (1) party defendant, the forfeiture is separately applicable to each defendant. The amount of a forfeiture that is collected shall be deposited in the "Unsafe Building Fund."

Sec. 6-159. Appointment of receiver.

A court acting under Sec. 6-156, may appoint a receiver for the unsafe premises, subject to the following conditions:

- (1) The purpose of the receivership must be to take possession of the unsafe premises for a period sufficient to accomplish and pay for repairs and improvements.
- (2) The receiver may be a not-for-profit corporation the primary purpose of which is the improvement of housing conditions in Lake County or may be any other capable person residing in Lake County.
- (3) Notwithstanding any prior assignments of the rents and other income of the unsafe premises, the receiver must collect and use that income to repair or remove the defects

as required by the order, and may, upon approval by the court, make repairs and improvements in addition to those specified in the order or required by applicable statutes, ordinances, codes or regulations.

- (4) The receiver may make any contracts and do all things necessary to accomplish the repair and improvement of the unsafe premises.
- (5) The court may, after a hearing, authorize the receiver to obtain monies needed to accomplish the repairs and improvement by the issuance and sale of notes or receiver's certificates bearing interest fixed by the Court. The notes or certificates are a first lien on the unsafe premises and the rents and income of the unsafe building. This lien is superior to all other assignments of rents, liens, mortgages, or other encumbrances on the property, except taxes, if, within sixty (60) days following the sale or transfer for value of the notes by the receiver, the holder of the notes files a notice containing the following information in the County Recorder's Office:
 - (A) The legal description of the tract of real property on which the unsafe building is located.
 - (B) The face amount and interest rate of the note or certificate.
 - (C) The date when the note or certificate was sold or transferred by the receiver.
 - (D) The date of maturity.
- (6) Upon payment to the holder of a receiver's note or certificate of the face amount and interest, and upon filing in the Recorder's office of a sworn statement of payment, the lien of that note or certificate is released. Upon a default in payment on a receiver's note or certificate, the lien may be enforced by proceedings to foreclose in the manner prescribed for mechanic's liens or mortgages. However, the foreclosure proceedings must be commenced within two (2) years after the date of default.
- (7) The receiver is entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages. The fees, commissions, and expenses shall be paid out of the rents and incomes of the property in receivership.

(b) The issuance of an order concerning unsafe premises is not a prerequisite to the appointment of a receiver nor does such an order prevent the appointment of a receiver.

(c) If the enforcement authority requests the appointment of a receiver, all persons having a substantial property interest in the unsafe premises shall be made party defendants.

Sec. 6-160. Court order authorizing performance of work; judgment for costs.

(a) A court acting under Sec. 6-156 may authorize the department, acting through its enforcement authority, to cause the action required by the order to be performed by a contractor licensed and qualified under law if it is shown that:

- (1) an order was issued to each person having a substantial property interest in the unsafe premises;

- (2) each of the orders has been affirmed or modified at a hearing in such a manner that all persons having substantial property interest in the unsafe premises that are the subject of the orders are currently subject to an order requiring substantially identical action;
- (3) the order, as affirmed or modified at the hearing, has not been complied with;
- (4) the building that is the subject of the order is an unsafe building; and
- (5) the order is not being reviewed under Sec. 6-147.

(b) If the enforcement authority requests permission to cause the action required by the order to be performed by a contractor, all persons having a substantial property interest in the unsafe premises shall be made party defendants.

(c) The cost of the work and the processing expenses incurred by the enforcement authority computed under Sec. 6-152, may, after a hearing, be entered by the court as a judgment against persons having a fee interest or life estate interest in the unsafe premises.

Sec. 6-161. Emergencies.

(a) A court acting under Sec. 6-156 may set a hearing to be held within ten (10) days after the filing of a complaint alleging the existence of unsafe premises presenting an immediate danger to the health and safety of the surrounding community sufficient to warrant emergency action. Upon a finding at the hearing in favor of the department, the court may:

- (1) permit the enforcement authority to cause the action necessary to make the premises safe to be immediately performed by a contractor licensed and qualified under law; or
- (2) permit the enforcement authority to cause the action necessary to make the premises safe to be immediately performed by a contractor licensed and qualified under law after the defendants have had a reasonable time, as established by the court, to make the unsafe premises safe and have failed to complete the necessary action.

In granting relief under subdivision (2), the court shall set a date certain for the completion of the necessary action, and shall hold a hearing within ten (10) days after that date to determine whether the necessary action has been completed.

(b) The issuance of an order concerning the unsafe premises is not a prerequisite to permission by the court to cause action to be performed on the unsafe premises. If an order has been issued concerning the unsafe premises, it does not prevent the permission by the court to cause action to be performed on the unsafe premises.

(c) If the enforcement authority requests authority to cause action on the unsafe premises to be performed by a contractor, all persons having a substantial property interest in the unsafe premises shall be made party defendants.

(d) The cost of accomplishing the work may, after a hearing, be entered by the court as a judgment against persons having a fee interest or life estate interest in the unsafe premises.

Sec. 6-162. Change of venue and judge.

A change of venue may not be allowed in an action filed under Sec. 6-147, 6-152, or 6-156 but a change of judge shall be allowed in the same manner as is provided for other civil matters.

Sec. 6-163. Priority of actions.

An action filed under Sec. 6-147 or Sec. 6-156 takes precedence over other pending litigation, and shall be tried and determined by the court at as early a date as possible.

Sec. 6-164. Manner of serving notice.

(a) Notice of orders, notice of statements of rescission, notice of continued hearings, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

- (1) sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;
- (2) delivering a copy of the order or statement personally to the person to be notified; or
- (3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified.

(b) If, after a reasonable effort, service is not obtained by a means described in subsection (a), service may be made by publishing a notice of the order or statement in accordance with I.C., 5-3-1, in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of Sec. 6-144 (d), and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority.

(c) When service is made by any of the means described in this Section, except by mailing or by publication, the person making service must make an affidavit stating that he has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(d) The date when notice of the order or statement is considered given is as follows:

- (1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at his dwelling or usual place of abode.
- (2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

- (3) Notice by publication is considered given on the date of the second day that publication was made.

(e) Notice of orders, notice of statement of rescission, notice of continued hearings, and notice of a statement that public bids are to be left need not be given to a person holding a property interest in an unsafe premises if:

- (1) no instrument reflecting the property interest held by the person is recorded in the recorder's office of the county where the unsafe premises is located;
- (2) the order or statement was recorded in accordance with Sec. 6-165; and
- (3) the enforcement authority has received neither written information nor actual notice of the identify of the person who holds a property interest in the unsafe premises.

A person who fails to record an instrument reflecting an interest in his unsafe premises is considered to consent to action taken under this Article relative to which notice would otherwise be given.

Sec. 6-165. Recording of orders, statements of rescission.

(a) The enforcement authority shall record in the office of Lake County recorder orders issued under previous Sections herein, statements of rescission issued under Sec. 6-145(b), statements that public bids are to be let under Sec. 6-150, and records of action taken by the hearing authority under Sec. 6-146. The recorder may not charge a fee for recording these items.

(b) A person who takes an interest in unsafe premises that are the subject of an order takes that interest, whether or not a hearing has been held, subject to the terms of the order and in such a manner that all of the requirements relating to the issuance of orders, service of orders and affirmation of orders are considered satisfied. If a hearing has been held, the interest is taken subject to the terms of the order as modified at the hearing an in such a manner that all of the requirements relating to the issuance of orders, service of orders, and modification of orders at hearing are considered satisfied.

(c) A person who takes an interest in unsafe premises that are the subject of a statement that public bids are to be let takes the interest subject to the terms of the statement and in such a manner that the notice of the statement required by Sec. 6-150 is considered given to the person.

Sec. 6-166. Transfers of property by persons not complying with orders.

(a) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with the order:

- (1) must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and

- (2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:
- (A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and
 - (B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this Section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure.

Sec. 6-167. Violations; penalties.

A person who:

- (1) remains in, uses, or enters a building in violations of an order made under this Article;
- (2) knowingly interferes with or delays the carrying out of an order made under this Article;
- (3) knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this Article.
- (4) fails to comply with Sec. 6-166; commits a Class C infraction. Each day that the violation continues constitutes a separate offense.

Secs. 6-168—6-180. Reserved.

ARTICLE 5. COLLECTION BOXES*

Sec. 6-181. Intent and definitions.

(a) *[Intent.]* The Collection Boxes Article is intended to be a regulatory article for the public's health, safety and welfare for the protection of all citizens who use collection boxes. The intent of this Collection Boxes Article is to impose restrictions and conditions on all collection boxes in the city so that they are, and remain, clean, safe and do not create hazards to pedestrians and to vehicular traffic.

(b) *[Definitions.]*

Collection box means any metal container, receptacle, or smaller devise that is located on any parcel or lot of record within the city and that is used for soliciting and collecting the

***Editor's note**—Ord. No. 2014-18, §§ I—IX, adopted Dec. 18, 2014, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as Article 5, §§ 6-181—6-189.

receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

Operator means a person who owns, operates, or otherwise is in control of collection boxes to solicit collections of salvageable personal property.

Permitee means a person over eighteen (18) years of age or an entity who is issued a permit authorizing placement of collection box(es) on real property.

Property owner means the person who is an owner of real property where the collection box(es) are located.

Real property, property or land means a lot of record located in the City of Lake Station. (Ord. No. 2014-18, § I, 12-18-14)

Sec. 6-182. Collection box permit.

No later than ninety (90) days from the effective date of this Article; no person shall place, operate, maintain or allow any collection box on any real property without first obtaining an annual permit issued by the city to locate a collection box.

(Ord. No. 2014-18, § II, 12-18-14)

Sec. 6-183. Application for a permit and fee.

(a) Any person desiring to secure a permit shall make an application to the city.

(b) A permit shall be obtained for each collection box(es) proposed. The license fee for donation boxes shall be one hundred dollars (\$100.00) per year per box. City said fee is non-refundable.

(c) The application for a permit shall be upon a form provided by the city clerk and be signed by an individual who is an officer, director, member or manager of an entity applicant. The applicant shall furnish the following information:

- (1) Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five (5) percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested in the ownership or operation of the business, including all aliases.
- (2) Whether the applicant has previously received a permit for a collection box in the city or operates a collection box or similar type receptacle without a permit in the city.
- (3) The name, address, email and telephone number of a contact person for all matters related to a collection box located in the city.
- (4) The physical address of the real property where the collection box is proposed to be located.

- (5) A scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, the dimensions of the proposed collection box and that the location complies with the requirements of this Article and the City Code.
- (6) If not the owner of the real property, an affidavit from the property owner providing written permission to place the collection box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this Article shall be provided on a form provided by the city. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member, manager or agent of an entity owning the property.

(d) Within ten (10) days of receiving an application for a permit, the city shall notify the applicant whether the permit is granted or denied. If the city denies an application, the City shall state in writing the specific reasons for denial.

(e) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.

(Ord. No. 2014-18, § III, 12-18-14)

Sec. 6-184. Requirements for a permit.

(a) A permittee shall operate and maintain, or cause to be operated and maintained, all collection boxes located in the city for which the permittee has been granted a permit as follows:

- (1) Collection boxes shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti;
- (2) Collection boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents;
- (3) Collection boxes shall have, at minimum, ½ inch type visible from the front of each collection box the name, address, email, website and phone number of the operator, as well as whether the collection box is owned and operated by a for profit company or a not for profit company. The collection box shall not have information, advertising of logos other than those relating to the operator.
- (4) Collection boxes shall be serviced and emptied as needed, but at least no less than every fifteen (15) days.
- (5) The permittee and property owner shall maintain, or cause to be maintained, the area surrounding the collection boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance.
- (6) Collection boxes shall:
 - a. Not be permitted on any land used for residential purposes;
 - b. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than thirty (30) days;

(e) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the city in writing of the intent to cancel the permit. The permit shall become void upon the city's receipt of a written notice to intent to cancel the permit.

(f) The city shall approve the renewal of a permit if the city finds that no circumstances existed during the term of the permit which would cause a violation to exist and that the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding revoked shall be denied renewal of the permit for the subsequent calendar year.

(f) If the permit expires and is not renewed, the collection boxes must be removed from the real property within a maximum of ten (10) days after expiration of the permit.
(Ord. No. 2014-18, § V, 12-18-14)

Sec. 6-186. Revocation of permit, removal of collection boxes and liability.

(a) (1) The city shall have the right to revoke any permit issued hereunder for a violation of this Article. Any of the grounds upon which the city may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this Article or other laws shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of twenty (20) days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the city and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.

(2) Upon revocation, the collection box shall be removed from the real property within ten (10) days and, if not so removed within the time period, the city may remove, store or dispose of the collection box at the expense of the permittee and/or real property owner. All costs associated with the removal of the collection box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within thirty (30) days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this State against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(b) A permit for a collection box may be revoked if any government authority or agency determines that the collection box has violated the Indiana Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.
(Ord. No. 2014-18, § VI, 12-18-14)

Sec. 6-187. Appeal to plan commission.

Any person aggrieved by the decision rendered by the city in granting or denying an application for a permit under this article or in revoking a permit issued under this Article may

c. Not be less than one thousand (1,000) feet from another collection box as measured along a straight line from one (1) box to the other. Notwithstanding this separation requirement up to two (2) collection boxes on a single lot of record are permitted if the two (2) collection boxes are side by side and are no more than one (1) foot apart.

d. Not exceed seven (7) feet in height, six (6) feet in width and six (6) feet in depth; e. Not cause a visual obstruction to vehicular or pedestrian traffic;

f. Not be placed closer than fifteen (15) feet from: 1) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five (5) foot clearance; 2) a public right-of-way; 3) a driveway; or 4) a side or rear property line of adjacent property used for residential purposes;

g. Not cause safety hazards with the regard to a designated fire lane or building exit;

h. Not 1) interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic; 2) encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space, and

i. Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

j. If placed on a parking lot servicing a business, the box shall not reduce the minimum number of parking spaces needed for the business pursuant to City Code.

(Ord. No. 2014-18, § IV, 12-18-14)

Sec. 6-185. Term of permit and renewal of permit.

(a) The permit year shall begin on January 1st in each year and shall terminate on December 31st of the same calendar year. An annual permit issued between December 1st and December 31st of any year shall expire on December 31st of the calendar year next following issuance thereof.

(b) A collection box permit shall be renewed annually. The application for renewal shall be filed not later than thirty (30) days before the permit expires. The application for renewal shall be upon a form provided by the city.

(c) The city shall either approve or deny the renewal of a permit within ten (10) days of receipt of the complete renewal application and payment of the renewal fee. Failure of the city to act before expiration of the permit shall constitute approval of the renewal of the permit.

(d) A permit renewal fee set by resolution of the city council shall be submitted with the application for renewal.

appeal the decision to the Plan Commission. The appeal shall be made by filling a written notice thereof with the city setting forth the grounds for the appeal not later than ten (10) days after receiving notice of the decision. The Plan Commission may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the city. (Ord. No. 2014-18, § VII, 12-18-14)

Sec. 6-188. Penalty and remedies.

(a) In addition to revocation of the permit, any person violating the provisions of this article is guilty of a civil infraction.

(b) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this article, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) Nothing in this article shall prevent the city from pursuing any other remedy provided by the law in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

(d) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(e) No fines shall be imposed for a violation of this article until ninety (90) days after its effective date. All collection boxes existing at the effective date of the ordinance shall apply for a permit as required herein within thirty (30) days of the effective date. Any collection boxes not in compliance with this Article after ninety (90) days of the effective date shall be subject to all remedies for violation as provided herein.

(Ord. No. 2014-18, § VIII, 12-18-14)

Sec. 6-189. Miscellaneous provisions.

(a) This Article repeals and replaces Ordinance 2414-06 the Ordinance Establishing Regulations regarding Charitable donation boxes.

(b) Pursuant to I.C. 36-1-3-8 the first violation of this Article shall not exceed a fine of two thousand five hundred dollars (\$2,500.00), and the second or subsequent violation shall not exceed a fine of seven thousand five hundred dollars (\$7,500.00).

(Ord. No. 2014-18, § IX, 12-18-14)

Chapter 7

CONSTRUCTION AND BUILDING REGULATIONS

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- Sec. 7-3. Scope.
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LAKE STATION CODE

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CHAPTER 7
CONSTRUCTION AND BUILDING REGULATIONS

Article 1. City Building Code¹

Division I. Construction

Sec. 7-1 Title.

This Article and all ordinances supplemental or amendatory hereto shall be known as the "Building Code of the City of Lake Station, Indiana."

Sec. 7-2 Purpose.

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

Sec. 7-3 Scope.

The provisions of this Article apply to the construction, alteration, repair, use, occupancy, and maintenance and additions to all buildings and structures, including fences, in the City of Lake Station.

Sec. 7-4 Administration and Enforcement.

Unless otherwise provided by this Article, the Building Department is authorized and directed to administer and enforce all of the provisions of this Article. Whenever this Article provides that anything must be done to the approval of or subject to the direction of the Building Department, or any of its officers or employees, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Article have been complied with; and no such provision shall be construed as giving any officer or employee discretionary powers as to what such regulation, codes, or standards shall be, or the power to require conditions not prescribed by this Article or to enforce the provisions of this Article in an arbitrary or discriminatory manner.

¹Effective May 11, 1985, the General Administrative Rules (GAR) were adopted by the Fire Prevention and Building Safety Commission.

Division II. Fire Prevention Code

Sec. 7-5 Adoption of Fire Prevention Code.

The City, for purposes of subscribing regulations governing conditions hazardous to life and property from fire or explosion adopts and incorporates the "Fire Prevention Code" recommended by the American Insurance Association, being particularly the 1976 edition except for such portions as are deleted, modified or amended by this Code. Two (2) copies are on file with the Building Department of Lake Station and are available for public inspection. The provisions thereof are in accordance with standard safe practices and embody widely recognized standards and codes of good practice for fire prevention and fire protection. (Ord. No. 80-52, §1, 11-6-80)

Sec. 7-6 Fire Chief to Enforce.²

The Fire Prevention Code shall be enforced by the Chief of the Lake Station Fire Department or a duly designated representative thereof, and his duties shall encompass the enforcement of the Fire Prevention Code and be synonymous with the Bureau of Fire Prevention as set forth in the Fire Prevention Code of 1976 which is adopted and incorporated. (Ord. No. 80-52, §2, 11-6-80)

Sec. 7-7 State Law Controls.

(a) In the event the Fire Prevention Code of 1976 as adopted shall in any way conflict with the Indiana Code requirements, the Indiana Code requirement shall control.

Sec. 7-8 and 7-9 Reserved for Future Use

Sec. 7-10 Orders to Eliminate Dangerous or Hazardous Conditions.

Whenever any of the officers, members or inspectors of the Fire Department shall find in any building or upon any premises dangerous or hazardous

²I.C., 22-11-5-8, I.C., 22-11-5-11 set forth the duties, responsibilities and authority of the Chief of the Lake Station Fire Department as an Assistant State Fire Marshall by virtue of his office.

conditions or materials as follows, they shall order such dangerous conditions or materials to be removed or remedied in such a manner as may be specified by the Chief of the Fire Department:

(1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;

(2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;

(3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials;

(4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts;

(5) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire;

(6) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire-extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

Sec. 7-11 Service of Orders.

The service of orders provided above for the correction of violations of this Article shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of the same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a copy of such order, or, if such owner is absent from the jurisdiction of the officer making the order, by sending such copy by certified or registered mail, return receipt requested to the owner's last known post office address.

Sec. 7-12 Permits for Storage Required.

(a) A permit shall be required to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by State or Federal law. Such permit shall not be transferable and any change in use or

occupancy of the premises shall require a new permit.

(b) Before a permit may be issued, the Chief of the Fire Department, or his duly designated representatives, shall make or cause to be made such inspections or tests as are necessary to assure compliance with the provisions of this Article.

Sec. 7-13 Revocation of Permits.

The Chief of the Fire Department may revoke a permit or approval issued if any violation of this Article is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Sec. 7-14 Liability of City for Damages.

This Division nor any other provision of this Code shall not be construed to hold the City of Lake Station responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect, or by reason of the permit issued as herein provided or the approval or disapproval of any equipment authorized herein.

Sec. 7-15 Designation of Fire Lanes.

(a) The Chief of the Fire Department shall advise the Board of Public Works and Safety in writing of the need and necessity for the designation of certain areas on public or private property as a "Fire Lane" in order that said property may be properly serviced by the Fire Department as circumstances dictate.

(b) Upon such a recommendation by the Chief of the Fire Department the Board of Public Works and Safety shall act accordingly and direct that such area as it may designate as a Fire Lane be marked and posted as such within a period of time to be not less than fourteen (14) days.

(c) If the area so designated as a Fire Lane is on public property, the marking and posting of same shall be performed by the Street Department of the City.

(d) If the area so designated as a Fire Lane is on private property, the marking and posting of same shall be at the expense of the owner thereof.

(e) The failure of any private owner to comply with the provisions of this

section shall constitute a public nuisance.

Secs. 7-16—7-19. Reserved.

DIVISION III. GENERAL BUILDING PROVISIONS

Secs. 7-20. Reserved.

Sec. 7-21. 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, including fences, in the city or cause or permit the same to be done, contrary to, or in violation of the provisions of this article.

Sec. 7-22. Right of appeal.

All persons shall have the right to appeal a decision of the building department as to the administration of this article to the hearing authority as established by I.C., 36-7-9-1 et seq., then:

- (a) Through the executive committee of the fire prevention and building safety commission, in accordance with the provisions of I.C., 22-11-1-21.5; or
- (b) To the circuit or superior court of the county as the case may be, as applicable in accordance with the provisions of I.C., 36-7-9-8.

State law references—Appeals, I.C., 36-7-9-8; fire prevention and building safety commission, I.C., 22-11-5-2.

DIVISION IV. CODES ADOPTED

Sec. 7-23. Adoption of rules, regulations and codes by reference.

(a) The following rules, regulations and codes identified in this section are adopted by reference as the rules, regulation and codes governing the construction and alterations of buildings and structures in the city. Any changes in the rules, regulations and codes adopted by reference shall automatically become the rules and regulations governing the city.

Two (2) copies of the following rules and regulations are on file for reference in the office of the Lake Station Building Department and are available for public inspection during regular business hours.

- (1) *Construction rules.* Construction rules and regulations originally published as 3 IR 2148 are incorporated herein and adopted by reference.
- (2) *Electrical rules.* The Indiana Electrical Code originally published as 8 IR 1010 are incorporated herein and adopted by reference.

- (3) *Plumbing rules.* The Indiana Plumbing Rules originally published as 4 IR 2398 are incorporated herein and adopted by reference.
- (4) *Mechanical rules.* The Indiana Mechanical Rules originally published as 4 IR 1828 are incorporated herein and adopted by reference.
- (5) *One and two family dwelling rules.* The Indiana One & Two Family Dwelling Rules originally published as 7 IR 1870 are incorporated herein and adopted by reference.
- (6) *Indiana Energy Conservation Rules.* The Indiana Energy Conservation Code originally published as 7 IR 2525 are incorporated herein and adopted by reference.
- (7) *Swimming pool rules.* The Indiana Swimming Pool Rules originally published as 5 IR 1829 are incorporated herein and adopted by reference.
- (8) *Administrative code.* The Indiana Administrative Code as it relates to the subject matter of this article, as set forth in I.C., 4-22-2-11, is incorporated herein and adopted by reference.
- (9) *Manufactured homes.* The Indiana Standard to Permanent Installation of Manufactured Homes originally published as 6 IR 1729 is incorporated herein and adopted by reference.

DIVISION V. PERMIT REQUIREMENTS AND FEES

Sec. 7-24. Permits required.

(a) A permit shall be obtained prior to the construction, alteration, enlargement, improvement, conversion, repair, or demolition of any building or structure within the City of Lake Station when the cost of such work exceeds five hundred dollars (\$500.00) using forms furnished by the building department.

(b) A permit shall be obtained prior to occupancy of any building or structure.

(c) A permit shall be obtained prior to the installation of any solid fuel burning appliance in any building or structure in the City of Lake Station, using forms furnished by the building department.

(d) A permit shall be obtained prior to the construction of any fence, where fencing is permissible in the city using forms furnished by the building department.

(e) All permits shall be issued by the building department and all fees provided for herein shall be paid to the clerk-treasurer.

Sec. 7-25. Plans/certificate of compliance.

(a) No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat of survey prepared by an Indiana licensed land surveyor of the proposed location showing lot boundaries, and by plans and specifications showing the proposed work.

(b) All plans submitted for building construction under the authority of the administrative building council shall have affixed thereto an approved certificate of compliance, under the provisions of I.C., 22-11-1-12.

(c) In all such cases under the authority of the fire prevention and building safety commission no local permits shall be issued hereunder until a certified copy of the release for construction from the fire prevention and building safety commission is filed with the building department.

(Ord. No. 81-20, § 10, 3-17-81)

Sec. 7-26. Mandatory compliance.

All work performed pursuant to any permit issued hereunder shall fully comply with the several statutes of the State of Indiana, the Indiana Administrative Code, all applicable federal rules and regulations, and all applicable provisions of this Code, and in addition to the fees for permits hereinafter provided.

Sec. 7-27. Schedule of fees.

Schedule of Fees

	<i>Fee Rates*</i>	<i>Maximum Fee*</i>
(a) Residential fee schedule:		
(1) New construction		
Under \$500.00 with alterations	\$10.00	
For a total valuation from \$500.00 < or fraction thereof	\$40.00	N/A
For each additional \$1,000.00 or fraction thereof	\$12.00	
a. Single-family dwellings (includes manufactures on its own lot)		\$600.00
b. Two-family duplex dwellings		\$1,200.00
No occupancy until entire building is complete		
c. Mobile or manufactures within a park for each site		\$60.00
(2) Additions		
a. One and two family additions (same as new construction)		N/A
b. Mobile or manufactured within a park for each site (same as new construction)		N/A
(3) Remodeling		
a. One and two family (half rate of new construction)		N/A
b. Mobile or manufactured within a park for each site (half rate of new construction)		N/A
(4) Accessory structures		
a. Detached garage (same as new construction)		N/A
b. Attached garage (same as new construction)		N/A

Schedule of Fees

	<i>Fee Rates*</i>	<i>Maximum Fee*</i>
c. Storage building (same as new construction)		N/A
d. Open decks and patios 8" or more above ground (half rate of new construction)		N/A
e. Fences		\$20.00
f. Swimming pools over 12' in diameter and side wall taller than 24" (same as new construction)		N/A
g. Freestanding towers over 15' in height, per lineal foot	\$1.00	
(5) Moving or relocation of buildings (same as new con- struction)		N/A
(6) Demolition		
a. 2,500 square feet or less		\$40.00
b. Over 2,500 square feet		\$50.00
(7) Permit renewals—See section 7-33		
(8) Permit transfer		\$20.00
(b) Multi-family and non-residential fee schedule:		
(1) New construction		
For a total valuation from \$1.00 to \$1,000.00	\$80.00	N/A
For each additional \$1,000.00 or fraction there of	\$16.00	\$1,700.00
No occupancy until entire building is completed		
(2) Additions (same as new construction)		N/A
(3) Remodeling (half rate of new construction)		N/A
(4) Accessory structures		
a. Garage or storage buildings (same as new construc- tion)		N/A
b. Swimming pools (same as new construction)		N/A
c. Storage bins, tanks, other high volume, low area structures (including underground storage tanks) (same as new construction)	N/A	
d. Towers/aerials		
First 50 feet	\$80.00	
Each additional lineal ft.	\$4.00	
e. Light standard (per pole)		\$40.00
f. Seasonal trade buildings (same as new construction)	N/A	
g. Signs	\$80.00	N/A
Plus, per 100 sq. ft.	\$20.00	
h. Fences		\$30.00
(5) Moving of buildings (same as new construction)		N/A

Schedule of Fees

	<i>Fee Rates*</i>	<i>Maximum Fee*</i>
(6) Demolition		\$100.00
(7) Other structures		
a. Open recreational shelters (same as new construction)		N/A
b. Structures not specifically mentioned (same as new construction)		N/A

(c) Plumbing fees: Plumbing fixtures is defined as one complete unit placed within the structure for the purpose of receiving water or for modifying temperature or chemical composition of water

Plumbing fixture, each fixture: \$6.00.

Minimum fee: \$40.00.

(d) Electrical fees:

\$0.50 per AMP for the first 100 AMPS—Residential.

\$1.00 per AMP for the first 100 AMPS—Non-residential.

Example:	Residential	Non-residential
100 AMP	\$50.00	\$100.00
200 AMP	\$100.00	\$200.00
300 AMP	\$150.00	\$300.00
400 AMP	\$200.00	\$400.00

All three (3) phase service: \$0.60 per AMP—Residential.

\$1.20 per AMP—Non-residential.

Partial release and meter set: Minimum fee: \$30.00.

Misc. wiring: Minimum fee: \$40.00—Residential.

Minimum fee: \$60.00—Non-residential.

(e) Mechanical fees:

Furnace or central air (replacement or upgrade), per unit	\$50.00
Furnace and central air (replacement or upgrade), per unit	\$90.00
Central air w/ductwork	\$60.00
Furnace w/ductwork	\$60.00
Furnace and central air w/ducts and runs	\$110.00
Furnace w/ductwork and cooling coil	\$90.00
Plus, additional fee when condenser is installed:	\$30.00
Commercial rooftop HVAC (replacement), per unit	\$90.00

Commercial rooftop HVAC (new construction), per unit.....	\$150.00
Commercial exhaust and range hoods, per unit	\$30.00
Fireplaces.....	\$20.00

Note:

*Fees are in addition to applicable electrical, plumbing and mechanical fees.

***In multiple use buildings, or mobile or manufactured within a park facility, where individual tenants will have separate electric meter, each meter shall be charged electrical fees ONLY ONCE — either under basic permit or under remodeling permit.

***Each unit requires a separate permit.

(Ord. No. 81-20, § 12, 5-7-81; Ord. No. 2003-16, § I, 3-18-2004; Ord. No. 2009-23, § I, 10-1-2009)

Sec. 7-28. Review of application.

Prior to the issuance of any building permit hereunder, the building department shall:

- (a) Review all building permit applications to determine full compliance with the provisions of this article.
- (b) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding in accordance with flood regulations found in chapter 10 of this Code.

Sec. 7-29. Reserved.

Sec. 7-30. Inspections.

