



American Legal Publishing  
525 Vine Street, Ste. 310  
Cincinnati, OH 45202

800-445-5588  
[www.amlegal.com](http://www.amlegal.com)

August 2024

Town of Edgewood  
Katherine Tanner, Clerk-Treasurer  
3317 Nichol Avenue  
Edgewood, Indiana 46011-3060

Dear Ms. Tanner:

Please be advised that we are shipping via United Parcel Service 10 copies of the Edgewood Code of Ordinances.

You will note that the contents have not been inserted in the binders. We have determined that the weight of the paper in the binders, combined with unreasonable handling by shipping companies, has resulted in the metals in the binders becoming bent or otherwise damaged. We hope that this procedure meets with your approval as it results in protection of the binders during shipment. To assemble the codes, simply remove the cardboard from each band-wrapped code, open each binder and insert the band-wrapped material, and then remove the band.

Our invoice covering the billing is being sent under separate cover. Your assistance in processing this invoice will be appreciated.

A sample Adopting Ordinance is also being sent for your use in officially adopting your new code.

Copies of ordinances to be included in the code should be sent on a regular basis to our Indiana Customer Service Representative, Paul Jones, so that supplements to the code can be prepared as the need arises.

Your assistance in the production of this code has been appreciated. We are pleased to provide the new code and we look forward to continuing to serve you. If you have questions concerning the code or invoice, please do not hesitate to contact me or Mr. Jones.

Sincerely,

*Shelby Frye*

Shelby Frye, Legal Editor  
**AMERICAN LEGAL PUBLISHING**

## SAMPLE ADOPTING ORDINANCE

*This sample adopting ordinance has been provided as a general guide in drafting an adopting ordinance for your Code of Ordinances. This adopting ordinance is for **sample purposes only** and has not been drafted to conform to any specific requirements of your local government or your state law. The attorney for your political subdivision should tailor this sample adopting ordinance to conform to any specific local regulations and state laws concerning the adoption of a Code of Ordinances.*

### **AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE (Political Subdivision / State), REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.**

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of \_\_\_\_\_ empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF \_\_\_\_\_:

Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the “Code of Ordinances of the (Political Subdivision / State).”

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

*[Insert Table of Contents here]*

Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory,

establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

# Style Sheet

This is a style sheet for Edgewood, Indiana, dated September 2024, prepared by Shelby Frye. The following must be answered in as much detail as possible, so future editors may follow the style and format set by the original and/or previous editors. Each editor must review this sheet. Any significant departure from the original style or format or standard ALP style or format must be documented.

**Capitalization:** Standard. Names of officials and organizations capped.

**Charter:** NA

**Definition introductions:** The standard ALP intro is used. "For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning."

**Division markers:** Standard - (A)(1)(a)1.a.

**Footers:** NA

**Gender:** Neutral. "He or she."

**Histories (ordinance/resolution, old code, state references):** Standard. Storm Water Appendix from prior code includes sections due to size.

1. Ord. history: (Ord. [number], passed [date])

2. Res. history: (Res. [number], passed [date])

3. Prior Code: (Prior Code, § \_\_\_\_\_)

4. Indiana Code: I.C. \_\_\_\_\_

**Caption format:** Italicized.

**Material placement:** ALP standard. Storm water included in Title V, per prior code.

**Numbers:** Numbers ten and under are written out. Numbers 11 and over are expressed as numerals. Fractions are written out. Monetary amounts are in the ALP style.

**Organization/numbering:** Standard ALP style - titles, chapters, sections.

**Parallel references:** Preliminary PR table included.

**Special Folio instructions:** Degree symbol appears in Ch. 51, 152, and 153. Superscripts and subscripts appear in Ch. 54. Images in Titles V and XV.

**State references:** I.C. (Indiana Code) and I.A.C. (Indiana Annotated Code)

**Statutory update:** Legal Review completed February 2023 (current through 2022 Acts, Pamphlet No. 3).

**TSO:** Included.

**Additional comments:** None.

# **TOWN OF EDGEWOOD, INDIANA**

## **CODE OF ORDINANCES**

Published by:

**AMERICAN LEGAL PUBLISHING**

525 Vine Street ✧ Ste. 310 ✧ Cincinnati, Ohio 45202

1-800-445-5588 ✧ [www.amlegal.com](http://www.amlegal.com)

**COPYRIGHT © 2024**

**AMERICAN LEGAL PUBLISHING**

## **THE TOWN OF EDGEWOOD, INDIANA**

### **TOWN OFFICIALS**

Katherine L. Tanner, Clerk-Treasurer  
Chad Purciful, Town Marshal  
Dale Vanderbur, Fire Chief  
Michael Austin, Town Attorney

### **TOWN COUNCIL MEMBERS**

Julie H. Armington  
Joseph A. Cook  
Patricia A. Farran  
Arthur J. Leak  
Curt E. Ferran  
Mike A. Reed

### **CONTACT INFORMATION**

Municipal Address:     Town of Edgewood  
                                 3317 Nichol Avenue  
                                 Anderson, IN 46011

Phone Number: 765-649-5534

Fax Number: 765-393-0246

Website: [www.townofedgewoodin.us](http://www.townofedgewoodin.us)

Email: [info@TownOfEdgewoodIn.us](mailto:info@TownOfEdgewoodIn.us)





**EDGEWOOD, INDIANA  
TABLE OF CONTENTS**

Chapter

**TITLE I: GENERAL PROVISIONS**

- 10. General Provisions
- 11. Town Standards

**TITLE III: ADMINISTRATION**

- 30. Town Government
- 31. Town Officials and Employees
- 32. Departments, Boards, and Commissions
- 33. Personnel Policies
- 34. Town Finances; Funds
- 35. Credit Cards
- 36. Ordinance Violation Deferral Program
- 37. National Incident Management System

**TITLE V: PUBLIC WORKS**

- 50. Water
- 51. Sewers
- 52. Non-storm Water Discharges into the Storm Drainage System
- 53. Storm Water Regulations

**TITLE VII: TRAFFIC CODE**

- 70. Traffic Regulations
- 71. Parking Regulations
- 72. Recreational Vehicles
- 73. Traffic Schedules

**TITLE IX: GENERAL REGULATIONS**

- 90. Abandoned and Junk Vehicles
- 91. Animals
- 92. Discriminatory Practices

**Edgewood - Table of Contents****TITLE IX: GENERAL REGULATIONS (Cont'd)**

- 93. Fire Prevention
- 94. Nuisances
- 95. Parks and Recreations
- 96. Smoking
- 97. Streets and Sidewalks
- 98. Noise Control
- 99. Trees

**TITLE XI: BUSINESS REGULATIONS**

- 110. General Provisions
- 111. Alcohol
- 112. Transient Merchants
- 113. Cable Television

**TITLE XIII: GENERAL OFFENSES**

- 130. Offenses Against Town Regulations

**TITLE XV: LAND USAGE**

- 150. Unsafe Buildings
- 151. Subdivision Regulations
- 152. Thoroughfare Plan
- 153. Zoning Code

**TABLE OF SPECIAL ORDINANCES**

Table

- I. Annexations
- II. Bonds
- III. Contracts and Agreements
- IV. Franchises
- V. Vacations

**PARALLEL REFERENCES**

References to Indiana Code  
References to Prior Code  
References to Resolutions  
References to Ordinances

**INDEX**



## **TITLE I: GENERAL PROVISIONS**

### **Chapter**

#### **10. GENERAL PROVISIONS**

#### **11. TOWN STANDARDS**



## **CHAPTER 10: GENERAL PROVISIONS**

### **Section**

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Construction of code
- 10.05 Rules of interpretation; definitions
- 10.06 Severability
- 10.07 Reference to other sections
- 10.08 Reference to offices; name designations
- 10.09 Errors and omissions
- 10.10 Reasonable time
- 10.11 Repeal or modification of code section
- 10.12 Limitation periods
- 10.13 Ordinances unaffected
- 10.14 Ordinances which amend or supplement code
- 10.15 Section histories; statutory references
- 10.16 Preservation of penalties, offenses, rights, and liabilities
  
- 10.99 General penalty

### **§ 10.01 TITLE OF CODE.**

All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “Edgewood Code,” for which designation “code of ordinances,” “codified ordinances,” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.



**§ 10.02 INTERPRETATION.**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

**§ 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

**§ 10.04 CONSTRUCTION OF CODE.**

(A) This code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or division.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters, or sections of this code, as originally enacted or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(G) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.

(I.C. 1-1-1-5)

## **§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.**

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of the persons, unless otherwise declared in the section giving the authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CLERK-TREASURER.*** The Clerk-Treasurer of the Town Council.

***COUNCIL.*** The Town Council of Edgewood, Indiana.

***COUNTY.*** The County of Madison, in which Edgewood, Indiana is located.

***HIGHWAY.*** Includes bridges, roads, and streets, unless otherwise expressly provided.

***MONTH.*** One calendar month.

**PERSON.** Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, receiver, and bodies politic. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER**, as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING** and **FOLLOWING.** When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

**STATE.** The State of Indiana.

**TOWN.** The Town of Edgewood, Indiana.

**TOWNSHIP.** The Township of Anderson, in which Edgewood, Indiana is located.

**WRITTEN** and **IN WRITING.** Includes printing, lithographing, or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person, or the person's mark.

**YEAR.** One calendar year, unless otherwise expressly provided.  
(I.C. 1-1-4-5)

#### **§ 10.06 SEVERABILITY.**

(A) If any section of this code now enacted or subsequently amended, or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

(D) The repeal of a section or amendment stating that the provisions of a chapter, subchapter, or section are severable as provided in division (B) above does not affect the operation of division (B) above with respect to that chapter, subchapter, or section.

(I.C. 1-1-1-8)

#### **§ 10.07 REFERENCE TO OTHER SECTIONS.**

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

#### **§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.**

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; on the effective date of that ordinance or following the effective date, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority, or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers, and rights were transferred.

(I.C. 1-1-6-1)

#### **§ 10.09 ERRORS AND OMISSIONS.**

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

#### **§ 10.10 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, ***REASONABLE TIME OR NOTICE*** shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday, or a state holiday, it shall be excluded.

#### **§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.**

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture, or liability incurred under the section, unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.

(I.C. 1-1-5-1)

#### **§ 10.12 LIMITATION PERIODS.**

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code, shall not be affected by the repeal and reenactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code shall be commenced and prosecuted with the same effect as if this code had not been enacted.

***Statutory reference:***

*Periods of limitation, see I.C. 1-1-1-7*

#### **§ 10.13 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to an indication thereof as shall appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

**§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example:  
(I.C. 36-5-2-2)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*Inspection of public records, see I.C. 5-14-3-1 et seq.*

(C) If a section of this code is derived from the previous code of ordinances of the town published and subsequently amended, the previous code section number shall be indicated in the history by “(Prior Code, § \_\_\_\_).”

**§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The

liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

#### **§ 10.99 GENERAL PENALTY.**

(A) Effective January 1, 2023, the town adopts the following uniform fine schedule:

- (1) For a first offense: a fine of \$100;
- (2) For a second offense: a fine of \$200; and
- (3) For a third or subsequent offense: a fine of not less than \$300 nor more than \$2,500.

(B) If there is an alternative enforcement provision or alternative penalty set out in the ordinance that defines the prohibited conduct, any such alternative enforcement provision or alternative penalty shall remain in full force and effect.

(C) To the extent the town adopts an Ordinance Violations Bureau, a first offense and second offense shall be eligible for processing through the town's Ordinance Violations Bureau.

(D) A separate offense shall be deemed committed for each day during which a violation of the town's ordinance continues.

(Prior Code, § 10.99) (Ord. 10-29-18, passed 10-29-2018; Ord. 11 21 22A, passed 11-21-2022)

***Cross-reference:***

*Ordinance Violations Bureau, see §§ 32.45 through 32.50*

## **CHAPTER 11: TOWN STANDARDS**

### Section

- 11.01 Town seal
- 11.02 Edgewood Day

### **§ 11.01 TOWN SEAL.**

The Town Council has adopted a common seal bearing the words “Town of Edgewood, Indiana — Seal.”  
(Prior Code, § 11.01)

### **§ 11.02 EDGEWOOD DAY.**

The Town Council designates January 6 as Edgewood Day.  
(Prior Code, § 11.02)





### **TITLE III: ADMINISTRATION**

#### **Chapter**

- 30. TOWN GOVERNMENT**
- 31. TOWN OFFICIALS AND EMPLOYEES**
- 32. DEPARTMENTS, BOARDS, AND COMMISSIONS**
- 33. PERSONNEL POLICIES**
- 34. TOWN FINANCES; FUNDS**
- 35. CREDIT CARDS**
- 36. ORDINANCE VIOLATION DEFERRAL PROGRAM**
- 37. NATIONAL INCIDENT MANAGEMENT SYSTEM**



## CHAPTER 30: TOWN GOVERNMENT

### Section

#### *Elections*

- 30.01 Elections
- 30.02 Number of districts
- 30.03 Boundaries of districts
- 30.04 Members of the Town Council

#### *ELECTIONS*

##### **§ 30.01 ELECTIONS.**

All qualified voters residing in the town shall be eligible to vote for, and elect, all members of the Town Council and the Clerk-Treasurer.  
(Prior Code, § 30.01) (Ord. passed 11-15-1983; Res. passed 12-23-1992)

##### **§ 30.02 NUMBER OF DISTRICTS.**

The Town Council shall be divided into two districts, designated as District 1 and District 2, for the purpose of conducting elections of town officers.  
(Prior Code, § 30.02) (Ord. passed 11-15-1983; Res. passed 12-23-1992; Ord. 12-18-12B, passed 12-18-2012)

##### **§ 30.03 BOUNDARIES OF DISTRICTS.**

(A) *District 1.* The boundaries of District 1, for the purpose of conducting the election of Town Officers, shall be as follows: All areas within the town located north of State Road No. 32.

(B) *District 2*. The boundaries of District 2, for the purpose of conducting the election of Town Officers, shall be as follows: All areas within the town located south of State Road No. 32. (Prior Code, § 30.03) (Ord. passed 11-15-1983; Res. passed 12-23-1992; Ord. 12-18-12B, passed 12-18-2012)

#### **§ 30.04 MEMBERS OF THE TOWN COUNCIL.**

The Town Council for the town shall be comprised of six members. Two members of the Town Council shall reside in District 1. Two members of the Town Council shall reside in District 2. And, two members of the Town Council shall reside in either District 1 and/or District 2, and shall be elected “at large.”

(Prior Code, § 30.04) (Ord. 12-18-12B, passed 12-18-2012)

## **CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES**

### **Section**

#### ***General Provisions***

- 31.01 Compensation
- 31.02 Bonds
- 31.03 Sexual harassment

#### ***Building Commissioner***

- 31.15 Conflicts in issuance of permits

#### ***Assistant Superintendent of Water***

- 31.30 Establishment of position
- 31.31 Duties and responsibilities

### ***GENERAL PROVISIONS***

#### **§ 31.01 COMPENSATION.**

The Town Council shall provide the reasonable compensation for town officers and employees listed in and for the amounts stated in the salary schedule, two copies of which are on file at the office of the Clerk-Treasurer and are incorporated herein by reference.  
(Prior Code, § 31.01) (Ord. 3-20-01, passed 3-20-2001)

#### **§ 31.02 BONDS.**

(A) The Council shall fix the bonds for Clerk-Treasurer and any other employees and officers in the salary ordinance.

(B) The bond for the following officers and employees shall be for at least the following amount, or as otherwise required by the State Board of Accounts:

- (1) Clerk-Treasurer: \$90,000 (minimum);
- (2) Deputy Clerk-Treasurer: \$5,000 (minimum);
- (3) Fines Clerk: \$5,000 (minimum);
- (4) Town Marshal: \$5,000 (minimum);
- (5) Captain Deputy Marshal: \$5,000 (minimum);
- (6) Deputy Marshals: \$5,000 (minimum); and
- (7) Accounting Clerk: \$5,000 (minimum).

(Prior Code, § 31.02) (Ord. 01-11-16, passed 1-11-2016)

### **§ 31.03 SEXUAL HARASSMENT.**

(A) The town strongly disapproves of and does not tolerate sexual harassment of any kind. All employees must avoid offensive or inappropriate sexual behavior at work and are responsible for assuring that the workplace is free from sexual harassment at all times.

(B) (1) The town policy prohibits, when submission to such conduct is made either explicitly or implicitly a condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions; such conduct has the purpose or effect of substantially interfering with an individual's work performance; or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment:

(a) Unwelcome sexual advances;

(b) Requests for sexual acts or favors with or without accompanying promises, threats, or reciprocal favors or actions; and

(c) Other verbal or physical conduct of a sexual nature made to an employee.

(2) Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic, or physical

conduct relating to an individual's gender; unwanted physical touching; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons.

(C) (1) Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors is urged to bring the matter to the attention of town officials as soon as possible so that the Town Council may investigate and deal with the problem. Employees may bring their complaint to their department head, Town Council President, or the Town Council.

(2) If the complaint involves someone in the employee's direct line of command, or if the employee is uncomfortable discussing the matter with his or her direct supervisor, the employee is urged to go to another supervisor with the complaint, or to one of the other town officials listed in this section.

(D) The Town Council President will promptly investigate all complaints and will endeavor to handle these matters in a confidential and professional manner so as to protect the offended individual from any retaliation, harassment, or abusive behavior.

(E) Employees are not expected to endure harassment at any time.

(F) Any employee who violates this policy will be subject to appropriate disciplinary action up to and including discharge.

(Prior Code, § 31.04) (Ord. 6-16-1998C, passed 6-16-1998)

### ***BUILDING COMMISSIONER***

#### **§ 31.15 CONFLICTS IN ISSUANCE OF PERMITS.**

(A) If the Building Commissioner has a financial interest in the issuance of a permit, whether direct or indirect, the President of the Town Council shall then review the permit in question, conduct any required investigation, and determine whether the permit should be issued.

(B) In the situation described in division (A) above, as required by I.C. 36-1-27-4, the Building Commissioner shall report the conflict of interest, in writing, to the Clerk-Treasurer, who shall maintain a permanent record about such reports and who shall then notify the President of the Town Council that the President shall have the responsibility to review, investigate, and make a determination about the issuance of the permit in question.

(Prior Code, § 31.30) (Ord. 07-05-19A, passed 7-5-2019)



***ASSISTANT SUPERINTENDENT OF WATER*****§ 31.30 ESTABLISHMENT OF POSITION.**

The Town Council has created and established a position of Assistant Superintendent of Water.  
(Prior Code, § 31.25) (Ord. 1986, passed 6-17-1986)

**§ 31.31 DUTIES AND RESPONSIBILITIES.**

The Assistant Superintendent of Water shall be charged with assisting the Superintendent of Utilities in the operation and maintenance of public utilities, both in the well house and of the repair and maintenance of water pipes and all other equipment servicing the water utility, and in handling and satisfying consumer complaints.

(Prior Code, § 31.26) (Ord. 1986, passed 6-17-1986)

## **CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS**

### **Section**

#### ***Police Department***

- 32.01 Town Marshal and Police Department service terms
- 32.02 Trading time
- 32.03 Police Reserves
- 32.04 Longevity pay for Chief and Deputy Marshals

#### ***Department of Storm Water Management***

- 32.15 Adoption of state regulations
- 32.16 Establishment of department
- 32.17 Board of Directors
- 32.18 Powers and duties

#### ***Ordinance Violations Bureau***

- 32.30 Establishment
- 32.31 Violations Clerk
- 32.32 Complaints; how handled
- 32.33 Complaints; issuance
- 32.34 Complaints; time of admission
- 32.35 Enforcement

#### ***Cross-reference:***

*Board of Zoning Appeals, see §§ 153.065—153.070*

*Ordinance Violation Deferral Program, see § 36.01*

*Tree Board, see § 99.03*

#### ***Statutory reference:***

*Creation of an Ordinance Violations Bureau, see I.C. § 33-36-2-1*

***POLICE DEPARTMENT*****§ 32.01 TOWN MARSHAL AND POLICE DEPARTMENT SERVICE TERMS.**

The Town Marshal and all members of the Police Department shall serve until January 1 of each year, when their terms shall expire.

(Prior Code, § 32.01)

**§ 32.02 TRADING TIME.**

(A) (1) It has been determined that trading time is appropriate for the Police Department. ***TRADING TIME***, one employee substituting for another, is permitted under the 1985 amendment of the Fair Labor Standards Act and state law.

(2) The Indiana Association of Cities and Towns has recommended that the town adopt specific policy and procedures for employees to follow when trading time.

(B) The following procedures are to be followed when employees desire to trade time.

(1) *Notification*. Employees must notify the Town Marshal or Chief Deputy Marshal prior to exchanging time. In the event both are not available, the Police Commissioner or Deputy Commissioner shall be notified.

(2) *Approval*. The exchange must be approved by one of the aforementioned officers prior to the exchange taking place.

(3) *Record-keeping*. Since time cards are used, the officer substituting must initial the time card on that day to indicate who made the substitution. A daily shift log is still required by each officer. This being necessary so auditors, several years later, may determine which employee actually worked on a specific date.

(4) *Salaried employees*. Salaried employees may substitute for hourly employees, providing they have met the weekly requirements of the Police Department.

(5) *Buying or selling time*. Buying or selling of time is considered very improper and possibly illegal. This is not permitted.

(Prior Code, § 32.02) (Motion adopted 2-17-1987)

**§ 32.03 POLICE RESERVES.**

(A) The Town Council establishes the Town Police Reserves.

(B) The members of the Police Reserves shall be appointed by the Town Marshal.

(C) No more than 15 persons shall be members of the Police Reserves at any particular time.

(D) The employment benefits (if any) of the members of the Police Reserves shall be determined annually by the Town Council as part of the salary ordinance.  
(Prior Code, § 32.03) (Ord. 3-19-1996B, passed 3-19-1996; Ord. 7-26-10, passed 7-26-2010)

**§ 32.04 LONGEVITY PAY FOR CHIEF AND DEPUTY MARSHALS.**

(A) The Town Council establishes longevity pay for the Town Marshals, including the Chief Marshal, Assistant Chief Marshal(s), and Deputy Marshals.

(B) The members of the Police Reserves shall not be eligible for longevity pay.

(C) The Marshal must have been employed by the town for at least one full year prior to December 1 of the award year and be actively employed by the town on December 1 of the award year.

(D) (1) Longevity pay of \$66 per year of completed service shall be paid on the whole number of years of service completed by the employee on December 1 of the award year.

(2) Commencing in 2020, longevity pay shall be increased to \$100 per year. Such increase, however, shall not be retroactive, but shall begin with the longevity award calculated on December 1, 2020. (For example, an employee with 6.7 years of service on December 1, 2020 would be paid \$66 per year for five years, and \$100 per year for one year, totaling \$430.)

(3) Commencing in 2021, longevity pay shall remain at \$100 per year, but the \$100 amount shall also be applicable to the whole number of years of past service completed by the employee on December 1 of the award year. (For example, an employee with 7.7 years of service on December 1, 2021 would be paid \$100 per year for seven years, totaling \$700.)

(E) The longevity pay for the award year shall be included in the first pay period in December of the award year. Longevity pay shall be charged to the same accounts and in the same proportions as the regular pay of the employee.  
(Prior Code, § 32.04) (Ord. 11-19-1996, passed 11-19-1996; Ord. 10-19-20, passed 10-19-2020)

***DEPARTMENT OF STORM WATER MANAGEMENT*****§ 32.15 ADOPTION OF STATE REGULATIONS.**

Pursuant to I.C. 8-1.5-5 (providing for the establishment of a Department of Storm Water Management), I.C. 8-1.5-5 is adopted as provided in said statute by the Council, and by so doing makes that statute, and any and all amendments thereto, effective and operative as to the town.  
(Prior Code, § 32.15) (Ord. 1998, passed 5-21-1991)

**§ 32.16 ESTABLISHMENT OF DEPARTMENT.**

A Department of Storm Water Management, hereinafter referred to as “Department,” is created, which Department shall be controlled by a Board of Directors.  
(Prior Code, § 32.16) (Ord. 1998, passed 5-21-1991)

**§ 32.17 BOARD OF DIRECTORS.**

(A) The Board of Directors shall consist of three Directors, to be appointed by the President of the Town Council.

(B) All Directors of the Department shall live in the town and not more than two of them shall be of the same political party.

(C) (1) At the time of appointing such Directors, the President of the Town Council shall appoint one Director to serve for two years; one Director to serve for three years; and one to serve for four years.

(2) At the expiration of each of the initial terms, the President of the Town Council shall appoint a successor Director, and each successor Director shall serve for a period of four years.

(D) (1) The President of the Town Council may remove a Director at any time, when, in the judgment of the Council, it is in the best interest of the Department that such Director be removed.

(2) In the event that any Director shall remove his or her residence from the town, his or her term of office shall thereupon terminate and the President of the Town Council will thereupon appoint a Director to complete the unfinished term of the removed Director.  
(Prior Code, § 32.17) (Ord. 1998, passed 5-21-1991)

**§ 32.18 POWERS AND DUTIES.**

(A) The Board of Directors for the Department has the powers and duties as set forth in by I.C. 8-1.5-3-4(a) and I.C. 8-1.5-5-6.

(B) The Department has exclusive jurisdiction over the collection and disposal of storm water within the district as set forth in I.C. 8-1.5-5-6.

(C) The Board of Directors of the Department, after approval by the Town Council, in ordinance form shall:

(1) Assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system;

(2) Issue and sell bonds of the district in the name of the municipality for the acquisition, construction, alteration, addition, or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the Board;

(3) Levy a special benefit tax upon all of the property of the storm water district in an amount necessary to meet and pay the principal of any bonds issued as they severally mature, together with all accruing interest. The territory initially included in the special taxing district, created pursuant to I.C. 8-1.5-5-5, is all of the territory now and hereafter included within the corporate limits of the town; and

(4) User fees shall include, but not be limited to, bonds, service rates, revenue bonds, or any other available funds.

(Prior Code, § 32.18) (Ord. 1998, passed 5-21-1991)

***ORDINANCE VIOLATIONS BUREAU***

**§ 32.30 ESTABLISHMENT.**

There is created the Town Ordinance Violations Bureau, effective January 1, 2023.  
(Ord. 11-21-22, passed 11-21-2022)

**§ 32.31 VIOLATIONS CLERK.**

(A) The Clerk-Treasurer shall be appointed and shall serve as the Violations Clerk, who administers the Bureau.

(B) The Clerk-Treasurer and the Clerk-Treasurer's staff, as the Clerk-Treasurer's agents, shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violations set out herein during the hour's specified on the Ordinance Violations Bureau form accompanying a complaint issued under authority of this subchapter.  
(Ord. 11-21-22, passed 11-21-2022)

### **§ 32.32 COMPLAINTS; HOW HANDLED.**

(A) A complaint filed for the violation of any ordinance for which a fine of up to \$250 shall be imposed pursuant to this code shall be processed through the Bureau.

(B) The Ordinance Violations Bureau form accompanying complaints issued under authority of this subchapter shall specify the location where and the hours when the acceptance of written appearances, waivers of trial, and admissions of violations, and payments of civil penalties shall be made.  
(Ord. 11-21-22, passed 11-21-2022)

### **§ 32.33 COMPLAINTS; ISSUANCE.**

Any police officer shall issue complaints for violation of the town's ordinances and provide the necessary form to the person against whom the complaint is issued.  
(Ord. 11-21-22, passed 11-21-2022)

### **§ 32.34 COMPLAINTS; TIME OF ADMISSION.**

(A) (1) Any person against whom a complaint is issued pursuant to this subchapter shall appear at the Clerk-Treasurer's office to admit or deny the violation within 30 days after the issuance of the complaint, or shall have transmitted his or her admission and entire penalty payment or transmitted his or her written denial to the Clerk-Treasurer's office within said time frame.

(2) The Clerk-Treasurer shall accept admissions and any required payments or shall accept denials on Mondays through Thursdays, excluding holidays, from 9:00 a.m. until 3:00 p.m.

(B) After 30 days of the issuance of the complaint, the Bureau shall not accept admission of a violation or a payment of the civil penalty without the consent of the town's attorney, who may withhold that consent if the violation has been referred to the court for legal proceedings, or as otherwise determined by said attorney.  
(Ord. 11-21-22, passed 11-21-2022)

**§ 32.35 ENFORCEMENT.**

This subchapter does not preclude the town from taking other legal action to enforce this code where the code provides for other enforcement options.

(Ord. 11-21-22, passed 11-21-2022)





## **CHAPTER 33: PERSONNEL POLICIES**

### **Section**

#### ***Employee Leave***

- 33.001 Leave policy
- 33.002 Jury duty leave
- 33.003 Sick leave
- 33.004 Compassionate leave
- 33.005 Health insurance
- 33.006 Paid time off

#### ***Holidays***

- 33.020 Legal holidays

#### ***Social Security***

- 33.035 Social Security coverage

#### ***Compensation***

- 33.050 Payroll policy
- 33.051 Travel reimbursement

#### ***Safety Procedures***

- 33.065 Employee responsibilities
- 33.066 Supervisory responsibilities
- 33.067 Good housekeeping
- 33.068 Hearing protection
- 33.069 Eye protection
- 33.070 Hard hats
- 33.071 Vests
- 33.072 Safety belts

- 33.073 Shoes
- 33.074 Work attire
- 33.075 Operating responsibility
- 33.076 Use of trenching and excavations: OSHA Construction Standard
- 33.077 Safety control devices
- 33.078 Intoxicants and narcotics
- 33.079 Disciplinary procedure
- 33.080 Employee acknowledgement

#### *Employee Conduct*

- 33.095 Behavior of employees
- 33.096 Dealing with infractions

#### *Nepotism*

- 33.110 Town nepotism policy

#### *Substance Abuse Policy*

- 33.125 Adoption by reference

#### *Flexible Benefit Plan*

- 33.140 Adoption of flexible benefit plan

### **EMPLOYEE LEAVE**

#### **§ 33.001 LEAVE POLICY.**

Each employee of the town is entitled to sick leave, jury duty leave, and compassionate leave to the extent and under the conditions as hereinafter set in this subchapter.  
(Prior Code, § 33.01) (Ord. passed 1-19-1988)

#### **§ 33.002 JURY DUTY LEAVE.**

(A) An employee who receives a jury summons shall immediately notify his or her immediate supervisor.

(B) Such employee will be allowed time off to report for duty when called and will receive regular, hourly compensation for the time absent.

(C) The amount paid for jury duty during this period will be subtracted from the employee's next regularly scheduled pay.

(Prior Code, § 33.02) (Ord. passed 1-19-1988)

### **§ 33.003 SICK LEAVE.**

(A) Each employee is entitled to a total of ten days each year not worked because of hospitalization or confinement for medical treatment under a physician's care and will be paid for each of the ten days at the regular hourly rate for long-term sick leave. The period of long-term sick leave for any employee may be extended by the Town Council for an additional 20 days during any given year, subject however, to such wage reductions beginning on the fifteenth day of long term sick leave in any given year, as the Council shall impose. Each employee is entitled to the five days not worked for personal illness during any calendar year, during which period such employee will be paid at regular hourly rates. Such personal illness must be reported to the employee's immediate supervisor at least one hour prior to the time the employee is scheduled to report to work. Payment for personal illness must be approved by the Clerk-Treasurer or the Town Council member under whose supervision said employee works.

(1) The Town Council, in its discretion, shall have the ability to continue to pay a town employee that employee's regular wages or salary, or any part thereof, when the employee's spouse or child suffers serious illness.

(2) Type and severity of illness, the length of the employee's leave, and the percent of wages or salary that the town will continue to pay during any such period of leave shall be in the Town Council's sole discretion. Any payments made to a town employee in the event of a serious illness of the employee's spouse or child shall only be authorized by vote of the Town Council at a regular or duly called special meeting.

(3) If the Town Council authorizes payments to a town employee for a certain period of time, the Town Council may, acting at a regular or duly called special meeting, decide to terminate the payment to the town employee without continuing to make payments through the entire period of time that was earlier approved by the Town Council.

(B) Neither long-term sick leave days nor personal illness days can be accumulated from one calendar year to another.

(C) The Town Council may require a written verification by a physician that such employee is under his or her care for such employee to collect pay under the long-term sick leave provision of this section. (Prior Code, § 33.03) (Ord. passed 1-19-1988; Res. 01-22-08A, passed 1-22-2008)

**§ 33.004 COMPASSIONATE LEAVE.**

(A) Each employee of the town will be excused from work from the date of the death of any member of the employee's immediate family through the date of the funeral ceremony. In addition, if the funeral ceremony takes place 300 miles from the town, the employee will be excused for one additional day. The employee will be paid at his or her regular hourly rate during the period of such absence.

(B) For the purpose of this section, **IMMEDIATE FAMILY** is defined as a spouse, child, parent, brother, sister, mother-in-law, father-in-law, grandparent, or grandchild of an employee, or any step-child, step-parent, step-brother, step-sister, step-grandparent, or step-grandchild of an employee. (Prior Code, § 33.04) (Ord. passed 1-19-1988; Ord. 7-20-04, passed 7-20-2004)

**§ 33.005 HEALTH INSURANCE.**

(A) Each town employee who works more than 30 hours per week is entitled to participate in any health insurance plan that has been established and obtained by the town. The cost of the employee's portion of the plan will be paid through payroll deduction once per pay period as follows.

(1) For each town employee participating who works more than 30 hours per week, 100% of the premium cost for each employee will be paid by the town.

(2) For each employee participating, 50% of the premium cost for each employee's spouse or dependents will be paid for by the town and the remaining amount to be paid by the employee.

(3) The premium costs to be paid by the town, however, whether 100% for the employee, or 50% for the employee's spouse or dependents, shall be based on non-smoker rates. Any increase in premium costs above non-smoker premium costs due to the employee, the employee's spouse, or the employee's dependent or dependents being a smoker shall be paid entirely by the employee.

(B) To be eligible for any health insurance plan established by the town, the employee must be employed by the town for at least three consecutive months.

(Prior Code, § 33.05) (Ord. 6-16-1998B, passed 6-16-1998; Ord. 12-14-15, passed 12-14-2015)

**§ 33.006 PAID TIME OFF.**

(A) *Paid time off schedule.* All covered employees, excluding members of the Town Police Department, shall be credited with paid time off in accordance with the following schedule:

- (1) More than six months, but less than one year of employment: 20 hours;
- (2) One year of employment, but less than two years of employment: 40 hours;
- (3) Two years of employment, but less than five years of employment: 80 hours;
- (4) Five years of employment, but less than ten years of employment: 120 hours;
- (5) Ten years of employment, but less than 15 years of employment: 160 hours; and
- (6) Fifteen or more years of employment: 200 hours.

(B) *Probationary period.* All new employees will be under a probationary period for the first six months of their employment, starting with the first day on the job. During this probationary period, the employee will not be entitled to paid time off benefits.

(C) *Post-probationary period paid time off.* After the employee completes a six-month probationary period, the employee shall receive 20 hours of paid time off that shall be used between the date the probation period expired and December 31 in that same year. (For example, if an employee was hired on October 1, the employee's six-month probationary period would expire on March 31 of the following year. Then, for the period April 1 through December 31, the employee would be entitled to take 20 hours of paid time off.)

(D) *Paid time off schedule, how determined.* The paid time off schedule for 40 hours, 80 hours, 120 hours, 160 hours, and 200 hours is for uninterrupted service computed from January 1 of the year after the employee completes his or her six-month probationary period. (For example, if an employee is hired on March 1, the employee would earn 40 hours of paid time off as of January 1 of the following year. Therefore, from January 1 through December 31, the employee would be able to take 40 hours of paid time off.)

(E) *Unused paid time off.*

- (1) Employees are encouraged to use paid time off in the year it was earned.
- (2) An employee may roll over unused paid time off to the following year, but at no point shall an employee accumulate more than 80 hours of paid time off from prior calendar years.

(F) *Termination of employment.* An employee leaving the town's employment will receive a cash payment for unused paid time off, including any paid time off that was rolled over from prior calendar years.

(Prior Code, § 33.06) (Ord. 12-21-20, passed 12-21-2020)

***HOLIDAYS*****§ 33.020 LEGAL HOLIDAYS.**

(A) (1) The Town Council shall, in the annual salary ordinance, designate the legal holidays for which all town officers and employees shall be compensated.

(2) Unless designated otherwise in the annual salary ordinance, town officers and town employees shall be compensated for the following holidays:

- (a) New Year's Day;
- (b) Martin Luther King, Jr. Day;
- (c) President's Day;
- (d) Good Friday;
- (e) Memorial Day;
- (f) Juneteenth;
- (g) Independence Day;
- (h) Labor Day;
- (i) Columbus Day;
- (j) Veteran's Day;
- (k) Thanksgiving Day;
- (l) Friday after Thanksgiving;
- (m) Christmas Eve;
- (n) Christmas Day; and
- (o) New Year's Eve.

(B) (1) When any of these holidays fall on Saturday or Sunday, the Council shall designate another day for the observance of that holiday.

(2) This section shall not affect any action taken by the Council while in regular or special session.

(3) Any action taken by the Council on any such holiday shall be valid for all purposes.  
(Prior Code, § 33.15) (Ord. 10-19-20A, passed 10-19-2020)

### ***SOCIAL SECURITY***

#### **§ 33.035 SOCIAL SECURITY COVERAGE.**

(A) The Council elects coverage under the Old-Age and Survivor's Insurance as provided by I.C. 5-10.1-2-1 et seq., as amended and as implemented by regulations of the state agency.

(B) All employees shall be covered except:

- (1) Those rendering services of an emergency nature;
- (2) Those with part-time positions. For example, those requiring 600 hours per year or less;
- (3) Positions for which compensation is on a fee basis; and/or
- (4) Town Council members.

(C) (1) For the purpose of carrying out the provisions of 42 U.S.C. §§ 301 et seq., as amended, the agreement entered into between the state agency with the approval of the Governor and the Social Security Administrator is made a part of this section and shall constitute an integral part of the federal agreement between the town and the state agency, and shall become part of the agreement or modification of the agreement between the state and the Social Security Administrator.

(2) The Council explicitly agrees that it will fully perform the obligation of a political subdivision under said federal-state agreement and I.C. 5-10.1-2-1 et seq., as amended and as implemented by regulations of the state agency.  
(Prior Code, § 33.25)



***COMPENSATION*****§ 33.050 PAYROLL POLICY.**

(A) The regular pay day each week is Thursday with the following exceptions.

(1) When a holiday falls on Thursday or a Thursday and Friday (Thanksgiving week), pay day will be the last day prior to the holiday, and the pay check will be dated that day.

(2) Anyone taking a vacation who would like to receive the vacation pay along with his, her, or their regular pay that week needs to give at least three days' prior notice to the payroll personnel.

(3) Anyone taking a vacation day on a Thursday who wants his, her, or their paycheck earlier that week must give three days' prior notice to the payroll department.

(B) All pay checks, both those requested early and regular pay, will be available by close of office hours on the pay day, barring no emergency or abnormal conditions which would prevent it.

(C) The Clerk-Treasurer has discretion to issue payroll checks early, when requested by an employee, because of an emergency.

(D) At the employee's request, and at the town's discretion, the town may, if authorized by the Town Council, allow an employee to draw a full-time salary or be paid full-time wages when the employee works less than full time. This shall be accomplished by allowing the employee to supplement hours actually worked with comp time that the employee has accumulated. This division (D) shall be retroactive to August 1, 2020.

(Prior Code, § 33.35) (Res. 12-19-00-A, passed 12-27-2000; Ord. 03-20-12A, passed 3-20-2012; Ord. 5-17-21, passed 5-5-2021)

**§ 33.051 TRAVEL REIMBURSEMENT.**

The town shall reimburse its employees for the use of their personal automobiles when these automobiles are utilized for town business in an amount equal to the standard mileage rate for such use at the maximum amount approved from time to time by the Internal Revenue Service. Reimbursements for such business use shall be \$0.555 per mile for all business miles, and this rate shall be utilized until a new rate is established by the Internal Revenue Service, at which time the reimbursement rate will change to reflect the current Internal Revenue Service rate.

(Prior Code, § 33.36) (Ord. 9-20-11-A, passed 9-20-2011)

***SAFETY PROCEDURES*****§ 33.065 EMPLOYEE RESPONSIBILITIES.**

(A) All employees have a responsibility to themselves for their own safety. In addition, they have a responsibility to their family, fellow workers, and to the town. Therefore, they must obey safe-practice rules and instructions relating to efficient performance of work. Safe and efficient operations are reached only when all employees are safety-conscious and keenly alert both mentally and physically. Employees are charged to:

- (1) Comply with the supervisor's instructions;
- (2) Work in a safe, productive manner and maintain a safety awareness at all times;
- (3) Properly operate and maintain assigned vehicles/equipment and report defects;
- (4) Report accidents, injuries, and incidents immediately;
- (5) Wear proper and required clothing and protective equipment;
- (6) Maintain themselves in proper physical condition to safely perform work; and

(7) Use good common sense, both on and off the job. The town, as well as the employee and the employee's family, suffer if the employee is involved in an accident or injury.

(B) Anytime an employee is involved in any type of accident, he or she is to fill out an accident report immediately and advise the Town Hall Administration Department, whether or not he or she feels it is necessary.

(Prior Code, § 33.45) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.066 SUPERVISORY RESPONSIBILITIES.**

(A) A supervisor is equally responsible for the safety of his or her employees and for their work. No job is so important or urgent that time cannot be taken to do it in a safe manner.

(B) (1) It is the supervisor's responsibility to ensure that vehicles and equipment are properly operated and maintained, and that any damage is minimized.

- (2) Equipment will be treated as if it was individually owned.

(C) (1) Do not use defective equipment.

(2) Equipment will not be used if its condition poses a hazard to any employee, the public, or when continued use may cause further damage.

(D) Supervisors will analyze work in advance to determine the safe, economical procedure and physical protection necessary to perform each operation. They will also be responsible for making sure that all necessary protection is obtained, maintained, and used throughout the operation.

(E) (1) It is the supervisor's responsibility to ensure that workers are properly trained.

(2) The supervisor is also responsible for assigning qualified workers to each job so that all tasks may be performed in a productive and safe manner.

(F) Supervisors will ensure that new employees assigned to unfamiliar work receive specific instructions on the precautions to be observed and advise new employees of the location of safety equipment.

(G) It is the supervisor's responsibility to see that department safety regulations are complied with at all times, except when compliance with a particular regulation might, under unusual circumstance, constitute more of a hazard. Responsibility for such exceptions rests directly upon the supervisor.

(H) When a supervisor feels that a particular assignment will expose his or her workers to unusual hazards, he or she will report the condition to his or her supervisor and make plans to reduce the hazards or increase the protection.

(Prior Code, § 33.46) (Ord. 10-21-97, passed 10-21-1997)

### **§ 33.067 GOOD HOUSEKEEPING.**

(A) After any project in the garage or on highway premises, sweep, clean, or pick up any parts or objects that are left over.

(B) After oil changes and servicing of vehicles, dispose of oil and filter in the proper manner and sweep out service area.

(C) Good housekeeping also includes the vehicle or piece of equipment the employee is operating. All vehicles or equipment used must be kept clean and free of debris at all times.

(Prior Code, § 33.47) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.068 HEARING PROTECTION.**

Ear protection devices are available to any employee who feels that the noise level of an operation is hazardous to his or her hearing.

(Prior Code, § 33.48) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.069 EYE PROTECTION.**

(A) Eye protection will be worn by all personnel when there is a reasonable probability of injury that could be prevented by such equipment.

(B) Eye protection must be worn, but not limited to, the following operations and equipment: tree and brush trimming with a chain saw, weed eating, grinders, chippers, power washer/steam cleaner, cutting torch, or welding, or any equipment which may cause hazards to the eyes.

(Prior Code, § 33.49) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.070 HARD HATS.**

Hard hats must be worn by employees performing duties in which they are exposed to flying and falling objects such as, but not limited to, tree cutting, pipe work, excavation, and any equipment working overhead.

(Prior Code, § 33.50) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.071 VESTS.**

Fluorescent orange vests will be worn at all times while engaged in operation upon or adjacent to roads and streets open to traffic.

(Prior Code, § 33.51) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.072 SAFETY BELTS.**

Safety belts will be worn by all employees and passengers in all trucks and passenger vehicles where seat belts are available.

(Prior Code, § 33.52) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.073 SHOES.**

(A) **WORK SHOES**, for shop and field personnel, are defined as sturdy, hard sole shoes. Specifically excluded from this definition are tennis, fabric, or similar shoes.

(B) Work shoes shall be worn by all personnel when there is a reasonable possibility of injury that can be prevented by the wearing of such protective equipment.

(C) Office personnel shall wear shoes appropriate for office types of duties.  
(Prior Code, § 33.53) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.074 WORK ATTIRE.**

All employees shall wear attire appropriate for their job. For field personnel, guidelines are shirt or blouse with sleeves and long pants or trousers. Tank tops, sleeveless shirts, shorts, and cutoffs are not considered appropriate work attire for field personnel. Office and other personnel should use good discretion in their work attire with proper consideration for safety hazards in their jobs.  
(Prior Code, § 33.54) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.075 OPERATING RESPONSIBILITY.**

(A) Each vehicle or piece of equipment is the responsibility of the person who is operating the vehicle or equipment.

(B) Be sure to check fluid levels (oil, grease, and fuel) in all vehicles or equipment used by the employee.  
(Prior Code, § 33.55) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.076 USE OF TRENCHING AND EXCAVATIONS: OSHA CONSTRUCTION STANDARD.**

(A) The use of the attached Occupational Safety and Health Act entitled "Trenching and Excavations OSHA Construction Standard Final Rule" shall be used in preventing cave-ins as applicable for digging activities.

(B) Employees involved in activities where this standard is applicable shall read the standard, become acquainted with the standard, and apply the standard as applicable when digging activities are required.  
(Prior Code, § 33.56) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.077 SAFETY CONTROL DEVICES.**

Be sure the employee has traffic control devices out before starting any project and uses all safety devices needed to do the job (such as safety lift devices, air quality devices, and the like).  
(Prior Code, § 33.57) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.078 INTOXICANTS AND NARCOTICS.**

(A) Alcohol beverages or illegal narcotics will not be brought onto the grounds owned or operated by the town. Such substances will not be transported in any vehicle owned by the town.

(B) Supervisors will not allow an employee to commence work operations if the employee reports to work in an apparent intoxicated condition, or in a condition which, in the supervisor's opinion, might jeopardize the safety of any employee, or the public.

(C) Persons under the influence of any intoxicant or narcotic will not attempt to drive or operate a piece of equipment or vehicle owned by the town. Some prescribed drugs and over the counter drugs may pose a hazard to the safe operation of equipment.  
(Prior Code, § 33.58) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.079 DISCIPLINARY PROCEDURES.**

Any employee violating the preceding safety policies shall be disciplined as follows:

(A) First offense: verbal warning;

(B) Second and third offense: written warnings;

(C) Fourth offense: one day off (no pay);

(D) Fifth offense: three days off (no pay); and

(E) Sixth offense: termination of employment.

(Prior Code, § 33.59) (Ord. 10-21-97, passed 10-21-1997)

**§ 33.080 EMPLOYEE ACKNOWLEDGMENT.**

Each employee, both at the time this policy is approved by the Town Council and henceforth as new persons become employees of the town, shall be given a copy of this policy and shall sign an employee

acknowledgment form, a copy of which is attached to Ordinance 10-21-97. This signed form shall be maintained in the files of the town for a period of five years after the person has left the employment of the town.

(Prior Code, § 33.60) (Ord. 10-21-97, passed 10-21-1997)

### ***EMPLOYEE CONDUCT***

#### **§ 33.095 BEHAVIOR OF EMPLOYEES.**

In regulating the behavior of its employees, the town has classified offenses as first, second, and third level offenses based upon the seriousness of the offense. These classifications are provided only to illustrate procedures which generally will be followed in respect to misconduct. This classification system does not limit the town's discretion in exercising discipline it finds appropriate, based on the severity of misconduct or the totality of circumstances.

(Prior Code, § 33.70) (Res. passed 1-21-1997)

#### **§ 33.096 DEALING WITH INFRACTIONS.**

The following conduct is prohibited and will subject an employee to disciplinary action up to and including termination. This list is not intended to be all-inclusive or to in any way limit rules, guidelines, or restrictions set forth by the Town Council.

##### *(A) Group 1 offenses.*

- (1) Failure to report to work within a reasonable time after calling in late;
- (2) Habitual tardiness;
- (3) Discourteous treatment of colleagues or the public;
- (4) Neglect, failure, or carelessness in signing or ringing in or out for work;
- (5) Failure to cooperate with other employees, as required by job duties;
- (6) Malicious mischief or other undesirable conduct, including the use of profane or abusive language;

- (7) Failure to report accidents, injury, or equipment damage;
- (8) Unsatisfactory work or failure to maintain a required standard of work performance;
- (9) Misuse of breaks, wasting time, or loitering;
- (10) Failure to follow smoking guidelines;
- (11) Failure to observe town parking regulations; and
- (12) Failure to attend mandatory meetings/training without prior permission.

(B) *Group 1 disciplines.*

- (1) First offense: verbal warning;
- (2) Second offense: written reprimand;
- (3) Third offense: three day suspension without pay;
- (4) Fourth offense: ten day suspension without pay; and
- (5) Fifth offense: termination.

(C) *Group 2 offenses.*

- (1) Leaving the job/work area during regular working hours without authorization;
- (2) Threatening, intimidating, coercing, or interfering with subordinates or other employees;
- (3) Obliging the town for expense, service, or performance without prior authorization;

(4) Conduct violating morality/common decency, for example, **SEXUAL MISCONDUCT/HARASSMENT** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. **PROHIBITED CONDUCT OF THE PHYSICAL OR VERBAL NATURE** is defined as any conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;

- (5) Unauthorized use of town property or equipment;



- (6) Performing private work on town time;
- (7) Willful failure to ring in and out as required;
- (8) Making or publishing false, vicious, or malicious statements concerning other employees, supervisors, the town, or its operation;
- (9) Failure to report for overtime work, without good reason, after being scheduled to work.
- (10) Willful failure to make required reports;
- (11) Giving false information or testimony during a complaint or grievance investigation, or during any type of public hearing;
- (12) Unauthorized posting, removal, or alteration of notices or signs from town/court bulletin boards;
- (13) Distributing or posting written or printed matter of any description without authorization;
- (14) Willful disregard of rules, procedures, or policies; and
- (15) Disobeying a reasonable directive of a supervisor.

(D) *Group 2 disciplines.*

- (1) First offense: three days without pay;
- (2) Second offense: ten days without pay; and
- (3) Third offense: reduction in pay and/or position termination.

(E) *Group 3 offenses.*

- (1) Being in possession of or drinking alcoholic beverages during the work shift;
- (2) Illegal possession/use of controlled substances or sale of such;
- (3) Carrying/possession of firearms on town property without proper authorization;
- (4) Wanton or willful neglect in the performance of assigned duties or in the care, use, and custody of any town property or equipment;

- (5) Abuse or deliberate destruction in any manner of town property, tools, equipment, and the like, or the property of other employees;
- (6) Unauthorized use of audio, visual, metering, monitoring, or recording devices;
- (7) Altering of one's own time card/time sheet;
- (8) Giving false information/withholding pertinent information called for in making application for employment;
- (9) Making false claims or misrepresentations in an attempt to obtain town benefits;
- (10) Stealing, destroying, damaging, or concealing property of the town, employees, or residents;
- (11) Fighting or attempt to injure other employees, supervisors, or members of the public;
- (12) Knowingly concealing a communicable disease which could endanger other employees, except those protected by federal law;
- (13) Misuse or removal of town records without prior authorization;
- (14) Refusal to return to work or to work a scheduled shift, for example, if the employee is already scheduled and the employee refuses to work that shift, it is a violation. If it is unscheduled, the supervisor should call the employee and ask if the employee can work the shift. Supervisors will try to give 24 hours' notice if possible; and
- (15) Concerted curtailment, restriction, or interference with work in or about the town and/or its work sites.

(F) *Group 3 disciplines.*

- (1) Any appropriate discipline, including termination, as covered in division (C) above;
- (2) At the request of the employee, verbal warnings may be removed from the employee's file after one year of the warning being rectified after supervisory review;
- (3) At the request of the employee, written warnings may be removed from the employee's file after two years with supervisory review;

(4) In every organization, there can be honest differences of opinion about working conditions, discipline, rules, and other job-related matters. Problems should be discussed as they occur to resolve the situation;

(5) If an employee has a work problem or complaint, the employee should discuss it with the supervisor in a frank and open manner;

(6) If the supervisor and the employee are unable to reach a satisfactory solution, the employee may request a meeting with the department commissioner. The department commissioner will meet with the employee and the supervisor to review the matter in question and render a decision;

(7) In situations where major differences still exist after the meeting with the department commissioner, the employee may request a meeting with the Town Council and supervisor to review the situation and render a decision;

(8) In case of a job-related problem, the employee should see his or her immediate supervisor, who in turn will go through the chain of command; and

(9) The chain of command is as follows: employee, supervisor, department commissioner, Town Council.

(Prior Code, § 33.71) (Res. passed 1-21-1997)

### ***NEPOTISM***

#### **§ 33.110 TOWN NEPOTISM POLICY.**

(A) *Purpose.* Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the town in a position in which a relative, as defined in division (B) below, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the town for goods, services, and public works projects.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BREAK IN EMPLOYMENT.*** Termination, retirement, or resignation of an employee from the town. A ***BREAK IN EMPLOYMENT*** does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: Vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the town without loss of payroll time.

***DIRECT LINE OF SUPERVISION.*** An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect shall include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Town Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.

***ELECTED OFFICIAL.*** The Town Council and Town Clerk-Treasurer.

***EMPLOYEE.*** An individual who works for or is appointed to any department or board of the town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

***MEMBER OF THE FIRE DEPARTMENT.*** The Fire Chief and any firefighter appointed to the Town Fire Department.

***MEMBER OF THE POLICE DEPARTMENT.*** The Town Marshal and any police officer appointed to the Town Police Department.

***RELATIVE.*** For the purposes of this section, the term includes any of the following:

- (a) Spouse;
- (b) Parent or step-parent;
- (c) Child or step-child (includes an adopted child);
- (d) Niece or nephew;
- (e) Aunt or uncle;
- (f) Daughter-in-law or son-in-law; and
- (g) Sister-in-law or brother-in-law.

***TOWN.*** The Town of Edgewood and its boards and departments.

(C) *Employment policy.*

(1) Individuals who are relatives, as defined in division (B) above, of existing employees shall not be employed by the town in a position that results in one relative being in the direct line of supervision of the other relative.

(2) An individual who is employed by the town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined in division (B) above, with the town.

(3) If an individual is employed by the town, and the individual's relative begins serving a term of elected office, the individual may continue his or her employment with the town and retain his or her position or rank, even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

(4) When an individual is employed by the town, and the individual's relative begins serving a term of elected office, the individual may continue his or her employment with the town, but that individual shall not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.

(D) *Contracting policy.* The town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

(1) The elected official files with the town a full disclosure which must be:

(a) In writing;

(b) Describe the contract or purchase to be made by the town; and

(c) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services, or public works projects.

(2) The appropriate town board or department:

(a) Issues a written statement, to be filed with the town, that the contract amount or purchase price was the lowest amount or price bid offered; or

(b) Issues a written statement, to be filed with the town, detailing the reasons why the particular vendor or contractor was selected.

(3) The town satisfies all other requirements of the state's public purchasing (I.C. 5-22) or public works projects (I.C. 36-1-12) statutes; and

(4) The elected official complies with disclosure provisions.

(E) *Submission of compliance statements.* In addition to any other disclosures or certifications required by this section, the following actions must be taken.

(1) The annual report filed by the town with the State Board of Accounts under I.C. 5-11-13-1 must include a statement that the town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(2) Prior to December 31 of each year, each elected officer shall submit to the President of the Town Council a certification in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the town's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(Prior Code, § 33.80) (Ord. 06-11-12, passed 6-11-2012)

### ***SUBSTANCE ABUSE POLICY***

#### **§ 33.125 ADOPTION BY REFERENCE.**

(A) The health and safety of the employees of the town is of great concern to the town, and drug or alcohol use may pose a serious threat to the employees of the town. Therefore, it is the policy of the town to prevent substance use or abuse from having an adverse effect on their employees.

(B) The substance abuse policy is adopted and incorporated as part of this code of ordinances as fully as if set forth herein.

(Prior Code, § 33.90) (Ord. passed 6-4-2014)

### ***FLEXIBLE BENEFIT PLAN***

#### **§ 33.140 ADOPTION OF FLEXIBLE BENEFIT PLAN.**

The town adopts the Town Flexible Benefit Plan, as amended and restated, effective January 1, 2019.

(Prior Code, § 33.100) (Adopted January 2019)



## **CHAPTER 34: TOWN FINANCES; FUNDS**

### **Section**

#### ***General Provisions***

- 34.001 Dishonored checks
- 34.002 Lien and assessment certificates
- 34.003 Promotional account
- 34.004 Deferred Compensation Plan
- 34.005 Fire Department and ambulance user fee

#### ***Funds***

- 34.020 Cumulative Capital Improvement Fund
- 34.021 Public Employees' Retirement Fund
- 34.022 Restricted Donation Funds
- 34.023 Enhancement Fund
- 34.024 River Boat Fund
- 34.025 Rainy Day Fund
- 34.026 Cumulative Equipment Fund
- 34.027 User Fee Fund
- 34.028 Casino Fund
- 34.029 Fire Department and Ambulance Fund
- 34.030 LOIT Special Distribution Fund
- 34.031 Sewer Cash Reserve Fund
- 34.032 Water Cash Reserve Fund
- 34.033 Drainage Utility Fund
- 34.034 ARPA Coronavirus Local Fiscal Recovery Fund

#### ***Purchasing***

- 34.045 Purchasing Agency
- 34.046 Purchasing Agent
- 34.047 Purchase of supplies under \$25,000
- 34.048 Purchase of services
- 34.049 Purchase of supplies manufactured in the United States



*Fixed Asset Capitalization Policy*

- 34.060 Definitions and provisions
- 34.061 Recording and accounting
- 34.062 Safeguarding of assets

*Internal Control Standards*

- 34.075 Internal Control Standards

**GENERAL PROVISIONS****§ 34.001 DISHONORED CHECKS.**

(A) The town will accept only checks drawn on the account of the individual issuing the check. The check shall be accepted by the town only upon proper identification of the individual issuing the same. Furthermore, the town, through its agents, may, for any reason in the sole discretion of the agent to whom the check is presented, refuse to accept the check.

(B) In the event that a check issued by an individual or an entity indebted to the town be returned to the town unpaid, the individual and/or entity issuing the check shall be charged a \$27.50 fee, which shall be collected by the Clerk-Treasurer.

(Prior Code, § 34.01) (Ord. 6-19-01A, passed 6-19-2001; Ord. 2-17-15, passed 2-17-2015)

**§ 34.002 LIEN AND ASSESSMENT CERTIFICATES.**

(A) The Clerk-Treasurer is authorized to collect a fee from each applicant for a certificate listing liens and assessments, if any, upon real estate in the town.

(B) The fee charged shall be \$10.

(C) The fees collected shall be deposited in the proper town account, and a proper record shall be kept by the Clerk-Treasurer of all collections so made, and from whom, so that a proper account can be made at all times to the Town Council, to the State Board of Accounts, and to any other persons concerned.

(Prior Code, § 34.02)

**§ 34.003 PROMOTIONAL ACCOUNT.**

(A) The Town Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the town.

(B) Expenditures from this fund shall include, but are not necessarily limited to, the following:

(1) Membership dues in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of town operations;

(2) Direct expenses for travel, meals, and lodging in conjunction with town business or meetings, or organizations to which the town belongs;

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals, and travel;

(4) Commemorative plaques, certificates, or objects such as commemorative keys; and

(5) Other purposes which are deemed by the Council to directly relate to the promotion or betterment of the town.

(C) (1) No expenses shall be allowed from the fund without prior authorization and approval of the Council.

(2) Claims for expenses under this section will be allowed as prescribed by law.  
(Prior Code, § 34.03)

**§ 34.004 DEFERRED COMPENSATION PLAN.**

(A) The Town Council adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options, and establishes a Deferred Compensation Plan for the voluntary participation of all eligible city employees, elected officials, and independent contractors.

(B) (1) The Clerk-Treasurer is authorized to execute for the town individual participation agreements with each said employee requesting same, and to act as the administrator of the plan representing the town, and to execute such agreements and contracts as are necessary to implement the program.

(2) It is implicitly understood that, other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost to the town for the program.

(Prior Code, § 34.04) (Res. passed 10-18-1994)

#### **§ 34.005 FIRE DEPARTMENT AND AMBULANCE USER FEE.**

(A) The town imposes a Fire Department and ambulance user fee. The purpose of said fee is to help defray the costs and expenses that will be incurred by the Town Fire Department in providing fire suppression services and ambulance services to town residents.

(B) The Fire Department and ambulance user fee shall be deposited in the town's non-reverting Fire Department and Ambulance Fund, and shall be disbursed in compliance with the requirements of the ordinance that established said fund.

(C) The Fire Department and ambulance user fee is set at the rate of \$5 per month, and shall be paid by the owner, tenant, or occupant of each parcel of improved real estate located within the town, on a monthly basis, in addition to the water and/or sewer fee that is assessed against each such parcel by the town.

(D) Said Fire Department and ambulance user fee shall be advertised pursuant to state law, and shall begin on April 1, 2013, or as soon thereafter as permitted by state law.

(Prior Code, § 34.05) (Ord. 01-14-13, passed 2-11-2013)

### ***FUNDS***

#### **§ 34.020 CUMULATIVE CAPITAL IMPROVEMENT FUND.**

(A) The Town Council creates the Cumulative Capital Improvement Fund.

(B) All distributions received from the Cumulative Capital Improvement Fund of the State Cigarette Tax Fund shall be deposited in the Cumulative Capital Improvement Fund.

(C) (1) Disbursements from the fund shall be made only for the construction or improvement of any town-owned property, including, but not limited to, streets, thoroughfares, and sewers.

(2) Disbursements shall also be made to retire any general obligation bonds of the town issued for the construction of improvements which would qualify for use of such funds.

(D) No disbursements shall be made from the fund for the salaries of any employees or public officials except for expenses directly chargeable to the improvements listed in division (C) above. (Prior Code, § 34.15)

**§ 34.021 PUBLIC EMPLOYEES' RETIREMENT FUND.**

(A) The town elects to become a participant in the Public Employees' Retirement Fund, as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto, as currently set forth in I.C. 5-10.3-2-1 et seq.

(B) The town agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act."

(C) The following positions are declared to be covered by the fund:

- (1) Clerk-Treasurer;
- (2) Deputy Clerk-Treasurer;
- (3) Water Superintendent;
- (4) Assistant Water Superintendent;
- (5) General Utility;
- (6) Town Marshal;
- (7) Chief Deputy Marshal; and
- (8) Police officers.

(D) It is declared that none of the classifications or positions specified in division (C) above are compensated on a fee basis or of an emergency nature, or in a part-time category.

(E) The active participating membership of the town shall begin on January 1, 1994.

(F) This section shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in division (E) above.

(G) The Clerk-Treasurer and Deputy Clerk-Treasurer are fully authorized and empowered to act on behalf of and in the name of the town, as its agent, to accept pension liability, pursuant to I.C. 5-10.2-3-1, and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana. This section will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund (PERF).

(Prior Code, § 34.16) (Res. passed 10-19-1993)

#### **§ 34.022 RESTRICTED DONATION FUNDS.**

(A) The Town Council creates the following restricted donation funds. Private donations can be accepted for the following purposes and must be handled in the following method.

(1) *Donations for law enforcement and police equipment.* Monies received and designated for law enforcement can be used for the promotion of law enforcement and/or to purchase, repair, or improve police equipment for the Police Department.

(2) *Donations for the Fire Department.* Monies received and designated for the Fire Department can be used for firefighting equipment, fire prevention education, reimbursement to fire personnel for department-related expenditures, flowers for ill or deceased firefighters, food and drinks for meetings and fires, supplies and materials necessary for firefighters' sustenance, and for expenditures for the fire station, meeting facilities, and general miscellaneous upkeep.

(3) *Donations for town administration.* Monies received and designated for town administration can be used for the promotion of town administration and/or to purchase, repair, or improve town administrative equipment for the town.

(B) Donations received can be expended only for the purposes herein above specified, without appropriation, but upon the submission of a claim approved by the Town Marshal in the instance of items for the Police Department, by the Fire Chief for items for the Fire Department, and by the Clerk-Treasurer in the instance of items for the town administration and filed in the regular legal manner before distribution can be made from the fund.

(C) No funds shall revert to the town's General Fund, and no disbursements shall be made from the restricted donation funds for the salaries of any officials or employees of the town except for expenses directly chargeable to the improvements listed in division (A) above.

(D) (1) Donations to be paid to the fund are to be paid in the form of cash, check, or money order payable to the Edgewood Restricted Donation Fund and should designate “police,” “fire,” “court,” or “town” donation.

(2) The Clerk-Treasurer is the custodian of funds for the town.  
(Prior code, § 34.17) (Ord. 6-18-1996C, passed 6-18-1996; Ord. 8-20-02A, passed 8-20-2002)

**§ 34.023 ENHANCEMENT FUND.**

(A) There is created a fund within the town, which shall be designated the Enhancement Fund, and which shall be empowered to receive, retain, and disburse funds to support and improve the town’s beautification efforts, park system, landscaping, and capital assets.

(B) The Enhancement Fund shall be established, operated, and all of its records shall be maintained in compliance with all relevant state statutes and the State Board of Accounts requirements.  
(Prior Code, § 34.18) (Ord. 8-19-03, passed 8-19-2003)

**§ 34.024 RIVER BOAT FUND.**

(A) There is created a fund within the town, which shall be designated the River Boat Fund, and which shall be the repository of monies generated by river boat revenues that are allocated to the town.

(B) Commencing in 2004, such fund shall be designated in the town’s budget, and monies shall be appropriated therefrom as part of the town’s annual budget process.

(C) Such River Boat Fund shall be established, operated, and all of its records maintained in compliance with all relevant state statutes and the State Board of Accounts requirements.  
(Prior Code, § 34.19) (Res. 8-19-03B, passed 8-19-2003)

**§ 34.025 RAINY DAY FUND.**

(A) The town, pursuant to I.C. 36-1-8-5.1, establishes a Rainy Day Fund.

(B) The purpose of said fund is to establish a reserve of monies that can be expended for any legitimate emergency purpose, as determined by the Town Council, pursuant to the same appropriation process as other town funds that receive tax money.

(C) The source of revenue for said fund shall be the County Economic Development Income Tax, unused and unencumbered funds, the transfer of which is authorized by the Town Council, or any other funding source authorized by law.

(Prior Code, § 34.20) (Ord. 01-22-08A, passed 1-22-2008)

#### **§ 34.026 CUMULATIVE EQUIPMENT FUND.**

(A) Pursuant to I.C. 36-8-14-1 et seq., the Town Council established a Cumulative Firefighting Equipment Fund for the purpose of purchasing firefighting equipment for use by the town's Volunteer Firefighting Department.

(B) Said cumulative fund shall also be used, on behalf of the Volunteer Fire Department, for such other purposes as authorized by I.C. 36-8-14-2, including the renovation, addition, or remodeling of any buildings used to house the Volunteer Fire Department.

(C) The Town Council shall levy tax on all property within the taxing district in compliance with I.C. 6-1.1-41, but any such levy shall not exceed the allowable rate permitted by I.C. 36-8-14-4.

(Prior Code, § 34.21) (Ord. 01-22-08B, passed 2-19-2008)

#### **§ 34.027 USER FEE FUND.**

(A) The town, pursuant to I.C. 33-37-8-3, establishes a User Fee Fund in conjunction with the town's deferral program.

(B) The purpose of the User Fee Fund is to provide a means by which the town can receive and disburse user fees that are lawfully collected by the Clerk-Treasurer as part of the town's deferral program. The User Fee Fund shall be administered by the Fiscal Officer of the town, who shall maintain appropriately detailed records of all deposits and all disbursements from the User Fee Fund. Monies shall be disbursed from the User Fee Fund for the cost and expense of running the town's deferral program, the Town Police Department, and the Town Legal Department, or any other purpose authorized by state law.

(Prior Code, § 34.22) (Ord. 04-21-09, passed 4-21-2009)

#### **§ 34.028 CASINO FUND.**

(A) The town, pursuant to I.C. 36-1-8-9.2, establishes a Casino Fund, which shall be separate from the town's General Fund, and into which shall be deposited any revenues received under I.C. 4-35-8.5.

(B) The funds so received shall be used for any legal purpose of the town, and the fund shall be administered by the Clerk-Treasurer. Any expenses incident to the administration of the fund shall be paid from monies within the fund.

(C) Any monies in the fund at the end of the town's fiscal year shall not revert to the town's General Fund.

(Prior Code, § 34.23) (Ord. 07-21-09, passed 8-18-2009)

**§ 34.029 FIRE DEPARTMENT AND AMBULANCE FUND.**

(A) The town establishes a Fire Department and Ambulance Fund, which shall be separate from the town's General Fund, and into which shall be deposited any fees generated or received as the result of ambulance services provided by the town's Volunteer Fire Department.

(B) The funds so received shall be used exclusively for costs and expenses that relate to the town's Fire Department and ambulance service, which shall include, but which shall not be limited to, training of personnel, the purchase or lease of equipment, the maintenance of equipment and/or vehicles, the purchase of supplies, the purchase of uniforms, and the payment of sub-contractors who assist with or provide any of the above-described items.

(C) The Fire Department and Ambulance Fund shall be operated pursuant to state law, and in accordance with all applicable standards adopted by the State Board of Accounts, and shall be administered by the Clerk-Treasurer of the town subject to approval of expenditures by the Town Council. The Clerk-Treasurer shall maintain appropriately detailed records of all deposits and disbursements from said Fire Department and Ambulance Fund. Monies shall also be disbursed from said fund on an emergency basis, subject to approval of the Clerk-Treasurer of the town, but any such emergency expenditures shall be approved by the Town Council at its next regular meeting. Any expenses incident to the administration of the fund shall be paid from monies within the fund.

(D) Any monies in the Fire Department and Ambulance Fund at the end of the town's fiscal year shall not revert to the town's General Fund.

(Prior Code, § 34.24) (Ord. 11-20-12A, passed 11-20-2012)

**§ 34.030 LOIT SPECIAL DISTRIBUTION FUND.**

(A) The sources of funding for the newly established fund are a special distribution of Local Option Income Tax, pursuant to Senate Enrolled Act 67, and any other funding source not specifically prohibited by law.



(B) Expenditures from said fund are restricted to allowable purposes, all as set out in I.C. 6-3.6-9-17(h)(1)(A), as follows:

(1) Engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(2) The payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(3) Any local costs required to undertake a recreational or reservoir road project under I.C. 8-23-5;

(4) The purchase, rental, or repair of highway equipment;

(5) Providing a match for a grant from the local Road and Bridge Matching Grant Fund under I.C. 8-23-30; and

(6) Capital projects for aviation-related property or facilities, including capital projects of a Board of Aviation Commissioners established under I.C. 8-22-2 or an airport authority established under I.C. 8-22-3-1.

(C) Said fund shall be subject to the same appropriation process as other municipal funds. (Prior Code, § 34.25) (Ord. 071816, passed 7-18-2016)

#### **§ 34.031 SEWER CASH RESERVE FUND.**

(A) The town establishes a Sewer Cash Reserve Fund.

(B) Said Sewer Cash Reserve Fund shall, in all respects, be operated in compliance with applicable state laws, regulations, and pursuant to any requirements set out by the State Board of Accounts. (Prior Code, § 34.26) (Ord. 11-12-18-B, passed 11-12-2018)

#### **§ 34.032 WATER CASH RESERVE FUND.**

(A) The town establishes a Water Cash Reserve Fund.

(B) Said Water Cash Reserve Fund shall, in all respects, be operated in compliance with applicable state laws, regulations, and pursuant to any requirements set out by the State Board of Accounts. (Prior Code, § 34.27) (Ord. 11-12-18C, passed 11-12-2018)

**§ 34.033 DRAINAGE UTILITY FUND.**

(A) The town establishes a Drainage Utility Fund.

(B) Said Drainage Utility Fund shall, in all respects, be operated in compliance with applicable state laws, regulations, and pursuant to any requirements set out by the State Board of Accounts.  
(Prior Code, § 34.28) (Ord. 11-2-18A, passed 11-12-2018)

**§ 34.034 ARPA CORONAVIRUS LOCAL FISCAL RECOVERY FUND.**

(A) The town establishes a local ARPA Coronavirus Local Fiscal Recovery Fund.

(B) The town shall use any monies it receives from the American Rescue Plan Act for any and all purposes set out in § 603(c)(1) of the Social Security Act, as amended by § 9901 of the American Rescue Plan Act of 2021, which purposes are adopted herein by reference.

(C) For accounting and distributing purposes, the town shall deposit any monies it receives for the American Rescue Plan Act in a Lost Revenue Fund from which appropriations shall be made, pursuant to its usual procedures, the normal claims process, and in accordance with State Board of Accounts guidelines.  
(Ord. 06-20-22, passed 6-20-2022)

***PURCHASING***

**§ 34.045 PURCHASING AGENCY.**

(A) The Town Council is established as the Purchasing Agency for the town.

(B) The Purchasing Agency shall have all the powers and duties authorized under I.C. 5-22, as shall be supplemented from time to time by ordinances adopted by the Council and policies adopted by the Purchasing Agency.

(C) The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department, or other establishment of the town.

(D) The Purchasing Agency shall designate in writing any employee of the town as a Purchasing Agent.  
(Prior Code, § 34.30) (Ord. 7-21-1998A, passed 7-21-1998)

**§ 34.046 PURCHASING AGENT.**

(A) The Town Council establishes the Clerk-Treasurer as the Purchasing Agent for the town.

(B) The Purchasing Agent shall have all the powers and duties authorized under I.C. 5-22, as shall be supplemented from time to time by ordinances adopted by the Council and policies adopted by the Purchasing Agency.

(C) The Purchasing Agent shall act as the purchasing agent for every agency, board, office, branch, bureau, commission, council, department, or other establishment of the town.

(D) The Purchasing Agent shall designate in writing any employee of the town as a purchasing agent.

(Prior Code, § 34.31) (Ord. 7-21-1998B, passed 7-21-1998)

**§ 34.047 PURCHASE OF SUPPLIES UNDER \$25,000.**

The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

(Prior Code, § 34.32) (Ord. 7-21-1998C, passed 7-21-1998)

**§ 34.048 PURCHASE OF SERVICES.**

It is determined that each agency and/or department shall purchase services in whatever manner the purchaser determines to be reasonable.

(Prior Code, § 34.33) (Ord. 7-21-1998D, passed 7-21-1998)

**§ 34.049 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITED STATES.**

Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the town determines:

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

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

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

(D) The purchase of supplies manufactured in the United States is not in the public interest. (Prior Code, § 34.34) (Ord. 7-21-1998E, passed 7-21-1998)

### ***FIXED ASSET CAPITALIZATION POLICY***

#### **§ 34.060 DEFINITIONS AND PROVISIONS.**

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

***CAPITAL OUTLAYS.*** Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures, or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

***FIXED ASSETS.*** Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant, and equipment of fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (for example, land, buildings, improvements other than buildings, machinery and equipment, furniture, and fixtures).

***HISTORICAL COSTS.*** The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the ***HISTORICAL COST*** attribute.

***TANGIBLE ASSETS.*** Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.

(B) *Provisions.*

(1) *Land.*

(a) The town will capitalize all land purchases, regardless of cost.

(b) Exceptions to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

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

(d) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(2) *Machinery and equipment.*

(a) For the purpose of this division (B), the following definition shall apply unless the context clearly indicates or requires a different meaning.

***MACHINERY.*** An apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure of building.

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

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

1. Total cost exceeds \$1,000;
2. The useful life is extended two or more years; and

3. The total costs will be greater than the current book value and less than the fair market value. Examples include: A work truck being equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered one unit.

(d) If police cars are constantly changing light bars or radios to other vehicles, the town will capitalize each piece of equipment separately, if it meets the required dollar amount.

(e) A department's computer (CPU, monitor, keyboard, and printer) is considered one unit. A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs.

(f) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(3) *Buildings.*

(a) A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating, cooling, plumbing, lighting, or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

(b) A department's new building will be capitalized only if it meets the following conditions:

1. The total cost exceeds \$5,000; and
2. The useful life is greater than two years.

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

1. The total cost exceeds \$5,000;
2. The useful life is extended two or more years; and
3. The total cost will be greater than the current book value and less than the fair market value.

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

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

(f) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(4) *Improvements other than buildings.*

(a) The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years. Examples are walks,

parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planters, underground sprinkler systems, and other similar items.

(b) Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon town-owned land that provide support to the town's facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon town-owned land for use by the public and for the support of the town's facility are capital assets.

(c) This town will capitalize new improvements other than buildings only if it meets the following conditions:

1. The total cost exceeds \$5,000; and
2. The useful life is greater than two years.

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

1. The total cost exceeds \$5,000;
2. The asset's useful life is greater than two years; and
3. The total cost will be greater than the current book value and less than the fair market value.

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

(f) Purchases made using federal or state funding will follow the source funding policies and above procedures.  
(Prior Code, § 34.50) (Ord. 4-17-01, passed 4-17-2001)

#### **§ 34.061 RECORDING AND ACCOUNTING.**

(A) (1) The town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the *Chart of Accounts of the Cities and Towns Accounting* manual.

(2) For purposes of recording fixed assets of the town and its departments, the valuation of assets shall be based on historical cost or, where the historical cost is indeterminable, by estimation for those assets in existence.

(B) The town's municipally-owned utilities shall record acquisition of fixed assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid. Assets may be acquired under a number of other arrangements, including:

- (1) Assets acquired for lump sum purchase price;
- (2) Purchase on deferred payment contract;
- (3) Acquisition under capital lease;
- (4) Acquisition by exchange of non-monetary assets;
- (5) Acquisition by issuance of securities;
- (6) Acquisition by self-construction; or
- (7) Acquisition by donation or discovery.

(C) (1) Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost.

(2) Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical cost.

(D) In addition, assets shall be recorded and maintained to provide a detailed record of the capital assets of the governmental unit.

(Prior Code, § 34.51) (Ord. 4-17-01, passed 4-17-2001)

#### **§ 34.062 SAFEGUARDING OF ASSETS.**

Accounting controls shall be designed and implemented to provide reasonable assurances that the recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.

(Prior Code, § 34.52) (Ord. 4-17-01, passed 4-17-2001)



***INTERNAL CONTROL STANDARDS*****§ 34.075 INTERNAL CONTROL STANDARDS.**

(A) The town adopts as policy the Internal Control Standards as set forth by the *State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions* manual as expressly written and published by the State Board of Accounts in September, 2015, and as amended from time to time.

(B) In order to implement these standards, the Clerk-Treasurer shall certify in writing that personnel, as defined in statute, have received the required training. All officers, elected officials, and employees are required to comply with the policy.

(C) Employees who fail to comply with this policy are subject to discipline including, but not limited to, termination of their employment.

