

Ogden Dunes General Code Review Committee

Meeting Minutes

Tuesday May 1, 2018 - 7:00 PM Town Hall

Member	Present	Absent		Member	Present	Absent
Richard Meister, Chair	X			Julia Hoham		X
Ken Thompson, Secretary	X			Mike Teeling	X	
David Hollar	X			Jim Slawinski	X	
Nate Ball, TC Member		X		Scott Lehman, TC Member		X
Connie Collins	X					

Meeting called to order 708p.

Approval of the Minutes of April 03, 2018, Meeting Minutes as written approved 6 in favor, 0 against, 0 abstain.

1. Old Business

- a. Review and Discussion of 51.32 Container and Receptacle Requirements and Use. The board asked us to specify what sorts of container screens would be appropriate. Jim checked with the Marshal and other issues related to how long the cans could be set out and retrieved. The other issue is screening. Jim suggested eliminating the whole sentence of concealing of receptacles. Some advocated that the ordinance could be “cannot be viewed by the street,” or “totally concealed.” We also discussed the color of the current carts. We also discussed the language. Dave made a motion to accept the following language. “The containers should be stored in an enclosure of at least three sides that screens the containers from view from the street.” Seconded by Jim. Voted 5 yes; 1 No; 0 abstain.

We discussed the retrieval time and put out time. We focused on the time to put out the containers and thought that 4p should be the earliest time before the containers could be placed along the road. Dave moved to change item C to 4p. Motion seconded by Ken. Voted 6 yes, 0 no, 0 abstain.

- b. **Proposed ordinance: Crosswalks:** Mike Teeling will provide a draft on an ordinance (attached) to create seven crosswalks as specified, providing protection for pedestrians. We discussed the locations and signage. David Hollar made a motion, seconded by Mike, to approve the ordinance with the addition of a section related to penalty of \$50 dollar for the offense, which if not paid within 5 days would increase to \$100. Approved unanimously.
- c. **Proposed ordinance: Simple Trespass/Prowling Chapter 97** (see attached). We discussed the lack the ordinance to cover these sorts of issues. We talked about the fine if that was adequate. Mike indicated there are safeguards for more serious actions rather than just a fine. Moved to accept by Ken, seconded by Connie. Approved unanimously.
- d. Excessive cars – looked at it, but decided not to do anything with it at this time.

2. New Business –

3. Public Comment – none

Motion to adjourn made & approved by unanimous consent at: 852p. Next meeting will be held Tue July 10, 2018 at 7p at the Town Hall.

Respectfully submitted: *Dr. Kenneth Thompson*, Secretary

Attached: 4 proposals as separate files.

GRC No. ____

**GENERAL CODE REVIEW COMMITTEE
RECOMMENDED CHANGES TO TOWN CODES FOR TOWN COUNCIL APPROVAL**

TOWN CODE TITLE, CHAPTER, SECTION, STATUTORY REFERENCES:

§ 51.32 CONTAINER AND RECEPTACLE REQUIREMENTS AND USE.

CURRENT CODE LANGUAGE:

(A) The owner, occupant or lessee of any premises in the town, upon which shall accumulate any garbage, ash or household rubbish shall provide and maintain in a clean condition and in good repair, adequate containers or receptacles. No such receptacles, containers or drums shall be used which exceed 30 gallons in capacity except as otherwise provided for in this chapter.

(‘99 Code, § 6-136)

(B) The use of open containers for food, cans, cartons, or any other materials, which will draw flies or other insects, is unlawful. Such containers must be tightly covered in metal, durable plastic cans, or other similar materials having the same general properties. If plastic bags are used, they must be securely tied.

(‘99 Code, § 6-137)

(C) It shall be unlawful for any residential or business operation or activity to cause any trash, garbage or recycling container, bin or any other receptacle used for the disposal of any matter to be placed along the street, road or street right-of-way **prior to** 4p CT the evening of the day before a scheduled trash/ garbage pick-up.