(a) Regular inspections. There shall be not less than six (6) inspections required for every building permit which shall be made in the following scheduled order:

- (1) Footing inspection;
- (2) Foundation inspection;
- (3) First rough-in inspection;
- (4) Second rough-in inspection;
- (5) Electrical service;
- (6) Final inspection.

(b) *Additional inspections.* All residential re-inspection thirty dollars (\$30.00), commercial forty dollars (\$40.00), if an inspection is called for and the work does not pass the inspector's approval or upon the failure of a responsible individual to make the premise available for the purpose of inspection as scheduled.

(c) After the issuance of any permit pursuant to this article, the building department shall conduct such inspections of the work being performed as are reasonably necessary to insure full compliance with the provisions of this article and the terms of said permit. (Ord. No. 96-21, § 2, 7-18-96; Ord. No. 2003-16, § II, 3-18-2004; Ord. No. 2009-23, § II, 10-1-2009)

Sec. 7-31. Solid fuel burning appliance permit.

(a) No person, firm, or corporation shall install or cause to be installed a solid fuel burning appliance in any building or structure in the city without obtaining in advance a solid fuel burning appliance permit from the building department.

(b) The applicant shall file with the department a completed application on the form provided, with all information indicated on the application submitted in full and with all other information required by the department for the enforcement of the building code.

(c) All installations of solid fuel burning appliances shall be inspected in accordance with the department two (2) times, one each for preliminary venting work and for final, completed installation. The permit holder shall notify the department at least twenty-four (24) hours in advance of the time the work is ready for inspection.

The permit fees are as follows:



- (1) Flue (including chimney and chimney connection) \$5.00
- (2) Existing masonry chimney (new flue liner). \$5.00
- (3) Hearth extension (fireplace stove or fireplace insert) \$5.00

(4) If work does not pass the inspector's approval or upon the failure of a responsible person to make the premises available for inspection as scheduled, there shall be a reinspection fee of Ten Dollars (\$10.00)

Sec. 7-32 Permit Validity.

(a) Work Start - Work must be started and have received a foundation inspection and approval within six (6) months of permit issuance. If such inspection and approval is not obtained within six (6) months the permit shall become null and void.

(b) Work Continuance - A permit is valid for a period of one (1) year from issuance subject to the above provisions. All work shall be completed within the one (1) year period or the permit must be renewed.

Sec. 7-33 Permit Extension and/or Renewals.

(a) Permit Extensions - The Building Department may, for good cause shown, extend the permit expiration date for up to thirty (30) days, without additional fee, if the extension is requested prior to the normal permit expiration date.

(b) Permit Renewals

Prior to Expiration Date: A permit may be renewed once if the renewal is requested and the fee is paid prior to the initial expiration date of the permit. The fee for a permit renewal will be as follows:

1-year renewal	60% of original fee
6-month renewal	40% of original fee

however, a minimum renewal fee shall be ten dollars (\$10.00).

Within Thirty (30) Days of Initial Expiration Date: All expired permits may be renewed once if the renewal is requested within thirty (30) days of its initial expiration and if the fee is paid as follows:

1-year renewal	75% of original fee
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6-month renewal

50% of original fee

A permit which has been expired for over thirty (30) days, but less than ninety (90) days may be reactivated provided the following fees are paid:

One (1) year renewal

Full original fee

Six (6) months renewal

75% original fee

Any permit which has been expired for over ninety (90) days is null and void and a new permit is required and cannot be issued until approved by the Building Department.

Sec. 7-34 Transfer of Permits.

No person, firm, partnership, or corporation obtaining a permit under this Article shall assign, transfer, or sublet the permit without written approval of the Building Department. Any permit assigned, transferred, or sublet without this approval shall be null and void.

Sec. 7-35 Late Filing Fee.

Any person, firm, partnership, and/or corporation starting construction prior to applying for and receiving a Building Permit shall be charged a fee equal to three (3) times the original fee which is provided for in this Article.

Sec. 7-36 Stop Work Order.

(a) Whenever any work is being done contrary to the provisions of this Article, the Building Department may order the work suspended by notice in writing served on any persons engaged in the doing or causing such work to be done and as the owner of the project, and such persons shall forthwith stop such work until authorized by the Building Department to proceed with the work.

(b) The Building Department may, without notice, temporarily suspend any permit issued hereunder by the issuance of a STOP WORK ORDER upon the following grounds:

(1) Upon his determination that a violation of the terms of this Article has occurred and that irreparable harm will result unless the project is immediately suspended.

(2) Upon his determination that a violation of any of the

specifications, rules, regulations and/or special conditions of the permit has occurred and that irreparable harm will result unless the project is immediately suspended.

(3) In the event of damage to private and/or public property in the immediate vicinity of the project, the Building Department is empowered to issue a STOP WORK ORDER. The issuance of such a STOP WORK ORDER shall constitute a suspension of the permit until such time as remedial action has been taken by the permittee to the satisfaction of the Building Department. All remedial action shall include the restoration of all private and/or public property so damaged to its pre-existing condition. In the event the permittee shall fail to commence and complete remedial action within the period of time as set forth in such notice thereof, and the City shall be empowered to commence proceedings against the permittee or his surety. Any damages collected by the City of Lake Station as the result of of such proceedings shall inure to the benefit of the damaged property owner(s).

(4) In all cases upon the issuance of a STOP WORK ORDER, additional notice of same shall be forwarded by the Building Department to the permittee at the address indicated on the application for such permit by certified or registered mail, return receipt requested.

(5) Said notice shall contain the legal description or address of the property that is subject to the order, and inform the permittee of the basis for the issuance of such STOP WORK ORDER as well as the required remedial action to correct the condition(s) which necessitated the issuance of the ORDER and the time period within which such conditions shall be corrected.

(6) In the event remedial action is not commenced and completed within the period of time as set forth in such notice, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee for any damages suffered, fees, charges, assessments and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(7) All STOP WORK ORDERS and the suspension of any permit by the issuance thereof or any administrative revocation may be appealable to the Building Department Hearing Authority upon the filing of a notice of appeal with the Clerk-Treasurer within twenty-one (21) days after the issuance of such STOP WORK ORDER or an administrative revocation of permit. Within fourteen (14) days after the filing of such notice of appeal with the Clerk-Treasurer, a hearing, with reasonable notice of at least three (3) days to the permittee, shall be scheduled by the Hearing Authority. Any person with an interest in the proceedings may appear in person or by counsel at the hearing. Such person appearing at the hearing is entitled to

present evidence, cross examine opposing witnesses, and present arguments. If the Hearing Authority finds that the permittee has willfully violated a term or condition of the permit or has willfully done or permitted to be done an act in violation of a statute or ordinance relating to the permit issued, the Hearing Authority shall suspend or revoke the permit upon such conditions as it may deem appropriate. The Board shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after issuance.

(8) Neither suspension nor revocation of any permit shall bar prosecution for violations of this Article.

Sec. 7-37 Standards.

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

Sec. 7-38 Remedies.

The Building Department shall in the name of the City of Lake Station bring actions in the Superior or Circuit Courts of Lake County, Indiana, for mandatory and/or injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Building Department, and with any such action for mandatory and/or injunctive relief may be joined an action to recover the penalties provided for in this Article. In the event that any person shall fail to comply with the terms and conditions of this Article, the City of Lake Station shall be entitled to recover all delinquent fees, and all reasonable attorney fees, and expenses incidental thereto, all without relief from valuation and appraisal laws.

Sec. 7-39 Penalties.

(a) If any person, firm or corporation shall violate any of the provisions of this Article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Department, or shall fail, neglect or refuse to obey any lawful order given by the Building Department in connection with the provisions of this Article, for each such violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of Section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this Article, the City of Lake Station shall be entitled

to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(c) Each day a violation of this Article is committed or permitted to continue shall constitute a separate offense.

Sec. 7-40 through 7-47 Reserved for Future Use

Division VI. Street Excavations

Sec. 7-48 Definitions.

For the purposes of this Division, "surface" means and includes the pavement, drains, sewers and appurtenances, curbs and sidewalks and any and all surface materials which are a part of the streets, alleys, boulevards and other public thoroughfares.

Sec. 7-49 Permit Required.

No person shall cut, break, alter, change or disturb the surface by doing work upon or under the surface of any street, alley, boulevard or other public thoroughfare in the City without first obtaining a permit.

Sec. 7-50 Permit Application.

(a) No person shall cut, alter, change, break or disturb the surface of any street, alley, boulevard or other public thoroughfare by any work to be done upon or under the surface of any street, alley, boulevard or other public thoroughfare within the City, such person shall make application therefor on forms to be provided by the Board of Public Works and Safety of the City. In such application the applicant shall set forth the name, address and occupation of each person seeking such permit, the reason for the permit, the nature of the work to be performed, the dates when such work is expected to be commenced and completed, and the location and the area of the surface to be broken. Such application shall have attached thereto a clearly drawn plat of survey prepared by an Indiana licensed land surveyor of the site of the proposed project including the legal description thereof, and the location, distances, and dimensions of all work to be performed.

(b) The applicant shall submit a proposed plan for ensuring public safety during the term of the permit for each worksite. Said plan shall be subject to the approval of the Board of Public Works and Safety.

(c) The re-setting of public utility poles shall be exempt from the provisions of this Division.

Sec. 7-51 When Permit Issued.

Permits may be issued by the Board of Public Works and Safety only after such application shall be filed in duplicate, and after the Board shall have full and complete information in respect thereto as well as the payment of all requisite fees. (Ord. No. 50-299, 2-2-50, Code §911.04)

Sec. 7-52 Permit Fee.

Before any permit issued under this Division is granted, the applicant shall pay a fee of ten dollars (\$10.00) per cut, alteration, change, break or disturbance of the street surface the Clerk-Treasurer of the City. However, where the applicant is a public utility company and such public utility company files, on their own duplicate forms, a request for approval of any extension of utility service, and such forms show the location and position of the proposed extension, and where the proposed extension is over or on an unimproved public thoroughfare or right of way, no permit fee shall be required for the approval of such request for such extensions. (Ord.No. 50-299, 2-2-50, Code §911.05)

Sec. 7-53 Permits Granted.

The Board of Public Works and Safety shall at its next regular meeting act upon such application, either granting the permit or denying same. The Board may continue the matter for further investigation until its next regular meeting and at such next regular meeting shall either grant or deny such application. (Ord. No. 50-299, 2-2-50, Code §911.06)

Sec. 7-54 Restoring Condition of Surface.

Whenever a permit has been granted under this Division to cut, alter, change, break or disturb the surface of any street, alley, boulevard or other public thoroughfare in respect to any work to be done upon or under the surface of any such street, alley, boulevard or public thoroughfare, both the surface and the surface thereof shall be governed by the following specifications:

(a) Backfill: All excavations under pavement shall be backfilled in accordance with Backfilling Engineering Standards adopted by the Board, of

which two (2) copies shall be maintained in the Building Department and open for public inspection during regular business hours.

(b) Pavement Replacement: All pavement shall be replaced with a type of construction equal to or better than that which is removed as approved by the City Engineer. All cuts in concrete pavement shall be first outlined with a saw cut not less than one and one-half (1 1/2) inches.

(c) Concrete or Brick Pavements: Concrete used in replacement of concrete or brick pavements not presently surfaced with an asphaltic material shall be Class A, Type I, as prescribed in the City Standards. Brick pavements will be replaced with eight (8) inches of concrete, except in some residential streets where the City Engineer may require the brick to be replaced.

Where concrete that has an asphaltic concrete surface is replaced, Class B, Type I, as prescribed in the City Standards shall be used and the concrete shall be finished flush with the surface of the existing concrete and the asphaltic surface replaced.

(d) Hot Asphaltic Concrete, sheet asphalt, emulsified asphalt, chip seals, and oil mat pavements: All asphaltic and oil type pavements shall be replaced with a hot asphaltic concrete surface conforming to Section D3, Hot Asphaltic Concrete Base, Binder and Surface of the latest Indiana State Highway Standard Specifications. The thickness of the pavement shall be equal to that which existed, but not less than three (3) inches. Not less than eight (8) inches of coarse aggregate Class A or B, Size No. 53 Section K3 of the State Highway Specifications shall be placed under any asphaltic concrete patch unless a concrete base is necessary. Asphalt placed over a concrete patch shall be cut back six (6) inches around the concrete patch so that the two (2) joints are offset.

(e) Temporary Patch: If it is not possible, due to weather conditions, for the contractor to replace the pavement within fourteen (14) days following completion of the work, a coarse aggregate base eight (8) inches thick and a cold asphaltic surface shall be applied and maintained as a temporary patch until permanent repairs can be made. In no case shall a temporary patch be maintained more than six (6) months before permanent repairs are made.

Sec. 7-55 Barricades Required.

Barricades lighted with flashing lights and reflectors shall be maintained at each site by the party to whom the permit is issued, and the party shall maintain such safety barriers until the excavation is completed. The number

and placement of such barricades shall be subject to the approval of the Superintendent of the Local Road and Street Department under the supervision of the Chief of Police.

Sec. 7-56 Bond Requirements.

(a) At the time of making the request for a permit under Section 7-50, the person desiring to make an opening or excavation shall file a bond payable to the City in such sum as the Board of Public Works and Safety may designate. The form of the bond shall be approved by the City Attorney and the surety shall be approved by the Board.

(b) The condition of the bond shall be that the applicant shall conform to the provisions of this Division, any and all specifications, rules, regulations, and special conditions prescribed by the Board, and shall protect and save harmless the City of Lake Station from any and all liability, damages and expenses which said City may sustain by reason of any violation by the applicant of any of the provisions of this Division, specifications, rules, regulations, and special conditions of the permit including reasonable attorney fees and all expenses incidental thereto, all without relief from valuation and appraisal laws.

(c) Any public utility operating under the jurisdiction of the Public Service Commission of the State of Indiana may give an indemnifying agreement in lieu of such bond.

(d) Any person desiring to make any opening or excavation as provided herein shall also carry insurance against all personal injury and property damages claims which may arise from the performance of such work in such amounts as may be established by the Board of Public Works and Safety and, in case of a single or continuing bond, shall maintain on file in the office of the Board evidence of the continuation in force of such insurance throughout the term for which any such bond is issued.

Sec. 7-57 Liability of Permittee for One Year.

The Board of Public Works and Safety shall, through the City Engineer, require periodic inspection of all pavement repairs. If for any reason, within a period of one (1) year, there is an indication of settlement of the repaired area or deterioration of the paving material, the permit shall be required to make the necessary repairs as specified by the City Engineer. The failure of the permittee to make such repairs will result in the bonding company being required to make the necessary repairs.

Sec. 7-58 Emergency Excavations.

(a) Whenever any work to be done below the surface of any street, alley, boulevard or public thoroughfare shall involve an emergency wherein the public health, safety or welfare is affected, or where danger to life or property may ensue due to the delay in obtaining any such permit, any person, firm or corporation may proceed immediately to cut, alter, change, break or disturb the surface of any street, alley, boulevard or public thoroughfare and proceed with such emergency work.

(b) However, any such person, firm or corporation so proceeding shall thereafter, and not later than seventy-two (72) hours thereafter, make application for such permit as hereinbefore provided.

(c) Such application, among other things shall indicate that work has already commenced and state in detail the facts in connection with such emergency.

(d) If thereafter the Board of Public Works and Safety shall determine that no emergency existed warranting immediate action, it may take whatever steps shall be necessary to immediately stop the progress of such work and the cutting, altering, changing, breaking, or disturbing such surface of any street, alley, boulevard, or public thoroughfare shall be considered a violation of the provisions of this Chapter.

Sec. 7-59 Suspension of Permit/Stop Work Order.

The City Engineer may, without notice, temporarily suspend any permit issued hereunder by the issuance of a STOP WORK ORDER upon the following grounds:

(1) Upon his determination that a violation of the terms of this Division has occurred and that irreparable change in the condition of the land will result unless the excavation operation is immediately suspended.

(2) Upon his determination that a violation of any of the specifications, rules, regulations or special conditions of the permit has occurred and that irreparable change in the condition of the land will result unless the excavation is immediately suspended.

(3) In the event of damage to private and/or public property in the immediate vicinity of the excavation site by dumping, spilling or blowing material, the City Engineer is empowered to issue a STOP WORK ORDER. The issuance of a STOP WORK ORDER shall constitute a suspension of the permit until such time as remedial action has been taken by the permittee to the satisfaction of the City Engineer. All remedial action shall include the restoration of all private and/or public property so damaged to its

pre-existing condition. In the event the permittee shall fail to commence and complete remedial action within 30 days subsequent to the issuance of a STOP WORK ORDER, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety. Any damages collected by the City of Lake Station as the result of such proceedings shall inure to the benefit of the damaged property owner(s).

(4) That upon the issuance of a STOP WORK ORDER, additional notice of same shall be forwarded by the City Engineer to the permittee at the address indicated in the application for such permit by certified or registered mail, return receipt requested.

(5) Said notice shall inform the permittee of the basis for the issuance of such STOP WORK ORDER as well as the required remedial action to correct the condition(s) which necessitated the issuance of the ORDER and the time period within which such conditions shall be corrected.

(6) In the event remedial action is not commenced and completed within the period of time as set forth in such notice, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety for any damages suffered.

(7) ALL STOP WORK ORDERS and the suspension of any permit by the issuance thereof or an administrative revocation may be appealable to the board upon the filing of a notice of appeal with the Clerk-Treasurer within twenty-one (21) days after the issuance of such STOP WORK ORDER or an administrative revocation of permit. Within fourteen (14) days after the filing of such notice of appeal with the Clerk-Treasurer, a hearing, with reasonable notice of at least three (3) days to the permittee, shall be scheduled by the Board. The Board may issue subpoenas to compel the attendance of witnesses, administer oaths to those witnesses, and require them to testify. To the extent they can be applied, the Indiana Rules of Trial Procedure, including the right to appear by counsel and to compel the attendance of witnesses; to present evidence, cross-examine opposing witnesses and present argument shall apply to these proceedings. If the Board finds that the permittee has willfully violated a term or condition of the permit or has willfully done or permitted to be done an act in violation of a statute or this Code relating to the permit issued, the Board shall revoke or suspend the permit upon such conditions as it may deem appropriate. The Board shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after issuance.

(8) Neither suspension nor revocation of any permit shall bar prosecution

for violations of this Division.

Sec. 7-60 Remedies.

The Board of Public Works and Safety shall, in the name of the City of Lake Station, bring actions in the Superior or Circuit Courts of Lake County, Indiana, for mandatory and/or injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Board, and with any such action for mandatory and/or injunctive relief may be joined an action to recover the penalties provided for in this Division. In the event that any person shall fail to comply with the terms and conditions of this Division, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees, and expenses incident thereto, all without relief from valuation and appraisal laws.

Sec. 7-61 Penalties.

Anyone violating the provisions of this Division shall be subject to the penalty provisions of Sec. 1-9.

Sec. 7-62 through 7-65 Reserved for Future Use

Division VII. Sandmining

Sec. 7-66 Permit Required.

It shall be unlawful for any person, firm, corporation or entity hereinafter referred to as "person" to excavate or remove, or cause to be excavated or removed, or to take or carry away, or to cause to be taken or carried away, any sand, soil, earth or rock from any land within the City of Lake Station, for any purpose whatsoever, before said person shall first have obtained a permit for purpose from the Common Council of the City of Lake Station, hereinafter referred to as the "Council", or except as may be permitted under Section 7-71.

Sec. 7-67 Manner of Excavation.

(a) It shall be unlawful for any person to excavate or remove or cause to be excavated or removed, any sand, soil, earth or rock from any land within the City of Lake Station, for any purpose whatsoever, below existing and established contiguous street grades, or except as may be permitted under Sections 7-71 and 7-72. In those areas where no established contiguous street grades exist, it shall be unlawful for any person to excavate or remove, or cause to be excavated or removed, any sand, soil, earth, or rock from any land within the City of Lake Station, for any purpose whatsoever, below an elevation to be determined by the City Engineer, said elevation to be consistent with any possible future extension of the closest existing street or alley into said areas.

(b) It shall be unlawful for any person to excavate or remove or cause to be excavated or removed, any sand, soil, earth or rock from any residential district, as defined in the Zoning Ordinance of the City of Lake Station, within the corporate limits of the City, except to the extent that such excavation or removal may be necessary for the actual construction of permitted structures within such residential districts, provided that all permits required by the Code shall be obtained prior to any such excavation or removal, or except as may be permitted under Sections 7-71 and 7-72.

(c) It shall be unlawful for any person to excavate or remove or cause to be excavated or removed, any sand, soil, earth or rock from any land within the City of Lake Station, for any purpose whatsoever, without erecting and maintaining proper barricades or other suitable protective devices, to prevent said sand, soil, earth or rock from blowing over or spilling upon other private or public property in the immediate area of the excavation.

(d) It shall be unlawful for any person to terminate any permitted excavation operation by leaving the excavated site in a condition that constitutes a hazard to the health or safety of others.

Sec. 7-68 Written Application.

Application for a permit to excavate or remove, take or carry away any sand, soil, earth or rock shall be made to the Council on the application form prescribed by it. Applications for any such permit shall include the following:

(1) A vicinity map of the site and surrounding area showing streets, highways and other landmarks in the immediate area surrounding the proposed excavation site.

(2) A plat of survey of the site of the proposed excavation, including the legal description of the site.

(3) A topographic survey of the site and adjacent existing streets and other improvements. Topographic data shall be shown by contours not exceeding a two-foot interval at a scale not less than one (1) inch equalling one hundred (100) feet. The survey shall show the elevation(s) to which the proposed excavation will be made.

(4) An accurate estimate of the amount of sand or other materials (in cubic yards) expected to be removed during the life of the permit.

(5) The proposed routes to be used by vehicles in the removal of any material from the site shall be shown on the vicinity map. Approval of the proposed routes by the Chief of Police of the City of Lake Station must be attached to the application before the Council.

(6) All maps and data, as required and described in Sub-paragraphs (1), (2), (3), (4), and (5) of Section 7-68, shall be prepared by an Indiana licensed land surveyor.

(7) Upon completion of the excavation operation, the applicant shall submit to the City an as-built drawing, prepared and duly certified by an Indiana licensed land surveyor, showing the elevations of the area excavated, for determination of conformance with the proposed excavation limits of the permit.

(8) The applicant shall furnish with the application current title minutes as to the fee simple ownership of the subject property.

(9) If the applicant shall be any person other than the fee simple owner of the land, the applicant shall file, as a part of his application, an affidavit from the fee owner indicating that the applicant has the owner's permission for such excavation or removal.

(10) A certificate of zoning clearance from the office of the Building Department.

(11) A statement explaining in detail the protection and precautionary methods to be employed by the applicant to prevent the excavated material from dumping, spilling or blowing upon other private or public property in the immediate area of the excavation.

Sec. 7-69 Rules and Regulations.

The Council may impose any specifications, rules, regulations or special conditions, in the granting of an excavation permit, that may be required for the protection of the public health, safety and welfare. Any such specifications, rules, regulations or special conditions shall be in writing, shall be attached to the permit itself, and shall become a part of the permit. A condition of such permit shall be that the City Engineer or his duly designated representative shall have unrestricted access to the real estate as to which a permit is issued at all times.

Sec. 7-70 Bond.

The applicant shall be required to post a liability bond payable to the City of Lake Station at the time of issuance of any permit by the Council. The amount of the bond for each applicant shall be set by the Council, but in no event shall the amount be less than ten thousand dollars (\$10,000.00). The form of the bond shall be approved by the City Attorney and the surety shall be approved by the Council. The condition of the bond shall be that the applicant will conform to the provisions of the Division, any and all specifications, rules, regulations and special conditions prescribed by the Council, and shall protect and save harmless the City of Lake Station from any and all liability, damages and expenses which said City may sustain by reason of any violation by the applicant of any of the provisions of the Division, specifications, rules, regulations and special conditions of the permit including reasonable attorney fees and all costs incidental thereto.

Sec. 7-71 Exceptions.

For the following listed exceptions, no permit or bond shall be necessary, but all other provisions of the Division pertaining to the protection of private or public property in the immediate vicinity of the excavation site shall remain in full force and effect.

(1) Sand or materials which are removed or moved in connection with excavations for construction or alteration of structures or accessory uses (such as parking areas, landscaping or gardening) in cases where valid building permits have been issued and are in force and effect at the time of the removal.

(2) Sand or materials which are removed or moved in cases involving public health and safety.

(3) Sand or materials which are removed or moved in connection with the

installation or repair of public utilities, street grading and sewer installation.

(4) All cases of grading without removal of sand or other materials therefrom.

(5) Sand or materials which are removed or moved in those subdivisions which have received the primary approval of the Plan Commission.

(6) All cases where the aggregate volume of sand or material removed within any period of 365 days does not exceed ten (10) cubic yards.

Sec. 7-72 Below Grade Excavation.

The Council shall be authorized to permit excavations below existing and established contiguous street grades only in those cases where the excavation can be used for public or public access recreational purposes. In such cases, the Council shall have the authority to specify, as a prior condition to granting the permit, that the land shall be dedicated as a public facility to the City of Lake Station.

Sec. 7-73 Suspension of Permit/Stop Work Order.

The City Engineer may, without notice, temporarily suspend any permit issued hereunder by the issuance of a STOP WORK ORDER upon the following grounds:

(1) Upon his determination that a violation of the terms of this Division has occurred and that irreparable change in the condition of the land will result unless the excavation operation is immediately suspended.

(2) Upon his determination that a violation of any of the specifications, rules, regulations or special conditions of the permit has occurred and that irreparable change in the condition of the land will result unless the excavation is immediately suspended.

(3) In the event of damage to private and/or public property in the immediate vicinity of the excavation site by dumping, spilling or blowing material, the City Engineer is empowered to issue a STOP WORK ORDER. The issuance of a STOP WORK ORDER shall constitute a suspension of the permit until such time as remedial action has been taken by the permittee to the satisfaction of the City Engineer. All remedial action shall include the restoration of all private and/or public property so damaged to its pre-existing condition. In the event the permittee shall fail to commence and complete remedial action within 30 days subsequent to the issuance of a

STOP WORK ORDER, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety. Any damages collected by the City of Lake Station as the result of such proceedings shall inure to the benefit of the damaged property owner(s).

(4) That upon the issuance of a STOP WORK ORDER, additional notice of same shall be forwarded by the City Engineer to the permittee at the address indicated in the application for such permit by certified or registered mail, return receipt requested.

(5) Said notice shall inform the permittee of the basis for the issuance of such STOP WORK ORDER as well as the required remedial action to correct the condition(s) which necessitated the issuance of the ORDER and the time period within which such conditions shall be corrected.

(6) In the event remedial action is not commenced and completed within the period of time as set forth in such notice, the suspension of the permit shall constitute an administrative revocation thereof, and the City shall be empowered to commence proceedings against the permittee or his surety for any damages suffered.

(7) All STOP WORK ORDERS and the suspension of any permit by the issuance thereof or an administrative revocation may be appealable to the Council upon the filing of a notice of appeal with the Clerk-Treasurer within twenty-one (21) days after the issuance of such STOP WORK ORDER or an administrative revocation of permit. Within fourteen (14) days after the filing of such notice of appeal with the Clerk-Treasurer, a hearing, with reasonable notice of at least three (3) days to the permittee, shall be scheduled by the Council. The Council may issue subpoenas to compel the attendance of witnesses, administer oaths to those witnesses, and require them to testify. To the extent they can be applied, the Indiana Rules of Trial Procedure, including the right to appear by counsel and to compel the attendance of witnesses, to present evidence, cross-examine opposing witnesses and present argument shall apply to these proceedings. If the Council finds that the permittee has willfully violated a term or condition of the permit or has willfully done or permitted to be done an act in violation of a statute or this Code, relating to the permit issued, the Council shall revoke or suspend the permit upon such conditions as it may deem appropriate. The Council shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after issuance.

(8) Neither suspension nor revocation of any permit shall bar prosecution for violations of this Division.

Sec. 7-74 Fees.

The fee for a permit shall be in a minimum amount of \$50.00 and a maximum amount of \$500.00, which shall be paid to the Clerk-Treasurer at the time of issuance. The Council shall have the power to set the fee. All such permits shall be valid for a specific period of time to be determined by the Council at the time of issuance.

Sec. 7-75 Remedies.

The City shall bring actions in the Superior or Circuit Courts of Lake County, Indiana, for mandatory and/or injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Council, and with any such action for mandatory and/or injunctive relief maybe joined an action to recover the penalties provided for in this Division. In the event that any person shall fail to comply with the terms and conditions of this Division, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees, and expenses incident thereto, all without relief from valuation and appraisalment laws.

Sec. 7-76 Penalties.

(a) If any person, firm or corporation shall violate any of the provisions of this Division, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Council, or shall fail, neglect or refuse to obey any lawful order given by the Council in connection with the provisions of this Division, for each violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of Section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this Division, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisalment laws.

(c) Each day a violation of this Division is committed or permitted to continue shall constitute a separate offense.

Sec. 7-77 through 7-80 Reserved for Future Use

Division VIII. Fencing Regulations

Sec. 7-81 Fence Permit Required.

(a) A permit shall be obtained by the property owner or licensed contractor prior to any construction or alteration, of any fence or like structure.

(b) All permits shall be issued by the Building Department, and all fees provided for herein shall be paid to the Clerk-Treasurer of the City of Lake Station.

Sec. 7-82 Fence Permit Fees.

Permit fees shall be as follows:

(1) All fences except those fences in Retail, Business, Commercial, Industrial Districts: \$10.00

(2) Business, Commercial, Industrial District Fences: \$15.00

Sec. 7-83 Standards.

(a) All work on the construction, alteration, and repair of fences shall be performed in a good and workmanlike manner according to accepted standards and practices.

(b) The owner of record of any "Zoning Lot" shall be responsible for maintaining all fences in good repair.

(c) Fences shall be constructed of a uniform material throughout.

Sec. 7-84 Fence Regulations.

Specific fence regulations are addressed in Chapter 10, the Zoning Chapter of this Code.

Sec. 7-85 Related Ordinances, Codes and Regulations in Effect.

(a) All work done under any permit issued herein shall be in full compliance with the several statutes of the State of Indiana and the Lake Station City Code.

(b) All definitions related to fences are found in chapter 10, the zoning chapter of this Code.

Sec. 7-86. Penalties.