(Prior Code, § 34.65) (Ord. 11-14-2016, passed 11-14-2016)

## **CHAPTER 35: CREDIT CARDS**

### **Section**

- 35.01 Scope
- 35.02 Authorization of credit cards
- 35.03 Use of credit cards
- 35.04 Effective date

### **§ 35.01 SCOPE.**

The provisions of this chapter shall apply to the authorization and use of credit cards by town employees and department heads for the purchase of items for the town.  
(Prior Code, § 35.01) (Ord. 6-15-1999A, passed 6-15-1999)

### **§ 35.02 AUTHORIZATION OF CREDIT CARDS.**

(A) The Clerk-Treasurer is authorized to make application and obtain credit cards for the use by town employees and department heads for purchases of town equipment and property.

(B) Said credit card will have no annual fee or other fees attached to said card and, if possible, said card will allow for a rebate or refund of a percentage of the purchase price of items purchased by the credit card.

(C) The credit card statements are to be paid in full each month during the grace period in a manner that does not allow interest or late fees to be charged on purchases.  
(Prior Code, § 35.02) (Ord. 6-15-1999A, passed 6-15-1999)

### **§ 35.03 USE OF CREDIT CARDS.**

(A) Before any purchases are made by said credit cards, a purchase order must be obtained by the individual prior to making the purchase, and the purchase order must be approved by the Clerk-Treasurer.

(B) In addition, all purchases must be made in accordance with the town and State Board of Accounts procedures.

(C) It shall be a violation of this chapter for a person to make any purchase for personal items or items not to be used and owned by the town.

(Prior Code, § 35.03) (Ord. 6-15-1999A, passed 6-15-1999) Penalty, see § 10.99

#### **§ 35.04 EFFECTIVE DATE.**

This chapter shall be in full force and effect from and after its passage by the Town Council.

(Prior Code, § 35.04) (Ord. 6-15-1999A, passed 6-15-1999)

## **CHAPTER 36: ORDINANCE VIOLATION DEFERRAL PROGRAM**

### **Section**

#### **36.01 Establishment; eligibility; administration**

#### **§ 36.01 ESTABLISHMENT; ELIGIBILITY; ADMINISTRATION.**

(A) The Town Ordinance Violation Deferral Program is established. Eligible individuals who have violated a qualifying town ordinance may voluntarily enter the deferral program by written agreement with the Town Attorney. The deferral program shall provide for the following:

(1) The defendant shall voluntarily agree to the terms and conditions of the deferral agreement offered by the Town Attorney;

(2) The terms and conditions of the deferral agreement shall be in writing and signed by the Town Attorney;

(3) The defendant shall agree to pay to the Clerk the deferral fees established by the town;

(4) The defendant shall agree to pay all other applicable court fees and costs to the Clerk;

(5) The executed deferral agreement shall be filed with the Town Council;

(6) Upon the defendant's successful compliance with the terms and conditions of the deferral agreement, the Town Attorney shall file a motion with the Town Council to dismiss the pending deferral action; and

(7) The Town Council shall dismiss the pending deferred action against the defendant, with prejudice, upon receipt of a motion to dismiss from the Town Attorney.

(B) The Town Attorney is given full authority to administer the deferral program, and to draft, prepare, and execute all documents and forms necessary and desirable for the implementation of the deferral program. The Town Attorney is also authorized and directed to establish the amount of the initial deferral program user's fee and monthly user's fee, at a level not to exceed the amounts authorized

by law. The Town Attorney shall also establish all eligibility and participation criteria for the deferral program, and take any and all other lawful actions necessary to implement this chapter and administer the deferral program.

(C) All deferral fees from the deferral program shall be deposited by the Clerk into the town's User Fee Fund on a monthly basis. The User Fee Fund shall be administered by the Fiscal Officer of the town, who shall maintain appropriately detailed records of all deferral fees deposited into and transferred out of the User Fee Fund.

(D) Notwithstanding any other provision of this chapter, in the event the deferral program is discontinued by the town, and after all deferral program costs and expenses have been paid in full, the deferral fees collected and on deposit in the User Fee Fund shall revert to the town's General Fund. (Prior Code, § 36.01) (Ord. 3-17-09, passed 3-3-2009)

## **CHAPTER 37: NATIONAL INCIDENT MANAGEMENT SYSTEM**

### **Section**

#### **37.01 Establishment**

#### **§ 37.01 ESTABLISHMENT.**

(A) Homeland Security Presidential Directive (hereinafter HSPD) calls for the establishment of a single, comprehensive National Incident Management System.

(B) As a result, the Department of Homeland Security released the NIMS.

(C) NIMS provides a systematic, proactive approach, guiding departments and agencies at all levels of government, the private sector, and non-governmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity in order to reduce the loss of life, property, and harm to the environment.

(D) This will enable the Town Police, Fire, and Utility Departments to utilize a standard protocol for each post within the applicable department.

(E) By adopting the NIMS protocols, the town will be enabled to apply for and receive federal funding and/or grants for projects within the town.

(F) The National Incident Management System, as described in the ten-page attachment to Resolution 9-18-12 as Exhibit A, is approved and adopted by the Town Council.

(Prior Code, § 37.01) (Res. 08-18-09, passed 8-18-2009; Res. 9-18-12, passed 9-18-2012)



## **TITLE V: PUBLIC WORKS**

### **Chapter**

- 50. WATER**
- 51. SEWERS**
- 52. NON-STORM WATER DISCHARGES INTO THE  
STORM DRAINAGE SYSTEM**
- 53. STORM WATER RUNOFF ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES**
- 54. STORM WATER REGULATIONS**





## **CHAPTER 50: WATER**

### **Section**

#### ***General Provisions***

- 50.01 Definitions
- 50.02 Fees
- 50.03 Bonds unaffected
- 50.04 Fluoridate concentration
- 50.05 Illegal use of fire hydrants
- 50.06 Tampering with the town's water service
- 50.07 Payment in lieu of taxes

#### ***Meters***

- 50.20 Defective water meters
- 50.21 Damaged water meter replacement fee
- 50.22 Unclaimed meter deposits

#### ***Water Conservation***

- 50.35 Application
- 50.36 Declaration of need
- 50.37 Basis for determining water shortage
- 50.38 Water conservation measures
- 50.39 Notice of a declaration of emergency
- 50.40 Summer water conservation
- 50.41 Violations

#### ***Cross-reference***

*Assistant Superintendent of Water, see §§ 31.30 and 31.31*  
*Water Cash Reserve Fund, see § 34.032*

**GENERAL PROVISIONS****§ 50.01 DEFINITIONS.**

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

**CUSTOMER** or **CONSUMER** or **USER**. The person, firm, corporation, or association having an interest, whether legal or equitable, as the owner, in any property which is, or is to be, supplied with water service by the Town Waterworks.

**METER**. A mechanical device owned by the Town Waterworks which measures and records the quantity of water supplied to the customer.

**TAP**. The fitting owned by the Town Waterworks and inserted by it in the distribution and main to which service pipe is attached.

**TOWN WATERWORKS**. The Town of Edgewood Water Works System.

**WATER MAIN**. The pipe owned by the Town Waterworks and located in the street and/or easement which delivers water to the service pipes attached to the main.  
(Prior Code, § 50.01) (Ord. 8-17-1999C, passed 5-17-1999; Ord. 09-20-11, passed 9-20-2011)

**§ 50.02 FEES.**

(A) *Water use*. The following fees shall be charged for the services rendered by the Town Waterworks System based on the use of water supplied by the waterworks system:

(1) (a) Each person purchasing water from the town's water system shall pay a minimum charge of \$19.60 each month.

(b) Effective January 1, 2016, each person purchasing water from the town's water system shall pay a minimum charge of \$22.80 each month.

(c) Effective January 1, 2017, each person purchasing water from the town's water system shall pay a minimum charge of \$26 each month.

(2) (a) Each person purchasing water from the town's water system, and using more than 4,000 gallons each month, shall pay an additional \$4.90 for each 1,000 gallons used in such month.

(b) Effective January 1, 2016, each person purchasing water from the town's water system, and using more than 4,000 gallons each month, shall pay an additional \$5.70 for each 1,000 gallons used in such month.

(c) Effective January 1, 2017, each person purchasing water from the town's water system, and using more than 4,000 gallons each month, shall pay an additional \$6.50 for each 1,000 gallons used in such month.

(d) Effective July 1, 2022, each person purchasing water from the town's water system, and using more than 4,000 gallons each month, shall pay an additional \$6.41 for each 1,000 gallons used in such months.

(B) *Deposits.* Every user of the Town Waterworks shall submit a deposit for the services to be rendered.

(1) Residential owners and tenant users shall each submit a deposit of \$150.

(2) Business users shall submit a deposit of \$150.

(C) *Tap fees.*

(1) Any individual tapping into the water mains belonging to the town shall pay a tap fee of \$400. Upon payment of such tap fee, the town will actually tap into the water main, if necessary, and extend a water line from the point of tapping into the water main to the property line of the individual seeking to tap into such main.

(2) Any person who does not have a water main belonging to the town running within 50 feet of one of the boundary lines of his or her lot or any person that requires a connection that is made by tunneling under any street or highway may, at the discretion of the Town Council, be charged an amount in addition to the \$400 tap fee normally charged to cover the additional time and material necessary to connect such individual to the town water main.

(D) *Billing; delinquent accounts.*

(1) Water meters shall be read within approximately seven working days (weather permitting) at the end of each month. The water consumption per month shall be based on the difference in readings of the Orion water meter between the last monthly reading and the present monthly reading.

(2) Based on water consumption, billing for water, tax, and sewage shall be sent for each month by the tenth day of the month following the end of the previous month.

(3) The bills shall show the customer's name, address, meter readings at the start and end of the month, total water consumption for the month, cost of water consumed, taxes on water consumed, sewage charges based on water consumed, and total charges if paid on or before the twenty-first day of the month following the month the bills were mailed.

(4) In the event the customer does not use the town's water but discharges sewage into the town's sanitary sewer system, the billing shall be the same as in division (D)(3) above, except only the flat rate charged for sewage will be shown along with the charge if paid after the delinquent date.

(5) (a) All payments of bills received at the Town Hall Office on or before the twenty-first day of the month (or the first working day following the twenty-first day of the month if the twenty-first day of the month falls on a Saturday, Sunday, or holiday) shall be considered non-delinquent.

(b) All bills received at the Town Hall Office after the foregoing deadline shall be considered delinquent and shall be charged the delinquent late charge at 10% in addition to the regular consumption charge and shall be issued a disconnect notice.

(6) (a) For all bills not paid by seven days following the delinquent date, water service will be terminated unless the customer makes full payment, or requests installment payments to pay the bill in approximately two equal installments within the next month.

(b) If a customer is scheduled for termination (even if termination does not take place), there shall be a \$50 termination fee added to the customer's account.

(7) In the event the customer's request for installment payments is granted and the customer fails to meet the payments agreed upon, water service shall be terminated.

(8) The Clerk-Treasurer, in the collection of water and sewage fees for the town, is authorized to accept direct debits (also known as ACH or auto-pay transfers) from the accounts of town residents.

(9) If a customer experiences a water leak, the customer may apply to the Clerk-Treasurer for a credit, and shall provide a billing statement to support the application for a credit from a licensed plumber. The Clerk-Treasurer and the customer shall then agree on the amount of any such credit. In the absence of agreement, the customer may then appear at the next regular meeting of the Town Council and present the customer's evidence to support the credit. The Town Council shall review the evidence presented, determine whether the customer qualifies for a credit, and if so, the amount of the credit. The Town Council's decision about the credit shall be final.

(E) *Termination of service; reinstatement.* In the event that water service is terminated to any customer by the town for any reason whatsoever, or in the event any customer of the town terminates his or her water service, the service will not be reinstated until the customer has paid a \$25 turn-on fee, plus full payment owed on his or her water bill and all delinquent fees.

(F) *Failure to pay.* In the event the customer fails to pay the amount billed, and after the water service has been terminated, the Town Attorney shall be assigned the duty of bringing suit on the customer to obtain full payment of the bill and/or assessing the amount of the bill as a lien on the property.

(G) *Temporary users.* Water furnished to temporary users, such as contractors and builders, shall be charged for on the basis of a minimum bill rate, as estimated by the Clerk-Treasurer.

(H) *Hydrant rental.* A municipal hydrant rental shall be determined each year by the Town Council as part of the budget ordinance.

(Prior Code, § 50.02) (Ord. 1984, passed 12--1984; Ord. 3-16-1993B, passed 3-16-1993; Ord. passed 5-18-1993; Ord. 8-17-93, passed 8-17-1993; Ord. 11-16-1993A, passed 11-16-1993; Ord. 9-19-95A, passed 10-17-1995; Ord. 12-17-1996A, passed 12-17-1996; Ord. 8-17-04B, passed 8-17-2004; Res. 01-17-06-A, passed 1-17-2006; Ord. 11-20-06, passed 11-20-2006; Ord. 12-19-06, passed 12-19-2006; Res. 02-19-08, passed 2-19-2008; Ord. 09-20-11, passed 9-20-2011; Ord. 05-15-12, passed 5-15-2012; Ord. 10-16-12, passed 10-16-2012; Ord. 2-17-15A, passed 2-17-2015; Ord. 04-13-15, passed 8-3-2015; Ord. 05-21-18, passed 4-16-2018; Ord. 07-18-22, passed 7-18-2022)

### **§ 50.03 BONDS UNAFFECTED.**

The rights and obligations of the town concerning the issuance of water system bonds under the authority of ordinances adopted prior to the enactment of this code are in no way impaired by the adoption of this code.

(Prior Code, § 50.03) (Ord. 09-20-11, passed 9-20-2011)

### **§ 50.04 FLUORIDATE CONCENTRATION.**

Fluoride compounds shall be added to the public water supply of the town in sufficient quantities to bring the total amount of fluoride ions (F-11) present in the finished water to the optimum concentration recommended by the State Board of Health, but not exceeding one and one-half parts per million by weight.

(Prior Code, § 50.05) (Res. passed 1-20-1952; Ord. passed 8-16-1977; Ord. 8-1999B, passed 8-17-1999; Ord. 09-20-11, passed 9-20-2011)

### **§ 50.05 ILLEGAL USE OF FIRE HYDRANTS.**

It shall be unlawful for any unauthorized person, firm, or corporation to open and/or draw any water from a fire hydrant located within the corporate limits of the town.

(Prior Code, § 50.06) (Ord. 10-16-01D, passed 10-16-2001; Ord. 09-20-11, passed 9-20-2011)  
Penalty, see § 10.99

**§ 50.06 TAMPERING WITH THE TOWN'S WATER SERVICE.**

(A) Only employees of the town waterworks system are authorized to reinstate water service for a customer, or to turn on water service for a customer.

(B) Any person who tampers with the town's water system, or tampers with the town's shutoff/turn-on valves, or any unauthorized person who turns on a customer's water service, shall be in violation of the provisions of this chapter.

(Prior Code, § 50.07) (Ord. 10-17-06B, passed 10-17-2006; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 50.07 PAYMENT IN LIEU OF TAXES.**

A payment in lieu of taxes shall be charged annually to the Town Waterworks based upon a percentage not to exceed 100% of the corporate tax rate, as determined by the Town Council, which payment shall be retroactive to January 1, 2016.

(Prior Code, § 50.08) (Res. 11-12-18, passed 11-12-2018)

***METERS*****§ 50.20 DEFECTIVE WATER METERS.**

Any problems with the procedure or any unforeseen meter problems will be handled at the discretion of the Water Superintendent or Water Commissioner.

(Prior Code, § 50.10) (Ord. passed 4-20-1993; Res. passed 11-15-1994; Ord. 09-20-11, passed 9-20-2011)

**§ 50.21 DAMAGED WATER METER REPLACEMENT FEE.**

(A) In the event the water meter, which is supplied by the town to customers using water supplied by the Water Department for the purpose of determining the amount of water consumption of the customer, is damaged through no fault of the town, as a result of negligence, inadequate protection, or accident to the extent that the water meter leaks or does not measure the consumption of the customer correctly, the customer is responsible for the cost of the meter and/or the meter repair parts plus the labor to replace or repair the meter.

(B) For the replacement or repair, the Water Department shall charge the customer a standard fee of \$250 to cover the Water Department's costs, labor, and administrative expense. This fee will be billed to the customer or added to the total water billing at the next billing period. Nonpayment of the fee shall constitute grounds for terminating water service until the fee is paid.

(Prior Code, § 50.11) (Ord. 3-19-1996A, passed 3-19-1996; Ord. 09-20-11, passed 9-20-2011; Ord. 03-18-19, passed 2-18-2019)

## **§ 50.22 UNCLAIMED METER DEPOSITS.**

If a meter deposit remains unclaimed by a customer of the Town Sewer and Water Utility for greater than five years after the termination of service, such deposit shall become property of the town.

(Prior Code, § 50.12) (Ord. 11-15-10, passed 11-15-2010)

## ***WATER CONSERVATION***

## **§ 50.35 APPLICATION.**

This subchapter shall apply to all persons, firms, partnerships, associations, corporations, company, or organizations of any kind connected to the town public water system or using water therefrom (hereafter referred to as "user").

(Prior Code, § 50.15) (Ord. 36-9-9-2, passed 8-15-1989; Ord. 09-20-11, passed 9-20-2011)

## **§ 50.36 DECLARATION OF NEED.**

(A) The Town Council, at any regular or called meeting, may determine that the public water system of the town is:

(1) In imminent danger of a shortage of water; or

(2) Experiencing an emergency shortage of water, and thereafter, after determining that either condition exists, the Council may declare a water conservation emergency and adopt appropriate conservation measures as hereinafter specified.

(B) In the event the Town Council cannot be timely assembled, the President of the Council, or his or her designated delegate who must be a member of the Town Council, may make the determination that either condition exists, and thereafter may declare a water conservation emergency and promulgate



appropriate conservation measures as hereinafter specified, which conservation measures shall remain in full force and effect until the President or his or her delegate cancels the same, or the Council meets, at which time the Council may determine that the conditions still exist and continue the conservation measures, or may determine that the conditions do not exist and terminate such conservation measures. (Prior Code, § 50.16) (Ord. 36-9-9-2, passed 8-15-1989; Ord. 09-20-11, passed 9-20-2011)

#### **§ 50.37 BASIS FOR DETERMINING WATER SHORTAGE.**

(A) In the event the consumption by users of the town water utility exceeds 330,000 gallons during any 24-hour period, the Town Council, or the President, or his or her delegate, may determine that there is imminent danger of shortage of water.

(B) In the event the consumption of water by the users of the Town Water Utility exceeds 480,000 gallons during any 24-hour period, the Town Council, or the President, or his or her delegate, in the event the Council cannot be timely assembled, may determine that the town is experiencing an emergency shortage of water and thereupon all of the uses set forth in § 50.38 are prohibited in all districts and by all users.

(Prior Code, § 50.17) (Ord. 36-9-9-2, passed 8-15-1989; Ord. 09-20-11, passed 9-20-2011)

#### **§ 50.38 WATER CONSERVATION MEASURES.**

Upon determination of imminent danger of shortage of water by the Council, or the President of the Council, or his or her delegate, reasonable conservation measures shall be adopted whereby the use of water may be limited for one or all of the following purposes only on the days and in the zones specified on the map in Appendix A of the ordinance upon which this subchapter is based and by reference made a part hereof:

(A) Sprinkling, watering, or irrigating of shrubbery, trees, grass ground covers, plants, vines, gardens, vegetables, or any other vegetation;

(B) Washing of automobiles, trucks, trailers, mobile homes, railroad cars, or any other type of mobile equipment;

(C) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces;

(D) Washing and cleaning of any business equipment or machinery; and

(E) The filling of swimming pools, wading pools, and ornamental fountains.

(Prior Code, § 50.18) (Ord. 36-9-9-2, passed 8-15-1989; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 50.39 NOTICE OF A DECLARATION OF EMERGENCY.**

(A) In the event the Town Council, or the President of the Town Council, or his or her delegate, shall determine that a water conservation emergency exists as a result of an imminent danger of a shortage of water or as a result of the town experiencing a shortage of water and adopts or promulgates water conservation measures, the Clerk-Treasurer shall immediately cause publication in a newspaper published in the town authorized to publish legal notices, a notice setting forth the nature and extent of the conservation measures and restrictions on use of water, together with the penalties thereon for prohibited use of water.

(B) The penalty provisions for prohibited use of water in the event of the adoption of conservation measures when there is an imminent danger of a shortage of water or in the event of the determination that there is an emergency shortage of water shall not be enforceable until such publication appears. (Prior Code, § 50.19) (Ord. 36-9-9-2, passed 8-15-1989; Ord. 09-20-11, passed 9-20-2011)

**§ 50.40 SUMMER WATER CONSERVATION.**

Under the conditions in § 50.39, the town does request its citizens to limit yard sprinkling, car washing, and pool filling during the months of June, July, and August as follows.

(A) The citizens of the town shall not use water from the water system of the town for the purposes of yard sprinkling, car washing, and pool filling on Sundays.

(B) The citizens of the town living in Wards 1 and 5 shall use water from the water system for the purposes of yard sprinkling, car washing, and pool filling only during the hours from 9:00 a.m. to 4:30 p.m., on Mondays and Thursdays.

(C) The citizens of the town living in Wards 2 and 3 shall use water from water system for the purposes of yard sprinkling, car washing, and pool filling only during the hours from 9:00 a.m. to 4:30 p.m., on Tuesdays and Fridays.

(D) The citizens of the town living in Wards 4 and 6 shall use water from the water system for the purposes of yard sprinkling, car washing, and pool filing only during the hours from 9:00 a.m. to 4:30 p.m., on Wednesdays and Saturdays.

(E) The citizens of the town shall refrain from using water from the town water system for said purposes at all other times during the months of June, July, and August. (Prior Code, § 50.20) (Ord. 84-3, passed 6-19-1984; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 50.41 VIOLATIONS.**

(A) *Violations of water conservation measures adopted or promulgated as a result of determination of imminent danger of shortage of water.* After adoption of conservation measures by the Town Council or the promulgation of such measures by the President of the Council, or his or her delegate, any user violating such conservation measures limiting the use of water shall be warned by the Marshal of the town or another member of the Police Force. The warning shall be in writing, and the officer serving the notice shall make a return thereon by endorsing on a copy of the notice the date, time, and the name of the persons receiving such notice. In the event such user continues to violate the conservation measures, such user shall be subject to the penalty set forth in § 10.99.

(B) *Violations of water conservation measures established in the event of emergency shortage of water.* After determination by the Town Council, or the President of the Council, or his or her delegate, in the event the Council cannot be timely assembled, that a water conservation emergency exists as a result of an emergency shortage of water, any user using water for the purposes specified in § 50.38 shall be warned by the Marshal of the town or another member of the Police Force. The warning shall be in writing, and the officer serving the notice shall make a return thereon by endorsing the notice with the date, time, and name of the person receiving such notice. If the user continues to violate the provisions of § 50.38, using water for prohibited purposes, such user shall be subject to the penalty set forth in § 10.99.

(Prior Code, § 50.21) (Ord. 36-9-9-2, passed 8-15-1989; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

## **CHAPTER 51: SEWERS**

### **Section**

#### ***General Provisions***

- 51.001 Establishment of sewage works
- 51.002 Definitions
- 51.003 Objectionable waste
- 51.004 Private sewage disposal
- 51.005 Vandalism
- 51.006 Payment in lieu of taxes

#### ***Discharges into Sewer System***

- 51.020 Harmful dumping
- 51.021 Prohibited discharges

#### ***Sewer Installation***

- 51.035 Building sewer permits
- 51.036 Sewer installation and connection; requirements and specifications
- 51.037 Inspections
- 51.038 Excavations to be guarded; property to be restored
- 51.039 Additional tapping into sanitary sewer system

#### ***Rates and Charges***

- 51.050 Charges
- 51.051 Quantity of water; meters
- 51.052 Charges on strength and character of sewage
- 51.053 Billings
- 51.054 Tap fees
- 51.055 Drainage utility fees
- 51.056 Credits

*Sewer Funds and Bonds*

- 51.070 Sinking Fund
- 51.071 Revenue; right of bond holders to inspect
- 51.072 Equitable rates
- 51.073 Bonds
- 51.074 Safeguarding interests of bond holders

*Administration and Enforcement*

- 51.085 Enforcement
- 51.086 Inspections
- 51.087 Grease, oil, and interceptors
- 51.088 Preliminary treatment and flow-equalizing to be maintained
- 51.089 Manholes; measurements and testing
- 51.090 Special agreements permitted
- 51.091 Violations

**GENERAL PROVISIONS****§ 51.001 ESTABLISHMENT OF SEWAGE WORKS.**

(A) The Town Council authorizes the Superintendent of Utilities to:

- (1) Acquire, construct, improve, operate, and maintain sewage works under this chapter;
- (2) Acquire, by gift, grant, purchase, condemnation, or otherwise, all lands, rights-of-way, and other property that are necessary for the sewage works;
- (3) Issue revenue bonds to pay the cost of acquiring, constructing, and improving the sewage works and property; and
- (4) Lease sewage works from a person, an entity, a corporation, a public utility, or a unit for a term not to exceed 50 years.

(B) A sewage works leased under this section is subject to state law.  
(Prior Code, § 51.01) (Ord. 09-20-11, passed 9-20-2011)

**§ 51.002 DEFINITIONS.**

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

***BOD (BIOCHEMICAL OXYGEN DEMANDS).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

***BUILDING SEWER.*** The extension from the building drain to the public sewer or other place of disposal.

***COMBINED SEWER.*** A sewer receiving both surface runoff and sewage.

***GARBAGE.*** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

***INDUSTRIAL WASTES.*** The liquid waste or liquid-borne waste resulting from any commercial, manufacturing, or industrial operation or process.

***INSPECTOR.*** The person or persons duly authorized by the town, through its Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

***NATURAL OUTLET.*** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

***PERSONS.*** Any individual, firm, company, association, society, corporation, or group.

***pH.*** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

***PROPERLY SHREDDED GARBAGE.*** The wastes from the preparation, cooking, and dispensing of food that have 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 in any dimension.

***PUBLIC SEWER.*** A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

***SANITARY BUILDING DRAIN.*** The part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches, and conveys the same to a point three feet outside the building walls, where it connects with its respective building sewer.

***SANITARY SEWAGE.*** The waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes, except industrial wastes.

***SANITARY SEWER.*** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

***SEWAGE.*** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

***SEWAGE TREATMENT PLANT.*** Any arrangement of devices and structures used for treating sewage.

***SEWAGE WORKS.*** All facilities for collecting, pumping, treating, and disposing of sewage.

***SEWER.*** A pipe or conduit for carrying sewage.

***SLUG.*** Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

***STORM DRAIN* or *STORM SEWER.*** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

***SUPERINTENDENT.*** The Superintendent of the Municipal Sewage Works of the town.

***SUSPENDED SOLIDS.*** 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.

***WATERCOURSE.*** A channel in which a flow of water occurs, either continuously or intermittently. (Prior Code, § 51.02) (Ord. SW-5, passed 2-17-1967; Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

### **§ 51.003 OBJECTIONABLE WASTE.**

(A) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.

(B) No person shall discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section.

(C) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the town, is required at his or her expense to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section, within 90 days after the date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

(Prior Code, § 51.03) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

#### **§ 51.004 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.003(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25 shall be paid to the town at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health.

(E) When a public sewer becomes available to a property served by a private sewage disposal system as provided in division (D) above, a direct connection shall be made to the public sewer in compliance with this section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.



(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(G) No statement contained in this chapter shall be construed to interfere with any additional requirements that shall be imposed by the Health Officer.

(H) When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Prior Code, § 51.04) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

#### **§ 51.005 VANDALISM.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

(Prior Code, § 51.05) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

#### **§ 51.006 PAYMENT IN LIEU OF TAXES.**

A payment in lieu of taxes shall be charged annually to the Town Sewage Works based upon a percentage not to exceed 100% of the corporate tax rate, as determined by the Town Council, which payment shall be retroactive to January 1, 2016.

(Prior Code, § 51.06) (Res. 11-12-18A, passed 11-12-2018)

### ***DISCHARGES INTO SEWER SYSTEM***

#### **§ 51.020 HARMFUL DUMPING.**

The town is authorized to prohibit dumping of wastes into the town's sewer system which, in its discretion, are deemed harmful to the operation of the sewage works, or to require methods affecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the town.

(Prior Code, § 51.15) (Ord. SW-5, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

**§ 51.021 PROHIBITED DISCHARGES.**

(A) No person shall discharge any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the said Superintendent, to a storm sewer, combined sewer, or natural outlet.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interactions with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant processing these waters or wastes;

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; and/or

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(D) No person shall discharge, or cause to be discharged, the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, lift stations, or appurtenances, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to all factors including acceptability of waste water for treatment by the town. Substances falling in this category are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

(4) Any waters or wastes containing strong acid iron picking wastes, or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting excessive chlorine requirement;

(6) Any waters or wastes containing phenols or other taste or odor-producing substances;

(7) Any radioactive wastes or isotopes;

(8) Any waters or wastes having a pH in excess of 8.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

(d) Unusual volume of flow or concentration of wastes constituting slugs, as defined in § 51.002.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section,

and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewers, lift stations, or appurtenances, or which otherwise create a hazard to life or constitute a public nuisance, or which are not acceptable to the town for treatment, the Superintendent shall:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer service charges under the provisions of this section.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

(Prior Code, § 51.16) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

### ***SEWER INSTALLATION***

#### **§ 51.035 BUILDING SEWER PERMITS.**

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) (1) There shall be two classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Inspector. A permit and inspection fee of \$25 for a building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(Prior Code, § 51.25) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 51.036 SEWER INSTALLATION AND CONNECTION; REQUIREMENTS AND SPECIFICATIONS.**

(A) (1) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

(2) The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(B) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(C) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this section.

(D) (1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the town.

(2) In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest edition of Volume III, *Plumbing Rules and Regulations of the State Administrative Building Council* shall apply.

(E) (1) All building sewers within a 200-foot radius of a municipal well or other well used for a public water supply shall be constructed of cast iron water pipe and fittings.

(2) The work on said building sewers shall not commence until the town shall have made necessary arrangements for inspecting the work of construction, and none of the pipe shall be covered until it has been examined, tested, and approved by the Inspector.

(F) (1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(2) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(G) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

(H) (1) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the latest edition of Volume III, *Plumbing Rules and Regulations of the Administrative Building Council of the State of Indiana*.

(2) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedure and materials must be approved by the Superintendent before installation. (Prior Code, § 51.26) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

#### **§ 51.037 INSPECTIONS.**

(A) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer.

(B) The connection shall be made under the supervision of the Inspector, or his or her representative. (Prior Code, § 51.27) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

#### **§ 51.038 EXCAVATIONS TO BE GUARDED; PROPERTY TO BE RESTORED.**

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(B) Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Prior Code, § 51.28) (Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

#### **§ 51.039 ADDITIONAL TAPPING INTO SANITARY SEWER SYSTEM.**

No additional lots or parcels, except those lots or parcels to which the town has already committed access to the sanitary sewer system, shall be permitted to tap into the sanitary sewer system to be processed and pumped into the pump station until:

(A) The infiltration into the system is reduced;

(B) The capacity of the sewage pump (the pump station) be increased to the amount specified by the Town Engineer; and/or

(C) The sanitary sewage system be increased and modified as recommended by the Town Engineer. (Prior Code, § 51.29) (Res. passed 7-19-1994; Ord. 09-20-11, passed 9-20-2011)

### ***RATES AND CHARGES***

#### **§ 51.050 CHARGES.**

For the use of, and the service rendered by, the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the town's sanitary sewer system or otherwise discharge sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the town, which rates and charges shall be payable as hereinafter provided, and shall be in an amount determinable as follows.

(A) Except as herein otherwise provided, sewage rates and charges shall be based on the quantity of water used on or in the property premises subject to such rates and charges, as the same is measured by the water meter there in use.

(B) (1) Persons who purchase water from the town and whose sewage goes through the town lift station shall pay a minimum sewage charge of \$221.40 each quarter (\$73.80 per month) to the town for such sewage service, beginning with the next billing cycle.

(2) Persons who purchase water from the town and whose sewage goes through the town lift station shall pay a minimum sewage charge of \$235.20 each quarter (\$78.40 per month) to the town for such sewage service, beginning July 1, 2016.

(C) (1) Additional charges to persons who purchase water in excess of 12,000 gallons metered in any quarter or 4,000 gallons metered in any month from the town, and whose sewage goes through the town lift station, shall, in addition to the minimum sewage charge established in division (B) above, pay an amount equal to \$18.45 for each 1,000 gallons of water metered to such individuals in excess of the first 12,000 gallons metered each quarter, or 4,000 gallons metered in any month, beginning upon adoption of the section.

(2) Additional charges to persons who purchase water in excess of 12,000 gallons metered in any quarter, or 4,000 gallons metered in any month from the town, and whose sewage goes through the town lift station, shall, in addition to the minimum sewage charge established in division (B) above, pay an amount equal to \$19.60 for each 1,000 gallons of water metered to such individuals in excess of the first 12,000 gallons metered each quarter, or 4,000 gallons metered in any month, beginning with the quarter beginning July 1, 2016.

(D) (1) Persons whose sewage goes through the lift station of the town, but who do not purchase water from the town, shall pay \$387.45 each quarter (or \$129.15 per month) for each sewage service, beginning with the next billing cycle.

(2) Persons whose sewage goes through the lift station of the town, but who do not purchase water from the town, shall pay \$411.60 each quarter (or \$137.20 per month) for each sewage service, beginning July 1, 2016.

(E) Billings and collections shall be made monthly. The billings not paid before 8:30 a.m. on the twenty-first of the following month will be subject to an additional collection charge of 10% of the past due billing for sewage service.

(F) (1) The Clerk-Treasurer is authorized to collect \$30 as a recording cost for liens placed on real estate for delinquent sewer charges.

(2) Upon payment of the charge, in addition to all delinquent fees, charges, penalties, and attorney fees, if applicable, the Clerk-Treasurer is authorized to issue a release of the lien to be delivered to the owner of the real estate upon which the lien was placed, for filing with the appropriate county officials.

(G) A \$1 surcharge shall be added to quarterly water and sewer bills to assist the town in having sufficient funds to pay for animal control services. Said \$1 quarterly surcharge shall be added to the fees charged for water use and sewer use, and shall be collected from the owners of each and every lot or parcel of real estate in the same manner as water fees and sewer fees are customarily collected by the town. Such \$1 quarterly surcharge shall commence in the second quarter of 2006, and shall continue from quarter to quarter until further action by the Town Council.

(Prior Code, § 51.35) (Ord. SW-5, passed 2-17-1967; Ord. 1984, passed 12- -1984; Ord. 1988-12A, passed 12-8-1988; Ord. 1990-2000, passed 12-18-1990; Ord. 12-23-1992, passed 12-23-1992; Ord. 3-16-1993A, passed 3-16-1993; Ord. 12-17-1996A, passed 12-17-1996; Ord. 5-21-020, passed 5-21-2002; Res. 01-17-06-A, passed 1-17-2006; Ord. 12-19-06, passed 12-19-2006; Ord. 09-15-09, passed 10-20-2009; Ord. 03-01-10, passed 3-1-2010; Ord. 09-20-11, passed 9-20-2011; Ord. 08-19-13, passed 8-19-2013; Ord. 04-13-15A, passed 8-3-2015)



**§ 51.051 QUANTITY OF WATER; METERS.**

(A) The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system shall be determined by the town in such manner as the town shall elect, and the sewage treatment service shall be billed at the appropriate rates described in § 51.050.

(B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, is not a user of the water supplied by the town's waterworks, and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge, or the owner or other interested party, at his or her expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of the sewage discharge.

(C) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, is a user of water supplied by the town's waterworks, and in addition, uses water from another source which is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge, or the owner or other interested party, at his or her expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(D) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, and uses water in excess of 45,000 gallons per quarter or 15,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water, as measured by the water meter or meters, does not and cannot enter the sanitary sewer system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(E) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water, and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user, and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(F) (1) In the event two or more dwelling units such as trailers, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water, and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of one-half of the minimum charge per month for each dwelling unit over one served through the single water meter.

(2) In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units served through the meter.

(3) A **DWELLING UNIT** shall mean a room or rooms, or any other space or spaces in which cooking facilities are provided.

(G) Where a metered water supply is used for fire protection as well as for other uses, the town shall, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(H) For the services rendered to the town, the town shall be subject to the same rates and charges provided in § 50.050 or to rates and charges established in harmony therewith.

(Prior Code, § 51.36) (Ord. SW-5, passed 2-17-1967; Ord. 1984, passed 12- -1984; Ord. 6-16-1992, passed 6-16-1992; Ord. 12-17-1996, passed 11-19-1996; Ord. 09-20-11, passed 9-20-2011)

## **§ 51.052 CHARGES ON STRENGTH AND CHARACTER OF SEWAGE.**

(A) (1) In order that the rates and charges may be justly and equitably adjusted to the services rendered, the town shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to dispose of.

(2) The town shall have the right to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the town's sanitary sewer system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case in order to determine the proper charge.

(B) Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their effluent discharge to the town's sewers shall have a BOD not to exceed 300 parts per million and suspended solids not to exceed 350 parts per million at any time.

(C) The Town Council is authorized to prohibit the dumping of wastes into the town's sewer system which, in its discretion, are deemed harmful.

(Prior Code, § 51.37) (Ord. SW-5, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 51.053 BILLINGS.**

(A) (1) The rates and charges shall be prepared and billed by the town quarterly or monthly, as the town shall deem appropriate and as determined by the bylaws and regulations of the town as hereinafter provided for, and shall be collected in the manner provided by law and ordinance.

(2) The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required.

(B) The owners of the property served, which are occupied by tenants, shall have the right to examine the collection records of the town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

(Prior Code, § 51.38) (Ord. SW-5, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

**§ 51.054 TAP FEES.**

(A) Any individual tapping into a sanitary sewer belonging and dedicated to the use of the citizens of the town and under control of the Town Council shall pay a \$825 tap fee.

(B) Any nonresident tapping into a sanitary sewer belonging and dedicated to the use of the citizens of the town and controlled by the Town Council shall pay a tap fee of \$1,237.50.

(Prior code, § 51.39) (Ord. passed 1-19-1988; Ord. 9-19-95(B), passed 9-19-1995; Ord. 09-20-11, passed 9-20-2011)

**§ 51.055 DRAINAGE UTILITY FEE.**

(A) Commencing February 1, 2019, every owner of property in the town who is a customer of the town's utility service, or every resident of the town who is a customer of the town's utility service, shall be assessed a drainage utility fee in the amount of \$2 per month. Said fee shall be added to the customer's regular monthly bill for utility service.

(B) It is the intention of this section that whomever pays the town for water service and/or pays the town for sewer service, in addition to their regular monthly utility bill, shall also pay the drainage utility fee listed in division (A) above.

(C) Said drainage utility fee shall be deposited in the Drainage Utility Fund heretofore established by the town and shall be used exclusively to pay for expenses incurred by the town to improve storm water drainage and related purposes.

(D) All expenditures from the Drainage Utility Fund shall be approved by the Town Council.  
(Prior Code, § 51.40) (Ord. 1-21-2019, passed 1-21-2019)

#### **§ 51.056 CREDITS.**

##### *(A) General credit.*

(1) A single-family residential user of the town's water/sewage services may apply for and receive a credit against that user's sewage bill for watering lawns, watering landscaping, washing vehicles, and similar activities which are conducted during the months of July, August, and September.

(2) The maximum credit shall be \$100.

(3) The application for credit shall be on a form prescribed by the town (and available through the town's utility office or website).

(4) The application for credit shall be submitted the month prior to the activity for which the user is seeking a credit.

(5) The town's utility office shall review the application and notify the user about whether a credit has been authorized within three business days after submission of the application.

(6) Any denial of a user's application for a credit may be reviewed, upon written request by the user, by the Town Council at its next regular monthly meeting after the user receives notification about the utility office's decision.

##### *(B) Swimming pool credit.*

(1) A single-family residential user of the town's water/sewage services may apply for a credit against that user's sewage bill for filling the user's swimming pool.

(2) The credit shall be available only for filling a swimming pool for the first time each season, or for filling a swimming pool after it has been drained for repairs. The credit shall not be available for simply topping off the water level of a user's swimming pool.

(3) The application for credit shall be submitted before the user fills the swimming pool, and on a form prescribed by the town (and available through the town's utility office or website).

(4) The town's utility office shall review the application and notify the user about whether the credit has been authorized within three business days after submission of the application.

(5) Any denial of the user's application may be reviewed, upon written request by the user, by the Town Council at its next regular monthly meeting after the user receives notification about the utility office's decision.

(6) The swimming pool credit against the single-family residential user's sewage bill shall be calculated based on actual gallons of water used, and shall not be limited by the \$100 maximum amount a residential user may be entitled to as a general credit for such activities as watering lawns, watering landscaping, washing vehicles, and similar activities.

(Prior Code, § 51.41) (Ord. 12-21-20A, passed 12-21-2020; Ord. 06-21-21A, passed 7-19-2021)

### ***SEWER FUNDS AND BONDS***

#### **§ 51.070 SINKING FUND.**

(A) (1) There is created a sinking fund for the payment of the interest on and principal of revenue bonds which by their terms are payable from the revenues of the sewage works of the town, and the payment of any fiscal agency charges in connection with the payment of bonds and interest coupons, which fund shall be designated as the Sewage Works Sinking Fund. There shall be set aside and paid into said sinking fund monthly, as available, a sufficient amount of the net revenues of said sewage works, as defined in § 51.002, for the payment of:

(a) The interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due;

(b) The necessary fiscal agency charges for paying bonds and interest;

(c) The principal of all bonds payable from the revenues of the sewage works, as such principal shall fall due; and

(d) An additional amount as a margin of safety and for the payment of premiums upon bonds redeemed by call or purchase, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal 10% of all other amounts so required to be paid into the sinking fund.

(2) The monthly payments into the sinking fund shall be in an amount equal to at least one-twelfth of the amount required for such payments during the then next succeeding 12 calendar months, and shall continue until such time as the fund shall contain an amount sufficient to pay all of the bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition

to said required monthly payments into the sinking fund, all of the net revenues of said sewage works not used in making said required sinking fund payments shall be set aside and paid into the sinking fund monthly as available until there has been accumulated as a reserve in the sinking fund, over and above said required monthly one-twelfth payments, an amount equal to the sum of the principal and interest on all then outstanding bonds which will be payable during the then next succeeding 12 calendar months. Thereafter, the fund shall be maintained at such level, and additional amounts of net revenues shall be deposited in the fund to the extent necessary to maintain such level.

(B) In no event shall any part of the Sewage Works Sinking Fund be used in calling bonds for redemption prior to maturity, except to the extent that the amount then in the sinking fund exceeds the amount required to pay the bonds which will mature within a period of 12 calendar months next following the date of such redemption, together with all interest on the bonds payable in the period. Any such excess of funds above the required level may also be used in purchasing outstanding bonds at a price less than the then applicable redemption price, if first approved by the Town Council. Monies in the sinking fund shall not be used for any purpose whatsoever except as stated in this section.

(C) In the event all required monthly one-twelfth payments into the Sewage Works Sinking Fund have been met to date, and there has been accumulated as a reserve in said fund over and above said monthly one-twelfth payments, an amount sufficient to meet the requirements of said fund for the then next succeeding 12-month period, and funds in an amount sufficient for operation, repair, and maintenance for the next succeeding 12-month period, and for depreciation, have been accumulated and reserved, then the Town Council shall transfer any excess net revenue into a fund to be designated the Sewage Works Improvement Fund and used for extensions, betterments, and additions to the works. No such transfer shall be made, however, which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserve therein, or with the requirements as to reserving funds for the operation, maintenance, and repair of the works and depreciation. All or any portion of the funds accumulated and reserved for operation, repair, and maintenance for the then next succeeding 12 calendar months, and any funds on hand in the Sewage Works Improvement Fund, shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of, or interest on, the bonds payable from the sinking fund.

(Prior Code, § 51.50) (Ord. SW-4, passed - -1966; Ord. 09-20-11, passed 9-20-2011)

#### **§ 51.071 REVENUE; RIGHT OF BOND HOLDERS TO INSPECT.**

(A) All revenue derived from the operation of the sewage works and from the collection of sewage rates and charges shall be segregated and kept in a special fund and bank account, separate and apart from all other funds and bank accounts of the town. Out of this fund, the proper and reasonable expenses of operation, repair, and maintenance of the works shall be paid and the requirements of the Sewage Works Sinking Fund shall be met. The town shall keep proper books of records and accounts, separate

from all of its other records and accounts, on which complete and correct entries shall be made showing all revenues collected from the works and deposited in the fund, and all disbursements made therefrom on account of the operation of the works, or to meet the requirements of the Sewage Works Sinking Fund, also all transactions relating to the works. There shall be prepared and furnished to the original purchasers of the bonds and, upon written request, to any subsequent holder of the bonds, not more than 90 days after the close of each fiscal year, complete operating and income statements of the works, covering the preceding fiscal year, and a statement of the cash balances in the various funds at the beginning and end of said preceding fiscal year, which annual statements shall be certified by the Clerk-Treasurer, or an independent certified public accountant employed by the town for the purpose of preparing such statements. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer.

(B) Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, and data of the town relating thereto. Such inspections shall be made by representatives duly authorized by written instrument.

(Prior Code, § 51.51) (Ord. SW-4, passed - -1966; Ord. 09-20-11, passed 9-20-2011)

#### **§ 51.072 EQUITABLE RATES.**

The town shall establish and maintain just and equitable rates or charges for the use of, and the service rendered by, the works to be paid by the owner of each and every lot, parcel of real estate, or building that is connected with, and uses said sewage works by or through, any part of the sewerage system of the town, or that in any way uses or is served by such works that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by said governing Act and this section. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair, and maintenance, and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the town and all departments thereof as the charges accrue.

(Prior Code, § 51.52) (Ord. SW-4, passed - -1966; Ord. 09-20-11, passed 9-20-2011)

#### **§ 51.073 BONDS.**

The town shall issue additional bonds, payable out of the revenues of its sewage works, ranking on a parity with the bonds authorized by prior ordinances, for the purpose of financing the cost of future additions, extensions, and improvements to the sewage works, subject to the following conditions.

(A) The interest on, and principal of, all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.

(B) As of the date of issuance of such additional bonds, the balance in the Sewage Works Sinking Fund shall equal not less than the principal and interest requirements of the then outstanding bonds payable during the then next succeeding 12 calendar months.

(C) The net operating revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by prior ordinances shall be not less than 125% of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced net operating revenues for said year equal to not less than 125% of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this division (C), the records of the sewage works shall be analyzed, and all showings shall be prepared by a certified public accountant retained by the town for that purpose.

(D) The principal of the additional parity bonds shall be payable annually on March 1, and the interest thereon shall be payable semiannually on March 1 and September 1, in the years in which principal and interest are payable.

(Prior Code, § 51.53) (Ord. SW-4, passed - -1966; Ord. 09-20-11, passed 9-20-2011)

#### **§ 51.074 SAFEGUARDING INTERESTS OF BOND HOLDERS.**

For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows.

(A) All contracts let by the town in connection with the construction of sewage works shall be let after due advertisement as required by the laws of the state, and all contractors shall be required to furnish surety bonds in an amount equal to 100% of the amount of such contracts, to ensure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employer's liability and public liability insurance as are required under the laws of the state in the case of public contracts, and shall be governed in all respects by the laws of the state relating to public contracts.

(B) The town shall, at all times, maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.



(C) So long as any of the bonds authorized by prior ordinance are outstanding, the town shall maintain insurance on the insurable parts of the works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the state. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose, shall be treated and applied as net revenues of the works.

(D) So long as any bonds authorized by prior ordinance are outstanding, the town shall not mortgage, pledge, or otherwise encumber such works, or any part thereof, nor shall it sell, lease, or otherwise dispose of any portion thereof except replaced equipment which may become worn out or obsolete.

(E) Except as provided in § 51.073, so long as any of the bonds authorized by prior ordinance are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the sewage works shall be authorized, executed, or issued by the town except such as shall be made subordinate and junior in all respects to the bonds authorized by prior ordinance, unless all of the bonds authorized by prior ordinance are redeemed and retired coincidentally with the delivery of such additional bonds or other obligations, or have been duly called for redemption, and funds sufficient to affect such redemption have been deposited at the place of redemption.

(F) (1) The town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil, or industrial waste is produced with available sanitary sewers.

(2) The town shall, insofar as possible, cause all such sanitary sewers to be connected with the sewage works.

(Prior Code, § 51.54) (Ord. SW-4, passed - -1966; Ord. 09-20-11, passed 9-20-2011)

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 51.085 ENFORCEMENT.**

The town shall make and enforce such bylaws and regulations as shall be deemed necessary for the safe, economic, and efficient management of the town's sewer system and for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating, and refunding of rates and charges.

(Prior Code, § 51.65) (Ord. SW-5, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

**§ 51.086 INSPECTIONS.**

(A) (1) The Superintendent, Inspector, and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(2) The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.089(B).

(C) (1) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement.

(2) All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.  
(Prior Code, § 51.66) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

**§ 51.087 GREASE, OIL, AND INTERCEPTORS.**

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

(B) All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.  
(Prior Code, § 51.67) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

**§ 51.088 PRELIMINARY TREATMENT AND FLOW-EQUALIZING TO BE MAINTAINED.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Prior Code, § 51.68) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 51.089 MANHOLES; MEASUREMENTS AND TESTING.**

(A) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(B) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

(Prior Code, § 51.69) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99

**§ 51.090 SPECIAL AGREEMENTS PERMITTED.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.

(Prior Code, § 51.70) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011)

**§ 51.091 VIOLATIONS.**

Any person found to be violating any provision of this chapter, except § 51.021, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Prior Code, § 51.98) (Ord. SW-6, passed 2-17-1967; Ord. 09-20-11, passed 9-20-2011) Penalty, see § 10.99



## **CHAPTER 52: NON-STORM WATER DISCHARGES INTO THE STORM DRAINAGE SYSTEM**

### **Section**

#### ***General Provisions***

- 52.01 Purpose and objectives
- 52.02 Definitions
- 52.03 Applicability
- 52.04 Responsibility for administration
- 52.05 Ultimate responsibility

#### ***Prohibitions and Compliance***

- 52.20 Discharge prohibitions
- 52.21 Suspension of MS4 access
- 52.22 Industrial or construction activity discharges
- 52.23 Monitoring of discharges
- 52.24 Best management practices required
- 52.25 Watercourse protection
- 52.26 Notification of spills

#### ***Enforcement***

- 52.40 Notice of violation
- 52.41 Appeal of notice of violation
- 52.42 Enforcement measures after appeal
- 52.43 Cost of abatement of violation
- 52.44 Injunctive relief
- 52.45 Compensatory action
- 52.46 Violations deemed a public nuisance
- 52.47 Remedies not exclusive

***GENERAL PROVISIONS*****§ 52.01 PURPOSE AND OBJECTIVES.**

(A) The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the town, through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable, as required by federal and state law.

(B) This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4), in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(C) The objectives of this chapter are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system;  
and

(3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.  
(Prior Code, § 52.01) (Ord. 11-16-04A, passed 11-16-2004)

**§ 52.02 DEFINITIONS.**

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

***AUTHORIZED ENFORCEMENT AGENCY.*** Employees or designees of the Director of the municipal agency designated to enforce this chapter.

***BEST MANAGEMENT PRACTICES (BMPs).*** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants, directly or indirectly, to storm water, receiving waters, or storm water conveyance systems. ***BMPs*** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT.** The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY.** Activities subject to a NPDES construction permit. These include construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

**HAZARDOUS MATERIALS.** Any material, including any substance, waste, or combination thereof, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLEGAL DISCHARGE.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in § 52.20.

**ILLICIT CONNECTIONS.** Either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances that allow any non-storm water discharge, including sewage, process wastewater, and wash water, to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records, and approved by an authorized enforcement agency.

**INDUSTRIAL ACTIVITY.** Activities subject to NPDES industrial permits, as defined in 40 C.F.R. § 122.26(b)(14).

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT.** A permit issued by the EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**NON-STORM WATER DISCHARGE.** Any discharge to the storm drain system that is not composed entirely of storm water.

**PERSON.** Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.



**POLLUTANT.** Anything which causes or contributes to pollution. **POLLUTANTS** shall include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES.** Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**STORM DRAINAGE SYSTEM.** Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORM WATER.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORM WATER POLLUTION PREVENTION PLAN (SWPP).** A document that describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site, and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

**WASTEWATER.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(Prior Code, § 52.02) (Ord. 11-16-04A, passed 11-16-2004)

### **§ 52.03 APPLICABILITY.**

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands, unless explicitly exempted by an authorized enforcement agency.

(Prior Code, § 52.03) (Ord. 11-16-04A, passed 11-16-2004)

### **§ 52.04 RESPONSIBILITY FOR ADMINISTRATION.**

(A) The town shall administer, implement, and enforce the provisions of this chapter.

(B) Any powers granted or duties imposed upon the authorized enforcement agency shall be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest or in the employ of the agency.

(Prior Code, § 52.04) (Ord. 11-16-04A, passed 11-16-2004)

## **§ 52.05 ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(Prior Code, § 52.05) (Ord. 11-16-04A, passed 11-16-2004)

## ***PROHIBITIONS AND COMPLIANCE***

### **§ 52.20 DISCHARGE PROHIBITIONS.**

#### ***(A) Prohibition of illegal discharges.***

(1) No person shall discharge, or cause to be discharged, into the municipal storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

(2) The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated, typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants;

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test; and

(d) The prohibition shall not apply to any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency; provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

*(B) Prohibition of illicit connections.*

(1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Prior Code, § 52.15) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

**§ 52.21 SUSPENSION OF MS4 ACCESS.**

*(A) Suspension due to illicit discharge in emergency situation.*

(1) The town may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States.

(2) If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency shall take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

*(B) Suspension due to the detection of illicit discharge.*

(1) Any person discharging to the MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge.

(2) The authorized enforcement agency will notify a violator of the proposed termination of his or her MS4 access.

(3) The violator may petition the authorized enforcement agency for a reconsideration and hearing.

(4) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the authorized enforcement agency.  
(Prior Code, § 52.16) (Ord. 11-16-04, passed 11-16-2004) Penalty, see § 10.99

## **§ 52.22 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGE.**

(A) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit.

(B) Prior to the allowing of discharges to the MS4, proof of compliance with such a permit shall be required in a form acceptable to the town.  
(Prior code, § 52.17) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

## **§ 52.23 MONITORING OF DISCHARGES.**

(A) *Applicability.* This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(B) *Access to facilities.*

(1) (a) The town, or a representative thereof, shall be permitted to enter and inspect facilities subject to regulation under this chapter, as often as shall be necessary to determine compliance with this chapter.

(b) If a discharger has security measures in force that require proper identification and clearance before entry into his or her premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the town ready access to all parts of the premises for the purposes of inspection, sampling, examining, and copying of records that must be kept under the conditions of a NPDES permit to discharge storm water, and the performance of any additional duties, as described by state and federal law.

(3) The town shall have the right to set up on any permitted facility such devices as are necessary, in the opinion of the authorized enforcement agency, to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The town has the right to require the discharger to install monitoring equipment as necessary.

(a) The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense.

(b) All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) (a) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the town, and shall not be replaced.

(b) The costs of clearing such access shall be borne by the operator.

(6) (a) Unreasonable delays in allowing the town access to a permitted facility is a violation of a storm water discharge permit and of this chapter.

(b) A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(7) If the town has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there shall be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.  
(Prior Code, § 52.18) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

## **§ 52.24 BEST MANAGEMENT PRACTICES REQUIRED.**

(A) The town will adopt requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States.

(1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses, through the use of these structural and non-structural BMPs.

(2) Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge may be required to implement, at the person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(B) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(C) These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPP) as necessary for compliance with the requirements of the NPDES permit.

(Prior Code, § 52.19) (Ord. 11-16-04A, passed 11-16-2004)

#### **§ 52.25 WATERCOURSE PROTECTION.**

(A) Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

(B) In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Prior Code, § 52.20) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

#### **§ 52.26 NOTIFICATION OF SPILLS.**

(A) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(B) In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(C) In the event of a release of nonhazardous materials, the person shall notify the authorized enforcement agency, in person or by phone or facsimile, no later than the next business day.

(D) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Water Department within three business days of the phone notice.

(1) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

(2) Such records shall be retained for at least three years.

(Prior Code, § 52.21) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

## ***ENFORCEMENT***

### **§ 52.40 NOTICE OF VIOLATION.**

(A) Whenever the town finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency shall order compliance by written notice of violation to the responsible person.

(B) Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards, and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(C) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed.

(D) The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

(Prior Code, § 52.30) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

**§ 52.41 APPEAL OF NOTICE OF VIOLATION.**

(A) Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency.

(B) The notice of appeal must be received within ten days from the date of the notice of violation.

(C) Hearing on the appeal before the Board of Zoning Appeals shall take place within 15 days from the date of receipt of the notice of appeal.

(D) The decision of the Board of Zoning Appeals shall be final.

(Prior Code, § 52.31) (Ord. 11-16-04A, passed 11-16-2004)

**§ 52.42 ENFORCEMENT MEASURES AFTER APPEAL.**

(A) If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property, and are authorized to take any and all measures necessary to abate the violation and/or restore the property.

(B) It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in division (A) above.

(Prior Code, § 52.32) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

**§ 52.43 COST OF ABATEMENT OF VIOLATION.**

(A) Within ten days after abatement occurs, the owner of the property will be notified of the cost of abatement, including administrative costs.



(B) The property owner may file a written protest objecting to the amount of the assessment within ten days.

(C) If the amount due is not paid in a timely manner, as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property, and shall constitute a lien on the property for the amount of the assessment.

(D) Any person violating any of the provisions of this section shall become liable to the town by reason of such violation.

(1) The liability shall be paid in not more than 12 equal payments.

(2) Interest at the rate of 8% per annum shall be assessed on the balance, beginning on the first day following discovery of the violation.

(Prior Code, § 52.33) (Ord. 11-16-04A, passed 11-16-2004)

#### **§ 52.44 INJUNCTIVE RELIEF.**

(A) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter.

(B) If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations, or compelling the person to perform abatement or remediation of the violation.

(Prior Code, § 52.34) (Ord. 11-16-04A, passed 11-16-2004) Penalty, see § 10.99

#### **§ 52.45 COMPENSATORY ACTION.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm-drain stenciling, attendance at compliance workshops, creek cleanup, and the like.

(Prior Code, § 52.35) (Ord. 11-16-04A, passed 11-16-2004)

#### **§ 52.46 VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and

welfare and is declared and deemed a nuisance, and shall be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance shall be taken.

(Prior Code, § 52.36) (Ord. 11-16-04A, passed 11-16-2004)

**§ 52.47 REMEDIES NOT EXCLUSIVE.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the authorized enforcement agency to seek additional remedies.

(Prior Code, § 52.37) (Ord. 11-16-04A, passed 11-16-2004)



## **CHAPTER 53: STORM WATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

### **Section**

#### ***General Provisions***

- 53.01 Introduction and purpose
- 53.02 Definitions
- 53.03 Applicability

#### ***Erosion and Sediment Control Measures***

- 53.15 Submittals, review, and approval
- 53.16 Storm water pollution prevention plan
- 53.17 Design requirements
- 53.18 Inspections

#### ***Enforcement***

- 53.30 Written notification
- 53.31 Stop-work order; revocation of permit

### ***GENERAL PROVISIONS***

#### **§ 53.01 INTRODUCTION AND PURPOSE.**

(A) During the construction process, soil is highly vulnerable to erosion by wind and water.

(1) Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species.

(2) Eroded soil also necessitates repair of sewers and ditches, and the dredging of lakes.

(3) In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

(B) As a result, the purpose of this chapter is to safeguard persons, protect property, and prevent damage to the environment in the town.

(C) This chapter will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil, or results in the movement of earth on land in the town.

(Prior Code, § 53.01) (Ord. 11-16-04B, passed 11-16-2004)

## **§ 53.02 DEFINITIONS.**

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

***AGRICULTURAL LAND-DISTURBING ACTIVITY.*** Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For the purposes of this chapter, the term does not include land-disturbing activities for the construction of agricultural-related facilities, such as barns; buildings to house livestock; roads associated with infrastructure; agricultural waste lagoons and facilities; lakes and ponds; wetlands; and other infrastructure.

***BEST MANAGEMENT PRACTICES.*** Activities or structures that help improve the quality of storm water runoff.

***CERTIFIED CONTRACTOR.*** A person who has received training and is licensed by the state or other local agency to inspect and maintain erosion and sediment control practices and best management practices.

***CLEARING.*** Any activity that removes the vegetative surface cover.

***CONSTRUCTION ACTIVITY.*** Land-disturbing activities and land-disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch, or road maintenance, or minor landscaping projects.

***CONSTRUCTION PLAN.*** A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings, and other infrastructure, grading

activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the **CONSTRUCTION PLAN**.

**DEVELOPER.** Any person financially responsible for construction activity; or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

**EROSION.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENT CONTROL MEASURE.** A practice, or a combination of practices, to control erosion and resulting sedimentation.

**EROSION CONTROL.** A measure that prevents erosion.

**GRADING.** The cutting and filling of the land surface to a desired slope or elevation.

**LAND DISTURBANCE** or **LAND-DISTURBING ACTIVITY.** Any human-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.

**MEASURABLE STORM EVENT.** A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half inch of rainfall.

**PROJECT SITE.** The entire area on which construction activity is to be performed.

**PROJECT SITE OWNER.** The person required to submit the NOI letter per state law, and required to comply with the terms of these standards, Ordinance XX and state law, including either a developer; or a person who has financial and operational control of construction activities, project plans, and specifications, including the ability to make modifications to those plans and specifications.

**SEDIMENT.** Solid material (both mineral and organic) that is in suspension, is being, or has been moved from its place of origin by air, water, gravity, or ice, and has come to rest on the earth's surface.

**SEDIMENT CONTROL.** Measures that prevent eroded sediment from leaving the project site.

**SOIL.** The unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.

**SOIL AND WATER CONSERVATION DISTRICT** or **SWCD.** A political subdivision established under I.C. 14-32.

***STORM WATER POLLUTION PREVENTION PLAN.*** A plan developed to minimize the impact or storm water pollution resulting from construction and post-construction activities. The plan indicates the specific measures and sequencing to be used to control sediment, soil erosion, and other construction site wastes during and after construction.

***STORM WATER QUALITY MEASURE.*** A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

***SUBDIVISION.*** Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

***TECHNICAL REVIEW AND COMMENT FORM.*** A form issued by the Building Commissioner, stating that the erosion and sediment control plan is adequate, or that revisions are needed in the erosion and sediment control plan and storm water pollution prevention plan.

***TRAINED INDIVIDUAL.*** An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control, as shall be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

(Prior Code, § 53.02) (Ord. 11-16-04B, passed 11-16-2004)

### **§ 53.03 APPLICABILITY.**

(A) (1) The requirements under this chapter are in compliance with state law and apply to all persons meeting the requirements of state law.

(2) In general, this chapter requires the control of polluted runoff from construction sites with a land disturbance greater than or equal to one acre, or disturbances of less than one acre of land that are part of a larger common plan of development or sale, if the larger common plan will ultimately disturb one or more acres of land.

(B) The requirements under this rule do not apply to persons who are involved in agricultural land-disturbing activities or forest-harvesting activities.

(C) The requirements under this rule do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

- (1) Landfills that have been issued a certification of closure under 329 I.A.C. 10;

(2) Coal-mining activities permitted under I.C. 14-34; and/or

(3) Municipal solid waste landfills that are accepting waste, pursuant to a permit issued by the department under 329 I.A.C. 10, and that contain equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells, either within or outside the original solid waste permit boundary.

(D) In addition to the requirements of this chapter, storm water pollution prevention plans shall be developed in accordance with the current Town Storm Water Standards.

(Prior Code, § 53.03) (Ord. 11-16-04B, passed 11-16-2004)

### ***EROSION AND SEDIMENT CONTROL MEASURES***

#### **§ 53.15 SUBMITTALS, REVIEW, AND APPROVAL.**

(A) A technical review and comment form, stating that the “plan is adequate,” and a building permit shall be obtained prior to the initiation of any land-disturbing activities.

(B) A complete erosion and sediment control plan and storm water pollution prevention plan (as described in the Town Storm Water Standards and in accordance with state law) shall be submitted in duplicate to the Building Commissioner at the Town Hall.

(1) One copy will be forwarded to the County SWCD for plan review.

(2) At the time of submittal, the date and time will be recorded.

(C) Each application shall bear the name(s) and address(es) of the owner or developer of the project site, and of any consulting firm retained by the applicant, together with the name of the applicant’s principal contact at such firm, and shall be accompanied by a filing fee, described in the town storm water standards.

(D) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Storm Water Pollution Prevention Plan (SWPP), and that a certified contractor shall be on the project site on all days when construction or grading activity takes place.

(E) The County SWCD will review each erosion and sediment control plan and SWPP, to determine their conformance with the provisions of this regulation, within 28 days after receiving the plans, and



shall issue a technical review and comment form to the town's Building Commissioner. The County SWCD shall, in writing:

(1) Approve the erosion and sediment control plan and SWPP, and provide a technical review and comment form, stating that the plan is adequate;

(2) Approve the erosion and sediment control plan and SWPP, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the technical review and comment form, stating that the plan is adequate; or

(3) Provide a technical review and comment form, stating that the plan is deficient and the reason(s) therefor, and indicating the procedure for submitting a revised application and/or submission.

(F) After receiving notification stating the plan is adequate, the Building Commissioner will issue a building permit.

(1) Failure of the Building Commissioner to act on an original or revised application within 35 days of its receipt shall authorize the applicant to proceed in accordance with the plans as filed, unless such time is extended by agreement between the applicant and the Building Commissioner.

(2) Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Building Commissioner and Madison County SWCD.

(G) The sufficiency of the construction plans shall be based upon state law regulations and the criteria described in the current Town Storm Water Standards.

(H) After receiving a technical review and comment form, stating that the plan is adequate, if revisions to the construction plans require a change in measures appropriate to control the quality or quantity of storm water runoff, then revised plans must be submitted to the Building Commissioner.

(I) The applicant will be required to file with the town a faithful performance bond, letter of credit, or other improvement security, in an amount the town deems sufficient to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the town, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the project site.

(J) After receiving a technical review and comment form, stating that the plan is adequate, and a building permit from the Building Commissioner, within 48 hours of the start of construction, the following shall be submitted to the Indiana Department of Environmental Management (IDEM):

- (1) Notice of intent (NOI) form;
- (2) A copy of the technical review and comment form, stating that the plan is adequate; and
- (3) Proof of publication.

(K) A copy of the NOI must also be submitted to the Building Commissioner and the County SWCD.

(L) The project site owner must submit a notice of termination (NOT) letter to IDEM, and transmit a copy of the NOT letter to the Building Commissioner and the County SWCD, when all land-disturbing activities have been completed, the entire project site has been stabilized, and all temporary erosion and sediment control measures have been removed.

(Prior Code, § 53.10) (Ord. 11-16-04B, passed 11-16-2004) Penalty, see § 10.99

#### **§ 53.16 STORM WATER POLLUTION PREVENTION PLAN.**

The storm water pollution prevention plan, including erosion and sediment control measures, shall meet the requirements contained in state law, the Town Storm Water Standards, and the *Indiana Storm Water Quality Manual*.

(Prior Code, § 53.11) (Ord. 11-16-04B, passed 11-16-2004)

#### **§ 53.17 DESIGN REQUIREMENTS.**

Erosion and sediment control measures shall be designed and installed in accordance with state law, the Town Storm Water Standards, and the *Indiana Storm Water Quality Manual*.

(Prior Code, § 53.12) (Ord. 11-16-04B, passed 11-16-2004)

#### **§ 53.18 INSPECTIONS.**

(A) (1) A self-monitoring program must be implemented.

(2) A trained individual shall perform a written evaluation of the project site by the end of the next business day, following each measurable storm event and at a minimum of one time per week.

(B) The evaluation must address the maintenance of existing storm water quality measures to ensure they are functioning properly; and identify additional measures necessary to remain in compliance with all applicable statutes and rules.

(C) Written evaluation reports must include the following:

- (1) The name of the individual performing the evaluation;
- (2) The date of the evaluation;
- (3) Problems identified at the project site; and
- (4) Details of corrective actions recommended and completed.

(D) All evaluation reports for the project site must be made available to the inspecting authority within 48 hours of a request.

(E) All persons engaging in construction activities on a project site must comply with the storm water pollution prevention plan, this chapter, state law, and the Town Storm Water Standards.

(F) Construction site owners shall allow right-of-entry for the County SWCD or local, county, or state regulatory agency, or representatives thereof, to inspect any project site involved in construction activities.

(G) (1) The County SWCD will perform inspections and provide recommendations to evaluate the installation, implementation, and maintenance of control measures and management practices at any project site involved in construction activities.

(2) Construction project sites will be prioritized based on the nature and extent of the construction activity, topography, the characteristics of soils, and receiving water quality.

(H) If, after a recommendation is provided to the project site owner, corrective action is not taken, the town will pursue enforcement according to §§ 53.30 and 53.31.

(Prior Code, § 53.13) (Ord. 11-16-04B, passed 11-16-2004) Penalty, see § 10.99

## ***ENFORCEMENT***

### **§ 53.30 WRITTEN NOTIFICATION.**

(A) In the event the County SWCD, the Building Commissioner, or another regulatory agency determines the project is not in compliance with this chapter, state law, or the Town Storm Water Standards, the town will issue a written notification to the project site owner.

(B) The written notification may be in the form of a warning letter of noncompliance or violation notice.

(Prior Code, § 53.20) (Ord. 11-16-04B, passed 11-16-2004)

**§ 53.31 STOP-WORK ORDER; REVOCATION OF PERMIT.**

In the event that any person with approval pursuant to this chapter violates the terms of the building permit or implements construction practices in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or project site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the town may suspend or revoke the building permit.

(Prior Code, § 53.21) (Ord. 11-16-04B, passed 11-16-2004)



## **CHAPTER 54: STORM WATER REGULATIONS**

### **Section**

#### ***General Provisions***

- 54.01 Purpose
- 54.02 Authority and compliance
- 54.03 Definitions
- 54.04 Policies and procedures
- 54.05 General requirements
- 54.06 Technical design criteria
- 54.07 Project termination

#### ***Post-Construction Storm Water Quality***

- 54.20 Introduction
- 54.21 Applicability
- 54.22 Submittal requirements
- 54.23 Methods for sizing BMPs
- 54.24 Project construction

#### ***Forms, Applications***

- 54.35 Submittal requirements for plan review
- 54.36 Technical review and comment form
- 54.37 IDEM notice of intent form
- 54.38 IDEM notice of termination form

#### ***Diagrams, Design Criteria***

- 54.50 Storm water ponds
- 54.51 Storm water wetlands
- 54.52 Bioretention areas
- 54.53 Water quality swales
- 54.54 Sand filters
- 54.55 Infiltration trenches
- 54.56 Biofilters

**GENERAL PROVISIONS****§ 54.01 PURPOSE.**

This chapter is intended to establish the minimum standards for design and construction of erosion and sedimentation controls and storm water pollution prevention measures for construction sites where land-disturbing activities shall take place. These standards were developed in accordance with state law requirements.

(Prior Code, Storm Water Appendix § 1.1)

**§ 54.02 AUTHORITY AND COMPLIANCE.**

(A) Per Chapter 53 of this code, the town has the authority to permit, provide construction plan review for, inspect, and take appropriate enforcement actions against construction sites that meet the requirements of Chapter 53.

(B) Construction sites where land-disturbing activities meet the requirements of Chapter 53, at a minimum, shall be in compliance with all terms and conditions of Chapter 53, this chapter, and state law. In those circumstances where the requirements of Chapter 53 and this chapter are more stringent than those contained in state law, the requirements of Chapter 53 and this chapter shall be followed.

(C) The town has the right to impose additional requirements and restrictions beyond those outlined in this chapter, Chapter 53, and state law for projects where unique or special conditions exist.

(Prior Code, Storm Water Appendix § 1.2)

**§ 54.03 DEFINITIONS.**

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

**CONSTRUCTION ACTIVITY.** Land-disturbing activities and land-disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

**CONSTRUCTION PLAN.** A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the **CONSTRUCTION PLAN**.

**CONSTRUCTION SITE ACCESS.** A stabilized stone surface at all points of ingress or egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

**CONTRACTOR.** An individual or company hired by the project site or individual lot owner, his or her agent, or the individual lot operator to perform services on the project site.

**DEVELOPER.**

(1) Any person financially responsible for construction activity; or

(2) An owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

**EROSION.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENT CONTROL MEASURE.** A practice, or a combination of practices, to control erosion and resulting sedimentation.

**EROSION AND SEDIMENT CONTROL SYSTEM.** The use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.

**FINAL STABILIZATION.** The establishment of permanent vegetative cover or the application of a permanent nonerosive material to areas where all land-disturbing activities have been completed and no additional land-disturbing activities are planned under the current permit.

**GRADING.** The cutting and filling of the land surface to a desired slope or elevation.

**IMPERVIOUS SURFACE.** Surfaces, such as pavement and rooftops, which prevent the infiltration of storm water into the soil.

**INDIVIDUAL BUILDING LOT.** A single parcel of land within a multi-parcel development.

**INDIVIDUAL LOT OPERATOR.** A person who has financial control of construction activities for an individual lot.

**LAND-DISTURBING ACTIVITY.** Any human-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.



**LARGER COMMON PLAN OF DEVELOPMENT OR SALE.** A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased, or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a **LARGER COMMON PLAN**. The term also includes phased or other construction activity by a single entity for its own use.

**MS4.** The Municipal Separate Storm Sewer System.

**PERMANENT STABILIZATION.** The establishment, at a uniform design of 70% across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

**PHASING OF CONSTRUCTION.** Sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.

**PROJECT SITE.** The entire area on which construction activity is to be performed.

**PROJECT SITE OWNER.** The person required to submit the NOI letter per state law and required to comply with the terms of this chapter, Chapter 53, and state law, including either of the following:

(1) A developer; or

(2) A person who has financial and operational control of construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.

**SEDIMENT.** Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

**SOIL.** The unconsolidated mineral and organic material on the surface of the earth that serves as the natural medium for the growth of plants.

**SOIL AND WATER CONSERVATION DISTRICT or SWCD.** A political subdivision established under I.C. 14-32.

**STORM WATER POLLUTION PREVENTION PLAN.** A plan developed to minimize the impact of storm water pollutants resulting from construction activities. The plan indicates the specific measures and sequencing to be used to control sediment, soil erosion, and other construction site wastes during and after construction.

***STORM WATER QUALITY MEASURE.*** A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

***STORM WATER STANDARDS.*** The storm water standards that contain policies and procedures, drainage, erosion, and sediment control, and post-construction standards that new development and redevelopment must meet. The plan indicates the specific measures and sequencing to be used to control sediment, soil erosion, and other construction site wastes during and after construction.

***STRIP DEVELOPMENT.*** A multi-lot project where building lots front on an existing road.

***SUBDIVISION.*** Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

***TECHNICAL REVIEW AND COMMENT FORM.*** A form issued by the Building Department stating that the Erosion and Sediment Control Plan is adequate or stating revisions needed in the Erosion and Sediment Control Plan and Storm Water Pollution Prevention Plan.

***TEMPORARY STABILIZATION.*** The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other nonerosive material applied at a uniform density of 70% across the disturbed area.

***TRACKING.*** The deposition of soil that is transported from one location to another by tires, tracks of vehicles, or other equipment.

***TRAINED INDIVIDUAL.*** An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.  
(Prior Code, Storm Water Appendix § 1.3)

#### **§ 54.04 POLICIES AND PROCEDURES.**

(A) *Coverage.* All residential and non-residential construction projects which result in land-disturbing activities equal to or greater than one acre shall be in compliance with Chapter 53, this chapter, and state law. The area of land disturbance resulting from the construction activity shall be calculated per state law.  
(Prior Code, Storm Water Appendix § 1.4.1)

(B) *Exceptions.* Individual, single-family construction projects not part of a larger, common development are exempt from the submittals outlined in division (C) below, but must comply with state law provisions throughout construction activities and until the areas are permanently stabilized. (Prior Code, Storm Water Appendix § 1.4.2)

(C) *Submittals.*

(1) A technical review and comment form stating that the plan is adequate shall be obtained prior to the initiation of any land-disturbing activities. The construction site owner shall submit a review fee in the form of a check to the County SWCD according to the following table.

| <i>Disturbed Acreage</i> | <i>Fee</i>                                        |
|--------------------------|---------------------------------------------------|
| 1-1.99                   | \$75                                              |
| 2-4.99                   | 125                                               |
| 5-9.99                   | 175                                               |
| 10-14.99                 | 225                                               |
| 15-19.99                 | 275                                               |
| 20-24.99                 | 325                                               |
| 25-29.99                 | 500                                               |
| 30-39.99                 | 750                                               |
| 40-49.99                 | 1,000                                             |
| 50-74.99                 | 1,250                                             |
| 75-99.99                 | 1,500                                             |
| 100+                     | 1,750 + \$15/acre for each<br>acre over 100 acres |

(2) (a) In addition, two copies of the following information shall be submitted to the Town Building Commissioner at the Town Hall:

1. Construction plans (on 11- by 17-inch paper); and
2. Construction Storm Water Pollution Prevention Plan (SWPPP).

(b) One copy of the submittal and the review fee will be forwarded to the County SWCD.

(c) The detailed submittal requirements are contained in state law and summarized in § 54.35. The construction project post-construction SWPPP must also be in compliance with §§ 54.20 through 54.24.

(3) (a) After receiving the technical review and comment form (§ 54.36) stating that the “plan is adequate” from the SWCD, a building permit shall be issued by the Town Building Commissioner. The following shall be submitted to IDEM at least 48 hours prior to the initiation of land-disturbing activities:

1. Notice of intent form (§ 54.37);
2. A copy of the technical review and comment form verifying approval by the SWCD; and
3. Proof of publication required by state law.

(b) A copy of the NOI must also be forwarded to the Town Building Commissioner and the County SWCD.

(4) Single-family residential development consisting of four or fewer lots or a single-family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale, shall meet the detailed submittal requirements contained in state law.

(5) (a) For those construction activities operated by the MS4 operator or MS4 municipalities within the MS4 area, construction plans must be submitted to the local SWCD, the Department of Natural Resources, Division of Soil Conservation, or other entity designated by IDEM for review and approval.

(b) If the MS4 operator does not receive either a notice of deficiency or an approval within 35 days of the submittal, the plan will be considered adequate.

(c) After a one-year period of permit compliance, the MS4 operator or the designated MS4 entity need not submit the plans and may review MS4-operated project construction plans internally with the written authorization of the Department of Natural Resources, Division of Soil Conservation.

(6) In addition to state law requirements for those construction activities operated by the MS4 operator or MS4 municipalities within the MS4 area, project construction plans must include a traffic phasing plan for those projects that have the potential to alter vehicular traffic routes. Also, the project storm water pollution prevention plan must address all state law requirements and the following areas located outside of rights-of-way:

- (a) Utility relocation areas;
- (b) Material hauling and transportation routes/roads;
- (c) Borrow pits;
- (d) Temporary staging and material stockpile areas; and
- (e) Temporary disposal areas for waste materials.

(Prior Code, Storm Water Appendix § 1.4.3)

(D) *Inspection.*

(1) A self-monitoring program meeting state law requirements shall be implemented. A trained individual shall perform an inspection of the project site to verify the erosion and sediment controls are being maintained and functioning properly, and to determine whether additional controls are necessary. Inspections shall be performed after every storm event with a total measured rainfall accumulation equal to or greater than one-half inch and, at a minimum, inspections shall be performed weekly.

