

ORDINANCE 874

AN ORDINANCE AMENDING PENALTY SECTIONS 10.99, 51.99, 70.05, 70.99, 71.99, 90.99, 91.99, 92.99, 93.99, 94.99, 96.99, 111.99, 130.99 OF THE OGDEN DUNES TOWN CODE

BE IT AND IT IS HEREBY ORDAINED by the Ogden Dunes Town Council as follows:

Section I. Chapter 10 – General Provisions, § Section 10.09 – General Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a minimum fine of \$50 if paid to the Clerk-Treasurer within one to five days following the date of violation; thereafter the fine shall be \$100 for up to 30 days following the violation. Failure to pay the fine within 30 days will result in legal action being taken by the Town attorney with a maximum fine of up to \$2,500 plus all related attorney fees and all associated court cost. Separate Offense Each Day in which violation occurs or continues (NC).

Power to prescribe fines up to \$2,500 granted, see I.C. 36-1-3-8(a)(10)

Section II. Chapter 51 – Garbage, § Section 51.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 51.99 PENALTY.

A) See General Penalty § 10.99

B) Any violation of the container requirements and use regulations of this chapter shall constitute a nuisance and the penalty provisions of the Nuisance Code provisions may be applied.

(C) Any person, firm or corporation violating the terms of this chapter shall reimburse the town for any damages sustained by reason of such violations. This section shall not be construed to limit the remedies of the town for violations of the terms of this chapter but shall be construed to supplement any existing remedies available to the town.

('99 Code, § 6-157) (Ord. 574, passed 11-4-91; Am. Ord. 655, passed 12-6-99; Am. Ord. 696, passed 11-7-05)

Section III. Chapter 70 – General Provisions, § Section 70.05 – Motor Vehicle Impound Fee, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 70.05 MOTOR VEHICLE IMPOUND FEE.

The town hereby establishes a fee of **\$50** to be collected from the owner of any motor vehicle impounded by the Police Department. The fee shall be collected by the Police Department prior to release of the motor vehicle. All fees received pursuant to this section shall be deposited into the LECE Fund, with the intent that said funds be utilized for Police Department equipment and/or training. (Ord. 703, passed 7-10-06; Am. Ord. 728, passed 12-29-08)

Section IV. Chapter 70 – General Provisions, § Section 70.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 70.99 PENALTY.

See General Penalty § 10.99

Section V. Chapter 71 – Traffic Rules, § Section 71.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 71.99 PENALTY. (Traffic Rules)

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 70.99.

(B) The Town Council has been given the power to make such designations by the State of Indiana to assess penalties for violations thereof under I.C. 9-21-1-1 et seq. Any person operating a vehicle in a direction other than indicated by § 71.01 or by Chapter 73, Schedule I, shall be deemed to be in violation of that section and, upon conviction, shall be fined as specified in General Penalty 10.99 ('99 Code, § 8-28)

(C) Any person driving a vehicle in violation of § 71.02 or Chapter 73, Schedule II, shall be fined as specified in General Penalty §10.99.
('99 Code, § 8-38)

(D) Any person violating the provisions of § 71.03, § 71.04, or Chapter 73 Schedules III or IV shall be guilty of an infraction and upon conviction shall be fined as specified in General Penalty § 10.99.
('99 Code, § 8-51)

(E) Any person, firm or corporation convicted of violating any of the terms of § 71.06 shall be subject to a fine as specified in General Penalty 10.99.

(F) Any violation of § 71.07 shall be subject to a fine as specified in General Penalty § 10.99.
('99 Code, § 8-61) (Ord. 550, passed 3-5-90; Am. Ord. 557, passed 5-7-90; Am. Ord. 655, passed 12-6-99; Am. Ord. 733, passed 2-23-09)

Section VI. Chapter 90 – Abandoned Vehicles, § Section 90.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 90.99 PENALTY.

See penalty as specified under General Penalty § 10.99

Penalty for creating or maintaining nuisance, see § 93.99

Section VII. Chapter 91 – Animals, § Section 91.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 91.99 PENALTY.