(a) If any person, firm or corporation shall violate any of the provisions of this article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building department, or shall fail, neglect or refuse to obey any lawful order given by the building department in connection with the provisions of this article, for each such violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this article, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(c) Each day a violation of this article is committed or permitted to continue shall constitute a separate offense.

DIVISION IX. SIDEWALKS, DRIVEWAYS AND PARKWAYS

Sec. 7-87. Definitions.

[The following terms as used in this division shall have the meaning indicated:]

Front yard. The area of land lying between the front door or main entrance of a residence and the curb of the street in front of, or adjacent to the residence, excluding the sidewalks and parkways in front of the residence, and the driveway to the residence.

Parkway means that area of land lying between the edge of the 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 fifteen (15) feet away from the edge of said street.

Pave, repave and cause to be paved means the act of covering or surfacing an area with asphalt, concrete, gravel, rock or other materials used in road or street building. The installation of bricks or decorative stone as landscaping and not for the purpose of parking shall not be considered paving.

Person means any asphalt contractor, concrete contractor, general contractor, landowner, individual, corporation, partnership, joint venture, trust, trustee, beneficial owner or a land trust, nominee of a landowner, or any other legal entity.

Property owner means any person who has an ownership interest in real estate, legal or equitable, partial or absolute, or as a landlord or tenant. Mortgages and other lien holders shall not be deemed landowners unless and until they acquire ownership by deed or by operation of law.

(Ord. No. 2004-18, 9-2-2004; Ord. No. 2005-17, 5-5-2005)

Sec. 7-88. Repair and maintenance of sidewalks and driveways.

(a) *Responsibility of repair and maintenance of abutting sidewalks and driveways.* The responsibility for the repair and maintenance of sidewalks and driveways within the city is hereby deemed to be that of abutting property owners. Property owners shall be responsible for maintaining the abutting sidewalks in a reasonably safe condition, and shall repair and maintain the abutting sidewalk at their owner expense as and when needed, in the opinion of the building commissioner or his designee.

(b) *Notice of order to repair.* Should a property owner fail to maintain his or her abutting sidewalk and/or driveway in a reasonable safe condition, then, in the interest of the health, safety and general welfare of the public, the city, in its sole discretion, may issue a notice or an order to repair the sidewalk and/or driveway to the responsible owner.

(c) *Issuance and service of notice to repair.*

(1) Notice of an order to repair or improve any sidewalk and/or driveway within the city shall be issued by the building commissioner or his designee.

The notice shall be addressed to the common address of the property in question and also to the address of the property owner, if different, and shall be sent by certified mail.

(2) The property owner shall perform the requested repairs or improvements to the sidewalk and/or driveway within thirty (30) days from the date of the notice as required by the notice, or any extended time therefrom allowed by the building commissioner or his designee.

(d) *Contract for repair.* In the event any property owner fails to comply with the order to repair any sidewalk or driveway with the city issued by the building commissioner or his designee, the board of public works and safety, in its sole discretion, may have the sidewalk or driveway constructed or repaired. In causing the sidewalk or driveway to be constructed or repaired, the board of public works and safety may let a general contract for the making or repairing of all sidewalks and/or driveways subject to the issued order. The letting of any contract under the provisions of this section shall be governed by the laws of the state regulating contractual authority of the board of public works and safety for such matters, as they may be amended from time to time.

(e) *Assessments.* Assessments for the construction or repair of sidewalks or driveways shall be levied and collected pursuant to the terms of I.C. 36-9-36-1, et. seq., as amended from time to time.

(Ord. No. 2004-18, 9-2-2004)

Sec. 7-89. Parkway and front yard maintenance.

(a) The property owner whose property abuts a street or alley shall maintain and care for any parkway or front yard 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.

(b) No person may hereafter pave, repave, or cause to be paved, all or any part of a parkway, without obtaining a building permit from the building commissioner. No person may hereafter pave, repave, cause to be paved, or cover with gravel, all or any part of a front yard. The building commissioner shall consider the following in issuing the permit to pave a parkway:

- (1) The parkway must be graded to allow storm water to flow and follow its natural course of drainage.
 - (2) The paving of the parkway may not impair vehicular and pedestrian safety.
- (Ord. No. 2004-18, 9-2-2004; Ord. No. 2005-17, 5-5-2005)

ARTICLE 2. LICENSING OF CONTRACTORS AND SPECIALTY CONTRACTORS

Sec. 7-91. License required.

It shall be unlawful for any person to engage in the business or act in the capacity of a contractor or specialty contractor within the City of Lake Station without having a valid license or certificate of registration.

Sec. 7-92. Definitions.

As set forth in this article, the following definitions shall apply unless expressly denoted otherwise.

- (a) *Contractor*: The term "contractor" shall mean, refer to, and include any person who for compensation submits bids to, or does himself, or causes to be done by others, construction, demolition, repair, alteration, remodeling, additions, reductions, improvements to structures or buildings, and/or manages any of the above or foregoing activities. The term shall also include electrical installation, plumbing installation, heating, ventilating and air conditioning installation, and specialty contractor. The term shall further include any general contractor, divisional contractor, or subcontractor, or materialman."
- (b) *Specialty contractor*: The term "specialty contractor" shall mean, refer to, and include any person who specializes in a particular branch of the building and construction industry, and to any person who installs or provides any of the following:
 - (1) Alarm security systems;
 - (2) Asphalt paving, seal coating or striping;
 - (3) Concrete;
 - (4) Decks;
 - (5) Commercial painting, drywall or plastering;
 - (6) Demolition or house moving;
 - (7) Drain and sewer cleaning;
 - (8) Fencing;

- (9) Commercial landscaping;
 - (10) Masonry, tuck pointing or sandblasting;
 - (11) Pest control;
 - (12) Roofing;
 - (13) Siding, gutters, windows, trim;
 - (14) Sprinkler systems;
 - (15) Storage sheds;
 - (16) Swimming pools;
 - (17) Tree trimming or removal service;
 - (18) Waterproofing.
- (c) *License or certificate of registration* means a certificate issued by the board of examiners established pursuant to this article which confers upon the holder the privilege to perform as a contractor.
- (d) *Registration* means the act by which the board of examiners confers upon a person the privilege to act as a plumbing contractor as herein defined, which registration shall be evidenced by a certificate of registration.
- (e) *Board* as herein referred to shall mean the board of examiners.
- (Ord. No. 99-02, §§ 1, 2, 2-18-99)

Sec. 7-93. Exceptions and exclusions.

- (a) The fee provisions of this article do not apply to the following:

An authorized employee of the United States, the State of Indiana, or any political subdivision thereof, so long as the employee does not hold himself out for hire and is acting within the scope of his employment.

- (b) The provisions of this article shall not apply to:
- (1) Public utilities, where construction, maintenance, and development work is performed by their own employees and incidental to their business.
 - (2) The owner-occupant of a dwelling of a two (2) or less family resident unit when said owner-occupant is installing, altering, or repairing said residential unit.
 - (3) Any construction, alteration, or improvement located on any site where state and/or federal law supersedes this article.

Sec. 7-94. Board of examiners of contractors and specialty contractors.

(a) The board shall consist of five (5) members, who shall be appointed by the mayor of the City of Lake Station. One (1) member shall be the heating, air conditioning, and sheet metal inspector; one (1) member shall be the electrical inspector; one (1) member shall be the plumbing inspector; one (1) member shall be the building inspector; and one (1) member shall be a citizen member having a general knowledge of the building trades.

(b) The citizen member of the board may be appointed for a period of one (1) year whose term shall expire on the 31st day of December. All other members shall serve by virtue of their employment as inspectors.

(c) The citizen member of the board shall hold office after the expiration of his term until a successor has been appointed.

(d) The board of examiners shall have the duty of enforcing the provisions of this article and shall cause periodic inspections to be made by the building department of the City of Lake Station of any work of a licensed contractor or specialty contractor and the board shall request the building department to conduct investigations and submit written reports to the board upon the filing of any complaints.

Sec. 7-95. Oaths required.

Each member of the board shall, before entering upon the discharge of his duties of office, be sworn by the clerk-treasurer of the City of Lake Station, to properly perform the duties of the office as a member of said board and to uphold the City Code ordinances, laws, and Constitution(s) of the City of Lake Station, State of Indiana, and of the United States.

Sec. 7-96. Officers and meetings.

(a) The members of the board shall hold a meeting no later than the fourth (4th) Monday of January of each year for the purpose of selecting a chairman and regulations as they deem necessary and expedient to the purpose of selecting a chairman and secretary. The time for conducting meetings and the manner for notice of all such meetings shall be in accordance with the Indiana Open Door Law.

(b) The following principles shall govern:

- (1) The majority vote of the total board shall govern all issues before the board.

- (2) A two-thirds majority of membership shall constitute a quorum for the transaction of all business.
- (3) The chairman through required notice being sent by the secretary, or any two (2) members of the board, upon proper notice, may call meetings of the board.

State law reference—Indiana Open Door Law, I.C., 5-14-1.5-1—5-14-1.5-7.

Sec. 7-97. Standardized tests.

(a) All written and oral tests shall be standardized and based upon the applicable portion of the building code of the City of Lake Station, and rules and regulations incident thereto.

(b) The contents of the examinations herein required shall be developed by the board of examiners, and shall test the current level of skills required of persons to be licensed in a specific license category.

(c) The board shall establish periods of examination. The examination of the applicants shall be administered within thirty (30) days after the filing of an application for license.

Sec. 7-98. Duties of board secretary.

The secretary of the board shall keep a record of all the meetings and proceedings of the board together with the necessary register showing all applications. The register shall show the date and name of each applicant, qualifications, place of business, place or residence, and whether the application for license was granted or refused.

Sec. 7-99. License application, testing, fees, and special requirements.

(a) Except as otherwise provided in this article, any person over the age of twenty-one (21) years, who satisfies the further requirements of this article shall be licensed and/or registered by the board.

(b) Persons seeking to be licensed or registered as a contractor or specialty contractor shall file a written application on a form to be provided by the board which shall contain such information as the board deems necessary to determine the qualifications and competency of the applicant.

(c) All applications shall be signed by the applicant.

(d) Upon the filing of an application, the board may investigate the statements contained therein and, if any are found to be untrue, may refuse to examine, license or register the applicant.

(e) Except as hereinafter provided, all individual applicants for a license as a contractor or specialty contractor shall submit to and pass an oral and written examination conducted by the board. The contents of the examination herein required shall be developed by the board of examiners, shall test the current levels of knowledge required of persons to be licensed in said category in the State of Indiana, shall be standardized and shall be reviewed on an annual basis and certified to the board of public works and safety by February 1st of each year as being

in compliance with the building codes of the City of Lake Station and the State of Indiana, and all current construction codes adopted by the fire prevention and building safety commission of the State of Indiana.

(f) Upon receipt of an application and proof of fee payment as prescribed in this article, it shall be the duty of the board to set a date and notify the applicant in writing at least five (5) days before such examination.

(g) Any applicant who fails to qualify for a license as a contractor or specialty contractor may be re-examined at the next succeeding date for examinations. But, in any event, an applicant who fails to qualify for the examination on two (2) successive attempts shall be ineligible for re-examination for a period of six (6) months subsequent to the date of his last examination.

(h) Before a license or certificate of registration is issued by the board to any applicant, the board shall require the applicant to file a unified license bond with the office of the county recorder in the sum of five thousand dollars (\$5,000.00). The bond shall be issued by a surety authorized to do business in Indiana, and be conditioned upon the faithful observance of the City Code ordinances of the City of Lake Station and the State of Indiana relating to contracting and all rules and regulations promulgated thereunder.

(i) Liability and property damage insurance in the amount of five hundred thousand dollars (\$500,000.00) shall be required of each contractor or specialty contractor. A certificate of insurance or copy of the insurance policy shall be filed with the board by the licensed or registered contractor or specialty contractor as herein provided prior to the issuance of such license of registration.

(j) Whenever any contractor's license or certificate of registration issued under the provisions of this article is revoked by the board, the board shall deliver the bond of the offending licensee to the city attorney of Lake Station, Indiana, who shall institute proceedings to forfeit the bond.

(k) Every license or certificate of registration issued under the provisions of this article shall expire on December 31 of each calendar year and shall be renewed annually, upon payment of the required renewal fees as a matter of right if the applicant for renewal has not violated during the preceding license period any of the provisions of this article or the rules and regulations promulgated pursuant thereto.

(l) Applications for renewal of the said license or certificate shall be filed with the board of examiners on a form provided by said board no later than January 31 of the year following expiration of the license or certificate of registration. The application shall be accompanied by the required renewal fee.

(m) Applications for renewal received after January 31 of the year following expiration of the license shall not be approved and the applicant must reapply for a new license or certificate of registration with all the conditions, requirements and fees set forth therein.

(n) During the period of time after expiration of the license or certificate of registration and before renewal of said license or certificate of registration said license or certificate of registration shall not be in effect.

(o) The fees to be charged by and paid to the board by licensees or registrants for all licenses and certificates of registrations and renewals thereof shall be as follows:

- (1) A fee of fifteen dollars (\$15.00) shall accompany an application for examination as contractor or as a registrant.
- (2) An additional fee of one hundred dollars (\$100.00) shall be required for the initial issuance of the license of a general contractor, upon successful passage of the examination.
- (3) An additional fee of fifty dollars (\$50.00) shall be required for the initial issuance of the license a specialty contractor, upon successful passage of the examination or registration.
- (4) A fee of fifty dollars (\$50.00) shall be required for every annual renewal of a license or registration.
- (5) Each applicant shall submit a certificate of insurance pursuant to section 7-99(i) in the following minimum amounts:

General contractor	\$500,000.00
Specialty contractor	500,000.00

(p) All fees assessed and collected by the board of examiners shall be paid into the treasury of Lake Station, Indiana, and shall be credited to the general fund.

(q) All construction work in progress on a specific project on the effective date of passage of this article shall be allowed to be completed without the issuance of a license or a certificate of registration as provided herein on the condition that such work shall be completed within twelve (12) months after the effective date of passage hereon.

(r) In the event a licensee or a certificate holder shall have been convicted in this or any other state of obtaining money under false pretenses, extortion, forgery, embezzlement, or criminal conspiracy to defraud, and a duly certified or exemplified copy of the record in the proceeding is filed with the board, the board shall revoke the license or certificate of registration issued to the licensee or registrant. In the event of the revocation or suspension of the license issued to any member of a partnership, association, or corporation or an employee thereof, the license issued to the partner(s), or member(s) of the firm, association, or corporation shall be revoked unless, within the time fixed by the board, where a partnership or association, the connection of the member or employee whose license has been suspended (or revoked) shall be severed and his interest in the partnership or association, or his employment thereby in the case of an employee, be terminated and his 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 corporation activities.

(s) It is required that all plumbing contractors who are licensed by the State of Indiana shall pay a registration fee as required herein. Failure to register as required by this article, and upon certification of said failure to the board of examiners, at the discretion of the board, may constitute a basis for suspension of any plumbing contractor's registration certificate issued under this article. Repeated and intentional violation of the registration requirements may, at the discretion of the board of examiners constitute a basis for the revocation of the plumbing contractor's registration certificate, which proceedings for suspension or revocation shall be conducted pursuant to section 7-100. The issuance of a certificate of registration shall be without oral or written examination.

(t) It is required that all septic tank and cesspool services contractors who are licensed by the State of Indiana shall pay a registration fee as required herein. Failure to register as required by this article, and upon certification of said failure to the board of examiners, at the discretion of the board, may constitute a basis for suspension of any septic tank and cesspool services contractor's registration certificate issued under this article. Repeated and intentional violation of the registration requirement, may, at the discretion of the board of examiners, constitute a basis for the revocation of the septic tank and cesspool services contractor's registration certificate, which proceedings for suspension or revocation shall be conducted pursuant to section 7-100. No oral or written examination shall be required of septic tank and cesspool services contractors.

State law reference—Septic tank and cesspool services contractors, I.C., 25-35-1-1—25-35-1-8.

(u) Every contractor and every specialty contractor shall carry his contractor's identification card or certificate of registration card and display on demand on any job location where he is engaged in contracting.

(v) Replacement of any license or certificate of registration which has become lost, destroyed, or mutilated may be issued by the secretary of the building department upon payment of five dollars (\$5.00) to the clerk-treasurer and the filing of an affidavit detailing the circumstances for such request by the licensee or certificate holder.

(w) A contractor shall plainly and prominently display on all vehicles and motorized equipment owned or leased by him and used within the city, the firm or company name appearing on his city license issued pursuant to this chapter, the license identification number, and the firm or company telephone phone number.

(Ord. No. 99-02, § 3, 2-18-99; Ord. No. 2005-04, 2-3-2005)

State law reference—Licensing of contractors in Lake and Porter Counties, I.C. 22-11-3.1-1.

Sec. 7-100. Violators and enforcement procedures.

The hearing authority of the building department shall be empowered to temporarily suspend or permanently revoke the license or certificate of registration of any contractor or specialty contractor who, if after due proceeding, shall be found to be guilty of the performance or attempt to perform any of the following prohibited acts or omissions:

- (a) Deliberate misrepresentation of any material fact, fraud or deceit in obtaining a license.

- (b) Gross negligence or gross incompetency while engaged in the business of acting in the capacity of a contractor or specialty contractor within the meaning of this article.
- (c) Aiding, abetting or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of this article.
- (d) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor or specialty contractor.
- (e) Diversion of funds or property received in the performance and/or completion of a specified construction project where, as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his obligation or contract.
- (f) Willful or deliberate disregard of the building code of the City of Lake Station, Indiana, or any rules or regulations promulgated pursuant thereto.
- (g) Negligent disregard of plans or specifications in any material respect, without the consent of the person entitled to have the particular construction project or operation completed.
- (h) The doing of any willful or fraudulent act by the licensee or registration holder as a contractor or specialty contractor while engaged in any project for which a permit is required in the City of Lake Station in consequence of which another suffers serious bodily injury.
- (i) Failure to comply with the provisions of this article.
- (j) Whenever a stop work order has been issued pursuant to section 7-85 of this Code and all other applicable sections of the building code, and is subsequently disregarded.

Sec. 7-101. Remedies.

The building department shall in the name of the City of Lake Station bring action in the superior or circuit courts of Lake County, Indiana, for mandatory and/or injunctive relief in the

enforcement of, and to secure compliance with any order or orders made by the building department, and with any such action for mandatory and/or injunctive relief may be joined an action to recover the penalties provided for in this article. In the event that any person shall fail to comply with the terms and conditions of this article, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees, and expenses incident thereto, all without relief from valuation and appraisal laws.

Sec. 7-102. Penalties.

(a) If any person, firm or corporation shall violate any of the provisions of this article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building department, or shall fail, neglect or refuse to obey any lawful order given by the building department in connection with the provisions of this article, for each violation, failure or refusal, such person, firm or corporation shall be subject to the provisions of section 1-9 of this Code.

(b) Additionally, in the event a person shall fail to comply with the terms and conditions of this article, the City of Lake Station shall be entitled to recover all delinquent fees, and reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

(c) Each day a violation of this article is committed or permitted to continue shall constitute a separate offense.

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Chapter 8

TRAFFIC AND PARKING REGULATIONS

Article 1. Traffic Regulations

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ARTICLE 1. TRAFFIC REGULATIONS*

Sec. 8-1. Definitions generally.

The following words and phrases when used in this traffic code shall, for the purpose of this traffic code, have the meanings respectively ascribed to them in this article. Those words and phrases not specifically addressed herein shall be governed by the Indiana Code definition.

- (a) *Accident* means acts and omission to act which are intentional, wilful and wanton conduct or done with a reckless disregard for the rights of others, negligent, inexcusable under the law, or unpreventable or unforeseeable. (I.C. 9-3-1-1(e))

***State law reference**—Local authorities to adopt traffic regulations and to assess fines for violations, disposition of funds, I.C. 9-4-1-27.

- (b) *Alley* means a public thoroughfare which affords only secondary means of vehicular access to abutting property.
- (c) *Authorized emergency vehicle* means the following:
 - (1) Vehicles of the fire department, police vehicles, medical services vehicles, and ambulances and other emergency vehicles operated by or for hospitals, or health and hospital corporations under I.C., 16-12-21.
 - (2) Vehicles other than ambulances which are owned by persons, firms, or corporations other than hospitals, are used in emergency service and are designated as emergency vehicles by the Indiana Department of Highways.
 - (3) Ambulances which are owned by persons, firms, or corporations other than hospitals and which are approved by the Indiana Emergency Medical Services Commission. (I.C. 9-4-1-2(d))
- (d) *Bicycle* means any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground. (I.C. -4-1-2(f))
- (e) *Bus* means every motor vehicle and every passenger-carrying semitrailer used for the purpose of carrying passengers on a regular schedule of time and rates between fixed termini. (I.C. 9-1-1-2(1))
- (f) *Business district* means the territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of five hundred (500) feet or more is occupied by buildings in use for business. (I.C. 9-4-1-18(a))
- (g) *Commercial vehicle* means every vehicle designed, maintained or used primarily for the transportation of property.
- (h) *Crosswalk* means 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; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (I.C. 9-4-1-16)
- (i) *Curb loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or freight.
- (j) *Flagman* means any authorized person directing traffic at a worksite. (I.C. 9-4-1-19.5)
- (k) *Freight curb loading zone* means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.
- (l) *Handicapped* means any person who:
 - (1) has a temporary or permanent physical disability that requires the use of a wheelchair, walker, braces, or crutches;
 - (2) has temporarily or permanently lost the use of one (1) or both legs, or one (1) or both arms, or any combination thereof; or

- (3) is certified by a physician having an unlimited license to practice medicine in Indiana to be severely restricted in mobility, either temporarily or permanently, by a pulmonary or cardiovascular disability, visual impairment, arthritic or neurological impairment or any combination thereof. (I.C. 9-7-4.1-1 and I.C. 5-16-9-7(a))
- (m) *Intersection* means 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 two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- When a highway includes two (2) roadways thirty (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 two (2) roadways thirty feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection. (I.C., 9-4-1-15)
- (n) *Interstate highway* means a portion of the national system of interstate and defense highways. (I.C., 8-12-2-2(a))
- (o) *Laned highway* means a public highway which is divided into three (3) or more clearly marked lanes for vehicular traffic. (I.C., 9-4-1-14(e))
- (p) *Limited access facility* means a highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of direct access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways, from which trucks, busses, and other commercial vehicles shall be excluded, or they may be freeways open to use by all customary forms of street and highway traffic. (I.C., 8-11-1-2)
- (q) *Major recreational equipment* means every vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the public highways including travel trailers, travel coaches, pickup campers, motorized dwellings, tent trailers and in addition thereto boats and boat trailers, snowmobiles and snowmobile trailers and other motive and non-motive recreational equipment of a similar nature and attendant trailers. (I.C., 9-1-1-2(t))
- (r) *Medical services vehicle* means every vehicle that is used or intended to be used for the purpose of responding to emergency life-threatening situations and providing emergency transportation service, or any vehicle that is routinely used to transport patients who are not acutely ill or injured in a life-threatening manner. (I.C., 9-1-1-2(cc))
- (s) *Motorcycle* means a motor vehicle, except a farm tractor as defined by I.C., 9-1-1-2(i), or a motorized bicycle, with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. (I.C., 9-4-1-2(c))

- (t) *Motorized bicycle* means a bicycle with operable pedals which may be propelled by human power or by an internal combustion engine or a battery powered motor, or by both, and when powered by an internal combustion engine having a rating of no more than one and five-tenths (1.5) brake horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission, and a maximum design speed of no more than twenty-five (25) miles per hour on a flat surface. (I.C., 9-1-1-2(ii), and I.C., 9-4-1-2(h))
- (u) *Motor vehicle* means every vehicle, except a motorized bicycle, which is self-propelled. (I.C., 9-4-1-2(b))
- (v) *Official time standard* means that whenever certain hours are named herein, they shall be the prevailing local time.
- (w) *Official traffic control devices* means all signs, signals, markings and devices including railroad advance warning signs, not inconsistent with this traffic code placed or erected by the authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (I.C., 9-4-1-19(a))
- (x) *Official traffic control signals* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (I.C., 9-4-1-19(b))
- (y) *Operator* means every person who drives, or is in actual physical control of, a motor vehicle upon a public highway or elsewhere or who is exercising control over, or steering, a motor vehicle being towed by a motor vehicle. (I.C., 9-4-1-11(c))
- (z) *Owner* means a person who owns, or has ownership interest in, a vehicle or motor vehicle (as those terms are defined at I.C. 9-4-1-4(a) and 9-4-1-2(b), respectively), or in a recreational vehicle, watercraft, or trailer.
- (aa) *Park* when prohibited, means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose and while actually engaged in loading or unloading within the time limits established by the traffic code.
- (bb) *Parking facility* means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public. This does not include a parking area that charges a fee for parking spaces. (I.C., 5-16-9-1)
- (cc) *Passenger curb loading zone* means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- (dd) *Pedestrian* means any person afoot. (I.C., 9-4-1-11(b))
- (ee) *Person* means every natural person, firm, copartnership, association, or corporation. (I.C., 9-4-1-11(a))
- (ff) *Police officer* means every regular member of the Lake Station Police Department or any other person invested by law with authority to direct, control or regulate traffic or to make arrests for violations of traffic regulations. (I.C., 9-4-1-12)

- (gg) *Public highway* means the entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel, including highways, streets and alleys. (I.C., 9-1-1-2(q) and I.C., 9-4-1-14(a)).
- (hh) *Private bus* means every motor vehicle, designed and constructed for the accommodation of passengers and which is used for the transportation of passengers by a religious, fraternal, charitable or benevolent organization or youth association. The term "private bus" shall include either the chassis or the body of the vehicle or shall include both the body and the chassis of any such vehicle: however, any vehicle having the seating capacity of fifteen (15) persons or less shall not be deemed to be a private bus, nor shall any school bus or any bus used to carry passengers for hire be considered a private bus. (I.C., 9-4-1-2(g))
- (ii) *Private road or driveway* means 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. (I.C., 9-4-1-14(b))
- (jj) *Railroad sign or signal* means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (I.C., 9-4-1-19(c))
- (kk) *Residential district* means the territory contiguous to and including a highway not comprising a business district, when the property on such highway for a distance of five hundred (500) feet or more is in the main improved with residences or residences and buildings in use for business. (I.C., 9-4-1-18(b))
- (ll) *Right-of-way* means the privilege of the immediate use of the highway. (I.C., 9-4-1-21)
- (mm) *Roadway* means that portion of a street or highway, improved, designed or ordinarily used for vehicular travel. (I.C., 9-4-1-14(c))
- (nn) *Safety zone* means 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. (I.C., 9-4-1-17)
- (oo) *School bus* means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or school functions or privately owned and operated for compensation for the transportation of children to or from school or school functions. (I.C., 9-4-1-2(e))
- (pp) *Semitrailer* means every vehicle without motive power, designed for carrying 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, except every pole trailer as defined by I.C., 9-1-1-2(ee), every two-wheeled homemade trailer, and a semi-trailer used exclusively for carrying passengers, as defined under the term "bus". (I.C., 9-1-1-2(f)), (I.C., 9-4-1-14(d))

- (qq) *Sidewalk* means that part of a street right-of-way, outside of and away from the edge or curb of the street, which is improved as a walkway for pedestrian traffic.
- (rr) *Stop* when required, means a complete cessation of movement.
- (ss) *Stop, stopping or standing* when prohibited, means any stopping or standing 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 official traffic control device or signal.
- (tt) *Through highway* means every highway or portion thereof at the entrance 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 the traffic code. (I.C., 9-4-1-14(f))
- (uu) *Tractor* means every motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind, except a "farm tractor" as defined by I.C., 9-1-1-2(h), "farm tractor used in transportation" as defined by I.C., 9-1-1-2(i), or a tractor which is used exclusively for drawing a passenger-carrying semitrailer. (I.C., 9-1-1-2(g))
- (vv) *Traffic* means pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together while using any street for the purposes of travel. (I.C., 9-4-1-20)
- (ww) *Traffic code* means that this Chapter and all ordinances supplemental or amendatory thereto shall be known as the "Traffic Code of the City of Lake Station, Indiana."
- (xx) *Traffic division* means the Traffic Division of the Lake Station Police Department, or in the event a traffic division is not established, then such term whenever used herein shall be deemed to refer to the Lake Station Police Department.
- (yy) *Trailer* means every vehicle without motive power, designed for carrying persons or property, and designed for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle, and including every pole trailer as defined by I.C., 9-1-1-2(ee), and every two-wheeled homemade trailer. (I.C., 9-1-1-2(e))
- (zz) *Truck* means every motor vehicle designed, used, or maintained primarily for the transportation of property. (I.C., 9-1-1-2(d))
- (aaa) *Urban district* means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than two hundred (200) feet for a distance of a quarter ($\frac{1}{4}$) of a mile or more. (I.C., 9-4-1-18(c))
- (bbb) *Vehicle* means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (I.C., 9-4-1-2(a))

- (ccc) *Worksite* means a location or area upon which a public purpose construction or maintenance activity, or a private purpose construction or maintenance activity which is properly authorized by a governmental agency, is being performed on a public highway. (I.C., 9-4-1-19.6)
- (ddd) *Person* means any individual, corporation, partnership, limited liability company, limited liability partnership, joint venture, trust, trustee, beneficial owner of a land trust, nominee of a landowner, or any other legal entity.
- (eee) *City* means the City of Lake Station, Indiana, an Indiana municipal corporation.
- (fff) *Landowner* means a person owning an interest in a lot as a grantee, purchaser, or otherwise, whether such interest is legal or equitable, in common or joint, or as a tenant or landlord. A mortgage holder or other lien holder shall not be deemed a landowner.
- (ggg) *Street* means and refers to any dedicated road or way which has been improved and is maintained by the city for public use by motorized vehicular traffic, whether paved or unpaved.
- (hhh) *Parkway* means that area of land lying between the edge of a street and the nearest edge of the sidewalk adjacent to and running parallel to that side of said street. Where no sidewalk exists, the term shall mean and refer to that area of land in a lot lying between the curb edge of a street and a line parallel to and fifteen (15) feet distant from the edge of said street.
- (iii) *Lot* means a parcel, plot, or division of land which has frontage on a street, whether or not plotted.
- (jjj) *Front yard* means the open space on a lot, lying between the edge or curb of a street adjoining the lot and the front entry of the structure nearest the street.
- (kkk) *Rear yard* means the open space lying between the side of a structure opposite the front entry thereof, and the lot's rear boundary line.
- (lll) *Side yard* means the open space or spaces lying between the front yard and the rear yard on a lot.
- (mmm) *Recreational vehicle* means a vehicle with or without motive power, equipped for living quarters for persons.
- (nnn) *Watercraft* means a contrivance used or designed for navigation on water, including without limitation, a vessel, boat, motor vessel, steam vessel, sailboat, or any marine equipment capable of carrying passengers.
- (ooo) *Occupancy, occupied* means a condition of a human habitation, including by way of example and without limitation, living in, dwelling within, performing daily living activities within, sleeping within, or housekeeping within.
- (Ord. No. 2001-17, §§ 1, 2, 12-7-2001)

Sec. 8-2. Police department to investigate accidents.