(D) All trash, garbage or recycling containers, bins or other receptacles used for the disposal of any matter shall be retrieved from the side of the street, road, street right-of-way or place by midnight on the day of the scheduled garbage pick-up. Except for the scheduled day of pick-up, all trash, garbage or recycling containers shall be The containers should be stored in an enclosure of at least three sides that screens the containers from view from the street.” (Ord. 574, passed 11-4-91; Am. Ord. 696, passed 11-7-05) Penalty, see § 51.99

PROPOSED CODE LANGUAGE:

(D) All trash, garbage or recycling containers, bins or other receptacles used for the disposal of any matter shall be retrieved from the side of the street, road, street right-of-way or place by midnight on the day of the scheduled garbage pick-up. Except for the scheduled day of pick-up, all trash, garbage or recycling containers shall be stored in a manner so it is out of view from the street. *This may be accomplished through creating a screened area to hide the containers in those areas where other methods may be impracticable*

RATIONALE FOR PROPOSED CHANGE:

To account for areas where the topography is such that it may be difficult to remove receptacles from the street area.

THE FOLLOWING IS THE TOWN COUNCIL ACTION REGARDING THE ABOVE PROPOSED CODE CHANGES:

APPROVED THIS _____ DAY OF _____, 2013

DECLINED THIS _____ DAY OF _____, 2013

REFERRED TO (E.G., BUILDING CODE REVIEW FOR CHANGES, TOWN ATTORNEY, ETC.) FOR FURTHER CONSIDERATION:

**GENERAL CODE REVIEW COMMITTEE
RECOMMENDED CHANGES TO TOWN CODES FOR TOWN COUNCIL
APPROVAL**

TOWN CODE TITLE, CHAPTER, SECTION, STATUTORY REFERENCES:

Chapter 71.05, Crosswalks. Crosswalks, see IC 9-21-17-4, IC 9-21-17-7, IC 9-21-17-11, IC 9-21-3, IC 9-21-16-5, and IC 9-21-3-0.5.

CURRENT CODE LANGUAGE:

71.05 Crosswalks.

A crosswalk shall be installed by being so marked as a crosswalk at the Sand Tracks. Pedestrians using the crosswalk will have the right-of-way and vehicles must yield to pedestrians and the crosswalk shall be governed by all applicable state statutes and regulations including IC 9-21-17-7, IC 9-21-17-11, and IC 9-21-16-5.

PROPOSED CODE LANGUAGE:

Chapter 71.05,
Crosswalks.

The Marshal has recommended to the Council the designation of crosswalks based upon public safety considerations and the Town Council approves the recommendations and designates the following locations for the placement of crosswalks. Requiring a coordinated effort between the Town Marshal and the Street Department Manager, there will be crosswalks painted on the pavement and the installation of signs designating the locations as crosswalks and directing that all traffic stop when pedestrians are at or inside the crosswalks.

The locations will be at:

1. 115 Hillcrest Road to the east of the front Town Hall entrance.
2. 115 Hillcrest Road to the west of the rear Town Hall entrance.
3. Hillcrest Road at the Sandtrack/Planetary Walk pathway.
4. Hillcrest Road and Boat Club Road at Kratz Field.
5. Diana Road at the Sandtrack/Planetary Walk pathway.
6. Shore Drive and Tamarack Road at Beach Access # 18.
7. Shore Drive and Diana Road at Beach Access #14.

RATIONALE FOR PROPOSED CHANGE:

All the designated crosswalks are at high-traffic pedestrian locations. Crosswalks will provide areas where pedestrians can safely cross the roadways during times of business or recreation.