(2) Written evaluation reports must be prepared by the end of the business day following the day of the inspection. The written evaluation reports must also be available to the town within 48 hours of a request.

(3) Written evaluation reports must contain the following information:

- (a) Name of the individual performing the inspection;
- (b) Date of the inspection;
- (c) Problems identified at the project; and
- (d) Corrective actions recommended and completed.

(4) Construction site owners shall allow right-of-entry for the County SWCD, or local, county, or state regulatory agency, or a representative thereof, to inspect any project site involved in construction activities, at reasonable times.

(5) When construction plans are submitted for review, the reviewer will identify priority sites for inspection and enforcement. The criteria for priority sites will be based on the nature and extent of construction, proximity to sensitive areas, steep topography on or adjacent to proposed construction site,

proximity to wetlands, and potential for direct runoff to receiving waters. Construction sites inspections will be based on priority determinations.

(6) The County SWCD or local, county, or state regulatory agency, or a representative thereof, shall make recommendations to the project site owner, or his or her representative, to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance. (Prior Code, Storm Water Appendix § 1.4.4)

(E) *Enforcement.*

(1) All persons engaging in construction activities on a project site shall be responsible for complying with this chapter, Chapter 53, and state law.

(2) Any person causing or contributing to a violation of any provisions of this chapter, Chapter 53, and state law shall be subject to enforcement and penalty.

(3) A stop-work order (revocation of building permit) may be issued in the event that any person violates the terms of this chapter, Chapter 53, or state law, or implements a construction activity in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in or adjacent to the project site.

(4) If remaining storm water quality measures are not properly maintained by the person occupying or owning the property, the town may also issue fines to that individual. (Prior Code, Storm Water Appendix § 1.4.5) Penalty, see § 10.99

## **§ 54.05 GENERAL REQUIREMENTS.**

(A) *Storm water pollution prevention plans.* All land-disturbing projects shall implement controls to minimize the transport of sediment from the project sites. Per state law, the project site owner shall, at least, meet the following requirements.

(1) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures to minimize sedimentation.

(2) Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.

(3) A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

(4) Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(5) Storm water runoff leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.

(6) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:

(a) Copy of the completed NOI letter and the NPDES permit number, where applicable;

(b) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person; and

(c) Location of the construction plan if the project site does not have an on-site location to store the plan.

(7) This permit and posting of the notice of under division (A)(6) above does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

(8) The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with state law, all measures necessary to adequately prevent polluted storm water runoff.

(9) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule, and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.

(10) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.

(11) Appropriate measures shall be planned and installed as part of an erosion and sediment control system.

(12) All storm water quality measures must be designed and installed under the guidance of a trained individual.

(13) Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

(14) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.

(15) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water runoff.

(16) (a) Unvegetated areas that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential.

(b) Alternative measures to site stabilization are acceptable if the project site owner, or his or her representative, can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge.

(c) Vegetated areas with a density of less than 70% shall be restabilized using appropriate methods to minimize the erosion potential.

(17) During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order.

(18) A self-monitoring program shall be implemented (see § 54.04(D)).

(19) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water, or degrade soil quality.

(20) Final stabilization of a project site shall be achieved when:

(a) All land-disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and



(b) Construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in division (A)(20)(a) above.

(Prior Code, Storm Water Appendix § 1.5.1)

(B) *Individual building lots within a permitted project.* Per state law, all storm water quality measures, including erosion and sediment control, necessary to comply with state law and this chapter shall be implemented in accordance with the plan. Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

(1) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots;

(2) Installation and maintenance of a stable construction site access;

(3) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance;

(4) Sediment discharge and tracking from each lot must be minimized throughout the land-disturbing activities on the lot until permanent stabilization has been achieved;

(5) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules;

(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization; and

(7) For individual residential lots, final stabilization meeting the criteria in division (A)(20) above will be achieved when the individual lot operator:

(a) Completes final stabilization; or

(b) Has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner, and has informed the homeowner of the requirement for, and benefits of, final stabilization.

(Prior Code, Storm Water Appendix § 1.5.2) Penalty, see § 10.99

**§ 54.06 TECHNICAL DESIGN CRITERIA.**

(A) Erosion and sediment controls shall be designed and installed in accordance with state law, this chapter, and the *Indiana Storm Water Quality Manual*. Technical review of the erosion and sediment control program, storm water pollution prevention plan, and other required submittals shall be completed by the County SWCD. The technical review shall assess the adequacy of proposed erosion and sediment control against the technical design criteria contained in the *Indiana Storm Water Quality Manual*.

(B) The following guidelines shall be used during development of the storm water pollution prevention plan.

(1) Construction sequencing shall minimize the amount of exposed land and the duration of exposure without temporary or permanent protection.

(2) Grading activities shall minimize the amount of cut and fill.

(3) Perimeter controls shall be installed prior to land-disturbing activities.

(4) Storm sewer inlets and conveyance outfalls shall be equipped with appropriate erosion and sediment controls and shall remain in place until the entire contributing drainage area is permanently stabilized.

(5) Project access points shall have two-inch to three-inch or larger aggregate for a depth of at least six inches placed at all ingress and egress points to minimize tracking of sediment beyond the project site by vehicles and construction equipment. The aggregate must cover a minimum area of 20 feet by 50 feet, and be periodically maintained (cleaned, top dressed). Sediment tracked to road surfaces shall be removed using acceptable practices, such as shoveling or street sweeping, daily. Washing of road surfaces is not acceptable, unless the runoff flows to a sediment control measure.

(6) Storm water runoff velocities from the project site shall be kept as low as possible.

(7) Erosion from soil stockpiles shall be minimized via stabilization or erosion control measures.

(8) Permanent seeding shall take place as soon as practicable. Temporary seeding shall be utilized in areas left undisturbed for more than 30 days.

(9) Dust control measures shall be implemented as necessary.

(10) Erosion control blankets shall be required on all fill slopes exceeding four (horizontal) to one (vertical).

(11) Mulching material is required for all temporary and permanent seeding.

(12) The minimum thickness of rock riprap shall be six inches.

(Prior Code, Storm Water Appendix § 1.6) Penalty, see § 10.99

#### **§ 54.07 PROJECT TERMINATION.**

*(A) Generally.*

(1) The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site.

(2) The project site owner, or a representative thereof, shall submit a written notice of termination (NOT) form (see § 54.38) to the County SWCD, the town, and IDEM upon project termination once the following requirements are met.

(a) All land-disturbing activities, including construction on all building lots, have been completed.

(b) Final stabilization of the entire site has been completed.

(c) All permanent storm water quality measures (if adopted) have been implemented and are operational.

(d) Temporary erosion and sediment control measures have been removed.

(3) The NOT must be submitted to the town, County SWCD, and IDEM within two weeks of project termination, and contain a statement(s) verifying that each of these conditions have been met.

(4) The County SWCD, or a representative thereof, shall inspect the project site to confirm the information provided in the NOT. Upon verification of the NOT letter, the Town Building Commissioner shall issue written approval to the project site owner that the project site owner shall no longer be responsible for compliance with the requirements of this chapter.

(Prior Code, Storm Water Appendix § 1.7.1)

*(B) Early project termination requirements.*

(1) The project site owner may submit an NOT letter to obtain early release from compliance with this chapter, Chapter 53, and state law.

(2) The project site owner must meet the state law requirements as outlined below.

(a) The remaining, undeveloped acreage does not exceed five acres, with contiguous areas not to exceed one acre.

(b) A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

(c) All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.

(d) The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

(e) All permanent storm water quality measures have been implemented and are operational.

(3) Upon verification of the NOT letter, the Town Building Commissioner shall issue written approval to the project site owner. Upon receipt of this approval, the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with § 54.05(B). The remaining individual lot owners do not need to submit a NOI letter or NOT letter. The notice must contain a verified statement that each of the conditions in divisions (B)(2)(a) through (B)(2)(e) above have been met. The notice must also inform the individual lot owners of the requirements to:

(a) Install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and

(b) Maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

(Prior Code, Storm Water Appendix § 1.7.2) Penalty, see § 10.99

### ***POST-CONSTRUCTION STORM WATER QUALITY***

#### **§ 54.20 INTRODUCTION.**

(A) The purpose of this subchapter is to establish minimum performance standards for management of post-construction storm water runoff quality, which is necessary to reduce the impacts of sediment

and pollutants on local habitat and water resources. In addition to the standards in this chapter, projects meeting the applicability of this chapter must also comply with Ord. 11-16-04A, passed 11-16-2004, an ordinance to establish requirements for post-construction storm water runoff controls.

(B) Sediments can have adverse effects on aquatic life in streams and lakes, and can transport other attached pollutants affecting the welfare of the public residing in local watersheds. Major sources of sediment include washoff of particles that are deposited on impervious surfaces and the erosion of stream banks and construction sites. Improvements in the quality of post-construction storm water runoff can be met by best management practices (BMPs) including maximizing the use of site design to reduce runoff, managing and treating storm water runoff through the use of structural controls, and implementing pollution prevention practices to prevent erosion and reduce potential contaminants.

(C) Hydrologic studies show that small-sized, frequently occurring storms account for the majority of rainfall events. The runoff from these storms accounts for a major portion of the annual pollutant loadings. By treating the frequently occurring smaller rainfall events, and a portion of the storm water runoff from larger events, it is possible to effectively mitigate the water quality impacts from developed areas.

(D) The town has adopted a policy that the control of storm water runoff quality will be based on the management of total suspended solids (TSS). This requirement will serve as the basis of the storm water quality management program for all areas within the jurisdiction of the town. The target TSS removal rate is 80%.

(E) One approach to reduce the post-development TSS loadings by 80% is to require treatment of a water quality volume from a site. A second approach is to require treatment of a water quality flow rate from the site. Approved methods for calculating the water quality volume and flow rate are described in § 54.23.

(F) The appropriate storm water quality volume ( $WQ_v$ ) and/or storm water quality flow rate ( $Q_{wq}$ ) generated from a qualifying site shall be adequately treated before discharge. Pre-approved structural BMPs are provided in Table 2-A located in § 54.24(F) and are presumed to comply with the 80% TSS removal rate where indicated if:

- (1) Sized to capture the prescribed water quality volume or flow rate, as applicable;
- (2) Designed according to the specific performance criteria outlined in this manual;
- (3) Constructed properly; and
- (4) Maintained regularly.

(G) Post-construction storm water quality measures must be properly maintained to ensure storm water runoff is continuously treated from the developed and stabilized site.

(H) Special circumstances that are not covered by these standards shall be regulated and reviewed on a case-by-case basis.

(Prior Code, Storm Water Appendix § 2.1)

#### **§ 54.21 APPLICABILITY.**

(A) Any land-disturbing project, including new development and redevelopment, within the town that results in the disturbance of one acre or more of total land area is subject to the requirements of this chapter. Furthermore, land-disturbing activities that are less than one acre but part of a larger common plan of development are required to comply with this chapter.

(B) Per ordinance, the following activities are exempt from these requirements:

(1) Construction of, or modifications to, single-family structures that are not a part of a larger common plan of development;

(2) Single-family residential development consisting of four or fewer lots;

(3) Individual lots within a larger common development plan that has been previously permitted for storm water management; and

(4) Any logging, agricultural, or other activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by county, state, or federal regulating agencies.

(Prior Code, Storm Water Appendix § 2.2)

#### **§ 54.22 SUBMITTAL REQUIREMENTS.**

A submittal for storm water quality treatment review will not be considered complete until all of the items below have been submitted. The following shall be submitted to the town:

(A) A storm water pollution prevention plan (SWPPP) shall be required that details how runoff and associated water quality impacts resulting from the development will be controlled or managed. In addition to submittal requirements listed in this chapter, the following items shall be included in the SWPPP:

(1) A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to storm water discharges;

(2) A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds;

(3) A sequence describing when each post-construction storm water quality measure will be installed;

(4) Storm water quality measures that will remove or minimize pollutants from storm water runoff;

(5) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat; and

(6) A narrative description and checklist of operation and maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long-term function. This narrative description and checklist shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.

(B) Construction plans must be submitted with the initial review fee of \$100. The initial review fee includes one hour of storm water quality treatment review. Projects requiring more than one hour of review due to their complexity or deficiency in design or submittal shall be assessed plan review fees at the rate of \$100 per hour. Review fees shall be payable to the town. A review letter with any comments generated as a result of the review will be issued to the professional engineer responsible for completing the design.

(C) A complete set of professionally certified construction plans showing the location, dimensions, and construction details of all post-construction storm water quality measures, detailed specifications and supporting water quality BMP sizing calculations.

(D) Unless otherwise stated in this chapter (refer to § 54.24 for additional details on easements), a 30-foot easement around the water quality treatment BMP along with an access easement to the BMP is required. Upon approval of the easement location shown on the construction plans, the easement shall be granted to the town by way of a grant of perpetual drainage easement.

(Prior Code, Storm Water Appendix § 2.3)

### § 54.23 METHODS FOR SIZING BMPs.

#### (A) *Generally.*

(1) There are two methods for calculating the required size of a BMP. The first method calculates the water quality volume to be treated, which applies to detention-based BMPs. The second method calculates the water quality peak flow rate to be treated, which applies to filtration processes and mechanical-type BMPs such as hydrodynamic devices.

(2) The water quality volume or flow rate shall be treated by an acceptable (pre-approved) BMP(s) from § 54.24(F) or an equivalent practice. Such practices or techniques and devices not pre-approved that may be more functional and desirable for storm water management may be utilized upon approval by the town. Mechanical-type BMPs must meet ASTM standard methods for verifying performance and must be certified by a professional engineer. The BMP must meet the 80% TSS removal rate at a 50-125 micron range (very fine/fine sand) without resuspension of particles at the design water quality flow rate resulting from a one-inch rainfall depth. Testing of the TSS removal rate must be conducted by an independent testing facility rather than by the manufacturer.

(3) A quick reference, minimum design criteria, and maintenance and inspection checklists for each pre-approved BMP are provided in §§ 54.50 through 54.56.

#### (B) *Water quality volume (WQ<sub>v</sub>).*

(1) The WQ<sub>v</sub> is the storage needed to capture and treat the runoff from the first one-inch of rainfall. The WQ<sub>v</sub> is equivalent to one inch of rainfall multiplied by the volumetric runoff coefficient (R<sub>v</sub>) and the site area. The volume of runoff is directly related to the amount of impervious cover at the site and is calculated using the following equation:

$$(a) \quad WQ_v = \frac{(P) (R_v) (A)}{12}$$

(b) Where:

1. WQ<sub>v</sub> = water quality volume (acre-feet);
2. P = 1 inch of rainfall;
3. a. R<sub>v</sub> = volumetric runoff coefficient; and
  - b. R<sub>v</sub> = 0.05 + 0.009(I), where I is the percent (%) impervious cover.
4. A = area in acres.



(C) *Water quality flow rate ( $Q_{wq}$ ).*

(1) The  $Q_{wq}$  is needed to size BMP devices designed to treat runoff at a peak design flow rate through the system.

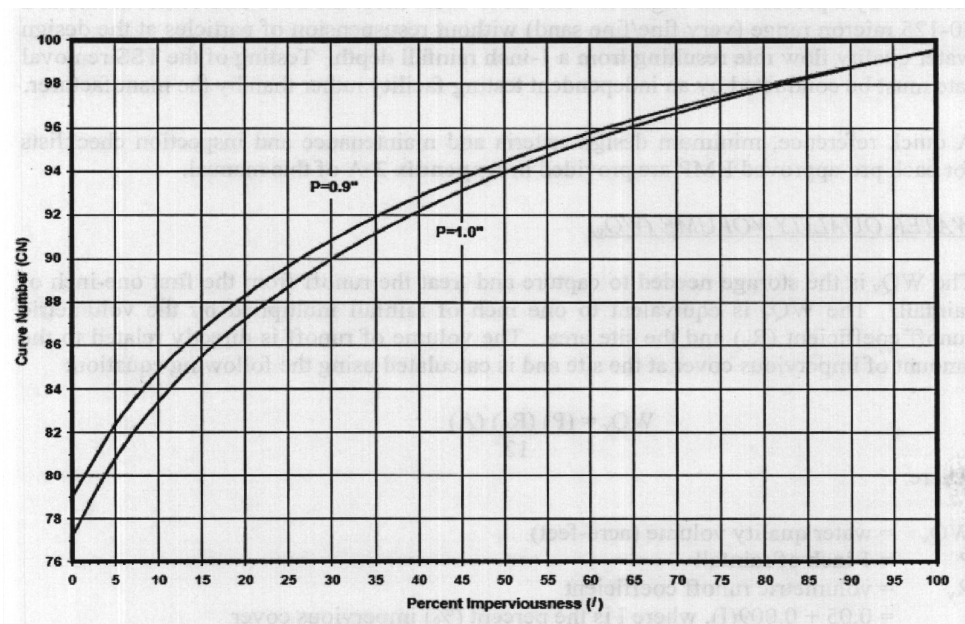
(2) Conventional SCS methods have been found to underestimate the volume and rate of runoff for rainfall events less than two inches. The following procedure can be used to calculate the  $Q_{wq}$ . The method relies on the water quality volume in conjunction with an adjusted curve number ( $CN_{wq}$ ) and the NRCS TR-55 methodology.

(a) *Step 1.* Using the water quality volume, calculate the adjusted  $CN_{wq}$ :

$$1. \quad CN_{wq} = 1000 / [10 + 5P + 10WQ_{vi} - 10(WQ_{vi}^2 + 1.25WQ_{vi}P)^{1/2}]$$

2. Where:

- a.  $CN_{wq}$  = adjusted curve number for water quality flow rate calculation;
- b.  $P$  = rainfall in inches (use 1 inch for water quality storm);
- c.  $WQ_{vi}$  = water quality volume in inches =  $1.0 \text{ inch}(R_v)$ ; and
- d. i.  $R_v$  = volumetric runoff coefficient; and
- ii.  $R_v = 0.05 + 0.009(I)$ , where  $I$  is the percent (%) impervious cover.



(b) *Step 2.* Calculate the site time of concentration ( $t_c$ ) and area in acres (A).

(c) *Step 3.* Use the adjusted  $CN_{wq}$ ,  $t_c$  and A as input for TR-55 calculations in conjunction with the SCS Type II rainfall distribution, 24-hour event, for one inch of rainfall depth to calculate the  $Q_{wq}$ .  
(Prior Code, Storm Water Appendix § 2.4)

#### § 54.24 PROJECT CONSTRUCTION.

(A) *Inspections.*

(1) The town, or its designated representative, shall conduct inspections of the water quality treatment system construction. If required by the town, the applicant shall execute an inspection services agreement with the town and pay all applicable inspection fees per the terms stated in the agreement. The applicant must notify the town 48 hours in advance of construction of the storm water management system.

(2) The town reserves the right perform periodic inspections of BMPs. The following inspection fees shall apply and are payable prior to approval of the storm water management plan: \$200 shall be made payable to town to cover the cost for the first two inspections. Fees associated with maintenance violations shall be assessed through enforcement actions if necessary.

(B) *BMP maintenance.* Each BMP must have an operation and maintenance plan signed by the BMP owner and submitted with the SWPPP. The town must approve the plan. Routine inspection and maintenance is the responsibility of the BMP owner. The approved maintenance plan and inspection forms provided in this chapter shall be used in performing maintenance activities. Records of routine inspection are the responsibility of the owner and must be made available upon request of the town.

(C) *Easements.* The following applicable easements shall be granted to the town by way of a grant of perpetual drainage easement.

(1) Twenty feet for pipes 15 inches in diameter and smaller;

(2) Twenty-five feet for pipes larger than 15 inches in diameter;

(3) Twenty feet measured horizontally outside the 100-year flood elevation for detention/retention ponds and access to the pond as determined by the town;

(4) Fifteen feet for yard swales;

(5) Easements for open channel are to be determined by the town on a case-by-case basis; and

(6) Easements for drainage conveyances shall be centered on the centerline of the conveyance.

(D) *Transfer of ownership of storm water systems.* Owners/developers that will dedicate the storm water system to the town shall enter into an agreement, the storm water system agreement for developer-installed and contributed storm water system. The owner/developer, at no cost to the town, shall furnish the design, labor, and materials to install the storm water system. The town must approve the design, materials, and the owner's/developer's selected contractor, based upon reliability and responsiveness. Waivers of lien for suppliers, subcontractors, and contractors will be required at the time of completion of the transfer of ownership form.

(E) *Performance and maintenance bond requirements.* The owner/developer shall provide a performance bond to the town prior to project construction. The performance bond shall be in the amount of 120% of the contract amount to construct drainage improvements, and shall be provided on the standard form, the town performance and repair bond. After completion of the project, the owner/developer shall provide a three-year maintenance bond in the amount of 25% of the contract amount to construct said drainage improvements to protect against defective materials and workmanship. The maintenance bond shall be provided on the standard form, the town maintenance bond.

(F) *Record drawings.* Record drawings, certified by a professional engineer or land surveyor, of the completed drainage improvements that shall become public facilities shall be provided to the town within 60 days of project completion. Record drawings shall include both a hard copy and an electronic copy (AutoCAD compatible CD) of as-built information, including horizontal alignments, elevations, inverts, top-of-castings, pond cross-sections, and flow lines of swales.

| <i>Table 2-A Pre-Approved BMPs</i> |                                                                                                                                                       |                        |                                                                 |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------|
| <i>BMP</i>                         | <i>Description</i>                                                                                                                                    | <i>80% TSS Removal</i> | <i>Selection Guidelines</i>                                     |
| Biofilters                         | Densely vegetated land engineered as pretreatment or as part of a treatment train                                                                     | No                     | Used in conjunction with other water quality treatment measures |
| Bioretention area                  | Shallow basins or landscaped areas with engineered soils and vegetation, and filter strip treatment, prior to ponding area                            | Yes                    | 0.5-2 acres preferred<br>Maximum 5 acres                        |
| Infiltration trench with forebay   | Trench that captures and treats storm water runoff by allowing it to infiltrate into the ground through aggregate into highly porous underlying soils | Yes                    | Maximum 5 acres                                                 |
| Sand filters with pretreatment     | Structure that treats runoff through filtration using a sand bed as the primary filter media. Requires pretreatment due to high clog factor           | Yes                    | Maximum 2-10 acres                                              |

| <i>BMP</i>                                | <i>Description</i>                                                                                                 | <i>80% TSS Removal</i> | <i>Selection Guidelines</i>        |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------|
| Storm water pond                          | Constructed basin with a permanent pool of water in which runoff is captured and treated                           | Yes                    | Minimum 10 acres                   |
| Storm water wetland                       | Constructed wetland areas consisting of shallow marsh areas, open water, and semi-wet areas above a permanent pool | Yes                    | Regional sites<br>Minimum 10 acres |
| Water quality dry swale with pretreatment | Vegetated open channel that captures and treats storm water runoff within dry cells                                | Yes                    | Maximum 5 acres                    |

(Prior Code, Storm Water Appendix § 2.5) Penalty, see § 10.99

***Editor's note:***

*See Georgia Storm Water Management Manual, Volume 2, Maryland Storm Water Design Manual, Volume II, and Indianapolis Storm Water Specifications Manual for reference.*

## ***FORMS, APPLICATIONS***

### **§ 54.35 SUBMITTAL REQUIREMENTS FOR PLAN REVIEW.**

The following are required for plan review.

| <i>Section</i>                                           | <i>Description</i>                                                                                                                                                                                     | <i>Location in Plans</i> |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b><i>Project Narrative and Supporting Documents</i></b> |                                                                                                                                                                                                        |                          |
| 1A                                                       | An index indicating the location, in the construction plans, of all information required by this section.                                                                                              |                          |
| 1B                                                       | Description of the nature and purpose of the project.                                                                                                                                                  |                          |
| 1C                                                       | Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.                                                  |                          |
| 1D                                                       | Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions. |                          |
| 1E                                                       | General construction sequence of how the project site will be built, including phases of construction.                                                                                                 |                          |
| 1F                                                       | Hydrologic Unit Code (14-digit) available from the United States Geological Survey (USGS).                                                                                                             |                          |

**Edgewood - Public Works**

| <i>Section</i>                             | <i>Description</i>                                                                                                                                                                                                                                                                            | <i>Location in Plans</i> |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1G                                         | A reduced plat or project site map showing the lot numbers, lot boundaries, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than 11 inches by 17 inches for all phases or sections of the project site.                               |                          |
| 1H                                         | Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site.                                                                                                                                    |                          |
| 2                                          | Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map, or county or municipal road map.                                                                                         |                          |
| <b><i>Existing Project Site Layout</i></b> |                                                                                                                                                                                                                                                                                               |                          |
| 3A                                         | Location and name of all wetlands, lakes, and watercourses on, or adjacent to, the project site.                                                                                                                                                                                              |                          |
| 3B                                         | Location of all existing structures on the project site.                                                                                                                                                                                                                                      |                          |
| 3C                                         | 100-year floodplains, floodway fringes, and floodways. Please note if none exists.                                                                                                                                                                                                            |                          |
| <b><i>Existing Project Site Layout</i></b> |                                                                                                                                                                                                                                                                                               |                          |
| 3D                                         | Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map. |                          |
| 3E                                         | Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.                                                                                                                                                                                |                          |
| 3F                                         | Land use of all adjacent properties.                                                                                                                                                                                                                                                          |                          |
| 3G                                         | Existing topography at a contour interval appropriate to indicate drainage patterns.                                                                                                                                                                                                          |                          |
| <b><i>Final Project Site Layout</i></b>    |                                                                                                                                                                                                                                                                                               |                          |
| 4A                                         | Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.                                                                                                                                            |                          |
| 4B                                         | 100-year floodplains, floodways fringes, and floodways. Please note if none exists.                                                                                                                                                                                                           |                          |
| 4C                                         | Proposed final topography, at a contour interval appropriate to indicate drainage patterns.                                                                                                                                                                                                   |                          |
| <b><i>Grading Plan</i></b>                 |                                                                                                                                                                                                                                                                                               |                          |
| 5A                                         | Delineation of all proposed land-disturbing activities, including off-site activities that will provide services to the project site.                                                                                                                                                         |                          |

| <i>Section</i>                                                                              | <i>Description</i>                                                                                                                                                                         | <i>Location in Plans</i> |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 5B                                                                                          | Location of all soil stockpiles and borrow areas.                                                                                                                                          |                          |
| 5C                                                                                          | Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.                          |                          |
| 5D                                                                                          | Existing and proposed topographic information.                                                                                                                                             |                          |
| <b><i>Drainage Plan</i></b>                                                                 |                                                                                                                                                                                            |                          |
| 6A                                                                                          | An estimate of the peak discharge, based on the 10-year storm event, of the project site for both preconstruction and post-construction conditions.                                        |                          |
| 6B                                                                                          | Location, size, and dimensions of all storm water drainage systems such as culverts, storm sewers, and conveyance channels.                                                                |                          |
| 6C                                                                                          | Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exists.                                                |                          |
| 6D                                                                                          | Locations of specific points where storm water discharge will leave the project site.                                                                                                      |                          |
| 6E                                                                                          | Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.                       |                          |
| <b><i>Drainage Plan</i></b>                                                                 |                                                                                                                                                                                            |                          |
| 6F                                                                                          | Location, size, and dimensions of features such as permanent retention or detention facilities, including existing or human-made wetlands, used for the purpose of storm water management. |                          |
| <b><i>Storm Water Pollution Prevention Plan Associated with Construction Activities</i></b> |                                                                                                                                                                                            |                          |
| 7A                                                                                          | Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.                                                       |                          |
| 7B                                                                                          | Temporary stabilization plans and sequence of implementation.                                                                                                                              |                          |
| 7C                                                                                          | Permanent stabilization plans and sequence of implementation.                                                                                                                              |                          |
| 7Di                                                                                         | Temporary and permanent stabilization plans shall include the following:<br>(i) Specifications and application rates for soil amendments and seed mixtures.                                |                          |
| 7Dii                                                                                        | (ii) The type and application rate for anchored mulch.                                                                                                                                     |                          |
| 7E                                                                                          | Construction sequence describing the relationship between implementation of storm water quality measures and stages of construction activities.                                            |                          |
| 7F                                                                                          | Self-monitoring program, including plan and procedures.                                                                                                                                    |                          |

| <i>Section</i>                                                        | <i>Description</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>Location in Plans</i> |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 7G                                                                    | A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.                                                                                                                                                                                                                                                                                                        |                          |
| 7H                                                                    | Material handling and storage associated with construction activities shall meet the spill prevention and spill response requirements in 327 I.A.C. 2-6.1                                                                                                                                                                                                                                                                                                                                              |                          |
| <b><i>Post-Construction Storm Water Pollution Prevention Plan</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |
| 8A                                                                    | A description of potential pollution sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.                                                                                                                                                                                                                                                                                                                         |                          |
| 8B                                                                    | Location, dimensions, detailed specifications, and construction details of all post-construction storm water quality measures.                                                                                                                                                                                                                                                                                                                                                                         |                          |
| 8C                                                                    | A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds. |                          |
| 8D                                                                    | A sequence describing when each post-construction storm water quality measure will be installed.                                                                                                                                                                                                                                                                                                                                                                                                       |                          |
| 8E                                                                    | Storm water quality measures that will remove or minimize pollutants from storm water runoff.                                                                                                                                                                                                                                                                                                                                                                                                          |                          |
| 8F                                                                    | Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.                                                                                                                                                                                                                                                                                                                                                                           |                          |
| <b><i>Post-Construction Storm Water Pollution Prevention Plan</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |
| 8G                                                                    | A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.                                                                                                                                               |                          |

(Prior Code, Storm Water Appendix § 1-A)

#### **§ 54.36 TECHNICAL REVIEW AND COMMENT FORM.**

The following form is to be used for technical review.

### Construction/Stormwater Pollution Prevention Plan Technical Review and Comment (Form 1)

|                     |                               |  |  |          |  |                       |  |           |  |        |  |
|---------------------|-------------------------------|--|--|----------|--|-----------------------|--|-----------|--|--------|--|
| Project Information | Project Name:                 |  |  |          |  | County:               |  |           |  |        |  |
|                     | Plan Submittal Date:          |  |  |          |  | Hydrologic Unit Code: |  |           |  |        |  |
|                     | Project Location Description: |  |  |          |  |                       |  |           |  |        |  |
|                     | Latitude and Longitude:       |  |  |          |  |                       |  |           |  |        |  |
|                     | Civil Township:               |  |  | Quarter: |  | Section:              |  | Township: |  | Range: |  |
|                     | Project Owner Name:           |  |  |          |  |                       |  |           |  |        |  |
|                     | Contact:                      |  |  |          |  |                       |  |           |  |        |  |
|                     | Address:                      |  |  |          |  |                       |  |           |  |        |  |
|                     | City:                         |  |  | State:   |  | Zip:                  |  |           |  |        |  |
|                     | Phone:                        |  |  | FAX:     |  | E-Mail:               |  |           |  |        |  |
|                     | Plan Preparer Name:           |  |  |          |  |                       |  |           |  |        |  |
|                     | Affiliation:                  |  |  |          |  |                       |  |           |  |        |  |
|                     | Address:                      |  |  |          |  |                       |  |           |  |        |  |
|                     | City:                         |  |  | State:   |  | Zip:                  |  |           |  |        |  |
|                     | Phone:                        |  |  | FAX:     |  | E-Mail:               |  |           |  |        |  |

|             |                          |  |        |  |         |
|-------------|--------------------------|--|--------|--|---------|
| Plan Review | Review Date:             |  |        |  |         |
|             | Principal Plan Reviewer: |  |        |  |         |
|             | Agency:                  |  |        |  |         |
|             | Address:                 |  |        |  |         |
|             | City:                    |  | State: |  | Zip:    |
|             | Phone:                   |  | FAX:   |  | E-Mail: |
|             | Assisted By:             |  |        |  |         |

☐ **PLAN IS ADEQUATE:** A comprehensive plan review has been completed and it has been determined that the plan satisfies the minimum requirements and intent of 327 IAC 15-5.

☐ Please refer to additional information included on the following page(s).

☐ Submit Notice of Intent (NOI): *Attach a copy of this cover page when submitting the NOI to the Indiana Department of Environmental Management. Construction activities may begin 48 hours following the submittal of the NOI. A copy of the NOI must also be sent to the Reviewing Authority (e.g. SWCD, DNR).*

☐ A preliminary plan review has been completed; a comprehensive review will not be completed within the 28-day review period. The reviewing authority reserves the right to perform a comprehensive review at a later date and revisions to the plan may be required at that time to address deficiencies.

☐ Please refer to additional information included on the following page(s).

☐ Submit Notice of Intent (NOI): *Attach a copy of this cover page when submitting the NOI to the Indiana Department of Environmental Management. Construction activities may begin 48 hours following the submittal of the NOI. A copy of the NOI must also be sent to the Reviewing Authority (e.g. SWCD, DNR).*

☐ **PLAN IS DEFICIENT:** Significant deficiencies were identified during the plan review.

☐ Please refer to additional information included on the following page(s).

☐ DO NOT file a Notice of Intent for this project.

☐ DO NOT commence land disturbing activities until all deficiencies are adequately addressed, the plan re-submitted, and notification has been received that the minimum requirements have been satisfied.

☐ Plan Revisions    ☐ Deficient Items    should be mailed or delivered to the Principal Plan Reviewer identified in the Plan Review Section above.



## Construction/Stormwater Pollution Prevention Plan - Technical Review and Comment (Form I)

|                         |
|-------------------------|
| Project Name: 0         |
| Date Reviewed: 01/00/00 |

| Assessment of Stormwater Pollution Prevention Plan (Sections B & C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                          |                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stormwater Pollution Prevention Plan - Construction Component (Section B)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                          |                                                                                                                                                                            |
| Adequate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Deficient                | Not Applicable                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |                                                                                                                                                                            |
| <p><i>The construction component of the Stormwater Pollution Prevention Plan includes stormwater quality measures to address erosion, sedimentation, and other pollutants associated with land disturbance and construction activities. Proper implementation of the plan and inspections of the construction site are necessary to minimize the discharge of pollutants. The Project Site Owner should be aware that unforeseen construction activities and weather conditions may affect the performance of a practice or the effectiveness of the plan. The plan must be a flexible document, with provisions to modify or substitute practices as necessary.</i></p> |                          |                                                                                                                                                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 1 Description of potential pollutant sources associated with construction activities                                                                                       |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 2 Sequence describing stormwater quality measure implementation relative to land disturbing activities                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 3 Stable construction entrance locations and specifications (at all points of ingress and egress)                                                                          |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 4 Sediment control measures for sheet flow areas                                                                                                                           |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 5 Sediment control measures for concentrated flow areas                                                                                                                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 6 Storm sewer inlet protection measure locations and specifications                                                                                                        |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 7 Runoff control measures (e.g. diversions, rock check dams, slope drains, etc.)                                                                                           |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 8 Storm water outlet protection specifications                                                                                                                             |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 9 Grade stabilization structure locations and specifications                                                                                                               |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 10 Location, dimensions, specifications, and construction details of each stormwater quality measure                                                                       |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 11 Temporary surface stabilization methods appropriate for each season (include sequencing)                                                                                |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 12 Permanent surface stabilization specifications (include sequencing)                                                                                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 13 Material handling and spill prevention plan                                                                                                                             |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 14 Monitoring and maintenance guidelines for each proposed stormwater quality measure                                                                                      |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 15 Erosion & sediment control specifications for individual building lots                                                                                                  |
| Stormwater Pollution Prevention Plan - Post Construction Component (Section C)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |                                                                                                                                                                            |
| Adequate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Deficient                | Not Applicable                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |                                                                                                                                                                            |
| <p><i>The post construction component of the Stormwater Pollution Prevention Plan includes the implementation of stormwater quality measures to address pollutants that will be associated with the final landuse. Post construction stormwater quality measures should be functional upon completion of the project. Long term functionality of the measures are critical to their performance and should be monitored and maintained.</i></p>                                                                                                                                                                                                                          |                          |                                                                                                                                                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 1 Description of pollutants and their sources associated with the proposed land use                                                                                        |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 2 Sequence describing stormwater quality measure implementation                                                                                                            |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 3 Description of proposed post construction stormwater quality measures (Include a written description of how these measures will reduce discharge of expected pollutants) |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 4 Location, dimensions, specifications, and construction details of each stormwater quality measure                                                                        |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> | 5 Description of maintenance guidelines for post construction stormwater quality measures                                                                                  |

## Construction/Stormwater Pollution Prevention Plan - Technical Review and Comment (Form 1)

Project Name: 0

Date Reviewed: 01/00/00

The technical review and comments are intended to evaluate the completeness of the Construction/Stormwater Pollution Prevention Plan for the project. The Plan submitted was not reviewed for the adequacy of the engineering design. All measures included in the plan, as well as those recommended in the comments should be evaluated as to their feasibility by a qualified individual with structural measures designed by a qualified engineer. The Plan has not been reviewed for other local, state, or federal permits that may be required to proceed with this project. Additional information, including design calculations may be requested to further evaluate the Plan.

All proposed stormwater pollution prevention measures and those referenced in this review must meet the design criteria and standards set forth in the "Indiana Stormwater Quality Manual" from the Indiana Department of Natural Resources, Division of Soil Conservation or similar Guidance Documents.

Please direct questions and/or comments regarding this plan review to:

0

Please refer to the address and contact information identified in the Plan Review Section on page 1.

## Assessment of Construction Plan Elements (Section A)

The Construction Plan Elements are adequately represented to complete a plan review:

☒ Yes ☒ No

The items checked below are deficient and require submittal to meet the requirements of the rule.

| A                           |                                                                                                 | A                           |                                                                                                   |
|-----------------------------|-------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1  | Index showing locations of required Plan Elements                                               | <input type="checkbox"/> 2  | 11 by 17 inch plat showing building lot numbers/boundaries and road layout/names                  |
| <input type="checkbox"/> 3  | Narrative describing the nature and purpose of the project                                      | <input type="checkbox"/> 4  | Vicinity map showing project location                                                             |
| <input type="checkbox"/> 5  | Legal Description of the Project Site (include Latitude and Longitude - NOI Requirement)        | <input type="checkbox"/> 6  | Location of all lots and proposed site improvements (roads, utilities, structures, etc.)          |
| <input type="checkbox"/> 7  | Hydrologic unit code (14 Digit)                                                                 | <input type="checkbox"/> 8  | Notation of any State or Federal water quality permits                                            |
| <input type="checkbox"/> 9  | Specific points where stormwater discharge will leave the site                                  | <input type="checkbox"/> 10 | Location and name of all wetlands, lakes and water courses on and adjacent to the site            |
| <input type="checkbox"/> 11 | Identification of all receiving waters                                                          | <input type="checkbox"/> 12 | Identification of potential discharges to ground water (abandoned wells, sinkholes, etc.)         |
| <input type="checkbox"/> 13 | 100 year floodplains, floodways, and floodway fringes                                           | <input type="checkbox"/> 14 | Pre-construction and post construction estimate of Peak Discharge (10 Year storm event)           |
| <input type="checkbox"/> 15 | Adjacent landuse, including upstream watershed                                                  | <input type="checkbox"/> 16 | Locations and approximate boundaries of all disturbed areas (Construction Limits)                 |
| <input type="checkbox"/> 17 | Identification of existing vegetative cover                                                     | <input type="checkbox"/> 18 | Soils map including soil descriptions and limitations                                             |
| <input type="checkbox"/> 19 | Locations, size and dimensions of proposed stormwater systems (e.g. pipes, swales and channels) | <input type="checkbox"/> 20 | Plans for any off-site construction activities associated with this project (sewer/water tie-ins) |
| <input type="checkbox"/> 21 | Locations of proposed soil stockpiles and/or borrow/disposal areas                              | <input type="checkbox"/> 22 | Existing site topography at an interval appropriate to indicate drainage patterns                 |
| <input type="checkbox"/> 23 | Proposed final topography at an interval appropriate to indicate drainage patterns              |                             |                                                                                                   |

**Construction/Stormwater Pollution Prevention Plan**

Project Name:

Date Reviewed:

**Priority Site Information**

- ☐ Nature and Extent of Construction
- ☐ Close Proximity to Sensitive Area
- ☐ Steep Topography on Proposed Construction Site
- ☐ Close Proximity to Wetlands
- ☐ Potential for Direct Runoff to Receiving Waters
- ☐ Not a Priority Site

**Construction/Stormwater Pollution Prevention Plan Comments**

## § 54.37 IDEM NOTICE OF INTENT FORM.

The following is the notice of intent (NOI) form.



Indiana Department of Environmental Management  
 Notice of Intent (NOI)  
 Storm Water Runoff Associated with Construction Activity  
 NPDES General Permit Rule 327 IAC 15-5 (Rule 5)

Submission of this Notice of Intent letter constitutes notice that the project site owner is applying for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit Rule for Storm Water Discharges Associated with Construction Activity. Permitted project site owners are required to comply with all terms and conditions of the General Permit Rule 327 IAC 15-5 (Rule 5).

Check the type of Submittal: ☐ Initial ☐ Amendment, ☐ Renewal ☐ Extension

**Project Name and Location:**

- Project Name: \_\_\_\_\_ County: \_\_\_\_\_
- Brief Description of Project Location: \_\_\_\_\_
- Latitude \_\_\_\_\_ and Quarter \_\_\_\_\_ Section \_\_\_\_\_
- Longitude \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_
- Does ☐ all or ☐ part of this project lie within the jurisdictional boundaries of a Municipal Separate Storm Sewer System (MS4) as defined in 327 IAC 15-13? ☐ Yes ☐ No If yes, please name the MS4(s): \_\_\_\_\_

**Project Site Owner and Project Contact Information:**

- Company Name (If Applicable): \_\_\_\_\_
- Project Site Owner's Name (An Individual): \_\_\_\_\_ Title/Position: \_\_\_\_\_
- Address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail Address (If Available): \_\_\_\_\_
- Ownership Status (check one): Governmental Agency: ☐ Federal ☐ State ☐ Local  
 Non-Governmental: ☐ Public ☐ Private ☐ Other (Explain): \_\_\_\_\_
- Contact Person: \_\_\_\_\_ Affiliation with Project Site Owner: \_\_\_\_\_
- Address (if different from above): \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail Address (If Available): \_\_\_\_\_

**Project Description:**

☐ Residential-Single Family ☐ Residential-Multi-Family ☐ Commercial ☐ Industrial ☐ Other \_\_\_\_\_

**Discharge Information:**

- Name of Receiving Water: \_\_\_\_\_  
 (If applicable, name of municipal operator of storm sewer. Please note that even if a retention pond is present on the property, the name of the nearest possible receiving water is required).

**Project Acreage:**

- Total Acreage: \_\_\_\_\_ Acres Proposed Acreage to be Disturbed: \_\_\_\_\_ Acres
- Total Impervious Surface Area (Estimated for Completed Project): \_\_\_\_\_ Square Feet

**Timetable (Maximum of 5 Years):**

- Start Date: \_\_\_\_\_ and Estimated End Date for all Land Disturbing Activity: \_\_\_\_\_

(Continued on Reverse Side)

**Construction Plan Certification:**

By signing this Notice of Intent letter, I certify the following:

- A. The storm water quality measures included in the Construction Plan comply with the requirements of 327 IAC 15-5-6.5, 327 IAC 15-5-7, and 327 IAC 15-5-7.5;
- B. the storm water pollution prevention plan complies with all applicable federal, state, and local storm water requirements;
- C. the measures required by section 7 and 7.5 of this rule will be implemented in accordance with the storm water pollution prevention plan;
- D. if the projected land disturbance is One (1) acre or more, the applicable Soil and Water Conservation District or other entity designated by the Department, has been sent a copy of the Construction Plan for review;
- E. storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with 327 IAC 15-5-7; and
- F. implementation of storm water quality measures will be inspected by trained individuals.

In addition to this form, I have enclosed the Following:

- ☐ Verification by the reviewing agency of acceptance of the Construction Plan.
- ☐ Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, including all required elements contained in 327 IAC 15-5-5 (9).
- ☐ \$100 check or money order payable to the Indiana Department of Environmental Management. If the project lies solely within the permitted jurisdiction of an MS4 and is regulated by the MS4 under 327 IAC 15-13 – a fee is not required with submittal of this Notice of Intent.

A permit issued under 327 IAC 15-5 is granted by the commissioner for a period of five (5) years from the date coverage commences. Once the five (5) year permit term duration is reached, a general permit issued under this rule will be considered expired, and, as necessary for construction activity continuation, a new Notice of Intent letter would need to be submitted ninety (90) days prior to the termination of coverage.

**Project Site Owner Responsibility Statement:**

By signing this Notice of Intent letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information or violating the provisions of 327 IAC 15-5, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Project Owner \_\_\_\_\_

Signature of Project Owner \_\_\_\_\_ Date: \_\_\_\_\_

This Notice of Intent must be signed by an individual meeting the signatory requirements in 327 IAC 15-4-3(g)

Mail this form to: Indiana Department of Environmental Management  
Office of Water Quality, Storm Water (Rule 5) Desk  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, IN 46206-6015

327 IAC 15-5-6 (a) also requires a copy of the completed Notice of Intent letter be submitted to the local Soil and Water Conservation District or other entity designated by the Department, where the land disturbing activity is to occur.

Questions regarding the development of the Construction Plan and/or field implementation of 327 IAC 15-5 may be directed to your local Soil and Water Conservation District office or the Department of Natural Resources at 317-233-3870. Questions regarding the Notice of Intent may be directed to the Rule 5 contact person at 317/233-1864 or 800/451-6027 ext 31864.

State Form 47487 (R/ /03)

## § 54.38 IDEM NOTICE OF TERMINATION FORM.

The following is the notice of termination (NOT) form.



Indiana Department of Environmental Management  
**Notice of Termination (NOT)**  
 Storm Water Runoff Associated with Construction Activity  
 NPDES General Permit Rule 327 IAC 15-5 (Rule 5)

Submission of this Notice of Termination letter constitutes notice to the Commissioner that the project site owner is applying for Termination of Coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit Rule for Storm Water Discharges Associated with Construction Activity.

**Project Name and Location:**

- Permit Number: \_\_\_\_\_
- Project Name: \_\_\_\_\_ County: \_\_\_\_\_
- Company Name (If Applicable): \_\_\_\_\_
- Project Site Owner's Name (An Individual): \_\_\_\_\_
- Address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail Address (If Available): \_\_\_\_\_

**This Notice of Termination is Being Submitted for the Following:**

*Select one of the three Options that apply to Permit Termination by checking the appropriate box, complete all information associated with that option, and complete the "Project Site Owner Responsibility Statement".*

**Option # 1**

☐ **Certification for Change of Ownership:**

*(Does not Apply to the Sale of Individual lots within the Permitted Acreage; only the Sale of the Entire Project Site as Originally Permitted)*

**By Signing this Notice of Termination, I Certify the Following:**

- A. The project was sold; I am no longer the project site owner as was designated in my Notice of Intent. The new owner of the project site is:
  - Company Name (If Applicable): \_\_\_\_\_
  - Project Site Owner's Name (An Individual): \_\_\_\_\_
  - Address: \_\_\_\_\_
  - City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
  - Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail Address (If Available): \_\_\_\_\_
- B. I have notified the new Project Site Owner of his/her responsibilities to comply with 327 IAC 15-5 and the requirements associated with the rule including filing a new Notice of Intent.

**Option # 2**

☐ **Certification for Termination of Construction Activities:**

**By Signing this Notice of Termination, I Certify the Following:**

- A. All land disturbing activities, including construction on all building lots have been completed and the entire site has been stabilized;
- B. No future land disturbing activities will occur on this project site;
- C. all temporary erosion and sediment control measures have been removed; and
- D. a copy of this notice has been sent to the appropriate SWCD or other designated entity.



**Option # 3**☐ **Notice of Termination to Obtain Early Release from Compliance with 327 IAC 15-5**

By Signing this Notice of Termination, I Certify the Following:

- A. The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
- B. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to this letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.
- C. All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.
- D. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
- E. All permanent storm water quality measures have been implemented and are operational.

Upon Written Notification of the Department the Project Site Owner Certifies that he/she will Notify:

- A. All current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of 327 IAC 15-5 (the remaining individual lot owners do not need to submit a Notice of Intent letter or Notice of Termination letter); and
- B. the individual lot owners of the requirements to install and maintain appropriate measures to prevent sediment from leaving the individual building lot and maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

**Project Site Owner Responsibility Statement:**

By signing this Notice of Termination letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Project Site Owner: \_\_\_\_\_

Signature of Project Site Owner: \_\_\_\_\_ Date: \_\_\_\_\_

This Notice of Termination must be signed by an individual meeting the signatory requirements in 327 IAC 15-4-3(g)

Upon written notification by the Department of Environmental Management, the Project Site Owner's termination for coverage under 327 IAC 15-5 shall be considered approved.

Mail this form to: Indiana Department of Environmental Management  
Office of Water Quality, Storm Water (Rule 5) Desk  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, IN 46206-6015

327 IAC 15-5-8 (b) also requires a copy of the completed Notice of Termination letter be submitted to the local Soil and Water Conservation District or other entity designated by the Department, where the Project Site is located.

**For Agency Use Only**

(SWCD, DNR-DSC, or Other Entity Designated by the Department)

The above referenced site has been inspected to determine that the request to terminate this project is compliant with the requirements of 327 IAC 15-5-8.

|           |              |        |      |
|-----------|--------------|--------|------|
| Signature | Printed Name | Agency | Date |
|           |              |        |      |

State Form (R/ /03)

***DIAGRAMS, DESIGN CRITERIA*****§ 54.50 STORM WATER PONDS.*****(A) Quick reference.***

(1) *Description.* Constructed storm water retention basin that has a permanent pool of water in which runoff from each rain event is captured and treated in the pool.

***(2) Site feasibility.***

- (a) Drainage area: minimum ten acres;
- (b) Residential subdivision use: yes; and
- (c) High density/ultra-urban: no.

***(3) Design criteria.***

- (a) Sediment forebay required;
- (b) Length to width ratio is three-to-one;
- (c) Maximum depth of permanent pool should not exceed eight feet;
- (d) Side slopes of pond should not exceed three-to-one; and
- (e) High permeable soils (hydrologic group A or B) may require a liner.



(4) *Advantages.*

- (a) Moderate to high removal rate of urban pollutants;
- (b) Can use for water quality and flood control;
- (c) High community acceptance when designed with attention to aesthetics and maintained properly; and
- (d) Opportunity for wildlife habitat.

(5) *Disadvantages.*

- (a) Potential for thermal impacts/downstream warming;
- (b) Pond drainage can be problematic for low relief terrain;
- (c) Dam height restrictions for high relief areas; and
- (d) Improperly designed or maintained ponds may become stagnant causing unpleasant conditions.

(6) *Maintenance.*

- (a) Monitor sediment accumulation and remove periodically;
- (b) Remove debris from inlet and outlet structures; and
- (c) Maintain side slopes and remove invasive vegetation.

(B) *General.*

(1) *Description.*

(a) Storm water ponds are constructed storm water retention basins that contain a permanent pool of water in which runoff from each rain event is captured and treated in the pool. The purpose of the pond is to retain runoff and allow contaminated sediments to settle removing particulates and, through biological uptake, some nutrients attached to the particulates. A forebay placed in front of the pond is required to intercept the majority of sediments providing for ease of cleanout.

(b) Underlying soils of hydrologic group C or D should be adequate to maintain a permanent pool. Most group A soils and some group B soils will require a pond liner. Subsurface analysis and permeability tests may be required to evaluate soils. Wet ponds require an adequate water source to maintain a permanent pool of water.

(c) If storm water ponds are used on a site with an underlying water supply aquifer, a separation distance of two feet is required between the bottom of the pond and the elevation of the seasonally high water table.

(2) *Variations.*

(a) Wet pond: Provides all of the water quality volume storage volume in a permanent pool.

(b) Wet extended detention (ED) pond: Provides the water quality storage volume through a combination of the permanent pool and ED storage above the permanent pool. The ED storage volume should be detained and released over a 24-hour period.

(c) Micropool ED pond: Only a small micropool of water within an ED pond is maintained at the outlet to the pond, which is sized to detain the water quality volume for 24 hours. The micropool prevents resuspension of previously settled sediments.

(d) Multiple ponds: Provides the water quality storage volume in two or more cells that create longer pollutant removal pathways.

(C) *Design criteria.* The following criteria are minimum standards for the design of a wet storm water pond. A storm water pond may be designed to meet water quantity and quality requirements. If considered for water quality treatment only, the pond shall be designed to capture the water quality volume (WQ<sub>v</sub>) using the equation in §§ 54.20 through 54.24.

(1) *Drainage area.* The minimum drainage area tributary to the pond is ten acres.

(2) *Pond geometry.*

(a) The pond should have a minimum length to width ratio of three-to-one. The flow path between the inlet and outlet should be maximized and shaped so that flow enters the pond and gradually spreads out, improving sediment removal. Baffles, pond shaping, and islands can be utilized to increase the flow path.

(b) The depth of the permanent pool should be greater than four feet to avoid resuspension of particles and less than eight feet to avoid stratification and anoxic conditions.

(c) Vegetated side slopes to the pond should not exceed three-to-one and shall terminate on a minimum ten-foot safety ledge with a maximum ten-to-one slope. Side slopes steeper than three-to-one require riprap to stabilize the banks. Below the safety ledge, ponds with slopes steeper than three-to-one shall also be secured with riprap and no bank shall exceed a slope of 11 over two-to-one.

(3) *Sediment forebay.*

(a) All ponds shall include a sediment forebay that consists of a separate cell, formed by an acceptable barrier. A forebay is to be provided at each inlet to the pond unless the inlet provides less than 10% of the total design storm inflow to the pond.

(b) The forebay shall be sized to contain 10% of the water quality volume. The forebay storage volume is part of the total  $WQ_v$  requirement.

(c) Entrance and exit velocities from the forebay must be non-erosive.

(d) A fixed vertical depth marker shall be installed in the forebay to continually measure sediment deposition. Sediment in the forebay shall be removed after 50% of the forebay capacity has been depleted.

(e) Direct maintenance access for appropriate equipment shall be provided to the forebay.

(4) *Outlet structures.*

(a) The outlet structure should be designed to detain the water quality volume above the permanent pool for 24 to 48 hours.

(b) Flow control from a pond is typically accomplished with the use of a riser and barrel. The riser is a vertical pipe or inlet structure that is attached to the base of the pond with a watertight connection. The outlet barrel is a horizontal pipe attached to the riser that conveys flow under the embankment. The riser should be located within the embankment for maintenance access, safety, and aesthetics. Suitable erosion control measures must be provided for the outlet and all inlet structures to the pond. Energy dissipaters should be placed at the outlet of the barrel to prevent scouring and erosion.

(c) Anti-seep collars or filter diaphragms must be provided for the barrel of the outlet structure. If reinforced concrete pipe is used, O-ring gaskets shall be used to create water-tight joints.

(d) Orifice-type outlets below the permanent pool elevation of the pond shall have an appropriate anti-clogging device.

(e) Provide trash racks, filters, hoods, or other debris control. A negatively sloped pipe from the riser to one foot below the permanent pool, away from floating debris, can reduce the risk of clogging. An orifice covered by wire mesh and a hood may accomplish protection of the extended detention orifice.

(f) Design and install an emergency drain (i.e., sluice gate or drawdown pipe) capable of draining within 24 hours.

(5) *Spillways*. An emergency spillway shall be designed to pass one and one-quarter times the peak discharge and peak flow velocity from the 100-year storm event for the entire contributing drainage area (unless bypassed), assuming post-development conditions. Provide a one-foot minimum freeboard above the maximum anticipated flow depth through the emergency spillway.

(6) *Liner*. To prevent drawdown of the permanent pool, a clay or poly liner may be needed. Hydrologic group A soils generally require a pond liner and group B soils may require infiltration testing.

(7) *Easement*. Storm water ponds must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall extend a minimum of 30 feet horizontally outside of the design 100-year floodwater elevation of the basin and provide a minimum ten-foot wide access easement. A copy of the easement should be included in the BMP operations and maintenance manual.

(8) *Buffer*. A pond buffer should extend 25 feet outward from the maximum water surface elevation.

(9) *Sediment control*. If the pond is used as a sediment control measure during active construction, the sediment must be cleaned out of the pond and elevations and grades reestablished as noted in the approved storm water management plan for post-construction runoff control.

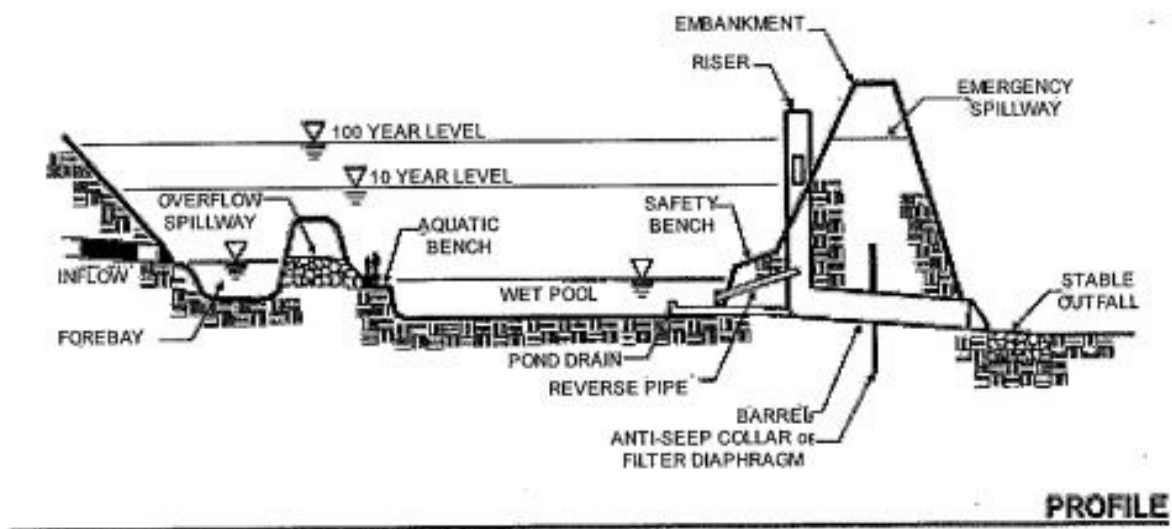
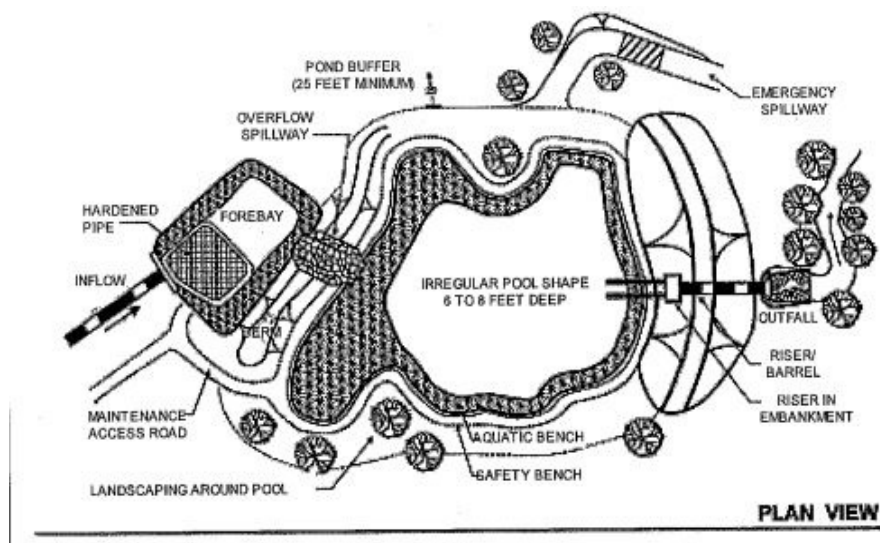
(D) *Maintenance and inspection checklist*. Regular inspection and maintenance is critical to the effective operation of storm water ponds. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

|                                                 |                      |                                |
|-------------------------------------------------|----------------------|--------------------------------|
| Project Name/Site Location: _____               |                      |                                |
| Owner Name: _____                               |                      | Phone: _____                   |
| Owner Address: _____                            |                      |                                |
| Date: _____                                     |                      | Inspector: _____               |
| <b><i>Maintenance Item</i></b>                  | <b><i>Yes/No</i></b> | <b><i>Comments</i></b>         |
| <b><i>Embankment and Emergency Spillway</i></b> |                      | <b><i>Inspect Annually</i></b> |
| 1. Vegetation established and thriving?         |                      |                                |
| 2. Any erosion?                                 |                      |                                |
| 3. Animal burrows present?                      |                      |                                |

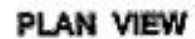
| <i>Maintenance Item</i>                  | <i>Yes/No</i> | <i>Comments</i>                |
|------------------------------------------|---------------|--------------------------------|
| 4. Cracking, bulging, or sliding of dam? |               |                                |
| 5. All drains clear and functioning?     |               |                                |
| 6. Any leaks or seeps in embankment?     |               |                                |
| 7. Any slope failure?                    |               |                                |
| 8. Obstructions in emergency spillway?   |               |                                |
| 9. Other problems evident?               |               |                                |
|                                          |               |                                |
| <b><i>Outlet Structure</i></b>           |               | <b><i>Inspect Annually</i></b> |
| 1. Low flow orifice blocked?             |               |                                |
| 2. Trash rack clear of debris?           |               |                                |
| 3. Any corrosion evident on trash rack?  |               |                                |
| 4. Excessive sediment in riser?          |               |                                |
| 5. Cracks or sinning in concrete?        |               |                                |
| 6. Any corrosion evident on metal pipes? |               |                                |
| 7. Are all control valves operational?   |               |                                |
| 8. Outfall channels functioning?         |               |                                |
| 9. Other problems evident?               |               |                                |
|                                          |               |                                |
| <b><i>Permanent Pool</i></b>             |               | <b><i>Inspect Monthly</i></b>  |
| 1. Undesirable vegetative growth?        |               |                                |
| 2. Floatable debris removal needed?      |               |                                |
| 3. Any visible pollution?                |               |                                |
| 4. Any shoreline problems?               |               |                                |
| 5. Other problems evident?               |               |                                |
|                                          |               |                                |
| <b><i>Sediment Forebay</i></b>           |               | <b><i>Inspect Monthly</i></b>  |
| 1. Sedimentation marker visible?         |               |                                |

| <i>Maintenance Item</i>                                     | <i>Yes/No</i> | <i>Comments</i>        |
|-------------------------------------------------------------|---------------|------------------------|
| 2. Sediment cleanout needed (50% full)?                     |               |                        |
| 3. Other problems evident?                                  |               |                        |
|                                                             |               |                        |
| <i>Other</i>                                                |               | <i>Inspect Monthly</i> |
| 1. Erosion at inflow and outfall points?                    |               |                        |
| 2. Condition of headwalls satisfactory?                     |               |                        |
| 3. Encroachments in pond easement area?                     |               |                        |
| 4. Complaints from area residents?                          |               |                        |
| 5. Any public hazards present?                              |               |                        |
| 6. Other problems evident?                                  |               |                        |
| <p>Additional Comments:</p> <hr/> <hr/> <hr/>               |               |                        |
| <p>Recommended Actions:</p> <hr/> <hr/> <hr/>               |               |                        |
| <p>Recommended Timeframe for Actions: _____</p> <hr/> <hr/> |               |                        |

(E) *Schematic of a wet pond.* The following schematic comes from the Center for Watershed Protection, modified.

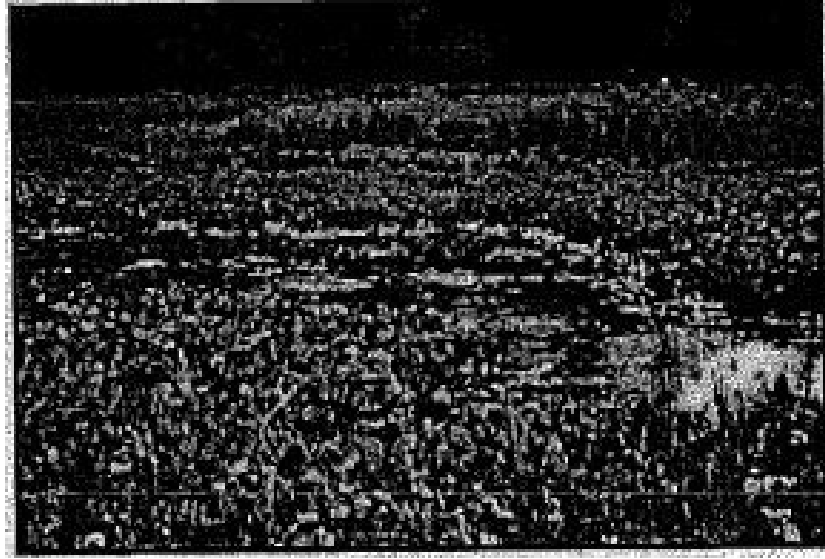


(F) *Schematic of micropool extended detention pond.* The following schematic comes from the Center for Watershed Protection, modified.



(Prior Code, Storm Water Appendix § 2-A.1)



**§ 54.51 STORM WATER WETLANDS.***(A) Quick reference.*

(1) *Description.* Constructed shallow marsh systems designed to treat storm water runoff through settling and vegetative uptake and to control runoff volumes.

*(2) Site feasibility.*

- (a) Drainage area: minimum 25 acres (minimum five acres for pocket wetland);
- (b) Residential subdivision use: yes; and
- (c) High density/ultra-urban: no.

*(3) Design criteria.*

- (a) Sediment forebay and micropool required;
- (b) Minimum dry weather flow path length to width ratio is two-to-one;
- (c) Minimum 35% of total surface area should have a depth of six inches or less; 10% to 20% of surface area should be deep pool (one and one-half to six-foot depth); and
- (d) High permeable soils (hydrologic group A or B) may require a liner.

(4) *Advantages.*

- (a) Effective nutrient removal; and
- (b) Natural aesthetic qualities and wildlife habitat.

(5) *Disadvantages.*

- (a) Requires large land area;
- (b) Requires a continuous base flow; and
- (c) Sediment regulation is critical to sustain wetlands.

(6) *Maintenance.*

- (a) Replace wetland vegetation to maintain at least 50% surface area coverage;
- (b) Remove invasive vegetation; and
- (c) Monitor sediment accumulation and remove periodically.

(B) *General.*

(1) *Description.*

(a) Storm water wetlands are constructed shallow marsh systems designed to control the quantity and quality of storm water runoff. Microbial breakdown, settling, adsorption, retention, and vegetative uptake remove pollutants as storm water moves through the wetland under low flow conditions. Runoff volumes are reduced by evapotranspiration and infiltration. Peak flow is reduced by storage and slow release. Wetlands further offer erosion control, aesthetic value, and wildlife habitat.

(b) A sediment forebay at the inflow point to a wetland is required to allow heavier sediments to drop out before the runoff enters the wetland marsh. Underlying soils of hydrologic group C or D should be adequate to maintain a permanent pool. Most group A soils and some group B soils may require a liner. Subsurface analysis and permeability tests may be required to evaluate soils. A continuous base flow or a high water table is required to support aquatic vegetation in a wetland facility. A water balance must be performed to demonstrate the wetland can withstand a 30-day drought at summer evaporation rates without completely drawing down.

(c) If storm water wetlands are used on a site with an underlying water supply aquifer, a separation distance of two feet is required between the bottom of the pond and the elevation of the seasonally high water table. A pocket wetland is typically below the water table.

(2) *Variations.*

(a) Shallow wetland: Most of the water quality treatment volume is in the shallow high marsh or low marsh depths. The only deep portions of the shallow wetland are the forebay and the micropool. A relatively large amount of land is typically needed to store the water quality volume.

(b) Extended detention (ED) shallow wetland: The same as the shallow wetland, except part of the water quality treatment volume is provided as extended detention above the surface of the marsh and released over a period of 24 hours. This design allows for treatment in a smaller space than the shallow wetland. Plants that can tolerate both wet and dry periods must be specified in the ED zone.

(c) Pond/wetland system: This system has two separate cells, a wet pond and a shallow marsh. The wet pond traps sediments and reduces runoff velocities prior to entry into the wetland where storm water flows receive additional treatment. Less land is required than for the shallow wetland or the ED shallow wetland systems.

(d) Pocket wetland: Intended for smaller drainage areas of five to ten acres and typically requires excavation down to the water table for a reliable water source to support the wetland system.

(C) *Design criteria.* The following criteria are minimum standards for the design of a wetland. A storm water wetland may be designed to meet water quantity and quality requirements. If considered for water quality treatment only, the pond shall be designed to capture the water quality volume (WQ<sub>v</sub>) using the equation in §§ 54.20 through 54.24.

(1) The minimum drainage area tributary to the wetland is 25 acres (five acres for a pocket wetland).

(2) (a) Base flow:

(b) A water balance must be calculated to ensure enough inflow to sustain the wetland:

$$1. \quad S = Q_i + R + \text{Inf} - Q_o - ET$$

2. Where:

- a.  $S$  = net change in storage;
- b.  $Q_i$  = storm water runoff inflow;
- c.  $R$  = contribution from rainfall;

- d.  $Inf$  = net infiltration (infiltration - exfiltration);
- e.  $Q_o$  = surface outflow; and
- f.  $ET$  = evapotranspiration.

(3) *Wetland geometry.*

(a) The surface area of the wetland should be approximately 3% of the tributary drainage area.

(b) The wetland should have a minimum length to width ratio of two-to-one, with three-to-one preferred. The flow path may be achieved using internal dikes or berms, marsh plantings, or multiple cells.

(c) Side slopes to the wetland should not exceed four-to-one, with six-to-one preferred. Minimal longitudinal slopes are required. Safety and aquatic benches should surround the perimeter of all deep pool areas.

(d) Contours of the wetland should be irregular to provide a natural landscaping effect.

(e) The volume of the ED must not comprise more than 50% of the total  $WQ_v$  and its maximum water surface elevation must not extend more than two feet above the normal pool. Peak flow storage can be provided above the maximum  $WQ_v$  elevation within the wetland.

(4) *Depth zones.* Wetlands should be designed with the recommended proportion of depth zones as follows.

(a) Deepwater zone: One and one-half to six feet below normal pool elevation. Includes the outlet micropool and deepwater channels through the wetland facility. This zone supports little emergent wetland vegetation, but may support submerged or floating vegetation.

(b) Low marsh zone: Six to eight inches below normal pool elevation. This zone is suitable for the growth of several emergent wetland plant species.

(c) High marsh zone: Six inches or less below normal pool elevation. This zone will support a greater density and diversity of wetland species than the low marsh zone. The high marsh zone should have a higher surface area to volume ratio than the low marsh zone.

(d) Semi-wet zone: Areas above normal pool elevation that are inundated during larger storm events. This zone supports a number of species that can survive flooding.

| <i>Recommended Design Criteria for Storm Water Wetlands</i><br><i>Modified from Massachusetts DEP, 1997; Schueler, 1992</i> |                                                 |                                                 |                                                 |                           |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|---------------------------|
| <i>Design Criteria</i>                                                                                                      | <i>Shallow Wetland</i>                          | <i>ED Shallow Wetland</i>                       | <i>Pond/Wetland</i>                             | <i>Pocket Wetland</i>     |
| Allocation of surface area (deepwater/low marsh/high marsh/semi-wet) in %                                                   | 20/35/40/5                                      | 10/35/45/10                                     | 45/25/25/5<br>(includes pond surface area)      | 10/45/40/5                |
| Allocation of WQ <sub>v</sub> (pool/marsh/ED) in %                                                                          | 25/75/0                                         | 25/25/50                                        | 70/30/0 (includes pond volume)                  | 25/75/0                   |
| Extended Detention (ED)                                                                                                     | No                                              | Yes                                             | Optional                                        | Optional                  |
| Forebay                                                                                                                     | Required                                        | Required                                        | Required                                        | Optional                  |
| Micropool                                                                                                                   | Required                                        | Require                                         | Required                                        | Required                  |
| Minimum Length to Width Ratio                                                                                               | 2:1                                             | 2:1                                             | 2:1                                             | 2:1                       |
| Outlet Configuration                                                                                                        | Reverse-slope pipe or hooded broad-crested weir | Reverse-slope pipe or hooded broad-crested weir | Reverse-slope pipe or hooded broad-crested weir | Hooded broad-crested weir |

(5) *Sediment forebay.*

(a) All wetlands shall include a sediment forebay that consists of a separate cell, formed by an acceptable barrier. A forebay is to be provided at each inlet to the wetland unless the inlet provides less than 10% of the total design storm inflow to the wetland.

(b) The forebay shall be sized to contain 10% of the water quality volume and should be three to six feet deep. The forebay storage volume is part of the total WQ<sub>v</sub> requirement.

(c) Entrance and exit velocities from the forebay must be non-erosive. Inflow channels should be stabilized with flared riprap aprons or the equivalent.

(d) A fixed vertical depth marker shall be installed in the forebay to measure sediment deposition. Sediment in the forebay shall be removed after 50% of the forebay capacity has been depleted.

(e) Direct maintenance access for appropriate equipment shall be provided to the forebay.

(6) *Outlet structures.*

(a) The outlet structure should be designed to detain the water quality volume above the permanent pool for 24 to 48 hours.

(b) Flow control from a storm water wetland is typically accomplished with the use of a riser and barrel. The riser is a vertical pipe or inlet structure that is attached to the base of the micropool with a watertight connection. The outlet barrel is a horizontal pipe attached to the riser that conveys flow under the embankment. The riser should be located within the embankment for maintenance access, safety, and aesthetics.

(c) Suitable erosion control measures must be provided for the outlet and all inlet structures to the pond. Energy dissipaters should be placed at the outlet of the barrel to prevent scouring and erosion.

(d) Anti-seep collars or filter diaphragms must be provided for the barrel of the outlet structure. If reinforced concrete pipe is used, O-ring gaskets shall be used to create water-tight joints.

(e) Orifice-type outlets below the permanent pool elevation of the pond shall have an appropriate anti-clogging device.

(f) Provide trash racks, filters, hoods, or other debris control. A negatively sloped pipe from the riser to one foot below the permanent pool, away from floating debris, can reduce the risk of clogging. An orifice covered by wire mesh and a hood may accomplish protection of the ED orifice.

(g) Design and install an emergency drain (i.e., sluice gate or drawdown pipe) capable of draining within 24 hours.

(h) A micropool, three to six feet deep, shall be provided before the outlet structure of the wetland to aid in the prevention of clogging of the low flow pipe and sediment resuspension. Protection against blockage must be installed as part of the outlet design.

(7) *Spillways.* An emergency spillway shall be designed to pass one and one-quarter times the peak discharge and peak flow velocity from the 100-year storm event for the entire contributing drainage area (unless bypassed), assuming post-development conditions. Provide a one-foot minimum freeboard above the maximum anticipated flow depth through the emergency spillway.

(8) *Liner.* To prevent drawdown of the permanent pool, a clay or poly liner may be needed below the planting soil. Permeable soils are not well suited for a wetland without a high water table. Hydrologic group A soils generally require a pond liner and group B soils may require infiltration testing through subsurface analyses.

(9) *Landscaping plan.* A landscaping plan must be provided that indicates the methods used to establish and maintain wetland coverage. Minimum elements of a plan include: delineation of pondscaping zones, selection of corresponding plant species, planting configuration, and sequence for preparing wetland bed, including any needed soil amendments. If a minimum coverage of 50% is not achieved in the planted wetland zones after the second growing season, a reinforcement planting will be required.

(10) *Easement.* Storm water wetlands must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall include the frequently flooded zone surrounding the wetland and provide a minimum ten-foot wide access to the wetland facility including the forebay and outlet structure. A copy of the easement should be included in the BMP operations and maintenance manual.

(11) *Buffer.* A wetland buffer should extend 25 feet outward from the maximum water surface elevation with an additional 15-foot setback to structures.

(12) *Sediment control.* If the wetland is used as a sediment control measure during active construction, the sediment must be cleaned out of the wetland and forebay, and elevations and grades reestablished as noted in the approved storm water management plan for post-construction runoff control.