It shall be the duty of the police 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.

(Code § 305.03)

Sec. 8-3. Traffic accident studies.

Whenever the accidents at any particular location become numerous, the police department shall cooperate with the board of public works and safety in conducting studies of such accidents and determining remedial measures.

Sec. 8-4. Traffic accident reports.

The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

(Code § 305.05)

Sec. 8-5. Police department to submit annual report.

The police department shall annually prepare a traffic report which shall be filed with the board of public works and safety. Such report shall contain information on traffic matters in the 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 department for future traffic safety activities.
- (Code § 305.07)

Sec. 8-6. Traffic administrative procedure.

The chief of police shall in addition to his other functions exercise the powers and duties with respect to traffic as provided in this traffic code.

- (a) It shall be the general duty of the chief of police to advise the board of public works and safety as to the installation and proper timing and maintenance of official traffic control devices, and official traffic control signals, conduct analyses of traffic accidents and to devise remedial measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by this Code.
- (b) Whenever in the administration of this traffic code the board of public works and safety takes action as provided herein, the common council shall receive notice thereof and such acts shall be subject to review by the common council within ninety (90) days

of such notice. However, such action of the board of public works and safety shall remain in full force and effect until such time as it is modified or revoked upon such review or in the absence thereof.

Sec. 8-7. Emergency and experimental regulations.

(a) The chief of police, by and with the approval of the board of public works and safety, is empowered to make regulations necessary to make effective the provisions of the traffic code of the 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 ninety (90) days.

(b) The Chief of Police may test traffic control devices and signals under actual conditions of traffic.

Sec. 8-8 Authority of Police and Fire Department Officials.

(a) It shall be the duty of the officers of the Police Department or such persons as are assigned by the Chief of Police to enforce the Traffic Code of this City and the several statutes of the State of Indiana.

(b) Officers of the Police Department or such persons as are assigned by the Chief of Police are 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 safeguard pedestrians, officers of the Police Department or other authorized persons may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Sec. 8-9 Required Obedience to Traffic Code.

It is a violation for any person to do any act forbidden or fail to perform any act required by this Traffic Code. (Code §309.02)

Sec. 8-10 Obedience to Police Officials.³

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer.

Sec. 8-11 Application of Traffic Code to Animals.⁴

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of the Traffic Code applicable to the driver of any vehicle, except those provisions of the Traffic Code which by their very nature can have no application. (Code §309.04)

³I.C., 9-4-1-24, addresses the failure to obey a law enforcement officer.

⁴I.C., 9-4-1-26, addresses riding or driving animals.

Sec. 8-12 Use of Coasters, Roller Skates, Toy Vehicles
Restricted.

No person upon roller skates, or riding in or by means of any coaster, motor-driven go-cart, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk, 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 upon any street while set aside as a play street as authorized by ordinance of this City. (Code §309.05)

Sec. 8-13 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. (Code §309.06)

Sec. 8-14 Authorized Emergency Vehicles.⁵

(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 meeting the requirements of law, such vehicle is making use of audible or visual signals meeting the requirements of law, 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.

⁵ I.C., 9-4-1-25, addresses emergency and publicly owned vehicles.

(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 and property, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. 8-15 Street Department to Install Traffic Control Devices.

The Street Department with authority and supervision of the Chief of Police shall place and maintain traffic control devices and signals when and as required under the Traffic Code of the City to make effective the provisions of the Traffic Code, and may place and maintain such additional traffic control devices and signals as may be deemed necessary to regulate traffic under the Traffic Code of the City or under State law, or to guide or warn traffic at a worksite or other duly designated locations.

Sec. 8-16 Manual and Specifications for Traffic Control Devices.

All traffic control for a uniform system of traffic control devices and signals shall conform to the manual and specifications approved by the Department of Highways pursuant to I.C., 9-4-1-30, two (2) copies of which are on file with the Clerk-Treasurer. The Board of Public Works and Safety may adopt by resolution a system of Traffic Control devices and signals not in conflict thereto. All signs and signals required for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic control devices and signals so erected and not inconsistent with the provisions of State law or this Traffic Code shall be official traffic control devices and signals.

Sec. 8-17 Obedience to Official Traffic Control Devices.⁶

(a) The driver of any vehicle shall obey the instructions of any official traffic control device or signal placed in accordance with the Traffic Code of the City, unless at the time otherwise directed by a police officer, subject to the exception granted the driver of an authorized emergency vehicle by this Traffic Code.

(b) When traffic control devices or flagmen are utilized at worksites on any public highway for traffic control, all motorists shall exercise extraordinary care to secure the mutual safety of all persons and motorists at the worksite.

(c) All traffic shall observe and obey all such traffic control devices

⁶I.C., 9-4-1-33, addresses the duty to obey official traffic control devices.

including signals, signs, and warnings and any and all such directions, signs, or warning devices that may be given or displayed by a police officer or flagman for the purpose of safely controlling traffic movement at the worksite and generally promoting safety at such location.

(d) In addition to the traffic control devices utilized at worksites on public highways, the Superintendent of the Street Department may, under the supervision of the Chief of Police, establish speed limits when excessive speeds may endanger any person or any motorist at the worksite. The speed limits must be posted in compliance with the Manual on Uniform Traffic Control Devices.

Sec. 8-18 When Traffic Devices Required for Enforcement Purposes.

No provision of this Traffic Code for which signs or markings are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular statute or Section of the Traffic Code does not state that signs are required, such Section shall be effective even though no signs are erected or in place (Code §313.04)

Sec. 8-19 Traffic Control Signal Legend.⁷

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, one (1) at a time or in combination, only the colors green, red, or yellow may be used, except for special pedestrian signals and the lights indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(1) Vehicular traffic facing a circular green signal, except when prohibited under I.C., 9-4-1-103, may proceed straight through or turn right or left, unless a sign at such place prohibits either turn;

(2) Vehicular traffic, including vehicles turning right or left, shall yield right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent sidewalk at the time such signal is exhibited;

(3) 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 such arrow, or such other movement as is permitted by other indications shown at the same time;

⁷I.C., 9-4-1-35, addresses colored light and color lighted arrow signals.

(4) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(5) Unless otherwise directed by a pedestrian-control signal, 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:

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter; and

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian may start to cross the roadway at that time.

(c) Steady red indication:

(1) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (c)(2);

(2) Except when a sign is in place prohibiting such a turn, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to:

(a) make a right turn; or

(b) make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic;

but such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection; and

(3) Unless otherwise directed by a pedestrian-control signal under I.C., 9-4-1-36, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(d) No Indication or Conflicting Indications:

(1) Vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is

present, shall stop before entering the intersection; and

(2) after stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection, or approaching so closely as to constitute an immediate hazard.

(e) Nonintersection Installations: the provisions of this Section apply to traffic control signals located at a place other than an intersection except those provisions which by their nature have no application. Any stop required under this Section must be made at the signal except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

Sec. 8-20 Pedestrian Control Signals.⁸

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place, such signals shall indicate as follows:

(a) Flashing or Steady "Walk". Pedestrians facing the signal may proceed across the roadway in the direction of the signal and every driver of a vehicle shall yield the right-of-way to him.

(b) Flashing or Steady "Don't Walk". 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 "Don't Walk" signal is showing.

Sec. 8-21 Flashing Red or Yellow Signals.⁹

(a) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:

(1) Flashing Red (Stop Signal). When a red lens is illuminated by 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 rule applicable after making a stop at a stop sign, and

⁸I.C., 9-4-1-36, addresses "Walk" or "Don't Walk" pedestrian lighted signals.

⁹I.C., 9-4-1-37, addresses flashing red or yellow signals.

(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 does not apply to railroad grade crossings.

Sec. 8-22 Lane Use Control Signals.¹⁰

When lane use control signals are placed over individual lanes, signals shall indicate and apply to drivers of vehicles as follows:

- (1) green indication (downward green arrows) - vehicular traffic may travel in any lane over which green signal is shown;
- (2) steady yellow indication (yellow X symbol) - vehicular traffic is thereby warned that a lane control change is being made;
- (3) steady red indication (red X symbol) - vehicular traffic shall not enter or travel in any lane over which a red signal is shown; and
- (4) flashing yellow indication (yellow X symbol) - vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Sec. 8-23 Display of Unauthorized Signs, Signals or Markings.¹¹

(a) No person shall place, maintain or display upon or in view of any public highway any 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. No person shall place or maintain upon any public highway any traffic sign or signal bearing thereon any commercial advertising.

No persons shall place, maintain, or display any flashing, rotating, or alternating light, beacon, or other lighted device which is visible from any public highway and which may be mistaken for or confused with a traffic control device or signal or for an authorized warning device on an emergency vehicle. This shall not be deemed to prohibit the erection, upon private property adjacent to public highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) No person shall place, or maintain or display any advertising sign, signal, or device on or over the roadway of any public highway.

¹⁰I.C., 9-4-1-37.1, addresses lane use control signals.

¹¹I.C., 9-4-1-38, addresses unauthorized traffic control devices.

(c) No person shall place, maintain, or display any advertising sign, signal, or device on any public highway between the curb and sidewalk, and in case curb and sidewalk join, no person shall place, maintain, or display on the sidewalk any advertising sign, signal, or device closer than ten (10) feet from the curb line, and overhanging signs shall not overhang the curb.

(d) No person shall place, maintain, or display any advertising sign, or device of any permanent or semipermanent character on any public highway or right-of-way inside the corporate limits of the City.

(e) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the Board of Public Works and Safety is empowered to remove the same or cause it to be removed without notice.

Sec. 8-24 Authority to Establish Play Streets.

The Board of Public Works and Safety 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.

Sec. 8-25 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 such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Code §313.11)

Sec. ¹²8-26 Chief of Police to Designate Crosswalks and Safety Zones.

The Chief of Police is authorized:

(a) To designate and and the Street Department shall maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary; and

(b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. The Common Council shall follow the requirements of I.C., 9-4-1-86 and I.C., 9-4-1-87

¹²I.C., 9-4-1-16, defines "crosswalks" and I.C., 9-4-1-17, defines "safety zone".

when acting on the Chief of Police's recommendation.

Sec. 8-27 Traffic Lanes.¹³

(a) The Street Department, at the direction of the Chief of Police is authorized to mark traffic lanes upon the roadway of any street or public highway where a regular alignment of traffic is necessary.

(b) Where such traffic lanes have been marked, no operator of any vehicle shall fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Sec. 8-28 ~~Regulations of the~~ Timing of Traffic Signals

The Chief of Police 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.

Sec. 8-29 Speed Limit in Alleys and Public Parks.

Where no special hazard exists, the speed of ten (10) miles per hour on alleys and on all roadways within public parks shall be lawful. No person shall operate any vehicle in excess of such limit, which shall be prima-facie evidence that such speed is not reasonable or prudent and that it is unlawful. (Code §317.03)

Sec. 8-30 Methods of Turning at Intersections.¹⁴

The driver of a vehicle intending to turn at an intersection shall do as follows:

(a) Both the approach for a right turn and a right turn shall be as close as practical to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in that portion of the right half

¹³ I.C., 9-4-1-63, addresses driving on the right side of roadways and authorized exceptions.

¹⁴ I.C., 9-4-1-75, addresses turning at intersections.

of the roadway nearest the center line thereof 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.

(c) Approach for a left turn from a two-way street into a one-way 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. A left turn from a one-way street into two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(d) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(e) The Board of Public Works and Safety through the Chief of Police and the Street Department may cause markers, buttons or signs to be placed within or adjacent to intersections, and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection and when markers, buttons, or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Sec. 8-31 Authority to Place Restricted Turn Signs.

The Board of Public Works and Safety is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall authorize placement of 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.

Sec. 8-32 Obedience to No-turn Signs.

Whenever authorized signs are erected indicating that no right, left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Code §321.04)

Sec. 8-33 Limitations on Turning Around.

The driver of any vehicle shall not turn such 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. (Code §321.05)

Sec. 8-34 Authority to Sign One-Way Streets and Alleys.¹⁵

Whenever the Board of Public Works and Safety designates any one-way street or alley, the Street Department shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed in every intersection where movement of traffic in the opposite direction is prohibited. (Code §321.06)

Sec. 8-35 Authority to Restrict Direction of Movement During Certain Periods.

(a) The Board of Public Works and Safety is authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period 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 Street Department under the authority of the Board of Public Works and Safety 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) No person shall operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

Sec. 8-36 Designation of Through Streets and Stop and Yield Signs.¹⁶

(a) The Board of Public Works and Safety with reference to other highways under its jurisdiction, may, upon an engineering and traffic investigation, designate through highways and erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop or yield intersection and erect like signs at one or more entrances to such intersection.

(b) Every stop sign and yield sign shall be manufactured and installed in conformance with the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways as provided under I.C., 9-4-1-30, and under I.C., 9-4-2-1.

¹⁵I.C., 9-4-1-28(a)(4), authorizes the City to designate one-way roadways.

¹⁶I.C., 9-4-1-110, addresses stop and yield signs, intersections, and through streets.

(c) Every driver of a vehicle shall stop or yield in obedience to any such sign as the case may be, before entering such intersection except when directed to proceed by a police officer or traffic control signal.

Sec. 8-37 Vehicles to Stop at Designated Areas ~~Sidewalks~~.¹⁷

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway.

Sec. 8-38 Stop When Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal installation.

Sec. 8-39 Following Fire Department Vehicles Prohibited.¹⁸

The driver of any vehicle, other than one on official business, shall not follow any Fire Department vehicles traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where Fire Department vehicles have stopped in response to a fire alarm.

Sec. 8-40 Crossing Fire Hose.¹⁹

No vehicle shall be driven over any unprotected hose of the 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. (Code §333.02)

¹⁷I.C., 9-4-1-111 addresses stopping before crossing a sidewalk, and I.C., 9-4-1-14 defines "sidewalk".

¹⁸I.C., 9-4-1-120, restricts following a fire apparatus.

¹⁹I.C., 9-4-1-121, addresses driving over fire hoses.

Sec. 8-41 Right-of-Way of Funeral Processions.²⁰

(a) Vehicles with lighted headlights in a funeral procession have the right-of-way at any intersection and may proceed through the intersection if the procession is headed by a lead or escort vehicle displaying a flashing red light except:

(1) when the right-of-way is required by an authorized emergency vehicle giving an audible signal, or

(2) when the vehicles in procession are directed otherwise by a police officer.

(b) Before assuming the right-of-way, the operator of each vehicle in the funeral procession must exercise due caution with regard to crossing traffic.

(c) Operators of vehicles not a part of a funeral procession shall not form a procession and have their headlights lighted for the purpose of securing the right-of-way granted by this Section to funeral processions.

Sec. 8-42 Drivers in A Funeral 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 closely as is practicable and safe. (Code §333.04)

Sec. 8-43 Driving Between Vehicles of Procession.

The operator of a vehicle not in the funeral procession shall not drive his vehicle between the vehicles of the funeral procession, except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible signal by siren.

Sec. 8-44 Funeral Procession to be Identified.

(a) The lead and escort vehicles in a funeral procession may be equipped with flashing amber lights which may be used only when such vehicles are used in a funeral procession.

(b) Notwithstanding the State law provisions and any other laws governing emergency vehicles, the lead and escort vehicles in a funeral procession may be equipped with flashing red lights which may be used only when such

²⁰ I.C., 9-4-1.5-1 et seq., address funeral procession regulations.

vehicles are used in funeral processions. The flashing red lights may only be used to gain the right-of-way at intersections and to protect a funeral procession while crossing an intersection.

(c) Vehicles comprising a funeral procession shall utilize funeral pennants or flags or windshield stickers to identify the individual vehicles in such a procession.

Sec. 8-45 Passing A Funeral Procession.

The operator of any vehicle may pass a funeral procession on its left side on any multiple lane highway, whenever such passing can be done safely.

Sec. 8-46 Permits Required for Parades.

(a) No parade as defined by Section 4-20 of this Code shall occupy, march or proceed along any street, sidewalk, roadway or public highway without a permit issued by the Board of Public Works and Safety through the Clerk-Treasurer.

(b) All parades must be conducted in accordance with the conditions established by the Board of Public Works and Safety and any person violating such conditions or the provisions of Section 4-20 of this Code shall be subject to the penalties set forth in Section 1-9 of this Code.

Sec. 8-47 Vehicle Not to be Driven on Sidewalk.²¹

The driver of a vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. (Code §333.07)

Sec. 8-48 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. (Code §333.08)

²¹I.C., 9-4-1-114 (a)(1), prohibits stopping, standing, or parking on a sidewalk.

Sec. 8-49 Motorcycle Regulations.²²

In addition to all other laws, the following also apply:

(a) Not more than one (1) passenger in addition to the operator shall be carried by a motorcycle having only two (2) wheels in contact with the ground or pavement, and no passengers shall be carried in addition to the driver or operator except upon a firmly attached and regular seat designed for passenger use.

(b) No passenger shall be carried on a motorcycle in a position that interferes with the operation or control of the motorcycle or the view of the operator.

(c) No person operating a motorcycle shall carry any packages, bundles, or other articles which prevent the operator from keeping both hands on the handle bars.

(d) No person shall drive, operate or ride as a passenger on any motorcycle having only two (2) wheels in contact with the ground or pavement in any position other than astride the seat or saddle provided.

(e) Headlamps shall be illuminated at all times when a motorcycle is in operation.

(f) All motor vehicles, including motorcycles, are entitled to the full use of a traffic lane and no vehicle shall be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane provided that motorcycles may, with the consent of both drivers, be operated not more than two (2) abreast in a single traffic lane.

(g) All other provisions of the Traffic Code and all rights and duties inured therefrom which apply to motor vehicle drivers or operators generally, shall apply to the drivers and operators of motorcycles except those which expressly do not apply or which by their nature can have no application.

Sec. 8-50 Attaching to Vehicles.²³

No person afoot or riding upon any bicycle, wagon, coaster, roller skates, skateboard, sled, tobaggan or other device shall attach the same or himself

²²I.C., 9-8-9-1 et seq., addresses motorcycle regulations.

²³I.C., 9-4-1-96, addresses hitching rides on vehicles.

to any vehicle upon a public highway. (Code §333.10)

Sec. 8-51 Pedestrians' Right of Way in Crosswalk.

(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 crosswalk 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. 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. A pedestrian's right of way in a crosswalk is modified under the conditions stated in Section 8-20.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk 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. (Code §337.02)

Sec. 8-52 Pedestrians to Use Right Half of Crosswalk.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Code §337.03)

Sec. 8-53 Crossing at Right Angles.

No pedestrian shall cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. (Code §337.04)

Sec. 8-54 When Pedestrian Shall Yield.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk 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 Section 8-26 when pedestrians are prohibited from crossing at certain designated places. (Code §337.05)

Sec. 8-55 Prohibited Crossing.

(a) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(b) No pedestrian shall cross a roadway other than in a crosswalk in any business district. (Code §337.06)

Sec. 8-56 Pedestrians Walking Along Roadways.

(a) Where sidewalks are provided, no pedestrian shall walk upon an adjacent roadway.

(b) Where sidewalks or marked walkways are not provided, any pedestrian walking upon a roadway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (Code §337.07)

Sec. 8-57 Pedestrians Soliciting Rides or Business.²⁴

(a) No person shall stand in a roadway or within or on property adjacent to a public highway for the purpose of soliciting a ride from the driver of any vehicle unless the person is faced with an emergency on the roadway, in which case the person may secure a ride in order to obtain assistance.

(b) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a public highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Sec. 8-58 Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this Traffic Code, 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 exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (Code §337.09)

²⁴I.C., 9-4-1-91, addresses hitchhiking.

Sec. 8-59 Stopping or Parking Close to Curb.²⁵

Except where angle parking is permitted, every vehicle stopped or parked upon a roadway where there is adjacent curb shall be so stopped or parked in the direction of lawful movement of traffic with the left or right-hand wheels of such vehicle parallel with and within twelve (12) inches of the curb.

Sec. 8-60 Signs or Markings Indicating Angle Parking.

The Board of Public Works and Safety shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any Federal aid or State highway within the City unless the Indiana Department of Highways 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.

Sec. 8-61 Obedience to Angle Parking Signs or Markings.

Upon those streets which have been signed or marked as authorized by the Board of Public Works and Safety 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 such signs or markings. The vehicle must enter the parking space with a forward movement.

Sec. 8-62 Permit for Loading or Unloading at Angle to Curb.

(a) The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

(b) No permittee or other person shall violate any of the special terms or conditions of any such permit. (Code §345.04)

²⁵I.C., 9-4-1-115, addresses parallel and angle parking.

Sec. 8-63 Lights on Parked Vehicles.²⁶

(a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (1/2) hours after sunset and a half (1/2) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (1/2) hour after sunset and a half (1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) 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 (1) lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable on 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 headlights upon a parked vehicle shall be depressed or dimmed.

Sec. 8-64 Prohibited Stopping, Standing or Parking Places.²⁷

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to avoid conflict with law or the directions of a police officer or traffic control device or signal in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway;

²⁶I.C., 9-8-6-16, addresses requirements for nighttime parking.

²⁷I.C., 9-4-1-114, addresses stopping, standing, and parking regulations.

(8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a sign or markings;

(9) Within fifty (50) feet of the nearest rail of a railroad crossing;

(10) Within twenty (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 seventy-five (75) feet of such entrance (when properly sign-posted)

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a public highway or limited access facility; or

(14) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

(c) No person shall stop, stand or park a vehicle in a designated and posted Fire Lane at any time.

Sec. 8-65 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 ten (10) feet of the width of the roadway for the free movement of vehicular traffic. (Code §349.02)

Sec. 8-66 Parking in Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of 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. (Code §349.03)

Sec. 8-67 All-Night Parking Prohibited.

When officially posted and accordingly defined, no person shall park a vehicle on any street in a business district for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day, except physicians on emergency calls. The Board of Public Works and Safety is authorized to prohibit parking on either or both sides of any street in the City between hours and on days of the week as designated, and to authorize the placement of signs so indicating.

Sec. 8-68. Parking for certain purposes prohibited.

No person shall park a vehicle upon any street or highway for the principal purpose of:

- (a) Displaying such vehicle for sale; or
 - (b) Servicing, greasing, or repairing such vehicle, except as necessitated by an emergency.
- (Code § 349.05)

Sec. 8-69. Parking adjacent to schools.

(a) The board of public works and safety is authorized to direct the placement of signs indicating no parking on either or both sides of any street adjacent to any school property when such parking would 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.

(Code § 349.06)

Sec. 8-70. Parking prohibited on narrow streets.

(a) The board of public works and safety is authorized to direct the placement of signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty-two (32) 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.

Sec. 8-71. Standing or parking on one-way streets.

The board of public works and safety is authorized to direct the placement of signs upon either or both sides 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 side in violation of any such sign.

Sec. 8-72. Standing or parking on one-way roadways.

In the event a highway includes two (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 either or both sides of such one-way roadway unless signs are erected to permit such standing or parking. The board of public works and safety is authorized to determine when standing or parking may be permitted upon the side of any such one-way roadway and to authorize the placement of signs giving notice.

Sec. 8-73. No stopping, standing or parking near hazardous or congested places.

(a) The board of public works and safety is authorized to determine and designate places not exceeding one hundred fifty (150) feet in length, in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual 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.

Sec. 8-74. Parking of commercial vehicles in residential and business districts restricted.

It shall be unlawful for any person, owner or operator to park or cause to be parked, or allow to be parked any kind of bus; any kind of semi tractor-cab; any kind of semi-trailer; or, any other kind of truck whose body and load weight exceeds eleven thousand (11,000) pounds within any residentially zoned area, on any residential street, in any residential alley or on any residential private property within the city except that such trucks and trailers which are engaged in commerce may stop and park in such an areas solely for the purpose of delivering, loading and unloading material; however, such stopping and parking shall be for only that limited amount of time reasonably necessary to accomplish such delivering, loading or unloading. This section shall not apply to recreational vehicles or legally licensed and registered church buses parked completely upon church property.

(Ord. No. 97-08, § 1, 7-17-97)

Sec. 8-75. Board to designate curb loading zones.

The board of public works and safety is authorized to determine the location of passenger and freight curb loading zones and shall direct the placement of appropriate signs indicating same and stating the hours during which the provisions of this section are applicable.

Sec. 8-76. Parking of certain vehicles, trailers and watercraft in parkways prohibited; parking in front yards prohibited.

(a) Subject only to the provisions of subsection (c) of this section,

(1) No person, landowner or owner shall park or allow to remain parked, idled or stored any vehicle, motor vehicle, watercraft, trailer, tractor, truck or recreational vehicle in or upon the front yard or on the sidewalk of any lot.

(2) a. No person, landowner or owner shall park or allow to remain parked, idled or stored any watercraft, trailer, tractor, truck, or recreational vehicle in or upon the street or parkway of, or adjacent to, a lot.

b. No person, landowner or owner shall park or allow to remain parked, idled or stored any automobile or any other motorized vehicle in or upon the parkway of an adjacent lot.

- (3) No person, landowner or owner shall park or allow to remain parked, more than two (2) recreational vehicles on a lot, except that a third recreational vehicle may be parked on a lot for a period of no more than a total of no more than ten (10) consecutive days nor for more than a total of fourteen (14) days in any period of three hundred sixty five (365) days. No landowner or owner shall allow a recreational vehicle to be occupied while parked or stored on a lot.

(b) Nothing in this section shall prevent a person, owner or landowner from parking automobiles or small trucks in or upon the parkway so long as said vehicles are parked parallel to the roadway, or from parking or storing a watercraft, small trailer, small truck or recreational vehicle in the side driveway, carport, garage, or rear yard so long as said vehicle is in compliance with all other ordinances of the city and at least (8) feet from any adjacent lot. For the purposes of this section "small truck and small trailer means a vehicle of no more than (2) axles and less than seven thousand (7,000) pounds gross weight.

(c) The plan commission of the city may grant a waiver of the provisions of this section upon written application of a landowner demonstrating that the application of subsections (a) or (b) of this section would create a hardship for the landowner. Such application shall be made in writing, shall be filed in the office of the building commissioner and shall contain the following information:

- (1) The name, address, and telephone number of the landowner;
- (2) Proof of ownership of the lot for which the waiver is sought by the provision of a copy of an instrument of conveyance or title insurance policy showing the applicant as grantee of an interest in the lot, or by a duplicate real estate tax bill for the lot in the name of the landowner;
- (3) A short and plain statement of the facts which the applicant believes establishes a hardship under this subsection;
- (4) The names and mailing addresses of all persons who are owners of the real estate located within one hundred (100) feet of the lot lines of the applicants lot;
- (5) The signature of the applicant to a verification that the facts contained in the application are true under penalties for perjury.

The building commission secretary shall, upon receipt of a completed application for waiver, forward same to the building commissioner who shall place the petition on the commission agenda for the next regular meeting thereof, provided such meeting is to be held not less than twenty-one (21) days from the date the application is received by the commission secretary. The commission secretary shall mail a copy of the application with written notice of the date, time and place of the commission's meeting to each person specified in the application as owner of real estate located within one hundred (100) feet of the applicant's lot. The commission shall hear the petition in a summary fashion by allowing the applicant and neighboring landowners

and other interested parties and residents to address the commission and shall waiver, in writing, from any provisions of subsections (a) and (b) of this section if it finds after hearing that a hardship has been established for any one or more of the following reasons:

- a. The lot contains no accessible rear yard and side yard large enough to accommodate the watercraft, trailer, or recreational vehicle;
- b. The rear yard or side yard is not accessible from an existing public street or alley, or
- c. Such other circumstance which renders compliance with the provisions of subsection (a) or (b) impossible or impracticable.

Waivers shall be in writing, signed by the commission's presiding officer, and shall state with particularity the terms of the waiver which shall become binding upon the landowner immediately upon delivery to him. The plan commission shall not [note] the grant of waiver in its meeting minutes and shall keep a central record of all such waivers. Waivers shall be effective for a period not to exceed five (5) years, but may be renewed upon application in the same fashion as the initial grant of waiver.

(Ord. No. 2001-17, § 3, 12-7-2001; Ord. No. 2011-09, 8-18-2011)

Sec. 8-77. 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 three (3) minutes.

(Code § 353.03)

Sec. 8-78. 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 pick-up 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, except for the loading or unloading of passengers with a three-minute time limit. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(Code § 353.04)

Sec. 8-79. Board to designate public carrier stops and stands.

The board of public works and safety 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 shall be determined 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.

(Code § 353.05)

Sec. 8-80. Stopping, standing and parking of buses and taxicabs prohibited.

(a) The operator of a bus shall not stand or park such a vehicle upon any street at any place other than a bus stand so designated.

(b) The operator of a bus shall not stop such vehicle upon 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, 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 farther than eighteen (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 upon any street at any place other than in a taxicab stand so designated. 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.

(Code § 353.06)

Sec. 8-81. 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 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.

(Code § 353.07)

Sec. 8-82. Application of parking regulations.

The provisions of this traffic code prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(Code § 357.01)

Sec. 8-83. Parking regulations not exclusive.

The provisions of the traffic code imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code § 357.02)

Sec. 8-84. Parking prohibited at all times.

When signs are erected giving notice that parking is prohibited at all times, no person shall park a vehicle at any time in such location.

Sec. 8-85. Stopping, standing or parking prohibited during certain hours.

When signs are erected giving notice that stopping, standing or parking is prohibited during certain hours, no person shall stop, stand or park a vehicle between the hours specified on any day, except Sundays and public holidays.

Sec. 8-86. Parking time limited.

When signs are erected giving notice as to a limitation of parking time, no person shall park a vehicle for longer than the specified time.

Sec. 8-87. Load restrictions for vehicles.