See penalties as specified in section § 10.99

Section VIII. Chapter 92 – Fire Prevention, § Section 92.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 92.99 PENALTY.

See penalties as specified in section §10.99

Section IX. Chapter 93 – Nuisances, § Section 93.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 93.99 PENALTY. (Nuisances)

(A) See penalties as specified in section § 10.99

(B) Extraordinary or multiple violations by the same person may result in an assessment of an additional fine, not to exceed \$2,500 per occurrence and pursued through legal court proceeding. ('99 Code, § 6-67) (Ord. 553, passed 3-5-90; Am. Ord. 716, passed 7-18-07)

Section X. Chapter 94 – Parks and Recreation, § Section 94.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 94.99 PENALTY. (Parks and Recreation)

See penalties as specified in section § 10.99

Section XI. Chapter 96 – Non-Smoking Areas, § Section 96.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 96.99 PENALTY.

See penalties as specified in section § 10.99

Section XII. Chapter 111 – Peddlers, § Section 111.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 111.99 PENALTY.

See penalties as specified in section § 10.99

Section XIII. Chapter 130 – General Offenses, § Section 130.99 – Penalty, of the Ogden Dunes Town Code, is hereby amended and reads as follows:

§ 130.99 PENALTY.

Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

Section XIV. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section XV. This Ordinance shall be in full force and effect from and after its adoption as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Ogden Dunes Town Council this the _____ **DAY OF February, 2021**

Scott Lehmann Ward I

Scott Kingan Ward II

Karl Krizmanic Ward III

Bernadette Slawinski Ward IV Vice-President

Doug Cannon Ward V President

ATTEST:



Mimi Ramos, Clerk-Treasurer

an employee is ill on the last scheduled day before or next scheduled day after a holiday, the employee may be eligible for holiday pay, provided proof of the illness is presented in a form sufficient to the employee's supervisor. Employees on medical or other leaves of absence, including disciplinary leaves of absence, and employees who are scheduled to work on a holiday but call off are not eligible for holiday pay.

Employees who are required to work on an observed holiday will be paid at a rate of one-and-a-half times their regular rate of pay for each hour worked. In addition, full time employees shall receive up to eight hours of compensatory time, at the rate of one hour compensatory time for each hour worked, to be used at a later date.

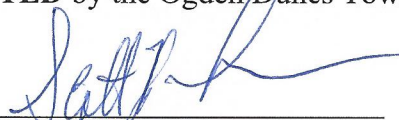
The Town Council will designate the observed holidays. Full time employees whose regularly scheduled day off falls on a holiday, at their option, may choose to be paid an additional eight hours for the holiday, or may receive eight hours of compensatory time off to be used at a later date.

Employees who have already worked 80 hours in the pay period prior to working a holiday shift, and who are eligible for overtime pay, shall be entitled to overtime pay for the shift worked. ('99 Code, § 2-67) (Ord. 602, passed 2-7-94; Am. Ord. 635, passed 1-7-97; Am. Ord. 638, passed 9-8-97; Am. Ord. 711, passed 4-2-07; Am. Ord. 729, passed 12-29-08; Am. Ord. 736, passed 8-3-09; Am. Ord. 794, passed 3-10-14)

Section III. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section IV. This ordinance shall be in full force and effect from and after its adoption by the Ogden Dunes Town Council as required by law.

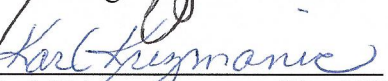
ALL OF WHICH IS PASSED AND ADOPTED by the Ogden Dunes Town Council this the _____ **DAY OF February 2021**



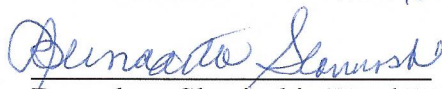
Scott Lehmann Ward I



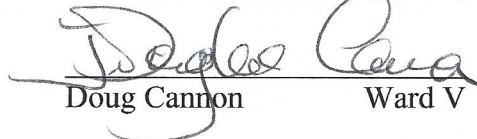
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Mimi Ramos, Clerk-Treasurer