(D) *Maintenance and inspection checklist.* Regular inspection and maintenance is critical to the effective operation of storm water wetlands. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

|                                           |               |                         |
|-------------------------------------------|---------------|-------------------------|
| Project Name/Site Location: _____         |               |                         |
| Owner Name: _____ Phone: _____            |               |                         |
| Owner Address: _____                      |               |                         |
| Date: _____ Inspector: _____              |               |                         |
| <i>Maintenance Item</i>                   | <i>Yes/No</i> | <i>Comments</i>         |
| <i>Embankment and Emergency Spillways</i> |               | <i>Inspect Annually</i> |
| 1. Vegetation established and thriving?   |               |                         |
| 2. Any erosion?                           |               |                         |
| 3. Animal burrows present?                |               |                         |

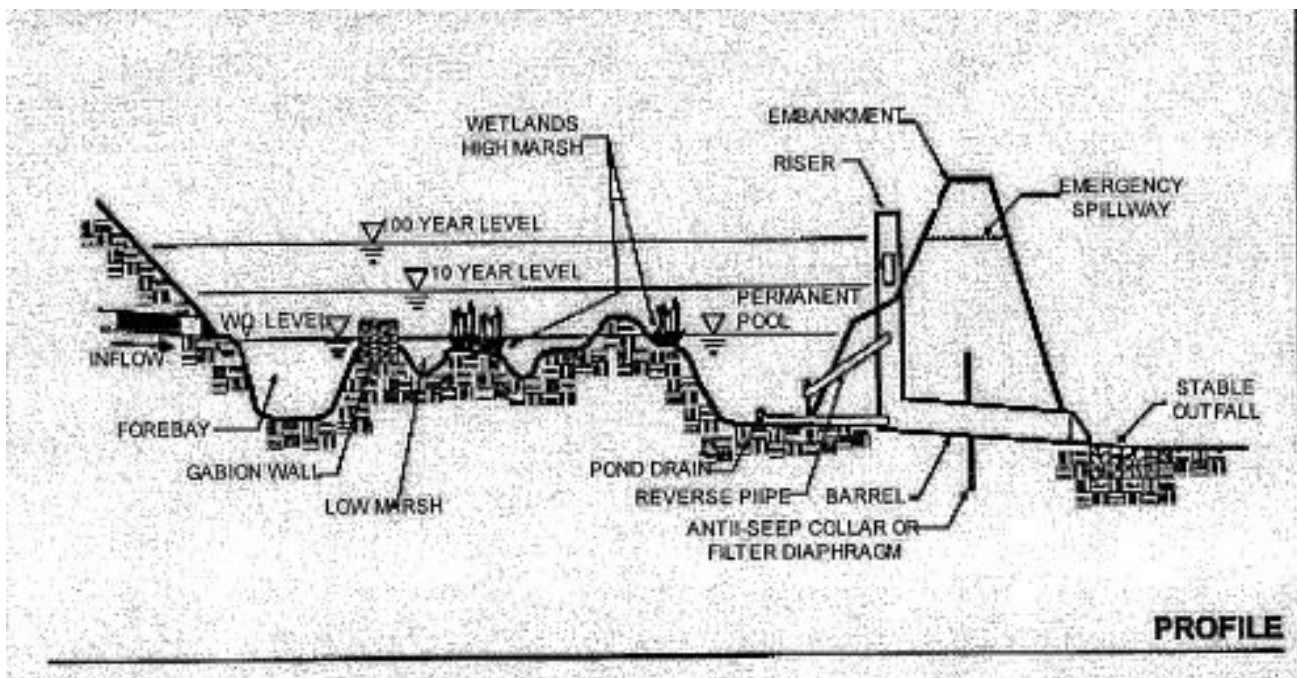
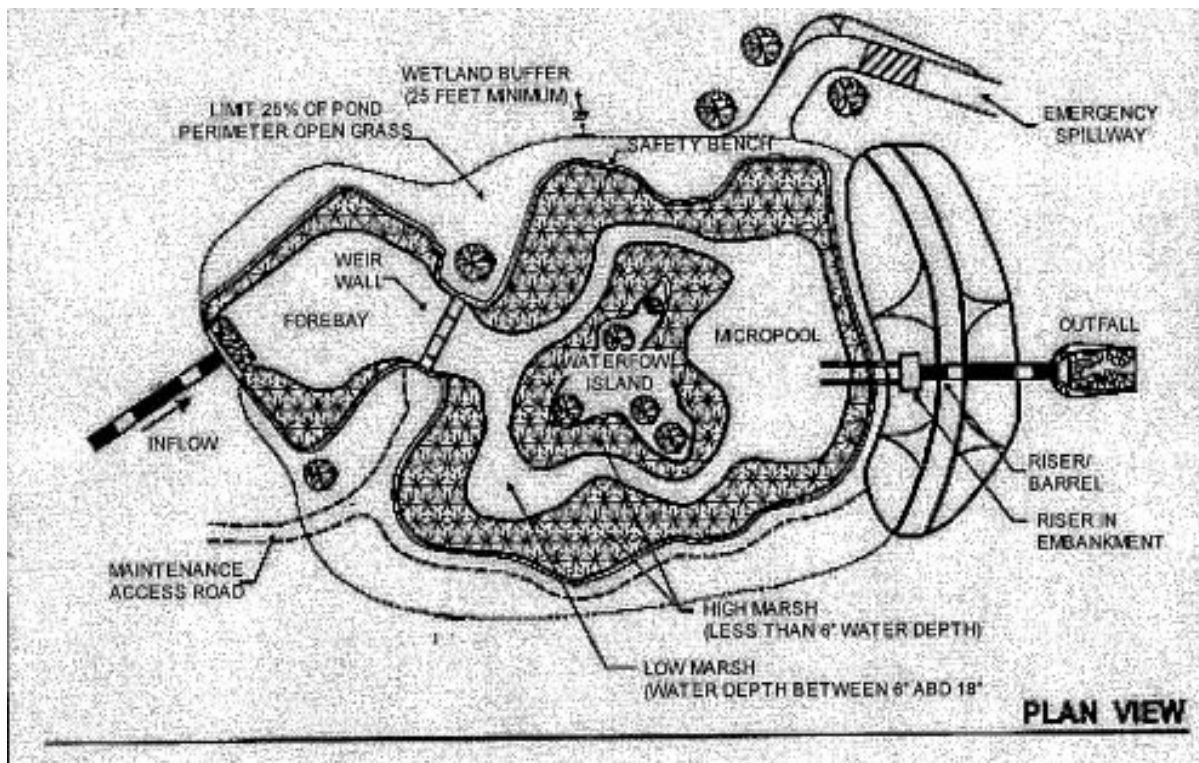
| <i>Maintenance Item</i>                  | <i>Yes/No</i> | <i>Comments</i>                |
|------------------------------------------|---------------|--------------------------------|
| 4. Cracking, bulging, or sliding of dam? |               |                                |
| 5. All drains clear and functioning?     |               |                                |
| 6. Any leaks or seeps in embankment?     |               |                                |
| 7. Any slope failure?                    |               |                                |
| 8. Obstructions in emergency spillway?   |               |                                |
| 9. Other problems evident?               |               |                                |
|                                          |               |                                |
| <b><i>Outlet Structure</i></b>           |               | <b><i>Inspect Annually</i></b> |
| 1. Low flow orifice blocked?             |               |                                |
| 2. Trash rack clear of debris?           |               |                                |
| 3. Any corrosion evident on trash rack?  |               |                                |
| 4. Excessive sediment in riser?          |               |                                |
| 5. Cracks or spalling in concrete?       |               |                                |
| 6. Any corrosion evident on metal pipes? |               |                                |
| 7. Are all control valves operational?   |               |                                |
| 8. Outfall channels functioning?         |               |                                |
| 9. Other problems evident?               |               |                                |
|                                          |               |                                |
| <b><i>Wetland Area</i></b>               |               | <b><i>Inspect Annually</i></b> |
| 1. Is vegetation healthy and growing?    |               |                                |
| 2. Any evidence of invasive species?     |               |                                |
| 3. Sediment cleanout needed (50% full)?  |               |                                |
| 4. Other problems evident?               |               |                                |
|                                          |               |                                |
| <b><i>Permanent Pool</i></b>             |               | <b><i>Inspect Monthly</i></b>  |
| 1. Undesirable vegetative growth?        |               |                                |
| 2. Floatable debris removal needed?      |               |                                |
| 3. Any visible pollution?                |               |                                |



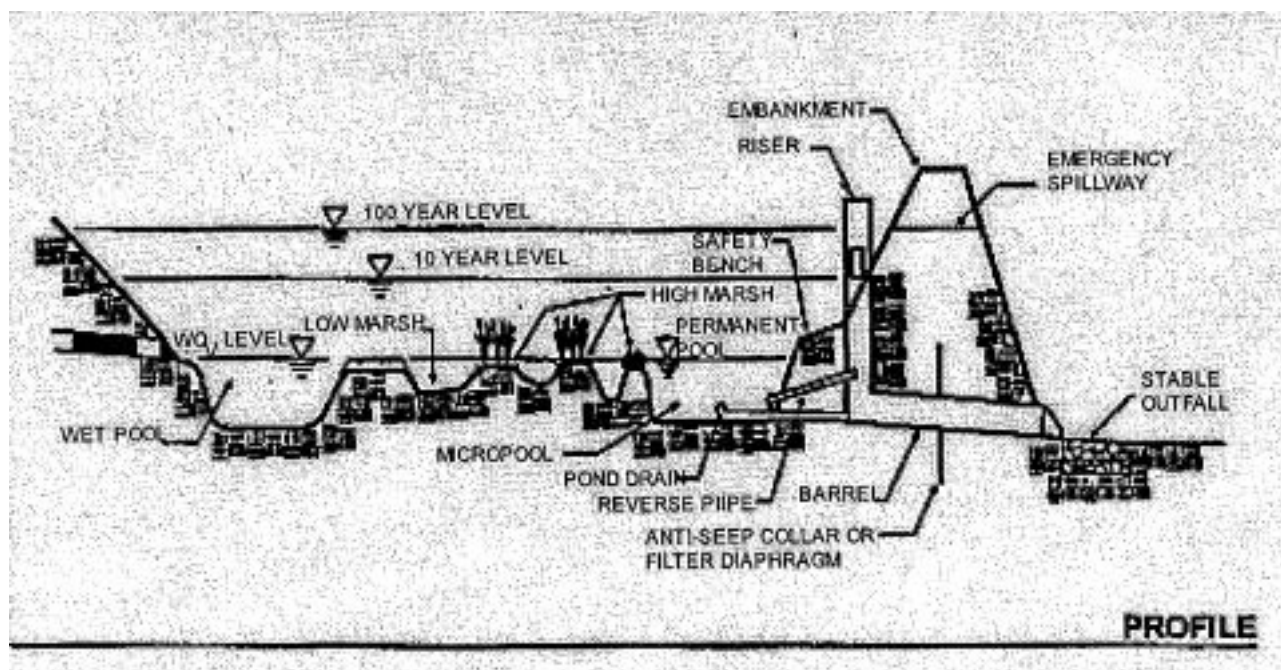
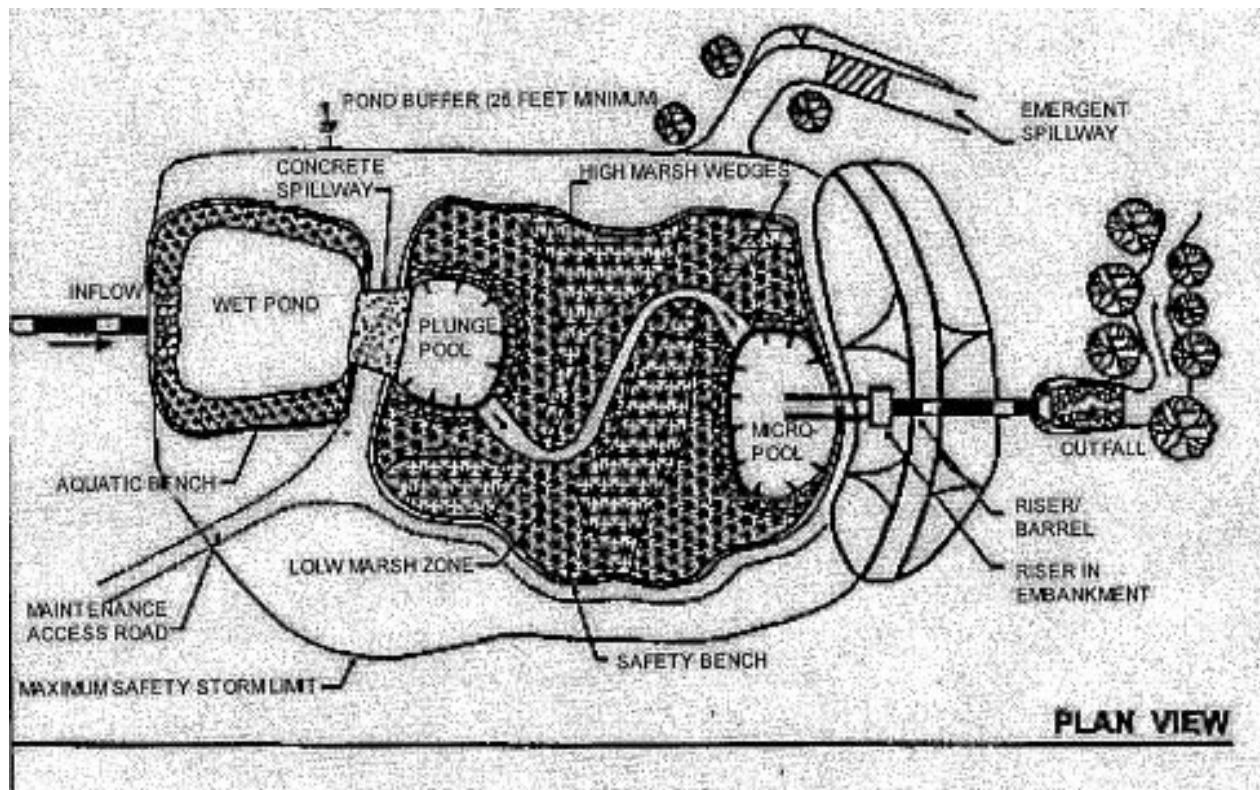
## Edgewood - Public Works

| <i>Maintenance Item</i>                              | <i>Yes/No</i> | <i>Comments</i>               |
|------------------------------------------------------|---------------|-------------------------------|
| 4. Any shoreline problems?                           |               |                               |
| 5. Other problems evident?                           |               |                               |
|                                                      |               |                               |
| <b><i>Sediment Forebay</i></b>                       |               | <b><i>Inspect Monthly</i></b> |
| 1. Sedimentation marker visible?                     |               |                               |
| 2. Sediment cleanout needed (50% full)?              |               |                               |
| 3. Other problems evident?                           |               |                               |
|                                                      |               |                               |
| <b><i>Other</i></b>                                  |               | <b><i>Inspect Monthly</i></b> |
| 1. Erosion at inflow or outfall points?              |               |                               |
| 2. Condition of headwalls satisfactory?              |               |                               |
| 3. Encroachments in pond easement area?              |               |                               |
| 4. Complaints from area residents?                   |               |                               |
| 5. Any public hazards present?                       |               |                               |
| 6. Other problems evident?                           |               |                               |
| Additional Comments:<br><hr/> <hr/> <hr/>            |               |                               |
| Recommended Actions:<br><hr/> <hr/> <hr/>            |               |                               |
| Recommended Timeframe for Actions: <hr/> <hr/> <hr/> |               |                               |

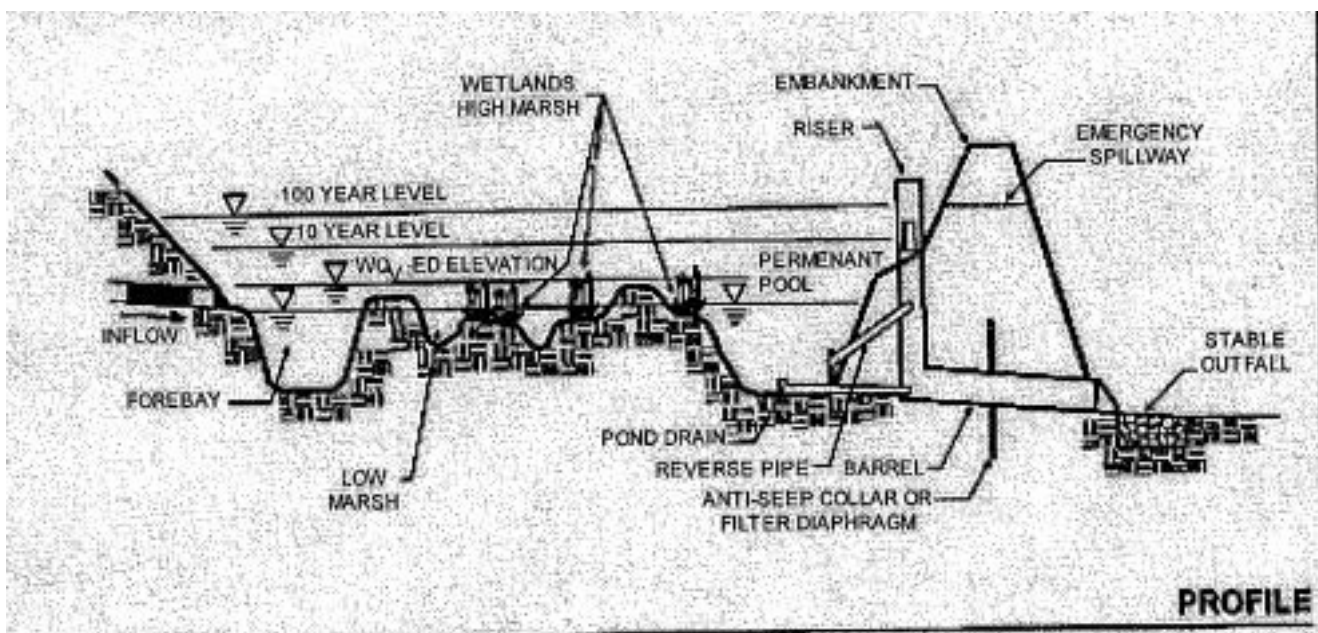
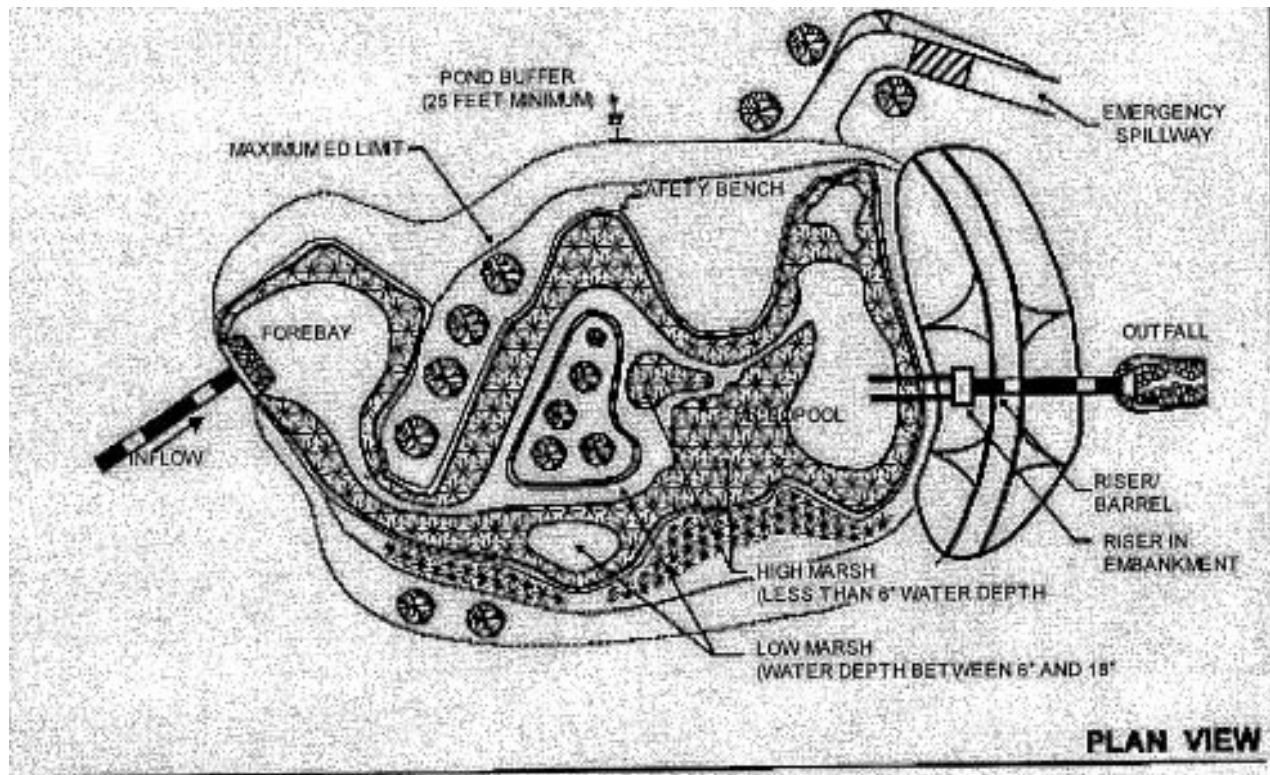
(E) *Schematic of shallow wetland*. The following schematic comes from the Center for Watershed Protection, modified.



(F) *Schematic of a pond/wetland system.* The following schematic comes from the Center for Watershed Protection, modified.

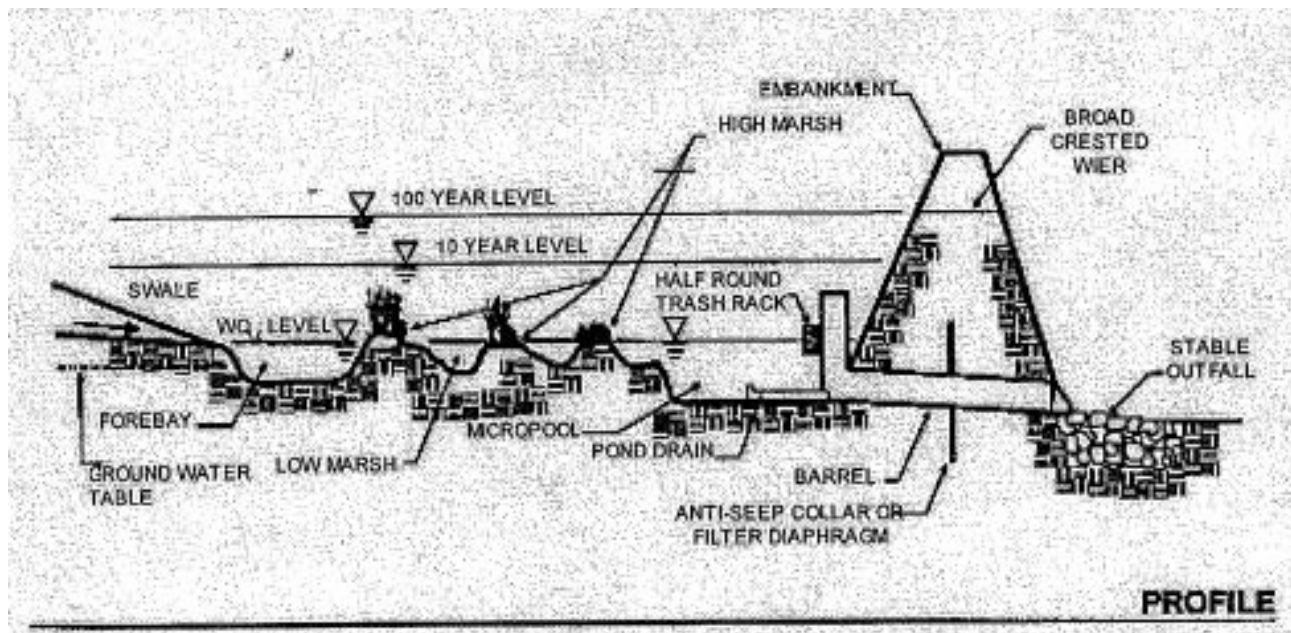
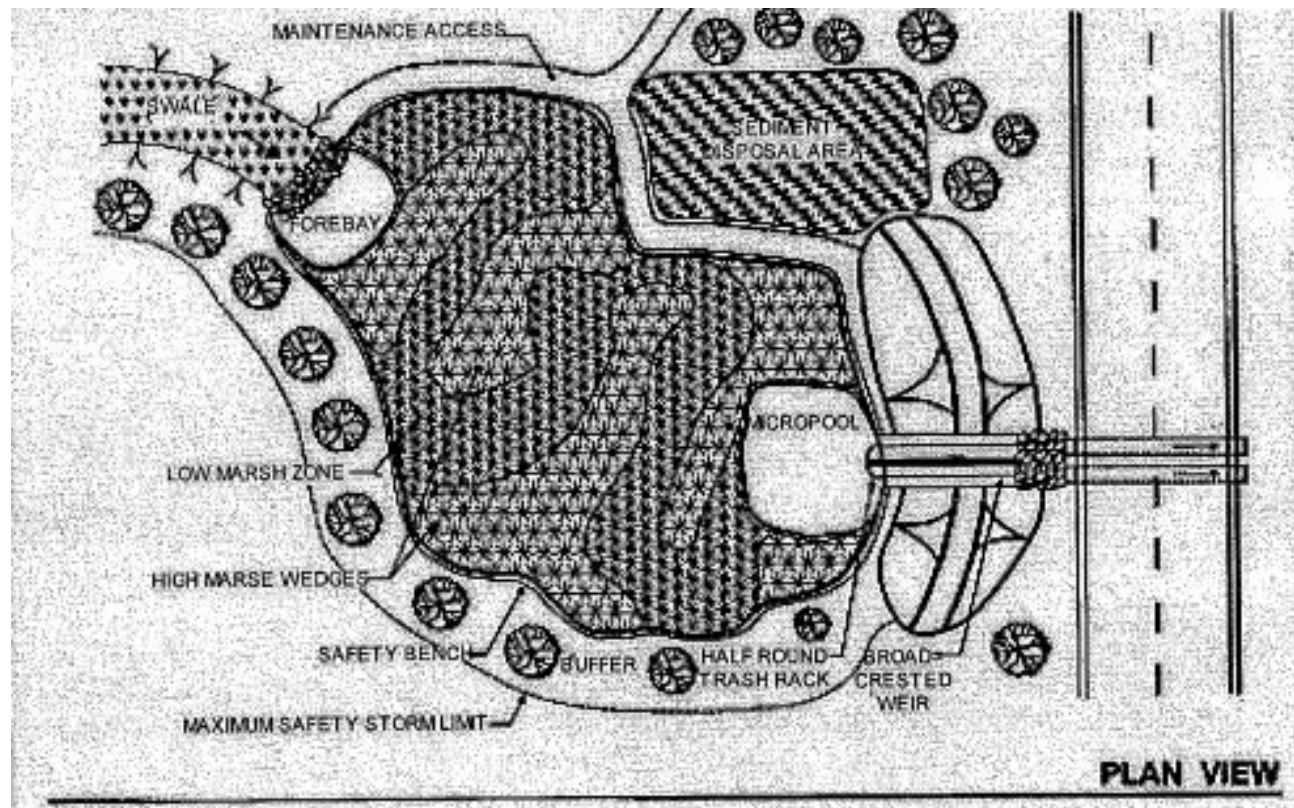


(G) *Schematic of extended shallow wetland.* The following schematic comes from the Center for Watershed Protection, modified.

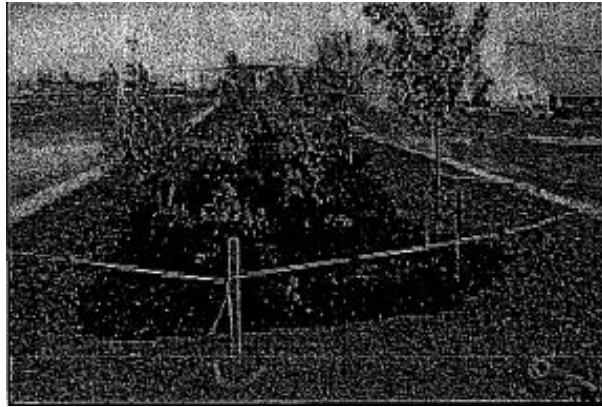


(H) *Schematic of a pocket wetland.* The following schematic comes from the Center for Watershed Protection, modified.





(Prior Code, Storm Water Appendix § 2-A.2)

**§ 54.52 BIORETENTION AREAS.**

(A) *Quick reference.*

(1) *Description.* Shallow storm water basins or landscaped areas that utilize engineered soils and vegetation to capture and treat runoff.

(2) *Site feasibility.*

(a) Drainage area: maximum five acres;

(b) Residential subdivision use: yes; and

(c) High density/ultra-urban: yes.

(3) *Design criteria.*

(a) Consists of grass filter strip, ponding area, organic/mulch layer, planting soil, vegetation, and possibly a sand bed; and

(b) Typically requires five feet of head.

(4) *Advantages.*

(a) High pollutant removal;

(b) Often located in landscaping islands of parking lots;

(c) Good retrofit capability for redevelopment; and

(d) Aesthetic qualities.

(5) *Disadvantages.*

- (a) Requires extensive landscaping;
- (b) Not acceptable for site slopes greater than 6%;
- (c) Generally requires an underdrain system; and
- (d) Clogging may be a problem in areas with high sediment loads.

(6) *Maintenance.* Inspect and repair/replace treatment area components.

(B) *General.*

(1) *Description.*

(a) Bioretention areas are structural storm water controls that capture and temporarily store the  $WQ_v$  using engineered soils and vegetation in shallow basins or landscaped areas to remove pollutants from storm water runoff. Runoff is conveyed as sheet flow to the bioretention area, which consists of a grass filter strip, ponding area, organic or mulch layer, planting soil, and vegetation. A sand bed can also be included in the design to provide aeration and drainage of the planting soil. The filtered runoff is typically collected and returned to the conveyance system, though it can also be exfiltrated into the surrounding soil in areas with porous soils.

(b) Bioretention systems are designed for intermittent flow and need to drain and reaerate between rainfall events. The systems should not be used on sites with a continuous flow from ground water, sump pumps, or other sources.

(c) A separation distance of two feet is required between the bottom of the bioretention facility and the elevation of the seasonally high water table.

(2) *Bioretention components.*

(a) Stone diaphragm at the beginning of the grass filter strip to reduce runoff velocities and spread flow into the grass filter strip.

(b) Grass filter strip further reduces incoming runoff velocity and filters particulates from runoff.

(c) Ponding area provides temporary storage of storm water runoff prior to its evaporation, infiltration, or uptake, and provides settling capacity.

(d) Organic or mulch layer provides filtration as well as an environment conducive to the growth of microorganisms that degrade hydrocarbons and organic material.

(e) Planting soil acts as a filtration system, and clay in the soil provides adsorption sites for hydrocarbons, heavy metals, nutrients, and other pollutants.

(f) Woody and herbaceous plants provide vegetative uptake of runoff and pollutants and serve to stabilize the surrounding soils.

(g) Sand bed provides positive drainage and aerobic conditions in the planting soil and serves as a final treatment media.

(h) Gravel and perforated pipe underdrain system collects runoff that has filtered through the soil layers. Bioretention areas can be designed to infiltrate into surrounding soils having infiltration rates greater than one-half inch per hour.

(C) *Design criteria.* The following criteria are minimum standards for the design of a bioretention area, which is designed for storm water quality treatment only. Flow from runoff in excess of the  $WQ_v$  must be diverted or the bioretention area designed to safely pass higher flows to protect the ponding area, mulch layer and vegetation. The  $WQ_v$  in the bioretention area can be subtracted from detention storage requirements for the contributing area.

(1) *Drainage area.* The maximum drainage area tributary to a bioretention area is five acres (one-half to two acres is preferred).

(2) *Bioretention area geometry.*

(a) The surface area of the bioretention area should be approximately 5% of the tributary impervious area and a minimum of 200 ft<sup>2</sup> for small sites. The bioretention area should have a minimum length to width ratio of two-to-one.

(b) The elevation difference (head) needed from inflow to outflow is five feet.

(c) The site slope should be a maximum of 6%. Velocities entering the mulch layer should be less than two fps.

(d) The maximum ponding depth in the bioretention area is six inches.

(e) The area of the planting soil filter bed is sized using Darcy's Law equation with a filter bed drain time of 48 hours and a coefficient of permeability (k) of one-half foot/day. The planting soil bed must be at least four feet in depth.



$$1. \quad A_f = (WQ_v)(d_f) / [(k)(h_f + d_f)(t_f)]$$

2. Where:

- a.  $A_f$  = surface area of ponding area (ft<sup>2</sup>);
- b.  $WQ_v$  = water quality volume (ft<sup>3</sup>);
- c.  $d_f$  = filter bed depth (four feet minimum);
- d.  $k$  = coefficient of permeability of filter media (foot/day) (use one-half foot/day for silt-loam);
- e.  $h_f$  = average height of water above filter bed (ft) (typically three inches, which is half of the six-inch ponding depth); and
- f.  $t_f$  = design filter bed drain time (days) (two days maximum).

(3) *Pretreatment.*

(a) A grass filter strip with a pea gravel diaphragm is typically utilized for pretreatment. See division (E) below for design criteria for the grass filter strip.

(b) For off-line applications, a grass channel with a pea gravel diaphragm flow spreader is typically used for pretreatment. The minimum grassed channel length is 20 feet. See division (E) below for design criteria for the grass channel.

(4) *Components.*

(a) Pea gravel for the diaphragm and curtain should be ASTM D 448 size No. 6 (one-eighth of an inch to one-quarter of an inch). A drop of at least six inches should be provided at the inlet of the stone diaphragm.

(b) The mulch layer shall consist of two to four inches of commercially available fine shredded hardwood mulch or shredded hardwood chips.

(c) Planting soils shall be sandy loam, loamy sand, or loam texture and shall have an infiltration rate of at least one-half inch per hour. The planting soil shall be tested and shall meet the following criteria:

|                                                       |                       |
|-------------------------------------------------------|-----------------------|
| Clay content                                          | 10% to 25% by volume  |
| Magnesium                                             | 35 lb./ac             |
| Organic matter                                        | 1.5% and 4% by weight |
| pH                                                    | 5.2 to 7.0            |
| Phosphorus (phosphate—P <sub>2</sub> O <sub>5</sub> ) | 75 lb./ac             |
| Potassium (potash-K <sub>2</sub> O)                   | 85 lb./ac             |
| Sand content                                          | 35% to 60% by volume  |
| Silt content                                          | 30% to 55% by volume  |
| Soluble salts                                         | 500 ppm maximum       |

(d) The sand bed should be 12 to 18 inches thick. Sand should be clean and have less than 15% silt or clay content.

(e) The underdrain collection system shall consist of a four- to six-inch perforated PVC pipe (Schedule 40 or greater in strength) in an eight-inch gravel layer (clean washed aggregate one-half to two-inches in diameter). The pipe is spaced at a maximum of ten feet on center at a minimum grade of 0.5%. A permeable filter fabric is required between the gravel layer and the planting soil bed. An observation well/clean-out must be provided; a minimum of one well for every 1,000 ft<sub>2</sub> of surface area. A visible floating marker shall be provided to indicate the water level. The ends of the underdrain pipes must be capped. The underdrain pipe must discharge to an appropriate facility.

(f) Compaction during construction must be minimized at both the base of the bioretention area and for the backfill materials. Use of equipment causing excessive compaction will result in reduced infiltration rates contributing to failure of the system and is not acceptable. Do not use heavy equipment within the bioretention basin.

(5) *Overflow structure.*

(a) An overflow structure and non-erosive overflow channel must be provided to safely pass flows from the bioretention area that exceeds the system storage capacity to a stabilized downstream area or watercourse.

(b) An overflow structure within the bioretention system may consist of a catch basin with the inlet placed six inches above the mulch layer at the elevation of the shallow ponding area.

(c) An overflow structure may consist of a weir sized using the weir equation.

1.  $Q = CLH$
2. Where:
  - a.  $Q$  = peak flow;
  - b.  $C = 2.65$  for a smooth crested grass weir;
  - c.  $L$  = length; and
  - d.  $H$  = six inches of head.

(6) *Landscaping plan.* A landscaping plan must be provided. The bioretention area should be vegetated to resemble a terrestrial forest ecosystem, with a mature tree canopy, sub-canopy of understory trees, scrub layer, and herbaceous ground cover. Three species each of trees and shrubs should be planted. The tree-to-shrub ratio should be two-to-one to three-to-one. Trees should be spaced eight feet apart.

(7) *Easement.* Bioretention areas must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall extend a minimum of 30 feet horizontally outside of the bioretention system limits and provide a minimum ten-foot wide access easement. A copy of the easement should be included in the BMP operations and maintenance manual.

(8) *Construction.* The bioretention facility shall not be constructed until all contributing drainage area has been stabilized. The bioretention facility shall not be used as a sediment control measure during active construction.

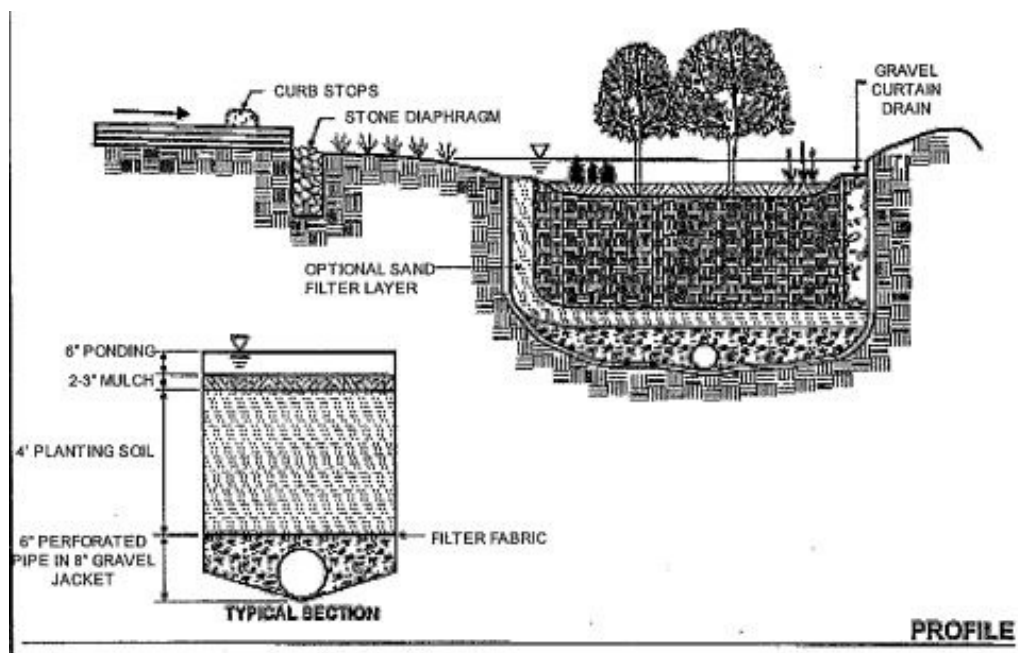
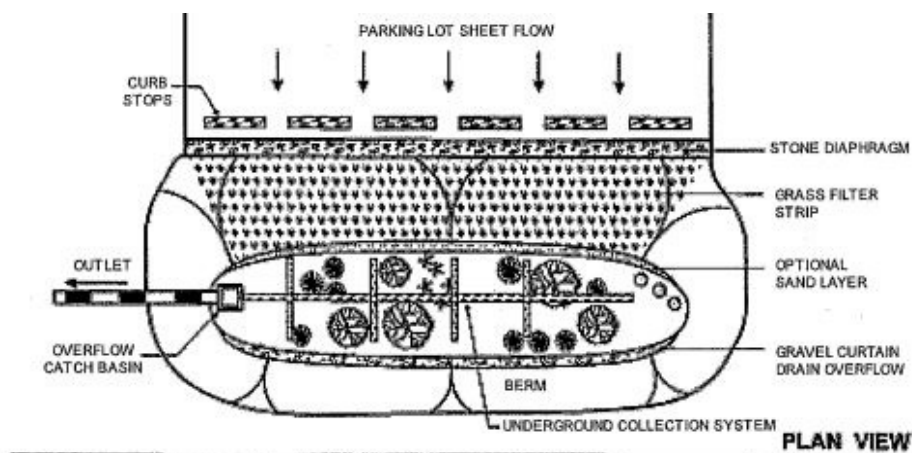
(D) *Maintenance and inspection checklist.* Regular inspection and maintenance is critical to the effective operation of bioretention facilities. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

| Project Name/Site Location: _____       |               |                        |
|-----------------------------------------|---------------|------------------------|
| Owner Name: _____                       |               | Phone: _____           |
| Owner Address: _____                    |               |                        |
| Date: _____                             |               | Inspector: _____       |
| <i>Maintenance Item</i>                 | <i>Yes/No</i> | <i>Comments</i>        |
| <i>Vegetation</i>                       |               | <i>Inspect Monthly</i> |
| 1. Vegetation established and thriving? |               |                        |

| <i>Maintenance Item</i>                                                                                                   | <i>Yes/No</i> | <i>Comments</i>                |
|---------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------|
| 2. Does mulch require replacement due to erosion, silting, or deterioration? (Mulch should be replaced every three years) |               |                                |
| 3. Any weeding or pruning needed?                                                                                         |               |                                |
| 4. Grass less than six inches in height?                                                                                  |               |                                |
| 5. Any trash or plant debris to be cleared?                                                                               |               |                                |
| 6. Any dead or diseased vegetation or trees to be cleared and replaced?                                                   |               |                                |
| 7. Is soil pH test satisfactory? (5.2 to 7.0)                                                                             |               |                                |
| 8. Is surface of ponding area becoming clogged with sediment?                                                             |               |                                |
| 9. Other problems evident?                                                                                                |               |                                |
|                                                                                                                           |               |                                |
| <b><i>Inflow/Outlet Areas</i></b>                                                                                         |               | <b><i>Inspect Annually</i></b> |
| 1. Does filter strip need reseeding?                                                                                      |               |                                |
| 2. Does sediment need to be removed?                                                                                      |               |                                |
| 3. Does pea gravel diaphragm need to be replaced due to clogging?                                                         |               |                                |
| 4. Any clogging of underdrain?                                                                                            |               | Inspect Monthly                |
| 5. Is overflow structure operating properly?                                                                              |               |                                |
| 6. Other problems evident?                                                                                                |               |                                |
| Additional Comments:                                                                                                      |               |                                |
| <hr/>                                                                                                                     |               |                                |
| <hr/>                                                                                                                     |               |                                |
| <hr/>                                                                                                                     |               |                                |
| Recommended Actions:                                                                                                      |               |                                |
| <hr/>                                                                                                                     |               |                                |
| <hr/>                                                                                                                     |               |                                |
| <hr/>                                                                                                                     |               |                                |
| Recommended Timeframe for Actions: <hr/>                                                                                  |               |                                |
| <hr/>                                                                                                                     |               |                                |

| <i>Maintenance Item</i> | <i>Yes/No</i> | <i>Comments</i> |
|-------------------------|---------------|-----------------|
| <hr/>                   |               |                 |

(E) *Schematic of a typical on-line bioretention area.* The following schematic comes from Claytor and Shueler, 1996.



(Prior Code, Storm Water Appendix § 2-A.3)

**§ 54.53 WATER QUALITY SWALES.**

(A) *Quick reference.*

(1) *Description.* Vegetated open channels that are explicitly designed and constructed to capture and treat storm water runoff within dry cells formed by check dams or other means.

(2) *Site feasibility.*

(a) Drainage area: maximum five acres;

(b) Residential subdivision use: yes; and

(c) High density/ultra-urban: no.

(3) *Design criteria.*

(a) Pretreatment forebay required;

(b) Longitudinal slopes must be less than 4%; and

(c) Maximum side slopes two-to-one with four-to-one preferred.

(4) *Advantages.*

(a) Combines storm water treatment with runoff conveyance system;

(b) Relatively inexpensive to install;

(c) Reduces runoff velocities; and

(d) Aesthetic qualities.

(5) *Disadvantages.*

(a) Cannot be used on steep slopes; and

(b) Large area requirement; not feasible for high-density areas.

(B) *General.*

(1) Water quality swales are conveyance channels engineered to capture and treat the  $WQ_v$  for a drainage area. They differ from normal drainage channels or swales through the incorporation of specific features that remove storm water pollutants by filtration through an engineered media. Water quality swales are not the same as filter strips, which are limited application structural controls and not considered acceptable for meeting the TSS removal requirements independently. Water quality swales are designed to include a forebay in addition to a filter bed of prepared soil that overlays an underdrain system. The swales are sized to allow the entire  $WQ_v$  to be filtered and discharged or infiltrated through the bottom of the swale. Limited longitudinal slopes, in conjunction with berms and/or check dams installed perpendicular to the flow path, force the flow to be slow and shallow allowing for particulates to settle and limiting erosion. Runoff is collected by a perforated pipe and discharged to an appropriate outlet.

(2) A separation distance of two feet is required between the bottom of the water quality swale and the elevation of the seasonally high water table.

(C) *Design criteria.* The following criteria are minimum standards for the design of a water quality swale, which is acceptable for storm water quality treatment only and does not provide detention storage. Flow from runoff in excess of the  $WQ_v$  must be diverted or the water quality swale adequately designed to safely pass higher flows to prevent erosion of the swale.

(1) The maximum drainage area tributary to a water quality swale is five acres.

(2) Peak flows are limited to ten cfs and runoff velocities are limited to 2.5 fps.

(3) The maximum ponding time in the water quality swale is 48 hours.

(4) The swale shall have a maximum ponding time of 48 hours. Soil media shall have an infiltration rate of at least one foot per day ( $f_c > \text{one-half inch per hour}$ ), with one and one-half feet per day maximum. Infiltration of the  $WQ_v$  will only be allowed when proven by geotechnical evaluation that underlying soils have an infiltration rate of one-half inch per hour (typically hydrologic group A soils). Infiltration will not be allowed in wellhead protection areas.

(5) For water quality swale geometry:

- (a) The surface area of the water quality swale should be approximately 10% to 20% of the tributary impervious;
  - (b) The elevation difference (head) generally needed from inflow to outflow is three to five feet;
  - (c) The longitudinal slope of the swale shall be a maximum of 4%, with 1% to 2% preferred;
  - (d) Side slopes of the swale shall be no greater than three-to-one. Swales shall be parabolic or trapezoidal in shape to maximize vegetative areas and to provide ease of maintenance;
  - (e) The maximum design flow depth shall be 12 inches. The depth of the WQ<sub>v</sub> at the downstream end of the swale should not exceed 18 inches;
  - (f) A minimum bottom channel width of two feet is required to ensure adequate filtration;
  - (g) The bed of the swale shall have a minimum permeable soil layer 30 inches in depth;
- and
- (h) The swale must have a minimum length of 100 feet.

(6) For pretreatment:

- (a) All water quality swales shall include a sediment forebay that consists of a separate cell, formed by an acceptable barrier. See § 54.50 for design criteria for a forebay; and
- (b) Runoff can also enter along the sides of the channel as sheet flow through a grass filter strip containing a pea gravel flow spreader trench (diaphragm) along the entrance to the filter strip. Slopes to the diaphragm shall not exceed 6% for the last 20 feet prior to entering the spreader.

(7) The underdrain collection system shall consist of a four- to six-inch perforated PVC pipe (Schedule 40 or greater in strength) in an eight-inch gravel layer (clean washed aggregate one-half to two-inches in diameter). A permeable filter fabric is required between the gravel layer and the planting soil bed. A clean out must be provided and the underdrain pipe must discharge to an appropriate facility.

(8) Compaction during construction must be minimized at both the base of the water quality swale and for the backfill materials. Use of equipment causing excessive compaction will result in reduced infiltration rates contributing to failure of the system and is not acceptable. Do not use heavy equipment within the bioretention basin.



(9) An overflow structure and non-erosive overflow channel must be provided to safely pass flows from the water quality swale that exceeds the system storage capacity to a stabilized downstream area or watercourse.

(10) Proper grass species and plants should be specified for the water quality swale.

(11) Water quality swales must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall extend a minimum of 30 feet horizontally outside of the water quality swale limits and provide a minimum ten-foot wide access easement. A copy of the easement should be included in the BMP operations and maintenance manual.

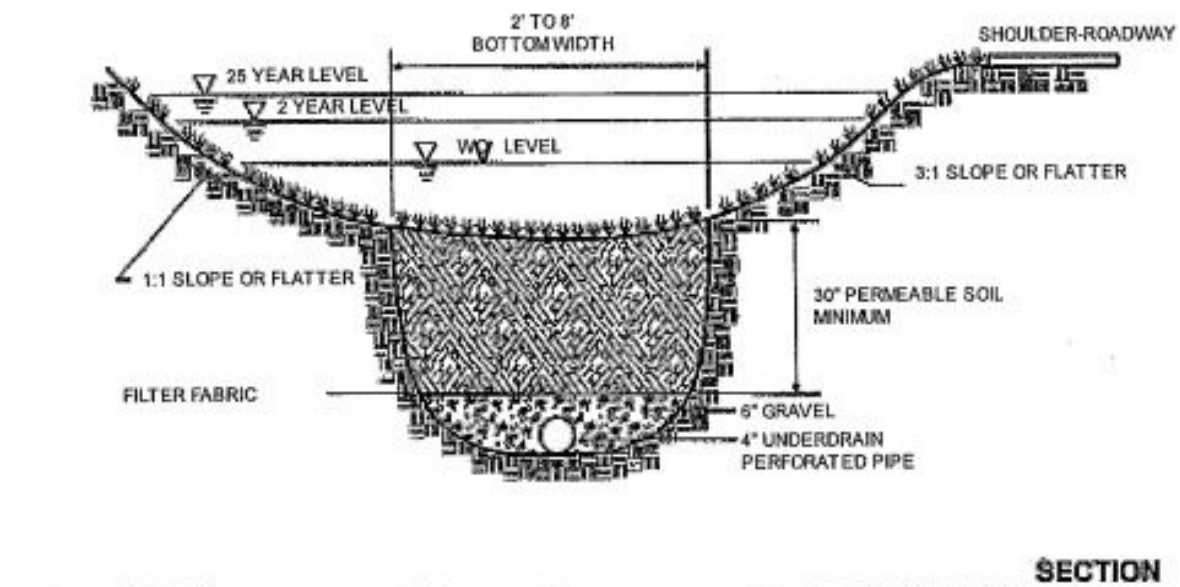
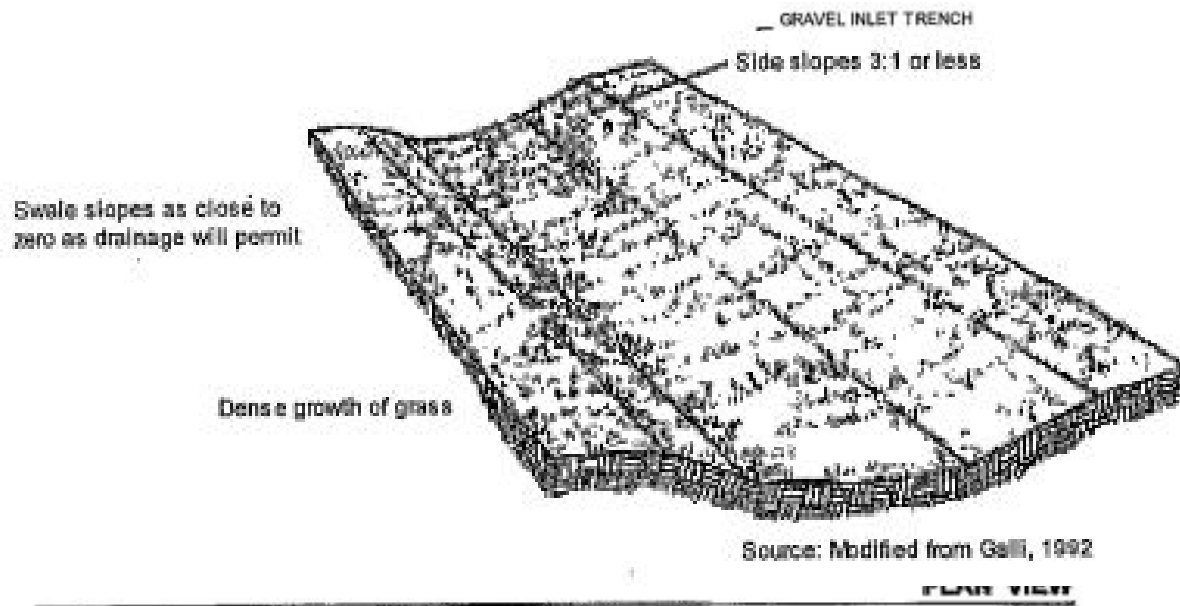
(12) The water quality swale shall not be constructed until all contributing drainage area has been stabilized. The swale shall not be used as a sediment control measure during active construction.

(D) *Maintenance and inspection checklist.* Regular inspection and maintenance is critical to the effective operation of water quality swales. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

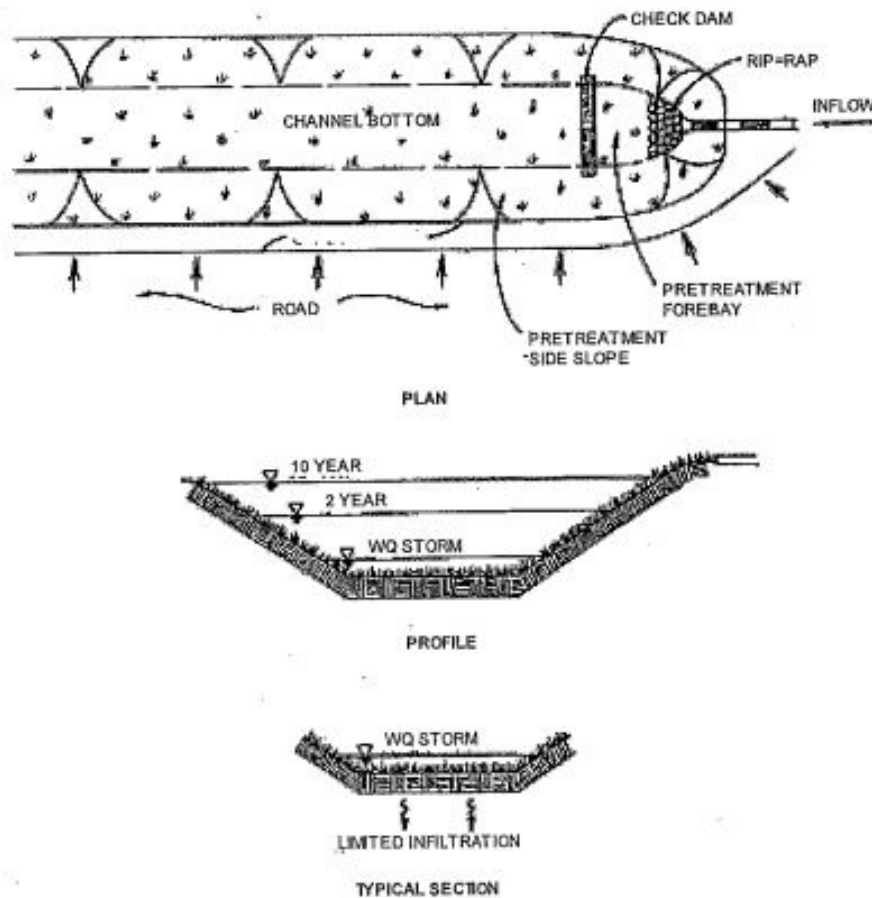
|                                                         |                      |                               |
|---------------------------------------------------------|----------------------|-------------------------------|
| Project Name/Site Location: _____                       |                      |                               |
| Owner Name: _____                                       |                      | Phone: _____                  |
| Owner Address: _____                                    |                      |                               |
| Date: _____                                             |                      | Inspector: _____              |
| <b><i>Maintenance Item</i></b>                          | <b><i>Yes/No</i></b> | <b><i>Comments</i></b>        |
| <b><i>Vegetation</i></b>                                |                      | <b><i>Inspect Monthly</i></b> |
| 1. Is vegetation and/or grass cover dense and vigorous? |                      |                               |
| 2. Any weeds or debris to be cleared?                   |                      |                               |
| 3. Any erosion of swale?                                |                      |                               |
| 4. Any sediment build-up in bottom of swale?            |                      |                               |
| 5. Is grass height maintained at four to six inches?    |                      |                               |
| 6. Other problems evident?                              |                      |                               |
| <b><i>Pretreatment</i></b>                              |                      | <b><i>Inspect Monthly</i></b> |
| 1. Sedimentation marker visible?                        |                      |                               |
| 2. Sediment cleanout needed (50% full)?                 |                      |                               |

| <i>Maintenance Item</i>                                           | <i>Yes/No</i> | <i>Comments</i>        |
|-------------------------------------------------------------------|---------------|------------------------|
| 3. Does pea gravel diaphragm need to be replaced due to clogging? |               |                        |
| 4. Other problems evident?                                        |               |                        |
|                                                                   |               |                        |
| <i>Outlet Areas</i>                                               |               | <i>Inspect Monthly</i> |
| 1. Any evidence of erosion or failure at berms or check dams?     |               |                        |
| 2. Any clogging of underdrain?                                    |               |                        |
| 3. Is overflow structure operating properly?                      |               |                        |
| 4. Other problems evident?                                        |               |                        |
| Additional Comments:<br><hr/> <hr/> <hr/>                         |               |                        |
| Recommended Actions:<br><hr/> <hr/> <hr/>                         |               |                        |
| Recommended Timeframe for Actions: <hr/> <hr/> <hr/>              |               |                        |

(E) *Schematic of dry swale*. The following shematic comes from the Center for Watershed Protection, modified.



(F) *Schematic of grass channel.* The following schematic comes from Galli, 1992, modified.



(Prior Code, Storm Water Appendix § 2-A.4)

#### § 54.54 SAND FILTERS.

##### (A) *Quick reference.*

(1) *Description.* Multi-chamber structure consisting of a pretreatment chamber, a sand bed as its primary filter media, and an underdrain collection system, designed to treat storm water runoff through filtration.

##### (2) *Site feasibility.*

- (a) Drainage area: maximum two to ten acres;

- (b) Residential subdivision use: no; and
- (c) High density/ultra-urban: yes.

(3) *Design criteria.*

- (a) Pretreatment forebay/chamber required;
- (b) Requires two to six feet of head; and
- (c) Sand filter media with underdrain system.

(4) *Advantages.*

- (a) Good for highly impervious areas; and
- (b) Good retrofit capability.

(5) *Disadvantages.*

- (a) High maintenance burden;
- (b) Not recommended for areas with high sediment content in runoff;
- (c) Relatively costly; and
- (d) Possible odor problems.

(6) *Maintenance.*

- (a) Inspect for clogging;
- (b) Remove sediment for forebay/chamber; and
- (c) Replace sand filter media as needed.

(B) *General.*

(1) *Description.*

(a) Sand filters are structural storm water controls that capture and temporarily store storm water runoff and pass it through a filter bed of sand. Most sand filter systems consist of two-chamber

structures. The first chamber is a sediment forebay or chamber, which removes floatables and heavy sediments. The second is the filtration chamber, which removes additional pollutants by filtering the runoff through a sand bed. The filtered runoff is collected and returned to the conveyance system by way of an underdrain system.

(b) Sand filters are typically designed as off-line systems. Storm water pollutants are removed through a combination of gravitational settling, filtration, and absorption. Surface sand filters with a grass cover have additional opportunities for bacterial decomposition as well as vegetation uptake of pollutants, particularly nutrients. Sand filter systems are designed for intermittent flow and must be allowed to drain and reaerate between rainfall events. They should not be used on sites with a continuous flow from ground water, sump pumps, or other sources.

(c) Because they have few site constraints besides head requirements, sand filters can be used on development sites where the use of other structural controls may be precluded. However, sand filter systems can be relatively expensive to construct and install.

(2) *Variations.*

(a) Surface sand filter: A ground-level open-air structure that consists of a pretreatment sediment forebay and a filter bed chamber. This system can treat drainage areas up to ten acres in size and is typically located off-line. Surface sand filters can be designed as an excavation with earthen embankments or as a concrete or block structure.

(b) Perimeter sand filter: An enclosed filter system typically constructed just below grade in a vault along the edge of an impervious area such as a parking lot. The system consists of a sedimentation chamber and a sand bed filter. Runoff flows into the structure through a series of inlet grates located along the top of the control.

(c) Underground sand filter: Located in an underground vault designed for high-density land use or ultra-urban applications. Typically a three-chamber system consisting of a sedimentation chamber, a filter chamber, and an overflow chamber. Underground sand filters have a high maintenance burden and should only be used where adequate inspection and maintenance can be ensured. Underground sand filters are typically constructed on-line, but can be constructed off-line. For off-line construction, the overflow between the second and third chambers is not included.

(C) *Design criteria.* The following criteria are minimum standards for the design of a sand filter system, which is acceptable for storm water quality treatment only and does not provide detention storage. The  $WQ_v$  is generally routed to the sand filter using a diversion structure. Runoff in excess of the  $WQ_v$  must be diverted or the sand filter adequately designed to safely pass higher flows to prevent erosion of pretreatment sediment and filter media.

(1) *Surface sand filter criteria.*

(a) A surface sand filter facility consists of a two-chamber open-air structure, which is located at ground level. The first chamber is the sediment forebay, and the second chamber contains the sand filter bed. Flow enters the forebay for settling of larger sediment particles. Runoff is then discharged from the forebay through a perforated standpipe into the filtration chamber. After passing through the filter bed, runoff is collected by a perforated pipe and gravel underdrain system. In the division (E) below, a schematic of a surface sand filter is provided.

(b) The maximum drainage area tributary to a surface sand filter is ten acres.

(c) For surface sand filter geometry:

1. The elevation difference (head) needed from inflow to outflow is five feet;

2. The slope across the filter location shall be a maximum of 6%; and

3. The area of the filter bed is sized using Darcy's Law equation with a filter bed drain time of 36 hours and a coefficient of permeability (k) of 3.5 feet/day.

a.  $A_f = (WQ_v)(d_f)/[(k)(h_f + d_f)(t_f)]$

b. Where:

i.  $A_f$  = surface area of filter bed (ft<sup>2</sup>);

ii.  $WQ_v$  = water quality volume (ft<sup>3</sup>);

iii.  $d_f$  = filter bed depth (one and one-half feet minimum);

iv.  $k$  = coefficient of permeability of filter media (feet/day) (use 3.5 feet/day for sand);

v.  $h_f$  = average height of water above filter bed (feet); and

vi.  $t_f$  = design filter bed drain time (days) (one and one-half days maximum).

(d) For pretreatment:

1. The surface sand filter system shall include a sediment forebay that consists of a separate cell, formed by an acceptable barrier. The forebay shall be sized to contain 25% of the  $WQ_v$ ;

2. The forebay shall have a minimum length-to-width ratio of two-to-one;
3. Inlet and outlet structures shall be located at opposite ends of the forebay; and

4. Entrance and exit velocities to the forebay shall be non-erosive. A flow distribution chamber shall be provided at the entrance to the filter media to spread the flow evenly across the surface of the filter media. Erosion protection shall be provided over the filter media using riprap, grass, or other dissipation devices.

(e) Filter media shall be a minimum 18-inch layer of clean washed medium sand (ASTM C-33 concrete sand) on top of an underdrain system. Three inches of topsoil (or other erosion protection) are placed over the sand bed. Permeable filter fabric is required above and below the sand bed to prevent clogging of the sand filter and underdrain system.

(f) The underdrain collection system shall consist of a four- to six-inch perforated PVC pipe (Schedule 40 or greater in strength) in an eight-inch gravel layer (clean washed aggregate one-half to two-inches in diameter). The underdrain shall have a minimum slope of 1%. A clean-out must be provided, and the underdrain pipe must discharge to an appropriate facility.

(g) The surface sand filter structure may be constructed of concrete or earthen embankments. When constructed with earthen walls/embankments, filter fabric shall be used to line the bottom and side slopes of the structures before installation of the underdrain system and filter media.

(h) An emergency spillway must be included to safely pass flows that exceed the design storm flows.

(2) *Perimeter sand filter criteria.*

(a) A perimeter sand filter facility is a vault structure located just below grade level. Runoff enters a sedimentation chamber through inlet grates along the top of the structure. Runoff is discharged from the sedimentation chamber through a weir into the filtration chamber. After passing through the filter, runoff is collected by a perforated pipe and gravel underdrain system. Refer to the schematics in division (F) below for a perimeter sand filter.

(b) The maximum drainage area tributary to a perimeter sand filter is two acres.

(c) For perimeter sand filter geometry:

1. The elevation difference (head) needed from inflow to outflow is two to three feet.

2. The area of the filter bed is sized using Darcy's Law equation with a filter bed drain time of 36 hours and a coefficient of permeability (k) of 3.5 ft/day. (See division (C)(1)(c)3. above.)



(d) For pretreatment, the perimeter sand filter system shall include a sediment chamber that consists of a separate cell. The sediment chamber shall be sized to contain 50% of the WQ<sub>v</sub>.

(e) Filter media shall be a minimum 18-inch layer of clean washed medium sand (ASTM C-33 concrete sand) on top of an underdrain system. Permeable filter fabric is required between the sand bed and the underdrain gravel layer to prevent clogging.

(f) The underdrain collection system shall consist of a four- to six-inch perforated PVC pipe (Schedule 40 or greater in strength) in an eight-inch gravel layer (clean washed aggregate one-half to two-inches in diameter). The underdrain shall have a minimum slope of 1%. A clean-out must be provided and the underdrain pipe must discharge to an appropriate facility.

(3) *Underground sand filter criteria.*

(a) An underground sand filter is located in an underground vault. The filter is a three-chamber system. The first chamber is a sedimentation chamber that temporarily stores runoff and utilizes a wet pool to capture sediment. The sedimentation chamber is connected to the sand filter chamber by a submerged wall that protects the filter bed from oil and trash. The filter bed is 18 to 24 inches deep and may have a protective screen of gravel or permeable geotextile to limit clogging. The sand filter chamber also includes an underdrain system with inspection and clean-out wells. Perforated pipes under the sand filter bed extend into a third chamber that collects filtered runoff. Flows beyond the filter capacity are diverted through an overflow weir.

(b) The maximum drainage area tributary to a perimeter sand filter is two acres.

(c) Underground sand filters are typically constructed on-line, but can be constructed off-line. For off-line construction, the overflow between the second and third chambers is not included.

(d) The underground vault shall be tested for water-tightness prior to placement of filter layers.

(e) Adequate maintenance access must be provided to the sedimentation and filter bed chambers.

(4) *General.*

(a) Sand filter facilities must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall extend a minimum of 30 feet horizontally outside of the facility limits and provide a minimum ten-foot wide access easement. A copy of the easement should be included in the BMP operations and maintenance manual.

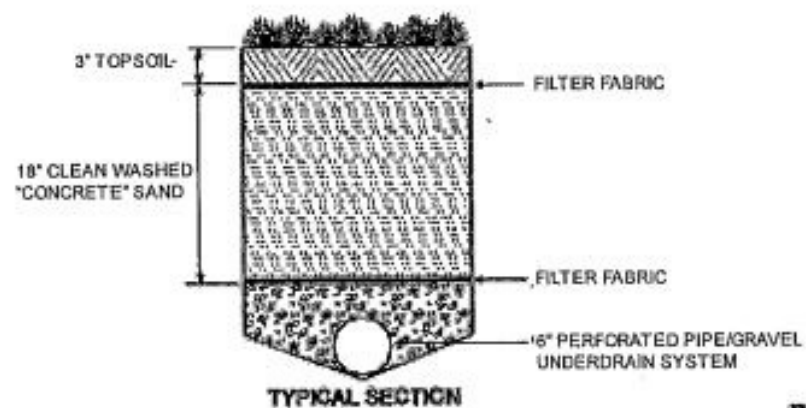
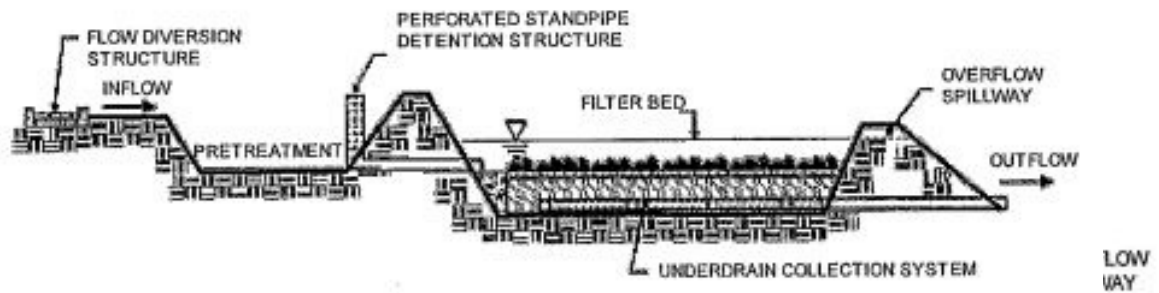
(b) The sand filter facility shall not be constructed until all contributing drainage area has been stabilized. The sand filter facility shall not be used as a sediment control measure during active construction.

(D) *Maintenance and inspection checklist.* Regular inspection and maintenance is critical to the effective operation of sand filter facilities. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

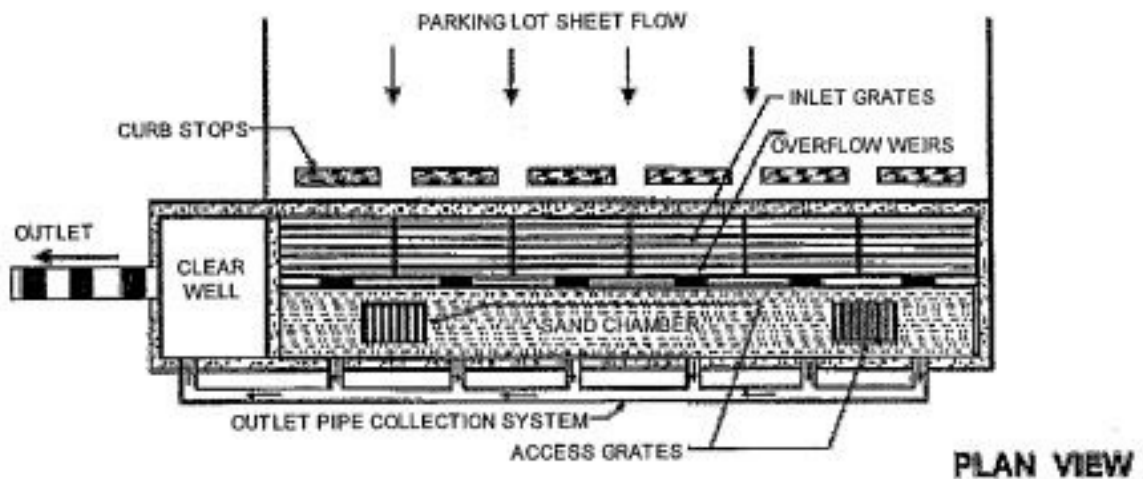
|                                                                                                                  |                      |                               |
|------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------|
| Project Name/Site Location: _____                                                                                |                      |                               |
| Owner Name: _____ Phone: _____                                                                                   |                      |                               |
| Owner Address: _____                                                                                             |                      |                               |
| Date: _____ Inspector: _____                                                                                     |                      |                               |
| <b><i>Maintenance Item</i></b>                                                                                   | <b><i>Yes/No</i></b> | <b><i>Comments</i></b>        |
| <b><i>Pretreatment</i></b>                                                                                       |                      | <b><i>Inspect Monthly</i></b> |
| 1. Any evidence of erosion?                                                                                      |                      |                               |
| 2. Are grass clippings removed from contributing areas that are mowed?                                           |                      |                               |
| 3. Are inlets, outlets, and filter area clear of debris?                                                         |                      |                               |
| 4. Is normal pool level being retained (perimeter and underground facilities)? Any leaks evident?                |                      |                               |
| 5. Other problems evident?                                                                                       |                      |                               |
|                                                                                                                  |                      |                               |
| <b><i>Filter Bed</i></b>                                                                                         |                      | <b><i>Inspect Monthly</i></b> |
| 1. Is filter bed free of sediments? Is sediment clean-out needed (50% of full or six inches, whichever is less)? |                      |                               |
| 2. Is filter bed free of oil and grease?                                                                         |                      |                               |
| 3. If clogging of filter bed is present, remove the top few inches of sand and replace.                          |                      |                               |
| 4. Any clogging of underdrain?                                                                                   |                      |                               |
| 5. Any clogging of filter fabric?                                                                                |                      |                               |
| 6. Other problems evident?                                                                                       |                      |                               |

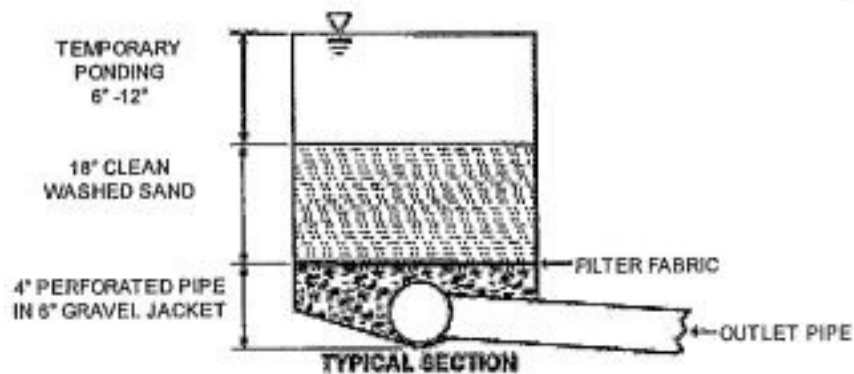
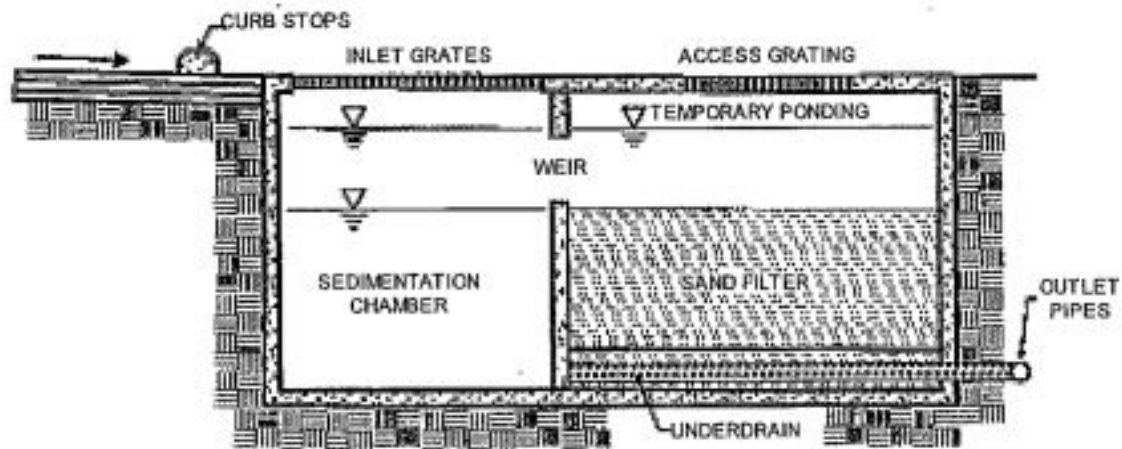
| <i>Maintenance Item</i>                                                                    | <i>Yes/No</i> | <i>Comments</i>                |
|--------------------------------------------------------------------------------------------|---------------|--------------------------------|
| <b><i>Structural</i></b>                                                                   |               | <b><i>Inspect Annually</i></b> |
| 1. Any evidence of deterioration, spalling, or cracking of concrete vault, spillway, etc.? |               |                                |
| 2. Are inlet grates in good condition?                                                     |               |                                |
| 3. Is overflow structure operating properly?                                               |               |                                |
| 4. Other problems evident?                                                                 |               |                                |
|                                                                                            |               |                                |
| <b><i>Other</i></b>                                                                        |               | <b><i>Inspect Monthly</i></b>  |
| 1. Any odors?                                                                              |               |                                |
| 2. Any evidence of flow by passing the facility?                                           |               |                                |
| Additional Comments: _____                                                                 |               |                                |
| _____                                                                                      |               |                                |
| _____                                                                                      |               |                                |
| Recommended Action:                                                                        |               |                                |
| _____                                                                                      |               |                                |
| _____                                                                                      |               |                                |
| _____                                                                                      |               |                                |
| Recommended Timeframe for Actions: _____                                                   |               |                                |
| _____                                                                                      |               |                                |
| _____                                                                                      |               |                                |

(E) *Schematic of surface sand filter.* The following schematic comes from the Center for Watershed Protection.



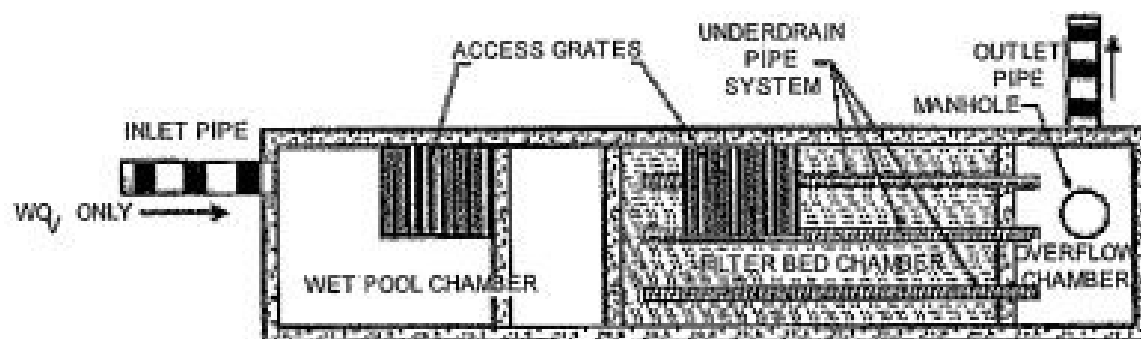
(F) *Schematic of perimeter sand filter.* The following schematic comes from the Center for Watershed Protection.



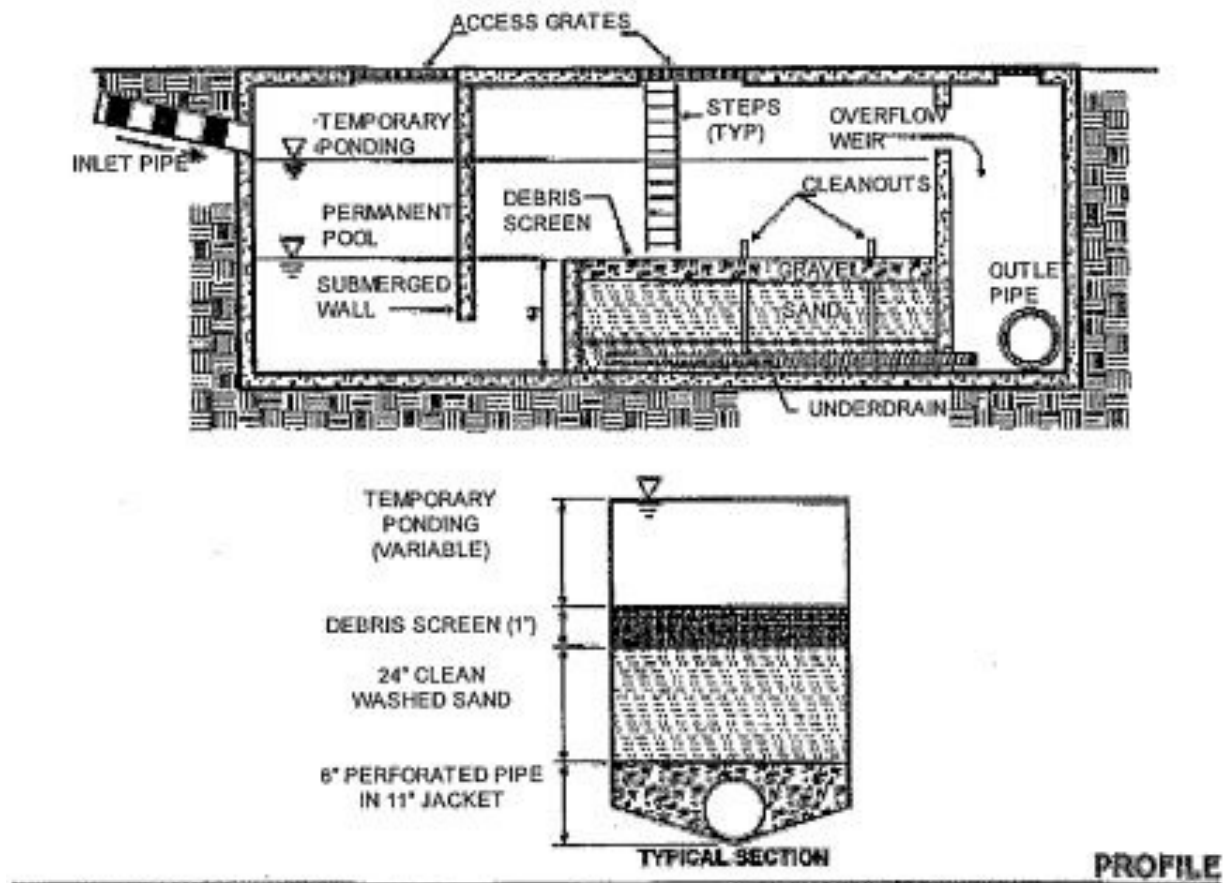


**PROFILE**

(G) *Schematic of underground sand filter.* The following schematic comes from the Center for Watershed Protection.



**PLAN VIEW**



(Prior Code, Storm Water Appendix § 2-A.5)

**§ 54.55 INFILTRATION TRENCHES.**



(A) *Quick reference.*

(1) *Description.* Excavated trench filled with stone aggregate used to capture and allow infiltration of storm water runoff into the surrounding soils from the bottom and sides of the trench.

(2) *Site feasibility.*

- (a) Drainage area: maximum five acres;
- (b) Residential subdivision use: yes; and
- (c) High density/ultra-urban: yes.

(3) *Design criteria.*

- (a) Pretreatment forebay required;
- (b) Minimum surrounding soil infiltration rate of one-half inch per hour;
- (c) Excavated trench filled with stone media, pea gravel, and sand filter layers; and
- (d) Observation well required to monitor percolation.

(4) *Advantages.* Good for small sites with porous soils.

(5) *Disadvantages.*

- (a) Good retrofit capability for redevelopment;
- (b) Geotechnical testing required; and
- (c) High clogging potential; not to be used on sites with fine-particle soils in drainage area.

(6) *Maintenance.*

- (a) Remove sediment from forebay. Inspect for clogging; and
- (b) Replace pea gravel layer as needed.

(B) *Description.*

(1) Infiltration trenches are excavations filled with stone to create an underground reservoir of storm water runoff. The runoff volume gradually exfiltrates through the bottom and sides of the trench into the subsoil over a two-day period and eventually reaches the water table. By diverting runoff into the soil, an infiltration trench treats the water quality volume and helps to preserve the natural water balance on a site and can recharge ground water and preserve base flow. Due to this fact, infiltration systems are limited to areas with highly porous soils where the water table and/or bedrock are located well below the bottom of the trench. Infiltration trenches must be carefully sited to avoid the potential of ground water contamination.