(a) Load restrictions for vehicles shall be posted as required by the board of public works and safety for reasons of safety on public highways and bridges.

(b) When signs are erected giving notice of load restrictions, no person shall operate any vehicle with a gross weight in excess of the amounts specified, at any time upon any roadway except when making a delivery or pickup.

State law reference—Addresses recovery of damages caused by overweight vehicles, I.C., 9-8-1-18.

Sec. 8-88. Commercial vehicles required to use certain streets.

(a) Commercial vehicles exceeding ten thousand (10,000) pounds gross combined vehicle weight shall be restricted from using all of the city's streets, except those described as follows:

EAST AND WEST:

<i>STREET</i>	<i>TERMINAL POINTS</i> <i>[Extent]</i>
15th Avenue	From Lake Street on East to Dekalb Street on West
15th Avenue (Southside of street)	From Dekalb Street on East to Clay Street on West
Central Avenue	From County Line on East to Clay Street on West
Fairview	From Ripley Street on East to Knox Street on West
35th Avenue	From Liverpool Road on East to Interstate Highway "I-65" overpass on West
37th Avenue (Northside of street)	From Ind. Street on the East to Interstate Highway "I-65" overpass on West

NORTH AND SOUTH:

<i>STREET</i>	<i>TERMINAL POINTS</i> <i>[Extent]</i>
Liverpool Road	From 31st Avenue on the North to 37th Avenue on the South. Clay Street (Eastside of street) from 15th Avenue on the North to Central Avenue on South
(Ord. No. 1620, 6-17-76)	

(b) Parking on streets listed under this section will be prohibited unless making a delivery or pick-up and vehicles under this section will be prohibited from driving over city maintained curbs, sidewalks, or parkways for the purpose of parking on private property.

Sec. 8-89. Restrictions on certain vehicles during certain hours.

Except on state highways or state-controlled highways, no commercial vehicle with a combined gross vehicle weight in excess of ten thousand (10,000) pounds shall be operated in any residential district in the city between the hours of 9:30 p.m. and 7:00 a.m. except as permitted by section 8-100 of the traffic code.

Sec. 8-90. Restrictions on use of streets by certain vehicles.

The board of public works and safety is authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles or other nonmotorized traffic and shall erect appropriate signs giving notice thereof.

Sec. 8-91. Obstructions prohibited.

(a) On property at any corner formed by intersecting streets, no person shall install, set out or maintain, or allow the installation, setting out or maintenance of any sign, hedge, shrubbery or natural growth or other obstruction to the view, higher than forty-two (42) inches above the level of the center of the adjacent intersection, within that triangular area between the property line and a diagonal line joining points on the property lines twenty-five feet (25) from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on such tangent twenty-five (25) feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner.

(Code § 361.05)

(b) This section shall not apply to permanent buildings, public utility poles, trees trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection, saplings of plant species of open growth habits, and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed crossview; supporting members of appurtenances to permanent buildings existing on the date this traffic code becomes effective;

official warning signs or signals; places where the contour of the ground is such that there can be no cross-visibility at the intersection, or to signs mounted ten (10) feet or more above the ground and whose supports do not constitute an obstruction as defined above.

(Code § 361.06)

(c) The enforcement of this section shall be under the direction of the chief of police. The police department shall investigate violations of this section, give such notices as may be required, and perform such other duties in connection with enforcement as may be required pursuant to section 6-12 of this Code unless the provisions herein provide otherwise.

Any obstruction maintained in violation of this section shall be deemed a nuisance, and upon failure to abate the same within twenty (20) days after the posting upon the premises of notice to abate the nuisance signed by the chief of police, such representative of the board of public works and safety as may be authorized, may enter upon the premises to remove or eliminate the obstruction. The board of public works and safety shall have the power to declare what shall constitute a nuisance, to prevent the same, to require its abatement, to authorize the removal of same by the proper officers, and shall assess the expenses of its removal against such person, and to provide for collecting such expenses either by causing them to be placed on the tax duplicate or by suit.

Sec. 8-92. Violations and penalties.

(a) Any person who shall violate any of the provisions of this chapter shall, except as provided in this section, upon conviction, be fined as provided in section 1-9 of this Code, and each such violation shall constitute a separate offense.

(b) Any person who shall violate any of the provisions of this chapter pertaining to parking or standing of vehicles shall, upon conviction, be fined in a sum of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each such violation shall constitute a separate offense; provided, however, that such person may, within a period of five (5) days of the date of the violation, elect to pay a penalty of five dollars (\$5.00) in lieu of being charged with such violation, which penalty shall be payable into the office clerk-treasurer for the benefit of the general fund of the city.

(c) Any person who shall violate any of the provisions of this chapter shall be subject to the provisions set forth in section 1-9 of this Code.

(d) Penalties. Any person who shall have been found to have violated the terms or provisions of 8-76 (a) or (b) of the Code shall first be issued notice to remove the offending vehicle, motor vehicle, watercraft, trailer, truck, or recreational vehicle within thirty (30) days of issuance thereof. Any person who shall have been found to have failed to comply with said notice shall be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for each day or part of a day the violation exists after the thirty-day period has expired. Each day such violation exists shall be deemed a separate and distinct violation. Any owner whose vehicle, motor vehicle, watercraft, trailer, truck, or recreational vehicle is impounded and towed pursuant to section 8-98(c), or pursuant to any applicable

provisions of the Code or the laws of the state, shall, in addition to any other fine imposed, be fined in an amount equal to the sum of unpaid costs and expenses of towing and storing said vehicle, motor vehicle, watercraft, trailer, truck or recreational vehicle.

(Ord. No. 2001-17, § 4, 12-7-2001)

Sec. 8-93. Citation on illegally parked, stopped, or standing vehicle.

Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this Code or any ordinance of the city or of a state statutes, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user. The officer shall conspicuously affix to such vehicle a citation, on a form provided by the chief of police, for the driver to answer to the charges against him within seventy-two (72) hours, at a place specified in the citation, and pay a fine of five dollars (\$5.00) for each violation.

(Ord. No. 83-10, 5-5-83)

Sec. 8-94. Failure to comply with parking citation; notice; arrest warrant.

If a violator of the restrictions on stopping, standing, or parking under the traffic code does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the city court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him thereafter that in the event such letter is disregarded for a period of five (5) days a warrant of arrest by the Lake Station City Court will be issued.

(Code § 365.10)

Sec. 8-95. Suspension of vehicle registration for failure to pay parking tickets.

(a) When it appears from the records of the city court that three (3) judgments concerning a motor vehicle have not been paid before the deadline established by the traffic code, the clerk of the court shall send a notice to the registered owner of the motor vehicle which informs the owner that:

- (1) The clerk will send a referral to the Indiana Bureau of Motor Vehicles if the judgments are not paid within thirty (30) days after the notice was mailed; and
- (2) The referral will result in the suspension of the motor vehicle's registration in accordance with the provisions of I.C., 9-1-12-4.

(b) For the purposes of this section "judgment" means any monetary penalty assessed by the court for the violation of the parking regulations of the traffic code.

(c) When the clerk of the court is informed by written notice from the Indiana Bureau of Motor Vehicles that a motor vehicle registration has been suspended in accordance with the provisions of I.C., 9-1-12-4, the clerk of the court shall inform any law enforcement agency listed on the referral that the motor vehicle's registration has been suspended.

(d) When the police department is notified by the clerk of the city court or the clerk of any other court of competent jurisdiction within this state of a suspension of motor vehicle registration for failure to pay parking tickets and such notice is in the form and manner prescribed by I.C., 9-1-12-6, it may remove the license plate of that motor vehicle fifteen (15) days after the motor vehicle's registration was suspended unless notified that the judgment has been paid.

State law reference—Addresses suspension of vehicle registration for failure to pay parking tickets. I.C., 9-1-12-1 et seq.

Sec. 8-96. Presumption of parking violation.

(a) In any prosecution charging a violation of any statute or ordinance restricting the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the citation was parked in violation of any such statute or ordinance, together with proof that the defendant named in the citation 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 occurred.

(b) The foregoing stated presumption shall apply only after the procedure as prescribed in sections 8-93 and 8-94 have been followed.

(Code § 365.11)

Sec. 8-97. 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 accounted for in accordance with the regulations and procedures prescribed by the state board of accounts.

Sec. 8-98. Authority to impound vehicles.

(a) Members of the police department are authorized to remove a vehicle from a street or highway to the nearest place of safety as designated by the chief of police, or otherwise maintained by the city under the circumstances enumerated:

- (1) When any vehicle is left unattended upon any bridge, bridge ramp or approach thereto where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When any vehicle is left unattended upon a public highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(b) Whenever an officer directs the removal of a vehicle from a street 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) Towing from parkway, front yard, or side yard. A vehicle, motor vehicle, recreational vehicle, watercraft, or trailer parked in violation of Lake Station Code 8-64(c) may, no less than twenty-four (24) hours after a written notice of violation is attached to the offending item in a prominent place thereon, be impounded and towed to an area suitable for the storage of such impounded item as may be designated by the chief of police. The owner of such item shall promptly be given written notice of the impounding and towing thereof addressed to the last known address of the owner, indicating the location of the stored vehicle, motor vehicle, recreational vehicle, watercraft or trailer and the amount of towing and storage charges accrued and accruing. A vehicle, motor vehicle, recreational vehicle, watercraft or trailer so impounded and towed shall only be released after payment in full of all towing and storage charges.

(Code § 365.16; Ord. No. 2001-17, § 5, 12-7-2001)

Sec. 8-99. Towing and impounding vehicles.

(a) *Towing due to public safety violation:* When a vehicle has been towed by reason of the requirement of public safety, such vehicle shall be delivered only to the duly registered owner thereof, as determined by reference to the license registration of said vehicle, or a person otherwise lawfully entitled to possession thereof, upon payment to the towing contractor and garage keeper of the reasonable costs of such removal, towing, and accumulated storage.

(b) *Towing due to violation of a city ordinance:* When a vehicle has been towed by reason of a violation of a city ordinance and impounded, such vehicle shall be delivered only to the duly registered owner thereof, as determined by reference to the license registration of said vehicle or to a person otherwise lawfully entitled to possession thereof upon such person paying to the towing contractor and garage keeper the costs of removal, towing, and storage.

(c) *Fees and charges:* The board of public works and safety of the city shall establish, from time to time, a schedule of towing and storage charges which are reasonable and appropriate for the services performed.

(d) *Towing contractors and garage keepers:* Any towing contractor or garage keeper who agrees in writing to perform towing and/or storage services for the amounts set forth in such schedule, from time to time, shall be deemed a qualified person for purposes of this section.

Sec. 8-100. Handicapped parking.

(a) The board of public works and safety shall designate and the street department shall post one or more parking spaces abutting or accessory to all public buildings as being reserved exclusively for handicapped persons as required by I.C., 5-16-9-1 et seq.

(b) It shall be unlawful for any person who is not handicapped to park a motor vehicle in an area designated and posted for handicapped parking, as required by I.C., 5-16-9-2, unless the operator is transporting a person who is handicapped and who possesses a valid placard duly issued by the Indiana rehabilitative service agency as provided by I.C., 5-16-9-7.

(c) A person who knowingly and falsely represents himself as being handicapped shall be subject to the penalty as provided by section 1-9 of this Code.

Secs. 8-101—8-109. Reserved.

Article 2. Abandoned Vehicles³⁰

Sec. 8-110 Public Nuisance Finding.

The Common Council finds that abandoned vehicles are a public nuisance and a safety and health hazard.

Sec. 8-111 Definitions.

As used in this Article:

"Abandoned vehicle" means:

- (1) a vehicle located on public property illegally;
- (2) a vehicle left on public property continuously without being moved for three (3) days;
- (3) a vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) a vehicle that has remained on private property without the consent of the owner, or person in control, of that property, for more than forty-eight (48) hours;
- (5) a vehicle from which there has been removed the engine, transmission, or differential, or that is otherwise partially dismantled or inoperable and left on public property;
- (6) a vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than the State's Abandoned Vehicle Act, if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal; or
- (7) a vehicle that is six (6) or more model years old and mechanically inoperable, and is left on private property continuously in a location visible from the public property for more than thirty (30) days.

"Automobile scrapyard" means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.

"Bureau" means the Indiana the Bureau of Motor Vehicles.

"Fiscal Body" mean the Common Council of the City of Lake Station.

"Officer" means a regular member of the Lake Station Police Department.

³⁰I.C., 9-9-1.1-1 et seq., address abandoned vehicles.

"Owner" means the last known record titleholder of a vehicle according to the records of the Bureau under I.C., 9-1-2.

"Parts" refers to all components of a vehicle that as assembled do not constitute a complete vehicle.

"Person" means an individual, firm, corporation, association, fiduciary, or governmental entity.

"Private Property" means all property other than public property.

"Public Agency" means the Board of Public Works and Safety acting through the Lake Station Police Department which is given the responsibility by this Article for the removal, storage, and disposal of abandoned vehicles.

"Public Property" means a public right-of-way, street, highway, alley, park, or other state, county, or municipal property.

"Towing Service" means a business that engages in moving or removing disabled vehicles, and, once removed, to store or impound vehicles.

"Vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, recreational vehicle, or motorized bicycle.

Sec. 8-112 Liability of Owner.

The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts.

Sec. 8-113 Procedure for Declaration of Abandonment.

(a) When an officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his right to the possession of that vehicle, the vehicle shall be taken to and stored in a suitable place. The Bureau shall be notified within seventy-two (72) hours of the location and description of the vehicle. Upon receipt of notification, the Bureau shall cause a search to be made to determine and notify the owner in accordance with I.C., 9-9-1.1-6(b).

(b) If the owner of the vehicle cannot be determined, the Bureau shall declare the vehicle abandoned and provide for its disposal in accordance with the Indiana Abandoned Vehicle Act.

(c) If the properly identified owner or lienholder appears at the site of

storage before disposal of the vehicle or parts and pays all proper costs incurred against it at that time, then the vehicle or parts shall be released. A copy of the release of all vehicles or parts shall be sent to the Bureau. The release must contain the owner or lienholder's signature, name, address, vehicle or parts description, costs, and date of release.

(d) If the vehicle is not released to the owner or lienholder, the Bureau will declare the vehicle abandoned and provide for disposal in accordance with the Indiana Abandoned Vehicle Act.

Sec. 8-114 Notice Tag and Disposal or Storage of Vehicles.

(a) An officer who finds a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, officer's name, public agency, and address and telephone number to contact for information.

(2) That the vehicle or parts are considered abandoned.

(3) That the vehicle or parts will be removed after seventy-two (72) hours.

(4) That the owner will be held responsible for all costs incidental to the removal, storage, and disposal, and if not paid the owner's registration privileges will be suspended on that car by the Bureau.

(5) That the owner may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

(b) If the tagged vehicle or parts are not removed within that seventy-two (72) hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts including information of the condition, missing parts, and other facts that might substantiate that the market value is less than one hundred dollars (\$100.00). Photographs shall be taken to describe the condition of the vehicle or parts.

(c) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than one hundred dollars (\$100.00), the officer shall immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau. The Lake Station Police Department shall retain the original records and photographs for at least two (2) years.

(d) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is one hundred dollars (\$100.00) or more, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the

vehicle or parts to be towed to a storage area.

Sec. 8-115 Abandoned Vehicle Report.

(a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area under Section 8-150, the Lake Station Police Department shall prepare and forward to the Bureau an abandoned vehicle report containing a description of the vehicle including the make, model, engine number, if any, identification number, and the number of the license plate, and request that the Bureau advise the Lake Station Police Department of the name and most recent mailing address of the owner and any lienholder.

(b) Pursuant to I.C. 9-9-1.1-6(b), the Bureau will:

(1) conduct a reasonable search through the national automobile theft bureau and the Indiana State Police Department to determine whether the vehicle or parts have been reported as stolen;

(2) conduct a reasonable search of Bureau records to determine the owner of the vehicle or parts or lienholder of record; and

(3) if a reasonable search discloses the name and address of the owner or lienholder, mail a written notice, by first class mail, to the owner, with a copy to any lienholder indicating that the vehicle or parts have been impounded at a certain location and must be removed within fifteen (15) days of the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time and that all costs incurred in removing and storing the vehicle or parts are his legal responsibility.

Sec. 8-116 Disposition and Sale of Stored Vehicles.

(a) If the vehicle or parts are in such condition that vehicle identification numbers or other means of identification are not available to determine the owner or lienholder, the vehicle may be disposed of without notice.

(b) If the owner or lienholder does not appear within fifteen (15) days after the mailing of notice, the Bureau will sell the vehicle or parts to the highest bidder at a public sale conducted after notice under I.C., 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.

Sec. 8-117 Bill of Sale, Duties, of Police Department.

The purchaser will be furnished a bill of sale for each abandoned vehicle sold by the Bureau. The Lake Station Police Department shall upon request furnish evidence as to the roadworthiness of any vehicle sold by the Bureau

pursuant to the Indiana Abandoned Vehicle Act.

Sec. 8-118. Adoption of procedure.

In order to facilitate the removal of abandoned vehicles or parts, the board of public works and safety may employ personnel and acquire equipment, property, and facilities and enter into towing contracts as necessary for the purpose of removal, storage and disposition of abandoned vehicles and parts.

Sec. 8-119. Vehicles left on private property; complaints.

Upon complaint of a private property owner or person in control of the property that a vehicle has been left on the property for forty-eight (48) hours or more without the consent of the owner or person in control, an officer shall follow the procedures set forth in section 8-114.

Sec. 8-120. Liability for loss or damage to vehicles during removal, storage or disposition.

Pursuant to I.C. 9-9-1.1-11, neither the owner, lessee, or occupant of the property from which an abandoned vehicle or parts are removed nor a public agency, towing service, or automobile scrapyard is liable for loss or damage to the vehicle or parts occurring during its removal, storage, or disposition.

Sec. 8-121. Payment of costs from abandoned vehicle account; maximum charge.

The costs for removal and storage of an abandoned vehicle or parts not claimed by the owner or lienholder shall be paid from the abandoned vehicle account. The charge payable by the owner or lienholder for towing, storing, or removing an abandoned vehicle or parts shall not exceed fifty dollars (\$50.00) for the towing of each abandoned vehicle or load of parts and five dollars (\$5.00) per day or any part of a day for the storage of each abandoned vehicle or load of parts, pursuant to I.C. 9-22-2-1.
(Ord. No. 92-06, § 1, 5-7-92)

Cross reference—Abandoned vehicle account fund established, § 2-68.

Sec. 8-122. Proceeds of sale credited against costs.

The proceeds of sale of an abandoned vehicle or parts in accordance with the Indiana Abandoned Vehicle Act shall be credited against all costs incident to the removal, storage and disposal of the vehicle.

Sec. 8-123. Abandoned vehicle account.

All proceeds from the sale of abandoned vehicles or parts that are disposed of by the City of Lake Station, including all monies received from owners or lienholders for the cost of removal or storage of vehicles shall be deposited with the clerk-treasurer and placed in the city's "abandoned vehicle account fund." All costs incurred by the board of public works and safety in administering this article shall be paid from the abandoned vehicle account fund. The

fiscal body shall annually appropriate sufficient monies to that account for the purposes of this article. All monies remaining in the account at the end of each year remain in the account and do not revert to the general fund.

Cross reference—Fund established, § 2-68.

Sec. 8-124. Exempt vehicles.

This article does not apply to:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- (3) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard; or
- (5) A vehicle registered and licensed under I.C. 9-7-6, as an antique vehicle.

Secs. 8-125–8-135. Reserved.

ARTICLE 3. VEHICLE REGULATIONS DURING SNOW CONDITIONS

Secs. 8-136–8-150. Reserved.

ARTICLE 4. OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES*

Sec. 8-151. Definitions.

[As used in this article, the following words and terms shall have the meaning ascribed thereto:]

Alcoholic beverage shall have the meaning set forth in Indiana Code 7.1-1-3-13.

Container shall have the meaning set forth in Indiana Code 7.1-1-3-13.

Motor vehicle shall have the meaning set forth in Indiana Code 9-1-1-2, except that "motor vehicle", as used in this article, shall not include any chartered passenger vehicle licensed to

***Editor's note**—Ord. No. 94-05, § 1, adopted Mar. 3, 1994, enacted provisions pertaining to open alcoholic beverage containers in motor vehicles. Such ordinance did not specify manner of codification; hence, designation as Art. 4, §§ 8-151–8-154, has been at the discretion of the editor.

Cross reference—Alcoholic beverages in parks, § 5-16.

operate within the State of Indiana or any recreational vehicle as defined in Indiana Code 9-13-2-150 and which is designed to transport more than ten (10) passengers, including the operator.

(Ord. No. 94-05, § 1, 3-3-94)

Sec. 8-152. Possession or consumption prohibited.

A person who knowingly:

- (1) Consumes an alcoholic beverage; or
- (2) Possesses a container:
 - a. That has been opened;
 - b. That has a broken seal; or
 - c. From which some of the contents have been removed;

while in a motor vehicle that is being operated upon a public highway within the city limits constitutes an ordinance violation.

(Ord. No. 94-05, § 1, 3-3-94)

Sec. 8-153. Operator or owner of vehicle in violation.

(a) The operator or owner of a motor vehicle who, while the motor vehicle is in operation knowingly keeps or allows to be kept in an area of the motor vehicle that is accessible to the operator or passenger a container:

- (1) That has been opened;
- (2) That has a broken seal; or
- (3) From which some of the contents have been removed;

constitutes an ordinance violation.

(b) Notwithstanding section 8-151, the operator of a recreational vehicle or chartered passenger vehicle licensed to operate within the State of Indiana, who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the recreational vehicle or chartered passenger vehicle that is accessible to the operator a container:

- (1) That has been opened;
- (2) That has a broken seal; or
- (3) From which some of the contents have been removed;

commits a violation of this article which constitutes an ordinance violation.

(Ord. No. 94-05, § 1, 3-3-94)

Sec. 8-154. Citations.

An officer of the Lake Station Police Department may issue a city ordinance violation to a person who violates this article. The first such citation issued to an individual shall impose

a fine of fifty dollars (\$50.00). Each subsequent citation issued to an individual shall impose a penalty not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(Ord. No. 94-05, § 1, 3-3-94)

Chapter 9

UTILITIES

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- Sec. 9-147. Nonassignability or transferability.
- Sec. 9-148. Pretreatment.
- Sec. 9-149. Compliance date report.
- Sec. 9-150. Periodic compliance reports.
- Sec. 9-151. Hazardous waste reporting.
- Sec. 9-152. Penalties for violations.
- Sec. 9-153. Confidential information.
- Sec. 9-154. Emergency suspension of service and industrial wastewater discharge permit.
- Sec. 9-155. Revocation.
- Sec. 9-156. Notice of revocation.
- Sec. 9-157. Notification of violation.
- Sec. 9-158. Show cause hearing.
- Sec. 9-159. Appeals.
- Sec. 9-160. Publication of violations.
- Sec. 9-161. Hauled wastewater.
- Sec. 9-162. Enforcement response guide.
- Sec. 9-163—9-170. Reserved.

Division IV. Building Sewers

- Sec. 9-171. Connection permits.
- Sec. 9-172. Prohibition against clear water discharges.
- Sec. 9-173. Dewatering discharge to a storm sewer.
- Sec. 9-174. Mandatory inspection.
- Sec. 9-175. Building sewer maximum length.
- Sec. 9-176. Maximum number of connections.
- Sec. 9-177. Building sewer responsibility.
- Sec. 9-178. Existing foundation drains, roof drains, defective building sewers, and sump pumps.
- Sec. 9-179. Penalties.
- Sec. 9-180. Appeal.

ARTICLE 1. GENERAL PROVISIONS GOVERNING UTILITIES***Sec. 9-1. Authority to establish water and sewage utilities.**

(a) The city may regulate the furnishing of water to the public. It may also establish, maintain, and operate waterworks.

(b) The board of public works and safety may erect, maintain, and operate works for the collection, treatment, and disposal of sewage.

Sec. 9-2. Board to oversee.

The board of public works and safety shall have the authority to appoint any and all employees of any utility owned by the city, including the water department and the sewer department.

Sec. 9-3. Interim rate for city sewer services for the purpose of meeting state mandates regarding the management of stormwater.

(a) *Application.* This schedule shall apply to every parcel of real estate within the boundaries of the City of Lake Station.

(b) *Definitions.* For the purposes of this schedule, the following terms shall have the specified meaning:

- (1) *Residential customers.* Residential customers shall be those properties located within the City of Lake Station that are improved, which results in impervious area and have the Lake County Property Tax Code classifications 141, 149, and 500 through 599.
- (2) *Non-Residential customers.* Non-residential customers shall be those properties located within the City of Lake Station that are improved, which results in impervious area and have Lake County Property Tax Code classifications not used to designate a residential customer in subsection (b)(1) above.
- (3) *Non-improved parcel customers.* Non-improved parcel customers shall be those properties located within the City of Lake Station that may be residential or non-residential as determined by the Lake County Property Tax Code classification but have not been improved and as a result have no impervious area.

(c) *Establishment of rates.* The city shall assign each owner of a parcel of real estate a classification as to whether such owner is a residential non-residential or non-improved parcel customer as to that parcel. The owner of each parcel of real estate in the City of Lake Station shall pay an annual stormwater fee as follows:

- (1) *Residential customers:* One hundred dollars (\$100.00) annually.

***State law reference**—Authority of city to furnish or regulate the furnishing of utility service to the public, I.C., 36-9-2-15.

State law references—Authority to furnish water to the public, I.C., 36-9-2-14; authority to operate a sewage plant, I.C., 36-9-6-11.

- (2) *Non-residential customers:* Two hundred dollars (\$200.00) annually.
- (3) *Non-improved parcel customers:* Fifty dollars (\$50.00) annually.

(d) *Payment of user fees.* The user fees prescribed in this schedule shall be collected through a charge appearing on the semiannual property tax statement of each affected property owner of the district. One-half of the annual fee will appear on each semiannual property tax statement. The fees shall be imposed and first collected through the semiannual property tax statement for tax year 2011 payable in 2012, first installment, and continue semiannually thereafter.

(Ord. No. 2012-2, §§ 1—4, 3-15-2012)

Secs. 9-4—9-8. Reserved.

ARTICLE 2. WATER DEPARTMENT*

Sec. 9-9. Rates and charges of the water department.

There shall be and there are hereby established for the use of, and the service rendered by, the Water Works System of the City of Lake Station, the following rates and charges, based on the use of water supplied during each monthly billing period:

- (1) *Consumption per month.*

<i>Consumption Per Month</i>	<i>Phase I</i>	<i>Phase II</i>	<i>Phase III</i>
	<i>(May 1, 2012)</i>	<i>(May 1, 2013)</i>	<i>(May 1, 2014)</i>
	<i>(Per 1,000 gallons)</i>		
First 3,000 gallons	\$3.94	\$4.41	\$5.38
Next 4,000 gallons	5.13	5.75	7.02
Next 10,000 gallons	4.36	4.88	5.95
Next 35,000 gallons	3.08	3.45	4.21
Over 52,000 gallons	2.58	2.89	3.53

***Editor's note**—Ord. No. 2004-14, adopted May 20, 2004, ordained by the Common Council of the City, as follows: "That it bifurcate the Water and Sewer Department and the Streets and Sanitation Department.

The "Water and Sewer Department" and the "Streets and Sanitation Department" shall:

- a) Be separated into two departments and function as two different entities.
- b) Manage their own employees.
- c) Submit separate budgets."

- (2) *Base charges.* Each user shall pay a base charge in accordance with the size of meter installed.

<i>Meter Size</i>	<i>Phase I</i> <i>(May 1, 2012)</i>	<i>Phase II</i> <i>(May 1, 2013)</i>	<i>Phase III</i> <i>(May 1, 2014)</i>
	<i>(Per Month)</i>		
5/8"	\$11.83	\$13.25	\$16.17
3/4"	21.96	24.60	30.01
1"	36.53	40.91	49.91
1 1/2"	69.02	77.30	94.31
2"	96.57	108.16	131.96
3"	160.99	180.31	219.98
4"	240.19	269.01	328.19
6"	431.85	483.67	590.08

- (3) *Suburban surcharge.* For metered water service outside corporate limits:

	<i>Phase I</i> <i>(May 1, 2012)</i>	<i>Phase II</i> <i>(May 1, 2013)</i>	<i>Phase III</i> <i>(May 1, 2014)</i>
Per Month	\$2.02	\$2.26	\$2.76
Per Quarter	6.06	6.78	8.28

Phase adjustments: Phase I rates shall be effective May 1, 2012 through April 30, 2013. Phase II rates shall be effective May 1, 2013 through April 30, 2014. Phase III rates shall be effective May 1, 2014 and thereafter.

- (4) *Public fire protection.* The amount to be paid by the City of Lake Station for fire hydrant rental shall be three hundred seventy-two dollars and sixty-five cents (\$372.65) per hydrant per year.
- (5) *Private fire protection.*

	<i>Annual Charge</i>
Hydrant rental—Per hydrant	\$372.65
<i>Sprinkling System:</i>	
3" fire line	138.55
4" fire line	249.76
6" fire line	540.34
8" fire line	955.99
10" fire line	1,496.31

- (6) *Public drinking fountains.*
Per fountain per year: Ninety-five dollars and fifty-five cents (\$95.55).
- (7) *Well maintenance.* Funds shall be earmarked for the sole purpose of a regular scheduled well cleaning and maintenance program in a sum consistent with services rendered.
- (8) *Tap fee calculation.* Each user at the time that they connect to the water works system using a 5/8- or 3/4-inch meter shall pay the following costs:

	<i>Long Service Meter Tap</i>	<i>Short Service Meter Tap</i>
Total costs for a 5/8" or 3/4" tap	\$829.00	\$704.00

The charge for a tap larger than the 5/8- or 3/4-inch meter tap shall be the cost of labor, materials, power machinery, transportation and overhead incurred for installing the tap, but shall not be less than the 5/8- or 3/4-inch long service meter tap.

- (9) *Collection and deferred payment charge.* All bills for water service not paid within fifteen (15) days from the due date thereof shall be stated in such bills and be subject to a collection or deferred payment charge of ten (10) percent on the first three dollars (\$3.00) and three (3) percent on the excess over three dollars (\$3.00).

All checks for payment of bills, which are not honored, shall be subject to a charge of twenty-eight dollars (\$28.00).
- (10) *Temporary users.* Water furnished to temporary users, such as contractors, circuses, etc., shall be charged on the basis of the metered rates hereinbefore set forth as estimated and established by the waterworks superintendent.