THE FOLLOWING IS THE TOWN COUNCIL ACTION REGARDING THE ABOVE PROPOSED CODE CHANGES:

APPROVED THIS _____ DAY OF _____, 2013

DECLINED THIS _____ DAY OF _____, 2013

**GENERAL CODE REVIEW COMMITTEE
RECOMMENDED CHANGES TO TOWN CODES FOR TOWN COUNCIL
APPROVAL**

TOWN CODE TITLE, CHAPTER, SECTION, STATUTORY REFERENCES:

Ogden Dunes Ordinance 72.05, 70.99; Indiana Statute 9-13 et sequentes;
Indiana Statute 9-13-2-196 (b) (1)

CURRENT CODE LANGUAGE:

There is no current Ordinance 72.05. This will be a new addition, with some language taken from 72.04.

PROPOSED CODE LANGUAGE:

- (A) Parking of trailers within the town shall be limited to temporary and not permanent or semi-permanent storage unless they are garaged or housed.
- (B) As used in this section, **TEMPORARY** shall be defined as not more than a total of 30 days within a calendar year. Each day in excess of 30 days shall be considered a separate offense.
- (C) Each event of temporary storage shall be reported to the Town Marshal so as to reasonably maintain a total of the days of storage. If the end date of a temporary period of storage is not reported to the Town Marshal, it shall be assumed that the number of days has been exceeded and that appropriate citation(s) shall be issued for each violation.

RATIONALE FOR PROPOSED ORDINANCE:

The 72.04 ordinance language includes trailers in its description of vehicles. The creation of Ordinance 72.05 and utilizing some of the language used in 72.04 appropriately convey the intent of the original crafting of Ordinance 72.04, that being to guard against eyesores within the community. It would be advisable to continue with that mindset in place.

THE FOLLOWING IS THE TOWN COUNCIL ACTION REGARDING THE ABOVE PROPOSED CODE CHANGES:

APPROVED THIS _____ DAY OF _____, 2017

DECLINED THIS _____ DAY OF _____, 2017

REFERRED TO (E.G., BUILDING CODE REVIEW FOR CHANGES, TOWN ATTORNEY, ETC.) FOR FURTHER CONSIDERATION:

**GENERAL CODE REVIEW COMMITTEE
RECOMMENDED CHANGES TO TOWN CODES FOR TOWN COUNCIL
APPROVAL**

TOWN CODE TITLE, CHAPTER, SECTION, STATUTORY REFERENCES:

Chapter 97, Simple Trespass/Prowling.

CURRENT CODE LANGUAGE:

None. This will be a new ordinance. See Trespass, generally, IC 35-43-2. Trespass, specifically, IC 35-43-2-2

PROPOSED CODE LANGUAGE:

- A. A person not having a contractual interest in the property, knowingly or intentionally enters the real property of another person at a time or in a manner not usual for law-abiding individuals and/or under circumstances that warrant alarm for the safety of persons or property in the vicinity commits the offence of Simple Trespass or Prowling.
- B. Determining Circumstances: Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of any person and especially a Police Officer, refuses to identify himself, or endeavors to conceal himself or any object.
- C. Procedure: Unless flight by the person or other circumstances makes it impracticable a Police Officer shall, prior to any arrest for an offense under this Section, allow the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
- D. Defenses: No person shall be convicted of an offense under this Section if the Police Officer did not comply with the provision of subsection (C) above, or if it appears during subsequent investigation or at trial that the explanation given by the person, if believed by the Police Officer at the time and/or if found to be true, would have dispelled the alarm. However, the initial observations by the Police Officer or other person will still provide sufficient reasonable suspicion of an incident which may rise to the level of probable cause for detention or arrest.
- E. Any violation of Chapter 97 shall be subject to a fine of \$100 which shall be paid to the Clerk-Treasurer within 5 days of the violation, and thereafter shall be subject to a fine of \$200 for the violation.

RATIONALE FOR PROPOSED CHANGE:

The existing Indiana Code does not sufficiently address Simple Trespass/Prowling as detailed above. The adoption of this Ordinance will provide citizens a level of safety which would be enforced by the Marshal and the officers of the Ogden Dunes Police Department. This Ordinance centers on the concept that behavior and/or presence are viewed and under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to engage in or conceal illegal activities.