(2) Infiltration trenches are not intended to trap sediment and must always be designed with a sediment forebay and grass channel or filter strip, or other appropriate pretreatment measures, to prevent clogging and failure. The facility is only for impervious areas where there are not high levels of fine particulates (clay/silt soils) in the runoff and will only be considered for sites where the sediment load is relatively low.

(3) A separation distance of four feet is required between the bottom of the infiltration trench and the elevation of the seasonally high water table.

(4) Infiltration trenches are designed for intermittent flow and need to drain and reaerate between rainfall events. The systems should not be used on sites with a continuous flow from ground water, sump pumps, or other sources.

(5) Infiltration trenches shall not be used for manufacturing and industrial sites, where there is a potential for high concentrations of soluble pollutants and heavy metals. In addition, infiltration shall not be considered for areas with a high pesticide concentration.

(C) *Design criteria.* The following criteria are minimum standards for the design of an infiltration trench, which is designed for storm water quality treatment only. Flow from runoff in excess of the  $WQ_v$  must be diverted. The  $WQ_v$  in the infiltration trench can be subtracted from detention storage requirements for the contributing area.

(1) The maximum drainage area tributary to an infiltration trench is five acres.

(2) Underlying soils shall have a minimum infiltration rate ( $f_c$ ) of one-half inch per hour as determined from geotechnical tests. The minimum geotechnical testing is one test hole per 5,000 ft<sup>2</sup>, with a minimum of two borings per facility taken within the limits of the facility. Infiltration trenches cannot be used in fill soils.

(3) Soils on the drainage area tributary to an infiltration trench shall have a clay content of less than 20% and a silt/clay content of less than 40% to prevent clogging and failure.



(4) Clay lenses, bedrock, and other restrictive layers below the bottom of the trench will reduce infiltration rates unless excavated.

(5) To reduce the potential for costly maintenance and/or system reconstruction, the trench should be located in an open or lawn area. Infiltration trenches shall not be located beneath paved surfaces.

(6) Minimum setback requirements for infiltration trench facilities (unless otherwise specified by local ordinance or criteria):

- (a) From a property line: ten feet;
- (b) From a building foundation: 25 feet;
- (c) From a private well: 100 feet;
- (d) From a public water supply well: 1,200 feet;
- (e) From a septic system tank/leach field: 100 feet;
- (f) From surface waters: 100 feet; and
- (g) From surface drinking water sources: 400 feet (100 feet for a tributary).

(7) For infiltration trench geometry:

- (a) The required trench storage volume is equal to the  $WQ_v$ ;
- (b) The trench must be designed to fully dewater the  $WQ_v$  within 24 to 48 hours. The slowest infiltration rate obtained from geotechnical tests performed at the site should be used in the design calculations;
- (c) Trench depths should be three to eight feet. The width of the trench must be less than 25 feet;
- (d) Broader, shallow trenches reduce the risk of clogging by spreading the flow over a larger area for infiltration;
- (e) The surface area is calculated based on the trench depth, soil infiltration rate, aggregate void space, and fill time (assume a fill time of two hours for most designs);

(f) The bottom of a trench shall be flat across its length and width to evenly distribute flow, encourage uniform infiltration through the bottom, and reduce the risk of clogging;

(g) Stone aggregate should be washed, bank-run gravel, one and one-half to two and one-half inches in diameter with a void space of about 40%. Aggregate contaminated with soil shall not be used. A porosity value (void space/total volume) of 0.32 should be used in calculations, unless aggregate specific data exists;

(h) A six-inch layer of clean, washed sand is placed on the bottom of the trench to encourage drainage and prevent compaction of the native soil while the stone aggregate is added;

(i) The trench shall be lined on the sides and top by an appropriate geotextile filter fabric that prevents soil piping but has greater permeability than the parent soil. The top layer of filter fabric is placed two to six inches from the top of the trench to prevent sediment from passing into the stone aggregate. This top layer will need to be replaced more frequently and must be readily separated from the side section;

(j) The top surface of the trench above the filter fabric is covered with pea gravel to improve sediment filtering. It shall be removed and replaced should the device clog. Alternatively, the trench can be covered with permeable topsoil and planted with grass in a landscaped area;

(k) An observation well consisting of four- to six-inch perforated PVC pipe must be installed and extend to the bottom of the trench. The well should be installed along the centerline of the structure, flush with the ground elevation of the trench. A visible floating marker shall be provided to indicate the water level; and

(l) The trench excavation shall be limited to the width and depth specified in the design. The bottom of the excavated trench shall not be loaded in a way that causes soil compaction, and shall be scarified prior to placement of sand. The sides of the trench shall be trimmed of all large roots.

(8) For pretreatment:

(a) For an infiltration trench receiving sheet flow from an adjacent drainage area, the pretreatment system may consist of a vegetated filter strip with a minimum 25-foot length. A vegetated buffer strip around the entire trench is required if the facility is receiving runoff from other directions. See the schematic in division (E) below for design criteria for the vegetated filter strip; and

(b) For off-line applications, pretreatment shall consist of a sediment forebay or similar sedimentation chamber (with energy dissipaters) sized to 25% of the  $WQ_v$ . Exit velocities from the pretreatment chamber must be non-erosive.

(9) A non-erosive overflow channel must be provided to safely pass flows from the infiltration trench that exceeds the system storage capacity to a stabilized downstream area or watercourse.

(10) Infiltration trenches must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall extend a minimum of 30 feet horizontally outside of the system limits and provide a minimum ten-foot wide access easement. A copy of the easement should be included in the BMP operations and maintenance manual.

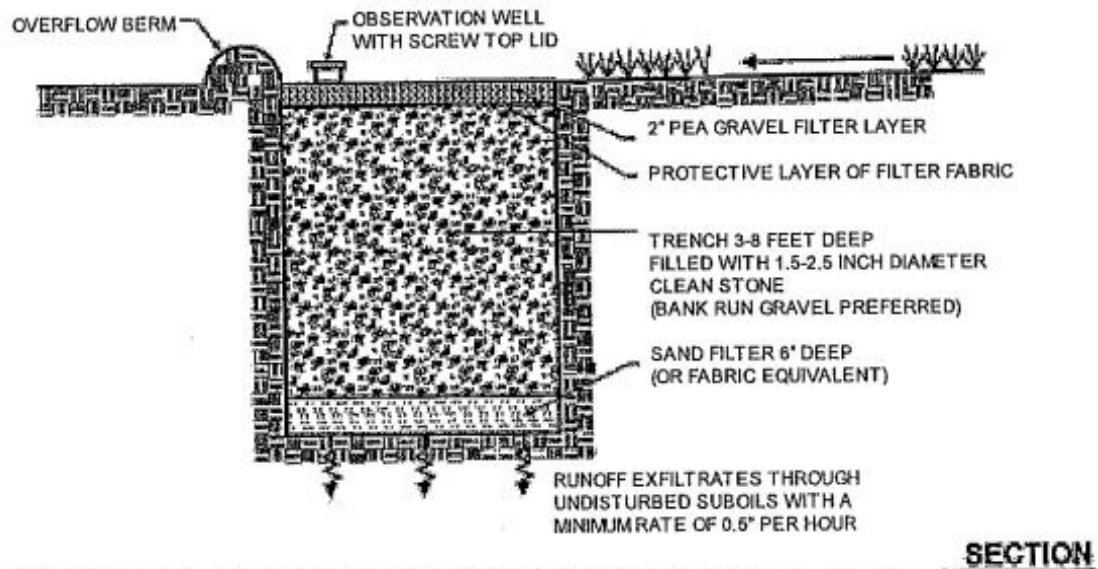
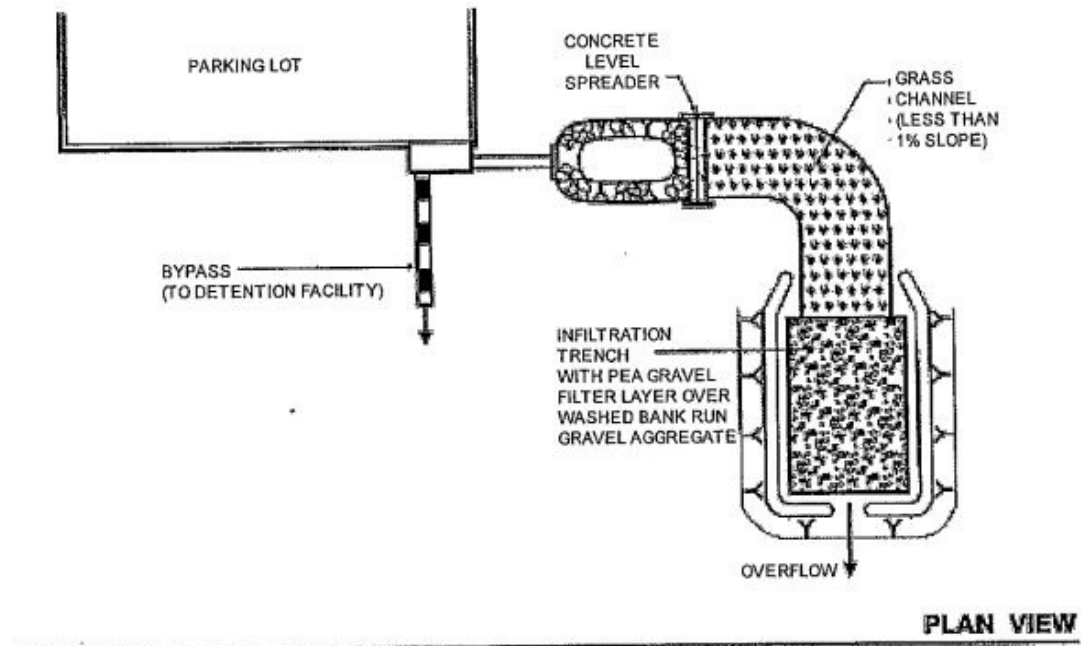
(11) The infiltration trench shall not be constructed until all contributing drainage area has been stabilized. The infiltration trench shall not be used as a sediment control measure during active construction.

(D) *Maintenance and inspection checklist.* Regular inspection and maintenance is critical to the effective operation of infiltration trenches. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

| Project Name/Site Location: _____                                      |               |                               |
|------------------------------------------------------------------------|---------------|-------------------------------|
| Owner Name: _____                                                      |               | Phone: _____                  |
| Owner Address: _____                                                   |               |                               |
| Date: _____                                                            |               | Inspector: _____              |
| <i>Maintenance Item</i>                                                | <i>Yes/No</i> | <i>Comments</i>               |
| <b><i>Vegetation/Pretreatment</i></b>                                  |               | <b><i>Inspect Monthly</i></b> |
| 1. Any evidence of erosion? Does filter strip need to be reseeded?     |               |                               |
| 2. Are grass clippings removed from contributing areas that are mowed? |               |                               |
| 3. Are inlets and filter area clear of debris?                         |               |                               |
| 4. Sedimentation marker visible?                                       |               |                               |
| 5. Sediment cleanout needed (50% full)?                                |               |                               |
| 6. Other problems evident?                                             |               |                               |
|                                                                        |               |                               |
| <b><i>Trench</i></b>                                                   |               | <b><i>Inspect Monthly</i></b> |
| 1. Any vegetative growth in trench area?                               |               |                               |

| <i>Maintenance Item</i>                                                                                                                  | <i>Yes/No</i> | <i>Comments</i> |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------|
| 2. Are observation wells clear of water after 3 days of dry weather?                                                                     |               |                 |
| 3. Does pea gravel/topsoil need to be replaced due to clogging?                                                                          |               |                 |
| 4. Does top surface filter fabric need to be replaced due to clogging?                                                                   |               |                 |
| 5. Other problems evident?                                                                                                               |               |                 |
| 6. Upon failure of trench, perform total rehabilitation to maintain design storage capacity. Excavate trench walls to expose clean soil. |               |                 |
| <p>Additional Comments:</p> <hr/> <hr/> <hr/>                                                                                            |               |                 |
| <p>Recommended Actions:</p> <hr/> <hr/> <hr/>                                                                                            |               |                 |
| <p>Recommended Timeframe for Actions: _____</p> <hr/> <hr/>                                                                              |               |                 |

(E) *Schematic of infiltration trench.* The following schematic comes from the Center for Watershed Protection.



(Prior Code, Storm Water Appendix § 2-A.6)

**§ 54.56 BIOFILTERS.***(A) Quick reference.*

(1) *Description.* Uniformly graded and densely vegetated sections of land engineered and designed to treat runoff and remove pollutants through vegetative filtering and infiltration.

*(2) Site feasibility.*

- (a) Drainage area: ten acres maximum, five preferred;
- (b) Residential subdivision use: yes; and
- (c) High density/ultra-urban: no.

*(3) Design criteria.*

- (a) Requires slopes between 2% and 6%; and
- (b) Level spreader required where concentrated runoff flows into biofilter.

*(4) Advantages.*

- (a) Relatively inexpensive to install;
- (b) Reduces runoff velocities; and
- (c) Aesthetic qualities and preservation of riparian zones.

(5) *Disadvantages.*

- (a) TSS removal is less than 80%;
- (b) Cannot be used on steep slopes; and
- (c) Large land requirement.

(6) *Maintenance.*

- (a) Maintain grass height of two to six inches; and
- (b) Requires periodic sediment removal.

(B) *General.*

(1) *Description.*

(a) Biofilters are densely vegetated sections of land designed to treat runoff and remove pollutants through vegetative filtering and infiltration. Biofilters must receive runoff from adjacent areas as sheet flow to provide treatment and prevent erosion. The vegetation slows the runoff and filters out sediment and other pollutants. Biofilters provide less than 80% TSS removal but can be used as pretreatment measures in conjunction with other water quality treatment practices.

(b) Biofilters are best suited to treat runoff from roads and highways, rooftops, small parking lots, and pervious surfaces. Biofilters can be incorporated into residential developments as land-use buffers and setbacks.

(2) *Variations.*

(a) Filter strip: A uniformly graded and densely vegetated strip of land. The vegetation can be grasses or a combination of grass and woody plants.

(b) Riparian buffer: A strip of land with natural, woody vegetation along a stream or other watercourse. The riparian zone includes deep-rooted trees with undergrowth of grasses and herbaceous vegetation.

(C) *Design criteria.* The following criteria are minimum standards for the design of biofilters, which can be used as pretreatment in conjunction with other water quality measures. Biofilters alone do not fulfill the 80% TSS removal requirement.

(1) Uniform sheet flow must be maintained across the entire biofilter through the use of consistent grades and low slopes. The biofilter area shall be free of gullies or rills that can concentrate overland flow.

(2) Filter strips can be used as pretreatment measures. The minimum length (parallel to the flow path) sizing criteria shall be:

(a) Impervious area approach length of 35 feet or less: 15-foot minimum filter strip length;

(b) Impervious area approach length of 35 to 75 feet: 25-foot minimum filter strip length;

(c) Pervious area approach length of 75 feet or less: 12-foot minimum filter strip length;

and

(d) Pervious area approach length of 75 to 100 feet: 18-foot minimum filter strip length.

(3) A level spreader is required at the end of sheet flow paths longer than 75 feet for impervious surfaces and 100 feet for pervious surfaces. In addition, areas of concentrated runoff tributary to a biofilter shall require a level spreader.

(a) The maximum drainage area tributary to a biofilter is ten acres with five acres preferred.

(b) The level spreader shall have a 0% slope and encompass the entire width of the biofilter (perpendicular to the flow path).

(c) The slope of the surface prior to the level spreader should provide a smooth transition into the spreader.

1. If a channel is directing runoff to the level spreader, the last 20 feet of the channel shall have a slope of 1% or less and shall provide a smooth transition of flow to the level spreader. The depth of the level spreader must be a minimum of six inches. The level spreader lip must be constructed on undisturbed soil to a uniform height and 0% slope over the length of the spreader to ensure even runoff distribution.

2. If the runoff is being directed to the level spreader overland as sheet flow, the last 20 feet of the ground shall be 6% or less.

(d) A pea gravel diaphragm at the top of the slope of a biofilter receiving sheet flow provides settling of sediment particles and acts as a level spreader, maintaining sheet flow over the biofilter.



(4) The filter strip should be designed based on Manning's equation for channel design using the following criteria:

- (a) Rectangular shape for the filter strip;
- (b) Maximum design flow depth of one-half inch;
- (c) Velocity no greater than 0.9 ft/s to prevent flattening of grasses;
- (d) Manning's  $n$  of 0.02 for grassed strips, 0.024 for infrequently mowed strips, or appropriate  $n$  for wooded strips;
- (e) Width of the strip shall be dependent upon where uniform flow is obtained from the site;
- (f) Because the strip is wide, the hydraulic radius approaches the flow depth and is taken to be equal to the design flow depth;
- (g) Slope is between 2% and 6%; and
- (h) Dense grasses must be specified.

(5) A riparian zone should consist of a 20-foot strip of trees and herbaceous vegetation closest to the stream or watercourse and a 30-foot strip of dense grasses prior to the tree zone.

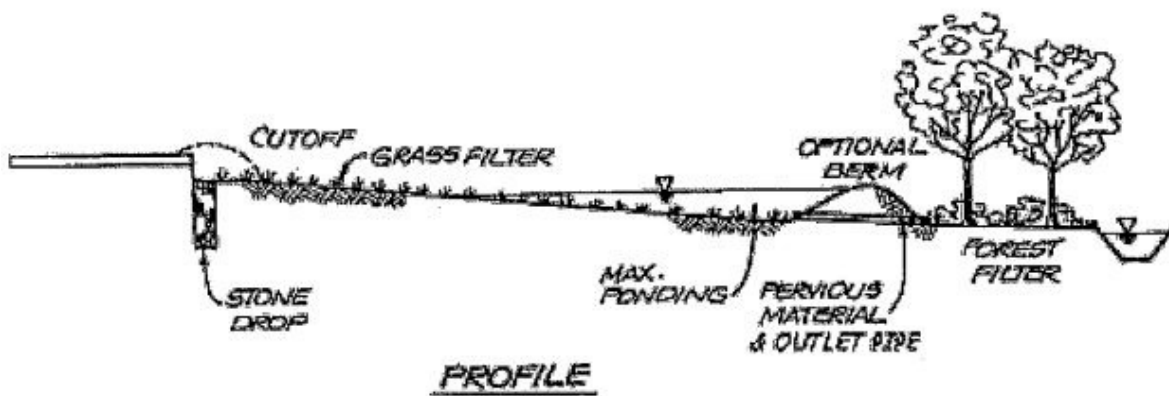
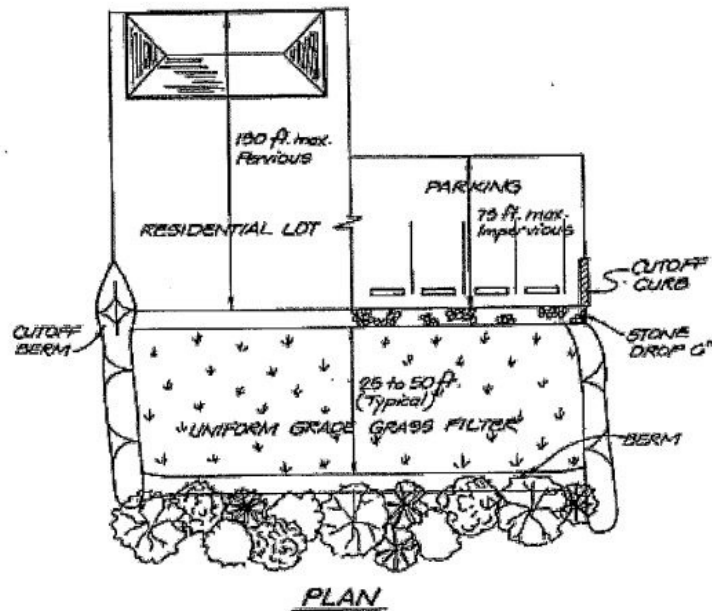
(6) Biofilters must be constructed within an easement either platted or legally described and recorded as a perpetual storm water drainage easement. The easement shall encompass the biofilter and level spreader and provide a minimum ten-foot wide access easement. A copy of the easement should be included in the BMP operations and maintenance manual.

(D) *Maintenance and inspection checklist.* Regular inspection and maintenance is critical to the effective operation of biofilters. The following inspection checklist, to be completed at periods indicated, is provided for the BMP owner and should be retained as a record by the owner for a period of five years from the approval date of the storm water pollution prevention plan. Evidence of inspection and maintenance shall be provided to the town upon request.

|                                   |                  |
|-----------------------------------|------------------|
| Project Name/Site Location: _____ |                  |
| Owner Name: _____                 | Phone: _____     |
| Owner Address: _____              |                  |
| Date: _____                       | Inspector: _____ |

| <i>Maintenance Item</i>                                                       | <i>Yes/No</i> | <i>Comments</i>               |
|-------------------------------------------------------------------------------|---------------|-------------------------------|
| <b><i>Vegetation</i></b>                                                      |               | <b><i>Inspect Monthly</i></b> |
| 1. Is vegetation and/or grass cover dense and vigorous?                       |               |                               |
| 2. Any gullies or rills present?                                              |               |                               |
| 3. Any erosion evident?                                                       |               |                               |
| 4. Any sediment build-up present?                                             |               |                               |
| 5. Is grass height maintained at two to six inches?                           |               |                               |
| 6. Other problems evident?                                                    |               |                               |
|                                                                               |               |                               |
| <b><i>Level Spreader</i></b>                                                  |               | <b><i>Inspect Monthly</i></b> |
| 1. Is vegetation and/or grass cover dense and vigorous?                       |               |                               |
| 2. Any signs of erosion on lip of spreader?                                   |               |                               |
| 3. Any sediment build-up present?                                             |               |                               |
| 4. Does pea gravel diaphragm need to be cleaned out due to sediment build-up? |               |                               |
| 5. Does pea gravel diaphragm need to be replaced due to clogging?             |               |                               |
| 6. Other problems evident?                                                    |               |                               |
| Additional Comments: _____                                                    |               |                               |
| _____                                                                         |               |                               |
| _____                                                                         |               |                               |
| Recommended Actions: _____                                                    |               |                               |
| _____                                                                         |               |                               |
| _____                                                                         |               |                               |
| Recommended Timeframe for Actions: _____                                      |               |                               |
| _____                                                                         |               |                               |
| _____                                                                         |               |                               |

(E) *Schematic of filter strip (with berm).*



(Prior Code, Storm Water Appendix § 2-A.7)

## **TITLE VII: TRAFFIC CODE**

### **Chapter**

- 70. TRAFFIC REGULATIONS**
- 71. PARKING REGULATIONS**
- 72. RECREATIONAL VEHICLES**
- 73. TRAFFIC SCHEDULES**



## **CHAPTER 70: TRAFFIC REGULATIONS**

### **Section**

- 70.01 Speed limits
- 70.02 Stopping for signs
- 70.03 Additional highway signs
- 70.04 Traffic accident report fees
- 70.05 Violations

### **§ 70.01 SPEED LIMITS.**

(A) No person shall drive a vehicle on any highway in the town adjacent to designated parks, playgrounds, and recreational areas at a speed in excess of 20 mph when children are present.

(B) No person shall drive a vehicle at a speed in excess of 30 mph on any street or alley in town. (Prior Code, § 70.01) Penalty, see § 10.99

### **§ 70.02 STOPPING FOR SIGNS.**

When such stop signs are erected as herein authorized, not including on state highways, and provided, at or near the entrance of an intersection, every driver of a motor vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection, or in the event that there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest to the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

(Prior Code, § 70.02) (Ord. 12-19-89, passed 1-16-1990) Penalty, see § 10.99

### **§ 70.03 ADDITIONAL HIGHWAY SIGNS.**

The Council shall order the erection of additional highway signs to convey information or warnings to those traveling on highways. The Council shall maintain an inventory of all such signs erected on or along highways.

(Prior Code, § 70.03) (Ord. 12-19-89, passed 1-16-1990)

**§ 70.04 TRAFFIC ACCIDENT REPORT FEES.**

(A) The Council fixes a fee of \$5 for furnishing copies of accident reports.

(B) Accident report fees shall be expended only pursuant to the procedures and purposes set out in state law.

(Prior Code, § 70.04) (Ord. 09-19-06, passed 9-19-2006)

**§ 70.05 VIOLATIONS.**

Any motorist failing to stop his or her vehicle for a stop sign erected pursuant to this chapter, or who fails to yield the right-of-way at an intersection where a yield sign has been erected, pursuant to the provisions of this chapter, or who shall enter upon any street or road where the town has posted a sign indicating said street or road is closed or that a motorist shall not enter thereon, shall be subject to the penalty set forth in § 10.99.

(Prior Code, § 70.98) (Ord. 12-19-89, passed 1-16-1990) Penalty, see § 10.99

## **CHAPTER 71: PARKING REGULATIONS**

### **Section**

#### ***General Provisions***

- 71.01 No parking zones
- 71.02 Authority of Marshal
- 71.03 Emergency and commercial vehicles
- 71.04 Construction
- 71.05 Parks and recreational areas
- 71.06 Exceptions

#### ***Recreational and Commercial Vehicles***

- 71.20 Definitions
- 71.21 Regulated vehicle parking restrictions
- 71.22 Exclusion for guests
- 71.23 Commercial vehicle parking restrictions

### ***GENERAL PROVISIONS***

#### **§ 71.01 NO PARKING ZONES.**

(A) (1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of any street within the town, except for the east end of Boulevard Way located between the Edgewood Shops and Highway 32.

(2) Parking within 15 feet of a fire hydrant is prohibited.

(3) Any resident of the town may file a written request with the Clerk-Treasurer, Deputy Clerk-Treasurer, Town Marshal, or Deputy Town Marshal to permit individuals to park vehicles on a



specified street or streets in the town for a period not to exceed more than eight hours, which request shall:

(a) Be filed at least 24 hours prior to the date and time when the resident desires permission to park vehicles on the road or roads of the town;

(b) Specify the day (or days) and hours when the resident requests the permit to park vehicles on the street or streets of the town;

(c) Specify the address of the applicant and the street or streets upon which the resident anticipates the vehicles will be parked;

(d) State the reason for requesting exception of the provisions of this section; and

(e) The applicant shall state on the application that he or she will regulate parking on the street or streets specified on the application so that traffic can pass and driveways are not blocked. Upon receipt of such request, the Clerk-Treasurer, Deputy Clerk-Treasurer, Town Marshal, or Deputy Town Marshal, in their discretion may grant permission to park on the street or streets of the town, and, if granted, the official granting the application will endorse the application "approved" and will make a copy for the town's records, and thereafter will notify the Town Marshal, and the Marshal shall notify all of the police officers of the town of the exception which has been granted.

(4) The Clerk-Treasurer may, in his or her sole discretion, deny such request for an exception and shall so endorse the request, and if requested by the applicant, will also endorse on the request his or her reason for denying said request.

(5) Only the Clerk-Treasurer shall deny such a request. In the event the other officials do not believe that they should or can grant such request, they will then refer the request to the Clerk-Treasurer who may deny or approve such request, and if denied, will endorse the reason if requested. Any request referred to the Clerk-Treasurer by another official will be endorsed by that official that it was referred to the Clerk-Treasurer.

(B) Parking on either the paved portion or the street right-of-way of the west side of Golf Club Drive in the immediate area of the tennis court is prohibited.

(C) The parking of vehicles on the yard of any residential lot within the town is prohibited. This prohibition is intended to apply to all portions of a resident's yard, including the front yard, side yard, and rear yard.

(Prior Code, § 71.01) (Ord. passed 1-3-1994; Ord. 8-15-95D, passed 9-19-1995; Ord. 091916, passed 9-19-2016) Penalty, see § 10.99

**§ 71.02 AUTHORITY OF MARSHAL.**

The Town Marshal is authorized to move vehicles parked in violation of this chapter or to require the driver or other person in charge of the vehicle to move the same.

(Prior Code, § 71.02)

**§ 71.03 EMERGENCY AND COMMERCIAL VEHICLES.**

The stopping, standing, and parking limitations set forth in this chapter shall not apply to emergency vehicles, U.S. Postal Service vehicles, utility service vehicles, lawn service vehicles, vehicles operated by contractors, and other business or commercial vehicles, but only to the extent that the stopping, standing, or parking of such vehicles is necessary so that services can be provided to or work can be performed for town residents, and then only to the extent that the disruption of traffic and/or the blocking of streets within the town is minimized.

(Prior Code, § 71.03) (Ord. 06-15-15, passed 6-15-2015)

**§ 71.04 CONSTRUCTION.**

(A) If any person shall install any gas, water, sewer, or other public utility lines and shall cross any street, the lines shall be placed by tunneling under the pavement of the street, and that person shall then fill in and tightly compress the earth.

(B) No person shall cut, excavate, or alter the pavement of any street to install any public utility line without first obtaining the written consent of the Council.

(Prior Code, § 71.04) Penalty, see § 10.99

**§ 71.05 PARKS AND RECREATIONAL AREAS.**

(A) No automobiles, snowmobiles, motorcycles, and other motor-powered vehicles shall park in or upon areas which the town has designated parks and recreational areas. The Park Commissioner shall erect signs to that effect.

(B) No automobile, snowmobile, motorcycle, and other motor-powered vehicle shall drive in, over, and across areas upon which the town has designated parks and recreational areas. The Park Commissioner shall erect signs to that effect.

(Prior Code, § 71.05) Penalty, see § 10.99

**§ 71.06 EXCEPTIONS.**

Section 71.05 shall not apply to vehicles used by the employees and officers of the town while performing official business.

(Prior Code, § 71.05)

***RECREATIONAL AND COMMERCIAL VEHICLES*****§ 71.20 DEFINITIONS.**

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

***BOAT.*** All types of water craft, whether registered or unregistered, licensed or unlicensed. The term ***BOAT*** shall include any wheeled trailer or other device on which such boat is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

***COMMERCIAL VEHICLE.*** Any van, truck, bus, or other vehicle that is used for commercial purposes, the size of which exceeds any one or more of the following dimensions: 22 feet in length, seven feet in width, or nine feet in height.

***REGULATED VEHICLE.*** All types of recreational vehicles, fifth wheels, campers, and motor homes, whether self-propelled or not, that are designed as temporary living quarters for recreation or camping (but excluding shells attached to the bed or frame of a pick-up truck). For the purposes of this subchapter, ***REGULATED VEHICLE*** shall also include boat as that term is defined above, and non-boat trailers of any size.

(Prior Code, § 71.10) (Ord. 3-18-03, passed 4-15-2003; Ord. 2-22-21, passed 2-22-2021)

**§ 71.21 REGULATED VEHICLE PARKING RESTRICTIONS.**

(A) A regulated vehicle may be parked on a driveway, but in that event, no part of the regulated vehicle shall be closer than 25 feet from the center of the street.

(B) In the event it is not possible to park the regulated vehicle on a driveway, the regulated vehicle shall be parked in a side yard or rear yard, but not a front yard, provided that no part of the regulated vehicle is closer than five feet from the exterior property line.

(C) In the event there is a need to park in a side yard or back yard, the regulated vehicle shall be parked on a hard surface such as pavement, concrete, or gravel.

(D) Regulated vehicles shall not be parked or stored where such parking or storage shall constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.

(E) Regulated vehicles shall not be occupied for living purposes on the premises, except as allowed in § 71.22 below.

(F) Parking of regulated vehicles is permitted only for the purpose of storing the vehicles within residential districts, and such vehicles shall not:

(1) Be used for the storage of goods, materials, or equipment other than those items considered to be part of the vehicle essential for immediate use; or

(2) Discharge or discard litter, effluent, sewage, or other matter into any public right-of-way or upon any private property while parked.

(G) Regulated vehicles shall not be used for business purposes.

(H) Repair, alteration, refurbishing, or maintenance of regulated vehicles shall not be conducted outdoors in a residential district unless such work can be completed within a five-day period. If a period in excess of five days is required for any such work, an application shall be made to the Building Commissioner for an extension of said five-day period.

(1) The Building Commissioner, or his or her designee, shall approve or disapprove said application for extension within ten days after submission.

(2) In the event the Building Commissioner denies said application for extension, the applicant may appeal said ruling to the Board of Zoning Appeals.

(I) All regulated vehicles shall be operable and, if required by law to be licensed, shall be required to maintain a current license plate and registration.

(J) All regulated vehicles, if required by law to be titled, must be titled to one or more of the owners or tenants of the real estate upon which they are located.

(K) No regulated vehicles shall be permitted to leak or discharge fuels, lubricants, anti-freeze, or similar substances onto the ground.

(L) Boats must be properly covered.

(Prior Code, § 71.11) (Ord. 3-18-03, passed 4-15-2003) Penalty, see § 10.99

**§ 71.22 EXCLUSION FOR GUESTS.**

(A) Regulated vehicles used by guests of the owner or owner or tenant of real estate upon which the regulated vehicle is located may be occupied or used for living, sleeping, or housekeeping for a period not to exceed three days.

(B) If a period in excess of three days is required, application shall be made to the Building Commissioner for an extension of said three-day period.

(1) The Building Commissioner, or his or her designee, shall approve or disapprove said application for extension within ten days after submission.

(2) In the event the Building Commissioner denies the application for the extended period, the applicant may appeal said ruling to the Board of Zoning Appeals.

(Prior Code, § 71.12) (Ord. 3-18-03, passed 4-15-2003) Penalty, see § 10.99

**§ 71.23 COMMERCIAL VEHICLE PARKING RESTRICTIONS.**

The storage or parking of any van, truck, bus, or other vehicle that is used for commercial purposes, the size of which exceeds any one or more of the following dimensions: 22 feet in length, seven feet in width, or nine feet in height, on any residentially-zoned lot is prohibited.

(Prior Code, § 71.13) (Ord. 3-18-03, passed 4-15-2003; Ord. 2-22-21, passed 2-22-2021) Penalty, see § 10.99

## CHAPTER 72: RECREATIONAL VEHICLES

### Section

#### *Golf Carts*

- 72.01 Definitions
- 72.02 Registrations and inspection
- 72.03 Insurance
- 72.04 License requirement
- 72.05 Designated roads
- 72.06 Passengers
- 72.07 Rules and regulations
- 72.08 Hours of operation
- 72.09 Exclusions
  
- 72.99 Penalty

#### ***GOLF CARTS***

### **§ 72.01 DEFINITIONS.**

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

***GOLF CART.*** As defined in I.C. 9-13-2-69.7, as may be amended from time to time, means a four-wheeled motor vehicle originally and specifically designated and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

#### ***MOTORIZED CART.***

(1) As defined in I.C. 14-19-1-0.5, as may be amended from time to time, means, a conveyance that is:

- (a) Motor driven, either by gas or electricity;
  - (b) Used to carry passengers or equipment; and
  - (c) Smaller than the types of motor vehicles required to be registered by the Bureau of Motor Vehicles such as a:
    - 1. Passenger motor vehicle (as defined in I.C. 9-13-2-123);
    - 2. Recreational vehicle (as defined in I.C. 9-13-2-150); or
    - 3. Truck (as defined in I.C. 9-13-2-188). A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.
  - (2) The term does not include:
    - (a) An electric personal assistive mobility device (as defined in I.C. 9-13-2-49.3);
    - (b) A motorcycle (as defined in I.C. 9-13-2-108);
    - (c) A motor driven cycle (as defined in I.C. 9-13-2-104.1);
    - (d) An off-road vehicle; or
    - (5) An electric foot scooter (as defined in I.C. 9-13-2-49.4).
- (Ord. 101623A, passed 10-10-2023)

## **§ 72.02 REGISTRATIONS AND INSPECTION.**

- (A) Any owner of a golf cart or motorized cart desiring to operate the same on town streets must annually register the golf cart with the town's Police Department.
- (B) The town's Police Department is charged with the responsibility of inspecting and registering golf carts and motorized carts to ensure the golf cart or motorized cart is in compliance with state law and the requirements set forth in this subchapter. The Police Department shall also maintain records of the inspection and registration for golf carts and motorized carts.
- (C) Inspections must be completed annually and will expire on August 30 of every calendar year.
- (D) Inspections can be conducted by contacting the town's Police Department for an appointment.

(E) Upon registration and inspection of the golf cart or motorized cart, the owner of said golf cart or motorized cart shall receive an inspection sticker if the golf cart or motorized cart passes inspection. The inspection sticker shall be placed and displayed at all times on the outside of the windshield on the lower passenger side of the golf cart or motorized cart.

(F) Inspection stickers shall not be transferred to another person.

(G) The cost of the registration and inspection fee is \$100 per golf cart or motorized cart per year.

(H) All fees from the registration and inspections of golf carts and motorized carts shall be deposited in the town's Law Enforcement Fund.  
(Ord. 101623A, passed 10-10-2023)

### **§ 72.03 INSURANCE.**

The owner of any registered golf cart or motorized cart on any town roadway or highway shall maintain recreational vehicle insurance with a minimum amount of \$25,000 for bodily injury to or the death of one individual, \$50,000 for bodily injury to or the death of two or more individuals in any one accident, and \$25,000 for damage to or the destruction of property in one accident. At the request of a law enforcement officer, the owner shall provide a certificate of insurance or other proof of insurance coverage.  
(Ord. 101623A, passed 10-10-2023)

### **§ 72.04 LICENSE REQUIREMENT.**

Pursuant to I.C. 9-24-1-7(b), an operator of a golf cart or motorized cart that is characterized as a golf cart pursuant to I.C. 14-19-1-0.5 must have a valid driver's license.  
(Ord. 101623A, passed 10-10-2023)

### **§ 72.05 DESIGNATED ROADS.**

(A) Golf carts and motorized carts are prohibited from operating on Park Road and State Road 32 except to cross Park Road and State Road 32 perpendicular to the flow of traffic. If the town establishes crossing zones on State Road 32 and posts signage identifying the zones, golf carts and motorized carts shall only cross State Road 32 in the designated zones.

(B) The Town Council shall prohibit the use of golf carts and motorized carts on roads, streets, or highways that are under the jurisdiction of the town if the operation of golf carts and motorized carts



poses a danger. This section may be amended from time to time to include those roads deemed unsuitable for their use.

(Ord. 101623A, passed 10-10-2023) Penalty, see § 72.99

#### **§ 72.06 PASSENGERS.**

The number of persons permitted on any golf cart or motorized cart is six persons, and there shall be not more than three rows of seats.

(Ord. 101623A, passed 10-10-2023) Penalty, see § 72.99

#### **§ 72.07 RULES AND REGULATIONS.**

The operator of a golf cart and motorized cart shall adhere to and follow all traffic rules and regulations as set forth in state law, and, in addition thereto, the following.

(A) The operator of the golf cart or motorized cart shall drive the golf cart or motorized cart as close to the curb/edge of the street/road as possible and must yield to other vehicles on the road.

(B) Golf carts and motorized carts shall not be operated on sidewalks, walking paths, or in any town park.

(C) Golf carts and motorized carts must be equipped with all of the following:

- (1) Headlights and taillights;
- (2) Turn signals;
- (3) Brake lights;
- (4) Windshield that extends above the height of the operator;
- (5) Rearview mirrors; and
- (6) Adequate brakes.

(D) No children under three years of age shall be permitted to ride in or on a golf cart or motorized cart.

(E) The maximum speed by which golf carts and motorized carts shall operate is the lesser of 30 mph or the posted speed limit.

(Ord. 101623A, passed 10-10-2023) Penalty, see § 72.99

**§ 72.08 HOURS OF OPERATION.**

The hours of operation allowed for golf carts and motorized carts are from 6:00 a.m. to 11:00 p.m. golf carts and motorized carts must have lighted headlights and taillights one hour after sunrise and one hour prior to sunset.

(Ord. 101623A, passed 10-10-2023) Penalty, see § 72.99

**§ 72.09 EXCLUSIONS.**

(A) This subchapter shall not apply to any golf carts or motorized carts owned by the town and used by the town for official town business.

(B) This subchapter shall not apply to golf carts or motorized carts being operated in a parade or other function sanctioned and authorized by the town.

(Ord. 101623A, passed 10-10-2023)

**§ 72.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person who violates §§ 72.01 through 72.09 shall be fined up to and in an amount not to exceed the amount specified in the town's uniform fine schedule, that is, \$100 for a first offense, \$200 for a second offense, and not less than \$300 nor more than \$2,500 for a third offense.

(2) Monies collected for a violation of §§ 72.01 through 72.09 shall be deposited into the town's General Fund pursuant to I.C. 9-21-1-3.3.

(Ord. 101623A, passed 10-10-2023)



## CHAPTER 73: TRAFFIC SCHEDULES

### Schedule

- I. Four-way stop intersections
- II. Stop streets
- III. Yield intersections
- IV. One-way streets
- V. Through streets

### SCHEDULE I. FOUR-WAY STOP INTERSECTIONS.

The following intersections are designated as four-way stop intersections. Stop signs shall be erected facing the traffic approaching both streets. After the stop signs are erected as herein authorized, at or near such intersections, every driver of a motor vehicle approaching such intersection on either street shall stop for the intersection as herein provided.

| <i>Intersection</i>                       | <i>Ord. No.</i> | <i>Date Passed</i> |
|-------------------------------------------|-----------------|--------------------|
| Central Way and Winding Way               | 6-20-00         | 6-20-2000          |
| Laurel Lane at Edgewood Drive             | 6-20-00         | 6-20-2000          |
| Maple Road and Winding Way and Woods Road | 6-20-00         | 6-20-2000          |

(Prior Code, Ch. 72 Sched. I) Penalty, see § 10.99



**SCHEDULE II. STOP STREETS.**

The following intersections are designated as stop intersections. Stop signs shall be erected facing the traffic approaching the street which intersects with the designated stop street. After the stop signs are erected as herein authorized at or near such intersections, every driver/operator of a vehicle approaching such street which intersects with the designated stop street shall stop for said intersecting street as herein provided.

| <i>Stop Street</i> | <i>Direction of Travel</i> | <i>Location</i>   | <i>Ord. No.</i> | <i>Date Passed</i> |
|--------------------|----------------------------|-------------------|-----------------|--------------------|
| Beechwood Lane     | East                       | At Park Road      | 6-20-00         | 6-20-2000          |
| Beechwood Lane     | East and West              | At Berkeley Road  | 6-20-00         | 6-20-2000          |
| Beechwood Lane     | West                       | At Ivy Drive      | 6-20-00         | 6-20-2000          |
| Berkeley Road      | North                      | At Beechwood Lane | 6-20-00         | 6-20-2000          |
| Berkeley Road      | West                       | At Ivy Drive      | 6-20-00         | 6-20-2000          |
| Boulevard Way      | West                       | At Edgewood Drive | 6-20-00         | 6-20-2000          |
| Central Way        | North                      | At Winding Way    | 6-20-00         | 6-20-2000          |
| Cherry Road        | East                       | At Park Road      | 6-20-00         | 6-20-2000          |
| Cherry Road        | West                       | At Edgewood Drive | 6-20-00         | 6-20-2000          |
| Colony Road        | North                      | At Woods Road     | 6-20-00         | 6-20-2000          |
| Colony Road        | North and South            | At Winding Way    | 6-20-00         | 6-20-2000          |
| Davis Drive        | East                       | At Elm Court      | 6-20-00         | 6-20-2000          |
| Davis Drive        | South                      | At Woods Road     | 6-20-00         | 6-20-2000          |

**Edgewood - Traffic Code**

| <i>Stop Street</i> | <i>Direction of Travel</i> | <i>Location</i>      | <i>Ord. No.</i> | <i>Date Passed</i> |
|--------------------|----------------------------|----------------------|-----------------|--------------------|
| Davis Drive        | West                       | At Pershing Drive    | 6-20-00         | 6-20-2000          |
| Davisson Drive     | Southeast                  | At Donnelly Drive    | 6-20-00         | 6-20-2000          |
| Dogwood Drive      | East                       | At Edgewood Drive    | 6-20-00         | 6-20-2000          |
| Dogwood Drive      | East and West              | At Orchard Lane      | 6-20-00         | 6-20-2000          |
| Dogwood Drive      | East and West              | At South Winding Way | 6-20-00         | 6-20-2000          |
| Dogwood Drive      | West                       | At Central Way       | 6-20-00         | 6-20-2000          |
| Donnelly Drive     | East                       | At Winding Way       | 6-20-00         | 6-20-2000          |
| Edgewood Court     | Northeast                  | At Edgewood Drive    | 6-20-00         | 6-20-2000          |
| Edgewood Drive     | North and South            | At Manor Road        | 6-20-00         | 6-20-2000          |
| Edgewood Drive     | South                      | At Berkeley Road     | 6-20-00         | 6-20-2000          |
| Elm Court          | South                      | At Willow Road       | 6-20-00         | 6-20-2000          |
| Forse Drive        | North                      | At Manor Road        | 6-20-00         | 6-20-2000          |
| Forse Drive        | South                      | At Maple Road        | 6-20-00         | 6-20-2000          |
| Garden Court       | North                      | At Winding Way       | 6-20-00         | 6-20-2000          |

## Traffic Schedules

21

| <i>Stop Street</i> | <i>Direction of Travel</i> | <i>Location</i>    | <i>Ord. No.</i> | <i>Date Passed</i> |
|--------------------|----------------------------|--------------------|-----------------|--------------------|
| Golf Club Drive    | East                       | At Gold Club Road  | 6-20-00         | 6-20-2000          |
| Gold Club Road     | East                       | At Winding Way     | 6-20-00         | 6-20-2000          |
| Golf Club Road     | North and South            | At Knoll Road      | 6-19-01B        | 6-19-2001          |
| Golf Club Road     | North and South            | At Linden Lane     | 6-19-01B        | 6-19-2001          |
| Hawthorne Road     | East                       | At Park Road       | 6-20-00         | 6-20-2000          |
| Hawthorne Road     | West                       | At Edgewood Drive  | 6-20-00         | 6-20-2000          |
| Ivy Drive          | North                      | At Beechwood Lane  | 6-20-00         | 6-20-2000          |
| Ivy Drive          | North                      | At Westfield Drive | 6-20-00         | 6-20-2000          |
| Ivy Drive          | North and South            | At Oakwood Drive   | 6-20-00         | 6-20-2000          |
| Ivy Drive          | North and South            | At Redwood Road    | 6-20-00         | 6-20-2000          |
| Ivy Drive          | North and South            | At Tulip Street    | 6-20-00         | 6-20-2000          |
| Knoll Road         | East                       | At Winding Way     | 6-20-00         | 6-20-2000          |
| Knoll Road         | West                       | At Golf Club Road  | 6-20-00         | 6-20-2000          |
| Laurel Lane        | East                       | At Park Road       | 6-20-00         | 6-20-2000          |



## Edgewood - Traffic Code

| <i>Stop Street</i> | <i>Direction of Travel</i> | <i>Location</i>    | <i>Ord. No.</i> | <i>Date Passed</i> |
|--------------------|----------------------------|--------------------|-----------------|--------------------|
| Laurel Lane        | West                       | At Central Way     | 6-20-00         | 6-20-2000          |
| Laurel Lane        | West                       | At Orchard Lane    | 6-20-00         | 6-20-2000          |
| Linden Lane        | East                       | At Tower Road      | 6-20-00         | 6-20-2000          |
| Linden Lane        | West                       | At Golf Club Road  | 6-20-00         | 6-20-2000          |
| Logamar Lane       | East                       | At Eighth Street   | 6-20-00         | 6-20-2000          |
| Longfellow Road    | North                      | At Eighth Street   | 6-20-00         | 6-20-2000          |
| Longfellow Road    | South                      | At Hawthorne Road  | 6-20-00         | 6-20-2000          |
| Magnolia Drive     | North                      | At Windsow Way     | 6-20-00         | 6-20-2000          |
| Magnolia Drive     | South                      | At Laurel Lane     | 6-20-00         | 6-20-2000          |
| Manor Road         | East                       | At Park Road       | 6-20-00         | 6-20-2000          |
| Manor Road         | West                       | At Davis Drive     | 6-20-00         | 6-20-2000          |
| Maple Road         | East                       | At Park Road       | 6-20-00         | 6-20-2000          |
| North Park Drive   | North                      | At Linden Lane     | 6-20-00         | 6-20-2000          |
| North Park Drive   | Southwest                  | At Golf Club Drive | 6-20-00         | 6-20-2000          |

## Traffic Schedules

23

| <i>Stop Street</i> | <i>Direction of Travel</i> | <i>Location</i>      | <i>Ord. No.</i> | <i>Date Passed</i> |
|--------------------|----------------------------|----------------------|-----------------|--------------------|
| Northway Court     | South                      | At Donnelly Drive    | 6-20-00         | 6-20-2000          |
| Oakwood Drive      | East                       | At Park Road         | 6-20-00         | 6-20-2000          |
| Oakwood Drive      | East and West              | At Edgewood Drive    | 6-20-00         | 6-20-2000          |
| Oakwood Drive      | West                       | At South Winding Way | 6-20-00         | 6-20-2000          |
| Orchard Lane       | North                      | At Maple Road        | 6-20-00         | 6-20-2000          |
| Orchard Lane       | South                      | At Westfield Drive   | 6-20-00         | 6-20-2000          |
| Orchard Lane       | South                      | At Windsor Way       | 6-20-00         | 6-20-2000          |
| Pershing Drive     | North                      | At Winding Way       | 6-20-00         | 6-20-2000          |
| Pershing Drive     | South                      | At Willow Road       | 6-20-00         | 6-20-2000          |
| Redwood Road       | East                       | At Park Road         | 6-20-00         | 6-20-2000          |
| Redwood Road       | East and West              | At Edgewood Road     | 6-20-00         | 6-20-2000          |
| Redwood Road       | West                       | At South Winding Way | 6-20-00         | 6-20-2000          |
| Sixteenth Street   | West                       | At Park Road         | 6-20-00         | 6-20-2000          |
| South Park Drive   | East                       | At Tower Road        | 6-20-00         | 6-20-2000          |

**Edgewood - Traffic Code**

| <i>Stop Street</i>   | <i>Direction of Travel</i> | <i>Location</i>   | <i>Ord. No.</i> | <i>Date Passed</i> |
|----------------------|----------------------------|-------------------|-----------------|--------------------|
| South Park Drive     | Southwest                  | At Golf Club Road | 6-20-00         | 6-20-2000          |
| Sunset Drive         | North and South            | At Winding Way    | 6-20-00         | 6-20-2000          |
| Sunset Drive (North) | West                       | At Winding Way    | 6-20-00         | 6-20-2000          |
| Sunset Drive (South) | Southwest                  | At Winding Way    | 6-20-00         | 6-20-2000          |
| Tower Road           | North                      | At Winding Way    | 6-20-00         | 6-20-2000          |
| Tulip Street         | East                       | At Edgewood Drive | 6-20-00         | 6-20-2000          |
| Tulip Street         | West                       | At Winding Way    | 6-20-00         | 6-20-2000          |
| Washington Court     | North                      | At Winding Way    | 6-20-00         | 6-20-2000          |
| Wertz Road           | North                      | At Manor Road     | 6-20-00         | 6-20-2000          |
| Wertz Road           | South                      | At Maple Road     | 6-20-00         | 6-20-2000          |
| Westfield Drive      | East and West              | At Edgewood Drive | 6-20-00         | 6-20-2000          |
| Willow Road          | East and West              | At Davis Drive    | 6-20-00         | 6-20-2000          |
| Willow Road          | West                       | At Central Way    | 6-20-00         | 6-20-2000          |
| Winding Way          | Northeast                  | At Eighth Street  | 6-20-00         | 6-20-2000          |

## Traffic Schedules

25

| <i>Stop Street</i> | <i>Direction of Travel</i> | <i>Location</i>   | <i>Ord. No.</i> | <i>Date Passed</i> |
|--------------------|----------------------------|-------------------|-----------------|--------------------|
| Windsor Way        | East and West              | At Edgewood Drive | 6-20-00         | 6-20-2000          |
| Windsor Way        | West                       | At Central Way    | 6-20-00         | 6-20-2000          |
| Woodmere Road      | South                      | At Winding Way    | 6-20-00         | 6-20-2000          |
| Woods Road         | West                       | At Central Way    | 6-20-00         | 6-20-2000          |

(Prior Code, Ch. 72 Sched. II) Penalty, see § 10.99



**SCHEDULE III. YIELD INTERSECTIONS.**

At the following intersections, appropriate yield right-of-way signs shall be erected. When such yield right-of-way signs are erected as herein authorized at or near the entrance of any intersection, every driver of a motor vehicle approaching a yield right-of-way sign shall yield the right-of-way to all other motor vehicles which are in the intersection or approaching so closely as to constitute an immediate hazard, but otherwise, a full stop shall not be required by the provisions of this section.

| <i>Street</i>    | <i>Direction</i> | <i>Yield To</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
|------------------|------------------|-----------------|-----------------|--------------------|
| Elm Court        | East             | Elm Court       | 6-20-00         | 6-20-2000          |
| Holly Lane       | West             | Donnelly Drive  | 6-20-00         | 6-20-2000          |
| Laurel Lane      | North            | Dogwood Drive   | 6-20-00         | 6-20-2000          |
| Sixteenth Street | East             | Weslow Court    | 6-20-00         | 6-20-2000          |
| Windsor Way      | South            | Dogwood Drive   | 6-20-00         | 6-20-2000          |

(Prior Code, Ch. 72 Sched. III) Penalty, see § 10.99



**SCHEDULE IV. ONE-WAY STREETS.**

The following streets are designated as one-way streets.

| <i>Street</i>   | <i>Direction</i>  | <i>Location</i>                                                                                                                                                                                                                         | <i>Ord. No.</i> | <i>Date Passed</i> |
|-----------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------|
| Town Hall Drive | North to<br>South | From the front entrance of the<br>Edgewood Country Club,<br>having both its entrance and<br>exit on to Golf Club Road as indicated<br>by signs erected and maintained at the<br>entrance and exit of this street onto<br>Golf Club Road | 6-20-00         | 6-20-2000          |

(Prior Code, Ch. 72 Sched. IV) Penalty, see § 10.99





**SCHEDULE V. THROUGH STREETS.**

All vehicles shall stop before entering or crossing the streets or highways listed in the following schedule, as indicated by stop signs erected and maintained at each street intersecting the street or highway, and when erected, every driver/operator of a motor vehicle approaching the stop sign shall stop before entering or crossing the designated through street or highway.

| <i>Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
|---------------|-----------------|--------------------|
| Eighth Street | 6-20-00         | 6-20-2000          |
| State Road 32 | 6-20-00         | 6-20-2000          |

(Prior Code, Ch. 72 Sched. V) Penalty, see § 10.99



## **TITLE IX: GENERAL REGULATIONS**

### **Chapter**

**90. ABANDONED AND JUNK VEHICLES**

**91. ANIMALS**

**92. DISCRIMINATORY PRACTICES**

**93. FIRE PREVENTION**

**94. NUISANCES**

**95. PARKS AND RECREATION**

**96. SMOKING**

**97. STREETS AND SIDEWALKS**

**98. NOISE CONTROL**

**99. TREES**



## CHAPTER 90: ABANDONED AND JUNK VEHICLES

### Section

- 90.01 Definitions
- 90.02 Declaration of nuisance
- 90.03 Prohibited acts
- 90.04 Notice to remove
- 90.05 Exceptions
- 90.06 Removal by town
- 90.07 Chapter to be supplemental

### § 90.01 DEFINITIONS.

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

***ABANDONED.*** When used in conjunction with the term ***VEHICLE***, means:

- (1) Any vehicle located on public or private premises which does not have lawfully affixed thereto or displayed thereon a valid, unexpired license plate permitting its operation upon the highways of the state;
- (2) Any vehicle which is left on public premises continuously without being moved for a period of ten days;
- (3) Any vehicle located on public premises illegally or in such a manner as to constitute a hazardous obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, alley, or street;
- (4) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises for more than five days; and
- (5) Any vehicle from which there has been removed the engine or transmission or differential, or which is otherwise partially dismantled, inoperable, or incapable of permitting regular use for the

purpose of transportation and left on a private premises in a location visible from regular premises, or left on public premises.

**PERSON.** The last known record title holder to a vehicle according to the records of the State Bureau of Motor Vehicles.

**PRIVATE PREMISES.** All privately owned property located within the town which is not classified within the definition of **PUBLIC PREMISES**.

**PUBLIC PREMISES.** Any public right-of-way, alley, street, highway, park, or other municipally owned property.

**VEHICLE.** Any motor vehicle, automobile, motorcycle, truck trailer, semi-trailer, truck tractor, bus, school bus, recreational vehicle, or motor bicycle.  
(Prior Code, § 90.01) (Ord. 10-20-1998A, passed 10-20-1998)

#### **§ 90.02 DECLARATION OF NUISANCE.**

Because of the danger to health from vermin and insects, and because of the danger to the safety of children attracted by these vehicles, abandoned or junked motor vehicles are declared to be nuisances.  
(Prior Code, § 90.02) (Ord. 10-20-1998A, passed 10-20-1998)

#### **§ 90.03 PROHIBITED ACTS.**

(A) It shall be unlawful for any person to abandon a vehicle on any public premises or private premises, or allow an abandoned vehicle to remain on any public premises or private premises.

(B) Whenever the Town Marshal shall find any abandoned vehicle in violation of this chapter, the Marshal shall issue an order to the owner of the abandoned vehicle to remove the vehicle within ten days.  
(Prior Code, § 90.03) (Ord. 10-20-1998A, passed 10-20-1998) Penalty, see § 10.99

#### **§ 90.04 NOTICE TO REMOVE.**

(A) Notice of an order to remove an abandoned vehicle shall be served as follows:

- (1) Affixed to the abandoned vehicle in a conspicuous place;

(2) Personally delivered to any adult occupying the real estate upon which the abandoned vehicle is located; and/or

(3) Personally delivered to the owner of the abandoned vehicle if the owner can be found within the town.

(B) If either the occupant of the real estate or the owner of the abandoned vehicle cannot be found, a notice shall be affixed to any building or other conspicuous place on the real estate which shall constitute notice to the owner and occupant of the real estate and to the owner of the abandoned vehicle.

(C) The Town Marshal is assigned the responsibility for removal, storage, and disposal of abandoned vehicles as public agency, as that term is used and defined in I.C. 9-22-1-3.  
(Prior Code, § 90.04) (Ord. 10-20-1998A, passed 10-20-1998)

#### **§ 90.05 EXCEPTIONS.**

The provisions of this chapter shall not apply to the following:

(A) Any vehicle that is considered inventory in a vehicle sales business;

(B) Any vehicle awaiting service at a commercial vehicle servicing facility;

(C) Any vehicle that is located on premises duly licensed as a junkyard, (vehicle) graveyard, or scrap-processing facility; and/or

(D) Any vehicle that is licensed as an antique motor vehicle with the State Bureau of Motor Vehicles.  
(Prior Code, § 90.05) (Ord. 10-20-1998A, passed 10-20-1998)

#### **§ 90.06 REMOVAL BY TOWN.**

If any abandoned vehicle in violation of this chapter is not removed within the time fixed, the Town Marshal shall cause such abandoned vehicle to be removed by a salvage yard or wrecker service. The cost and expense of such removal shall be paid by the owner of the vehicle.  
(Prior Code, § 90.06) (Ord. 10-20-1998A, passed 10-20-1998)

#### **§ 90.07 CHAPTER TO BE SUPPLEMENTAL.**

The provisions of this chapter are declared to be supplemental to all other ordinances of the town.  
(Prior Code, § 90.07) (Ord. 10-20-1998A, passed 10-20-1998)





## **CHAPTER 91: ANIMALS**

### **Section**

#### ***General Provisions***

- 91.01 Definitions
- 91.02 Adoption of animals
- 91.03 Restraint
- 91.04 Abuse of animals
- 91.05 Permitted animals
- 91.06 Maintaining sanitary conditions within the town
- 91.07 Negative impact of feral cats

#### ***Dogs***

- 91.20 Taxation of dogs

#### ***Rabies; Vaccinations; Impoundment***

- 91.35 Vaccinations
- 91.36 Vaccination certificates
- 91.37 Impoundment of suspected animals
- 91.38 Notification of authorities
- 91.39 Restraining of suspected animals

#### ***Complaints and Enforcement***

- 91.50 Investigation of complaints; enforcement

#### ***Cross-reference:***

*Dogs in park, see §§ 95.15 and 95.16*

***GENERAL PROVISIONS*****§ 91.01 DEFINITIONS.**

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

***ANIMAL.*** Any live, vertebrate creature, domestic or wild.

***ANIMAL SHELTER.*** Facilities in the City of Anderson/Madison County that care for animals found at large. Animal Shelter or Animal Protection League.

***AT LARGE.*** Not under restraint.

***DOMESTIC ANIMAL.*** As defined by state law.

***HARBORING.*** Permitting any animal to remain or to be fed within any person's enclosure, place of business, residence, or any premises controlled by that person for more than three consecutive days.

***OWNER.*** Any person harboring an animal.

***PERSON.*** As defined by state law.

***PUBLIC NUISANCE.*** Any animal which is at large; or which attacks or molests other animals, humans, or passing vehicles; or which damages property; or which disturbs a reasonable person with continuous or excessive noise.

***RESTRAINT.*** Confinement within the property of the owner or securing by a lead or leash.

***STRAY.*** An animal whose owner cannot be identified following reasonable inquiry.

***VICIOUS ANIMAL.*** Any animal constituting an immediate and serious danger to humans or to other animals.

(Prior Code, § 91.01) (Ord. 12-21-20B, passed 1-25-2021)

**§ 91.02 ADOPTION OF ANIMALS.**

(A) Adoptions may be approved by either the Animal Shelter or the Animal Protection League.

(B) Any resident of the town who adopts a cat or dog shall be responsible to seek neutering, when appropriate, by a veterinarian.

(Prior Code, § 91.02) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

### **§ 91.03 RESTRAINT.**

(A) The owner shall exercise due care to prevent his or her animal from becoming a public nuisance. All animals, except cats, shall be kept under restraint. Each female animal in estrus shall be confined to prevent mating, unless for planned breeding.

(B) The Town Marshal or Officer shall order the confinement of any animal believed to be vicious. Confining of a vicious animal shall be within a building or secure enclosure by its owner.

(C) Any animal constituting a public nuisance shall be taken to either the Animal Shelter or Animal Protection League and impounded. A list of impounded animals shall be maintained. The owner of the impounded animal shall pay a fee that is determined by the impound facility. Animals not claimed become the property of the facility and shall be adopted or humanely euthanized.

(Prior Code, § 91.03) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

### **§ 91.04 ABUSE OF ANIMALS.**

(A) When the operator of a motor vehicle strikes an animal, he or she shall stop at once and render all possible assistance. The operator of the motor vehicle shall immediately report the injury or death of the animal to its owner. If the owner cannot be immediately ascertained and located, the operator of the motor vehicle shall report the incident immediately to the Town Police Department.

(B) No person shall knowingly set out a poisonous substance, whether mixed with food or not, which can be eaten by any animal. However, a person may set out a common rat or mouse poison, unmixed or mixed with vegetable substances, on his or her property.

(Prior Code, § 91.04) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

### **§ 91.05 PERMITTED ANIMALS.**

(A) It shall be unlawful for any resident of the town to:

(1) Harbor hogs, pigs, horses, chickens, turkeys, or similar animals on his or her property that would typically be considered livestock, farm animals, or poultry;

(2) Harbor exotic animals on their property that would not typically be considered a domestic animal or a household pet;

(3) Operate on his or her property the business of boarding or breeding animals; or

(4) Harbor so many animals on his or her property, even if permitted animals, that their presence creates a public nuisance.

(B) This section regulating animals intentionally omits a listing of prohibited animals. This section shall be interpreted so that animals harbored by town residents shall not become a public nuisance, and so that animals harbored by town residents shall not adversely affect the quality of life or property values of other town residents.

(C) To the extent there is an issue about whether a resident is permitted to harbor a certain animal or certain number of animals on their property, such issue shall be referred to the Town Council. The Town Council shall consider the issue at its next regular monthly meeting. The decision of the Town Council shall be final and conclusive. An aggrieved resident may, however, appeal the decision of the Town Council to the Madison Circuit Court.

(Prior Code, § 91.05) (Ord. 12-11-17, passed 12-11-2017; Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

#### **§ 91.06 MAINTAINING SANITARY CONDITIONS WITHIN THE TOWN.**

(A) Any person who owns, keeps, harbors, or has charge/control of any animal (hereafter, “the responsible person”) shall immediately collect and remove any and all feces deposited by the animal on public property or on private property not occupied or under control of the responsible person.

(B) While a responsible person is with any such animal on property not occupied by or under the control of the responsible person, the responsible person shall have in his or her immediate physical possession a means to collect and sanitarily dispose of all the animal’s fecal matter deposited on public property or the private property of another.

(C) A responsible person shall keep premises or land occupied by or under the control of the responsible person free from accumulations of animal fecal matter that are unhealthy to any person or persons, or are unhealthy or offensive to the neighborhood. The premises on which any animal is kept shall be maintained in a clean and sanitary condition so that the premises do not attract rodents, flies, or insects, and so that animal waste does not adversely affect other persons or the neighborhood.

(Prior Code, § 91.06) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

**§ 91.07 NEGATIVE IMPACT OF FERAL CATS.**

(A) (1) The community is negatively impacted, as well as birds, small mammals, and other wildlife, by feral cats. Feral cats can spread disease and attract such unwanted animals as raccoons. Diseases spread by these roving animals include rabies, roundworm, and ringworm.

(2) These feral colonies tend to grow in certain areas where well-meaning residents continuously feed them. An inordinate number of cats in one area can result in damage to personal property.

(B) For these reasons, residents who continue to place food out for feral and/or stray cats shall be in violation of this section. Residents should be educated and discouraged from feeding feral cats. (Prior Code, § 91.07) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

***DOGS*****§ 91.20 TAXATION OF DOGS.**

The Council levies a tax of \$5 on each dog in the town. It shall be unlawful for any person to keep, own, or harbor a dog within the limits of the town without first obtaining a license and paying the foregoing tax.

(Prior Code, § 91.15) (Ord. 01-17-06, passed 1-17-2006; Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

***RABIES; VACCINATIONS; IMPOUNDMENT*****§ 91.35 VACCINATIONS.**

No person shall harbor any animal which is capable of contracting rabies which is six months or older and which has not been vaccinated against rabies. The anti-rabic vaccine shall be of a type approved by the State Board of Health. The animal shall be given a rabies booster vaccination once every six months. A durable metal tag issued at the time of vaccination shall be firmly affixed to the collar of the animal, and this, with the certificate issued at the time of vaccination, shall be evidence of compliance with this section.

(Prior Code, § 91.30) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

**§ 91.36 VACCINATION CERTIFICATES.**

The owner of any animal required to be vaccinated against rabies under this chapter shall place a vaccination certificate upon the collar of the animal and shall produce proof that any required licenses for the animal have been obtained.

(Prior Code, § 91.33) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

**§ 91.37 IMPOUNDMENT OF SUSPECTED ANIMALS.**

(A) Any domestic animal which has bitten a person or appears to be suffering from rabies or any infectious or dangerous disease shall be impounded at the expense of the owner for a period of not less than 14 days and until it can be determined if the animal is rabid. If the animal dies while impounded, a test shall be conducted, at the expense of the owner, to determine if the animal is rabid. The death of any animal suspected to have been rabid shall be reported to the County Health Officer and the Clerk-Treasurer immediately following the discovery of its death.

(B) Any domestic animal which has been bitten by an animal suspected to be rabid shall be confined for a period of six months at the expense of the owner or shall be destroyed.

(Prior Code, § 91.31) (Ord. 12-21-20B, passed 1-25-2021)

**§ 91.38 NOTIFICATION OF AUTHORITIES.**

No person who knows or suspects that an animal under his or her control is rabid shall allow that animal to leave his or her control except to be taken to the Animal Shelter or a veterinarian. Any person who knows or suspects that an animal is rabid shall immediately notify the Clerk-Treasurer. If any animal capable of contracting rabies bites any person or animal, any physician, hospital, veterinarian, law enforcement officer, or any other person with knowledge of the circumstances shall notify the Clerk-Treasurer. That person or persons shall file a report in the office of the Clerk-Treasurer stating the identity and location of the persons or animals concerned.

(Prior Code, § 91.32) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

**§ 91.39 RESTRAINING OF SUSPECTED ANIMALS.**

The Council shall issue a proclamation ordering all persons to muzzle or place under restraint any animal capable of contracting rabies which is under their control whenever it determines that the existence of rabies or the possibility of its occurrence constitutes a serious and present danger to the residents and animals of the town. The proclamation shall include a date for the expiration of its provisions. The violation of any provision of the proclamation constitutes a violation of this chapter.

(Prior Code, § 91.34) (Ord. 12-21-20B, passed 1-25-2021) Penalty, see § 10.99

***COMPLAINTS AND ENFORCEMENT*****§ 91.50 INVESTIGATION OF COMPLAINTS; ENFORCEMENT.**

(A) Upon receipt of a complaint signed by a competent person, the law enforcement office shall investigate to determine whether there is reasonable suspicion to believe a violation of this chapter has occurred. The complaint must state the nature and date, name and address of the responsible person, and description of the animal.

(B) If the law enforcement officer observes a violation or receives two signed complaints from competent persons residing in two separate homes, the responsible person shall be subject to the following enforcement actions.

(1) If there has been no violation within the past 90 days, the warning citation shall state the date and time of issuance, name and address of the person accused, nature of the offense, and description of the animal involved. This offense must be abated within 72 hours.

(2) If the current violation has been preceded by a single documented violation (warning or citation) in the prior 90 days, the violation citation shall be issued to an appropriate court, where the Town Attorney shall prosecute the offense seeking the imposition of a fine as per this chapter and seeking a court to mitigate the violation.

(3) If the current violation has been preceded by two or more violations (warning or citation) within the prior 90 days, or there are aggravating circumstances, persistent public safety concerns, or a public nuisance, a citation shall be issued.

(Prior Code, § 91.45) (Ord. 12-21-20B, passed 1-25-2021)





## CHAPTER 92: DISCRIMINATORY PRACTICES

### Section

#### *Affirmative Action*

- 92.01 Short title
- 92.02 Intent
- 92.03 Equal opportunity employer
- 92.04 Contractors dealing with town
- 92.05 Application of ordinances

#### *Americans with Disabilities Act (ADA) Policy*

- 92.20 Effective communication
- 92.21 Modifications to policies and procedures
- 92.22 General grievance procedure
- 92.23 Specific complaint procedures

### ***AFFIRMATIVE ACTION***

#### **§ 92.01 SHORT TITLE.**

This subchapter shall be cited as the “Affirmative Action Ordinance.”  
(Prior Code, § 92.01)

#### **§ 92.02 INTENT.**

It is the intent of this subchapter to establish the concept of nondiscrimination as an official policy in all aspects of the employer-employee relationships within the town and in all other business dealings and functions of the town.  
(Prior Code, § 92.02)

**§ 92.03 EQUAL OPPORTUNITY EMPLOYER.**

The town shall provide equal employment opportunity in all aspects of the employer-employee relationship, including recruiting, hiring, training and promotion, conditions and privileges of employment, educational systems, social and recreational programs, compensation benefits, discipline, and termination of employment to all qualified individuals, without discrimination because of age, race, sex, color, religion, handicap as defined by law, or national origin, except when sex or physical requirement is a bona fide occupational qualification as provided by law.

(Prior Code, § 92.03) Penalty, see § 10.99

**§ 92.04 CONTRACTORS DEALING WITH TOWN.**

All surveyors and contractors shall adopt and observe the same standards of nondiscrimination established and observed by the town as set forth in § 92.03.

(Prior Code, § 92.04) Penalty, see § 10.99

**§ 92.05 APPLICATION OF ORDINANCES.**

The town shall apply the provisions of all ordinances approved and adopted by the Town Council equally to the citizens of the town, and to all other persons to whom they apply, without regard to age, race, sex, color, religion, handicap as defined by law, or national origin.

(Prior Code, § 92.05)

***AMERICANS WITH DISABILITIES ACT (ADA) POLICY*****§ 92.20 EFFECTIVE COMMUNICATION.**

(A) The town will, upon request, provide appropriate aids and services leading to effective participation for people with disabilities to participate equally in the town's programs, services, and activities.

(B) Anyone who requires an auxiliary aid or service for effective participation or modification of policies or procedures to participate in a service, program, or activity should contact the office of the ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

(Prior Code, § 92.15) (Ord. 11-20-12, passed 11-20-2012)

**§ 92.21 MODIFICATIONS TO POLICIES AND PROCEDURES.**

(A) The town will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. The ADA (Americans with Disabilities Act of 1990, being 42 U.S.C. §§ 12101 et seq.) does not require the town to take any action that would fundamentally alter the nature of its services or programs, or impose an undue financial or administrative burden to the town. Complaints regarding a service, program, or activity of the town that is not accessible to persons with disabilities should be directed to the ADA Coordinator.

(B) The town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

(Prior Code, § 92.16) (Ord. 11-20-12, passed 11-20-2012)

**§ 92.22 GENERAL GRIEVANCE PROCEDURE.**

The town has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA, being 42 U.S.C. §§ 12131 et seq. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services, or activities sponsored by a public entity.”

(Prior Code, § 92.17) (Ord. 11-20-12, passed 11-20-2012)

**§ 92.23 SPECIFIC COMPLAINT PROCEDURE.**

(A) Complete the Town Grievance Form. The grievance form can be found on the town’s website ([www.townofedgewoodin.us](http://www.townofedgewoodin.us)) or in the ADA Coordinator’s office. A grievance may be communicated in writing, by e-mail, by fax, or by telephone, but must follow the format of the Town Grievance Form.

(B) A grievance concerning the accessibility of the town’s services, programs, or activities should be addressed to:

Town of Edgewood  
3317 Nichol Avenue  
Town of Edgewood, IN 46011  
ATTN: Clerk-Treasurer

(C) A grievance should be filed within 90 days after the grievant party becomes aware of the alleged violation. The ADA Coordinator will send an acknowledgment of receipt of the grievance within 12 working days.

(D) Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator, or his or her designee. In the case of a property or access issue, the grievance will also be investigated by the Town Clerk-Treasurer or Building Commissioner. A thorough investigation affords all interested persons and their representatives an opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file, and the case will be closed.

(E) If an informal resolution of the grievance is not reached within 60 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by the ADA Coordinator to the Executive Officer for approval.

(F) The ADA Coordinator shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of the response to the grievance shall be at the discretion of the Executive Officer.

(G) (1) If the grievant is not satisfied with the town's handling of the grievance at any stage of the process, or does not wish to file a grievance through the town's ADA Title II grievance procedures, the grievant may file a complaint directly with the U.S. Department of Justice, or other appropriate state or federal agency. Use of the town's grievance procedure is not a prerequisite to the pursuit of other remedies.

(2) The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue; the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the service, program, or facility, or cause an undue hardship to the town. Accordingly, the resolution by the town of any one grievance does not constitute a precedent upon which the town is bound or upon which other complaining parties may rely.

(H) The town's ADA Coordinator shall maintain ADA grievance files for three years.  
(Prior Code, § 92.18) (Ord. 11-20-12, passed 11-20-2012)

## **CHAPTER 93: FIRE PREVENTION**

### **Section**

93.01 Open burning restrictions

93.02 Fire Departments to recover service charges for fire protection services

### **§ 93.01 OPEN BURNING RESTRICTIONS.**

The guidelines for open burning are as follows.

(A) Only leaves and wood products should be burned.

(B) Fires should be attended at all times until completely extinguished.

(C) If a fire creates an air pollution problem, a nuisance for neighbors, or a fire hazard, it should be extinguished.

(D) No burning should be conducted during unfavorable meteorological conditions. The town will use the standards set by the Air Pollution Control Board of the City of Anderson in determining whether or not weather conditions are meteorologically unfavorable for burning.

(E) All burning should occur between 9:00 a.m. and 4:00 p.m. If the material being burned has not been consumed by 5:00 p.m., the fire should be extinguished and the burning material dispersed in order to prevent subsequent combustion.

(F) The Council recommends and suggests to the residents of the town that they consider alternate methods of disposing of leaves, such as shredding, mulching, and composting the leaves, or simply bagging them and having them hauled away. Shredding, mulching, and composting are all excellent ways to turn leaves into a soil conditioner.

(G) Burning must be done only in containers designed for burning in order to adequately contain the fire.

(Prior Code, § 93.01) (Res. passed 10-18-1988) Penalty, see § 10.99

**§ 93.02 FIRE DEPARTMENT TO RECOVER SERVICE CHARGES FOR FIRE PROTECTION SERVICES.**

(A) When the Fire Department first responds to an incident, it shall impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined by state law) that is involved in a hazardous material or fuel spill, or chemical- or hazardous material-related fire (as defined by state law).

(B) The Fire Department shall not impose a charge, however, on a natural person who resides within the town who pays property taxes within the town, or who pays Fire Department user fees, unless the charge is for recovery of expendable materials, such as absorption materials, emulsifiers, or other agents used in cleanup operations.

(C) Any payments received under this section shall be deposited in the town's Fire Department and Ambulance Fund.

(D) The schedule of charges and fees shall be as follows:

(1) For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident: \$250 per response vehicle, except command/control vehicle, which is \$100;

(2) For each hour or fraction thereof as on-scene assistance: \$150 per response unit and \$50 per command/control vehicle;

(3) For expendable materials, such as absorption materials, emulsifiers, or other agents used in cleanup operations, including firefighter "turnout gear" and other firefighter equipment, the actual replacement cost of those materials; and

(4) For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

(Prior Code, § 94.07) (Ord. 03-18-13, passed 3-18-2013)

## CHAPTER 94: NUISANCES

### Section

- 94.01 Definitions
- 94.02 Yards
- 94.03 Littering and burning garbage
- 94.04 Unlawful deposit of garbage
- 94.05 Exception for compost and recyclables
- 94.06 Action by designee

### § 94.01 DEFINITIONS.

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

**COMPOST.** A mixture of decayed plants and other organic matter used by gardeners for enriching soil.

**GARBAGE.** Discarded food waste or other unwanted or useless material.

**HAZARDOUS MATERIAL.** Explosives, pathological wastes, radioactive chemicals and materials, and similar items, the exposure to which may create a health hazard.

**PERSON.** An individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or any other entity recognized as a person by law.

**RECYCLABLE.** A material or product that is capable of being recycled.

**REFUSE.** All putrescible and nonputrescible solid waste, including ashes, dead animals, construction and industrial waste, street sweepings, unwanted vegetation, and lawn clippings.

**RUBBISH.** All nonputrescible wastes, including boxes, broken glass, cans, crockery, dirt, grass, metalware, sweepings, or litter of any kind.

(Prior Code, § 94.01) (Ord. 11-18-08, passed 11-18-2008)



**§ 94.02 YARDS.**

(A) The owner and/or any person having control of any property within the town shall be required to keep the grass, weeds, and other wild vegetation cut or mowed to a height of not more than eight inches, and to keep and maintain his or her property in a neat and orderly manner, so as not to detract from the overall appearance of the neighborhood, and shall not allow garbage, refuse, or rubbish to be piled or remain thereon.

(B) (1) If any person fails to comply with this chapter, the town shall cause the property to be cleaned, mowed, or otherwise brought into compliance, with any costs associated with the clean-up being billed to the owner and/or person having control of the property. Thereupon, a notice shall be sent by the Town Marshal, Clerk-Treasurer, or Building Commissioner by certified mail to the owner and/or person having control of the property advising about the amount owed, and further advising that the person or persons shall have ten days after the receipt of the notice to pay the amount billed, with payment being made to the Clerk-Treasurer's office.