<i>Proposed Disconnect</i>	<i>Reconnect Fee</i>
Cost per Customer	\$35.00

(Ord. No. 77-28, § 1, 8-22-77; Ord. No. 80-47, 10-2-80; Ord. No. 96-19, § 1, 7-18-96; Ord. No. 2002-11, 11-21-2002; Ord. No. 2003-17, § 1, 3-4-2004; Ord. No. 2004-27, § 1A, 9-16-2004; Ord. No. 2006-18, 6-15-2006; Ord. No. 2007-12, 8-16-2007; Ord. No. 2012-01, § 1, 2-2-2012; Ord. No. 2012-06, § 1, 4-19-2012)

Sec. 9-10. Rules and regulations.

The following rules and regulations are adopted for the operation and maintenance of the water department and for the furnishing of services and facilities. A copy of all rules and regulations and of rates under which water service shall be supplied and furnished shall be posted or be on file in the office of the water department and with the public service commission of the state and available for public inspection.

(Ord. No. 54-332, 5-18-54; Code § 921.02)

Sec. 9-11. Application for water service required.

(a) A written application and contract for water service, properly executed, shall be required from each customer before the water department, also known as the department of waterworks, shall be required to furnish the service and supply water, provided however, that the water department shall have the right to reject any application therefor where the applicant shall have failed, neglected or refused to comply with any and all of the provisions of the city ordinances now in effect or hereafter adopted providing for building, zoning, plumbing, electrical, health, sanitary and safety codes or regulations, or for any other valid reason. Where the furnishing of water requires the installation of a new service line from the main to the premises of the applicant, including the meter, the applicant shall enter into a service installation contract with the water department whereby the applicant agrees to pay the entire cost of such water service installation in the manner and in such amount as determined by such contract. No contract shall be changed or modified except in writing. The benefits and obligations under any contract for the supply of water shall begin with the commencement of the supply of water thereunder, and shall inure to and be binding upon the successors, assigns, survivors, executors or administrators, as the case may be, of the original parties thereto for the full term thereof, provided that no assignment thereof shall be made by the customer or any successor, assignee, survivor, executor or administrator without first obtaining the department's written consent to any such assignment.

(b) Neither the water department or any of its employees shall be liable for any failure or delay in performance under any service contract where such failure or delay shall be caused in whole or part by reason of strikes, acts of God, unavoidable accidents, or other contingencies and in no manner due to any fault, neglect, or omission of, or its employees. The provisions of section 9-22 shall also apply.

(c) Whenever it shall be necessary to go across, under or through private property to install and maintain a water supply line, the customer shall obtain from the property owner or owners the necessary consent and release forms approved and accepted by the department authorizing the department to install and maintain on, over, under or through all such private property of all such piping or equipment as may be necessary or convenient for supplying such water service. The department shall not be required to run any water line across, through, on, over or under any private property other than the customer's property to furnish water service.

(d) The "Water Service Application and Contract" shall be in the following form:

WATER SERVICE APPLICATION AND CONTRACT

WATER DEPARTMENT

City of Lake Station, Indiana

Date _____ Deposit Receipt No. _____ Amount \$ _____

Name _____ Billing Address _____

Service Address _____ Employment _____

Telephone _____ Social Security No. _____

Property Owner _____ Yes _____ No _____

Application is hereby made to the water department of the City of Lake Station, Indiana, and this contract is hereby executed by the customer for water service to be furnished to the premises indicated above. Said premises are to be used as a(n) _____. Customer agrees (a) to abide by all the rules and regulations of the DEPARTMENT; (b) to be responsible and pay for all water furnished to the above premises; (c) that all billings of the DEPARTMENT are due within seventeen (17) days of the billing date and that all accounts delinquent thereafter shall be subject to an additional charge pursuant to the rules and regulations of the DEPARTMENT; (d) that service will be subject to termination on all accounts not paid within thirty (30) days of the billing date; (e) that the meter furnished by the DEPARTMENT is, and shall remain, the property of the DEPARTMENT and the DEPARTMENT'S agents shall have access to the meter at all times, to read, repair, lock off, seal or remove same; (f) that the DEPARTMENT'S agents shall have access to the meter, pipes and appliances at all times to ascertain that the service supplied is flowing through the meter and that the meter is properly registering same, and to terminate the supply of service for non-payment of bills as required, for any service furnished to the customer at said premises, or elsewhere, or for any other lawful cause or purpose which the DEPARTMENT may deem sufficient, and said agents are hereby authorized to enter the premises of the customer at all times for any such lawful cause or purpose, or for the purpose of disconnecting or adjusting the meter or appliances, or for the purpose of removing the meter, with connection, or any other property belonging to the DEPARTMENT, but nothing herein contained shall mean, or be construed to mean, that the DEPARTMENT shall be required to inspect or examine, or in any manner be responsible for the condition of the pipes or appliances on the premises of customer; and (g) in the event the customer shall fail to comply with the terms and conditions hereof the DEPARTMENT of the City of Lake Station shall be entitled to recover all delinquent fees, charges, assessments and all reasonable attorney fees and expenses incident thereto, all without relief from valuation and appraisal laws.

/s/ _____
Customer's Signature

(Ord. No. 54-332, 5-18-54, Code § 921.03)

Sec. 9-12. Water main regulations.

(a) All water mains placed in the geographical boundaries of the City of Lake Station shall have prior written approval from the board of public works and safety before the excavation and placement of any water lines.

(b) All new residential subdivision water supply mains shall be a minimum of six (6) inches in diameter and all commercial lines shall be a minimum of eight (8) inches in diameter. When present mains are replaced, they shall conform to the new size requirements unless specific written permission is obtained from the board of public works and safety for any other size variance.

(Ord. No. 82-26, 6-3-82)

Sec. 9-13. Deposits/temporary users.

(a) (i) The city water department shall require from a property owner applicant a security deposit for water service, based upon the following schedule:

<i>Meter Size</i>	<i>Security Deposit</i>
5/8 inch, single family residential	\$45.00
5/8 inch, all other uses	50.00
3/4 inch, single family residential	45.00
3/4 inch, all other uses	50.00
1 inch	75.00
1 1/2 inch	100.00
2 inch	125.00
3 inch	150.00
4 inch	175.00
6 inch	200.00
Larger than 6 inch	{to be set by board of public works & safety}

(ii) The city water department shall require from a tenant applicant a security deposit for water service, based upon the following schedule:

<i>Meter Size</i>	<i>Security Deposit</i>
5/8 inch, single family residential	\$100.00
5/8 inch, all other uses	100.00
3/4 inch, single family residential	100.00
3/4 inch, all other uses	100.00
1 inch	125.00
1 1/2 inch	150.00
2 inch	175.00
3 inch	200.00

<i>Meter Size</i>	<i>Security Deposit</i>
4 inch	225.00
6 inch	250.00
Larger than 6 inch	{to be set by board of public works & safety}

(b) For multifamily dwellings and for structures containing two or more separate businesses or commercial activities, and where such dwellings or structures are to be served by a single meter, the security deposit shall be an amount equal to the product of multiplying the number of families or businesses at the premises times the security deposit determined by meter size in the above and foregoing schedule.

(c) A security deposit shall be held as security for the payment of any and all charges and indebtedness which may be incurred by the depositor for water and/or sewer service furnished by the city to the subject premises.

(d) Should any invoice addressed to the customer at the subject premises remain unpaid for more than thirty (30) days after the date of mailing, or for thirty (30) days after the date of a final invoice mailed after a discontinuance of water service, the amount of such invoice remaining unpaid shall be deducted from said security deposit, and the balance of said security deposit then remaining, if any, shall be refunded to the depositor at his last known mailing address.

(e) Any such security deposit held by the city water and sewer utilities department for more than five (5) years shall be return to the depositor thereof or his assignee, without interest, provided however, that water and sewer invoices for the subject premises shall have been consistently paid in a timely manner.

(f) Any tenant security deposit is nonrefundable prior to discontinuance of water sewer. (Ord. No. 2003-17, § 3, 3-4-2004; Ord. No. 2006-17, 6-15-2006)

Editor's note—Ord. No. 2006-17 adopted June 15, 2006, enacted provisions intended for use as subsection (g) of section 9-13. To preserve the style of this Code, and at the editor's discretion, subsection (g) was redesignated as subsection (f).

Sec. 9-14. Meters to be installed by water department.

(a) Unless otherwise specified in the contract between the water department and the customer, or by any rules and regulations now in effect or hereafter adopted, the water supplied shall be measured by a meter or meters of standard manufacture furnished and installed by the department on the customer's premises.

(b) Meters shall be installed as soon as practicable for each user and consumer and where water is supplied to two (2) or more distinct buildings, each building shall be a distinct and separate user and consumer. Until such time as meters shall have been installed, each distinct building shall be billed and charged for water furnished and used at the minimum monthly rate.

(Ord. No. 54-332, 5-18-54, Code § 921.05)

Sec. 9-15. Location of meters and appliances.

The customer shall provide near the service entrance or in the basement, at no cost or expense to the water department, a place satisfactory to the department for its meters or other appliances furnished and supplied by the department.

(Ord. No. 54-332, 5-18-54, Code § 921.06)

Sec. 9-16. Inside piping and service lines.

Each applicant or customer for service shall at his own expense equip his main supply line with an accessible compression stop and waste cock just inside the foundation wall and all piping and attachments therefor, all of which shall be constructed and maintained by the customer at his own expense subject to the approval of the water department and in accordance with its rules and regulations from time to time in effect, and also subject to the provisions of the building code.

(Ord. No. 54, 5-18-54, Code § 921.07)

Sec. 9-17. Determination of service.

Each applicant or customer for water service shall, upon request of the water department, present in writing a list of all devices or fixtures which are to be attached to the water lines and such other information as shall be required. The water department shall, based on such information furnished, determine the form and character of the supply available.

(Ord. No. 54-332, 5-18-54, Code § 921.08)

Sec. 9-18. Service connection.

(a) The water department shall locate the point to which service connection shall be made and will furnish and run the service to the curb line, inside line of sidewalk, or customer's property line, whichever in the department's judgment will provide the most convenient, safe and satisfactory location for curb stop and service box.

(b) All pipe and connections for service runs between the main line and the customer's meter, or between the main line and the inside of the basement of the customer's building or premises, shall conform with the building code and shall be of copper or pipe of other nonferrous material suitable for the purpose intended.

(c) A charge to be paid by the customer and based on the service installation contract shall be made on all service runs which may be made by the water department from the main into the customer's premises. The department reserves the right to install all service runs. When service runs are made by others with the consent of the water department, such installations shall not be covered until the work has been approved by the department.

(Ord. No. 54-332, 5-18-54, Code § 921.09)

Sec. 9-19. Meter calculations.

Except as provided otherwise, all charges for water furnished, other than the minimum charge, flat rate charge or contract charge, if any, shall be calculated upon the registration of the meter or meters installed.

(Ord. No. 54-332, 5-18-54, Code § 921.10)

Sec. 9-20. Failure of meter.

Whenever it shall be discovered that a meter is not recording correctly, adjustment shall be made covering any inaccuracy in accordance with such applicable rules and standards of the Public Service Commission as may be in force and effect from time to time, and if none, then in accordance with such rules and standards as shall be determined by the water department, or the customer shall be charged at the rate of average consumption registered by such meter before such meter became out of repair.

(Ord. No. 54-332, 5-18-54, Code § 921.11)

Sec. 9-21. Access to premises.

The properly authorized agents of the water department shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of reading the meters, inspecting, repairing or replacing the department's appliances used in connection with the water service and removing the same on the termination of the contract or the discontinuance of the water service.

(Ord. No. 54-332, 5-18-54, Code § 921.12)

Sec. 9-22. Interruption of service.

The water department shall not be responsible for damages to any customer for any failure to supply water or for interruption of such service where such failure or interruption is not due to active, willful default and negligence on its part. The department shall not be liable for damages because of any interruption of the water supply or for damages caused by defective piping and appliances on the customer's premises. The department shall not be liable for damages resulting to customers or to third parties from the presence or use of water or of the department's appliances on the customer's premises when due to any contributory negligence on the part of the customer or such third party.

(Ord. No. 54-332, 5-18-54, Code § 921.13)

Sec. 9-23. Right to shut off supply.

The water department reserves the right to shut off the supply of water without notice for any of the following reasons:

- (a) For repairs;
- (b) For want or failure of water;

- (c) For interference or tampering by anyone other than an authorized agent of the department with any of the department's curb cocks, meters, appliances or connections thereto located on or adjoining the premises of the customer;
 - (d) For failure of the customer to comply with the terms of the contract; however, such discontinuance shall not invalidate any existing contract and the department shall have the right to enforce any contract notwithstanding such discontinuance;
 - (e) For failure to pay a water bill delinquent for more than thirty (30) days from the due date thereof;
 - (f) For failure or refusal to comply with all rules and regulations contained in this chapter;
 - (g) For the wasting, improper or unlawful use of water either by use of defective or improper fixtures and equipment or by use of the water supply for restricted purposes or during restricted hours.
- (Ord. No. 54-332, 5-18-54, Code § 921.14)

Sec. 9-24. Notice for increased load.

The service connections, meters and appliances supplied by the water department have definite capacity and no substantial addition to the water consuming equipment or appliances connected thereto shall be made except upon written request to and with the written consent of the department.

(Ord. No. 54-332, 5-18-54, Code § 921.15)

Sec. 9-25. Payment of bills; collection and reconnection charges.

(a) Bills for water furnished shall be rendered monthly and shall be payable at the office of the water department during regular business hours.

(b) All water bills, excepting rental charges for fire hydrants, shall be due on or before the fifteenth (15) day of the month following the month in which the billed water was used.

(c) Failure to receive a water bill shall not excuse the customer from paying the delinquent penalty after the due date of such bill, nor shall it effect the right of the department to shut off and discontinue service for nonpayment of a bill as provided above.

(Ord. No. 54-332, 5-18-54, Code § 921.16)

Sec. 9-26. Resale of water or extension of lines.

The water furnished shall be for the use of the customer and for his premises to which service has been connected and no customer shall re-sell any of such water furnished nor shall he extend such water service to any other buildings or premises without first obtaining the written consent of the water department and complying with such terms and conditions as shall be determined by such department.

(Ord. No. 54-332, 5-18-54, Code § 921.17)

Sec. 9-27. Protection of water department property by customer.

All meters or other appliances and equipment furnished by and at the expense of the water department or acquired from a customer or other person by the department which may at any time be on the customer's premises shall, unless otherwise expressly provided for in writing, be and remain the property of the department. It shall be the customer's duty and each customer shall protect such property from freezing, loss or damage by heat or otherwise. No person other than an authorized agent of the water department shall be permitted or have the right to remove or tamper with any property of the department in any way whatsoever. No cross-connections with other sources of supply shall be made.

(Ord. No. 54-332, 5-18-54, Code § 921.18)

Sec. 9-28. Water use restricted; fire hydrant use; sprinkling.

No person shall take water from any fire hydrant except for fire purposes. Water, except for ordinary business and domestic usage and consumption, shall not be permitted or furnished by the water department except by permit issued by the department to any consumer for the use in supplying an air conditioning unit or system or for any operation which may require the use and consumption of large quantities of water, unless the department first determines that there is a sufficient supply of water available for such purpose or purposes and unless and until a proper service line and meter as determined by the department shall have been installed. Water for sprinkling purposes may be restricted whenever necessary during any emergency or water shortage.

(Ord. No. 54-332, 5-18-54, Code § 921.19)

Sec. 9-29. Penalty.

Whoever violates any provision of this article shall be subject to the penalties set forth in section 1-9 of this Code.

Sec. 9-30. Reserved.**ARTICLE 3. RESERVED*****Secs. 9-31—9-50. Reserved.****ARTICLE 4. SEWER DISTRICT CREATED****Sec. 9-51. Sewer districts.**

The following area shall be known as Sewer District "A" and established as follows:

(a) All of the NE ¼ Section 20, Township 36 North, Range 7 West of the 2nd P.M., North of Deep River and above elevation 603, containing 75.4 acres.

***Editor's note**—Ord. No. 2011-05, adopted April 21, 2011, added provisions that superseded the former Art. 3, §§ 9-31—9-48, which pertained to public and private sewers and derived from Ord. No. 89-9, §§ 1—18, adopted April 20, 1991. See the Code Comparative Table for complete derivation. The user's attention is directed to Art. 7, § 9-101 et seq.

(b) The East 793.14 feet of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 20, Township 36 North, Range 7 West of the 2nd P.M. containing 24.2 acres.

(c) The SE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 20, Township 36 North, Range 7 West of the 2nd P.M. containing 40 acres.

(d) The SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 20, Township 36 North, Range 7 West of the 2nd P.M., containing 10 acres.

(e) The N $\frac{1}{2}$, SW $\frac{1}{4}$ Section 20, Township 36 North, Range 7 West of Deep River and elevation 610, containing 70.5 acres.

(f) The S $\frac{1}{2}$, SW $\frac{1}{2}$ Section 20, Township 36 North, Range 7 West of Deep River and above elevation 613, containing 23.0 acres.

(Ord. No. 82-3, 2-18-82)

Sec. 9-52. Charges.

The costs of improvements and all expenses incidental thereto including construction, engineering and easement acquisition were paid from the cumulative sewer fund and said fund shall be reimbursed in the following manner:

(a) The 33 lots in the East 793.14 feet of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 20 that were provided house connections will pay five hundred thirty-six dollars (\$536.00) per tap to cover their share of the local sewer cost and house connection cost as per agreement with the Developer of the Golden Meadows Subdivision.

(b) All other existing lots in District "A" will pay the regular two hundred forty dollar (\$240.00) sewer tap fee to cover their share of general sewer facilities and maintenance.

(c) All unsubdivided acreage will be responsible for their own local sewers and this connection to existing gravity sewers or to the lift station. Their only charge will be the regular two hundred forty dollar (\$240.00) tap on fee.

(d) Any subdivided lots in Sewer District "A" that do not have local sanitary sewers will be responsible for their own local sewers at their own expense plus the regular two hundred forty dollar (\$240.00) tap on fee.

(Ord. No. 82-3, 2-18-82)

Secs. 9-53—9-55. Reserved.

ARTICLE 5. SANITARY SEWERAGE CHARGES

Sec. 9-56. Definitions.

Whenever the following words are used in the article they shall have the meanings respectively ascribed to them in this section.

(a) *Sanitary sewage* means sewage containing human excrement.

- (b) *Waste water* means the same as domestic sewage, which is defined as sanitary sewage derived principally from dwellings, business buildings and institutions.
- (c) *Industrial waste or trade waste* means liquid wastes from industrial processes.
- (d) *Storm water* means the excess water from rainfall or continuously following therefrom.
- (e) *Surface water* means the same as "storm water," but is defined as the water other than rainfall flowing on or over the surface of the ground.
- (f) *Single-family dwelling* means a building used for living quarters by only one (1) family at a time.
- (g) *Multiple-unit dwelling* means a building used for living quarters by more than one (1) family at a time.
- (h) *Commercial and/or factory building* means a building used for some purpose other than living quarters.

(Ord. No. 59-371, 5-7-59, Code § 941.02)

Sec. 9-57. Declaration of necessity; use of proceeds.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to levy and collect charges or rentals upon all lots, lands and premises served by having connections with the sanitary sewerage system and by the sewage pumping, treatment and disposal works of the city. The proceeds of such charges or rentals so derived shall be for the use of the sanitary and storm sewerage system and the pumping, treatment and disposal works of the city.

(Ord. No. 64-434, 6-4-64, Code § 941.02)

Sec. 9-58. Amount of charges.

For the purposes in section 9-57 and 9-43, there is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewerage system of the city, or otherwise discharging sewage, (industrial wastes, water or other liquids) either directly or indirectly into the city sanitary sewerage system or where the sanitary sewerage system rate or charge, payable as hereinafter provided and in amount determinable as follows:

- (a) Except as herein otherwise provided, sewerage 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 New Chicago and the City of Lake Station water meters thereby in use. Water meters will be read monthly and sewage bills rendered quarterly.
- (b) The water usage schedule on which the amounts of said sewage rates and charges shall be determined to be as follows:

<i>Quantity of Water Used Per Month</i>	<i>Charge per 1,000 Gallons</i>
First 5,000 gallons	\$1.55

<i>Quantity of Water Used Per Month</i>	<i>Charge per 1,000 Gallons</i>
Next 10,000 gallons	1.20
Next 35,000 gallons	0.90
All Over 100,000 gallons	0.80

The minimum charge for any non-metered user, where the user is not a New Chicago or City of Lake Station metered water consumer, shall be based on usage of an average single family and shall be set at \$29.43 per quarter.

The minimum charge for any user, where the user is a City of Lake Station or New Chicago metered water consumer, shall be based upon the meter sizes as follows:

<i>Meter Size</i>	<i>Per Month</i>
5/8 inch meter	\$4.65
3/4 inch meter	7.09
1 inch meter	11.77
1 1/2 inch meter	23.41
2 inch meter	58.19
3 inch meter	117.03
4 inch meter	238.34
6 inch meter	422.65

The charge for sewage service where the user is not a City of Lake Station or New Chicago metered water customer shall be as follows:

<i>Use Type</i>	<i>Per Month</i>
Hotels, Motels, etc.	\$16.05 plus \$1.34 for each room with bath
Laundromat	\$10.70 per machine
Laundry	\$2.01 per rated pound of capacity

(c) In order that the domestic and residential uses of sewage services shall not be penalized for the sprinkling of lawns during the months of July, August and September the billing for sewage service for residence and/or domestic users for the months of July, August and September shall be based upon the water usage for the previous months of October, November, and December. In the event the water usage for said previous months of October, November, and December is greater than the water usage of said months of July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel or real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for industrial or commercial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is

served through a separate meter, and in such case, the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(d) In addition to the rate or charge or charge specified herein, a surcharge of ten (10) percent of such amount shall be added in the event payment for sewer utility service is not received by the city water and sewer utilities department within fifteen (15) days after the date the invoice therefor is mailed.

In the event the fifteenth day after the mailing of the invoice falls on a Saturday, Sunday, or legal holiday, payment thereof shall be due by the next following business day.
(Ord. No. 81-26, § 1, 9-3-81; Ord. No. 88-41, § 1, 11-3-88; Ord. No. 2003-17, § 2, 3-4-2004)

Sec. 9-59. Sewer taps; charges.

(a) For any lot, parcel of land, building or premises situated within the city, and which lot, parcel of land, building or premises is not now discharging sanitary sewage into the sewerage system of the city, and which lot, parcel of land, building or premises is situated and located on a street in the city upon which the sanitary sewerage system will in the future extend the district or trunk sewer system, and whose owner or owners will at such time desire to connect such lot, parcel of land, building or premises and tap onto such district or trunk system shall pay the amount of six hundred forty dollars (640.00) for such permit to do so.
(Ord. No. 88-41, § 1, 11-3-88)

(b) All of the above rates and charges shall apply to any and all users of the Lake Station Sewer System.
(Ord. No. 88-41, § 1, 11-3-88)

Sec. 9-60. Industrial waste, rainwater discharge prohibited.

It shall be unlawful for the owner or owners of any lot, parcel of land, building or premises situated within the limits of the city to discharge any industrial waste, rain water or other waste water, either directly or indirectly, into the City sanitary sewerage system.
(Ord. No. 59-371, 5-7-59, Code § 941.05)

Sec. 9-61. Pro rata charges.

For any lot, land, building or premises from which a connection is made with the city sanitary sewerage system, or which begins to discharge sewage into the city sanitary sewerage system, either directly or indirectly, a charge shall be made pursuant to this article, the same to be a per diem pro rata amount based upon the monthly charge or rental for such building or premises as fixed in section 9-58 subsections (a) to (c).
(Ord. No. 59-371, 5-7-59, Code § 941.06)

Sec. 9-62. Amounts payable monthly.

The charge or rental levied and assessed by this article shall be payable in monthly installments as provided in section 9-58, subsections (a) and (c), provided that the amount of the rental payable for any lot, land, building or premises at the first payment period shall be determined on the basis of a per diem proration of the charge or rental herein established, beginning on the date such sewer connection is made, until the next regular monthly payment period becomes due.

(Ord. No. 59-371, 5-7-59, Code § 941.07)

Sec. 9-63. Charges a lien; collection or foreclosure.

Such charge or rental levied by or pursuant to this article is made a lien upon the corresponding lot, land or premises served by connection to the sanitary sewerage system of the city. If the same is not paid after it shall be due and payable as provided in this chapter, it shall be certified to the Auditor of Lake County, Indiana, on January 1 and July 1 of each year, who shall place the same on the tax duplicate of such county with interest and penalties allowed by law and be collected as other taxes are collected, or the lien, together with the penalties and charges, may be foreclosed as provided by law, with reasonable attorneys' fees for foreclosing the same.

(Ord. No. 59-371, 5-7-59, Code § 941.08)

Sec. 9-64. Rental collection; rules and regulations.

The charges or rentals levied pursuant to this article shall be collected at the water department of the city. The superintendent of such water department, or such other person as designated by the board of public works and safety under the direction of the board of public works and safety of the city, shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the city sewerage system and the sewage pumping, treatment and disposal works, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such charges or rentals of the sewer department.

(Ord. No. 59-371, 5-7-59, Code § 941.09)

Sec. 9-65. Uses of funds collected.

The funds received from the collection of the charges or rentals authorized by this article shall be deposited daily with the clerk-treasurer and shall be accounted for and known as the sanitary and storm sewer fund. Such fund shall be available for the payment of the monthly rental due the city, for the treatment of the sanitary sewage, together with the cost and expense of the management, maintenance and repair of the city's sanitary sewerage system and the sewage pumping, treatment and disposal works, and the excess, if any, for the construction, enlargement or replacement of such sanitary sewerage system, storm sewerage system, pumping treatment and disposal works.

(Ord. No. 64-434, 6-4-65, Code § 941.10)

Sec. 9-66. Sewer treatment agreements.

(a) The city, through its board of public works and safety, may enter into written agreements for the treatment of the sewage material of the city.

(b) Such contracts must be approved by the board of public works and safety and the common council.

Editor's note—Ord. No. 82-21 was passed by the Common Council on April 15, 1982. It approved a contract between the Gary Sanitation District and the City of Lake Station.

Secs. 9-67—9-70. Reserved.**Sec. 9-71. Cumulative sewage treatment, storm sewer and disposal plant fund.**

(a) A cumulative sewage treatment, storm sewer and disposal plant fund is established for the following purpose: for the purpose of providing funds for the planning, erection, remodeling and extension or repairing of sewage disposal plants and sewers to convey sanitary sewage to such plants, or for the construction of storm sewers and remodeling, repairing or extension of the same and for relief sewers and drains in the aid of the sanitary system or storm sewers or for any or all of the above-enumerated municipal undertakings.

(b) The City of Lake Station does hereby levy an additional tax at the rate of fifty cents (\$0.50) for each one hundred dollars (\$100.00) of taxable real property within the present City of Lake Station taxing district to provide monies for said cumulative sewage treatment, storm sewer and disposal plan fund. Said tax to be first levied in 1978 payable in 1979 and thereafter for a total period of ten (10) years to expire in 1988 as provided by Chapter 146, of the Acts of the 1967 Indiana General Assembly, and all acts amendatory thereof and supplemental thereto.

(Ord. No. 78-29, §§ 1, 2, 10-5-78)

ARTICLE 6. LAKE STATION SANITARY DISTRICT***Sec. 9-72. Establishment of rates.**

The modified user fees and charges as requested by the Board of Commissioners of the Lake Station Sanitary District, as set forth below, are approved, with Phase I to be effective immediately upon passage to be paid by any user of the sewage system and the owner of every parcel of real property or building that is connected with or uses the sewage collection system of the district.

***Editor's note**—Ord. No. 2005-16, adopted May 6, 2005, enacted provisions pertaining to the Lake Station Sanitary District. At the editor's discretion, these provisions are included as herein set out as ch. 9, art. 6, § 9-72—9-74. See the Code Comparative Table for a detailed analysis on inclusion.

SCHEDULE OF USER FEES

	<i>Current Rates⁽¹⁾</i>	<i>Proposed Rates⁽²⁾</i>	<i>Increase</i>
Billing charge (per bill)	\$1.90	\$1.90	\$0.00
Base Rates:			
5/8" — 3/4"	\$7.41	\$14.50	\$7.09
1"	18.53	36.25	17.72
1 1/2"	42.98	84.10	41.12
2"	74.10	145.00	70.90
3"	170.43	333.50	163.07
4"	296.40	580.00	283.60
6"	674.31	1,319.50	645.19
Treatment rate (per 1,000 gallons)	\$5.14	\$5.93 ⁽⁴⁾	\$0.79
Unmetered users ⁽³⁾	\$35.00	\$46.05 ⁽⁵⁾	\$11.05

The above fees as increased by the wholesale sewage tracker, shall be increased by three (3) percent on January 1 each year beginning January 1, 2013.

⁽¹⁾Per Rate Ordinance No. 2009-01, adopted March 5, 2009.

⁽²⁾Per the Umbaugh rate report dated December 1, 2008.

⁽³⁾Based on 5,000 gallons.

⁽⁴⁾Includes \$0.56 tracker per 1,000 gallons per Resolution No. 2011-16 adopted December 9, 2011 (original number was \$5.37).

⁽⁵⁾Based on 5,000 gallons, including \$0.56 tracker per 1,000 gallons per Resolution No. 2011-16 adopted December 9, 2011 (original number was \$43.25)

Outside customer surcharge, per month..... \$5.50

SCHEDULE OF LOADING SURCHARGES⁽¹⁾

CBOD for concentrations greater than 170 mg/l.....	\$0.12/pound
Suspended solids for concentrations greater than 200 mg/l.....	\$0.31/pound
Ammonia for concentrations greater than 25 mg/l.....	\$0.13/pound
Phosphorus for concentrations greater than 7 mg/l.....	\$1.65/pound

SCHEDULE OF PRETREATMENT CHARGES⁽¹⁾

Surveillance charge per test/sample.....	\$400.00
Application fee	\$100.00
Permit fee	\$550.00
Permit renewal fee	\$350.00

Notes:

⁽¹⁾Effective upon passage.

Based on a five thousand (5,000) gallon per month user.

SCHEDULE OF ADDITIONAL PRETREATMENT INSPECTION FEES

<i>Service</i>	<i>Fee</i>	<i>Notes</i>
Compliance Inspection and Call-Outs:		
Standard business (4,000 total sq. ft. or less)	\$30.00 per visit	Based on 3/5 of 1 hour (labor, benefits and related costs)
Large businesses (4,000 total sq. ft. or larger)	\$50.00 per visit	Based on 1 hour (labor, benefits and related costs)
Investigation of Violation	\$50.00 per hour + out-of-pocket expenses (minimum of 1 hour)	Based on 1 hour (labor, benefits and related costs)
Clean-ups and Remediation	\$50.00 per hour + out-of-pocket expenses + market rate rental for equipment (minimum of 1 hour)	Based on 1 hour (labor, benefits and related costs)
Review of Plans and Specifications for Approval	\$40.00 per hour (minimum of 1 hour)	Based on 1 hour (labor and benefits)
Sending Violation Letter	\$15.00	Based on estimated time to prepare letter

(Ord. No. 2005-16, 5-6-2005; Ord. No. 2009-01, § 1(Exh. 1), 3-5-2009; Ord. No. 2010-01, 1-7-2010; Ord. No. 2011-03, § 1(Exh. A), 1-20-2011; Ord. No. 2012-03, § 1(Exh. 1), 2-16-2012)

Sec. 9-73. Connection to trunk system fee.

For any lot, parcel of land, building or premises situated within the city, and which lot, parcel of land, building or premises is not now discharging sanitary sewage into the sewerage system in the city, and which lot, parcel of land, building or premises is situated and located on a street in the city upon which the sanitary sewerage system will in the future extend the district or trunk sewer system, and whose owner or owners will at such time desire to connect such lot, parcel of land, building or premises and tap onto such district or trunk system shall pay the amount of one thousand five dollars (\$1,500.00) for such permit to do so.

All of the above rates and charges shall apply to any and all users of the city sewer system. (Ord. No. 2005-16, 5-6-2005; Res. No. 2007-02, 9-17-2007; Ord. No. 2007-13, 10-4-2007)

Cross reference—Miscellaneous fee schedule, § 4-12.

Sec. 9-74. Rate equitability.

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the district shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the district 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 sampling point, as defined in the sewer use ordinance, available to the district at all times.

Normal domestic sewage waste strength in excess of the parameters established in Appendix B "Excess Strength Sewage Surcharge" attached hereto, shall be billed at the rates contained in Appendix B.

(Ord. No. 2005-16, 5-6-2005)

Sec. 9-75. Transfer of tenant's delinquent balance to property owner's account.

(a) 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 of 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 said records are kept and during the hours that such office is open for business.

(b) That when a tenant's balance for service provided by the Lake Station Sanitary District becomes delinquent, the balance may be transferred to the property owners account with notice to the property owner.

(Ord. No. 2009-05, 2-5-2009)

Editor's note—Ord. No. 2009-05, adopted Feb. 5, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 9-75.

Sec. 9-76. Disputed delinquent sewer bills.

(a) If a sanitary district customer disputes a sewer bill, the customer should contact the Assistant Director of the Lake Station Board of Works to schedule an appointment to discuss the disputed charges and provide the assistant director all of the reasons, with any supporting documents, the bill is in error. If the assistant director determines that the charges are incorrect, the assistant director will correct the charges. If the assistant director determines the charges are correct, they must be paid promptly. However, the assistant director can, if

needed, agree to a payment plan with the delinquent customer. Payment of disputed charges by a customer does not constitute a waiver of any right of the customer to subsequently claim and recover from Lake Station any improperly charged sums as otherwise allowed by law.

(b) If a sanitary district customer is not satisfied with the determination of the assistant director of the board of works, the customer may file a written appeal with the board of commissioners of the sanitary district setting forth in the appeal all of the reasons why the customer believes the disputed bill is in error. The board shall review the appeal at its next public meeting and either grant the relief the customer is asking for or set the matter for a public hearing and give the customer written notice of the date, time and place of the hearing and their right to appear at the hearing and to give the board whatever relevant evidence, oral and written, that the customer wants the board to consider in deciding the matter. Every decision of the board must be made by a vote at a public meeting, reduced to writing, and given to the appealing customer and the assistant director for implementation.

(c) If the customer is not satisfied with the decision of the board, the customer may, within thirty (30) days of the date of the board's decision, file a complaint in a court of competent jurisdiction in Lake County, Indiana challenging the board's decision.

(d) This section to be effective upon passage by the council and approval by the mayor.
(Ord. No. 2009-21[A], 10-1-2009)

Editor's note—Ord. No. 2009-21[A], adopted Oct. 1, 2009, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as § 9-76.

Secs. 9-77—9-100. Reserved.

ARTICLE 7. SEWER USE

DIVISION I. GENERAL PROVISIONS

Sec. 9-101. Purpose and policy.

This article sets forth uniform requirements for discharges into, the construction of, and additions to, the Lake Station Sanitary District ("LSSD") wastewater collection and treatment system. These requirements enable the LSSD to protect public health, maintain a sound sewer infrastructure system in the future, and comply with all applicable local, state and federal laws relating thereto.

(Ord. No. 2011-05, (Exh. A, § I(A.), 4-21-2011)

Sec. 9-102. Objectives.

(a) To prevent the introduction of pollutants into LSSD's wastewater treatment system that will interfere with the normal operation of the wastewater treatment plant or contaminate the resulting municipal sludge; or result in LSSD's violation of their ordinance, permit, orders, laws, or rules and regulations, etc.;

(b) To prevent the introduction of pollutants into LSSD's wastewater treatment system which do not receive adequate treatment in the wastewater treatment plant, and which will pass through the plant into receiving waters or the atmosphere;

(c) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(d) To minimize the introduction of infiltration and inflow into the wastewater collection system that will occupy capacity reserved for community growth.

This article provides for the regulation of discharges into LSSD's wastewater system through the issuance of industrial discharge and building permits, the execution of special agreements, and the enforcement of administrative regulations and permit requirements.

In furtherance of these objectives, this article details the general regulation of discharges to public sewers, the issuance of connecting permits for building sewers, the inspection of building sewers, the issuance of construction permits for sewer construction, the issuance of discharge permits for industrial users of the system, and the enforcement of all applicable local, state, and federal laws and regulations required by the Clean Water Act, General Pretreatment Regulations (40 CFR Part 403), and consistent with the Lake Station Sanitary District Enforcement Response Guide.

(Ord. No. 2011-05, (Exh. A, § I(B.), 4-21-2011)

Sec. 9-103. Definitions.

As used in this article the following terms shall have the meanings ascribed to them in this part unless the context specifically indicates otherwise:

"*ASTM*" shall mean the American Society for Testing and Materials.

"*ACT*" shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., also known as the Clean Water Act.

"*Administrator*" or "*approval authority*" shall mean the Regional Administrator of the U.S. Environmental Protection Agency (U.S. EPA) or the Commissioner of the Indiana Department of Environmental Management (IDEM) or its successor, provided such state agency has a pretreatment program approved by the EPA.

"*Ammonia nitrogen*" shall mean the concentration, expressed in milligrams per liter (mg/l) of nitrogen that is in the ammonia form. Determination of ammonia nitrogen shall be in accordance with 40 CFR Part 136.

"*Authorized representative of industrial user*" shall mean:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; or
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"*Board*" shall mean the Lake Station Sanitary District's Board of Commissioners.

"*Biochemical oxygen demand—Total (tBOD)*" shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter (carbonaceous component) by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Celsius using U.S. EPA approved procedures in accordance with 40 CFR 136.

"*Building drain*" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet (1.5 meters) outside the inner face of the building wall.

"*Building sewer*" shall mean the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

"*Bypass*" shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

"*Categorical industrial user*" shall mean an industry whose effluent is regulated under 40 CFR 403.6.

"*Categorical pretreatment standard*" shall mean any regulation containing pollutant discharge limits promulgated by U.S. EPA in accordance with Section 307(b) and (c) of the Act which apply to a specific category of industrial users and which appear in the appropriate subpart of 40 CFR Chapter I, Subchapter N.

"*Carbonaceous biochemical oxygen demand (cBOD)*" measures the quantity of oxygen utilized in the biochemical oxidation of organic or carbon compounds while inhibiting the nitrogenous oxygen demand under standard laboratory conditions and by using standard laboratory analytical procedures, in accordance with 40 CFR 136, in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter (mg/l).

"*City*" shall mean the civil City of Lake Station, Lake County, Indiana.

"*Combined sewer*" shall mean a sewer designed to carry both sanitary wastewater and storm or surface-water runoff.

"*Compatible pollutants*" shall mean wastewater having or containing (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) fecal coliform bacteria, or (e) additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the state or board. It is further clarified that

conventional pollutants as identified by the U.S. EPA pursuant to Section 304(a)(4) of the Act in a form which causes interference with the POTW operations shall be considered non-compatible.

"*Composite sample*" shall mean a twenty-four (24) hour composite sample containing a minimum of twelve (12) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required in order to determine the average conditions during the compositing period when the wastewater loading is highly variable.

"*Council*" shall mean the Lake Station Common Council, Lake Station, Indiana.

"*Direct discharge*" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

"*Director*" shall mean the Director of the Lake Station Sanitary District or his/her authorized deputy, agent, or representative.

"*Discharge report*" shall mean the discharge monitoring report required by an industrial wastewater discharge permit describing, through representative sampling and measurements performed in accordance with 40 CFR 136, the nature of the monitored effluent discharge of an industrial user.

"*District*" shall mean the Sanitary District of the City of Lake Station, commonly known as the Lake Station Sanitary District (LSSD), and the board of commissioners thereof, Lake County, Indiana. Any reference thereto shall mean all territory within the perimeter of LSSD's boundaries or under its jurisdiction.

"*District sewer*" shall mean a sewer owned and operated by the Lake Station Sanitary District.

"*Domestic wastewater*" shall mean sewage introduced into a wastewater treatment system by residential users.

"*Effluent*" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

"*EPA*" shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

"*Foundation drains*" shall mean any network of pipes, pumps or drainage mechanisms located at, or under, a footing, foundation or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

"*Garbage*" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce, meat, fish, seafood, fowl and condemned food.

"*General pretreatment regulations*" shall mean "General Pretreatment Regulations for Existing and New Sources," 40 CFR Part 403, as amended.

"*Grab sample*" shall mean a sample which is taken from a wastestream on a one time basis with no regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

"*Groundwater remediation discharge*" shall mean the discharge or introduction of contaminated groundwater originating from an approved groundwater remediation project into the wastewater treatment system.

"*Heat pump discharge*" shall mean water discharged from a heat pump or other device that uses water as a heat source or heat sink.

"*Indirect discharge*" shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c), or (d) of the Act (33 U.S.C. 1317), into the wastewater treatment system (including holding tank waste discharged into the system).

"*Industrial pretreatment department*" shall mean the department of LSSD or its representatives that is responsible for implementation of the industrial pretreatment program for LSSD.

"*Industrial user (IU)*" shall mean any user of the wastewater treatment system who discharges, causes or permits the discharge of non-domestic wastewater into LSSD's wastewater treatment system.

"*Industrial waste*" shall mean all solid, liquid or gaseous waste resulting from any commercial, industrial, manufacturing, agricultural, trade or business operation or process or from the development, recovery or processing of natural resources.

"*Industrial wastewater*" shall mean a combination of liquid and water-carried waste discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

"*Infiltration*" shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, pipe connections and manholes or from drainage pipe constructed to remove groundwater from areas such as building foundations and farm fields.

"*Inflow*" shall mean the storm and surface water entering directly into the sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins, or storm water inlets.

"*Interference*" shall mean a discharge, alone or in conjunction with a discharge or discharges from other sources, which either:

- (1) Inhibits or disrupts LSSD's wastewater treatment plant, its treatment processes or operations, or its sludge processes, use or disposal; or

- (2) Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"*Lift station*" shall mean any arrangements of pumps, valves and controls that lifts wastewater to a higher elevation.

"*Maximum daily discharge concentration*" shall mean the highest allowable daily discharge for any calendar day during a calendar month based upon the type of sample (e.g. grab, 24-hour composite) required under this article, LSSD issued discharge permit, or categorical pretreatment standard promulgated by U.S. EPA.

"*Medical wastes*" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes or any other waste resulting from the provision of medical treatment.

"*NH₃-N*" shall mean the same as ammonia nitrogen measured as ammonia.

"*NPDES permit*" shall mean a permit issued under the National Pollutant Discharge Elimination System for the discharge of wastewaters to the navigable waters of the United States.

"*Natural outlet*" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

"*New source*" shall mean:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the

same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(ii) or (iii) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"*Noncontact cooling water*" shall mean the water used for cooling which does not come into direct contact with raw material, intermediate product, waste product, or finished product.

"*Nonindustrial user*" shall mean all users of the wastewater treatment system not included in the definition of "Industrial user."

"*Pass through*" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LSSD's NPDES permit, including an increase in the magnitude or duration of violation.

"*Person*" shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency, including but not limited to, the United States of America, the State of Indiana and all political subdivision authorities, districts, departments, agencies, bureaus, and instrumentalities thereof, or any other legal entity.

"*pH*" shall mean the negative logarithm of the concentration of hydrogen ions in solution.

"*Phosphorus*" shall mean the concentration, expressed in milligrams per liter (mg/l), of Total Phosphorus derived through acid hydrolysis of the sample conducted in accordance with 40 CFR 136.

"*Pollutant*" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, chemical materials, chemical wastes, or biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

"*Pollution*" shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"*Pretreatment*" or "*treatment*" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Part 403.6(d).

"*Pretreatment standard*" or "*regulation*" shall mean any substantive or procedural requirement related to pretreatment contained in this article, permit or any local, state, or federal regulations.

"*Private sewage disposal system*" shall mean any sewage disposal or wastewater treatment system not connected to a public sewer and constructed for the purpose of treating residential, commercial or industrial wastes

"*Process wastewater*" shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

"*Properly shredded garbage*" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"*Public sewer*" shall mean any combined or sanitary sewer or lift station located within the public right-of-way or a dedicated easement and which is controlled by a public authority.

"*Publicly owned treatment works*" or "*POTW*" shall mean a "treatment works/plant", as defined by Section 212 of the Act (33 USC Section 1292) which is owned by the City of Lake Station. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

"*Sanitary district*" shall mean the geographical area serviced by the Lake Station Sanitary District.

"*Sanitary sewer*" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"*Sewage*" shall mean wastewater.

"*Sewage system*" shall mean the network of publicly owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself. This term is also expressed as municipal wastewater system or wastewater collection system.

"*Sewer*" shall mean a pipe or conduit for carrying sewage or storm water.

"*Sewer work*" shall mean the connecting of any building sewer to a LSSD sewer, the making of a significant alteration to or significant repair of a building sewer to a building drain or the altering or repairing of a LSSD sewer.

"*Shall*" is mandatory; "*may*" is permissive.

"*Significant industrial user*" shall mean: 1) any categorical industrial user (CIU); 2) any other IU which a) discharges an average of twenty-five thousand (25,000) gallons of process wastewater per day; b) contributes a processed water which makes up five percent or more of the dry weather average hydraulic or organic capacity of LSSD's wastewater treatment system; or c) is found by LSSD, State of Indiana or the U.S. EPA to have significant impact, either by itself or in combination 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. Upon a finding that an IU meeting the above criteria has no reasonable potential for adversely affecting the wastewater treatment system of the LSSD or for violating any pretreatment standard or requirement, the LSSD may at any time, upon its own initiative or in response to a petition received from an industrial user, and in accordance 40 CFR 403.8(f)(6), determine that such an industrial user is not a significant industrial user.

"*Significant noncompliance (SNC)*" shall mean an industrial users' effluent meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the LSSD determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under section 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final completion;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance;
- (8) Any other violation or group of violations which LSSD determines will adversely affect the operation and implementation of the local pretreatment program.

"*Slug load*" or "*slug*" shall mean any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge at a flow rate or concentration which would cause a violation of the prohibited discharge standards in sections 9-112 and 9-113 of this article.

"*Sludge*" shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act as amended.

"*State*" shall mean the State of Indiana.

"*Standard industrial classification (SIC)*" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

"*Standard methods*" shall mean the laboratory procedures set forth in the latest addition, 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 and the Water Pollution Control Federation.

"*Storm drain*" or "*storm sewer*" shall mean a sewer which carries storm, surface water and drainage, but excludes sewage and industrial waters, other than unpolluted cooling water.

"*Storm water*" shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

"*Total suspended solids (TSS)*" shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering using U.S. EPA approved methods.

"*Toxic amount*" shall mean that concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as death, illness, cancer, genetic mutations, and physiological manifestations.

"*Toxic pollutant*" shall mean, but not be limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the CWA 302(A) or other acts.

"*Unpolluted water*" shall mean water of quality that would not cause a violation of receiving water quality standards, would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities, and without additional treatment could be directly discharged to waters of Indiana in compliance with local, state and federal law.

"*Upset*" shall mean an exceptional incident in any industrial user's facility, in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

"*User*" shall mean any person who contributes, causes or permits the contribution of wastewater into LSSD's wastewater treatment system.

"*Wastewater*" shall mean water-carried human wastes or a combination of water-carried wastes from residences, business, buildings, institutions and industrial establishments, together with any ground, surface, storm or other waters as may be present.

"*Wastewater normally discharged by a residence*" shall mean the wastewater contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty-five (35) pounds of suspended solids per month, and thirty (30) pounds of cBOD per month.

"*Wastewater treatment plant*" shall mean the portion of LSSD's wastewater treatment system that is designed to provide treatment of municipal sewage and industrial waste.

"*Wastewater treatment system*" shall mean all facilities for collecting, transporting, pumping, treating and disposing of wastewater.

"*Watercourse*" shall mean an open-channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 2011-05, (Exh. A, § I(C.), 4-21-2011)

Sec. 9-104. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD ₅	Biochemical Oxygen Demand
cBOD ₅	Carbonaceous Biochemical Oxygen Demand
CFR	Code of Federal Regulations

CIU	Categorical Industrial User
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
LSSD	Lake Station Sanitary District
IDEM	Indiana Department of Environmental Management
ISBH	Indiana State Board of Health
IU	Industrial User
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NH3-N	Ammonia Nitrogen
NPDES	National Pollutant Discharge Elimination System
O & M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-compliance
SWDA	Solid Waste Disposal Act, 42 USC et seq.
TRC	Technical Review Criteria
TSS	Total Suspended Solids
U.S. EPA	United States Environmental Protection Agency
40 CFR 136	U.S. EPA approved "Guidelines Establishing Test Procedures for the Analyses of Pollutants
330 IAC 5-12-2	"Regulations for National Pretreatment Standards for Prohibited Discharges"

(Ord. No. 2011-05, (Exh. A, § I(D.), 4-21-2011)

Secs. 9-105—9-110. Reserved.

DIVISION II. DISCHARGE AND SEWER REGULATIONS

Sec. 9-111. Unlawful disposal of wastes.

(a) It shall be unlawful to discharge to any natural outlet or watercourse within the district, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with the laws of the United States, State of Indiana, and the district.

(b) Except where a valid NPDES permit exists, the owner of all houses, buildings, or properties used for human occupancy, employment recreation or other purposes, situated within LSSD and abutting any street, alley or right-of-way in which there is now located or may in the future be located a LSSD sewer, is hereby required at his/her expense to connect such facilities directly with the LSSD sewer in accordance with the provisions of this article, within ninety (90) days after the day of official notice to do so, provided that said LSSD sewer

is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided.

(Ord. No. 2011-05, (Exh. A, § II(A.), 4-21-2011)

Sec. 9-112. General discharge prohibitions.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted water into any sanitary sewer.

(b) Storm water and all other unpolluted water may be discharged through structures existing prior to the prohibition of this practice to such sewers as are specifically designated as combined sewers or storm sewers. No new storm water or unpolluted water flow shall be introduced to the combined sewer system except as provided in division IV. Industrial cooling water or unpolluted process waters may be discharged, on approval of application, as provided in division IV.

(Ord. No. 2011-05, (Exh. A, § II(B.), 4-21-2011)

Sec. 9-113. Specific discharge prohibitions.

(a) No person shall discharge or cause to be discharged to any LSSD sewer wastewater or pollutant which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

- (1) A fire or explosion hazard in the LSSD's Wastewater Treatment System including, but not limited to, wastestreams with a closed cup flashpoint of less 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods in 40 CFR 261.21.
- (2) Corrosive structural damage to the wastewater treatment system but in no case any solution with pH lower than 5.5 or higher than 9.0;
- (3) Obstruction to the flow in LSSD sewers, or other interference with the proper operation of the wastewater treatment system;
- (4) An interference;
- (5) A pass-through;

(b) No person shall discharge or cause to be discharged to any LSSD sewer:

- (1) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;
- (2) Heat in amounts which will inhibit biological activity at the wastewater treatment plant but in no case greater than sixty (60) degrees Centigrade (140 degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit).
- (3) 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, to create a toxic effect in the receiving waters of the wastewater treatment plant, or to exceed applicable categorical pretreatment standards;

- (4) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (5) Pollutants which result in the presence of toxic gases, vapors, or fumes with LSSD's wastewater treatment plant in a quantity that will cause acute worker health and safety problems;
- (6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (7) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater works such as, but not limited to grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood plastics, tar, medical wastes, asphalt residues from refining or processing of fuels or lubricating oil, mud, glass grinding or polishing wastes, or tumbling and deburring stones;
- (8) Any substance that may cause the wastewater treatment plant effluent or any other product of the wastewater treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater treatment plant cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;
- (9) Any substance that will cause the wastewater treatment plant to violate its NPDES permit or the receiving stream's water quality standards;
- (10) Any wastewater containing radioactive material including, but not limited to, radioactive waste above limits, regulations, or orders issued by the appropriate authority having control over their use.
- (11) Detergents, surface-active agents, or other substances which may cause excessive foaming in the wastewater treatment system.
- (12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oils, or antifreeze, except at concentrations which do not exceed levels of such substances which are routinely present in the normal wastewater discharge and do not otherwise violate any section of this chapter or the conditions of an industrial discharge permit or a special agreement.

- (13) Polychlorinated biphenyls (PCBs) in any detectable concentrations.
- (14) Unpolluted water except as provided in division IV.
- (c) No person shall discharge or cause to be discharged to the sewer or the POTW:
- (1) Any trucked or hauled industrial process or hazardous wastes.
 - (2) Any septic tank waste, except at discharge points designated by the POTW and with a valid liquid waste hauler discharge permit.
- (d) No person shall discharge or cause to be discharged a wastewater which has a value which exceeds the specific pollutant limitation shown in Table I. Industries must report results for the parameters listed where there are no set limitations.

Table I. Specific Pollutant Limitations

<i>Pollutant</i>	<i>Sample Type</i>	<i>Maximum Daily Concentration (mg/l)</i>
Arsenic	24 hr. Composite	0.037
Cadmium (Total)	24 hr. Composite	0.25
Chromium (Total)	24 hr. Composite	0.97
Chromium (Hexavalent)	Grab	0.77
Copper (Total)	24 hr. Composite	2.5
Cyanide (Total)	Grab	0.058
Iron	24 hr. Composite	16.7
Lead (Total)	24 hr. Composite	0.88
Mercury (Total)	Grab	0.0009*
Molybdenum	24 hr. Composite	12.1
Nickel (Total)	24 hr. Composite	2.7
Selenium	24 hr. Composite	1.19
Silver (Total)	24 hr. Composite	1.2
Zinc (Total)	24 hr. Composite	2.9
Phenols (4AAP)	Grab	0.7
Oil and Grease	Grab	60
Chlorides	24 hr. Composite	114*
Fluorides	24 hr. Composite	12.5
Sulfate	24 hr. Composite	1125
Total Dissolved Solids	24 hr. Composite	768*
Benzene	Grab	Report
Toluene	Grab	Report
Ethylene	Grab	Report
Xylene	Grab	Report

*Interim Local Limit

(e) A grease interceptor shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in non-residential dwelling units or any establishments where grease may be introduced into the drainage, or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size, and method of installation of the grease interceptor shall meet the requirements imposed by the Administrative Building Council of the State of Indiana and shall be reviewed and approved by LSSD prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, LSSD may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by LSSD. Any removal and hauling of the collected materials not performed by the owner or the owner's personnel must be performed by a licensed waste disposal firm.

(Ord. No. 2011-05, (Exh. A, § II(C.), 4-21-2011)

Sec. 9-114. Modification of federal categorical pretreatment standards.

When LSSD demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, and any amendments thereto, LSSD may apply to the Administrator of EPA, or IDEM, for authorization to give a removal credit to reflect removal of toxic or other regulated pollutants by LSSD's wastewater treatment system.

(Ord. No. 2011-05, (Exh. A, § II(D.), 4-21-2011)

Sec. 9-115. State and federal requirements.

Federal categorical pretreatment standards found under the appropriate Part of 40 CFR Chapter I, Subchapter N, or state requirements and limitations on discharges shall apply in any case where they are more stringent than those in this article.

(Ord. No. 2011-05, (Exh. A, § II(E.), 4-21-2011)

Sec. 9-116. LSSD's right of revision.

LSSD reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater system than those in this article if deemed necessary to comply with the objectives presented in this article, local, state, or federal laws or regulations.

(Ord. No. 2011-05, (Exh. A, § II(F.), 4-21-2011)

Sec. 9-117. Baseline monitoring report.

Within one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made on a category, which ever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging or scheduled to discharge to the

wastewater treatment system will be required to submit to LSSD a report containing the following information as required by 40 CFR 403.12(b) and listed in paragraphs (1)—(7) below. Where reports containing this information already have been submitted to LSSD in compliance with the requirement of 40 CFR 128.140(b)(1977), the industrial user will not be required to submit this information again. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to LSSD a report which contains the information listed in paragraphs (1)—(5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (4) and (5) of this section.

- (1) *Identifying information.* The industrial user shall submit the name and address of the facility including the name of the operator and owners.
- (2) *Permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.* An industrial user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater treatment system from the regulated processes.
- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater treatment system from each of the following:
 - a. All regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastestream formula or formula of 40 CFR 403.6(e).

The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (5) *Measurement of pollutants.* The pretreatment standards for measuring pollutants are done according to 40 CFR 403.12(b)(5).
- (6) *Certification.* A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements as set forth in 40 CFR 403.12(b)(6).
- (7) *Compliance schedule.* If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the industrial user shall comply with provision as set in forth 40 CFR 403.12(b)(7).

- (8) *Signatory requirements.* All baseline monitoring reports, 90-day compliance, and periodic compliance reports must be signed and certified consistent with 40 CFR 403.12(1).

(Ord. No. 2011-05, (Exh. A, § II(G.), 4-21-2011)

Sec. 9-118. Excessive discharge/dilution prohibition.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. LSSD may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(Ord. No. 2011-05, (Exh. A, § II(H.), 4-21-2011)

Sec. 9-119. Notification procedures for accidental discharge noncompliance and changed discharges.

(a) In case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the Industrial Pretreatment Department within two (2) hours of the incident. The notification shall include: (a) Name of company; (b) Location of discharge; (c) Type of waste discharged; (d) Concentration and volume of waste discharged; (e) Corrective actions taken to minimize the impact of the discharge to the wastewater treatment plant; (f) Date and time of occurrence.

(b) The industrial user shall immediately notify LSSD, within two (2) hours of their knowledge, if it is unable to comply with any requirement of this article and/or any pretreatment standard because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in paragraph (a) above.

(c) Within five (5) calendar days following an accidental discharge or incident of noncompliance, the industrial user shall submit to LSSD a detailed written report describing;

- (1) The cause of the accidental discharge or noncompliance;
- (2) The period of the accidental discharge or noncompliance, including exact dates and times or if not corrected, the anticipated time the noncompliance is expected to continue;
- (3) Steps being taken and/or planned to reduce, eliminate or prevent recurrence of the accidental discharge or noncompliance.

(d) Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as the result of damage to the wastewater treatment system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(e) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have burden of proof. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
- (3) The industrial user has submitted to LSSD the information required in paragraphs (a), (b), and (c) above.

(f) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. LSSD or its representative should be included on this notice. Employers shall ensure that all employees who may observe, cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(g) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(h) LSSD shall evaluate each significant industrial user for the need of a slug control plan and if LSSD decides that a slug control plan is needed, the plan shall contain, at a minimum, the requirements as set forth in 40 CFR 403.8(f)(2)(v).

(Ord. No. 2011-05, (Exh. A, § II(I.), 4-21-2011)

Sec. 9-120. Liability for damage.

If any person discharges or causes to be discharged a waste which causes interference, obstruction, damage or any other impairment to the wastewater treatment system, the director may assess a charge against said person for:

- (1) The work and materials required to clean or repair the wastewater treatment system; and
- (2) Any civil penalty, fine or cost of compliance with injunctions or other orders of a court or governmental authority imposed against LSSD as a result of such interference, obstruction, damage or impairment;
- (3) All other costs incurred by the LSSD or the City of Lake Station as a result of such interference, pass through, obstruction, damage or impairment including but not limited to expert, consultant, and attorneys' fees; and add such charges to said person's bill.

(Ord. No. 2011-05, (Exh. A, § II(J.), 4-21-2011)

Sec. 9-121. Duty to mitigate: Prevention of adverse impact.

All users shall take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this article that has a reasonable likelihood of adversely affecting human health, the POTW, the waters receiving the POTW's discharge, or the environment. (Ord. No. 2011-05, (Exh. A, § II(K.), 4-21-2011)

Sec. 9-122. Monitoring devices: Metering equipment.

(a) *Installation and maintenance at industrial user's expense.* The director may require, as is necessary to carry out the requirements of this article, any industrial user to construct at his/her expense, monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the industrial user's expense. The monitoring facility should normally be situated on the industrial user's premises, but the pretreatment manager may, when such a location would be impractical or cause undue hardship, allow the facility to be constructed in the public right-of-way; provided, however, the city's board of works shall be the authority, through the city's engineering department, to determine the locations on the public right-of-way, on or below which the monitoring device and facility shall be placed.

(b) *Temporary right-of-way use permit.* The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall acquire a temporary right-of-way use permit from the city. The city's engineering department shall review the temporary right-of-way use request and site plan prior to issuing the permit. (Ord. No. 2011-05, (Exh. A, § II(L.), 4-21-2011)

Sec. 9-123. Right to inspect.