(2) Any owner or person having control of the property may appeal the amount billed, in writing, to the Town Council within ten days after receipt of the notice, in which case hearing shall be scheduled at the next regular meeting of the Town Council. Subsequent to hearing, the Town Council shall either affirm or rescind the billing notice, and if affirmed, shall allow the owner or person having control of the property an additional ten days from the date of notification of its decision to pay the amount billed. If timely payment is not made, the town shall then institute an action at law against the owner and/or person having control of the property to recover the clean-up costs, and any enforcement expenses, including a reasonable fee for the Town Attorney.

(3) Any action brought under this section may be joint and several, that is, at the discretion of the town, such action may be brought against either the owner or person having control of the property, or against both the owner and the person having control of the property. In lieu of instituting an action at law, the town may certify the amount of costs and expenses billed to the County Auditor to be collected as delinquent taxes are collected.

(Prior Code, § 94.02) (Ord. 8-17-04A, passed 8-17-2004; Ord. 07-17-07, passed 7-17-2007; Ord. 11-18-08, passed 11-18-2008) Penalty, see § 10.99

**§ 94.03 LITTERING AND BURNING GARBAGE.**

No person shall throw, deposit, or burn garbage, hazardous material, refuse, or rubbish whatsoever within the town.

(Prior Code, § 94.03) (Ord. 11-18-08, passed 11-18-2008) Penalty, see § 10.99

**§ 94.04 UNLAWFUL DEPOSIT OF GARBAGE.**

No person owning or having control of any property within the town shall allow any garbage, hazardous materials, refuse, or rubbish to be thrown or deposited in any place or manner in violation of this section.

(Prior Code, § 94.04) (Ord. 11-18-08, passed 11-18-2008) Penalty, see § 10.99

**§ 94.05 EXCEPTION FOR COMPOST AND RECYCLABLES.**

This chapter shall not be enforced or interpreted to prohibit composting or the temporary storage of recyclables.

(Prior Code, § 94.05) (Ord. 11-18-08, passed 11-18-2008)

**§ 94.06 ACTION BY DESIGNEE.**

Any action to be taken by the Town Marshal, Clerk-Treasurer, or Building Commissioner under this chapter may also be taken by their duly authorized designee.

(Prior Code, § 94.06) (Ord. 11-18-08, passed 11-18-2008)



## **CHAPTER 95: PARKS AND RECREATION**

### **Section**

#### ***General Provisions***

- 95.01 Town parks
- 95.02 Hours during which town parks will be open
- 95.03 Alcoholic beverages prohibited

#### ***Dogs in Park***

- 95.15 Prohibitions
- 95.16 Dogs running at large

### ***GENERAL PROVISIONS***

#### **§ 95.01 TOWN PARKS.**

(A) Lots #81, #124, and #187 in the original plat of the town and Lots #108 and #151 in South Edgewood are designated as public parks, public playgrounds, and recreation centers.

(B) The Town Council shall establish, develop, maintain, equip, and beautify all public playgrounds, parks, and recreation centers, and shall adopt suitable rules, regulations, and bylaws to preserve order for the control of these facilities.

(Prior Code, § 95.01)

#### **§ 95.02 HOURS DURING WHICH TOWN PARKS WILL BE OPEN.**

(A) The town parks owned, operated, and maintained by the town shall hereafter be opened to the public from one-half hour before sunrise until one-half hour after sunset year-round. Individuals shall not enter into or upon said parks except during the hours indicated, unless in the performance of official duties or with the consent of the Town Marshal.

(B) It shall be unlawful for any person to enter upon or into any park owned, operated, and maintained by the town except during the visiting hours designated in division (A) above.  
(Prior Code, § 95.02) (Ord. 36-10-3-2, passed 7-21-1987) Penalty, see § 10.99

### **§ 95.03 ALCOHOLIC BEVERAGES PROHIBITED.**

(A) The use by an individual of any alcoholic beverage within any area designated by the town as a park area is prohibited.

(B) The possession by an individual of any alcoholic beverage within any area designed by the town as a park area is prohibited.

(C) Appropriate signs shall be erected, visible to persons using areas designated as park areas, of said prohibition of the use and/or possession of any alcoholic beverage in said park area.  
(Prior Code, § 95.03) (Ord. 8-20-02B, passed 8-20-2002) Penalty, see § 10.99

## ***DOGS IN PARK***

### **§ 95.15 PROHIBITIONS.**

It shall be unlawful for any person to permit or cause a dog to enter upon any park owned and operated by the town for the use and enjoyment of its citizens.  
(Prior Code, § 95.15) (Ord. passed 7-21-1987) Penalty, see § 10.99

### **§ 95.16 DOGS RUNNING AT LARGE.**

The owner of any dog running at large who enters upon or into a park operated and maintained by the town shall be deemed, for the purposes of this subchapter, to have permitted the dog to enter into and upon the park.  
(Prior Code, § 95.16) (Ord. passed 7-21-1987) Penalty, see § 10.99

## CHAPTER 96: SMOKING

### Section

#### *Smoking Regulations in Public Buildings*

- 96.01 Definition
- 96.02 Designation of smoking and non-smoking areas
- 96.03 Posting
- 96.04 Duties of town officials

#### ***SMOKING REGULATIONS IN PUBLIC BUILDINGS***

##### **§ 96.01 DEFINITION.**

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

***SMOKING.*** The carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment.  
(Prior Code, § 96.01) (Ord. 13-1-13-1, passed 11-9-1987)

##### **§ 96.02 DESIGNATION OF SMOKING AND NON-SMOKING AREAS.**

(A) *Town Hall.* All portions and parts of the Town Hall shall be a non-smoking area and facility.

(B) *Fire Barn.* All portions and parts of the Fire Barn shall hereafter be a non-smoking area and facility.

(C) *Storage and equipment building south of Town Hall.* All portions and parts of the storage and equipment building located immediately south of the Town Hall shall hereafter be a non-smoking area and facility, except the office area in the police car garage, which shall hereafter be a smoking area.  
(Prior Code, § 96.02) (Ord. 13-1-13-1, passed 11-9-1987; Ord. 1999, passed 7-16-1991) Penalty, see § 10.99

**§ 96.03 POSTING.**

(A) The Clerk-Treasurer shall cause conspicuous signs to be posted in the non-smoking areas of the Town Hall, substantially reading as follows:

|                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------|
| SMOKING IS PROHIBITED BY STATE LAW AND TOWN ORDINANCE IN THIS AREA,<br>WHICH HAS BEEN DESIGNATED AS A NON-SMOKING AREA |
|------------------------------------------------------------------------------------------------------------------------|

(B) The Clerk-Treasurer shall post in the smoking area a conspicuous sign which shall read as follows:

|                                                                         |
|-------------------------------------------------------------------------|
| SMOKING PERMITTED IN THIS AREA WHICH HAS BEEN DESIGNATED A SMOKING AREA |
|-------------------------------------------------------------------------|

(Prior Code, § 96.08) (Ord. 13-1-13-1, passed 11-9-1987)

**§ 96.04 DUTIES OF TOWN OFFICIALS.**

Any member of the Town Council, the Clerk-Treasurer, the Town Marshal, or any of his or her deputies, may request persons who are in violation of this subchapter to refrain from smoking. In the event that such individual shall not thereafter refrain from smoking, the Town Marshal or any of his or her deputies, may, themselves, remove such individual from the building, and in the event that such request is made by a member of the Town Council or the Clerk-Treasurer, then such official shall request the Town Marshal, or one of his or her deputies, to remove such individual from the non-smoking area of the Town Hall, and the Town Marshal or the Deputy requested to do so shall immediately cause said individual to be removed. However, no such request shall be made by any of the above named individuals, nor shall any person be removed from a non-smoking area of any of the buildings belonging to the town, unless the non-smoking signs provided in § 96.03 have been posted. (Prior Code, § 96.04) (Ord. 13-1-13-1, passed 11-9-1987)

## **CHAPTER 97: STREETS AND SIDEWALKS**

### **Section**

- 97.01 Extension of town roads
- 97.02 Authority of Town Road Commissioner
- 97.03 Closing portion of the street
- 97.04 Snow plowing policy
- 97.05 Municipal highway system
- 97.06 Designation of roads

### **§ 97.01 EXTENSION OF TOWN ROADS.**

No road or street in the town, constructed and/or maintained by the town, shall be extended by any person or corporation beyond the corporate limits of the town, nor shall any person or corporation construct or extend a road or street from outside the corporate limits of the town to the town connecting the road or street into the town road system without the permission of the Town Council.

(Prior Code, § 97.01) (Ord. 12-19-89, passed 1-16-1990) Penalty, see § 10.99

### **§ 97.02 AUTHORITY OF TOWN ROAD COMMISSIONER.**

In the event any corporation or person does, or attempts to, extend a street or road in the town, which was constructed or is maintained by the town, or does or attempts to extend a road or street from outside the corporate limits of the town into the town, connecting a road or street into the town road system, the Town Road Commissioner shall construct barricades at the corporate limits of the town preventing motor vehicles from entering into or leaving the corporate limits of the town on such street or road. The Town Road Commissioner shall also cause a sign to be erected on the street or road, within the corporate limits of the town, facing the traffic approaching said point both from within the town and from outside the town bearing the words, "ROAD CLOSED DO NOT ENTER," and no person shall enter the town upon, or leave the town upon, such street or road where said sign and/or barricade has been erected.

(Prior Code, § 97.02) (Ord. 12-19-89, passed 1-16-1990) Penalty, see § 10.99



**§ 97.03 CLOSING PORTION OF THE STREET.**

(A) The Town Council may close any road, or street, or portion thereof in the town, not subject to the jurisdiction of any other municipal entity or to the jurisdiction of the state. The Town Road Commissioner, acting for the Council, may close, or partially close, such a street or road until the next meeting of the Town Council. The Town Council or Town Road Commissioner shall consider the recommendations of the Town Marshal, any requests of the residents of the town, weather conditions, and other relevant factors before closing any road or street or portion thereof.

(B) In the event the Town Council or Town Road Commissioner closes a road or street, or any portion thereof, pursuant to this section, the town shall cause appropriate markers and lighting to be placed on the perimeters of the closed portion of such street or road, and no person shall drive any motor vehicle on the closed area of such road or street.

(Prior Code, § 97.03) (Ord. 12-19-89, passed 1-16-1990) Penalty, see § 10.99

**§ 97.04 SNOW PLOWING POLICY.**

(A) As the snow level on streets reaches approximately two inches, plowing should commence and continue until all streets have been cleared.

(B) Special attention is to be given to clearing intersections where turning is made difficult due to the angle of the streets involved, and the plowed snow depth prevents passage.

(C) Good judgment should be used if snowfall continues after initial plowing as to when to start plowing again.

(Prior Code, § 97.04) (Ord. passed 5-15-1995)

**§ 97.05 MUNICIPAL HIGHWAY SYSTEM.**

(A) The Council establishes the Municipal Highway System, consisting of all highways contained in the volume titled "Edgewood Road Inventory." Two copies of this volume are on file in the office of the Clerk-Treasurer for public inspection and are incorporated herein by reference.

(B) On or before November 1 of each year, the Board shall compile a list of those highways accepted or vacated by the town during the past year. A copy of this list shall be sent to the County Council of Governments to assist the Council in promptly obtaining highway assistance funds for the town.

(Prior Code, Ch. 97 App. § 1)

**§ 97.06 DESIGNATION OF ROADS.**

The names of the several streets located in the town are designated as follows:

(A) *Beechwood Lane*. From Park Road southwest to Corporation Line;

(B) *Berkeley Road*. From Beechwood Lane north and then south to Ivy Drive;

(C) *Boulevard Way*. Commencing at the southeast corner of Lot #43 in Edgewood Manner Addition, at Park Road, and running thence west to Edgewood Drive;

(D) *Central Way*. Beginning at the northwest corner of Lot #1 East Edgewood addition and running thence south to State Road 32;

(E) *Cherry Road*. Commencing at the northeast corner of Lot #44 in Edgewood Manor Addition at Park Road, and running thence west to Edgewood Drive;

(F) *Colony Road*. Beginning at the northeast corner of Lot #4 in the original plat and running thence north on both sides of Lot #20 and #21 in the original plat to the northeast corner of Lot #69 in the original plat;

(G) *Davis Drive*. Commencing at the southwest corner of Lot #56 in the original plat at Woods Road, and running thence north to the south side of Lot #288 in Edgewood Second Continuation Addition, thence west to Pershing Drive;

(H) *Davisson Drive*. Commencing at the southwest corner of Lot #328 in Donnelly's Addition at Donnelly Drive, and running thence north northwesterly to the Corporation Limit at the northeast corner of Lot #327 in said Addition;

(I) *Dogwood Drive*. From Edgewood Drive southwest to the corporation line or town boundary to Central Way;

(J) *Donnelly Drive*. Commencing at the northeast corner of Lot #247 in the original plat at Winding Way, and running thence west and north to the northwest corner of Lot #336 in Donnelly's Addition, thence east to Winding Way at the northeast corner of Lot #238 in the original plat;

(K) *Edgewood Court*. Off North Edgewood Drive between Lot #12-16-17;

(L) *Edgewood Drive*. Commencing at the southeast corner of Lot #18 in Edgewood Manor Addition, at State Road 32, thence north to Manor Road, then jogging east then north to the corporation

line at Willow Road, and also south from Nichol Avenue to Westfield Drive, slight jog west and then south to Berkeley Road;

(M) *Elm Court*. Commencing at Davis Drive on the south side of Lot #288 in Edgewood Second Continuation Addition, and running thence northeast, east, north, and east to the corporation line at the southeast corner of Lot #290 in said Addition;

(N) *Forse Drive*. Commencing at the northeast corner of Lot #58 in the original plat at Manor Road, and running thence south to Maple Road;

(O) *Garden Court*. Beginning at the southwest corner of Lot #18 in the Continuation of East Edgewood Addition, and running thence north to Edgewood Road;

(P) *Golf Club Road*. Beginning at State Road 32 at the southwest corner of Lot #123 in the original plat, and running thence north to Lot #249 in the original plat, thence east to Winding Way;

(Q) *Hawthorne Road*. From Park Road northeast to Edgewood Drive North;

(R) *Holly Lane*. From Donnelly Drive Lot #339-340 east to dead end;

(S) *Knoll Road*. Commencing at the southwest corner of Lot #166 in the original plat, and running thence east to the southeast corner of Lot #159, thence along both sections of the fork in said road to Winding Way;

(T) *Laurel Lane*. Commencing at Park Road west and running along the north ends of Lots #54 to 47 inclusive to Orchard Lane, and also beginning at Lot #286 of the Sixth Continuation of South Edgewood Addition and south and west to South Central Way;

(U) *Linden Lane*. Beginning at the southwest corner of Lot #131 in the original plat at Golf Club Road, and running thence east to Tower Road;

(V) *Logamar Lane*. From 8th Street west to Corporation Line;

(W) *Longfellow Road*. From Hamilton Road north on 8th Street one block west of Park Road North, south to Hawthorne Road;

(X) *Magnolia Drive*. From Park Road South, west on Laurel Lane one block and north on Magnolia Drive to Windsor Way;

(Y) *Manor Road*. Beginning at the northwest corner of Lot #57 in the original plat at Davis Drive, and running thence east to the corporate line to intersect with Park Road;

(Z) *Maple Street*. West from Park Road North to Edgewood Drive North;

(AA) *North Park Road*. Commencing at the southwest corner of Lot #125 in the original plat and running thence east and north to North Park Drive;

(BB) *Northway Court*. From Donnelly Drive Lot #328 and #329 north to cul-de-sac;

(CC) *Oakwood Drive*. From Park Road south to South Winding Way;

(DD) *Orchard Lane*. Commencing at the southeast corner of Lot #11 in the original plat at State Road 32, and running thence north to Woods Road and from Nichol Avenue south to Windsor Way, west one block bearing to the south to Westfield Drive;

(EE) *Park Road*. Commencing at State Road 32 at the southeast corner of Lot #43 in Edgewood Manor Addition, and running thence north along the east corporation line to 8th Street, and then south to the corporation line;

(FF) *Pershing Drive*. Commencing at the southwest corner of Lot #276 in Edgewood Second Continuation Addition, and running thence north to Winding Way;

(GG) *Redwood Road*. From Park Road south to South Winding Way;

(HH) *South Park Drive*. Commencing at Golf Club Drive at the southwest corner of Lot #117 in the original plat, and running thence east to Tower Road;

(II) *South Winding Way*. From Nichol Avenue south to corporation line one block south of Tulip Street;

(JJ) *Sunset Drive*. Beginning at its junction with Winding Way at the north side of Lot #211 in the original plat, and running thence east to Lot #309, thence south, crossing Winding Way at the Northwest corner of Lot #196, and continuing thence southwesterly to Winding Way at the northeast side of Lot #253;

(KK) *Tower Road*. Beginning at the northwest corner of Lot #101 in the original plat, at Winding Way Street, and running thence south to State Road 32;

(LL) *Tulip Street*. From Edgewood Drive west to South Winding Way;

(MM) *Washington Court*. Commencing at the southwest corner of Lot #8 in the Continuation of East Edgewood Addition, and running thence north to Winding Way;

(NN) *Wertz Road*. Commencing at the northeast corner of Lot #65 in Edgewood Manor Addition at Manor Road, and running thence south to Maple Road;

(OO) *Weslow Court*. South on Park Road to 16th Street, east on 16th Street to Weslow Court, south and north to cul-de-sac;

(PP) *Westfield Court*. East from Edgewood Drive to cul-de-sac;

(QQ) *Westfield Drive*. From South Winding Way east to Edgewood Drive;

(RR) *Willow Road*. Beginning at the southwest corner of Lot #262 in Edgewood Second Continuation Addition at Central Way, and running thence east to the west side of Edgewood Drive, Lot #3;

(SS) *Winding Way*. Commencing at State Road 32 at the southeast corner of Lot #8 in the original plat, and winding thence west and north, crossing Central Way at the northwest corner of Lot #34 in the original plat, and continuing along the east side of Lots #84, #137, #153, #154, and #253, and the north sides of Lots #251, #250, #242, and #241 and continuing north to the southeast corner of Lot #232, thence east to the northeast corner of Lot #214, and thence winding in a southerly direction along the east side of Lots #214, #215, #216, and the like to the northwest corner of Lot #197 in the original plat, and running thence in an easterly direction, crossing Central Way at the northwest corner of Lot #1 in East Edgewood Addition, and continuing east to the corporation limits;

(TT) *Windsor Way*. From Park Road south to Edgewood Drive, south one block to Dogwood Drive, one block west and running north to South Central Way;

(UU) *Woodmere Drive*. From Winding Way north to Logamar Lane; and

(VV) *Woods Road*. Commencing at the southwest corner of Lot #74 in the original plat at Central Way, and running thence east and southeast to the southwest corner of Lot #47 in the original plat where it intersects with Winding Way and Maple Road, east to Edgewood Drive.

(Prior Code, Ch. 97 App. § 2)

## CHAPTER 98: NOISE CONTROL

### Section

- 98.01 Scope
- 98.02 Definitions
- 98.03 Loud and unnecessary noise prohibited
- 98.04 Prohibited acts
- 98.05 Prohibited noise
- 98.06 Exemptions

### ***Cross-reference:***

*Nuisances generally, see Ch. 94*

### **§ 98.01 SCOPE.**

The provisions of this chapter shall apply to the control of all noise within the town limits, as it now exists or shall hereafter be established.

(Prior Code, § 98.01) (Ord. 12-15-1998, passed 12-15-1998)

### **§ 98.02 DEFINITIONS.**

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

***MOTOR VEHICLE.*** Any vehicle powered by mechanical engine, and designed to be driven or used on any public or private property. ***MOTOR VEHICLE*** shall include, but not be limited to, automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-carts, minibikes, and trail bikes.

***PERSON.*** Any individual, association, partnership, joint venture, or corporation which includes any officer, and employee, department, agency, or instrumentality thereof.

(Prior Code, § 98.02) (Ord. 12-15-1998, passed 12-15-1998)

**§ 98.03 LOUD AND UNNECESSARY NOISE PROHIBITED.**

(A) It shall be a violation of this chapter for a person to make any loud, raucous, improper, unreasonable, offensive, or unusual noise, disorder, or tumult, which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the town, or to permit such noise, disorder, or tumult to be made in or about his or her house or premises, and the same is declared to be a public nuisance.

(B) Further, it shall be the duty of every owner, occupant, manager, agent, or operator of any property, structure, vehicle, or business in the town, to prevent persons using property under his or her control from violating this chapter.

(Prior Code, § 98.03) (Ord. 12-15-1998, passed 12-15-1998) Penalty, see § 10.99

**§ 98.04 PROHIBITED ACTS.**

(A) The following acts, uses, or noises, among others, subject to specific exemptions, are declared to be loud, raucous, or disturbing noises in violation of this chapter.

(B) Such enumeration shall not be deemed to be exclusive:

(1) Using, operating, or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for the convenient hearing for the person who is in the room, vehicle, or property in which such machine or device is operated and who is a voluntary listener;

(2) Using, operating, or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing of sound which is cast upon other properties, including the public right-of-way, for the purpose of commercial advertizing or to attract attention to any activity, performance, sale, place, or structure;

(3) Using, operating, or permitting the use of operation of any machine, instrument, or device capable of producing or reproducing any sound on any public transportation vehicle;

(4) Using, operating, or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church, or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital; and

(5) Allowing animals owned or under the control of the property owner to make noise in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants.  
(Prior Code, § 98.04) (Ord. 12-15-1998, passed 12-15-1998; Ord. 6-15-1999, passed 6-15-1999)  
Penalty, see § 10.99

#### **§ 98.05 PROHIBITED NOISE.**

No person shall play, use, operate, or permit to be played, used, or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

(A) Any public property, including any public right-of-way, highway, building, sidewalk, park, or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source; or

(B) Any motor vehicle on a public right-of-way, highway, or public space, if the sound generated is audible at a distance of 30 feet from the device producing the sound.  
(Prior Code, § 98.05) (Ord. 12-15-1998, passed 12-15-1998) Penalty, see § 10.99

#### **§ 98.06 EXEMPTIONS.**

(A) Exemptions shall not be permitted within any duly established quiet zone when such zone is designated by appropriate signage.

(B) The following shall be exempted from the provisions of this chapter:

(1) Sound emitted from sirens of authorized emergency vehicles;

(2) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 9:00 p.m.;

(3) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time;

(4) Celebrations on Halloween and legal holidays;

(5) Permitted parades or festivals;

(6) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them;



(7) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work;

(8) Sounds associated with the normal conduction of a legally established non-transient business within the normal range appropriate for such use. For bars, restaurants, and similar businesses that play music, have DJs, or project sound outside the confines of their premises, however, only if such sounds are generated not later than 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday, and not later than 11:00 p.m. on Friday and Saturday; and

(9) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.  
(Prior Code, § 98.06) (Ord. 12-15-1998, passed 12-15-1998; Ord. 06-21-21, passed 7-19-2021)

## **CHAPTER 99: TREES**

### **Section**

#### ***General Provisions***

- 99.01 Definitions
- 99.02 Purpose
- 99.03 Town Tree Board's authority and duties
- 99.04 Licensing required

#### ***Tree Planting, Protection, and Removal***

- 99.15 Tree planting, maintenance, and replacement
- 99.16 Official tree list
- 99.17 Topping prohibited
- 99.18 Notice procedures
- 99.19 Nuisance or hazard
- 99.20 Adjacent landowner responsibility
- 99.21 Mutilation of trees prohibited
- 99.22 Tree protection requirements
- 99.23 Private trees, shrubs, and vegetation
- 99.24 Special circumstances

#### ***Enforcement***

- 99.35 Enforcing agent
- 99.36 Interference
- 99.37 Appeals
- 99.38 Right to enter private property
- 99.39 Emergencies

#### ***Cross-reference:***

*Parks and recreation, see Ch. 95*

**GENERAL PROVISIONS****§ 99.01 DEFINITIONS.**

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

**ALTER.** To change the appearance or function of a tree.

**APPROVAL.** Written permission from the Tree Board that allows an individual or organization to go forward with some action that affects a tree.

**CALIPER.** The length, in inches of a straight line, measured through the trunk of a tree 12 inches above the ground.

**CLEARING.** The removal of substantially all trees from a lot.

**COMMUNITY FOREST.** The collection of trees, shrubs, other vegetation, and associated natural features that make up the town tree canopy and its growing zone.

**COMMUNITY FORESTRY.** The ecology of native and non-indigenous plantings, creating a forest in the human living environment, and emphasizing the practice of wise professional planned management of all tree resources within an urban area, including trees in public streets, in public areas, and on private property, to provide for multiple-use benefits for the general well-being of the entire community.

**DAMAGE.** To injure any part of a tree in a way that adversely affects its health, strength, appearance, function, or longevity.

**DESIGNEE.** Any person or persons designated by the Town Council to assume some or all of the duties outlined in this chapter.

**DEVELOPER.** The owner of the land or person who is the applicant for alteration of the land.

**DRIPLINE.** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

**HAZARD or NUISANCE.** Trees, shrubs, and all other woody vegetation on public and private property that pose a threat to public safety by their condition or location.

**LANDSCAPE PLAN.** The design and specifications for the placement of any live plant materials, such as trees, shrubs, ground cover, and grasses, including the retention of existing vegetation; and

human-made structures, such as walls, fences, and berms; for the purposes of enhancing property value and aesthetics; protecting the community's environment; and minimizing the negative impact on the visual order of the community.

**LANDSCAPING.** The use of natural plant materials, including, but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). **LANDSCAPING** also involves the placement, preservation, and maintenance of such plant materials, and includes such elements as fences, walls, lighting, and earth mounding.

**MUNICIPALITY.** A city, town, village, borough, or other district incorporated for local self-government.

**PARKS.** All public parks having individual names.

**PARKWAY.** The part of the property not covered by sidewalk or other paving, lying between the property line and the curb line of any street. In the absence of a curb, the curb line of a street shall be deemed to be the edge of that portion of the public right-of-way maintained and open to the use of the public for public travel.

**PERSON.** Every person, firm, association, partnership, corporation, and individual.

**PEST.** Any injurious plant, animal, disease, insect, or other organism that harms trees, other woody vegetation, or humans.

**PLANTING.** To set trees, shrubs, or other plants in the ground to grow.

**PROPERTY OWNER.** The person owning such property, as shown by the County Auditor's plat of the town.

**PRUNING.** The judicious removal of plant parts to increase usefulness, beauty, or vigor.

**PUBLIC AREA.** All other grounds owned by the town.

**PUBLIC TREE.** Any street tree, park tree, or other woody plant on town property.

**RECOMMENDED TREE.** A tree of two and one-half inches or greater in diameter, as measured six inches above grade, which will grow to a minimum height of 50 feet at maturity.

**SHADE TREE.** Any tree located within the right-of-way of the public streets and highways of the town.

**SHRUB.** A woody plant of relatively low height, distinguished from a tree by having several stems rather than a single trunk.

**STREET or HIGHWAY.** The entire width of every public way or right-of-way, when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

**STREET TREE.** Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the town.

**TOPPING.** The severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**TOWN TREE POLICY.** A manual prepared by the Town Tree Board pursuant to this chapter, containing regulations and standards for the planting, maintenance, and removal of trees, shrubs, and other plants upon town-owned property.

**TREE DIAMETER.** The diameter of a tree measured at a point four and one-half feet above the ground.

**TREE OWNER.** Owner of the property on which the tree grows.

**TREE SERVICE.** An individual or organization engaged in the business of pruning, spraying, injecting chemicals, or removing trees, shrubs, or stumps for compensation.

**TREE TRUNK.** The stem portion of a tree, from the ground to the first branch thereof.

**TREES, SHRUBS, AND OTHER PLANTS.** All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches tall.

**URBAN FORESTRY PROGRAM.** All of the town resources, time, and efforts directed toward the development and maintenance of a safe, healthy, aesthetically pleasing, and fully stocked population. (Prior Code, § 99.01) (Ord. 10-19-04, passed 10-19-2004)

## **§ 99.02 PURPOSE.**

(A) *Preamble.* The town has plans to plant, replace, and maintain trees on public-owned property; this chapter establishes policies, regulations, and standards necessary to ensure the town will realize the benefits provided by its community forest.

(B) *Health and welfare of the community.*

(1) The provisions of this chapter are enacted to accomplish the following: promote and protect the public health, safety, and general welfare by providing for the development of a community forestry plan to address the planting, maintenance, and removal of public trees and shrubs within the town, in order to promote, maintain, and improve the town's urban forest resource.

(2) Whereas, the Town Council has determined that the protection of trees on public property within the town is not only desirable but essential to the present and future health, safety, and welfare of all citizens; and

(3) It is the intent of this chapter to promote the community health and welfare by protecting trees and woodlands for the unique benefits they provide.

(C) *Be it ordained.* Whereas, it appears that a formal program of management of trees on publicly owned lands is appropriate to advance these worthwhile purposes, now therefore, be it ordained by the Town Council.

(D) *Short title.*

(1) This chapter shall be known and shall be cited as the "Tree Ordinance of the Town of Edgewood, Indiana."

(2) The short title of this chapter shall be the "Tree Ordinance," and this chapter shall hereafter be so cited if referred to for purposes of amendment or otherwise.

(E) *Intent.*

(1) This chapter provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks, and public places of the town; and to trees, plants, and shrubs located on private property that constitute a hazard or threat, as described herein.

(2) Therefore, the purpose of this chapter is to provide regulations for the planting of new trees and the maintenance and preservation of existing trees on all properties in the town, both public and private, undeveloped or developed.

(3) It is the intent of this section to provide regulations that ensure the placement of trees along the street right-of-way and on private property, to protect against excessive noise, heat, and glare, and to enhance the attractiveness and value of property.

(4) The purposes of the Tree Board shall be:

- (a) Promoting the responsible planting of trees on public and private property;
- (b) Providing public education about trees;
- (c) Promoting proper maintenance of trees;
- (d) Advocating trees within the town; and
- (e) Developing innovative and joint funding for projects.

(5) **TREES**, as defined, regulated and protected herein, are declared to be a natural public resource, and the town encourages planting, replacement, and protection of trees, as herein set out, in the interest of the health, safety, and welfare of present and future citizens of the town.

(6) To attain that end, it shall be unlawful to cut down, damage, poison, or in any other manner destroy or cause to be destroyed any tree or woodland, as covered by the terms of this chapter, except in accordance with the provisions herein mentioned.

(7) This chapter provides for the care of trees and shrubs on public rights-of-way, and aids in the proper growth of a landscape program to enhance the beauty of the town.  
(Prior Code, § 99.02) (Ord. 10-19-04, passed 10-19-2004)

### **§ 99.03 TOWN TREE BOARD'S AUTHORITY AND DUTIES.**

(A) *The Tree Board's right to plant, maintain, and remove trees on public property.* The Tree Board shall have the power to plant, preserve, spray, trim, or remove any tree, shrub, or plant on any parkway, alley, or public ground belonging to the town.

(B) *The town's right to plant, maintain, and remove trees on private property.* The town shall have the right to cause the removal of any dead, diseased, or structurally damaged trees on private property, when such trees constitute a potential hazard to life and property within the right-of-way or on public property.

(C) *The Tree Board designated as the town department responsible for trees.*

(1) The town's Tree Program shall be administered by the Tree Board.

(2) The Tree Board shall be supported in its program by other town departments and organizations.

(D) *Duties of the Tree Board.* The duties of the Tree Board shall be as follows.

(1) *Advice and consultation pertaining to the Tree Ordinance.*

(a) The Tree Board shall advise and consult on any matter pertaining to the Tree Ordinance and its enforcement.

(b) The topics under which this advice and consultation shall be given shall include, but are not limited to, any of the following.

(2) *Duty to plan and implement an annual plan of work.*

(a) It shall be the responsibility of the Tree Board to study, investigate, consult, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas.

(b) Such plan will be presented annually to the Town Council and, upon its acceptance and approval, shall constitute the official comprehensive town tree plan for the town.

(3) *Duty to allocate funds.* The Tree Board shall investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals.

(4) *Duty to advise.*

(a) When planning for the parks and/or any other area of the town under the control of the park or other boards or commissions, the Tree Board shall make their recommendations in writing to the appropriate board or commission, which shall adopt or otherwise act on the recommendations.

(b) The Tree Board shall study the problems and determine the needs of the town, and advise the Council in connection with its tree-planting programs, as developed.

(c) The Tree Board shall be advisory in nature, with the purpose of providing advice to the Town Council as to the preservation, protection, and management of the community forest of the town, in accordance with the intents and purposes of this chapter.

(5) *Duty to advise on ordinances, policies, specifications, and legislation.* The Tree Board shall make recommendations to the Town Council through the appropriate Council committee, and to town departments or other advisory bodies, as may be appropriate, on the following subjects:



- (a) Ordinances affecting the planting, removal, and maintenance of trees in the town; and
- (b) Recommending desirable legislation concerning the tree program and activities for the town.

(6) *Duty to develop a management plan.*

- (a) The Tree Board shall develop and, in each subsequent year, update the community forestry plan.
- (b) The plan shall outline community forestry program activities for a minimum of the next five years.
- (c) This plan shall describe the forestry activities to be undertaken by the town, the reasons for those activities, their possible funding source(s), the means of accomplishing the activities, the alternatives available to the town to fund or accomplish each activity, the projected date of completion, and the consequences if an activity is not completed.
- (d) Activities shall include, but are not limited to, street tree inventory, tree planting, and removal.

(7) *Duty to develop and maintain a tree list.* A street tree list for the town shall be developed and approved by the Tree Board.

(8) *Duty to amend management plan.* The Town Tree Board shall have the responsibility of regularly updating a master, systematized tree management and planting program.

(9) *Duty to supervise.*

- (a) The Tree Board shall have the authority and duty to supervise all work done in accordance with the terms of this chapter.
- (b) A representative of the Tree Board shall supervise employees of the Parks Department regarding the community forest.

(10) *Duty to carry out management activities.*

- (a) The Tree Board shall oversee the pruning of trees and shrubs on town property so that no tree or shrub shall obstruct or interfere with:

1. The free passage of pedestrians on any sidewalk;
2. The free passage of vehicles on the paved portion of any street;
3. The views of traffic signs or signals; or
4. The extension or maintenance of wires for street lights.

(b) The duties of the Tree Board shall be interpreted to include, but not be limited to, the protection, maintenance, removal, and planting of trees on public property.

(c) The Tree Board shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property, to ensure the safety or to preserve the aesthetics of such public sites.

(11) *Duty to inspect for and control insect and disease problems.* The Tree Board shall recommend the removal of trees deemed by the Tree Board to be diseased, dying, or dead.

(12) *Duty to manage risk and control nuisances.* The Tree Board is empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance, such as removal of dead or living trees or limbs that are determined by the Tree Board to be a hazard to public safety and property, or removal of trees or limbs that have actually fallen across a street, a sidewalk, or other town property.

(13) *Duty to review requests.* The Tree Board shall review and thereafter approve or disapprove the street tree treatment assistance requests.

(14) *Duty to educate citizens and to promote tree care.*

(a) The Tree Board shall make available to any interested person copies of the Tree Ordinance and information about the activities of the Tree Board.

(b) The Tree Board shall promote the conservation of healthy trees and encourage the recycling of tree debris.

(c) The Tree Board will advise citizens and the town on such issues as tree preservation on private property.

(d) The Tree Board shall be responsible for promoting trees and tree care throughout the town.

(15) *Duty to set policy.*

(a) Policy concerning selection, planting, maintenance, and removal of trees, shrubs, and other plants within the town, as well as comprehensive plan goals and policies related to trees.

(b) The Tree Board shall have the authority to enforce the rules and regulations stated in this chapter governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public sites in the municipality, and shall direct, regulate, and control the planting, maintenance, and removal of all trees growing now or hereafter in any public area of the town.

(16) *Duty to hear appeals.* The Tree Board shall investigate complaints from any person concerning the planting, maintenance, protection, and removal of any tree.

(17) *Duty to enforce.*

(a) The Tree Board Chair shall cause the provisions of this chapter to be enforced.

(b) In the absence of the Tree Board Chair, these duties shall be the responsibility of a qualified alternate designated by the municipality.

(c) The Tree Board shall give notice and issue citations to owners or possessors of private property where such violations have occurred or are occurring.

(18) *Exemptions.* Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical, shall be exempted from this section at the discretion of the town department responsible for maintaining the trees, after consultation with the Tree Board.

(Prior Code, § 99.03) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.04 LICENSING REQUIRED.**

(A) It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs, or vines within the town, without being licensed by the City of Anderson.

(B) Such license shall comply with any and all restrictions imposed by the City of Anderson, Ordinance 6-96, §§ 23 and 24.

(Prior Code, § 99.04) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

***TREE PLANTING, PROTECTION, AND REMOVAL*****§ 99.15 TREE PLANTING, MAINTENANCE, AND REPLACEMENT.**

(A) It is the public policy of the town to maintain existing trees, and to provide for and encourage the planting of new trees within the town to the greatest extent possible.

(B) The Tree Board shall be responsible for planting all new trees required by this chapter, and for maintaining their growth and survival.

(C) It shall be the policy of the town to replace trees on public property or public right-of-way that have died or been removed because of disease or poor health.

(D) In the selection and spacing of trees, the town shall be guided by a street tree plan reviewed by the Tree Board.

(Prior Code, § 99.15) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.16 OFFICIAL TREE LIST.**

(A) The Tree Board shall maintain an extensive list of recommended trees for planting in public areas.

(B) The purpose of this listing will be to maintain diversity in the total tree population.

(C) To aid in the selection of trees for private and public properties, this list shall be available to residents of the town upon request.

(D) The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

(Prior Code, § 99.16) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.17 TOPPING PROHIBITED.**

(A) It shall be unlawful, as a normal practice, for any person, firm, or town department to top any street tree, park tree, or other tree on public property.

(B) Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, shall be exempted from this chapter, at the determination of the Tree Board.

(Prior Code, § 99.17) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

**§ 99.18 NOTICE PROCEDURES.***(A) Order required for a notice to take action.*

(1) Upon determination that a public nuisance exists, the Tree Board, or its designated representative, shall serve written notice upon the owner or occupant of the premises where the tree is located to abate the nuisance.

(2) Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the Tree Board shall order such person or persons, within ten days after receipt of written notice, to so prune such trees.

*(B) Service of a notice to take action.* Such notice shall require the elimination of the nuisance no less than 30 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

*(C) Contents of a notice to take action.*

(1) The notice shall describe the kind of tree, shrub, or other plant or plant part that has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance.

(2) The notice shall state the actions that the property owner shall undertake to abate the nuisance; and

(3) The notice shall require such property owner to eradicate, remove, or otherwise control such condition within a reasonable time to be specified in such notice.

*(D) Failure to comply with a notice to take action.* When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the town to remove such trees, and to assess the property owner for the cost of services.

(Prior Code, § 99.18) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.19 NUISANCE OR HAZARD.**

(A) The Tree Board shall remove, or order to be removed, any tree or part thereof that is in an unsafe condition or that, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus or insect infestation.

(B) The following are declared public nuisances under this chapter:

(1) *Trees obstructing traffic.* Any tree or shrub that obstructs the free passage of pedestrian or vehicular traffic, or that obstructs a street light or traffic control device.

(2) *Dead or dying trees.*

(a) Any dead or dying tree, shrub, or other plant, whether located on town-owned property or on private property.

(b) The owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs that constitute a menace to public safety.

(3) *Hazardous trees.*

(a) A **HAZARDOUS TREE** is any otherwise healthy tree, shrub, or other plant, whether located on town-owned property or on private property, that, by reason of its location or condition, constitutes an imminent danger to the health, safety, or welfare of the general public.

(b) Trees shall not interfere with overhead utility lines or create irresolvable public safety hazards.

(4) *Diseased or pest-infested trees.* Any tree or part thereof that is afflicted with any dangerous and infectious insect infestation or plant disease shall be cured or destroyed.  
(Prior Code, § 99.19) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.20 ADJACENT LANDOWNER RESPONSIBILITY.**

(A) Every owner of any tree overhanging any street or right-of-way within the town shall prune its branches so that they shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection, so that there shall be a clear space of 13 feet above the street surface or eight feet above the sidewalk surface.

(B) The owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs that constitute a menace.

(Prior Code, § 99.20) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

**§ 99.21 MUTILATION OF TREES PROHIBITED.**

(A) *Abuse or mutilation of public trees.*

(1) No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials that may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permission of the Tree Board.

(2) Snow will not be plowed, blown, shoveled from roof tops, or piled in a manner that damages trees.

(3) No trees on land owned or maintained by the town shall be pruned in a manner that impairs their health.

(4) In addition, no person shall cut down, lop, take, or otherwise destroy any ornamental or shade tree, shrub, flowers, bulb, or fruit standing or growing on any public ground or any street, sidewalk, park sidewalk, promenade, or park, parkway, or boulevard in the town.

(B) *Mutilation of trees and plants.* No person shall:

(1) Damage, cut, carve, transplant, or remove any tree or plant;

(2) Injure the bark of any tree or plant; or

(3) Pick the flowers or seeds of any tree or plant.

(Prior Code, § 99.21) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

## **§ 99.22 TREE PROTECTION REQUIREMENTS.**

(A) *Protection from disease and pestilence.*

(1) Upon the discovery of any destructive or communicable disease or other pestilence that endangers the growth or health of trees, or threatens to spread disease or insect infestations, the Town Forester shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated.

(2) The notice shall require such property owner to eradicate, remove, or otherwise control such condition within a reasonable time to be specified in the notice.

(B) *Protection from posting and wire.*

(1) It shall be unlawful for any person, firm, or public utility to attach any sign, advertisement, or notice to any street tree or park tree.

(2) It shall be unlawful to attach a potentially harmful device or structure (i.e., tree houses) to or on public trees, unless otherwise authorized by the Tree Board.

(3) Other than to support a young or broken tree, it shall be unlawful to attach or place any rope or wire on any tree growing in a public place.

(4) It shall be unlawful to attach or place any sign, poster, advertisement, or notice on any tree growing in a public place.

(C) *Protection from fire.*

(1) No person shall allow fire or heat to come in contact with any tree on land owned or maintained by the town.

(2) Nor shall any person set a fire, or permit any fire to burn, when such fire or the heat thereof will injure any portion of any tree.

(D) *Protection from utilities.*

(1) Each public utility company shall exercise reasonable diligence in the maintenance of its plant construction so as to avoid damage to trees.

(2) Utility companies shall not cause or permit any wire charged with electricity to come in contact with any tree or plant.

(E) *Protection from toxins.* No oil or any injurious chemical or substance shall be placed on the ground around such trees or shrubs.

(F) *Protection from vehicles and equipment.* No person shall, without the written permission of the Tree Board or its designated agent, place any booth, stand, or other structure, or station any wagon, car, or other vehicle in any public park.

(G) *Protection from animals.* No person shall fasten an animal to a tree or shrub located on town property, or cause an animal to stand so that it can damage such tree or shrub.  
(Prior Code, § 99.22) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

## **§ 99.23 PRIVATE TREES, SHRUBS, AND VEGETATION.**

(A) The town shall have the right to order the removal of any dead or diseased trees on private property within the town when such trees constitute a hazard to life or property, or harbor insects or disease that constitute a potential threat to other trees within the town.

(B) Trees, shrubs, and vegetation on private property that may affect safety and welfare (through, for example, infectious disease, insect problems, dead or dying limbs, or the obstruction of street lights, traffic signs, or visibility) may require coordination among the owner, the Town Council, and the Tree Board in order to inspect and eliminate the hazard. The town shall also have the right to order the removal or the trimming of any such trees, shrubs, or vegetation.



(C) All dead trees on private property shall be removed by the owner of such property. The town shall also have the right to order the removal of such dead trees.

(D) To protect the roadways throughout the town, to promote the safety of traffic and pedestrians, and to allow access to fire hydrants, all trees planted by any owner on his or her property shall be planted at least four feet away from any roadway, traffic sign, or fire hydrant, and all vegetation or shrubs shall be planted at least four feet from any roadway, traffic sign, or fire hydrant. To the extent any such trees, shrubs, or vegetation are already located on the owner's property, they shall be trimmed back to meet the four feet requirement. The town shall also have the right to order the removal or trimming of such trees, shrubs, or vegetation.

(E) In the event of the failure of the owner to comply with any order issued under this section, the town shall have the authority to remove such trees, shrubs, or vegetation, or cut back such trees, shrubs, or vegetation, and add the cost of this work to the owner's property taxes.

(F) If the tree trunk emerges from the ground on the line for the roadway and private property, the cost of removal shall be shared proportionately by the town and the private property owner.

(G) The issue of whether trees, shrubs, or vegetation fail to comply with this section, and the issue of whether enforcement is necessary and/or appropriate, is fact sensitive. Therefore, the town reserves the right to enforce this section as it deems appropriate.

(H) The foregoing language of this section which allows the town to order removal or trimming, and then, upon failure to comply with such order, to add the cost the town incurs to the property owner's taxes, is not intended to prevent the town, as a separate and distinct remedy, from assessing a fine against the offender under § 10.99.

(Prior Code, § 99.23) (Ord. 10-19-04, passed 10-19-2004; Ord. 2-10-20, passed 7-20-2020) Penalty, see § 10.99

#### **§ 99.24 SPECIAL CIRCUMSTANCES.**

(A) *Tree becomes public property.* Any tree planted pursuant to this section shall become the property of the town.

(B) *Improper planting.* Whenever any tree shall be planted or set out in conflict with the provisions of this chapter, it shall be lawful for the Tree Board to remove or cause the removal of the same, and the exact cost thereof shall be assessed to the owner, as provided by law in the case of assessments.

(C) *Removal, replanting, and replacement.* No person shall remove a town tree without first obtaining permission from the Tree Board.

(Prior Code, § 99.24) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

***ENFORCEMENT*****§ 99.35 ENFORCING AGENT.**

The Tree Board shall enforce such rules, regulations, permit, and penalty procedures as are deemed necessary to enforce the intent of this chapter.

(Prior Code, § 99.35) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.36 INTERFERENCE.**

No person, firm, or corporation shall prevent, delay, or in any manner interfere with the Tree Board or its designated agents in the performance of their lawful duties.

(Prior Code, § 99.36) (Ord. 10-19-04, passed 10-19-2004) Penalty, see § 10.99

**§ 99.37 APPEALS.**

(A) *Appellate authority of the Town Council.*

(1) The Town Council shall have the right to review the conduct, acts, and decisions of the Tree Board.

(2) Any person may appeal any ruling or order of the Tree Board to the Town Council, which shall hear the matter and make a final decision.

(B) *Request for appeal.* The request for appeal shall:

- (1) Be in writing;
- (2) Be filed with the Town Hall; and
- (3) Contain any and all facts that are offered in support of the appeal.

(C) *Appeal of tree removal.*

(1) The person may appeal the Tree Board's decision to remove or not remove the tree to the Tree Board.

(2) If the tree is to be removed, the cost of removal will be charged to the property owner.  
(Prior Code, § 99.37) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.38 RIGHT TO ENTER PRIVATE PROPERTY.**

The Tree Board or its official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant, or plant part that is suspected to be a public nuisance, and to order its removal if necessary.

(Prior Code, § 99.38) (Ord. 10-19-04, passed 10-19-2004)

**§ 99.39 EMERGENCIES.**

In the event of windstorm, fire, flood, or other widespread natural calamity, the Town Council President may declare a state of emergency and allow operations necessary to remove threats to public safety.

(Prior Code, § 99.39) (Ord. 10-19-04, passed 10-19-2004)

## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

**110. GENERAL PROVISIONS**

**111. ALCOHOL**

**112. TRANSIENT MERCHANTS**

**113. CABLE TELEVISION**



## **CHAPTER 110: GENERAL PROVISIONS**

### **Section**

- 110.01 Operating hours for businesses
- 110.02 Prohibition on pinball and video games
- 110.03 Individuals who may file affidavits

### **§ 110.01 OPERATING HOURS FOR BUSINESSES.**

(A) *Prohibition.* Businesses and commercial enterprises, operated for profit, located within the corporate limits of the town, shall operate and conduct business between the hours of 5:00 a.m. and 12:00 a.m. Businesses and commercial enterprises for profit shall be closed to the public and shall not conduct business with the public between the hours of 12:00 a.m. to 5:00 a.m.

(B) *Violation.* Any individual or corporation who shall operate a business in violation of division (A) above shall be charged by affidavit with such violation.  
(Prior Code, § 110.01) (Ord. passed 6-22-1988; Ord. 10-16-01A, passed 11-20-2001) Penalty, see § 10.99

### **§ 110.02 PROHIBITION ON PINBALL AND VIDEO GAMES.**

(A) *Prohibition.* Installation and operation of pinball machines and video games for the purpose of leasing, renting, or operating the same for hire is prohibited within the corporate limits of the town.

(B) *Violation.* Any individual or corporation who shall install a pinball machine or video game, and/or operate the same for hire, collecting therefor any monies for its use is in violation of division (A) above and shall be charged by affidavit with such violation.  
(Prior Code, § 110.02) (Ord. passed 6-22-1988) Penalty, see § 10.99

### **§ 110.03 INDIVIDUALS WHO MAY FILE AFFIDAVITS.**

Any resident of the town or any member of the town police force shall have the right to file an affidavit for the violation of this chapter.  
(Prior Code, § 110.03) (Ord. passed 6-22-1988)



## **CHAPTER 111: ALCOHOL**

### **Section**

111.01 Liquor retailer's permits

111.02 Sale of alcoholic beverages by the glass

### **§ 111.01 LIQUOR RETAILER'S PERMITS.**

The Town Council authorizes the issuance of liquor retailer's permits for premises in the town pursuant to I.C. 7.1-3-9-3 and 905 I.A.C. 1-1-1 et seq., as amended.  
(Prior Code, § 111.01)

### **§ 111.02 SALE OF ALCOHOLIC BEVERAGES BY THE GLASS.**

Alcoholic beverages are authorized to be sold by the drink and/or glass within the town, subject, however, to compliance with applicable zoning laws, subject to any other ordinances adopted by the town, and subject to the issuance of the appropriate licenses by the local Alcoholic Beverage Board and by the state.  
(Prior Code, § 111.02) (Ord. 05-19-09A, passed 5-19-2009)





## CHAPTER 112: TRANSIENT MERCHANTS

### Section

#### *General Provisions*

- 112.01 Definitions
- 112.02 Identification required
- 112.03 Limitations on sales and times
- 112.04 Protection of rights

#### *Transient Merchants*

- 112.15 Transient merchants
- 112.16 Permits
- 112.17 Accompanying transient merchants

#### *Solicitors*

- 112.30 Solicitors

### **GENERAL PROVISIONS**

#### **§ 112.01 DEFINITIONS.**

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

***SOLICITOR.*** Any person not a transient merchant who solicits contributions of money or goods by entering any property or residence in the town without first receiving an invitation to do so.

***TRANSIENT MERCHANT.*** The same, as defined in I.C. 25-37-1-1 et seq.  
(Prior Code, § 112.01)

**§ 112.02 IDENTIFICATION REQUIRED.**

All transient merchants and solicitors shall display on their person identification which clearly states their name and the organization, if any, with which they are affiliated within the transaction of business or the solicitation of contributions under this section.

(Prior Code, § 112.02) Penalty, see § 10.99

**§ 112.03 LIMITATIONS ON SALES AND TIMES.**

No transient merchant or solicitor shall enter any property in the town upon which a sign or notice stating "NO SOLICITORS," or words to that effect, is posted and plainly visible.

(Prior Code, § 112.03) (Ord. 1984-2, passed 6-19-1984) Penalty, see § 10.99

**§ 112.04 PROTECTION OF RIGHTS.**

This chapter shall be neither applied nor construed to abridge the right of any person to engage in speech, assembly, or petitioning subject to the restrictions governing transient merchants and solicitors.

(Prior Code, § 112.04)

***TRANSIENT MERCHANTS*****§ 112.15 TRANSIENT MERCHANTS.**

The town taxes, licenses, and regulates transient merchants and charges a fee for the transaction of business by them, and provides for the punishment of persons violating this chapter.

(Prior Code, § 112.15)

**§ 112.16 PERMITS.**

(A) All transient merchants shall obtain a permit from the Clerk-Treasurer before engaging in business.

(B) Each transient merchant permit shall be valid for six months following its issuance. The town imposes a licensing fee of \$100 to defray the administrative cost of exercising its regulatory power. This fee shall be paid in full prior to the issuance of the license.

(Prior Code, § 112.16) Penalty, see § 10.99

**§ 112.17 ACCOMPANYING TRANSIENT MERCHANTS.**

No person shall accompany a transient merchant during the transaction of business unless that person has obtained a transient merchant permit.

(Prior Code, § 112.17) Penalty, see § 10.99

***SOLICITORS***

**§ 112.30 SOLICITORS.**

All solicitors shall produce personal identification deemed adequate by the Clerk-Treasurer and shall sign the register of solicitors maintained in the office of the Clerk-Treasurer for engaging in solicitation.

(Prior Code, § 112.30) Penalty, see § 10.99



## **CHAPTER 113: CABLE TELEVISION**

### **Section**

- 113.01 Cable television regulation
- 113.02 Pole lines and facility arrangements
- 113.03 Installation and maintenance requirements
- 113.04 General system specifications
- 113.05 Filing complete plans and specifications
- 113.06 Maintenance service
- 113.07 Restrictions on company
- 113.08 Density requirements for service
- 113.09 Emergency requirements
- 113.10 Indemnification
- 113.11 Franchise fee
- 113.12 Subscriber rate structure and regulations
- 113.13 Commencing construction

### **§ 113.01 CABLE TELEVISION REGULATION.**

Subject to the terms and provisions of this chapter, a corporation, hereinafter referred to as the “company,” shall be granted the right to construct, erect, operate, and maintain in, upon, across, above, over, and under the highways, alleys, public ways, and public places, now laid out or dedicated, and all extensions thereof, and additions thereto, in the town, all poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures, and to use the same for the purpose of transmitting and distributing electrical impulses, television impulses, and television energy, for television purposes, to reproduce sights and sounds in combination or independently, for the conduct of a community television system for the interception, sale, and distribution of television signals and radio sounds in accordance with the laws and regulations of the United States of America, the regulations of the Federal Communications Commission now or hereinafter promulgated, the laws and regulations of the state, now or hereinafter promulgated, and the code, ordinances, and regulations of the town, now or hereinafter adjusted, for a period of 20 years from the date of approval.

(Prior Code, § 113.01)

**§ 113.02 POLE LINES AND FACILITY ARRANGEMENTS.**

(A) (1) The company shall, where an agreement can be reached with the telephone company, the utility company serving the town, and all other holders of public licenses and franchises within the corporate limits of the town, use existing poles, towers, or other facilities of the holders wherever possible, and it shall be the sole responsibility of the company to negotiate and enter into any and all contracts with the owners of such facilities to secure the necessary space thereof or therein for its operation under this franchise.

(2) All holders of public licenses and franchises within the corporate limits of the town shall cooperate with the company to allow the company's joint use of their poles and pole line facilities. The cooperation shall include the rights of joint usage at reasonable rates and upon reasonable terms.

(B) (1) Where the company is unable to contract with owners and users of such existing poles and towers, and other facilities, it may erect such poles, towers, and other facilities which shall be required.

(2) Before engaging in the erection of poles, towers, and other facilities, the company shall secure all necessary building and/or inspection permits which are now required or hereafter shall be required by the ordinances of the town.

(3) The company's transmission and distribution system, poles, wires, and apparatuses shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons or to interfere with new improvements that the town shall deem proper to make or to unnecessarily hinder or restrict the free use of the streets, alleys, bridges, and other public ways or public property.

(4) The company shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, or fences, or boardings.

(5) In the event the company engages in opening or obstructing any street or public way, or place, under the terms of this franchise, the company shall replace the streets and other public ways, and places, in as good a condition as they were prior to said construction.

(Prior Code, § 113.02) Penalty, see § 10.99

**§ 113.03 INSTALLATION AND MAINTENANCE REQUIREMENTS.**

(A) The community television system shall conform to the highest present state of the art in the field of community antenna television, and shall be designed and styled, operated, and maintained in accordance with the best engineering practices.

(B) All installations of equipment shall be of permanent nature, durable, and installed in accordance with good engineering practices.

(C) Construction and maintenance of the community television system shall be in accordance with the provisions of the National Electric Safety Code prepared by the National Bureau of Standards, the National Electric Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the town.

(Prior Code, § 113.03)

#### **§ 113.04 GENERAL SYSTEM SPECIFICATIONS.**

(A) The transmission and distribution system shall be so engineered so as to have the ability to distribute all television signals on very high frequency channels two through 13, and shall also have the ability to distribute FM radio signals in the frequency range 88 to 108 megacycles and will be able to convert ultra high frequency and instructional service to very high frequency carriers.

(B) Specifically what services shall be rendered to subscribers of the system is at the option of the company.

(C) The signals shall be distributed to individual subscribers' television sets without noticeable degradation of color fidelity, picture intelligence, audio distortion, or cross channel interference.

(D) The system shall be designed and constructed for continuous operation 24 hours per day throughout the complete range of ambient temperatures which may be experienced in the area.

(E) The community television system will be so designed, engineered, and maintained by the company so as to not interfere with the television reception of residents of the town who are not subscribers to its services.

(Prior Code, § 113.04)

#### **§ 113.05 FILING COMPLETE PLANS AND SPECIFICATIONS.**

(A) Prior to the beginning of construction of the community television system, the company shall file complete plans and specifications including maps, drawings, and diagrams showing the distribution system thereon where each facility and equipment will be placed within the town.

(B) After the community television system has been installed and before the same is activated, the company shall file amended maps showing the exact location of distribution lines.

(Prior Code, § 113.05) Penalty, see § 10.99



**§ 113.06 MAINTENANCE SERVICE.**

The company shall maintain an office open during all usual business hours, shall have a listed telephone number, and shall be so operated that complaints and requests for repair or adjustment may be received at any time. The company shall maintain its system in a reasonable state of repair and working order and provide adequate facilities for such maintenance, including the availability of service personnel 24 hours per day, seven days per week for subscriber service and cable maintenance. These requirements may be temporarily suspended by disaster or emergency conditions, or other circumstances beyond the reasonable control of the company.

(Prior Code, § 113.06) Penalty, see § 10.99

**§ 113.07 RESTRICTIONS ON COMPANY.**

The company and its agents, employees, and representatives in the community television system shall not engage in the business of renting, repairing, selling, or installing television devices for the reception of television or electric signals, except those required by a subscriber's receiving set in order to receive signals from the community television system.

(Prior Code, § 113.07) Penalty, see § 10.99

**§ 113.08 DENSITY REQUIREMENTS FOR SERVICE.**

The company agrees to furnish service to all residents of the area, covered by the franchise granted to it, as it is now constituted or may hereafter be enlarged, who desire said service in any specified geographical area with density of 40 or more houses per mile of system.

(Prior Code, § 113.08)

**§ 113.09 EMERGENCY REQUIREMENTS.**

The company shall promptly disconnect all electrical energy within any given geographical area in the town which is in the vicinity of a fire or major catastrophe upon the request of any appropriate officer of the town.

(Prior Code, § 113.09)

**§ 113.10 INDEMNIFICATION.**

(A) The company shall indemnify, protect, and save harmless the town from and against all losses and physical damages, and assume all legal liability for which the town can or may be held for injury

to persons or damages to property, or from damages arising from the infringement of a trademark, patent, or copyright occasioned by reason or resulting from, or growing out of or caused by, the installation, operation, maintenance, use, or removal of the community television system herein authorized, and it is a condition of this franchise that the town shall not and does not, by reason of this franchise, assume any liability whatsoever, either to persons or property on account of the same, and the company shall defend the town from said liability, and the company shall repay to the town any damages which the town shall be compelled by reason of the aforesaid to pay or any damages resulting therefrom.

(B) The company shall also carry such insurance as is necessary to protect it and the town from claims under the worker's compensation laws in effect or hereinafter promulgated that shall be applicable to the company.

(Prior Code, § 113.10)

#### **§ 113.11 FRANCHISE FEE.**

The company shall pay to the town for the privilege of operating a community television system under this franchise a sum of 5% per annum of the gross revenue received by the company on all installation and retail sales, and service, of television and radio signals within the corporate limits of the town, payable one-half thereof at the end of each semi-annual period, June 30 and December 31 of each year.

(Prior Code, § 113.11)

#### **§ 113.12 SUBSCRIBER RATE STRUCTURE AND REGULATIONS.**

The company, as to rates, charges, service facilities, rules, and regulations, shall not grant any preference to any person, and shall be authorized to establish a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled; and such rates, charges, service facilities, rules, and regulations shall not be greater or lesser than the rates, charges, service facilities, rules, and regulations provided for other incorporated areas contiguous to the town. The company shall furnish the town a schedule of rates and charges, service facilities, rules, and regulations as may be, from time to time, established by the company for subscribers within the town.

(Prior Code, § 113.12)

#### **§ 113.13 COMMENCING CONSTRUCTION.**

The company agrees that it will diligently pursue construction of the Community Television System to the end that persons residing within the town and desiring the company's service will be offered such

service within a reasonable time, and to complete the construction of the Community Television System within 24 months after receipt of all necessary Federal Communication Commission approvals, licenses, and permits for the Anderson-Edgewood CATV system. In the event the Federal Communications Commission (FCC) or higher federal authority does not grant approval for the necessary licenses and permits, then this franchise can be revoked at the option of the Town Council.

(Prior Code, § 113.13)

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. OFFENSES AGAINST TOWN REGULATIONS**



## **CHAPTER 130: OFFENSES AGAINST TOWN REGULATIONS**

### **Section**

#### ***Curfews***

130.01 Establishing Halloween curfew

130.02 Halloween curfew

#### ***Firearms***

130.15 Discharge of firearms

#### ***Fireworks***

130.30 Definition

130.31 Fireworks display

### ***CURFEWS***

#### **§ 130.01 ESTABLISHING HALLOWEEN CURFEW.**

(A) The town establishes a curfew for the time period beginning October 15 and ending November 1 of each year pursuant to I.C. 31-37-3-2 through 31-37-3-5.

(B) The Town Council determines that the curfew time established by I.C. 31-37-3-2 and 31-37-3-3 is later than reasonable for public safety during the conditions existing in the town between October 15 and November 1 of each year, and advances the curfew time within its jurisdiction by two hours during that period.

(C) The Council may adopt rules governing “trick or treating” during this period.  
(Prior Code, § 130.01)

**§ 130.02 HALLOWEEN CURFEW.**

(A) “Trick or treating” shall be permitted in town only on the evening of October 31 of each year from the hours of 6:00 p.m. to 8:00 p.m.

(B) Only minors under the age of 12 years are permitted to trick or treat, and all trick or treaters must be accompanied by at least one adult over 18 years of age.

(C) It shall be unlawful for any individual under the age of 18 years to be upon the streets, alleys, parks, or public places in the corporate limits of the town between the hours of 10:00 p.m. and 6:00 a.m., during the period beginning at 10:00 p.m. on October 15 of each year and ending at 6:00 a.m., on November 1 of each year. This section does not apply to a child who is:

- (1) Accompanied by his or her parent, guardian, or custodian;
- (2) Accompanied by an adult specified by his or her parent, guardian, or custodian;
- (3) Participating in, going to, or returning from:
  - (a) Lawful employment;
  - (b) A school sanctioned activity; or
  - (c) A religious event.
- (4) Exempted under division (E) below

(D) The police officers of the town are instructed to investigate any violation of this section and report any violations thereof to appropriate juvenile authorities and agencies.

(E) It is an exemption to a violation under this section that the person engaged in the prohibited conduct while:

- (1) Accompanied by the minor’s parent or guardian;
- (2) On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed, in accordance with state law.

(Prior Code, § 130.02) (Res. passed 10-18-1988) Penalty, see § 10.99

## ***FIREARMS***

### **§ 130.15 DISCHARGE OF FIREARMS.**

(A) No person shall fire an air pistol, air rifle, pellet gun, or any device propelling a missile by gas within or into the town limits of the town.

(B) No person shall purposely point or aim an air pistol, air rifle, pellet gun, or any device for propelling a missile by gas, either loaded or empty, at or toward any person or property within the town except:

(1) Any authorized law enforcement officer in pursuit of his or her duty; or

(2) Any person who is attacked, or reasonably believes himself or herself to be in danger of attack and injury to his or her person or property, and discharges any weapon to preserve or defend his or her safety, or the safety of his or her property.

(C) No person shall carry on his or her person an air pistol, air rifle, pellet gun, or any device propelling a missile by gas within the town limits between the hours of 8:00 p.m. and 6:00 a.m.

(Prior Code, § 130.16) Penalty, see § 10.99



***FIREWORKS*****§ 130.30 DEFINITION.**

For the purpose of this subchapter, the following definition applies unless the context clearly indicates or requires a different meaning.

***FIREWORKS.*** Includes those of which explode or shoot projectiles into the air, such as bottle rockets, Roman candles, firecrackers which explode, and aerial bombs and similar fireworks, but does not include, for the purpose of this subchapter, non-explosive fireworks such as pinwheels, fountains, sparklers, or similar fireworks.

(Prior Code, § 130.30) (Ord. passed 8-21-1990)

**§ 130.31 FIREWORKS DISPLAY.**

This subchapter shall not apply to a fireworks display sponsored by an organization or a group which has complied with the laws of the state requiring the obtaining of a permit for such display, obtaining proof of liability insurance in an amount specified by statute and the employment of a licensed handler where required by statute. However, no organization, nor group, shall stage, sponsor, or cause such to be ignited within 300 feet of any residence.

(Prior Code, § 130.31) (Ord. passed 8-21-1990) Penalty, see § 10.99

## **TITLE XV: LAND USAGE**

### **Chapter**

- 150. UNSAFE BUILDINGS**
- 151. SUBDIVISION REGULATIONS**
- 152. THOROUGHFARE PLAN**
- 153. ZONING CODE**



## **CHAPTER 150: UNSAFE BUILDINGS**

### **Section**

- 150.01 Establishment
- 150.02 Adoption of state law
- 150.03 Definitions
- 150.04 Order of enforcement authority
- 150.05 Notice of order
- 150.06 Content of notice
- 150.07 Hearing
- 150.08 Willful failure to comply with order
- 150.09 Record of findings
- 150.10 Emergency action
- 150.11 Action to enforce orders
- 150.12 Performance of work orders; bids and notifications
- 150.13 Liability for costs
- 150.14 Establishment of an unsafe building fund
- 150.15 Issuance of inspection warrants
- 150.16 Civil actions regarding unsafe premises
- 150.17 Recording of orders
- 150.18 Interest in unsafe premises
- 150.19 Violations

### **§ 150.01 ESTABLISHMENT.**

Under the provisions of I.C. 36-7-9-3, there is established the “Edgewood Unsafe Building Ordinance.”

(Prior Code, § 151.01) (Ord. 12-23-1992 A, passed 12-23-1992)

### **§ 150.02 ADOPTION OF STATE LAW.**

I.C. 36-7-9-1 through 36-7-9-28, as modified herein, are adopted by reference as part of this chapter, together with any and all amendments thereto that are made following this date. All proceedings

in the town for inspection, repair, and removal of unsafe buildings shall be governed by said state law and the provisions of this chapter.

(Prior Code, § 151.02) (Ord. 12-23-1992 A, passed 12-23-1992)

### § 150.03 DEFINITIONS.

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

***BUILDING.*** Includes ***STRUCTURE*** and shall be construed as if followed by the words “or part thereof.”

***DEPARTMENT.*** The office of the Building Commissioner of the town, which shall administer this chapter.

***ENFORCEMENT AUTHORITY.*** The Building Commissioner of the town.

***HEARING AUTHORITY.*** The Town Council.

***PERSONS.*** Includes a corporation or an unincorporated association.

***SUBSTANTIAL PROPERTY INTEREST.*** Any right in real property in the town that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate, a future interest, a present possessor’s interest, or an equitable interest of a contract purchaser. The ***INTEREST*** reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a substantial property interest, unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:

(1) Recorded in the office of the County Recorder; or

(2) The subject of a written information that is received by the Building Commissioner and includes the name and address of the holder of the interest described.

***UNSAFE BUILDING*** and ***UNSAFE PREMISES.*** An unsafe building or structure, or any part of a building or structure, is:

(1) Considered an ***UNSAFE BUILDING*** if it is:

(a) In an impaired structural condition that makes it unsafe to a person or property;

(b) A fire hazard;

(c) A hazard to the public health;

(d) A public nuisance;

(e) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or

(f) Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

(2) Considered an **UNSAFE PREMISES** if it is:

(a) An **UNSAFE BUILDING**; and

(b) The tract of real property on which the **UNSAFE BUILDING** is located.

(Prior Code, § 151.03) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.04 ORDER OF ENFORCEMENT AUTHORITY.**

The Building Commissioner shall issue an order requiring action relative to any unsafe premises, in accordance with standards established by ordinance, including:

(A) Vacating of an unsafe building;

(B) Sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;

(C) Extermination of vermin in and about the unsafe premises;

(D) Removal of trash, debris, fire hazardous material, or a public health hazard in and about the unsafe premises;

(E) Repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance prescribed by law;

(F) Demolition and removal of part of an unsafe building;

(G) Demolition and removal of an unsafe building, if:

(1) The general condition of the building warrants removal; or

(2) The building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order.

(H) Requiring, for an unsafe building that will be sealed for a period of more than 90 days:

(1) Sealing against intrusion by unauthorized persons and the effects of weather;

(2) Exterior improvements to make the building compatible in appearance with other buildings in the area; and

(3) Continuing maintenance and upkeep of the building and premises.

(Prior Code, § 151.04) (Ord. 12-13-1992 A, passed 12-23-1992)

#### **§ 150.05 NOTICE OF ORDER.**

(A) (1) Notice of order shall be given by:

(a) Sending a copy of the order by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested.

(b) Delivering a copy of the order personally to the person to be notified; or

(c) Leaving a copy of the order at the dwelling or usual place of abode of the person to be notified.

(2) If, after a reasonable effort, service is not obtained by a means described above, service shall 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.

(B) When service is made by any of the means described in this section, except by mailing or by publication, the person making service shall make an affidavit stating that he or she has made the service, the manner in which service was made, to whom the order was issued, the nature of the order, and the date of service. The affidavit must be placed on file with the enforcement authority.

(C) The date when notice of the order is considered given is as follows.

(1) If the order 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 or her 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 is made.

(D) The order supersedes any permit relating to building or land use, whether this permit is obtained prior to or after the order is issued.

(E) Notice of a rescission and notice of continued hearings shall be given in the same manner as notice of order.

(F) All orders expire two years from the date notice of order is given, except as provided by statute. (Prior Code, § 151.05) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.06 CONTENT OF NOTICE.**

(A) The notice 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 approved;

(5) A statement indicating the exact time and place of the hearing before the Town Council and stating that the 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 argument; but that, in the event the person to whom the notice is addressed fails to appear, the Town Council shall approve the order without hearing on proposed order;

(6) A statement briefly indicating the action which can be taken by the enforcement authority of the order, after approval by the Council, if the person to whom the order is addressed fails to comply with the order;

(7) A statement indicating the obligation created by I.C. 36-7-9-27 relating to notification of subsequent interest holders and the enforcement authority; and



(8) The name, address, and telephone number of the enforcement authority.

(B) The date of hearing on any order issued by the Building Commissioner shall not be sooner than ten days after date of service.

(Prior Code, § 151.06) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.07 HEARING.**

(A) A hearing must be held by the Town Council relative to each order of the enforcement authority, and such order shall have no force or effect until such hearing. Such hearing will not be had until at least ten days after notice to the individual to whom the order is addressed, except under the provisions under § 150.09 or unless the individual to whom the order is addressed requests an earlier date in writing. The hearing shall be held on a business day. The hearing shall be continued by the Town Council pursuant to I.C. 36-7-9-7(b), and notice of such continuance, including the new date of hearing, shall be given to the person to whom the order was sent pursuant to § 150.05. Notice of date of continued hearing shall be given to the person to whom the order was issued not less than five days before the continued hearing date.

(B) 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 shall 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, the amount of said bond to have been determined pursuant to I.C. 36-7-9-7(f).

(C) The Town Council shall allow sufficient time, of at least ten days from date of hearing, to comply with the order (or the order as amended). If the Council allows more than 30 days to comply from date of hearing to comply with order, the order (or the amended order) shall require that a substantial beginning be made toward complying with said order within 30 days (but not earlier than ten days).

(D) If, at a hearing, a person to whom an order has been issued requests an additional period to comply with the order, and shows good cause for this request to be granted, the Town Council may grant the request. However, as a condition for allowing the additional period, the Town Council may require that the person post a performance bond to be forfeited if the compliance with the order is not completed within the additional period.

(E) At the conclusion of any hearing on the order conducted by the Town Council, it shall make findings and take action to:

(1) Affirm the order;

(2) Rescind the order; or

(3) Modify the order, but unless the person to whom the order was issued, or counsel for that person is present at the hearing, the Town Council shall modify the order only in a manner that makes its terms less stringent.

(Prior Code, § 151.07) (Ord. 12-23-1992 A, passed 12-23-1992)

## **§ 150.08 WILLFUL FAILURE TO COMPLY WITH ORDER.**

(A) In the event the Building Commissioner reports to the Town Council that a person who has received an order from him or her, affirmed by the Council, under the terms of this chapter, has willfully failed to comply with the order, the Town Council shall set a place, date, and time of a hearing upon said report and shall give notice setting forth the report of the Building Commissioner to the person to whom the initial order was issued, notice to be given to the individual in the same manner as the original order was given to him or her.

(B) At the hearing, the Town Council may find that there is not sufficient evidence to determine that there has been a willful failure to comply with the order, or that the order has been complied with at the time of said hearing, at which time the Town Council will enter in the record that:

(1) At the time of the hearing, the person has complied with the order and therefore no penalty is imposed; and

(2) There is not sufficient evidence to determine there is a willful failure to comply with the order and therefore no penalty is imposed, however, the Council shall set a date upon which compliance must be completed, no earlier than 15 days from said hearing.

(C) In the event that the Building Commissioner, in writing, reports the said person has not complied with the order after 15 days, the Town Council shall therefore set another hearing and notice thereof shall be given to said person in the same manner with the same information as the original given in the instance of that person's failure to comply. At the second meeting and any subsequent meeting, the Town Council may make the same findings as after the first hearing, and in the event the Town Council finds that there is a failure to comply but lacks sufficient information to determine that it is willful, it may again continue the time period for compliance.

(D) There is a willful failure on the part of the person receiving such order to comply with the order. In the event, however, the Town Council finds that there is a willful failure on the part of the person receiving such order to comply with the order, the Council shall impose a civil penalty as set forth in § 10.99.

(Prior Code, § 151.08) (Ord. 12-23-1992 A, passed 12-23-1992)

**§ 150.09 RECORD OF FINDINGS.**

The record of the findings made and action taken by the Town Council at any hearing herein provided shall be made available to the public upon request. However, neither the Town Council nor the Building Commissioner is required to give any person notice of the findings and action. (Prior Code, § 151.09) (Ord. 12-23-1992 A, passed 12-23-1992)

**§ 150.10 EMERGENCY ACTION.**

(A) If the Building Commissioner finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take that action without issuing an order of giving notice. Such emergency action shall be limited to removing any immediate danger, as provided in I.C. 36-7-9-9.

(B) The Town Council shall recover any costs incurred by the Building Commissioner in taking emergency action by filing a civil action in the Circuit or Superior Court of the county against the person who holds fee interest or life estate interest in the unsafe premises at the time the Building Commissioner found it necessary to take emergency action.

(Prior Code, § 151.10) (Ord. 12-23-1992 A, passed 12-23-1992)

**§ 150.11 ACTION TO ENFORCE ORDERS.**

(A) The Building Commissioner shall cause the action required by an order issued under § 150.04(B), (C), and (D) to be performed by a contractor if:

(1) The order has been served in a manner provided in this chapter to each person having a fee interest or life estate in the unsafe premises that are subject to the order;

(2) The order has been duly affirmed by the Town Council;

(3) The order was not complied with; and/or

(4) The order is not being reviewed by any court.

(B) The Building Commissioner shall cause the action required by said order, other than under § 150.04(B), (C), and (D), to be performed if:

(1) An order has been served on each person having a substantial property interest in the unsafe premises that are the subject of this order;

(2) The order has been affirmed or modified by the Town Council (and if amended, has still ordered said persons to comply with the amended order), after a hearing thereon in such a manner that all persons having a substantial interest in the unsafe premises are the subject of the order which has been affirmed, amended, or modified by the Town Council;

(3) The order, as affirmed or modified at the hearing, has not been complied with; and/or

(4) The order is not being reviewed by any court.

(C) However, in addition to the requirements hereinabove set forth, the Building Commissioner shall notify each person having a fee interest or life estate in the unsafe premises, or who is subject of the order, or all persons having a substantial property interest in the unsafe premises, that he or she intends to proceed and cause compliance with said order, and notice of which shall be given to said persons in the same manner that notice of the order was initially given to said individual, which notice shall specifically state that the Building Commissioner intends to perform the work.

(Prior Code, § 151.11) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.12 PERFORMANCE OF WORK ORDER; BIDS AND NOTIFICATIONS.**

(A) The work required by an order of the Building Commissioner shall be performed in the following manners.

(1) If the work is being performed under an order other than an order to seal an unsafe building, and if the cost of the work is estimated to be less than \$5,000, the office of the Building Commissioner, acting through the Building Commissioner or any other agent, shall perform the work by means of the town's own workers and equipment, owned or leased by it. Notice that this work is to be performed must be given to all persons having a substantial interest in the property as heretofore defined in this chapter, at least ten days before the date of performance of the work by the office of the Building Commissioner is to begin. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the Building Commissioner in processing the matter and performing the work shall, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate in the unsafe premises.

(2) If the work is being performed under an order other than that of an unsafe building, and if the estimated cost of the work is \$5,000 or more, this work must be let at public bid to a contractor licensed and qualified under law. (The obligation to pay costs incurred by I.C. 36-7-9-27.) This chapter is based on the condition of the unsafe premises at the time the public bid is accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted did not eliminate or diminish this obligation, as set forth in I.C. 36-7-9-11.

(3) If the work is performed under an order issued under § 150.05(A)(2), (A)(3), and (A)(4), the work shall be performed by a contractor who has been awarded a base bid contract to seal unsafe buildings by the Building Commissioner or the office of the Building Commissioner using its own workers and equipment owned or leased by it. The unsafe building shall be sealed without further notice to the persons holding the fee interest or life estate, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work which is hereinafter provided.

(B) Bids shall be solicited and accepted for work on more than 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 attributed to each of the unsafe premises constituted the basis for calculating the part of the cost is as hereinafter stated.

(C) All persons who have a substantial property interest in the unsafe premises and are subject to an order other than the order under § 150.05(A)(2), (A)(3), and (A)(4) must be notified in the manner herein provided for the service of the initial order 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 Building Commissioner in processing the matter of the unsafe premises shall, 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 Building Commissioner.

(D) If the notice of the statement that public bids are to be let is served by publication, the publication must include the information required in division (C) above, except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid shall be obtained from the Building Commissioner.

(E) Notice of the statement that public bids are to be let must be given at least ten days before the date of the public bid to all persons having a substantial interest in the property, and are subject to an order other than the order to seal unsafe premises.

(F) 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 public bids are to be let by publication, unless the Building Commissioner has received information in writing that enables him or her to make service as provided in I.C. 36-7-9-25 than publication as hereinabove set forth in this chapter.  
(Prior Code, § 151.12) (Ord. 12-23-1992 A, passed 12-23-1992)

### **§ 150.13 LIABILITY FOR COSTS.**

(A) When action required by an order is performed by the Building Commissioner, or by a contractor as hereinabove provided, 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 the work performed by the Building Commissioner or by the contractor;

(2) An amount that represents a reasonable forecast of the average processing expense that will be incurred by the Building Commissioner in taking the technical, administrative, and legal actions concerning typical unsafe premises that are necessary under this chapter so that the action required by an order shall be performed by a contractor as herein provided. In calculating the amount of the average processing expense, the following cost shall be considered:

(a) The cost of obtaining reliable information about the identification and location of persons who own a substantial property interest in the unsafe premises;

(b) The cost of notice of orders, notices of statements of rescission, notice of hearing by the Town Council, or of continued hearing, notice of statement that public bids are to be let or that the Building Commissioner intends to accomplish the work, and notice that a hearing shall be held on the amounts indicated in the record;

(c) Salaries for employees;

(d) The costs for supplies, equipment, and office space. The Town Council, having control of the office of the Building Commissioner, shall determine the amount of the average processing expense at a public hearing, after notice has been given in the same manner as required by other official action of the Council. In determining the average processing expense, the Council shall fix the amount at a full dollar amount that is an even multiple of ten; and

(e) If all or any part of the costs listed above remain unpaid for any unsafe premises for more than 15 days after the completion of the work, and if the Building Commissioner determines that there is a reasonable probability of obtaining recovery, the Commissioner shall prepare a record stating:

1. The name and last known address of each person who held a fee interest, life estate interest, or equitable interest of a contract purchaser 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 of, or address of, the unsafe premises that were the subject of work;
3. The nature of the work accomplished;
4. The amount of the unpaid bid price of the work that was accomplished; and
5. The amount of unpaid average processing expense. The record must be in a form approved by the State Board of Accounts.

(B) The Building Commissioner 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 notice on the amounts indicated in the record shall be held, must be sent to the persons named in the record, such notice to be given as hereinabove provided notice was given of the order made.

(C) If, within 30 days after the notice herein required, a person named by 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 law. However, issues that could have been determined by appeal to any court prior to that time may not be entertained at the hearing. At the conclusion of the hearing, the Court shall either sustain the petition or enter judgment against the persons named in the record for the amounts recorded or modified amounts.

(D) If no petition is filed, 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 entered pursuant to this chapter to the extent that it is not satisfied is a debt and lien on all 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 provided by state rules of trial procedure.

(F) Judgments entered under this section shall be enforced in the same manner as other judgments are enforced.

(Prior Code, § 151.13) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.14 ESTABLISHMENT OF AN UNSAFE BUILDING FUND.**

(A) Upon the request of the Building Commissioner, the Town Council shall establish in its operating budget a fund designated as the “Unsafe Building Fund.” Any balance remaining at the end of the fiscal year shall be carried over in the fund for the following year and does not revert to the General Fund.

(B) The provisions of I.C. 36-7-9-14 are incorporated into this section of the chapter by reference. (Prior Code, § 151.14) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.15 ISSUANCE OF INSPECTION WARRANTS.**

(A) If the owners or those in possession of a building refuse inspection, the Building Commissioner shall obtain an inspection warrant from any court of record in the county in which the building is located in order to determine if the building is an unsafe building. The court shall issue the warrant subject to the following conditions.

(1) The Building Commissioner 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 that naturally includes the building, or that there is probable cause for believing that a condition, object, activity, or circumstance legally justifies a search or inspection of that building.

(2) An affidavit establishing one of the grounds described in division (A)(1) above 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 is 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 for only 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 owner of the possessor of the building can reasonably determine what property the warrant authorizes an inspection of;



(3) Indicates the conditions, objects, activities, or circumstances that 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) A warrant issued under this section is valid for only 48 hours after its issuance, must be personally served upon the owner or possessor of the building, and must be returned within 72 hours. (Prior Code, § 151.15) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.16 CIVIL ACTIONS REGARDING UNSAFE PREMISES.**

The office of the Building Commissioner, acting through the Building Commissioner, shall bring a civil action regarding unsafe premises in the Circuit, Superior, or Municipal Court of the county. The office of the Building Commissioner is not liable for the costs of such an action. (Prior Code, § 151.16) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.17 RECORDING OF ORDERS.**

The Building Commissioner shall record the documents specified in I.C. 36-7-9-26 in the office of the County Recorder. The Recorder shall not charge a fee for recording these items. (Prior Code, § 151.17) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.18 INTEREST IN UNSAFE PREMISES.**

(A) 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, provided in I.C. 36-7-9-26 and subject to the provisions of said statutes.

(B) A person who takes an interest in unsafe premises that are the subject of a statement that public bids are to be let takes interest subject to the terms and conditions of that statement, all as provided, subject to the terms of I.C. 36-7-9-26. (Prior Code, § 151.18) (Ord. 12-23-1992 A, passed 12-23-1992)

#### **§ 150.19 VIOLATIONS.**

A person commits a violation who:

(A) Remains in, uses, or enters a building in violation of an order made under this chapter;

(B) Knowingly interferes with, or delays the carrying out of, an order made pursuant to the chapter;

(C) Knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this chapter; or

(D) Fails to comply with I.C. 36-7-9-27.

(Prior Code, § 151.98) (Ord. 12-23-1992 A, passed 12-23-1992)



## CHAPTER 151: SUBDIVISION REGULATIONS

### Section

#### *General Provisions*

- 151.01 Definitions
- 151.02 Establishment of control

#### *Procedure*

- 151.15 Preliminary plat
- 151.16 Preliminary considerations
- 151.17 Application for preliminary approval
- 151.18 Primary approval
- 151.19 Final plat
- 151.20 Final plat approval
- 151.21 Principles and standards
- 151.22 Certificates

### **GENERAL PROVISIONS**

#### **§ 151.01 DEFINITIONS.**

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

**ALLEY.** A permanent service way providing a secondary means of access to abutting lands.

**BLOCK.** A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or a combination thereof.

***BUILDING LINE-BUILDING SETBACK LINE.*** The line across a lot establishing the minimum yard to be provided between the buildings and structures and the lot line or street right-of-way.

***COMMISSION.*** The Town Plan Commission.

***CUL-DE-SAC (COURT or DEAD END STREET).*** A short residential street having one end open to traffic and being permanently terminated by a vehicle turn-around.

***EASEMENT.*** A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

***FRONTAGE.*** Property abutting on one side of a highway, and lying between the two nearest intersections or intercepting highways, or between the nearest intersecting or intercepting highway and railroad right-of-way, waterway, or other definite barrier.

***JURISDICTION.*** The territory within the town.

***LOT.*** A portion of a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

***MASTER PLAN.*** The complete plan, or any of its parts, for the development of the town prepared by the Commission and adopted in accordance with I.C. 36-7-4-100 et seq., as amended, as is now or may hereafter be in effect.

***PLACE.*** An open unoccupied, officially designated space, other than a highway or alley.

***PLAT.*** A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

***STREET.***

(1) A right-of-way, dedicated to the public use, which affords the principal means of access to abutting property.

(2) A ***STREET*** shall be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name.

(3) A ***STREET*** shall also be identified according to type of use, as follows.

(a) ***ARTERIAL STREETS.*** Streets designated for large volumes of traffic movement. Certain arterial streets shall be classified as ***BUSINESS STREETS*** to serve congested business sections,

and others as **LIMITED ACCESS HIGHWAYS** to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

(b) **FEEDER STREETS**. Important streets planned to facilitate the collection of traffic from minor streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

(c) **RESIDENTIAL STREETS**. Those streets determined primarily to provide access to abutting properties. Certain **RESIDENTIAL STREETS** shall be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets. Other **RESIDENTIAL STREETS** shall be a cul-de-sac, a short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

**SUBDIVIDER**. Any person responsibly engaged in developing or improving a tract or tracts of land which complies with the definition of a subdivision or defined in the section.

### **SUBDIVISION.**

(1) The division of any parcel of land shown as a unit, part of a unit, or as contiguous units on the last preceding transfer of property into two or more parcels, sites, or lots, any one of which is less than five acres in area for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a **SUBDIVISION**.

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structure, or groups of structures involving the division, and a location of land as streets or other open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

**THOROUGHFARE PLAN**. The part of the master plan, now or hereafter adopted, which sets forth the location, alignment, dimensions, identification, and classification of existing and proposed public streets, highways, and other thoroughfares.

(Prior Code, § 152.01) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

### **§ 151.02 ESTABLISHMENT OF CONTROL.**

No plat or replat of a subdivision of land located within the jurisdiction of the town shall be recorded until it shall have been approved by the Commission, and such approval shall have been entered in writing on the plat by the Chairperson of the Commission.

(Prior Code, § 152.02) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

***PROCEDURE*****§ 151.15 PRELIMINARY PLAT.**

Whenever the owner of any tract or parcel of land within the corporation limits of the town wishes to make a subdivision of same, he or she shall cause to be prepared a preliminary plat of the subdivision, and shall submit three copies of the preliminary plat, along with other information described herein, to the Commission for its preliminary study and action.

(Prior Code, § 152.15) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

**§ 151.16 PRELIMINARY CONSIDERATIONS.**

(A) In order to make the most of the opportunities related to the subdivision, and to conserve time, effort, and expense, the owner or subdivider should consult with the Commission and public officials prior to the preparation of the preliminary plan of the subdivision. The Master Plan should be reviewed to determine how the proposed plan will fit into the Master Plan. Requirements of the thoroughfare plan, school, and recreational sites; shopping centers, community facilities; sanitation, water supply, and drainage; and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plan. Consultation should also be held with those familiar with the economic factors affecting the subdivision. A thorough estimate of the situation will result in sound decisions with respect to the form, character, and extent of the proposed subdivision.

(B) No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

(Prior Code, § 152.16) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

**§ 151.17 APPLICATION FOR PRELIMINARY APPROVAL.**

(A) A person desiring preliminary approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission shall submit a written application to the Commission.

(B) The application shall be accompanied by the following information and plans:

(1) A location map, which does not need to be a special drawing. The data may be shown by notations on available maps. However, what must be shown is the:

- (a) Subdivision name and location;
- (b) Any thoroughfares related to the subdivision;
- (c) Public transportation lines;
- (d) Main shopping center;
- (e) Community or neighborhood stores;
- (f) Elementary and high schools;
- (g) Parks and playgrounds;
- (h) Other community features; and
- (i) Title, scale, north point, and date.

(2) A site map showing:

(a) Topographical data in one of the following forms, which shall be determined by the Commission during preliminary consideration of the plan:

1. A contour map with contours at vertical intervals of two feet if the general slope of the site is less than 10%, and at vertical intervals of five feet if the general slope is greater than 10%; and

2. A land inspection sketch showing terrain features, wooded areas, buildings, and other natural or artificial features which would affect the plan of the subdivision.

(b) Tract boundary lines, showing dimensions, bearings, angles, and references to sections, township, and range lines or corners;

(c) Streets and rights-of-way, on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types, and widths of pavements, curbs, sidewalks, tree planting, and other pertinent data;

(d) Easements, locations, widths, and purposes;

(e) Utilities, including sanitary and storm sewer, other drainage facilities; water lines, gas mains; electric utilities and other facilities. The size or capacity of each should be shown, and the locations of, or distance to, each existing utility indicated;



- (f) Zoning of the site and adjoining property;
  - (g) Existing or proposed platting of adjacent land;
  - (h) Other features or conditions which would affect the subdivision favorably or adversely;
- and
- (i) Title, scale, north point, and date.

(3) A preliminary plat of the subdivision, drawn to scale of 50 feet to one inch or 100 feet to one inch, provided however, that if the resulting drawing would be over 36 inches in shortest dimension, a scale as recommended by the Commission shall be used. The preliminary plat shall show:

- (a) The proposed name of the subdivision;
- (b) Names and addresses of owner and subdivider and the city planner, land planning consultant, engineer, or surveyor who prepared the plan;
- (c) Streets and rights-of-way on and adjoining the site of the proposed subdivision, showing the names and including the roadway widths, approximate gradients, types, and widths of pavement, curbs, sidewalks, crosswalks, tree-planting, and other pertinent data;
- (d) Layout of lots, showing dimensions and numbers;
- (e) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public or semi-public or community purposes;
- (f) Building setback or front yard lines;
- (g) Location and approximate size or capacity of utilities to be installed;
- (h) Tract boundary lines showing dimensions, bearings, angles, and references to known land lines;
- (i) Contours at vertical intervals of two feet if the general slope of the site is less than 10% and at vertical intervals of five feet if the general slope is 10% or greater;
- (j) Key plan, legend, and notes; and
- (k) Scale, north point, and date.

(4) The information called for in divisions (B)(2) and (B)(3) above shall be submitted as one or two maps or plans;

(5) A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision;

(6) Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to the general plans for the entire neighborhood. Reference should be made to the master plan for suggestions as to the general street pattern and design of the neighborhood. Wherever possible, all of the property owners within the neighborhood should endeavor to agree upon a general plan for its development, in order that each subdivision shall be designed as an integral part of a well considered overall plan; and

(7) The application shall be accompanied by a certified check or money order in the amount of \$10 plus \$1 for each lot in the proposed subdivision with a minimum total charge of \$15 to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund.

(Prior Code, § 152.17) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

#### **§ 151.18 PRIMARY APPROVAL.**

After an application for approval of a plat of a subdivision, together with three copies of all maps and data has been filed, the Commission shall review the preliminary plat and give its approval, or return the plan to the subdivider with suggestions for changes. No application will be considered at a meeting unless it has been filed with the Commission at least ten days before the date of such meeting. After the Commission has given approval, it shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the notice of hearing shall be set by the applicant.

(Prior Code, § 152.18) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

#### **§ 151.19 FINAL PLAT.**

(A) Following the hearing on the preliminary plat, the Commission will notify the applicant in writing that it is ready to receive the final plat, or will advise the applicant of any further changes in the preliminary plat which are desired or should have consideration.

(B) The final plat shall meet the following specifications.

(1) The plat may include all or only a part of the plat submitted for approval.

(2) The original drawing of the plat of the subdivision shall be drawn to a scale of 50 feet to one inch, provided that if the resulting drawing would be over 36 inches in shortest dimension of a scale of 100 feet to one inch shall be used. Three black or blue line prints shall be submitted with the original final plat, or, in order to conform to modern drafting and reproducing methods, lettering shall be applied to the final plat in a manner which will permit the plat to be reproduced by film litholoid or other suitable photographic process at the designated scale, and in which case, three black line prints and a reproducible print shall be submitted.

(3) The following basic information shall be shown:

(a) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet;

(b) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan;

(c) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;

(d) Accurate metes and bounds description of the boundary;

(e) Source of title to the land as shown by the books of the County Recorder;

(f) Street names;

(g) Complete curve notes for all curves included in the plan;

(h) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines;

(i) Lot numbers and dimensions;

(j) Easements for utilities and any limitations on such easements;

(k) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or commercial use;

(l) Building setback or front yard lines and dimensions;

(m) Location, type, material, and size of all monuments and lot markers;

(n) Restrictions of all types which will run with the land and become covenants in the deeds for lots;

(o) Name of the subdivision;

(p) Name and address of the owner and subdivider;

(q) North point, scale, and date;

(r) Certifications by a registered professional engineer or registered land surveyor; and

(s) Certificate for approval by the Commission.

(4) Engineering plans showing:

(a) Profiles, typical cross-sections, and specifications for proposed street improvements;  
and

(b) Profiles and locations, and other explanatory data, concerning the installation of sanitary and storm sewerage systems, and a water distribution system.

(Prior Code, § 152.19) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

#### **§ 151.20 FINAL PLAT APPROVAL.**

(A) When the final plat is submitted to the Commission, it shall be accompanied by a notice from the Town Council stating that there has been filed with, and approved by, that body one of the following:

(1) A certificate that all improvements and installations for the subdivision required for its approval have been made or installed in accordance with specifications; or

(2) A bond which shall:

(a) Run to the Town Council;

(b) Be in an amount determined by the Commission to be sufficient in amount to complete the improvements and installations in compliance with this chapter;

(c) Be with surety satisfactory to the Commission; and

(d) Specify the time for the completion of the improvements and installations.

(B) After a public hearing and within a reasonable time after application for approval of the plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat together with the certifying signature of its president and secretary. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy. (Prior Code, § 152.20) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

#### **§ 151.21 PRINCIPLES AND STANDARDS.**

(A) The final plat of the subdivision shall conform to the following principles and standards of design.

(1) *General.* The subdivision plan shall conform to the principles and standards which are generally exhibited in the Master Plan.

(2) *Streets.*

(a) The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.

(b) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(c) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(d) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

(e) Widths of arterial streets shall conform to the widths specified in the thoroughfare plan.

(f) The minimum right-of-way of feeder streets shall be 60 feet, and of residential streets, marginal access streets, or cul-de-sacs shall be 50 feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet.

(g) Alleys shall not be permitted in residential districts, but should be included in commercial and industrial areas, where needed, for loading and unloading or access purposes and, where platted, shall be at least 20 feet in width.

(h) The center lines of streets should intersect as nearly at right angles as possible.

(i) At the intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of such arcs.

(j) At the intersections of streets, the property line corners shall be rounded by arcs with radii of not less than 15 feet, or by chords of such arcs.

(k) If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

(l) Intersections of more than two streets at one point shall be avoided.

(m) Where parkways or special types of streets are involved, the Commission shall apply special standards to be followed in its design.

(n) Whenever the proposed subdivision contains, or is adjacent to, a railroad right-of-way or a highway designated as a limited access highway by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

(o) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the centerline as follows:

1. Limited access highways: to be determined by the Commission but generally not less than 500 feet;
2. Arterial streets and parkways: 400 feet; and
3. Feeder and residential streets: 150 feet.

(p) Curvature measured along the center line shall have a minimum radius as follows:

1. Limited access highways: 1,000 feet;
2. Arterial streets: 500 feet;
3. Parkways: 300 feet; and
4. Feeder and residential streets: 200 feet.

(q) Between reversed curves on arterial streets, a tangent of not less than 100 feet shall be provided, and on feeder and residential streets, such a tangent shall be not less than 40 feet.

(r) Maximum and minimum grades.

1. Arterial streets not greater than 6%;
2. Feeder and residential streets and alleys not greater than 8%; and
3. The minimum grade of any street gutter shall be not less than 0.3%.

(3) *Blocks.*

(a) Blocks shall not exceed 1,250 feet in length.

(b) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street, or a railroad right-of-way.

(c) In blocks of over 700 feet in length, the Commission shall require at, or near, the middle of the block a public walk connecting adjacent streets or other public areas. Such walks shall be at least ten feet in width of the right-of-way, and shall be intended for the use of pedestrians only.

(4) *Lots.*

(a) All lots shall abut on a street or place.

(b) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

(c) Double frontage lots should not be platted, except that where desired along arterial, limited access highways, or streets, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen at least 20 feet in width shall be provided along the back of the lot.

(d) Widths and areas of lots shall be not less than provided in the zoning section for single-family dwellings for the district in which the subdivision is located, except that when a water main supply system or a sanitary sewer system is not available, the lot area necessary to install a private water supply or private sewage disposal on the lot, in accordance with the State Board of Health regulations, shall become the required minimum lot area.

(e) Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.

(f) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

(5) *Easements.* Where alleys are not provided, easements for utilities shall be provided. Such easements shall have widths of ten feet, and where located along lot lines, one-half of the width shall be taken from each lot. Before determining locations, the plan of easements shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

(6) *Building setback lines.* They shall be provided in the Zoning Code, Chapter 153, as amended, or as the Commission shall determine.

(7) *Public open spaces.* Where sites for parks, schools, playgrounds, or other public uses are located within the subdivision area, as shown on the Master Plan, or where such sites appear to be desirable, the Commission may request their dedication for such purposes, or their reservation for a period of one year following the date of the final approval of the plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six months.

(8) *Variance.* Where the subdivider can show that a provision of this section would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission shall authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission, and the reasoning on which the departure was justified shall be set forth.

(B) The final plat of the subdivision shall conform to the following standards of improvements:

(1) *Monuments and markers.*

(a) Shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

(b) Monuments shall be set:

1. At the intersection of all lines forming angles in the boundary of the subdivision;
- and
2. At the intersection of street property lines.

(c) Markers shall be set:



1. At the beginning and ending of all curves along street property lines;
2. At all points where lot lines intersect curves, either front or rear;
3. At all angles in property lines of lots; and
4. At all other lot corners.

(d) Monuments shall be of concrete or stone with a minimum size of four-foot by four-foot by three-inches, and shall be marked on top either with an iron or copper dowel set flush with the top of the monument or a cross scored deeply on top. Markers shall consist of iron pipes or steel bars at least three feet long, and not less than three-quarters of an inch in outside diameter.

(2) *Streets.*

(a) Streets and alleys shall be completed to grades shown on plans, profiles, and cross-sections prepared by the subdivider and approved by the Commission.

(b) The streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections, and the work shall be performed in the manner prescribed in the latest edition of *Standard Specifications for Road and Bridge Construction and Maintenance* of the State Highway Commission of Indiana. References in the following division (B)(2)(c) below refer to the S.H.C. of I. Standard Specifications. All surfacing shall be approved by the Street Commissioner of the town. The streets shall be surfaced to a width of 27 feet.

(c) The street or alley surface shall be of portland cement concrete or a flexible pavement, and shall be constructed in accordance with design characteristics at least equal to those given below.

| <i>Type of Street</i>         |                                      |                                            |                        |                                           |
|-------------------------------|--------------------------------------|--------------------------------------------|------------------------|-------------------------------------------|
| <i>Kind of Pavement</i>       | <i>Arterial Primary<br/>(inches)</i> | <i>Arterial<br/>Secondary<br/>(inches)</i> | <i>Feeder (inches)</i> | <i>Residential and<br/>Alley (inches)</i> |
| Concrete                      |                                      |                                            |                        |                                           |
| Balanced Design<br>Thickness* | 10-7-10                              | 9-6-9                                      | 8-5½-8                 | 7½-5-7½                                   |
| Uniform Design<br>Thickness   | 8¼                                   | 7¼                                         | 6½                     | 6                                         |
| Flexible**                    |                                      |                                            |                        |                                           |
| Asphaltic Surface<br>Course   | 4                                    | 3                                          | 3                      | 2                                         |

| <i>Type of Street</i>                                                                                                                                                |                                      |                                            |                        |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------|------------------------|-------------------------------------------|
| <i>Kind of Pavement</i>                                                                                                                                              | <i>Arterial Primary<br/>(inches)</i> | <i>Arterial<br/>Secondary<br/>(inches)</i> | <i>Feeder (inches)</i> | <i>Residential and<br/>Alley (inches)</i> |
| Base: Bituminous<br>Coated Aggregate                                                                                                                                 | 4                                    | 4                                          | 3                      | 3                                         |
| Base: Water-Bound<br>Macadam                                                                                                                                         | 6                                    | 6                                          | 6                      | 6                                         |
| Sub-base:<br>Compacted<br>Aggregated                                                                                                                                 | 8                                    | 7                                          | 6                      | 6                                         |
| Total Thickness<br>(W-B Macadam)                                                                                                                                     | 18                                   | 16                                         | 15                     | 13                                        |
| * Intersections to be of uniform design edge thickness.<br>** For intersections and parking strips on residential streets, use feeder street design characteristics. |                                      |                                            |                        |                                           |

(d) Prior to placing the street surface, adequate sub-surfacing drainage for the street shall be provided by the subdivider. Sub-surface drainage, such as crossover pipes and the like, when required, shall be not less than 12 feet in diameter. Upon completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.

(3) *Sewers.* The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the State Board of Health, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:

(a) A complete sanitary sewer system to convey the sewage to a treatment plant to be provided by the subdivider in accordance with minimum requirements of the State Board of Health; and

(b) 1. Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field, or other approved sewage disposal system, when laid out in accordance with minimum standards of the State Board of Health.

2. The plans for the installation of a sanitary sewer system shall be prepared by the subdivider and approved by the State Board of Health. Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Commission.

3. In this division (B)(3), sewers, and division (B)(4) below, the phrase ***THE SUBDIVIDER SHALL PROVIDE*** shall be interpreted to mean that the subdivider shall install the facility referred to, or, whenever a private sewage disposal system or an individual water supply is to

be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these divisions shall be installed by the developer of the lots in accordance with these regulations.

(4) *Water.*

(a) The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or community water supply approved by the State Board of Health, except that when such municipal or community water supply is not available, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirements of the State Board of Health.

(b) The plans for the installation of a water main supply shall be prepared by the subdivider and approved by the State Board of Health. Upon the completion of the water supply installation, the plans for such system as built shall be filed with the Commission.

(5) *Storm drainage.* The subdivider shall provide the subdivision with an adequate storm water sewer system whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided.

(6) *Curb and gutter.* The Commission shall require curb and gutter to be installed on each side of the street surface. The curb and gutter shall be one of the construction types approved by the Commission and shall be constructed according to the following specifications.

(a) The base for the curb and gutter shall be well compacted on the existing base or grade.

(b) The minimum specifications shall be according to standards approved by the Commission.

(c) State highway specifications for Class D concrete must be met.

(7) *Street signs.* The subdivider shall provide the subdivision with standard town street signs at the intersection of all streets.

(8) *Street lights and fire hydrants.* The subdivider shall provide the subdivision with street lights and fire hydrants at street intersections. Additional street lights and fire hydrants may be required by the Commission.

(C) Improvements required in division (B) above to be installed by the subdivider, which are of a public utility nature (specifically divisions (B)(3), (B)(4), and (B)(5) thereof) may provide benefits to

other properties in the vicinity of the land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and the town shall, by contract, agree that, upon the connection or use of the installations made by the subdivider by others, within a period of ten years following their installation, the new uses or users shall pay to the town a fee in the amount agreed upon by the subdivider and the town, the amount of such fee to be credited to, and paid to, the subdivider.

(Prior Code, § 152.21) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

## § 151.22 CERTIFICATES.

(A) *Plat certificates.* The following form shall be used in final plats:

### CERTIFICATES

UNDER AUTHORITY PROVIDED BY I.C. 36-7-4-100 *ET SEQ.* AS AMENDED, AND EDGEWOOD CODE CHAPTER 151, AS AMENDED, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN AS FOLLOWS:

Approved by the Town Plan Commission at a meeting held \_\_\_\_\_, 19/20\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

(B) Each final plat submitted to the Commission for approval shall carry a certificate signed by a registered professional engineer or land surveyor in substantially the following form:

I, \_\_\_\_\_ (name) \_\_\_\_\_, hereby certify that I am a Professional Engineer (or a Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on \_\_\_\_\_ (date) \_\_\_\_\_ that all the monuments shown thereon actually exist; and that the location, size, type and material are accurately shown.

\_\_\_\_\_  
(signature)

(SEAL)

(C) Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

**Edgewood - Land Usage**

We, the undersigned \_\_\_\_\_, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as \_\_\_\_\_ (name) \_\_\_\_\_, an addition to \_\_\_\_\_ (name) \_\_\_\_\_, an addition to \_\_\_\_\_ (name) \_\_\_\_\_. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground \_\_\_\_\_ (number) \_\_\_\_\_ feet in width as shown on this plat and marked "Easement" reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdividers initiative or the recommendations of the Commission; important provisions are those specifying the use to be made of the property and in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20\_\_\_\_, a 25 year period is suggested, at which time all said covenants (or restrictions), shall be automatically extended for successive periods of ten years unless changed by a vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our Hands and Seals this \_\_\_\_ day of \_\_\_\_\_, 19/20\_\_.

State of Indiana

SS.

County of Madison

Before me the undersigned Notary Public, in and for the County and State, personally appeared \_\_\_\_\_, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness my Hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 19/20\_\_.

\_\_\_\_\_  
Notary Public

(Prior Code, § 152.22) (Ord. P-3, passed 8-16-1960; Ord. P-9, passed 6-17-1968)

## **CHAPTER 152: THOROUGHFARE PLAN**

### Section

- 152.01 Definition
- 152.02 Designation of chapter
- 152.03 Thoroughfare map
- 152.04 Thoroughfare cross-sections
- 152.05 Designation of thoroughfares
- 152.06 Policies and directives
- 152.07 Continuing authority of the Commission
- 152.08 Amendments
- 152.09 Availability to public inspection
  
- 152.99 Penalty

### **§ 152.01 DEFINITION.**

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

**COMMISSION.** The Town Plan Commission.

(Prior Code, § 153.01) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

### **§ 152.02 DESIGNATION OF CHAPTER.**

This chapter shall be known and shall be cited as the “Town Thoroughfare Plan.”

(Prior Code, § 153.02) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

### **§ 152.03 THOROUGHFARE MAP.**

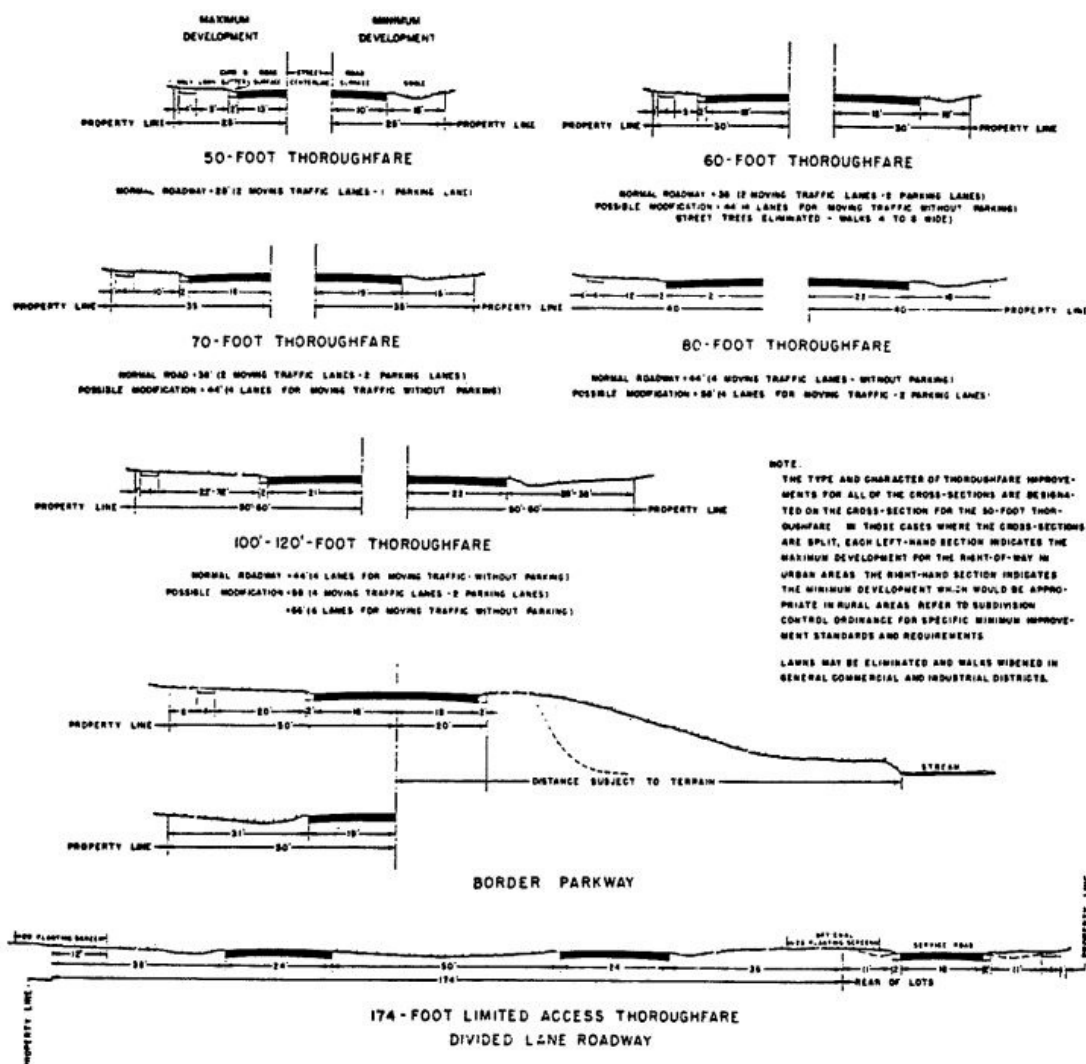
The Town Thoroughfare Plan consists of a map entitled “Thoroughfare Plan, Edgewood, Indiana,” dated 1983, which shows the location of existing and proposed thoroughfares within the jurisdiction of

the Commission, and is incorporated by reference into this chapter. Notations, references, indications, and other details shown on the thoroughfare plan are as much a part of this chapter as if they were fully described in the text of this chapter.

(Prior Code, § 153.03) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

#### § 152.04 THOROUGHFARE CROSS-SECTIONS.

A drawing entitled "Typical Thoroughfare Cross-Sections, Anderson, Indiana," showing cross-sections for streets as designated on the "Major Street and Highway Plan, Thoroughfare Plan, Edgewood, Indiana" follows:



(Prior Code, § 153.04) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

**§ 152.05 DESIGNATION OF THOROUGHFARES.**

The thoroughfares within the jurisdiction of the Commission are classified as to width and type in accordance with their function as a part of the thoroughfare system, and are designated as arterial, feeder, parkway, and residential streets as shown on the thoroughfare plan. Such streets are to be provided with the right-of-way widths shown on the thoroughfare plan as set out in § 152.06, and are to be improved as required by the subdivision regulations in Chapter 151.

(Prior Code, § 153.05) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

**§ 152.06 POLICIES AND DIRECTIVES.**

(A) *Opening or widening of streets.* Whenever a street designated on the thoroughfare plan is to be platted as a part of a subdivision of land, the right-of-way width shall conform to the policies and specified designations and indications in the thoroughfare plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only half of the right-of-way width designated for such street, measured at 90 degrees to the centerline thereof.

(B) *Location of streets.*

(1) Wherever the location of streets are indicated on the thoroughfare plan as following existing roads or streets, or section or half-section lines, or other established property lines, they shall conform to such locations; however, streets lying wholly within a subdivision, and not designated as following an existing road or section line, shall be varied in their alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

(2) Streets which follow irregular alignment or indicate reversed alignment, or are not referenced to established lines, shall follow in a general manner the alignment shown on the thoroughfare plan. Their alignment shall be subject to a detailed survey which shall be made by the owners of land to be subdivided. Such surveys shall be subject to the approval of the Commission prior to the acquisition of land or the filing of subdivision plans affecting such streets.

(C) *Consideration by public agencies.* The town shall be guided by, and give consideration to, the general policy and pattern of development set out in the thoroughfare plan in the authorization, construction, alteration, or abandonment of public highways and related structures.

(D) *Issuance of permits.* In the case of permits authorized by the Town Council for the erection or alteration of structures and other improvements, the permits shall be issued only if the proposed street and thoroughfare rights-of-way, as set forth by this plan, will be protected from encroachment and, for planning and zoning purposes, the proposed street and thoroughfare right-of-way lines will be considered as the front line of lots and tracts bordering such streets and thoroughfares.

(Prior Code, § 153.06) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967) Penalty, see § 152.99



**§ 152.07 CONTINUING AUTHORITY OF THE COMMISSION.**

Subsequent to the adoption of the thoroughfare plan and the passage of this chapter, the Commission shall:

(A) Determine lines for new, extended, widened, or narrowed thoroughfares in any portion of the town; and/or

(B) Certify to the Town Council the amended plan under the same procedures as established for the certification and approval of the thoroughfare plan.

(Prior Code, § 153.07) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

**§ 152.08 AMENDMENTS.**

In addition to the provisions of § 152.07, amendments shall be initiated as follows.

(A) The Town Council shall direct the Commission to prepare an amendment, as desired, and submit it to public hearing within 60 days after formal written request by the Town Council.

(B) The owners of 50% or more of the area may also petition the Commission requesting an amendment to the thoroughfare plan.

(Prior Code, § 153.08) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

**§ 152.09 AVAILABILITY TO PUBLIC INSPECTION.**

Two copies of the thoroughfare plan and this chapter, and two copies of typical thoroughfare cross-sections, shall be kept on file in the office of the Clerk-Treasurer and shall be subject to public examination during the regular office hours of the Clerk-Treasurer.

(Prior Code, § 153.09) (Ord. P-5, passed 10-17-1961; Ord. P-9, passed 6-17-1967)

**§ 152.99 PENALTY.**

Any person violating any provisions of this chapter shall be guilty of an infraction and, upon conviction, shall be fined not more than \$100. Each day any violation continues or is permitted to exist constitutes a separate offense. The owner of any building and the architect, builder, or contractor of any building erected or reconstructed in violation of these sections shall each be guilty of a separate offense. (Prior Code, § 153.99) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

## CHAPTER 153: ZONING CODE

### Section

#### *General Provisions*

|         |                          |
|---------|--------------------------|
| 153.001 | Definitions              |
| 153.002 | Short title              |
| 153.003 | Interpretation           |
| 153.004 | Non-interference         |
| 153.005 | Districts                |
| 153.006 | Zoning map               |
| 153.007 | District boundaries      |
| 153.008 | Annexed or vacated areas |

#### *Specifications*

|         |                                        |
|---------|----------------------------------------|
| 153.020 | Use                                    |
| 153.021 | Height                                 |
| 153.022 | Yards, lot area, and size of buildings |
| 153.023 | Lots                                   |
| 153.024 | Loading and unloading berths           |
| 153.025 | Specifications                         |
| 153.026 | Residential uses                       |
| 153.027 | Commercial uses                        |
| 153.028 | Contingent uses                        |
| 153.029 | Conditional uses                       |
| 153.030 | B2 Shopping Center District            |
| 153.031 | Vehicle parking space                  |
| 153.032 | Unit development plan                  |
| 153.033 | Nonconforming use specifications       |
| 153.034 | Administration                         |

#### *Signs*

|         |              |
|---------|--------------|
| 153.045 | Definitions  |
| 153.046 | Requirements |

**Edgewood - Land Usage**

- 153.047 Prohibited signs
- 153.048 Enforcement
- 153.049 Appeals
- 153.050 Violations

***Board of Zoning Appeals***

- 153.065 Establishment
- 153.066 Appeals from Building Commissioner
- 153.067 Powers and duties of the Board
- 153.068 Restrictions on Board action
- 153.069 Amendments
- 153.070 Remedies

***Availability for Public Inspection***

- 153.085 Duty of Clerk-Treasurer

***Comprehensive Plan***

- 153.100 Clarification
- 153.101 Purpose
- 153.102 Content
- 153.103 Authority of the Comprehensive Plan
- 153.104 Act of the Comprehensive Plan
- 153.105 Continuing authority of the Commission
- 153.106 Comprehensive Plan on file
- 153.107 Responsibility of the Clerk-Treasurer
- 153.999 Penalty

***GENERAL PROVISIONS*****§ 153.001 DEFINITIONS.**

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

***ACCESSORY USE.*** A use which is incidental to the main use of the premises.

**ALLEY.** A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and less than 30 feet in width.

**BASEMENT.** A story partly underground, but having not less than half of its clear height below, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurements.

**BLOCK.** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

**BLOCK FRONTAGE.** Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

**BOARD.** The Board of Zoning Appeals.

**BUILDING.** A structure having a concrete and/or masonry foundation, and a roof supported by columns or walls for the shelter, support, enclosure, or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such a building shall be considered a separate structure. **BUILDING** includes the word **STRUCTURE** and vice-versa.

**BUILDING ACCESSORY.** A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.

**BUILDING AREA.** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

**BUILDING, FRONT LINE OF.** The line of the face of the building nearest the front lot line.

**BUILDING, HEIGHT OF.** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roof.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the **PRINCIPAL BUILDING**, or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as a part of the **PRINCIPAL BUILDING**.

***BUSINESS.*** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

***CEMETERY.*** Land used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

***CERTIFICATE OF OCCUPANCY.*** A certificate signed by the Building Commissioner stating that the occupancy and use of land, or a building, or structure referred to therein, complies with the provisions of this chapter.

***COMMERCIAL.*** Same as business.

***COMMISSION.*** Town Plan Commission.

***DEVELOPMENT PLAN.*** A drawing, including a legal or site description, of the real estate involved which shows the location and size of all existing and proposed buildings, structures, and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; all of which presents a unified and organized arrangement of buildings and service facilities and other improvements such as planting areas, which shall have a functional relationship to the real estate comprising the planned development and to the uses of properties immediately adjacent to the proposed development.

***DWELLING.*** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses, or tourist homes.

***DWELLING UNIT.*** A dwelling or portion of a dwelling used by one family for cooking, living, and sleeping purposes.

***DISTRICT.*** A section of the town for which uniform regulations governing the use, height, area, size, and intensity of use of building and land, and open spaces about buildings, are herein established.

***FAMILY.*** A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six persons, as distinguished from a group occupying a lodging house or hotel.

***FARM.*** A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops; pasturage; the production of livestock and poultry; the growing of trees, shrubs, and plants; and other recognized agricultural pursuits, and including accessory buildings essential to the operation of the farm. Accessory buildings shall include barns; equipment and animal sheds; farm

residences for the owner, operator, or farm assistants; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or business operations or structures.

**FILLING STATION.** Any establishment supplying and selling motor fuel or oil direct to motor vehicles.

**GARAGE, PRIVATE.** An accessory building with capacity for not more than three motor vehicles for storage only, not more than one of which may be a commercial vehicle of not more than three tons capacity. Provided, however, that a garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a **PRIVATE GARAGE**.

**GARAGE, PUBLIC.** Any building or premises, except those defined herein as a **PRIVATE GARAGE**, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration or sale.

**GROUND FLOOR AREA.** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, or exterior and interior stairways.

**IMPROVEMENT LOCATION PERMIT.** A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of this chapter and any ordinance as may be applicable.

**KENNEL.** Any lot or premises on which four or more dogs, at least four months of age, are kept.

**LOADING AND UNLOADING BERTH.** The off-street area required for the receipt or distribution by vehicles of material or merchandise, which, in this chapter, is held to be a 12-foot by 45-foot loading space with a 14-foot height clearance.

**LOT.** A parcel, tract, or area of land accessible by means of a street or place. For residential uses as set forth in this chapter, the lot shall abut upon a street or place at least 50% of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of, or a combination of, such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

**LOT CORNER.** A lot at the junction of, and abutting upon, two or more streets at their intersection.

**LOT COVERAGE.** The percentage of the lot area covered by the building area.

**LOT, DEPTH OF.** The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

**LOT, GROUND LEVEL.**

(1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(3) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to, and not more than five feet from, a street is to be considered as adjoining the street.

**LOT, INTERIOR.** A lot other than a corner lot or through lot.

**LOT LINE, FRONT.** In the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the **FRONT LOT LINE**.

**LOT LINE, REAR.** A lot line which is opposite and most direct from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

**LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line.

**LOT, THROUGH.** A lot having frontage on two streets at opposite ends of the lot.

**LOT, WIDTH.** The dimension of a lot, measured between side lot lines on the building.

**PARKING AREA, PUBLIC.** An open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers, paved with a suitable dust preventive or hard surface.

**PARKING SPACE.** A space, other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and 20 feet long exclusive of passageways.

**PLACE.** An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

**PLAT.** A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

**PRIVATE SCHOOL.** Private preprimary, primary, grade, high, or preparatory school or academy.

**PROFESSIONAL OFFICE.** Office of a member of the following recognized professions: architect, attorney, dentist, engineer, physician, or surgeon.

**SIGN.** An advertising sign, billboard, or board, device, or structure, or part thereof, or device attached thereto, or painted or represented thereon, used for advertising, display, or publicity purposes. **SIGNS** placed or erected by governmental agencies for the purpose of showing street names, or traffic directions, or regulations for other governmental purposes shall not be included.

**STORY.** The portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the **STORY**.

**STORY, HALF.** The portion of a building under a sloping, gable, hip, or gambrel roof, and the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

**STREET.** A public thoroughfare 30 feet or more in width between lines, which affords principal means of vehicular access to abutting property.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

**USE.** The employment or occupation of a building, structure, or land for a person's service, benefit, or enjoyment.

**USE, NONCONFORMING.** A lawful existing use of land or building which fails to comply with the requirements set forth in this chapter applicable to the district in which such use is located.

**VARIANCE.** A modification of the specific requirements of this chapter granted by the Board in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.



**VEHICLE PARKING SPACES.** The area required for parking one automobile, which in this chapter is held to be an area nine feet wide and 20 feet long plus 70 square feet of maneuver for each **VEHICLE PARKING SPACE**.

**VISION CLEARANCE ON CORNER LOTS.** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavement, and the triangular space is determined by a diagonal line connecting two points measured 15 feet equidistant from the lot corner along each property line.

**YARD.** A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this chapter.

**YARD, FRONT.** A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the building line.

**YARD, REAR.** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

**YARD, SIDE.** A yard between the principal building and the side lot line, extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required **SIDE YARD** is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the principal building.

**ZONE.** Same as **DISTRICT**.

(Prior Code, § 154.01) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 2-20-1996, passed 2-20-1996)

## **§ 153.002 SHORT TITLE.**

This chapter, as amended, shall be known, and shall be cited hereafter, as the “Town Zoning Ordinance.”

(Prior Code, § 154.02) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.003 INTERPRETATION.**

In interpreting and applying the provisions of this chapter, the provisions shall be deemed the minimum requirements for the promotion of the public health, safety, morals, convenience, and general welfare.

(Prior Code, § 154.03) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.004 NON-INTERFERENCE.**

This chapter does not interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate, or annul any ordinances other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or provided, except that where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces, or greater lot area per family, than are required by or imposed by such easements, covenants, or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this chapter shall control.

(Prior Code, § 154.04) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.005 DISTRICTS.**

The town is divided into five districts in order to carry out the purposes of this chapter. The districts shall be known and designated throughout this chapter as follows:

| <i>Name of District</i>               | <i>Designation</i> |
|---------------------------------------|--------------------|
| Business District                     | B1                 |
| Neighborhood Shopping Center District | B2                 |
| Single-Family Residence District      | R1                 |
| Single-Family Residence District      | R2                 |
| Two-Family Residence District         | R3                 |

(Prior Code, § 154.05) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.006 ZONING MAP.**

(A) The Zoning Map, dated 1983, is incorporated herein by reference.

(B) The Zoning Map shows the areas included in the above districts.

(C) Notations, references, indications, and other matters shown on the Zoning Map are as such a part of this chapter as if they were fully described in the text of this chapter.

(Prior Code, § 154.06) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.007 DISTRICT BOUNDARIES.**

(A) In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the town.

(B) Where uncertainty exists as to the exact boundaries of any district as shown on the Zoning Map, the following rules shall apply.

(1) In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zoning Map.

(2) In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zoning Map as to the location of the boundary in question.

(Prior Code, § 154.07) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.008 ANNEXED OR VACATED AREAS.**

(A) Territory which may hereafter be annexed to the town shall immediately be included in the R1 Single-Family Residence District until the required amendment to this chapter has been adopted.

(B) Whenever any highway, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such highway, alley, public way, railroad right-of-way, or similar areas shall be extended automatically to the center of such vacation, and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of

the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

(Prior Code, § 154.06) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

### ***SPECIFICATIONS***

#### **§ 153.020 USE.**

No building or land shall be used, and no building shall be erected, reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

(Prior Code, § 154.15) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.021 HEIGHT.**

No building shall be erected, reconstructed, or structurally altered to exceed in height the limits established and specified for the use in the district in which such building is located.

(Prior Code, § 154.16) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982) Penalty, see § 153.999

#### **§ 153.022 YARDS, LOT AREA, AND SIZE OF BUILDINGS.**

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

(Prior Code, § 154.17) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982) Penalty, see § 153.999

#### **§ 153.023 LOTS.**

Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot.

(Prior Code, § 154.18) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982) Penalty, see § 153.999

**§ 153.024 LOADING AND UNLOADING BERTHS.**

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted. (Prior Code, § 154.19) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982) Penalty, see § 153.999

**§ 153.025 SPECIFICATIONS.**

Sections 153.026 through 153.028 inclusive show the district or districts in which the use, which is the subject of this specification, is permitted, and delineates the specifications for:

- (A) Lot area per family;
- (B) Width of lot;
- (C) Height of building;
- (D) Vehicle parking place;
- (E) Front, side, rear, and other lots;
- (F) Lot coverage;
- (G) Size of building;
- (H) Vision clearance; and

(I) Accessory buildings and uses applicable to the particular use in each district where such use is authorized.

(Prior Code, § 154.20) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.026 RESIDENTIAL USES.**

- (A) *Single-family dwelling.*

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***SINGLE-FAMILY DWELLING.*** A detached building designated or occupied by one family exclusively.

(2) *Location permitted.* Only in the districts designated below, provided it is located:

(a) On a lot which was in single ownership or included in a subdivision recorded in the office of the County Recorder, on or before the date of passage of this section; or

(b) On any lot with a maximum area in square feet and width in feet as follows:

| <i>District</i> | <i>Lot Area</i> | <i>Lot Width</i> |
|-----------------|-----------------|------------------|
| R1, R2, or R3   | 10,000 sq. ft.  | 70 ft.           |

(3) *Height of buildings.* Principal building normal maximum: 35 feet or two and one-half stories.

(4) *Front yard.* Fifty feet in the R1 District, 40 feet in the R2 and R3 Districts.

(5) *Side yard.* The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 15 feet for either side yard in an R1 District and ten feet for either side yard in the R2 and R3 Districts. The side yard on a corner lot shall not be less than 25 feet.

(6) *Rear yard.* Fifteen percent of the depth of the lot, with a minimum depth of 15 feet.

(7) *Ground floor area.* Not less than the following:

| <i>District</i> | <i>Ground Floor Area</i> |
|-----------------|--------------------------|
| R1              | 1,200 sq. ft.            |
| R2 or R3        | 1,000 sq. ft.            |

(8) *Lot coverage.* Forty percent maximum on a corner lot, 35% maximum on an interior lot.

(9) *Accessory building, uses permitted.* Private garage, storage, exclusive of commercial use. Quarters for bona fide servants employed by the occupants of the dwelling on the same lot, but only on the second floor of the building. One guest house with cooking facilities on lots containing not less than 12,000 square feet.

(B) *Two-family dwelling.*

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**TWO-FAMILY DWELLING.** A detached building designed for or occupied by two families. A **DUPLEX DWELLING** has one family above the other. A **DOUBLE DWELLING** has one family beside the other.

(2) *Location permitted.* Only in the districts designated below on any lot with a minimum area in square feet and width in feet as follows:

| <i>District</i> | <i>Lot Area</i> | <i>Lot Width</i> |
|-----------------|-----------------|------------------|
| R3              | 10,000 sq. ft.  | 70 ft.           |

(3) *Height of buildings.*

(a) *Principal building.* Normal maximum: 35 feet or two and one-half stories.

(b) *Conditional exception.* Height of principal building may be increased above 35 feet, but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

(4) *Front yard.* Twenty percent of the average depth of lots in the block, but not less than 50 feet.

(5) *Side yard.* The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of ten feet for either side yard.

(6) *Rear yard.* Fifteen percent of the depth of the lot, with a minimum depth of 15 feet.

(7) *Ground floor area.* Not less than the following:

| <i>District</i> | <i>Ground Floor Area</i> |
|-----------------|--------------------------|
| R3              | Double — 1,500 sq. ft.   |
|                 | Duplex — 1,000 sq. ft.   |

(8) *Lot coverage.* Forty percent maximum on a corner lot; 35 feet maximum on an interior lot.

(9) *Accessory building, uses permitted.* Private garage, storage, exclusive of industrial or commercial use.

(C) *General provisions.*

(1) *Rear yard.* One-half of an alley abutting the rear lot may be included in the required rear yard.

(2) *Vision clearance on corner lot.* As provided by definition herein.

(3) *Vehicle parking space.* One space on the lot for each family housed in the principal building.

(4) *Accessory buildings.*

(a) Shall not be permitted prior to the erection of the principal building, except for strictly storage purposes, and not for human occupancy.

(b) No accessory building shall be located closer to the side or rear lot line than three feet.

(c) The maximum floor area of the accessory building is not to exceed 192 square feet, and the maximum height is not to exceed 12 feet.

(5) *Type of home.* Only stick built homes, not manufactured homes or manufactured housing, are permitted residential uses within the town.

(D) *Conditional exceptions.*

(1) *Front yard.*

(a) Where 25% or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, but the maximum front need not exceed 50 feet in the R1 District, 40 feet in the R2 and R3 Districts, or 15 feet in other districts.

(b) Front yard or setback lines established in recorded subdivisions establish the dimensions of front yards in such blocks, except when such setback lines may be less restrictive as provided in § 153.027.

(c) On lots extending through from one street to another, a front yard is required on each street.



(2) *Tapered yard.* Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot; for each foot that such accessory building is placed from the rear line towards the front line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case closer than 25 feet.

(Prior Code, § 154.21) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 6-16-1998, passed 6-16-1998; Ord. 6-16-1998A, passed 6-16-1998; Ord. 6-18-02, passed 6-18-2002; Ord. 05-19-09B, passed 5-19-2009; Ord. 02-08-16, passed 2-8-2016) Penalty, see § 153.999

## **§ 153.027 COMMERCIAL USES.**

### *(A) Local business uses.*

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LOCAL BUSINESS USES.** Commercial uses primarily of a retail or service nature.

(2) *Location permitted.* The following classification of business uses specifically stated or implied are permitted in B1 and B2 Districts:

#### (a) Automobile service:

1. Filling station;
2. Commercial parking lot; and
3. Automobile repair, entirely within enclosed buildings.

#### (b) Business service:

1. Bank;
2. Office;
3. Postal station; and
4. Telegraph office.

## (c) Clothing service:

1. Laundry agency;
2. Self-service laundry;
3. Dry cleaning establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds using cleaning fluid which is nonexplosive and noninflammable;
4. Dressmaking;
5. Millinery;
6. Tailor and pressing shop; and
7. Shoe repair shop.

## (d) Equipment service:

1. Radio shop;
2. Electric appliance shop; and
3. Record shop.

## (e) Food service (see § 153.029);

## (f) Personal service:

1. Barber shop;
2. Beauty shop;
3. Reducing salon;
4. Photographic studio; and
5. Massage therapy salon. All employees and therapists of the massage therapy salon must be accredited by the American Massage Therapy Association plus any state or federal licensing which may be in effect now or in the future.

(g) Retail service, retail stores generally:

1. Drugstore;
2. Hardware;
3. Stationer;
4. Newsdealer;
5. Show room, for articles to be sold at retail;
6. Apparel shop; and
7. Flower shop.

(3) *Height of buildings.* Districts B1 and B2 should have a normal maximum height of 25 feet.

(4) *Front yard.* Forty feet.

(5) *Side yard.*

(a) Along the side street line of a corner lot in a B1 District, where the block is adjoined by a residential block, the minimum dimension shall be 15 feet.

(b) Where a B1 District adjoins an R1, R2, or R3 District within a block, there shall be a side yard of at least 15 feet.

(6) *Rear yard.* Ten percent of the depth of the lot.

(7) *Lot coverage.* Ninety percent maximum, but this shall not waive the provision of yards where required.

(8) *Prohibited classes of businesses.* The following classes of businesses specifically stated or implied are not permitted in B1 or B2 Districts.

(a) 1. Gaming activities including, but not limited to, bingo, raffles, and the sale of pull tabs, punch boards, and tip boards conducted pursuant to an annual bingo license.

2. All other businesses not specifically set forth under divisions (A)(2)(a) to (A)(2)(g) above inclusive.

(b) Nonconforming businesses; lawful nonconforming businesses. All legally existing businesses prior to the enactment of this subchapter shall be regarded as lawful nonconforming businesses and may be continued, subject to being properly operated and maintained, so long as the existing business is not expanded in size or relocated, unless the expansion or relocation brings this business into conformity with this subchapter, and so long as the ownership and/or tenant of the property and the ownership and/or tenant of the business does not change in name or otherwise.

(B) *General provisions applicable to all business uses.*

(1) *Vehicle parking space.*

(a) Parking spaces shall be provided on the lot, as follows:

| <i>Uses</i>                                                                    | <i>Number of Parking Spaces</i>                  |
|--------------------------------------------------------------------------------|--------------------------------------------------|
| Local business uses listed in divisions (A)(2)(c) to (A)(2)(g) above inclusive | One space for each 125 square feet of floor area |
| Local business, business services uses listed in division (A)(2)(b) above      | One space for each three employees               |

(b) All legally existing parking prior to the enactment of this subchapter shall be regarded as lawful nonconforming parking and may be continued, subject to being properly operated and maintained, so long as the existing parking is not expanded in size or relocated, unless the expansion or relocation brings the parking into conformity with this subchapter, and so long as the ownership and/or tenant of the parking area and the ownership and/or tenant of the business using the parking area does not change in name or otherwise.

(2) *Loading and unloading berths.* Loading and unloading berths shall be provided on the lot as follows:

| <i>Use</i>                              | <i>Gross Floor Area (sq. ft.)</i> | <i>Loading and Unloading Berths</i> |
|-----------------------------------------|-----------------------------------|-------------------------------------|
| Office buildings                        | 100,000 or less                   | 1                                   |
|                                         | 100,001 to 336,000                | 2                                   |
|                                         | Each 200,000 additional           | 1 additional                        |
| Retail stores and other commercial uses | 3,000 to 15,000                   | 1                                   |
|                                         | 15,001 to 40,000                  | 2                                   |
|                                         | Each 25,000 additional            | 1 additional                        |

(3) *Paving*. Open parking area and loading and unloading berths shall be paved with a dust-proof or hard surface, meeting the standard specifications of the town.

(4) *Rear yard*. One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy the rear yard requirements, but such alley space shall not be included for loading and unloading berths.

(5) *Vision clearance on corner lots*. Fifteen feet from the intersection of property lines.

(C) *Conditional exceptions*.

(1) *Maximum height*. The normal maximum height of structures may be increased as follows.

(a) Buildings may be erected higher than the normal maximum if they are set back from front and rear property lines, one foot for each two feet of additional height above the normal maximum height.

(b) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or ordinances.

(2) *Front yard*. Where 25% or more of the lots in a block are occupied by buildings, necessary setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 40 feet.

(3) *Vehicle parking space*. Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each participating use. (Prior Code, § 154.22) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 10-21-1997(A), passed 10-21-1997; Ord. 8-17-1999, passed 8-17-1999; Ord. 8-17-1999B, passed 8-17-1999; Ord. 5-18-04, passed 5-18-2004) Penalty, see § 153.999

## **§ 153.028 CONTINGENT USES.**

(A) *Definition*. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CONTINGENT USES**. Uses which are likely or liable, but not certain to occur, and which are not inappropriate to the principal use of the district in which located.

(B) *Location permitted and vehicle parking space required.* Contingent uses, as listed herein, are permitted in the district indicated below. Each use shall provide on the lot, or within 300 feet thereof on a site approved by the Board, parking space open or enclosed as follows:

(C) *District parking schedule.*

| <i>Contingent Use</i>                                              | <i>District in which Permitted</i> | <i>Parking Spaces Required</i>                                      |
|--------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------|
| Building devoted primarily to religious activities                 | All                                | 1 for each 4 seats in main auditorium                               |
| Bulletin board for a church or public building                     | All                                |                                                                     |
| Community Center                                                   | All                                | 1 for each 6 seats                                                  |
| Food service                                                       | B1, B2                             | 1 for each 6 seats                                                  |
| Municipal or government building                                   | All                                | 1 for each 125 sq. ft. ground floor area                            |
| Professional office in residence of practicing professional person | All                                | 2 additional                                                        |
| Public library                                                     | All                                | 1 for each 125 sq. ft. of ground floor area                         |
| Public park or public recreational facility                        | All                                | 1 for each 5,000 sq. ft. of area                                    |
| School, public or parochial                                        | All                                | 1 for each 3 members of the staff plus 1 each 8 seats in auditorium |

(D) *Paving.* Open parking area shall be paved with a dust-proof or hard surface meeting the standard specifications of the town.

(E) *Conditional exceptions.*

(1) *Parking requirements.* A building devoted to religious activities which requires parking area at times when nearby users do not need their parking facilities, may, by agreement approved by the Board, utilize such facilities in lieu of providing their own parking facilities.

(2) *Height permitted.*

| <i>Districts</i> | <i>Normal Maximum Height</i> |
|------------------|------------------------------|
| B1 and B2        | 25 feet or 2 stories         |
| R1, R2, and R3   | 35 feet or 2-1/2 stories     |

(a) Buildings may be erected to heights in excess of normal maximum, if they are set back from required front, side, and rear yard lines, or property lines where yard are not required as follows: All districts shall have one foot for each foot of additional height.

(b) In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(F) *Private swimming pools.*

(1) *Permitted as a contingent use.* A private swimming pool, in ground only, shall be a permitted contingent use in an R1, R2, or R3 District, subject to the conditions set forth herein.

(2) *Building permit required.* Before a private swimming pool may be installed, the landowner shall obtain a building permit issued by the Building Commissioner.

(3) *Conditions for issuance of building permit.* The Building Commissioner shall be authorized to issue a building permit for the installation of a private swimming pool only if the Building Commissioner determines that such pool will not impair the value of surrounding lands and buildings, will not be a safety hazard, and will comply with the following standards.

(a) *Minimum size and rear yard setbacks.* A swimming pool or its deck shall be set back a minimum of the greater of the following:

1. Ten feet from the side or rear lot line; or
2. The minimum side or rear setback for the district or subdivision.

(b) *Safety.* For purposes of safety, the following shall apply. Access to private pools shall be restricted by one of the following means:

1. Walls or fencing not less than five feet high and completely surrounding the pool and deck area, with the exception of self-closing and latching gates and doors, both capable of being locked.

2. Other means not less than five feet high and deemed impenetrable by the enforcing authority at the time of construction, and completely surrounding the pool and deck area when the pool is not in use.

3. A combination of divisions (F)(3)(b)1. and (F)(3)(b)2. above that completely surrounds the pool and deck, with the exception of self-closing and latching gates and doors that are capable of being locked. This applies to divisions (F)(3)(b)1. and (F)(3)(b)2. above only.

4. A power safety pool cover that shall:

- a. Provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
- b. Be mechanically operated by a key, or a key and switch, such that the cover cannot be drawn open or retracted without the use of a key;
- c. Be installed with tracks, rollers, rails, guides, or other accessories necessary to accomplish the two preceding divisions, in accordance with the manufacturer's instructions; and
- d. Bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346 for power safety pool covers.

(4) *Additional restrictions may be imposed.* The Building Commissioner may also impose reasonable additional restrictions or covenants as a condition to the issuance of a building permit for a private pool.

(5) (a) *Compliance required after issuance of building permit.* After issuance of a building permit for the installation of a private swimming pool, the land owner (including any subsequent transferees) shall comply with this division (F), including any restrictions or covenants imposed as a condition for issuance of the building permit, and shall operate and maintain the private swimming pool so that it does not become a nuisance, and so that it does not detract from the appearance of the neighborhood.

(b) In addition, notwithstanding the date of installation, the regulations of this division (F) shall apply to all private swimming pools located in the town, and shall apply jointly and severally to land owners, contract purchasers, tenants, or anyone who resides on the premises where the private swimming pool is located.

(6) *Appeal.*

(a) A person aggrieved by the Building Commissioner's refusal to issue a building permit for a private swimming pool, or aggrieved by the conditions imposed by the Building Commissioner in connection with the grant of any such permit, may appeal to the Board of Zoning Appeals.

(b) An appeal under this division (F)(6) shall be brought within 30 days after notice of the Building Commissioner's decision, and shall be heard and determined by the Board of Zoning Appeals under § 153.067.



(G) *Above-ground swimming pools.* Above-ground swimming pools shall also be a permitted contingent use in a R1, R2, and R3 zone, subject to the conditions set forth in division (F) above, and subject to the following additional conditions:

(1) This division (G) regulating above-ground swimming pools shall apply to any above-ground pool or spa that is over two feet in depth and over 12 feet in diameter.

(2) As specifically set out in division (F)(4) above, the Building Commissioner may impose reasonable restrictions or covenants as a condition to the issuance of a building permit for an above-ground pool. Items that enhance the appearance of the above-ground pool and/or block or reduce its visibility to others may be required by the Building Commissioner. Such items shall include, but are not limited to, landscaping, fencing, decking, or any combination thereof.

(Prior Code, § 154.23) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 3-15-05, passed 3-15-2005; Ord. 06-21-05, passed 6-21-2005; Ord. 08-18-14, passed 8-18-2014; Ord. 07-15-19, passed 7-15-2019)

#### **§ 153.029 CONDITIONAL USES.**

(A) The following uses, or structural alterations thereto, which are classified as conditional uses, shall be permitted by the Board in any district (unless otherwise specified) in accordance with the procedure specified herein:

- (1) Artificial lake or private swimming pool;
- (2) Baseball park;
- (3) Cemetery or crematory;
- (4) Country club or golf course;
- (5) Fire station;
- (6) Public utilities building or right-of-way;
- (7) Railroad right-of-way, including buildings essential to the operation of railroads;
- (8) Sewage disposal or garbage disposal; and
- (9) The outdoor sale of automobiles.

(B) Upon receipt of an application for a conditional use by the Board, it shall be referred to the Commission for an investigation as to the manner in which the proposed location and character of the conditional use will affect the Master Plan of the town. The Commission shall report the results of its study of the proposal to the Board, and, if the report is favorable to the proposal, the Board may, after public hearing, grant a permit, including the imposition of conditions of use, which the Board deems essential to ensure that the conditional use is consistent with the spirit, purpose, and intent of this section, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(Prior Code, § 154.24) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 5-18-04, passed 5-18-2004; Ord. 07-15-09, passed 7-15-2009)

### **§ 153.030 B2 SHOPPING CENTER DISTRICT.**

(A) *Uses permitted.* The uses specifically stated or implied in § 153.027, in the B1 Local Business District, are permitted in the B2 Shopping Center District.

(B) *Location permitted and procedure.*

(1) Only in the B2 Shopping Center District when located on a tract of land not less than four acres in area and which lies wholly within a Shopping Center District on the zone map; and in accordance with a development plan for the entire tract approved by the Commission, following a public hearing, said tract being the first approved for this purpose within the designated limits of such Shopping Center District on the zone map.

(2) The Building Commissioner shall issue an improvement location permit for a B2 use, only following receipt of notice from the Commission that such use district has been approved as set forth herein. The area to be occupied by buildings in this District shall be 25% or less of the net area of the district.

(3) The location of the shopping center shall be on property which has an acceptable relationship to arterial thoroughfares. The Commission must satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the development.

(4) The plan for the proposed shopping center must present a unified and organized arrangement of buildings and service facilities which shall have a functional relationship to the properties comprising the planning development and the properties immediately adjacent to the proposed development.

(5) The applicant for a shopping center must satisfy the Commission of his or her financial ability to carry out the proposed plan, and shall prepare and submit a construction schedule acceptable to the Commission, which construction shall begin within a period of 18 months following approval by

the Commission and be carried to completion to 40% of the total plan within a period of three years following such approval.

*(C) Approval procedure.*

(1) The applicant for a shopping center in a B2 Shopping Center District shall prepare and submit a preliminary development plan and supporting data for review and tentative approval of the Commission, upon which plan the Commission shall hold a public hearing. Upon approval of the preliminary development plan, the applicant shall, within a period of six months, prepare and submit a final development plan for approval of the Commission which shall incorporate any changes or alterations requested by the Commission.

(2) In the exercise of its approval, the Commission shall impose such conditions regarding the location, character, and other features of the proposed shopping center as it may deem advisable, and shall give due regard to the following factors, as they will apply to the particular situation:

(a) The location, size, and use of all buildings and structures, the nature and intensity of the operations involved in or conducted in connection with the shopping center; its site layout, including the location, size, arrangement, and capacity of all area to be used for vehicular access, parking, loading, and unloading and its relation to streets giving access to it so that vehicular traffic to and from the center will not create undue hazards to the normal traffic of the vicinity; and

(b) The location, size, and arrangement of areas to be devoted to planting lawns, trees, and other purposes so that it will be harmonious with the neighborhood in which it is situated.

(3) In the event the applicant receiving the approval of the shopping center development plan for a designated location does not proceed with its construction as set forth above, the Commission shall require that the applicant show cause why such approval should not be revoked. Such action shall be taken by the Commission upon its own initiative or at the request of another interested party. If the Commission determines, following a public hearing, that the best interests of the community will not be served by the applicant continuing to hold the approval, it may revoke the same and thereafter grant an approval for another shopping center development within the designated location area. Such approval shall be subject to the same considerations.

(Prior Code, § 154.25) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

**§ 153.031 VEHICLE PARKING SPACE.**

(A) *Specific requirements.* Sections 153.026 through 153.028 specify the off-street parking requirements for each type of use permitted under the provisions of this section.

(B) *Permits for parking lots in residential zones.* In order to meet requirements for vehicle parking space, where such space is not available on the lot occupied by a building, as specified in §§ 153.026 through 153.028 inclusive, the Board shall, after receipt of a favorable proposal, and after public notice and hearing, grant a permit for the establishment of a parking lot in a R2 District, provided that the entire area of the parking lot is within 300 feet of a B1 or B2 District, or, in the case of a building devoted to religious activities in a R2 District, immediately adjacent to such building, and provided that:

(1) There shall be no sales, dead storage, repair work, dismantling, or servicing of any kind on said parking lot;

(2) Entrances and exits shall be approved as to location by the Commission;

(3) No parking shall be permitted nearer than two feet from the front or side lot lines;

(4) Except for otherwise approved entrances and exits, a curb or rail not more than two feet in height and not less than eight inches in height shall be erected so as to conform with the required front lot line, and may be required along the boundaries of the parking lot as determined by the Commission for the protection of adjoining residentially zoned or used property;

(5) The lot shall be surfaced with a dust-proof or hard surface, meeting the standard specifications of the town;

(6) Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used; and

(7) If at any time after the issuance of the required permits any of the provisions of this section are not complied with, the permits shall be revoked.

(Prior Code, § 154.26) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

### **§ 153.032 UNIT DEVELOPMENT PLAN.**

(A) The owner or owners of any tract of land, comprising an area of not less than ten acres, may submit to the Board a plan for the use and development of the land, primarily for residential purposes. The proposed development plan shall be submitted to the Commission for examination, study, and report, and for a public hearing. If the Commission approves the development plan, the plan, together with the recommendations of the Commission, shall be embodied in a report to the Board, stating the reasons for the approval of the plan and application, and specific evidence and facts showing that the proposed residential development plan has considered and made provision for the following essential elements:

(1) The appropriate use of property adjacent to the area that is included in the plan will be fully safeguarded;

(2) The plan is consistent with the intent of this chapter to promote public health, safety, and the general welfare;

(3) The buildings shall be used primarily for single-family dwellings, and the usual accessory buildings such as garages, storage space, and community activity; and

(4) That the area of the tract, excluding street area, is to be devoted to parks, parkways, and other open spaces, will provide the minimum lot area per family, counting all families to be housed under the unit development plan, which is required for the most intensive use normally permitted in the district in which such development is to be located.

(B) If the Board approves the proposed residential development plan, improvement location permits and certificates shall be issued even though the use of this land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the district in which the development is to be located.

(Prior Code, § 154.27) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

### **§ 153.033 NONCONFORMING USE SPECIFICATIONS.**

(A) *Continuation thereof and reconstructions.* The lawful use of a building or premises, existing at the time of passage of this section, may be continued although such use does not conform to all the provisions of this section, except as hereinafter provided.

(B) *Extension.* A nonconforming use may be extended throughout a building, provided no structural alterations are made therein, except those required by law.

(C) *Change.* A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted one.

(D) *Erection and re-erection of a building.* No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than 75% of its appraised valuation, shall be repaired or rebuilt, except in conformity with the regulations of this section.

(E) *Temporary permits.* The Board shall authorize, by written permit, in a residence district for a period of not more than one year from the date of such permit, a temporary building for commercial use incidental to the residential construction and development of said district.

(F) *Right to construct if permit issued.* Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within 90 days of the date of such permit, and which entire building shall be completed according to such plans, as filed within three years from the date of passage of this section.

(G) *Use to conform after discontinuance.* In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(H) *Discontinuance of nonconforming use of land.* The lawful open use of land which does not conform to the provisions of this section shall be discontinued within five years from the date of passage of this section, and the use of land for storage purposes, which may become a nonconforming use by reason of amendment to this section shall be discontinued within five years from the date of passage of such amendment.

(I) *Nonconforming use created by amendment.* These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this section.  
(Prior Code, § 154.28) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.034 ADMINISTRATION.**

(A) *Enforcement.* The Building Commissioner is designated and authorized to enforce this chapter.

(B) *Plats.* Each application for an improvement location permit shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, reconstructed, or structurally altered, and such other information as shall be necessary to provide for the enforcement of this chapter. The plat shall also contain or be accompanied by a legal description of the real estate involved. A careful record shall be kept of all such applications and plats, in the office of the Building Commissioner.

(C) *Certificate of occupancy.*

(1) No land shall be occupied or used, and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the Building Commissioner stating that the building

and use comply with all of the provisions of this chapter applicable to the building or premises, or the use in the district in which it is to be located.

(2) No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Building Commissioner, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this chapter.

(3) A certificate of occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten days after the lawful erection, reconstruction, or structural alteration of such building shall have been completed.

(4) A record of all certificates of occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected. A fee of \$1 shall be charged for each original certificate and \$0.50 for each copy thereof.

(5) No improvement location permit shall be issued for excavation or for the erection, reconstruction, or structural alteration of any building before application has been made for a certificate of occupancy.

(D) *Improvement location permit.*

(1) No excavation, erection, reconstruction, or structural alteration of any building shall be made before an improvement location permit is issued by the Building Commissioner, or his or her delegate.

(2) Detailed site plans made to scale must be submitted to the Town Hall for the Building Commissioner, or his or her delegate, to review for meeting all building requirements in the town.

(3) After reviewing the plans, the Building Commissioner, or his or her delegate, must approve the plans before an improvement location permit is issued at the Town Hall.

(4) The person submitting the plans will be notified of the decision of the Building Commissioner, or his or her delegate.

(5) The application fee for obtaining an improvement location permit for a new building is \$100 and for remodeling or alterations to an existing building is \$50, payable at the Town Hall.

(6) The improvement location permit must be posted in a prominent place at the residence during the entire period of construction.

(7) Improvement location permits are valid for no more than 12 months after the issue date. (Prior Code, § 154.30) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 3-19-1996, passed 3-19-1996; Ord. 9-9-1999, passed 9-9-1999)

## ***SIGNS***

### **§ 153.045 DEFINITIONS.**

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

***BUILDING SURFACE.*** The total surface of a building face to which a sign is attached.

***CONSTRUCTION SIGNS.*** Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.

***DIRECTIONAL OR WARNING SIGN.*** An on-premises sign in front of the building containing information relative to expediting pedestrian or vehicular traffic flow and parking.

***DRIVEWAY VISION CORNER CLEARANCE.*** A triangular space at the intersection of the driveway and adjoining property line. The triangular space is determined by a diagonal line connecting two points measured 15 feet equidistant from the point of intersection along the property line and the driveway, then connecting those two points to form a triangle. No mobile signs shall be permitted in this triangular space.

***EMBELLISHMENT.*** Letters, figures, characters, or representatives in irregular form which are to be used as a supplement to the primary sign structure.

***ENTRANCE SIGN.*** A sign used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.

***FACIA SIGN.*** A sign attached to, or erected against, a wall of a building.

***FREESTANDING BUILDING.*** An independent building which is physically separated from any other structures on the same parcel and is further identified by its own parking lot, and landscaping layout, circulation flow, and other features which qualify a building as a complete independent unit.

***FRONTAGE.*** The length of the property line of any parcel along each street which it borders.



**GROUND SIGN.** A low-profile, on-premises sign completely or principally self-supported by posts or other sign apparatus independent of any building or other structure.

**HEIGHT OF SIGN.** The vertical distance measured from the base ground level to the highest point of the sign.

**IDENTIFICATION SIGN.** Any permanently attached, freestanding, roof, or projecting on-premises sign which advertises or identifies the premises where a business, service, or activity is located.

**INSTITUTION SIGN.** An on-premises sign identifying a society, corporation, or group facility of a public character.

**MARQUEE SIGN.** A sign displayed, erected, or supported upon an overhanging marquee, canopy, awning, or other similar cover or shelter.

**MOBILE SIGN.** A sign which is designed to be moved from one location to another and is not intended to remain as a permanent sign.

**MULTI-FACED SIGN.** Any sign in a three-dimensional configuration, including, but not limited to, cubes, spheres, and cylinders.

**OFFICE SIGN.** An on-premises sign in a B1 or B2 Zone District not exceeding 32 square feet in area.

**OFF-PREMISES SIGN.** A sign which directs attention to a use, business, project, service, or activity not conducted, sold, or offered upon the premises where the sign is located.

**ON-PREMISES SIGN.** Any sign identifying or advertising a business, person, activity, goods, project, or service located on the premises where the sign is installed.

**PAINTED GRAPHICS.** Any advertisement painted directly onto the wall of a building.

**POLE SIGN.** A high-profile, on-premises sign completely and principally self-supported by posts or other sign apparatus independent of any building or other structure.

**POLITICAL SIGN.** Any temporary sign pertaining to an election, or a referendum, or carrying the picture or name of a person seeking election or appointment to a public office.

**PROJECTING SIGN.** A sign which is affixed to any building, wall, or structure and extends greater than 18 inches beyond the building wall or parts thereof, and extending wholly or partly beyond the surface of the portion of the building or structure to which it is attached; or extending beyond the building line; or over public property. **PROJECTING SIGNS** are not allowed in any zoning district.

***PUBLIC SERVICE SIGN.*** Signs of a public, noncommercial nature, to include safety signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, and all signs erected by, or on order of, a public office in the performance of a public duty.

***RENTAL AGENCY.*** Any person, firm, corporation, or organization which provides, by lease or otherwise, a mobile sign to any other person, firm, corporation, or organization.

***RIGHT-OF-WAY.*** The portion of real property reserved and appropriated by the town or any other governmental unit to be used for easements for utility purposes or street improvements. In determining the boundary lines of real property located within the town, such lines shall not extend into any legal ***RIGHT-OF-WAY.***

***ROOF SIGN.*** A sign erected upon or above a roof or parapet of a building.

***SHOPPING CENTER SIGN.*** An on-premises sign identifying a shopping center.

***SIGN.*** Any identification, description, illustration, or device which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization, or business. ***SIGN*** shall include any and all supportive apparatus used in connection with the identification, description, illustration, or device.

***TEMPORARY SIGN.*** A sign which is not permanently installed, such as an advertising display constructed of cloth, canvas, light fabric, cardboard, or other light material.

***WALL SIGN.*** An on-premises sign attached to, or erected against, a wall of a building or structure. (Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)

## **§ 153.046 REQUIREMENTS.**

(A) *General requirements.* Signs may be erected and maintained as long as the requirements of this subchapter and all applicable ordinances and codes of the town, state, and federal government are met.

(1) *Permit requirements.* Improvement location permits shall be obtained prior to placement of any new sign, in any zone, including mobile signs, excepting those signs which are otherwise exempted by this subchapter.

(2) *Application requirements.* The application for an improvement location permit shall require a site plan and set forth the name, address, and telephone number of the individual, corporation, or business responsible for repair and maintenance of the sign.

(3) *Traffic hazard.* Any sign that is deemed a traffic hazard because it obstructs the view of any approaching road or intersection, railroad, school playground or park, or pedestrian crosswalk, or contributes to any other situation which may endanger the health and welfare of any pedestrian or occupant of any vehicle shall be prohibited.