Whenever required to carry out the objectives of this article or of any issued industrial wastewater discharge permit, the authorized representative of LSSD, IDEM, and/or U.S. EPA, upon presentation of his/her credentials, shall have a right of entry to, upon, or through any premises for purpose of reviewing or photocopying relevant records, measuring, and sampling of the discharges or inspection premises, fixtures or equipment. This right of entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring, and sampling. It shall be the duty of the discharger to provide all necessary clearance before entry and not to unnecessarily delay or hinder the authorized representative in carrying out the review or photocopying of relevant records, inspection, measuring and sampling. The right of entry shall exist at any time. (Ord. No. 2011-05, (Exh. A, § II(M.), 4-21-2011)

Sec. 9-124. Search warrants.

If the pretreatment manager or other authorized representative of the LSSD has been refused access to building, structure, or property or any part thereof, and if the pretreatment manager or authorized representative has probable cause to believe that there may be a violation of this article or that there is the need to inspect as a part of routine inspection

program of the LSSD designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then upon application to the appropriate court, the pretreatment manager may seek a search and seizure warrant describing therein the specific location subject to the warrant. The request by the pretreatment manager shall specify what may be searched or seized on the property described. Such warrant shall be served at reasonable hours by the pretreatment manager or authorized representative in the company of a uniformed police officer. In the event of an extreme emergency affecting the public health and safety, inspections shall be made without the issuance of a warrant.

(Ord. No. 2011-05, (Exh. A, § II(N.), 4-21-2011)

Sec. 9-125. Rules and regulations.

After the passage of this article, and from time to time thereafter as may be needed, the board of commissioners may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this article and not inconsistent therewith.

(Ord. No. 2011-05, (Exh. A, § II(O.), 4-21-2011)

Sec. 9-126. Penalties.

(a) Notwithstanding any other section, any person who violates any provision or discharge limit of this article or of their issued industrial wastewater discharge permit may be assessed an administrative or civil penalty in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per offense. Each parameter violated shall constitute a separate offense. Further, each day's violation shall constitute a separate offense.

(b) Any and all penalties assessed and compliance with this article may be enforced in a court of competent jurisdiction.

(c) Nothing in this article shall restrict any right which may be provided by statute or common law to LSSD to bring other actions, at law or at equity, including injunctive relief.

(Ord. No. 2011-05, (Exh. A, § II(P.), 4-21-2011)

Sec. 9-127. Record keeping requirements.

(a) Any industrial user subject to the reporting requirements established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling;
- (2) The name(s) of the person or persons taking the samples;
- (3) The dates analyses were performed;
- (4) The names of the persons who performed the analyses;
- (5) The analytical techniques/methods used;
- (6) The results of such analyses;

- (7) A laboratory certification statement;
- (8) The signature of an authorized representative; and
- (9) Properly completed Chain-of-Custody.

(b) Any industrial user subject to the reporting requirements established in this article shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available to the U.S. EPA, IDEM, LSSD or their authorized representatives for inspecting and copying. This period shall automatically be extended for the duration of litigation concerning the industrial user or LSSD, or as requested by U.S. EPA, IDEM or LSSD.

(Ord. No. 2011-05, (Exh. A, § II(Q.), 4-21-2011)

Sec. 9-128—9-140. Reserved.

DIVISION III. INDUSTRIAL WASTEWATER DISCHARGE PERMITS

Sec. 9-141. Permits required.

(a) All industrial users proposing to connect to or discharge into a LSSD sewer must complete an application for an industrial wastewater discharge permit before connecting to or discharging into a LSSD sewer.

(b) All significant industrial users connected to or discharging into a LSSD sewer, who do not currently have an industrial wastewater discharge permit, must complete an application for an industrial wastewater discharge permit within thirty (30) days after the effective date of this article.

(c) All significant industrial users shall obtain an industrial wastewater discharge permit from LSSD before connecting or discharging into LSSD's sewers.

(d) No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or industrial wastewater discharge permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this article.

(Ord. No. 2011-05, (Exh. A, § III(A.), 4-21-2011)

Sec. 9-142. Permit application.

(a) The pretreatment manager shall have the authority to prescribe an industrial wastewater discharge permit application form. The application form may require the following information:

- (1) Name, address, and standard industrial classification number;
- (2) Volume of wastewater to be discharged;

- (3) The wastewater characteristics, including, but not limited to BOD, suspended solids, ammonia, and pH;
- (4) Description of daily, weekly, and seasonal variations in discharges;
- (5) Location of building drain and/or building sewer;
- (6) Pretreatment standards applicable to the discharge;
- (7) If additional pretreatment and/or operation and maintenance is required to meet the pretreatment standards, the industrial user shall provide it by the shortest possible compliance schedules. The completion date in this schedule shall not be later than the compliance date established for any applicable federal pretreatment standard. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);
 - b. No increment referred to in paragraph (a)(7) or a. shall exceed nine (9) months;
 - c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the pretreatment manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the pretreatment manager.
- (8) Each product produced by type, amount, process or processes, and rate of production;
- (9) The number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
- (10) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (11) Site plans, floor plans, mechanical and plumbing plans and details which show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (12) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or National Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards;

- (13) An evaluation of the facilities required, costs (capital and operation and maintenance), and analysis of the feasibility of the providing the capability to suspend or provide holding capacity for permitted discharges during wet weather periods for durations of six (6), twelve (12) and twenty-four (24) hours.
 - (14) Any other information as may be deemed by the pretreatment manager to be necessary to evaluate the industrial wastewater discharge permit application.
- (b) The industrial wastewater discharge permit application is to be signed and sworn to by:
- (1) In case of a corporation or an association, an officer, or his/her duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates;
 - (2) In the case of a partnership, a general partner;
 - (3) In the case of a sole proprietorship, by the proprietor;
 - (4) In the case of a governmental agency, by the principal executive officer.
- (Ord. No. 2011-05, (Exh. A, § III(B.), 4-21-2011)

Sec. 9-143. Term.

The industrial wastewater discharge permit shall be for a term not to exceed five (5) years. Any person wishing to continue to discharge to a LSSD sewer beyond the term of the industrial wastewater discharge permit shall apply for renewal of the industrial wastewater discharge permit at least one hundred eighty (180) days prior to the expiration of said permit.
(Ord. No. 2011-05, (Exh. A, § III(C.), 4-21-2011)

Sec. 9-144. Conditions.

The pretreatment manager may prescribe conditions to the industrial wastewater discharge permit that may include the following:

- (1) Applicable federal and/or state laws, regulations or orders;
- (2) Limits on the wastewater characteristics in addition to those contained in this article, including, but not limited to, polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the wastewater treatment system. The director shall apply applicable federal categorical pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology;
- (3) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a LSSD sewer, as established by board;
- (4) Limits on the average and maximum wastewater constituents and characteristics;
- (5) Limits on average and maximum rate and time of discharge or requirements for flow regulation, equalization, or suspension;
- (6) Requirements for installation and maintenance of inspection and sampling facilities;

- (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- (8) Compliance schedules;
- (9) Requirements for submission of technical reports or discharge reports;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by LSSD, and affording LSSD access thereto;
- (11) Requirements for notification of LSSD of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (12) Requirements for notification of slug discharges;
- (13) A statement that indicates industrial wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (14) A statement that the industrial wastewater discharge permit is nontransferable in accordance with section 9-147 of this article;
- (15) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
- (16) Other conditions as deemed appropriate by LSSD to ensure compliance with this article.

(Ord. No. 2011-05, (Exh. A, § III(D.)), 4-21-2011)

Sec. 9-145. Permit modifications.

As soon as possible after promulgation of a categorical pretreatment standard, the industrial wastewater discharge permit of industrial users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the industrial user, with an existing industrial wastewater discharge permit, shall submit to the pretreatment manager within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by division III. Industrial wastewater discharge permits of industrial users, who must comply with federal categorical pretreatment standards prior to the effective date of this article, shall be revised immediately upon the effective date of this article to reflect applicable pretreatment standards. LSSD reserves the right to amend any part of a permit issued under this section to comply with local, state, or federal laws and regulations.

(Ord. No. 2011-05, (Exh. A, § III(E.)), 4-21-2011)

Sec. 9-146. Fees.

There shall be an application fee of fifty dollars (\$50.00) for an industrial wastewater discharge permit. Payment of the fee shall accompany submission of the completed applica-

tion. This fee shall apply to original and renewal permit applications and modifications initiated by the permittee of existing permits. A three hundred dollar (\$300.00) permit fee shall be paid for all permits which are renewed and a five hundred dollar (\$500.00) permit fee shall be paid for all new, assigned, or transferred permits. Payment of fees shall be paid before issuance of permits.

(Ord. No. 2011-05, (Exh. A, § III(F.), 4-21-2011)

Sec. 9-147. Nonassignability or transferability.

The industrial wastewater discharge permits are issued to a specific person for a specific facility and do not constitute a property interest, nor shall the industrial wastewater discharge permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation without notice to and written approval by the LSSD board.

(Ord. No. 2011-05, (Exh. A, § III(G.), 4-21-2011)

Sec. 9-148. Pretreatment.

Industrial users shall provide necessary wastewater treatment as required to comply with the article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to LSSD shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to LSSD for review and approval of such plans by IDEM before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to LSSD under the provisions of this article. Any subsequent significant modifications in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to LSSD prior to the industrial user's initiation of the changes.

(Ord. No. 2011-05, (Exh. A, § III(H.), 4-21-2011)

Sec. 9-149. Compliance date report.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any industrial user subject to pretreatment standards or regulations shall submit to the pretreatment manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or regulations and the average and maximum daily flow for these process units in the industrial user facility which are limited by pretreatment standards or regulations. The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis and, if not, what additional operation and

maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or regulations. This statement shall be signed by an authorized representative of the industrial user.

(Ord. No. 2011-05, (Exh. A, § III(I.), 4-21-2011)

Sec. 9-150. Periodic compliance reports.

Any industrial user subject to a pretreatment standard set forth in this article, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the wastewater treatment system, shall submit to the pretreatment manager, during the months of June and December, unless required more frequently in the pretreatment standard or by the pretreatment manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily and average flows reported pursuant to this article. At the discretion of the pretreatment manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment manager may agree to alter the months during which the above reports are to be submitted.

Reports of permittees shall contain the results of sampling and analyses of the effluent discharge, including the flow, the nature and concentration or production and mass where requested by the pretreatment manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR Part 136. Where 40 CFR Part 136 does not include sampling or analytical technique for the pollutant in question, sampling and analyses shall be performed in accordance with the procedures set forth in the latest edition of U.S. EPA approved "Standard Methods for the Examination of Water and Wastewater" or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.

(Ord. No. 2011-05, (Exh. A, § III(J.), 4-21-2011)

Sec. 9-151. Hazardous waste reporting.

Any industrial user which disposes of hazardous waste, as defined under 40 CFR Part 261, must file reports with LSSD within one hundred eighty (180) days of the effective date of the categorical pretreatment standards or one hundred eighty (180) days after the final administrative decision on the categorical pretreatment standard, whichever is later. Said reports must contain the information required by 40 CFR 403.12.

(Ord. No. 2011-05, (Exh. A, § III(K.), 4-21-2011)

Sec. 9-152. Penalties for violations.

If any wastewater exceeds the pollutant limitations established in this article, the board of commissioners may:

- (1) Reject the wastewater.

(2) Require the discharger to pretreat or modify the wastewater to meet the pollutant limits established in the article.

(3) Fine the violator in accordance with section 9-126. Take such other legal action which the hearing officer or board may deem appropriate.

(Ord. No. 2011-05, (Exh. A, § III(L.), 4-21-2011)

Sec. 9-153. Confidential information.

(a) The pretreatment manager shall protect any information (other than effluent data) contained in the application forms, or other records, reports or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person. Said information must be designated as confidential at the time it is provided to LSSD.

(b) Information accepted by LSSD with a claim for confidentiality shall be safeguarded by LSSD and shall not be transmitted to any government agency or to the public until and unless a fifteen-day notification is given to the user. During the fifteen-day period, the user shall submit a justification of confidentiality to the pretreatment manager. A determination of confidentiality shall be made by the pretreatment manager pursuant to regulation used by IDEM.

(c) This section shall not apply to U.S. EPA and IDEM which shall have immediate and unlimited access to any and all information collected by LSSD in accordance with its pretreatment program.

(Ord. No. 2011-05, (Exh. A, § III(M.), 4-21-2011)

Sec. 9-154. Emergency suspension of service and industrial wastewater discharge permit.

Notwithstanding any other provision of this article, the pretreatment manager may, without notice or hearing, suspend the wastewater treatment service and/or an industrial wastewater discharge permit when such suspension is necessary, in the opinion of the pretreatment manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the wastewater treatment system, or causes LSSD to violate any condition of its NPDES permit. Any industrial user notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person or industrial user to comply voluntarily with the suspension order, the pretreatment manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals. The pretreatment manager shall reinstate the industrial wastewater discharge permits and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The industrial user shall pay all costs associated with disconnecting from and reconnecting to the LSSD sewer. A detailed written statement submitted by the

industrial user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the pretreatment manager within five (5) days of the date of occurrence.

(Ord. No. 2011-05, (Exh. A, § III(N.), 4-21-2011)

Sec. 9-155. Revocation.

The pretreatment manager may revoke the industrial wastewater discharge permit of any person or industrial user for any of the following:

- (1) Violation of any provision of this article or of any applicable state and/or federal law including regulations;
- (2) Failure to timely file any discharge reports;
- (3) Failure to factually report wastewater characteristics;
- (4) Refusal of reasonable access to the user's premises for the purpose of review of records, inspection, or monitoring; or
- (5) Violation of any condition of the industrial wastewater discharge permit.

(Ord. No. 2011-05, (Exh. A, § III(O.), 4-21-2011)

Sec. 9-156. Notice of revocation.

Except in cases of willfulness or those in which the public health interest or safety requires otherwise, the revocation, withdrawal, or suspension of an industrial wastewater discharge permit is lawful only if, before the institution of proceedings thereof, the permittee has been given:

- (1) Notice by the pretreatment manager, in writing, of the facts or conduct which may warrant the action.
- (2) Opportunity to demonstrate or achieve compliance with all lawful requirements.

(Ord. No. 2011-05, (Exh. A, § III(P.), 4-21-2011)

Sec. 9-157. Notification of violation.

Whenever the pretreatment manager finds that any industrial user has violated or is violating this article, or any condition of its industrial wastewater discharge permit, the pretreatment manager may serve upon such person a written notice stating the nature of the violation. Within fifteen (15) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to LSSD by the industrial user.

(Ord. No. 2011-05, (Exh. A, § III(Q.), 4-21-2011)

Sec. 9-158. Show cause hearing.

The pretreatment manager may order any industrial user who causes or allows an unauthorized discharge to enter the wastewater treatment plant to show cause at a LSSD hearing why the proposed enforcement action should not be taken. A notice shall be served on

the industrial user specifying the time and place of a hearing to be held before the pretreatment manager or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing. (Ord. No. 2011-05, (Exh. A, § III(R.), 4-21-2011)

Sec. 9-159. Appeals.

An industrial user may file with the pretreatment manager a written request for reconsideration within fifteen (15) days of any action, decision or determination taken as part of LSSD's administrative enforcement program. The request shall set forth in detail the facts surrounding the request. The pretreatment manager or hearing officer shall make his/her final determination within ten (10) days of the request.

The industrial user may further appeal to the board within fifteen (15) days of any final decision of the pretreatment manager or hearing officer. (Ord. No. 2011-05, (Exh. A, § III(S.), 4-21-2011)

Sec. 9-160. Publication of violations.

LSSD shall annually publish in the largest local newspaper a list of the industrial users which have been in Significant Noncompliance during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the industrial user(s) during the same twelve (12) months. (Ord. No. 2011-05, (Exh. A, § III(T.), 4-21-2011)

Sec. 9-161. Hauled wastewater.

- (1) Generators and transporters of septic tank liquid and other hauled wastewater may be allowed to discharge at the LSSD Wastewater Treatment Plant at designated area and at such designated times as established by the director provided such wastes do not violate division II or division III of this article or other requirements established or adopted by the LSSD.
- (2) No waste hauling vehicle will be allowed to discharge any hauled waste without obtaining a discharge permit under division III of this article.
- (3) Any hauled wastewater is subject to sampling and analysis by the LSSD. Samples will be analyzed in accordance with 40 CFR 136 or other methods approved by U.S. EPA or IDEM for evaluation of wastewater.
- (4) Rates and charges for discharge of hauled wastewater and required sampling and analysis will be as provided in the Sewer Rate Ordinance.

(Ord. No. 2011-05, (Exh. A, § III(U.), 4-21-2011)

Sec. 9-162. Enforcement response guide.

Enforcement of this article and industrial wastewater discharge permits shall be according to the procedures outline in the LSSD's Enforcement Response Guide. (Ord. No. 2011-05, (Exh. A, § III(V), 4-21-2011)

Sec. 9-163—9-170. Reserved.

DIVISION IV. BUILDING SEWERS

Sec. 9-171. Connection permits.

(a) *Permit required.* It shall be unlawful to cause or allow the repair, modification or connection of a building sewer to a public sewer or another building within LSSD without a valid sanitary sewer connection permit issued by LSSD.

(b) *Minimum elevation for gravity connection.* Unless an appropriate backflow preventer is installed, a sewer connection permit may not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(c) *Permit fee.* Fees for a sanitary sewer connection permit shall be adopted in a separate ordinance in which such fees are set. The board of commissioners may revise the amount of such fee but not more often than once each calendar year. The fee shall cover the costs of mandatory inspection by LSSD of the building sewer and its connection, and any reinspection that may be necessary because of remedial construction.

(d) *Modification of permit fee.* The board may modify the fee for connection permits under a public improvement resolution or in the exercise of LSSD's general powers and duties to construct LSSD sewers.

(e) *Applications.* An application for such connection permit shall be made on a form prescribed by the pretreatment manager and may require the following information:

- (1) Name and address of the owner;
- (2) The name, address and telephone number of the contractor;
- (3) Address, and if necessary, the legal description of the premises where the work is to be done;
- (4) Plans for the building sewer and connections, which at a minimum must consist of drawing(s) of the building, the parcel boundaries, the connection detail, materials of construction, and installation method;
- (5) Any other information as may be deemed reasonable and necessary by the pretreatment manager to carry out the provisions of this article.

(f) *Who may apply.*

- (1) Applications for a sewer connection permit shall only be made by the following:
 - a. A plumbing contractor licensed by the state and registered with the City of Lake Station.
 - b. A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of the city's building department. Surety bond requirements are met if the building sewer contractor has filed and maintains with LSSD a surety bond. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy.
- (2) LSSD may deny permits to any applicant who is currently in violation of this article or any other applicable regulations.
- (3) Application by persons other than those listed above may be accepted at the discretion of the pretreatment manager.

(g) *Conformance with Indiana Fire Prevention and Building Safety Regulations.* All sewer work and other construction actually performed on or associated with the building drain, building sewer and the connection of the building drain, building sewer and the connection of the building sewer to the public sewer shall be in accordance with the rules of the Indiana Fire Prevention and Building Safety Commissions and the stated specifications of the LSSD and the City's Building Department.

(h) *Expiration of permit.* The connection permit shall expire if work is not initiated within one hundred fifty (150) days from the date of issuance. The pretreatment manager may, however, for good cause, extend the duration of the permit for a reasonable period.

(i) *Provisions of article supplemental to other construction ordinances.* This article shall not be construed as contravening any ordinances of the city relating to construction within public streets, roads, or right-of-way, but rather shall be supplemental thereto.

(j) *Enforcement of bond.* Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in this article as follows:

- (1) LSSD's counsel may initiate proceedings to forfeit a bond:
 - a. As a penalty for repeated violations by a contractor, his agents or employees; or
 - b. To indemnify LSSD against any loss, damage or expense sustained by LSSD by reason of the conduct of the contractor, his agents or employees.
- (2) A person, partnership, or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written and after the contractor has been given a reasonable opportunity to correct its performance. If such a person, partnership, or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the

aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.

(Ord. No. 2011-05, (Exh. A, § IV(A.), 4-21-2011)

Sec. 9-172. Prohibition against clear water discharges.

(a) Except as provided in this section, it shall be unlawful to cause or allow the connection of a building sewer to a public sewer or other building sewer when such building sewer has any of the following sources of clear water connected to it.

- (1) Foundation/footing drains;
- (2) Sump pumps with foundation drains connected;
- (3) Roof drains;
- (4) Heat pump discharge;
- (5) Cooling water; or
- (6) Any other sources of unpolluted water.

(b) In addition to any other provision provided herein, any person found violating any provision listed in this section may be required to correct such connections at his expense.

(c) In the event an industrial or commercial entity finds it necessary to discharge unpolluted water consisting of cooling water and/or steam condensate into the public sewer and the sewer has the capacity to receive such clear water without affecting existing or future users, LSSD may enter into an agreement for such discharge that will define a metering system or any other requirement deemed necessary to measure the flow. The user rate for such discharge shall be calculated by LSSD in accordance with its current fee schedule.

(Ord. No. 2011-05, (Exh. A, § IV(B.), 4-21-2011)

Sec. 9-173. Dewatering discharge to a storm sewer.

(a) It shall be unlawful to discharge the water resulting from dewatering activity to a sanitary sewer at any time, whether such activity is temporary or permanent, without a valid sewer discharge permit issued by LSSD. As a condition to the issuance of a permit, the applicant shall install, maintain and operate at the user's expense a metering device to measure the flow associated with such discharge and provide required analytical data.

(b) Based upon the volumes determined by the measurements, use will be charged appropriate user fees in accordance with LSSD's current fee schedule.

(c) Users shall be required to submit monthly reports, subject to verification if authorized by the pretreatment manager, to serve as the basis for billing, with any necessary adjustments in the amount made after verification.

(Ord. No. 2011-05, (Exh. A, § IV(C.), 4-21-2011)

Sec. 9-174. Mandatory inspection.

(a) *Notification.* It shall be the duty of the holder of a connection permit to notify LSSD in the manner described on the sanitary sewer connection permit that the sewer work is available for inspection. LSSD will conduct inspections on building sewer connections by appointment from 8:00 a.m. to 5:00 p.m. local time, Monday through Friday, except for observed LSSD holidays. The building sewer, in its entirety from the foundation to the connection with the public sewer or existing lateral, must be exposed for inspection and be properly bedded in accordance with LSSD's standard specifications to one-half ($\frac{1}{2}$) the diameter of the building sewer. It is further the duty of the permit holder to install safety barricades, fences, or other safety measures while waiting for an inspection. The permit holder may backfill the building sewer trench if LSSD has not made an inspection within a four-hour period after notice has been given to LSSD. In the event the building sewer is not completed and ready inspection upon the inspector's arrival or if the notification is made after 1:00 p.m. local time, Monday through Friday, the permit holder shall make the building sewer and connection available for a four-hour period on the following LSSD work day. An inspection may be waived with or without conditions with the approval of the pretreatment manager.

(b) *Right of entry.* LSSD shall have the right of entry to, upon or through any premises, for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the LSSD sewer including inspection for clear water discharges into the sewer.

(Ord. No. 2011-05, (Exh. A, § IV(D.), 4-21-2011)

Sec. 9-175. Building sewer maximum length.

Except for building sewers serving single - or double - family residences, or single-owner industrial facilities, connection permits will not be issued for building sewers exceeding six hundred (600) feet in length as measured from the outside of the building to the center of the public sewer, unless the sewer is constructed in a dedicated easement or right-of-way. No more than one hundred (100) feet of a building sewer shall exist within public right-of-way.

(Ord. No. 2011-05, (Exh. A, § IV(E.), 4-21-2011)

Sec. 9-176. Maximum number of connections.

No more than one (1) building will be permitted to connect to a building sewer. Sewers with more than one (1) connection must be constructed as a public sewer in a dedicated easement, unless LSSD determines that an exception is justified.

(Ord. No. 2011-05, (Exh. A, § IV(F.), 4-21-2011)

Sec. 9-177. Building sewer responsibility.

It shall be the responsibility of the property owner(s) whose property is benefited to provide for, install, and make private connections for the use of their premises to an existing public or building sewer. Further, it shall be the responsibility of the owner to make all necessary repairs, extension, relocations, changes or replacements thereof, and of any accessories

thereto. These requirements may be altered, modified or waived at the discretion of the pretreatment manager when it is shown that compliance is not possible due to extenuating circumstances.

(Ord. No. 2011-05, (Exh. A, § IV(G.), 4-21-2011)

Sec. 9-178. Existing foundation drains, roof drains, defective building sewers, and sump pumps.

In the event LSSD determines that a violation of this section exists, LSSD shall notify the violator, by certified mail, that such violation exists. The notice shall describe the nature of the violation and the corrective action(s) that must be taken. Such corrective action shall be taken within thirty (30) days of receipt of such notice.

(Ord. No. 2011-05, (Exh. A, § IV(H.), 4-21-2011)

Sec. 9-179. Penalties.

Any person violating any provision of this section shall be subject to the penalties of this article in accordance with section 9-126, and further, at the discretion of the director, may be required to correct such violation at his expense.

(Ord. No. 2011-05, (Exh. A, § IV(I.), 4-21-2011)

Sec. 9-180. Appeal.

Any person affected by the exercise of any discretionary authority delegated by this article to any official of LSSD and who objects to the decision made or action taken by such official shall be entitled to a hearing before the board upon such objection. The person desiring such hearing before the board shall file a written request for a hearing, including a statement of his objections, with the pretreatment manager, who shall call the same to the attention of the board. Such requests must be filed with the pretreatment manager within ten (10) calendar days from the date of the action being appealed. The appeal shall be scheduled before the board within thirty (30) calendar days after such request is filed. Notice shall be given to the appellant identifying the time, place, and date of the appeal at least ten (10) calendar days prior to the scheduled date. The board may hear any evidence it deems relevant. After the hearing, the board may confirm, reverse or modify the decision or action. The order of the board shall be final. Such order shall be made within ten (10) calendar days after the hearing and shall be in writing and sent to the appellant. An appeal may be taken from a decision of the board by filing an appeal in a court of competent jurisdiction in Lake County Indiana. Such appeal must be filed with the court not more than thirty (30) days after the board's decision is made a part of the public record.

(Ord. No. 2011-05, (Exh. A, § IV(J.), 4-21-2011)

Chapter 10

ZONING*

***Editor's note**—Formerly, Ch. 10 contained zoning provisions for the city. A zoning ordinance adopted June 1, 1993, repealed and replaced former Zoning Ordinance No. 68-4. The 1993 zoning ordinance with amendments thereto is not set out at length herein, but is published under separate cover. Such zoning ordinance is on file and available for inspection in the offices of the city clerk-treasurer and the administrative zoning officials.

COMPARATIVE TABLE

(East Gary Code)

The following Chart shows the former Code Section of the East Gary City Code and cross-references it to the new Code Section of the Lake Station City Code.

Former Code Section	Section this Code	Former Code Section	Section this Code
105.03	3-5	337.05	8-54
105.04	3-6	337.06	8-55
105.05	3-7	337.07	8-56
105.06	3-8	337.08	8-57
105.07	3-9	337.09	8-58
105.08	3-10	345.04	8-62
105.10	3-12	349.03	8-66
105.11	3-13	349.05	8-68
105.13	3-13	349.06	8-69
105.12	3-14	353.03	8-77
105.14	3-15	353.04	8-78
105.15	3-16	353.05	8-79
105.16	3-17	353.06	8-80
105.17	3-18	353.07	8-81
105.18	3-19	357.01	8-82
105.20	3-20	357.02	8-83
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305.04	8-3	361.06	8-91
305.05	8-4	365.10	8-94
305.07	8-5	365.11	8-96
309.02	8-9	365.16	8-98
309.03	8-10	521.03	4-15
309.04	8-11	731.01	4-26
309.05	8-12	731.02	4-26
309.06	8-13	731.03	4-26
313.04	8-18	731.04	4-26
313.11	8-25	731.05	4-26
317.03	5-8, 8-29	731.06	4-26
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321.05	8-33	731.08	4-26
321.06	8-34	731.09	4-26
333.02	8-40	731.10	4-26
333.04	8-42	731.11	4-26
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941.07	9-62
941.08	9-63
941.09	9-64
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CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances codified herein. Ordinances not listed in this table have been omitted as repealed, superseded or not of general or permanent nature. Any resolutions included in the Code are indicated by the notation (Res.) following the number in the first column.

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41-252	9-18-41		4-12
49-295	4-21-49		4-26
50-299	2- 2-50		7-51—7-53
50-305	11-16-50		6-84—6-87
54-332	5-18-54		9-10, 9-11, 9-14—9-28
59-371	5- 7-59		9-56, 9-60—9-64
64-434	6- 4-65		6-57
64-444	10-14-65		4-15, 6-11—6-23
65-458	4-15-65		3-6—3-22, 3-24, 3-25
65-471	9- 2-65		9-36—9-42
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84-6	3- 1-84		2-38
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84-25	8-16-84		10-56
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88-41	11- 3-88		9-58, 9-59
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91-29	12- 5-91	1	4-4
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92-05CC	4-16-92	1	4-4
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		3	6-20
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92-22CC	10-15-92	1	6-7
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2000-26	8- 3-2000	1	7-20
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		2	3-12(e)
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2001-06	3- 1-2001	1	6-12.5
2001-09	3-15-2001	1—3	2-67
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2001-15	8-16-2001	1	4-10(b)
		2	Added 4-10(e)
2001-16	12-20-2001	1	Added 3-34
		2	Added 3-35
2001-17	12- 7-2001	1	8-1(z)
		2	Added 8-1(qq)
			Added 8-1(ddd)—(ooo)
		3	Added 8-76
		4	8-92(d)
		5	8-98(c)
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2002-05	7-18-2002	1	Added 3-24
2001-06	3- 1-2001	1	6-12.5
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			Added 5-3
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		Added	9-13(a)(i), (ii)
		Added	9-13(f)
2006-18	6-15-2006	Added	9-9(a)(10)
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			Added 6-13—6-17, 6-21, 6-22
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2010-18	12-16-2010		4-10(b)(1)—(3), (5)
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		(Exh. A, § II (A.—Q.))	Added 9-111—9-127
		(Exh. A, § III (A.—V.))	Added 9-141—9-162
		(Exh. A, § IV (A.—J.))	Added 9-171—9-180
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			Added 4-8(d)(7)
			Added 4-8(f), (g)
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