(4) *Lighting.* Lights used to illuminate signs shall be installed, shielded, and directed not to be directly visible from any public street or adjacent residentially used property at grade level. All artificial illumination shall be so designed, located, and shielded, and directed as to concentrate illumination only on the sign face and to prevent the casting of glare or direct light upon adjacent properties or street.

(5) *Obsolete signs.* A sign face which advertises a product or service no longer available on the premises of a business, or which advertises a business which has closed permanently, or which has moved from the business location on which the sign is located, must be removed within one month from the happening of the event which renders the sign face obsolete.

(6) *Area of a sign.*

(a) *Single-faced signs.* The area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.

(b) *Double-faced signs.* The area of these signs shall be determined in the same manner as single-faced signs and shall be allowed on each side, provided that the facings are back-to-back. A V-type sign may be permitted, if the greatest point of separation between sign faces does not exceed 15 feet.

(c) *Multi-faced signs.* Area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the largest single surface or largest cross-section of the sign, exclusive of supporting members that bear no message.

(7) *Nonconforming signs.*

(a) *Lawful nonconforming signs.* All permanently attached or affixed signs legally existing prior to the enactment of this subchapter shall be regarded as lawful nonconforming signs and may be continued, subject to being properly repaired and maintained, so long as the existing sign is not expanded in size or relocated, unless the expansion or relocation brings the sign into conformity with this subchapter, and so long as no additional signs are placed on the same sign apparatus upon which the existing sign is located.

(b) *Destroyed sign.* Whenever an existing lawful nonconforming sign and apparatus located in any zone district, except the floodway or floodway fringe district, shall be destroyed by more than 50% of its replacement value, by explosion, fire, windstorm, flood, earthquake, act of God, riot, or act

of public enemy, the sign and apparatus shall be reinstated only in compliance with the provisions of this subchapter.

(c) *Permitted alterations.* Nothing in the foregoing shall prevent ordinary maintenance: poster panel replacement; copy changes or lettering; repair; or the reconstruction and upgrading of the nonconforming signs, provided that there shall be no enlargement of size, or change of location of the signs unless the entire nonconforming sign and structure is brought into conformance with the provisions of this subchapter.

(8) *Abandoned signs.* Whenever it appears that a sign or sign structure has been abandoned or that an establishment advertised or identified by a sign or other identifying device is no longer in business, the Building Commissioner shall attempt to contact the owner and arrange for its removal. Failing this attempt, a notice shall be placed in the local newspaper which shall declare the intentions of the town to remove the sign. The advertisement shall run twice per week for two consecutive weeks; and if the sign is not removed, or suitable arrangements made for its removal, within 30 days of the first notice published, the Building Commissioner shall cause the sign to be removed at the owner's expense.

(B) *Permitted signs not requiring improvement location permit and allowable in all districts.* Except as may be otherwise specifically provided in this section, the following signs shall not require an improvement location permit: public or governmental signs, window signs, plaques, no trespassing, dumping, or hunting signs, political signs, directional signs, real estate signs, public information signs, and temporary signs.

(1) *Directional or warning sign.* If the sign is illuminated, the light source shall not be directed towards any street or any adjoining property in a residence zone. Signs identifying ingress and egress points of a property shall be placed in such a manner as not to interfere with the visibility of motorists or pedestrians.

(2) *Political sign.* A political sign shall be removed within 30 days following the election. A winning candidate in a primary election may maintain his or her sign until 30 days following the general election. The person responsible for the removal of a political sign shall be the owner of the property upon which the political sign is located. If these signs are not removed within a specified time period, the Building Commissioner shall initiate action for removal of the sign.

(3) *Public service sign.* A public service sign can be any specially licensed sign, permitted by a legislative body, by franchise, or by special license such as a sign on a bus, bench, or trash receptacle. A public service sign may be a sign established by a public service agency as an aid to safety or service. A public service sign may also be a governmental or traffic sign.

(C) *On-premises signs.* In addition to all other requirements and limitations provided for in this section, the following provisions designate maximum sign areas, districts in which signs may be permitted, sign locations, and separation distances required.

(1) *Construction signs.* Construction signs having a maximum area of 100 square feet shall be permitted in all districts and shall be limited to one sign per entrance for each parcel of land, provided that an improvement location permit shall be required prior to placement. Each sign shall be removed within two months after construction is substantially completed.

(2) *Entrance signs.* Entrance signs which identify a shopping center shall be permitted in B1 and B2 Zoning Districts and shall be permitted to be placed on each side of the ingress point, provided that the combined area of each sign does not exceed nine square feet. One entrance sign to shopping centers shall be permitted to be placed on each thoroughfare at the entrance to the shopping center.

(3) *Facia signs.* Coverage up to 30% of all wall surface upon which the sign is located is permitted in B1 and B2 Districts; and a permit is required.

(4) *Identification signs.* Identification signs shall be permitted in all zoning districts, provided that placement of the signs shall be subject to the obtaining of an improvement location permit.

(5) *Shopping center signs.* Shopping center signs shall be permitted in B1 and B2 Zoning Districts. Roof signs shall not be permitted. Projecting signs are not permitted. An improvement location permit shall be required prior to placement of the shopping center signs.

(6) *Office signs.* Office signs are permitted in B1 and B2 Districts. An improvement location permit shall be required prior to placement of the signs.

(7) *Institutional signs.* One sign is permitted per frontage in all zoning districts; and a permit is required.

(8) *Mobile sign.*

(a) Mobile signs are permitted in R1, R2, and R3 Zone Districts for a maximum of seven days per year. In B1 and B2 Zone Districts, mobile signs are permitted for a maximum of one month per year. In the enforcement of this provision, the replacement of a mobile sign with any other mobile sign shall not extend the time limitations set forth herein.

(b) Regardless of parcel size, only one mobile sign shall be permitted on a parcel of land at one time.

(c) The maximum area of display surface on a mobile sign shall be 32 square feet in area, and no such sign shall be converted to a permanent sign or have any flashing lights.

(d) A mobile sign shall not be located in the vision clearance on corner lots and/or the driveway vision corner clearance of a lot or on the right-of-way of any governmental unit. The sign shall be located no closer than five feet from any existing street or highway right-of-way.

(e) All electric lines running to or from the mobile sign shall not cross or be upon any roadway, driveway, or pedestrian walkway of any kind.

(f) A rental agent and/or sign owner must secure an improvement location permit for a mobile sign on forms provided by the town prior to the placement of a mobile sign. The permit shall be displayed at all times in a clear weatherproof display window which shall be made a part of the sign.

(g) In lieu of the filing fees required to obtain an improvement location permit provided in § 153.034, the rental agent and/or sign owner shall pay a user and inspection fee of \$5 for any mobile sign placed for a period not to exceed two weeks, and a fee of \$10 for any mobile sign placed for a period of more than two weeks, but not to exceed three months period of time. Provided however, that if a mobile sign is placed prior to obtaining an improvement location permit, the user and inspection fee shall be \$25.

(h) All mobile signs in existence on the date of the passage of this section shall have three months from said date to come into full compliance with the requirements set forth herein. However, all signs which have flashing lights or apparatus shall cease flashing upon January 1, 2000. Further, all existing mobile signs shall abide by the placement requirements upon January 1, 2000.

(i) In addition to any other penalties set forth in the Zoning Code, any rental agent and/or sign owner who is found in violation of the terms and conditions of this chapter three or more times in any one calendar year shall not be issued any additional permits for that year.

(D) *Permitted signs requiring improvement location permit.* In addition to the above mentioned signs that require an improvement location permit, the following are allowable in B1 and B2 Zoning Districts.

(1) *Ground signs.*

(a) A ground sign shall not be at any point over six feet in height above grade level.

(b) Lighting reflectors shall not be more than six feet away from the ground sign which they are designed to illuminate.

(c) An improvement location permit shall be obtained prior to the placement of a ground sign.

(2) *Wall sign.*

(a) A wall sign shall not project away from the wall more than 18 inches. When a wall sign is located over a sidewalk and projects more than six inches over the pedestrian area, the minimum distance from the sidewalk grade and the base of the sign shall be eight feet. A wall sign placed on a

building of one story shall not project more than two feet above the top of the wall or two feet beyond the ends of the wall to which it is attached.

(b) If the wall sign is an illuminated one, overhead lighting reflectors may project six feet beyond the building line. All reflectors extending over the sidewalk shall be secured and safely anchored.

(c) No wall sign shall be so erected as to prevent free ingress to or egress from the building, or any fire escape.

(d) An improvement location permit shall be obtained prior to the placement of a wall sign. (Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)

#### **§ 153.047 PROHIBITED SIGNS.**

The following signs shall not be permitted under any circumstance:

(A) Signs bearing statements, words, or pictures which relate to sexual matters of an obscene and indecent character, such as would be patently offensive by contemporary standards;

(B) Signs which, because of size, location, coloring, content, or illumination, bear a close resemblance to, or may appear to be an imitation of, highway traffic signs or signals; or signs which incorporate, in any manner, a flashing or moving apparatus that may create a traffic hazard;

(C) Signs which interfere with the view of any signal, traffic sign, or street sign;

(D) Inactive signs or sign apparatus, as defined in this subchapter;

(E) Deteriorated, leaning, derelict, or structurally unsafe signs which constitute hazards by reason of inadequate maintenance, age, or abandonment, as defined in this subchapter;

(F) Signs on trees, telephone or light poles, fences, and on city streets or rights-of-way, alleys, or sidewalks;

(G) Signs which obstruct ingress and egress from a door, window, fire escape, or exit;

(H) Signs which are unlawfully erected or maintained;

(I) Off-premises signs;

(J) Pole sign;

(K) Projecting sign; and

(L) Marquee sign.

(Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)  
Penalty, see § 153.999

#### **§ 153.048 ENFORCEMENT.**

The Building Commissioner shall have the authority to enforce all the provisions of this subchapter. Action on the violation of any provision of this subchapter shall be subject to the authority granted to municipalities by the provisions of I.C. Title 36, and all acts amendatory thereto. Provided further, the Building Commissioner may institute a suit for injunction in a court of competent jurisdiction to restrain any person, persons, firm, or corporation from violating the provisions of this subchapter, and may also institute a suit for a mandatory injunction directing removal of any sign erected or maintained in violation of the terms of this subchapter.

(Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)

#### **§ 153.049 APPEALS.**

(A) This subchapter shall be deemed an amendment to the Zoning Code and the development plan for the town, and is enacted to assist in the accomplishment of the purposes of the advisory planning law.

(B) An appeal from any person, persons, firm, or corporation claiming to be adversely affected by any decision of the Building Commissioner concerning a requirement of this subchapter shall be taken to the Board of Zoning Appeals of the town.

(C) In considering the appeal, the Board of Zoning Appeals shall have the power, amongst others, to reverse, modify, or approve the decision of the Building Commissioner, or may grant a variance from the requirements of this subchapter as equity may require.

(D) Any final decision by the Board of Zoning Appeals shall be reviewed by certiorari as prescribed by law.

(Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)

#### **§ 153.050 VIOLATIONS.**

(A) The Commission, the Building Commissioner, or any designated enforcement official, or any person jointly or severally aggrieved, shall institute a suit for injunction in the Circuit or Superior Courts



of the county to restrain an individual or a governmental unit from violating the provisions of this Zoning Code.

(B) The Commission or the Board shall also institute a suit for mandatory injunction directing any person or a governmental unit to remove a structure provision of this Zoning Code.

(C) Any building erected, raised, or converted, or land or premises used in violation of any provisions of this Zoning Code or the requirements thereof, is declared to be a common nuisance, and as such, shall be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)

### ***BOARD OF ZONING APPEALS***

#### **§ 153.065 ESTABLISHMENT.**

The Board of Zoning Appeals is established.

(Prior Code, § 154.40) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.066 APPEALS FROM BUILDING COMMISSIONER.**

Any decision of the Building Commissioner made in enforcement of this chapter may be appealed to the Board by any person claiming to be adversely affected by such decision.

(Prior Code, § 154.41) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.067 POWERS AND DUTIES OF THE BOARD.**

(A) The Board shall have the following powers, and it shall be its duty to:

(1) Hear and determine appeals from and review any order, requirements, decision, or determination made by the Building Commissioner in the enforcement of this chapter;

(2) Hear and decide on permits for conditional uses, development plans, or other uses upon which the Board is required to act under this chapter; and

(3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.

(B) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Commissioner from whom the appeal is taken.

(Prior Code, § 154.42) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.068 RESTRICTIONS ON BOARD ACTION.**

(A) Every decision of the Board shall be subject to review by certiorari procedure.

(B) No variance in the application of the provisions of this chapter shall be made by the Board relating to buildings, land, or premises now existing or to be constructed, unless after a public hearing, the Board shall find that such variance will not:

- (1) Alter the land use characteristics of the district;
- (2) Impair the adequate supply of light and air to adjacent property;
- (3) Increase the hazard from fire, flood, and other damage to said property;
- (4) Diminish the marketable value of adjacent lands and buildings;
- (5) Increase the congestion in the public streets; or

(6) Otherwise impair the public health, safety, convenience, comfort, or general welfare.

(Prior Code, § 154.43) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.069 AMENDMENTS.**

All amendments to this chapter shall be in conformance with I.C. 36-7-4-100 et seq., and as amended. Any proposed amendment shall be submitted to the Commission for report and

recommendation prior to any action thereon by the Board. If the Commission recommends against the enactment of any proposed amendment, it shall become effective only by a three-fourths vote of the Board.

(Prior Code, § 154.44) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

#### **§ 153.070 REMEDIES.**

The Commission, the Board, the Building Commissioner, or any designated enforcement official, or any person, may institute a suit for injunction in the County Circuit Court to restrain an individual or a governmental unit from violating the provisions of this chapter. The Commission or the Board may also institute a suit for mandatory injunction directing any person to remove a structure erected in violation of the provisions of this chapter. Any building erected, raised, or converted, or land or premises used in violation of any provisions of the chapter or the requirements thereof, is declared to be a common nuisance and as such, may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(Prior Code, § 154.45) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982)

### ***AVAILABILITY FOR PUBLIC INSPECTION***

#### **§ 153.085 DUTY OF CLERK-TREASURER.**

The Clerk-Treasurer is directed to keep on file two copies of the zoning map referred to in § 153.024, and of the specifications referred to in § 153.025, and the map and specifications shall be available for public inspection during all regular office hours of the Clerk-Treasurer.

(Prior Code, § 154.50)

### ***COMPREHENSIVE PLAN***

#### **§ 153.100 CLARIFICATION.**

(A) This subchapter shall be cited as the “Town Comprehensive Plan.”

(B) **COMMISSION** in this subchapter means Town Plan Commission.

(Prior Code, § 154.60) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

#### **§ 153.101 PURPOSE.**

The purpose of this subchapter is to establish a single unified code consisting of all plans, reports, and code sections plus supplemental details as contained in the report of the Commission entitled “Comprehensive Plan of the Town,” that deal with the subject of planning and zoning, as a comprehensive guide to the future growth and development of the town.

(Prior Code, § 154.61) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

#### **§ 153.102 CONTENT.**

The Comprehensive Plan consists of a report dated August, 1961, entitled “Master Plan of the Town of Edgewood, Indiana,” a separate plan entitled “Comprehensive Development Plan,” and Edgewood Zoning Code, Chapter 153.

(Prior Code, § 154.62) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

#### **§ 153.103 AUTHORITY OF THE COMPREHENSIVE PLAN.**

The layout, the location, relocation, extension, or widening of thoroughfares; the general design of neighborhoods and their street patterns; the use of land; and the location of sites for schools, parks, recreation, and other public uses, shopping centers, and community facilities shall conform to the principles, policies, and provisions of the Comprehensive Plan.

(Prior Code, § 154.63) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

#### **§ 153.104 ACT OF THE COMPREHENSIVE PLAN.**

The Town Council shall be guided by, and give consideration to, the general policy and pattern of development set out in the Comprehensive Plan prior to the authorization, construction, alteration, or abandonment of any public installation required or necessitated in the interest of the physical development of the town and its environs.

(Prior Code, § 154.64) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

**§ 153.105 CONTINUING AUTHORITY OF THE COMMISSION.**

The Commission shall, from time to time, consider and review proposals with respect to changes and amendments in the Comprehensive Plan and, upon conclusion of such consideration, including a public hearing thereon, shall certify to the Town Council its report on such matters.

(Prior Code, § 154.65) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

**§ 153.106 COMPREHENSIVE PLAN ON FILE.**

The maps, charts, plans, and code sections that comprise the master plan (i.e., the Comprehensive Plan) are on file in the office of the Clerk-Treasurer, and are available for public inspection during all regular office hours of the Clerk-Treasurer.

(Prior Code, § 154.66) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

**§ 153.107 RESPONSIBILITY OF THE CLERK-TREASURER.**

The Clerk-Treasurer is ordered and directed to keep on file, for public inspection during all regular office hours, two copies of the Comprehensive Plan, including maps, charts, plans, and sections referred to herein.

(Prior Code, § 154.67) (Ord. P-6, passed 4-10-1962; Ord. P-7, passed 11-21-1967; Ord. P-9, passed 6-17-1969)

**§ 153.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates the provisions of § 153.008(F) shall be fined an amount up to \$500. Each day any violation continues, or is permitted to exist, constitutes a separate offense.

(Prior Code, § 154.23) (Ord. P-2, passed 5-24-1961; Ord. P-9, passed 6-17-1969; Ord. 10-D-81, passed 6-15-1982; Ord. 3-15-05, passed 3-15-2005; Ord. 06-21-05, passed 6-21-2005; Ord. 08-18-14, passed 8-8-2014; Ord. 07-15-19, passed 7-15-2019)

(C) Action on the violation of any provisions of §§ 153.045 through 153.050 and the right of injunction against such violations shall be as provided by Chapter 174, Acts of 1974, and all acts

amendatory thereto, General Assembly of the State of Indiana. Under statute, any person or persons, firm, or corporation who violates a provision of this chapter shall be guilty of a Class C infraction and, upon conviction, shall be fined not less than \$10 nor more than \$300. In the event the offense or violation is continuing, extending from one day to the next, a separate offense or violation shall be deemed to have been committed each day involved, and shall be subject to a separate penalty hereunder. (Prior Code, § 154.29) (Ord. 9-9-1999, passed 9-9-1999; Ord. 11-16-1999A, passed 11-16-1999)



## **TABLE OF SPECIAL ORDINANCES**

Table

- I. ANNEXATIONS**
- II. BONDS**
- III. CONTRACTS AND AGREEMENTS**
- IV. FRANCHISES**
- V. VACATIONS**





**TABLE I: ANNEXATIONS**

| <i>Ord./Res. No.</i> | <i>Date Passed</i> | <i>Description</i>                                                                                                                                                                                                       |
|----------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10-16-89             | 10-17-1989         | Annexing the Webb property, beginning at the northeast corner of the Southeast Quarter of Section 16, Township 19 North, Range 7 East and running thence south 100.5 feet along the east line of said Southeast Quarter. |
| 5-20-1997            | 5-20-1997          | Annexing adjacent and contiguous territory, beginning at a point on the east line of the Southeast Quarter of the Southeast Quarter of Section 16, Township 19 North, Range 7 East.                                      |



**TABLE II: BONDS**

| <i>Ord./Res. No.</i> | <i>Date Passed</i> | <i>Description</i>                                                    |
|----------------------|--------------------|-----------------------------------------------------------------------|
| 10W                  | 8-27-1951          | Issuing bonds for extensions to the waterworks.                       |
| 11W                  | 8-27-1951          | Issuing bonds for extensions to the waterworks.                       |
| 12W                  | 10-1-1951          | Amending bond amounts issued by Ord. 10W.                             |
| 13W                  | 8-16-1977          | Changing of rates and charges for amounts needed for bonds and funds. |
| 2002                 | 10-17-1991         | Issuing bonds for storm water sewers for the town.                    |
| -                    | 1-21-1992          | Issuing bonds for construction of storm water sewers.                 |
| 6-24-13              | 6-24-2013          | Issuing bonds for sewage works for the town.                          |
| 101915               | 11-19-2015         | Issuing bonds for sewage works for the town.                          |



**TABLE III: CONTRACTS AND AGREEMENTS**

| <i>Ord./Res. No.</i> | <i>Date Passed</i> | <i>Description</i>                                                                                                     |
|----------------------|--------------------|------------------------------------------------------------------------------------------------------------------------|
| -                    | 10-20-1992         | Agreement for sewage disposal between the town and the city of Anderson, Indiana.                                      |
| 10-20-1998           | 10-20-1998         | Granting permission to Rural/Metro Ambulance of Indiana, L.P. to offer a membership program pursuant to I.C. 27-4-5-2. |
| 08-16-05             | 8-16-2005          | Authorizing the entry into an interlocal agreement for the investment of public funds.                                 |
| -                    | 10-19-2015         | Authorizing the financial assistant agreement by the Indiana Finance Authority.                                        |
| R. 10-17-16B         | 10-17-2016         | Authorizing the issuance of individual procurement cards for the town.                                                 |
| 2018-03-19-18        | 3-19-2018          | Adopting the second amended and restated agreement of Trust of the AIM Medical Trust.                                  |
| R. 06-17-19          | 6-17-2019          | Authorizing purchase of real estate at 3317 Nichol Avenue, Anderson, Indiana.                                          |
| R. 11 21 22B         | 11-21-2022         | Authorizing the entry into an interlocal agreement with the city of Anderson, Indiana, to use its court system.        |



**TABLE IV: FRANCHISES**

| <i>Ord./Res. No.</i> | <i>Date Passed</i> | <i>Description</i>                                                                                       |
|----------------------|--------------------|----------------------------------------------------------------------------------------------------------|
| R. -                 | 8-20-1984          | Awarding a franchise to General Electric Cablevision for providing cable television service in the town. |
| R. 08-01             | 8-18-1998          | Consenting to transfer of cable television franchise.                                                    |
| 6-18-02A             | 6-18-2002          | Renewing and extending a cable television franchise agreement with Insight Communications Midwest, LLC.  |





**TABLE V: VACATIONS**

| <i>Ord./Res. No.</i> | <i>Date Passed</i> | <i>Description</i>                           |
|----------------------|--------------------|----------------------------------------------|
| 7-17-01              | 7-17-2001          | Vacating a portion of Boulevard Way.         |
| R. 09-16-19          | 9-16-2019          | Vacating an unimproved portion of Elm Court. |



## **PARALLEL REFERENCES**

References to Indiana Code  
References to Prior Code  
References to Resolutions  
References to Ordinances



## REFERENCES TO INDIANA CODE

| <i>I.C. Cite</i>    | <i>Code Section</i>    |
|---------------------|------------------------|
| 1-1-1-5             | 10.04                  |
| 1-1-1-7             | 10.12                  |
| 1-1-1-8             | 10.06                  |
| 1-1-4-5             | 10.05                  |
| 1-1-5-1             | 10.11                  |
| 1-1-6-1             | 10.08                  |
| 4-35-8.5            | 34.028                 |
| 5-3-1               | 150.05                 |
| 5-10.1-2-1 et seq.  | 33.035                 |
| 5-10.2-3-1          | 34.021                 |
| 5-10.3-2-1 et seq   | 34.021                 |
| 5-11-13-1           | 33.110                 |
| 5-22                | 33.110; 34.045; 34.046 |
| 6-1.1-41            | 34.026                 |
| 6-3.6-9-17(h)(1)(A) | 34.030                 |
| 7.1-3-9-3           | 111.01                 |
| 8-1.5-3-4(a)        | 32.18                  |
| 8-1.5-5             | 32.15                  |
| 8-1.5-5-5           | 32.18                  |
| 8-1.5-5-6           | 32.18                  |
| 8-22-2              | 34.030                 |
| 8-22-3-1            | 34.030                 |
| 8-23-5              | 34.030                 |
| 8-23-30             | 34.030                 |
| 9-13-2-49.3         | 72.01                  |
| 9-13-2-49.4         | 72.01                  |
| 9-13-2-69.7         | 72.01                  |
| 9-13-2-104.1        | 72.01                  |
| 9-13-2-108          | 72.01                  |
| 9-13-2-123          | 72.01                  |
| 9-13-2-150          | 72.01                  |
| 9-13-2-188          | 72.01                  |
| 9-21-1-3.3          | 72.99                  |

| <i>I.C. Cite</i>             | <i>Code Section</i>     |
|------------------------------|-------------------------|
| 9-22-1-3                     | 90.04                   |
| 9-24-1-7(b)                  | 72.03                   |
| 14-19-1-0.5                  | 72.01; 72.04            |
| 14-32                        | 53.02; 54.03            |
| 14-34                        | 53.03                   |
| 25-37-1-1 et seq.            | 112.01                  |
| 27-4-5-2                     | TSO Table III           |
| 31-37-3-2 through 31-37-3-5  | 130.01                  |
| 33-36-2-1                    | Ch. 32                  |
| 33-37-8-3                    | 34.027                  |
| Title 36                     | 153.048                 |
| 36-1-8-5.1                   | 34.025                  |
| 36-1-8-9.2                   | 34.028                  |
| 36-1-12                      | 33.110                  |
| 36-1-27-4                    | 31.15                   |
| 36-7-4-100 et seq.           | 151.01; 151.22; 153.069 |
| 36-7-9-1 through 36-7-9-9-28 | 150.02                  |
| 36-7-9-3                     | 150.01                  |
| 36-7-9-7(b)                  | 150.07                  |
| 36-7-9-7(f)                  | 150.07                  |
| 36-7-9-9                     | 150.10                  |
| 36-7-9-11                    | 150.12                  |
| 36-7-9-14                    | 150.14                  |
| 36-7-9-25                    | 150.12                  |
| 36-7-9-26                    | 150.17; 150.18          |
| 36-7-9-27                    | 150.06; 150.12; 150.19  |
| 36-8-14-1 et seq.            | 34.026                  |
| 36-8-14-2                    | 34.026                  |
| 36-8-14-4                    | 34.026                  |

## REFERENCES TO PRIOR CODE

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 10.99                     | 10.99               |
| 11.01                     | 11.01               |
| 11.02                     | 11.02               |
| 30.01                     | 30.01               |
| 30.02                     | 30.02               |
| 30.03                     | 30.03               |
| 30.04                     | 30.04               |
| 31.01                     | 31.01               |
| 31.02                     | 31.02               |
| 31.04                     | 31.03               |
| 31.25                     | 31.30               |
| 31.26                     | 31.31               |
| 31.30                     | 31.15               |
| 32.01                     | 32.01               |
| 32.02                     | 32.02               |
| 32.03                     | 32.03               |
| 32.04                     | 32.04               |
| 32.15                     | 32.15               |
| 32.16                     | 32.16               |
| 32.17                     | 32.17               |
| 32.18                     | 32.18               |
| 32.30                     | 32.30               |
| 33.01                     | 33.001              |
| 33.02                     | 33.002              |
| 33.03                     | 33.003              |
| 33.04                     | 33.004              |
| 33.05                     | 33.005              |
| 33.06                     | 33.006              |
| 33.100                    | 33.140              |
| 33.15                     | 33.020              |
| 33.25                     | 33.035              |
| 33.35                     | 33.050              |
| 33.36                     | 33.051              |



| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 33.45                     | 33.065              |
| 33.46                     | 33.066              |
| 33.47                     | 33.067              |
| 33.48                     | 33.068              |
| 33.49                     | 33.069              |
| 33.50                     | 33.070              |
| 33.51                     | 33.071              |
| 33.52                     | 33.072              |
| 33.53                     | 33.073              |
| 33.54                     | 33.074              |
| 33.55                     | 33.075              |
| 33.56                     | 33.076              |
| 33.57                     | 33.077              |
| 33.58                     | 33.078              |
| 33.59                     | 33.079              |
| 33.60                     | 33.080              |
| 33.70                     | 33.095              |
| 33.71                     | 33.096              |
| 33.80                     | 33.110              |
| 33.90                     | 33.125              |
| 34.01                     | 34.001              |
| 34.02                     | 34.002              |
| 34.03                     | 34.003              |
| 34.04                     | 34.004              |
| 34.05                     | 34.005              |
| 34.15                     | 34.020              |
| 34.16                     | 34.021              |
| 34.17                     | 34.022              |
| 34.18                     | 34.023              |
| 34.19                     | 34.024              |
| 34.20                     | 34.025              |
| 34.21                     | 34.026              |
| 34.22                     | 34.027              |
| 34.23                     | 34.028              |
| 34.24                     | 34.029              |
| 34.25                     | 34.030              |
| 34.26                     | 34.031              |
| 34.27                     | 34.032              |
| 34.28                     | 34.033              |
| 34.30                     | 34.045              |

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 34.31                     | 34.046              |
| 34.32                     | 34.047              |
| 34.33                     | 34.048              |
| 34.34                     | 34.049              |
| 34.50                     | 34.060              |
| 34.51                     | 34.061              |
| 34.52                     | 34.062              |
| 34.65                     | 34.075              |
| 35.01                     | 35.01               |
| 35.02                     | 35.02               |
| 35.03                     | 35.03               |
| 35.04                     | 35.04               |
| 36.01                     | 36.01               |
| 37.01                     | 37.01               |
| 50.01                     | 50.01               |
| 50.02                     | 50.02               |
| 50.03                     | 50.03               |
| 50.05                     | 50.04               |
| 50.06                     | 50.05               |
| 50.07                     | 50.06               |
| 50.08                     | 50.07               |
| 50.10                     | 50.20               |
| 50.11                     | 50.21               |
| 50.12                     | 50.22               |
| 50.15                     | 50.35               |
| 50.16                     | 50.36               |
| 50.17                     | 50.37               |
| 50.18                     | 50.38               |
| 50.19                     | 50.39               |
| 50.20                     | 50.40               |
| 50.21                     | 50.41               |
| 51.01                     | 51.001              |
| 51.02                     | 51.002              |
| 51.03                     | 51.003              |
| 51.04                     | 51.004              |
| 51.05                     | 51.005              |
| 51.06                     | 51.006              |
| 51.15                     | 51.020              |
| 51.16                     | 51.021              |
| 51.25                     | 51.035              |

**Edgewood - Parallel References**

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 51.26                     | 51.036              |
| 51.27                     | 51.037              |
| 51.28                     | 51.038              |
| 51.29                     | 51.039              |
| 51.35                     | 51.050              |
| 51.36                     | 51.051              |
| 51.37                     | 51.052              |
| 51.38                     | 51.053              |
| 51.39                     | 51.054              |
| 51.40                     | 51.055              |
| 51.41                     | 51.056              |
| 51.50                     | 51.070              |
| 51.51                     | 51.071              |
| 51.52                     | 51.072              |
| 51.53                     | 51.073              |
| 51.54                     | 51.074              |
| 51.65                     | 51.085              |
| 51.66                     | 51.086              |
| 51.67                     | 51.087              |
| 51.68                     | 51.088              |
| 51.69                     | 51.089              |
| 51.70                     | 51.090              |
| 51.98                     | 51.091              |
| 52.01                     | 52.01               |
| 52.02                     | 52.02               |
| 52.03                     | 52.03               |
| 52.04                     | 52.04               |
| 52.05                     | 52.05               |
| 52.15                     | 52.20               |
| 52.16                     | 52.21               |
| 52.17                     | 52.22               |
| 52.18                     | 52.23               |
| 52.19                     | 52.24               |
| 52.20                     | 52.25               |
| 52.21                     | 52.26               |
| 52.30                     | 52.40               |
| 52.31                     | 52.41               |
| 52.32                     | 52.42               |
| 52.33                     | 52.43               |
| 52.34                     | 52.44               |

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 52.35                     | 52.45               |
| 52.36                     | 52.46               |
| 52.37                     | 52.47               |
| 53.01                     | 53.01               |
| 53.02                     | 53.02               |
| 53.03                     | 53.03               |
| 53.10                     | 53.15               |
| 53.11                     | 53.16               |
| 53.12                     | 53.17               |
| 53.13                     | 53.18               |
| 53.20                     | 53.30               |
| 53.21                     | 53.31               |
| 70.01                     | 70.01               |
| 70.02                     | 70.02               |
| 70.03                     | 70.03               |
| 70.04                     | 70.04               |
| 70.98                     | 70.05               |
| 71.01                     | 71.01               |
| 71.02                     | 71.02               |
| 71.03                     | 71.03               |
| 71.04                     | 71.04               |
| 71.05                     | 71.05               |
| 71.05                     | 71.06               |
| 71.10                     | 71.20               |
| 71.11                     | 71.21               |
| 71.12                     | 71.22               |
| 71.13                     | 71.23               |
| Ch. 72, Sched. I          | Ch. 73, Sched. I    |
| Ch. 72, Sched. II         | Ch. 73, Sched. II   |
| Ch. 72, Sched. III        | Ch. 73, Sched. III  |
| Ch. 72, Sched. IV         | Ch. 73, Sched. IV   |
| Ch. 72, Sched. V          | Ch. 73, Sched. V    |
| 90.01                     | 90.01               |
| 90.02                     | 90.02               |
| 90.03                     | 90.03               |
| 90.04                     | 90.04               |
| 90.05                     | 90.05               |
| 90.06                     | 90.06               |
| 90.07                     | 90.07               |
| 91.01                     | 91.01               |

**Edgewood - Parallel References**

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 91.02                     | 91.02               |
| 91.03                     | 91.03               |
| 91.04                     | 91.04               |
| 91.05                     | 91.05               |
| 91.06                     | 91.06               |
| 91.07                     | 91.07               |
| 91.15                     | 91.20               |
| 91.30                     | 91.35               |
| 91.31                     | 91.37               |
| 91.32                     | 91.38               |
| 91.33                     | 91.36               |
| 91.34                     | 91.39               |
| 91.45                     | 91.50               |
| 92.01                     | 92.01               |
| 92.02                     | 92.02               |
| 92.03                     | 92.03               |
| 92.04                     | 92.04               |
| 92.05                     | 92.05               |
| 92.15                     | 92.20               |
| 92.16                     | 92.21               |
| 92.17                     | 92.22               |
| 92.18                     | 92.23               |
| 93.01                     | 93.01               |
| 94.01                     | 94.01               |
| 94.02                     | 94.02               |
| 94.03                     | 94.03               |
| 94.04                     | 94.04               |
| 94.05                     | 94.05               |
| 94.06                     | 94.06               |
| 94.07                     | 93.02               |
| 95.01                     | 95.01               |
| 95.02                     | 95.02               |
| 95.03                     | 95.03               |
| 95.15                     | 95.15               |
| 95.16                     | 95.16               |
| 96.01                     | 96.01               |
| 96.02                     | 96.02               |
| 96.04                     | 96.04               |
| 96.08                     | 96.03               |
| 97.01                     | 97.01               |

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 97.02                     | 97.02               |
| 97.03                     | 97.03               |
| 97.04                     | 97.04               |
| 98.01                     | 98.01               |
| 98.02                     | 98.02               |
| 98.03                     | 98.03               |
| 98.04                     | 98.04               |
| Ch. 97 App. 1             | 97.05               |
| Ch. 97 App. 2             | 97.06               |
| 98.05                     | 98.05               |
| 98.06                     | 98.06               |
| 99.01                     | 99.01               |
| 99.02                     | 99.02               |
| 99.03                     | 99.03               |
| 99.04                     | 99.04               |
| 99.15                     | 99.15               |
| 99.16                     | 99.16               |
| 99.17                     | 99.17               |
| 99.18                     | 99.18               |
| 99.19                     | 99.19               |
| 99.20                     | 99.20               |
| 99.21                     | 99.21               |
| 99.22                     | 99.22               |
| 99.23                     | 99.23               |
| 99.24                     | 99.24               |
| 99.35                     | 99.35               |
| 99.36                     | 99.36               |
| 99.37                     | 99.37               |
| 99.38                     | 99.38               |
| 99.39                     | 99.39               |
| 110.01                    | 110.01              |
| 110.02                    | 110.02              |
| 110.03                    | 110.03              |
| 111.01                    | 111.01              |
| 111.02                    | 111.02              |
| 112.01                    | 112.01              |
| 112.02                    | 112.02              |
| 112.03                    | 112.03              |
| 112.04                    | 112.04              |
| 112.15                    | 112.15              |

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 112.16                    | 112.16              |
| 112.17                    | 112.17              |
| 112.30                    | 112.30              |
| 113.01                    | 113.01              |
| 113.02                    | 113.02              |
| 113.03                    | 113.03              |
| 113.04                    | 113.04              |
| 113.05                    | 113.05              |
| 113.06                    | 113.06              |
| 113.07                    | 113.07              |
| 113.08                    | 113.08              |
| 113.09                    | 113.09              |
| 113.10                    | 113.10              |
| 113.11                    | 113.11              |
| 113.12                    | 113.12              |
| 113.13                    | 113.13              |
| 130.01                    | 130.01              |
| 130.02                    | 130.02              |
| 130.16                    | 130.15              |
| 130.30                    | 130.30              |
| 130.31                    | 130.31              |
| 151.01                    | 150.01              |
| 151.02                    | 150.02              |
| 151.03                    | 150.03              |
| 151.04                    | 150.04              |
| 151.05                    | 150.05              |
| 151.06                    | 150.06              |
| 151.07                    | 150.07              |
| 151.08                    | 150.08              |
| 151.09                    | 150.09              |
| 151.10                    | 150.10              |
| 151.11                    | 150.11              |
| 151.12                    | 150.12              |
| 151.13                    | 150.13              |
| 151.14                    | 150.14              |
| 151.15                    | 150.15              |
| 151.16                    | 150.16              |
| 151.17                    | 150.17              |
| 151.18                    | 150.18              |
| 151.98                    | 150.19              |

| <i>Prior Code Section</i> | <i>Code Section</i> |
|---------------------------|---------------------|
| 152.01                    | 151.01              |
| 152.02                    | 151.02              |
| 152.15                    | 151.15              |
| 152.16                    | 151.16              |
| 152.17                    | 151.17              |
| 152.18                    | 151.18              |
| 152.19                    | 151.19              |
| 152.20                    | 151.20              |
| 152.21                    | 151.21              |
| 152.22                    | 151.22              |
| 153.01                    | 152.01              |
| 153.02                    | 152.02              |
| 153.03                    | 152.03              |
| 153.04                    | 152.04              |
| 153.05                    | 152.05              |
| 153.06                    | 152.06              |
| 153.07                    | 152.07              |
| 153.08                    | 152.08              |
| 153.09                    | 152.09              |
| 153.99                    | 152.99              |
| 154.01                    | 153.001             |
| 154.02                    | 153.002             |
| 154.03                    | 153.003             |
| 154.04                    | 153.004             |
| 154.05                    | 153.005             |
| 154.06                    | 153.008             |
| 154.06                    | 153.006             |
| 154.07                    | 153.007             |
| 154.15                    | 153.020             |
| 154.16                    | 153.021             |
| 154.17                    | 153.022             |
| 154.18                    | 153.023             |
| 154.19                    | 153.024             |
| 154.20                    | 153.025             |
| 154.21                    | 153.026             |
| 154.22                    | 153.027             |
| 154.23                    | 153.028             |
| 154.23                    | 153.999             |
| 154.24                    | 153.029             |
| 154.25                    | 153.030             |



| <i>Prior Code Section</i>  | <i>Code Section</i>      |
|----------------------------|--------------------------|
| 154.26                     | 153.031                  |
| 154.27                     | 153.032                  |
| 154.28                     | 153.033                  |
| 154.29                     | 153.045-153.050; 153.999 |
| 154.30                     | 153.034                  |
| 154.40                     | 153.065                  |
| 154.41                     | 153.066                  |
| 154.42                     | 153.067                  |
| 154.43                     | 153.068                  |
| 154.44                     | 153.069                  |
| 154.45                     | 153.070                  |
| 154.50                     | 153.085                  |
| 154.60                     | 153.100                  |
| 154.61                     | 153.101                  |
| 154.62                     | 153.102                  |
| 154.63                     | 153.103                  |
| 154.64                     | 153.104                  |
| 154.65                     | 153.105                  |
| 154.66                     | 153.106                  |
| 154.67                     | 153.107                  |
| Storm Water Appendix 1-A   | 54.35                    |
| Storm Water Appendix 1-B   | 54.36                    |
| Storm Water Appendix 1-C   | 54.37                    |
| Storm Water Appendix 1-D   | 54.38                    |
| Storm Water Appendix 1.1   | 54.01                    |
| Storm Water Appendix 1.2   | 54.02                    |
| Storm Water Appendix 1.3   | 54.03                    |
| Storm Water Appendix 1.4.1 | 54.04                    |
| Storm Water Appendix 1.4.2 | 54.04                    |
| Storm Water Appendix 1.4.3 | 54.04                    |
| Storm Water Appendix 1.4.4 | 54.04                    |
| Storm Water Appendix 1.4.5 | 54.04                    |
| Storm Water Appendix 1.5.1 | 54.05                    |
| Storm Water Appendix 1.5.2 | 54.05                    |
| Storm Water Appendix 1.6   | 54.06                    |
| Storm Water Appendix 1.7.1 | 54.07                    |
| Storm Water Appendix 1.7.2 | 54.07                    |
| Storm Water Appendix 2-A.1 | 54.50                    |
| Storm Water Appendix 2-A.2 | 54.51                    |
| Storm Water Appendix 2-A.3 | 54.52                    |

| <i>Prior Code Section</i>  | <i>Code Section</i> |
|----------------------------|---------------------|
| Storm Water Appendix 2-A.4 | 54.53               |
| Storm Water Appendix 2-A.5 | 54.54               |
| Storm Water Appendix 2-A.6 | 54.55               |
| Storm Water Appendix 2-A.7 | 54.56               |
| Storm Water Appendix 2.1   | 54.20               |
| Storm Water Appendix 2.2   | 54.21               |
| Storm Water Appendix 2.3   | 54.22               |
| Storm Water Appendix 2.4   | 54.23               |
| Storm Water Appendix 2.5   | 54.24               |



## REFERENCES TO RESOLUTIONS

| <i>Res. No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
|-----------------|--------------------|---------------------|
| -               | 1-20-1952          | 50.04               |
| -               | 8-20-1984          | TSO Table IV        |
| -               | 10-18-1988         | 93.01; 130.02       |
| -               | 12-23-1992         | 30.01-30.03         |
| -               | 10-19-1993         | 34.021              |
| -               | 7-19-1994          | 51.039              |
| -               | 10-18-1994         | 34.004              |
| -               | 11-15-1994         | 50.20               |
| -               | 1-21-1997          | 33.095, 33.096      |
| 08-01           | 8-18-1998          | TSO Table IV        |
| 12-19-00-A      | 12-27-2000         | 33.050              |
| 8-19-03B        | 8-19-2003          | 34.024              |
| 01-17-06-A      | 1-17-2006          | 50.02; 51.050       |
| 01-22-08A       | 1-22-2008          | 33.003              |
| 02-19-08        | 2-19-2008          | 50.02               |
| 08-18-09        | 8-18-2009          | 37.01               |
| 9-18-12         | 9-18-2012          | 37.01               |
| 10-17-16B       | 10-17-2016         | TSO Table III       |
| 11-12-18        | 11-12-2018         | 50.07               |
| 11-12-18A       | 11-12-2018         | 51.006              |
| 06-17-19        | 6-17-2019          | TSO Table III       |
| 09-16-19        | 09-16-2019         | TSO Table V         |
| 11 21 22B       | 11-21-2022         | TSO Table III       |



## REFERENCES TO ORDINANCES

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i>                                                                    |
|-----------------|--------------------|----------------------------------------------------------------------------------------|
| 10W             | 8-27-1951          | TSO Table II                                                                           |
| 11W             | 8-27-1951          | TSO Table II                                                                           |
| 12W             | 10-1-1951          | TSO Table II                                                                           |
| P-3             | 8-16-1960          | 151.01, 151.02; 151.15-151.17; 151.19-151.22                                           |
| P-2             | 5-24-1961          | 152.99; 153.001-153.008; 153.020-153.034;<br>153.065-153.070; 153.999                  |
| P-5             | 10-17-1961         | 152.01-152.09                                                                          |
| P-6             | 4-10-1962          | 153.100-153.107                                                                        |
| SW-4            | - -1966            | 51.070-51.074                                                                          |
| SW-6            | 2-17-1967          | 51.002-51.005; 51.021; 51.035-51.037;<br>51.086-51.091                                 |
| SW-5            | 2-17-1967          | 51.002; 51.020; 51.039; 51.051-51.053; 51.085                                          |
| P-9             | 6-17-1967          | 152.01-152.09                                                                          |
| P-7             | 11-21-1967         | 153.100-153.107                                                                        |
| P-9             | 6-17-1968          | 151.01, 151.02; 151.15-151.17; 151.19-151.22                                           |
| P-9             | 6-17-1969          | 152.99; 153.001-153.008; 153.020-153.034;<br>153.065-153.070; 153.100-153.107; 153.999 |
| -               | 8-16-1977          | 50.04                                                                                  |
| 13W             | 8-16-1977          | TSO Table II                                                                           |
| 10-D-81         | 6-15-1982          | 152.99; 153.001-153.008; 153.020-153.034;<br>153.065-153.070; 153.999                  |
| -               | 11-15-1983         | 30.01-30.03                                                                            |
| 84-3            | 6-19-1984          | 50.40                                                                                  |
| 1984-2          | 6-19-1984          | 112.03                                                                                 |
| 1984            | 12- -1984          | 50.02; 51.039; 51.051                                                                  |
| 1986            | 6-17-1986          | 31.30; 31.31                                                                           |
| -               | 7-21-1987          | 95.15; 95.16                                                                           |
| 36-10-3-2       | 7-21-1987          | 95.02                                                                                  |
| 13-1-13-1       | 11-9-1987          | 96.01-96.04                                                                            |
| -               | 1-19-1988          | 33.001-33.004; 51.054                                                                  |
| -               | 6-22-1988          | 110.01-110.03                                                                          |
| 1988-12A        | 12-8-1988          | 51.039                                                                                 |
| 36-9-9-2        | 8-15-1989          | 50.35-50.39; 50.41                                                                     |

## Edgewood - Parallel References

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i>              |
|-----------------|--------------------|----------------------------------|
| 10-16-89        | 10-17-1989         | TSO Table I                      |
| 12-19-89        | 1-16-1990          | 70.02, 70.03; 70.05; 97.01-97.03 |
| -               | 8-21-1990          | 130.30, 130.31                   |
| 1990-2000       | 12-18-1990         | 51.039                           |
| 1998            | 5-21-1991          | 32.15-32.18                      |
| 1999            | 7-16-1991          | 96.02                            |
| 2002            | 10-17-1991         | TSO Table II                     |
| -               | 1-21-1992          | TSO Table II                     |
| -               | 10-20-1992         | TSO Table III                    |
| 6-16-1992       | 6-16-1992          | 51.051                           |
| 12-23-1992      | 12-23-1992         | 51.039                           |
| 12-23-1992 A    | 12-23-1992         | 150.01-150.19                    |
| 3-16-1993A      | 3-16-1993          | 51.039                           |
| 3-16-1993B      | 3-16-1993          | 50.02                            |
| -               | 4-20-1993          | 50.20                            |
| -               | 5-18-1993          | 50.02                            |
| 8-17-93         | 8-17-1993          | 50.02                            |
| 11-16-1993A     | 11-16-1993         | 50.02                            |
| -               | 1-3-1994           | 71.01                            |
| -               | 5-15-1995          | 97.04                            |
| 9-19-95(B)      | 9-19-1995          | 51.054                           |
| 8-15-95D        | 9-19-1995          | 71.01                            |
| 9-19-95A        | 10-17-1995         | 50.02                            |
| 2-20-1996       | 2-20-1996          | 153.001                          |
| 3-19-1996       | 3-19-1996          | 153.034                          |
| 3-19-1996A      | 3-19-1996          | 50.21                            |
| 3-19-1996B      | 3-19-1996          | 32.03                            |
| 6-18-1996C      | 6-18-1996          | 34.022                           |
| 11-19-1996      | 11-19-1996         | 32.04                            |
| 12-17-1996      | 11-19-1996         | 51.051                           |
| 12-17-1996A     | 12-17-1996         | 50.02; 51.039                    |
| 5-20-1997       | 5-20-1997          | TSO Table I                      |
| 10-21-97        | 10-21-1997         | 33.065-33.080                    |
| 10-21-1997(A)   | 10-21-1997         | 153.027                          |
| 6-16-1998A      | 6-16-1998          | 153.026                          |
| 6-16-1998B      | 6-16-1998          | 33.005                           |
| 6-16-1998C      | 6-16-1998          | 31.03                            |
| 6-16-1998       | 6-16-1998          | 153.026                          |
| 7-21-1998A      | 7-21-1998          | 34.045                           |
| 7-21-1998B      | 7-21-1998          | 34.046                           |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i>                                                                                        |
|-----------------|--------------------|------------------------------------------------------------------------------------------------------------|
| 7-21-1998C      | 7-21-1998          | 34.047                                                                                                     |
| 7-21-1998D      | 7-21-1998          | 34.048                                                                                                     |
| 7-21-1998E      | 7-21-1998          | 34.049                                                                                                     |
| 10-20-1998      | 10-20-1998         | TSO Table III                                                                                              |
| 10-20-1998A     | 10-20-1998         | 90.01-90.07                                                                                                |
| 12-15-1998      | 12-15-1998         | 98.01-98.06                                                                                                |
| 8-17-1999C      | 5-17-1999          | 50.01                                                                                                      |
| 6-15-1999       | 6-15-1999          | 98.04                                                                                                      |
| 6-15-1999A      | 6-15-1999          | 35.01-35.04                                                                                                |
| 8-17-1999       | 8-17-1999          | 153.027                                                                                                    |
| 8-17-1999B      | 8-17-1999          | 153.027                                                                                                    |
| 8-1999B         | 8-17-1999          | 50.04                                                                                                      |
| 9-9-1999        | 9-9-1999           | 153.034; 153.045-153.050; 153.999                                                                          |
| 11-16-1999A     | 11-16-1999         | 153.045-153.050; 153.999                                                                                   |
| 6-20-00         | 6-20-2000          | 71.22; 71.23; Ch. 73, Sched. I; Ch. 73, Sched. II; Ch. 73, Sched. III; Ch. 73, Sched. IV; Ch. 73, Sched. V |
| 3-20-01         | 3-20-2001          | 31.01                                                                                                      |
| 4-17-01         | 4-17-2001          | 34.060-34.062                                                                                              |
| 6-19-01A        | 6-19-2001          | 34.001                                                                                                     |
| 6-19-01B        | 6-19-2001          | 71.22; Ch. 73, Sched. II                                                                                   |
| 7-17-01         | 7-17-2001          | TSO Table V                                                                                                |
| 10-16-01D       | 10-16-2001         | 50.05                                                                                                      |
| 10-16-01A       | 11-20-2001         | 110.01                                                                                                     |
| 5-21-020        | 5-21-2002          | 51.039                                                                                                     |
| 6-18-02         | 6-18-2002          | 153.026                                                                                                    |
| 6-18-02A        | 6-18-2002          | TSO Table IV                                                                                               |
| 8-20-02A        | 8-20-2002          | 34.022                                                                                                     |
| 8-20-02B        | 8-20-2002          | 95.03                                                                                                      |
| 3-18-03         | 4-15-2003          | 71.20-71.22                                                                                                |
| 8-19-03         | 8-19-2003          | 34.023                                                                                                     |
| 5-18-04         | 5-18-2004          | 153.027; 153.029                                                                                           |
| 7-20-04         | 7-20-2004          | 33.004                                                                                                     |
| 8-17-04A        | 8-17-2004          | 94.02                                                                                                      |
| 8-17-04B        | 8-17-2004          | 50.02                                                                                                      |
| 10-19-04        | 10-19-2004         | 99.01-99.04; 99.15-99.24; 99.35-99.39                                                                      |
| 11-16-04A       | 11-16-2004         | 52.01-52.05; 52.20-52.26; 52.40-52.47; 54.20                                                               |
| 11-16-04B       | 11-16-2004         | 53.01-53.03; 53.15-53.18; 53.30, 53.31                                                                     |
| 3-15-05         | 3-15-2005          | 153.028; 153.999                                                                                           |



## Edgewood - Parallel References

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i>                                                                                                                     |
|-----------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 06-21-05        | 6-21-2005          | 153.028; 153.999                                                                                                                        |
| 08-16-05        | 08-16-2005         | TSO Table III                                                                                                                           |
| 01-17-06        | 1-17-2006          | 91.20                                                                                                                                   |
| 09-19-06        | 9-19-2006          | 70.04                                                                                                                                   |
| 10-17-06B       | 10-17-2006         | 50.06                                                                                                                                   |
| 11-20-06        | 11-20-2006         | 50.02                                                                                                                                   |
| 12-19-06        | 12-19-2006         | 50.02; 51.039                                                                                                                           |
| 07-17-07        | 7-17-2007          | 94.02                                                                                                                                   |
| 01-22-08A       | 1-22-2008          | 34.025                                                                                                                                  |
| 01-22-08B       | 2-19-2008          | 34.026                                                                                                                                  |
| 11-18-08        | 11-18-2008         | 94.01-94.06                                                                                                                             |
| 3-17-09         | 3-3-2009           | 36.01                                                                                                                                   |
| 04-21-09        | 4-21-2009          | 34.027                                                                                                                                  |
| 05-19-09A       | 5-19-2009          | 111.02                                                                                                                                  |
| 05-19-09B       | 5-19-2009          | 153.026                                                                                                                                 |
| 07-15-09        | 7-15-2009          | 153.029                                                                                                                                 |
| 07-21-09        | 8-18-2009          | 34.028                                                                                                                                  |
| 09-15-09        | 10-20-2009         | 51.039                                                                                                                                  |
| 03-01-10        | 3-1-2010           | 51.050                                                                                                                                  |
| 7-26-10         | 7-26-2010          | 32.03                                                                                                                                   |
| 11-15-10        | 11-15-2010         | 50.22                                                                                                                                   |
| 09-20-11        | 9-20-2011          | 50.01-50.06; 50.20, 50.21; 50.35-50.41;<br>51.001-51.005; 51.020, 51.021; 51.035-51.039;<br>51.050-51.054; 51.070-51.074; 51.085-51.091 |
| 9-20-11-A       | 9-20-2011          | 33.051                                                                                                                                  |
| 03-20-12A       | 3-20-2012          | 33.050                                                                                                                                  |
| 05-15-12        | 5-15-2012          | 50.02                                                                                                                                   |
| 06-11-12        | 6-11-2012          | 33.110                                                                                                                                  |
| 10-16-12        | 10-16-2012         | 50.02                                                                                                                                   |
| 11-20-12        | 11-20-2012         | 92.20-92.23                                                                                                                             |
| 11-20-12A       | 11-20-2012         | 34.029                                                                                                                                  |
| 12-18-12B       | 12-18-2012         | 30.02-30.04                                                                                                                             |
| 01-14-13        | 2-11-2013          | 34.005                                                                                                                                  |
| 03-18-13        | 3-18-2013          | 93.02                                                                                                                                   |
| 6-24-13         | 6-24-2013          | TSO Table II                                                                                                                            |
| 08-19-13        | 8-19-2013          | 51.050                                                                                                                                  |
| -               | 6-4-2014           | 33.125                                                                                                                                  |
| 08-18-14        | 8-18-2014          | 153.028; 153.999                                                                                                                        |
| 2-17-15         | 2-17-2015          | 34.001                                                                                                                                  |
| 2-17-15A        | 2-17-2015          | 50.02                                                                                                                                   |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i>                    |
|-----------------|--------------------|----------------------------------------|
| 06-15-15        | 6-15-2015          | 71.03                                  |
| 04-13-15        | 8-3-2015           | 50.02                                  |
| 04-13-15A       | 8-3-2015           | 51.050                                 |
| -               | 10-19-2015         | TSO Table III                          |
| 101915          | 11-19-2015         | TSO Table II                           |
| 12-14-15        | 12-14-2015         | 33.005                                 |
| 01-11-16        | 1-11-2016          | 31.02                                  |
| 02-08-16        | 2-8-2016           | 153.026                                |
| 071816          | 7-18-2016          | 34.030                                 |
| 091916          | 9-19-2016          | 71.01                                  |
| 11-14-2016      | 11-14-2016         | 34.075                                 |
| 12-11-17        | 12-11-2017         | 91.05                                  |
| 2018-03-19-18   | 3-19-2018          | TSO Table III                          |
| 05-21-18        | 4-16-2018          | 50.02                                  |
| 10-29-18        | 10-29-2018         | 10.99                                  |
| 11-2-18A        | 11-12-2018         | 34.033                                 |
| 11-12-18-B      | 11-12-2018         | 34.031                                 |
| 11-12-18C       | 11-12-2018         | 34.032                                 |
| 1-21-2019       | 1-21-2019          | 51.055                                 |
| 03-18-19        | 2-18-2019          | 50.21                                  |
| 07-15-19        | 7-15-2019          | 153.028; 153.999                       |
| 07-05-19A       | 7-5-2019           | 31.15                                  |
| 2-10-20         | 7-20-2020          | 99.23                                  |
| 10-19-20        | 10-19-2020         | 32.04                                  |
| 10-19-20A       | 10-19-2020         | 33.020                                 |
| 12-21-20        | 12-21-2020         | 33.006                                 |
| 12-21-20A       | 12-21-2020         | 51.056                                 |
| 12-21-20B       | 1-25-2021          | 91.01-91.07; 91.20; 91.35-91.39; 91.50 |
| 2-22-21         | 2-22-2021          | 71.20; 71.22                           |
| 5-17-21         | 5-5-2021           | 33.050                                 |
| 06-21-21A       | 7-19-2021          | 51.056                                 |
| 06-21-21        | 7-19-2021          | 98.06                                  |
| 06-20-22        | 6-20-2022          | 34.034                                 |
| 07-18-22        | 7-18-2022          | 50.02                                  |
| 11-21-22        | 11-21-2022         | 32.30—32.35                            |
| 11 21 22A       | 11-21-2022         | 10.99                                  |
| 101623A         | 10-10-2023         | 72.01—72.09; 72.99                     |



## INDEX



## **INDEX**

### **ABANDONED AND JUNK VEHICLES**

- Chapter to be supplemental, 90.07
- Declaration of nuisance, 90.02
- Definitions, 90.01
- Exceptions, 90.05
- Notice to remove, 90.04
- Prohibited acts, 90.03
- Removal by town, 90.06

### **ALCOHOL**

- Liquor retailer's permits, 111.01
- Sale of alcoholic beverages by the glass, 111.02

### **ANIMALS**

- Abuse of animals, 91.04
- Adoption of animals, 91.02
- Complaints and Enforcement; investigation, 91.50
- Definitions, 91.01
- Dogs; taxation, 91.20
- Maintaining sanitary conditions within the town, 91.06
- Negative impact of feral cats, 91.07
- Permitted animals, 91.05
- Rabies; Vaccinations; Impoundment
  - Impoundment of suspected animals, 91.37
  - Notification of authorities, 91.38
  - Restraining of suspected animals, 91.39
  - Vaccination certificates, 91.36
  - Vaccinations, 91.35
- Restraint, 91.03

### **ANNEXATIONS, TSO Table I**

### **ASSISTANT SUPERINTENDENT OF WATER**

- Duties and responsibilities, 31.31
- Establishment of position, 31.30

**BOARD OF ZONING APPEALS**

- Amendments, 153.069
- Appeals from Building Commissioner, 153.066
- Establishment, 153.065
- Powers and duties of the Board, 153.067
- Remedies, 153.070
- Restrictions on Board action, 153.068

**BOARDS, see DEPARTMENTS, BOARDS, AND COMMISSIONS****BONDS, TSO Table II****BUILDING COMMISSIONER; CONFLICTS IN ISSUANCE OF PERMITS, 31.15****BUSINESS PROVISIONS**

- Individuals who may file affidavits, 110.03
- Operating hours for businesses, 110.01
- Prohibition on pinball and video games, 110.02

**CABLE TELEVISION**

- Cable television regulation, 113.01
- Commencing construction, 113.13
- Density requirements for service, 113.08
- Emergency requirements, 113.09
- Filing complete plans and specifications, 113.05
- Franchise fee, 113.11
- General system specifications, 113.04
- Indemnification, 113.10
- Installation and maintenance requirements, 113.03
- Maintenance service, 113.06
- Pole lines and facility arrangements, 113.02
- Restrictions on company, 113.07
- Subscriber rate structure and regulations, 113.12

**CODE OF ORDINANCES; GENERAL PROVISIONS**

- Application to future ordinances, 10.03
- Construction of code, 10.04
- Errors and omissions, 10.09
- General penalty, 10.99
- Interpretation, 10.02

CODE OF ORDINANCES; GENERAL PROVISIONS (Cont'd)

- Limitation periods, 10.12
- Ordinances unaffected, 10.13
- Ordinances which amend or supplement code, 10.14
- Preservation of penalties, offenses, rights, and liabilities, 10.16
- Reasonable time, 10.10
- Reference to offices; name designations, 10.08
- Reference to other sections, 10.07
- Repeal or modification of code section, 10.11
- Rules of interpretation; definitions, 10.05
- Section histories; statutory references, 10.15
- Severability, 10.06
- Title of code, 10.01

COMMISSIONS, see DEPARTMENTS, BOARDS, AND COMMISSIONS.

COMPREHENSIVE PLAN

- Act of the Comprehensive Plan, 153.104
- Authority of the Comprehensive Plan, 153.103
- Clarification, 153.100
- Comprehensive Plan on file, 153.106
- Content, 153.102
- Continuing authority of the Commission, 153.105
- Purpose, 153.101
- Responsibility of the Clerk-Treasurer, 153.107

CONTRACTS AND AGREEMENTS, TSO Table III

CREDIT CARDS

- Authorization of credit cards, 35.02
- Effective date, 35.04
- Scope, 35.01
- Use of credit cards, 35.03

CURFEWS

- Establishing Halloween curfew, 130.01
- Halloween curfew, 130.02

DANGEROUS BUILDINGS, see UNSAFE BUILDINGS



**DEPARTMENTS, BOARDS, AND COMMISSIONS****Department of Storm Water Management**

Adoption of state regulations, 32.15

Board of Directors, 32.17

Establishment of department, 32.16

Powers and duties, 32.18

**Ordinance Violations Bureau**

Complaints; how handled, 32.32

Complaints; issuance, 32.33

Complaints; time of admission, 32.34

Enforcement, 32.35

Establishment, 32.30

Violations Clerk, 32.31

**Police Department**

Longevity pay for Chief and Deputy Marshals, 32.04

Police Reserves, 32.03

Town Marshal and Police Department service terms, 32.01

Trading time, 32.02

**DISCRIMINATORY PRACTICES****Affirmative Action**

Application of ordinances, 92.05

Contractors dealing with town, 92.04

Equal opportunity employer, 92.03

Intent, 92.02

Short title, 92.01

**Americans with Disabilities Act (ADA) Policy**

Effective communication, 92.20

General grievance procedure, 92.22

Modifications to policies and procedures, 92.21

Specific complaint procedures, 92.23

**DOGS**

Taxation of dogs, 91.20

**EDGEWOOD DAY, 11.02****ELECTIONS**

Boundaries of districts, 30.03

Elections, 30.01

**ELECTIONS (Cont'd)**

- Members of the Town Council, 30.04
- Number of districts, 30.02

**EMPLOYEES, see PERSONNEL POLICIES****EROSION AND SEDIMENT CONTROL MEASURES**

- Design requirements, 53.17
- Inspections, 53.18
- Storm water pollution prevention plan, 53.16
- Submittals, review, and approval, 53.15

**FINANCES; FUNDS**

- Deferred Compensation Plan, 34.004
- Dishonored checks, 34.001
- Fire Department and ambulance user fee, 34.005
- Fixed Asset Capitalization Policy
  - Definitions and provisions, 34.060
  - Recording and accounting, 34.061
  - Safeguarding of assets, 34.062
- Funds
  - ARPA Coronavirus Local Fiscal Recovery Fund, 34.034
  - Casino Fund, 34.028
  - Cumulative Capital Improvement Fund, 34.020
  - Cumulative Equipment Fund, 34.026
  - Drainage Utility Fund, 34.033
  - Enhancement Fund, 34.023
  - Fire Department and Ambulance Fund, 34.029
  - LOIT Special Distribution Fund, 34.030
  - Public Employees' Retirement Fund, 34.021
  - Rainy Day Fund, 34.025
  - Restricted Donation Funds, 34.022
  - River Boat Fund, 34.024
  - Sewer Cash Reserve Fund, 34.031
  - User Fee Fund, 34.027
  - Water Cash Reserve Fund, 34.032
- Internal Control Standards, 34.075
- Lien and assessment certificates, 34.002
- Promotional account, 34.003
- Purchasing
  - Purchase of services, 34.048
  - Purchase of supplies manufactured in the United States, 34.049

## FINANCES; FUNDS (Cont'd)

## Purchasing (Cont'd)

Purchase of supplies under \$25,000, 34.047

Purchasing Agency, 34.045

Purchasing Agent, 34.046

## FIRE PREVENTION

Fire Departments to recover service charges for fire protection services, 93.02

Open burning restrictions, 93.01

## FIREARMS, DISCHARGE, 130.15

## FIREWORKS

Definition, 130.30

Fireworks display, 130.31

## FRANCHISES, TSO Table IV

## GOLF CARTS

Definitions, 72.01

Designated roads, 72.05

Exclusions, 72.09

Hours of operation, 72.08

Insurance, 72.03

License requirement, 72.04

Passengers, 72.06

Registrations and inspection, 72.02

Rules and regulations, 72.07

## GOVERNMENT

## Elections

Boundaries of districts, 30.03

Elections, 30.01

Members of the Town Council, 30.04

Number of districts, 30.02

## JUNK VEHICLES, see ABANDONED AND JUNK VEHICLES

## LIQUOR, see ALCOHOL

## NATIONAL INCIDENT MANAGEMENT SYSTEM, 37.01

**NOISE CONTROL**

- Definitions, 98.02
- Exemptions, 98.06
- Loud and unnecessary noise prohibited, 98.03
- Prohibited acts, 98.04
- Prohibited noise, 98.05
- Scope, 98.01

**NON-STORM WATER DISCHARGES INTO THE STORM DRAINAGE SYSTEM**

- Applicability, 52.03
- Definitions, 52.02
- Enforcement
  - Appeal of notice of violation, 52.41
  - Compensatory action, 52.45
  - Cost of abatement of violation, 52.43
  - Enforcement measures after appeal, 52.42
  - Injunctive relief, 52.44
  - Notice of violation, 52.40
  - Remedies not exclusive, 52.47
  - Violations deemed a public nuisance, 52.46
- Prohibitions and Compliance
  - Best management practices required, 52.24
  - Discharge prohibitions, 52.20
  - Industrial or construction activity discharges, 52.22
  - Monitoring of discharges, 52.23
  - Notification of spills, 52.26
  - Suspension of MS4 access, 52.21
  - Watercourse protection, 52.25
- Purpose and objectives, 52.01
- Responsibility for administration, 52.04
- Ultimate responsibility, 52.05

**NUISANCES**

- Action by designee, 94.06
- Definitions, 94.01
- Exception for compost and recyclables, 94.05
- Littering and burning garbage, 94.03
- Unlawful deposit of garbage, 94.04
- Yards, 94.02

**OFFENSES AGAINST TOWN REGULATIONS**

## Curfews

Establishing Halloween curfew, 130.01

Halloween curfew, 130.02

Firearms; discharge, 130.15

## Fireworks

Definition, 130.30

Fireworks display, 130.31

**OFFICIALS AND EMPLOYEES**

## Assistant Superintendent of Water

Duties and responsibilities, 31.31

Establishment of position, 31.30

Bonds, 31.02

Building Commissioner; conflicts in issuance of permits, 31.15

Compensation, 31.01

Sexual harassment, 31.03

**ORDINANCE VIOLATION DEFERRAL PROGRAM, 36.01****ORDINANCE VIOLATIONS BUREAU**

Complaints; how handled, 32.32

Complaints; issuance, 32.33

Complaints; time of admission, 32.34

Enforcement, 32.35

Establishment, 32.30

Violations Clerk, 32.31

**PARKING REGULATIONS**

Authority of Marshal, 71.02

Construction, 71.04

Emergency and commercial vehicles, 71.03

Exceptions, 71.06

No parking zones, 71.01

Parks and recreational areas, 71.05

## Recreational and Commercial Vehicles

Commercial vehicle parking restrictions, 71.23

Definitions, 71.20

Exclusion for guests, 71.22

Regulated vehicle parking restrictions, 71.21

**PARKS AND RECREATION**

- Alcoholic beverages prohibited, 95.03
- Dogs in Park
  - Dogs running at large, 95.16
  - Prohibitions, 95.15
- Hours during which town parks will be open, 95.02
- Town parks, 95.01

**PEDDLERS, see TRANSIENT MERCHANTS**

**PERSONNEL POLICIES**

- Compensation
  - Payroll policy, 33.050
  - Travel reimbursement, 33.051
- Employee Conduct
  - Behavior of employees, 33.095
  - Dealing with infractions, 33.096
- Employee Leave
  - Compassionate leave, 33.004
  - Health insurance, 33.005
  - Jury duty leave, 33.002
  - Leave policy, 33.001
  - Paid time off, 33.006
  - Sick leave, 33.003
- Flexible Benefit Plan; Adoption, 33.140
- Holidays; legal holidays, 33.020
- Nepotism; town policy, 33.110
- Safety Procedures
  - Disciplinary procedure, 33.079
  - Employee acknowledgement, 33.080
  - Employee responsibilities, 33.065
  - Eye protection, 33.069
  - Good housekeeping, 33.067
  - Hard hats, 33.070
  - Hearing protection, 33.068
  - Intoxicants and narcotics, 33.078
  - Operating responsibility, 33.075
  - Safety belts, 33.072
  - Safety control devices, 33.077
  - Shoes, 33.073
  - Supervisory responsibilities, 33.066

**PERSONNEL POLICIES (Cont'd)****Safety Procedures (Cont'd)**

Use of trenching and excavations: OSHA Construction Standard, 33.076

Vests, 33.071

Work attire, 33.074

Social Security; coverage, 33.035

Substance Abuse Policy; adoption by reference, 33.125

**PINBALL AND VIDEO GAMES PROHIBITION, 110.02****POLICE DEPARTMENT**

Longevity pay for Chief and Deputy Marshals, 32.04

Police Reserves, 32.03

Town Marshal and Police Department service terms, 32.01

Trading time, 32.02

**RECREATIONAL VEHICLES****Golf Carts**

Definitions, 72.01

Designated roads, 72.05

Exclusions, 72.09

Hours of operation, 72.08

Insurance, 72.03

License requirement, 72.04

Passengers, 72.06

Registrations and inspection, 72.02

Rules and regulations, 72.07

Penalty, 72.99

**SEWERS****Administration and Enforcement**

Enforcement, 51.085

Grease, oil, and interceptors, 51.087

Inspections, 51.086

Manholes; measurements and testing, 51.089

Preliminary treatment and flow-equalizing to be maintained, 51.088

Special agreements permitted, 51.090

Violations, 51.091

Definitions, 51.002

**Discharges into Sewer System**

Harmful dumping, 51.020

Prohibited discharges, 51.021

**SEWERS (Cont'd)**

Establishment of sewage works, 51.001

Objectionable waste, 51.003

Payment in lieu of taxes, 51.006

Private sewage disposal, 51.004

**Rates and Charges**

Billings, 51.053

Charges, 51.050

Charges on strength and character of sewage, 51.052

Credits, 51.056

Drainage utility fees, 51.055

Quantity of water; meters, 51.051

Tap fees, 51.054

**Sewer Funds and Bonds**

Bonds, 51.073

Equitable rates, 51.072

Revenue; right of bond holders to inspect, 51.071

Safeguarding interests of bond holders, 51.074

Sinking Fund, 51.070

**Sewer Installation**

Additional tapping into sanitary sewer system, 51.039

Building sewer permits, 51.035

Excavations to be guarded; property to be restored, 51.038

Inspections, 51.037

Sewer installation and connection; requirements and specifications, 51.036

Vandalism, 51.005

**SIGNS**

Appeals, 153.049

Definitions, 153.045

Enforcement, 153.048

Prohibited signs, 153.047

Requirements, 153.046

Violations, 153.050

**SMOKING****Regulations in Public Buildings**

Definition, 96.01

Designation of smoking and non-smoking areas, 96.02

Duties of town officials, 96.04

Posting, 96.03



SOLICITATION, see TRANSIENT MERCHANTS

## STORM WATER REGULATIONS

- Authority and compliance, 54.02

- Definitions, 54.03

- Diagrams, Design Criteria

  - Biofilters, 54.56

  - Bioretention areas, 54.52

  - Infiltration trenches, 54.55

  - Sand filters, 54.54

  - Storm water ponds, 54.50

  - Storm water wetlands, 54.51

  - Water quality swales, 54.53

- Forms, Applications

  - IDEM notice of intent form, 54.37

  - IDEM notice of termination form, 54.38

  - Submittal requirements for plan review, 54.35

  - Technical review and comment form, 54.36

- General requirements, 54.05

- Policies and procedures, 54.04

- Post-Construction Storm Water Quality

  - Applicability, 54.21

  - Introduction, 54.20

  - Methods for sizing BMPs, 54.23

  - Project construction, 54.24

  - Submittal requirements, 54.22

- Project termination, 54.07

- Purpose, 54.01

- Technical design criteria, 54.06

## STORM WATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITIES

- Applicability, 53.03

- Definitions, 53.02

- Enforcement

  - Stop-work order; revocation of permit, 53.31

  - Written notification, 53.30

- Erosion and Sediment Control Measures

  - Design requirements, 53.17

  - Inspections, 53.18

  - Storm water pollution prevention plan, 53.16

  - Submittals, review, and approval, 53.15

- Introduction and purpose, 53.01

**STREETS AND SIDEWALKS**

- Authority of Town Road Commissioner, 97.02
- Closing portion of the street, 97.03
- Designation of roads, 97.06
- Extension of town roads, 97.01
- Municipal highway system, 97.05
- Snow plowing policy, 97.04

**SUBDIVISION REGULATIONS**

- Definitions, 151.01
- Establishment of control, 151.02
- Procedure
  - Application for preliminary approval, 151.17
  - Certificates, 151.22
  - Final plat, 151.19
  - Final plat approval, 151.20
  - Preliminary considerations, 151.16
  - Preliminary plat, 151.15
  - Primary approval, 151.18
  - Principles and standards, 151.21

**THOROUGHFARE PLAN**

- Amendments, 152.08
- Availability to public inspection, 152.09
- Continuing authority of the Commission, 152.07
- Definition, 152.01
- Designation of chapter, 152.02
- Designation of thoroughfares, 152.05
- Penalty, 152.99
- Policies and directives, 152.06
- Thoroughfare cross-sections, 152.04
- Thoroughfare map, 152.03

**TOWN STANDARDS**

- Edgewood Day, 11.02
- Town seal, 11.01

**TRAFFIC REGULATIONS**

- Additional highway signs, 70.03
- Four-way stop intersections, Ch. 73, Sched. I
- One-way streets, Ch. 73, Sched. IV
- Speed limits, 70.01

**TRAFFIC REGULATIONS (Cont'd)**

- Stop streets, Ch. 73, Sched. II
- Stopping for signs, 70.02
- Through streets, Ch. 73, Sched. V
- Traffic accident report fees, 70.04
- Violations, 70.05
- Yield intersections, Ch. 73, Sched. III

**TRANSIENT MERCHANTS**

- Accompanying transient merchants, 112.17
- Definitions, 112.01
- Identification required, 112.02
- Limitations on sales and times, 112.03
- Permits, 112.16
- Protection of rights, 112.04
- Solicitors, 112.30
- Transient Merchants, 112.15

**TREES**

- Definitions, 99.01
- Enforcement
  - Appeals, 99.37
  - Emergencies, 99.39
  - Enforcing agent, 99.35
  - Interference, 99.36
  - Right to enter private property, 99.38
- Licensing required, 99.04
- Purpose, 99.02
- Town Tree Board's authority and duties, 99.03
- Tree Planting, Protection, and Removal
  - Adjacent landowner responsibility, 99.20
  - Mutilation of trees prohibited, 99.21
  - Notice procedures, 99.18
  - Nuisance or hazard, 99.19
  - Official tree list, 99.16
  - Private trees, shrubs, and vegetation, 99.23
  - Special circumstances, 99.24
  - Topping prohibited, 99.17
  - Tree planting, maintenance, and replacement, 99.15
  - Tree protection requirements, 99.22

**UNSAFE BUILDINGS**

- Action to enforce orders, 150.11
- Adoption of state law, 150.02
- Civil actions regarding unsafe premises, 150.16
- Content of notice, 150.06
- Definitions, 150.03
- Emergency action, 150.10
- Establishment, 150.01
- Establishment of an unsafe building fund, 150.14
- Hearing, 150.07
- Interest in unsafe premises, 150.18
- Issuance of inspection warrants, 150.15
- Liability for costs, 150.13
- Notice of order, 150.05
- Order of enforcement authority, 150.04
- Performance of work orders; bids and notifications, 150.12
- Record of findings, 150.09
- Recording of orders, 150.17
- Violations, 150.19
- Willful failure to comply with order, 150.08

**VACATIONS, TSO Table V****WATER**

- Bonds unaffected, 50.03
- Definitions, 50.01
- Fees, 50.02
- Fluoridate concentration, 50.04
- Illegal use of fire hydrants, 50.05
- Meters
  - Damaged water meter replacement fee, 50.21
  - Defective water meters, 50.20
  - Unclaimed meter deposits, 50.22
- Payment in lieu of taxes, 50.07
- Tampering with the town's water service, 50.06
- Water Conservation
  - Application, 50.35
  - Basis for determining water shortage, 50.37
  - Declaration of need, 50.36
  - Notice of a declaration of emergency, 50.39
  - Summer water conservation, 50.40

## WATER (Cont'd)

## Water Conservation (Cont'd)

Violations, 50.41

Water conservation measures, 50.38

## ZONING CODE

Annexed or vacated areas, 153.008

Availability for Public Inspection

Duty of Clerk-Treasurer, 153.085

Board of Zoning Appeals

Amendments, 153.069

Appeals from Building Commissioner, 153.066

Establishment, 153.065

Powers and duties of the Board, 153.067

Remedies, 153.070

Restrictions on Board action, 153.068

Comprehensive Plan

Act of the Comprehensive Plan, 153.104

Authority of the Comprehensive Plan, 153.103

Clarification, 153.100

Comprehensive Plan on file, 153.106

Content, 153.102

Continuing authority of the Commission, 153.105

Purpose, 153.101

Responsibility of the Clerk-Treasurer, 153.107

Definitions, 153.001

District boundaries, 153.007

Districts, 153.005

Interpretation, 153.003

Non-interference, 153.004

Penalty, 153.999

Short title, 153.002

Signs

Appeals, 153.049

Definitions, 153.045

Enforcement, 153.048

Prohibited signs, 153.047

Requirements, 153.046

Violations, 153.050

Specifications

Administration, 153.034

B2 Shopping Center District, 153.030

ZONING CODE (Cont'd)

Specifications (Cont'd)

Commercial uses, 153.027

Conditional uses, 153.029

Contingent uses, 153.028

Height, 153.021

Loading and unloading berths, 153.024

Lots, 153.023

Nonconforming use specifications, 153.033

Residential uses, 153.026

Specifications, 153.025

Unit development plan, 153.032

Use, 153.020

Vehicle parking space, 153.031

Yards, lot area, and size of buildings, 153.022

Zoning map, 153.006

