

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ABANDONED VEHICLES

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Cross-reference:

Nuisance procedures, see Chapter 93

§ 90.01 DEFINITIONS.

(A) For the purpose of this chapter, ***JUNK MOTOR VEHICLE*** shall mean any motor vehicle or the remains thereof which:

- (1) Is not housed in a garage or other building; and
- (2) Does not have wheels or inflated tires attached thereto; or
- (3) Does not bear a currently valid license plate.

(B) Parts of vehicles such as fenders, hoods, seats, motors, axles, transmissions, frames, doors, and the like shall be included under the definition of ***JUNK MOTOR VEHICLE***.

(`99 Code, § 6-105) (Ord. 789, passed 12-27-13)

§ 90.02 DECLARATION OF NUISANCE.

Junk motor vehicles as herein defined are declared to be nuisances except in lawfully operated junk yards or yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles for lots utilized by new or used car dealers at their legally recognized places of business.

(`99 Code, § 6-106) (Ord. 464, passed 4-2-79)

§ 90.03 NOTICE OF REMOVAL.

Any officer of the town may order or arrange for removal of any abandoned car within 72 hours following prominent attachment to the abandoned car of a notice containing the following information (however, see § 90.05 regarding prior determination of fair market value):

(A) That the abandoned car is considered abandoned;

(B) That the abandoned car will be removed after 72 hours and that the following costs may be avoided if the abandoned car is removed within 72 hours;

(C) That the person who owns the abandoned car will be held responsible for all costs incidental to the removal, storage, and disposal of the abandoned car; and

(D) The name, address (Town Department Address), and phone number of the officer posting the notice.

(`99 Code, § 6-107) (Ord. 655, passed 12-6-99)

§ 90.04 CITATIONS.

Any officer of the town may issue or arrange for the issuance against the owner of a junk car or abandoned car and the occupant or owner of the real estate upon which the junk car or abandoned car is located, a civil citation into a court of competent jurisdiction and, in cooperation with the Town Attorney, pursue civil penalties and other remedies as provided herein or by other applicable law.

(`99 Code, § 6-108) (Ord. 655, passed 12-6-99)

§ 90.05 WRITTEN REPORT; DISPOSITION OF CAR.

In addition and notwithstanding the remedies/penalties provided in § 90.99, an officer may take the following actions with respect to an abandoned car:

(A) If an abandoned car has been tagged with the notice as provided in § 90.03 and the abandoned car is not removed as required, the officer shall prepare a written abandoned car report of the abandoned car, including information on the condition and other facts that might substantiate the estimated market value of the abandoned car and which report shall include photograph(s). This information shall be retained for a period of not less than two years;

(B) The officer may arrange for the abandoned car to be towed and stored by a towing operator;

(C) If, in the opinion of the officer, the market value of the abandoned car, as determined in division (A) above, is not more than \$500, the officer may immediately dispose of the vehicle to an automobile scrap yard. In this event, a copy of the report and photographs shall be forwarded to the Bureau of Motor Vehicles of the State of Indiana;

(D) If, in the opinion of the officer, the market value of the abandoned car, as determined in division (A) above, is more than \$500, the officer, before tagging an abandoned car with the notice provided in § 90.03, shall make a reasonable effort to ascertain the person who owns the abandoned car or who may be in control of the abandoned car. In that event and after 72 hours following notice, the officer shall arrange for the abandoned car to be towed and stored by a towing operator;

(E) If the abandoned car is in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the abandoned car, the abandoned car may be disposed of without notice.

(`99 Code, § 6-110) (Ord. 655, passed 12-6-99)

§ 90.06 ROLE OF BUREAU OF MOTOR VEHICLES.

(A) Within 72 hours after removal of an abandoned car to a storage area as provided in this chapter, the officer or towing operator shall prepare and forward to the Bureau of Motor Vehicles of the State of Indiana, an abandoned car report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make;
- (2) Model;
- (3) Identification number; and
- (4) Number of the license plate.

(B) The officer or towing operator shall further request the Bureau of Motor Vehicles of the State of Indiana to forward information regarding the name and most recent address of the person who owns or holds a lien on the vehicle.

(`99 Code, § 6-111) (Ord. 655, passed 12-6-99)

§ 90.99 PENALTY.

(A) If any such notice as provided in § 90.03 is not obeyed within the time fixed, the owner of the abandoned car, the occupant and/or owner of the real estate upon which it is located, shall each be

subject to a civil penalty of not less than \$50 and not to exceed \$100. Each day on which the abandoned car is permitted to remain on the real estate after the time fixed in the notice shall constitute a separate offense.

(B) The owner of a junk car and an occupant and/or owner of the real estate upon which it is located shall each be subject to a civil penalty not less than \$50 and not to exceed \$100 severally. Each day on which the junk car is permitted to remain on the real estate or on public or private property shall constitute a separate offense.

(`99 Code, § 6-109) (Ord. 655, passed 12-6-99)

Cross-reference:

Penalty for creating or maintaining nuisance, see § 93.99

CHAPTER 91: ANIMALS

Section

- 91.01 Authority of town to regulate animals
- 91.02 Running at large prohibited
- 91.03 Vicious dogs prohibited
- 91.04 Dogs prohibited on beaches
- 91.05 Dogs creating noise, other disturbance
- 91.06 Vaccinations required
- 91.07 Annual tax; dog tags
- 91.08 Impoundment of dog in violation; redemption; euthanasia

- 91.99 Penalty

Cross-reference:

Feeding of certain wild animals, see § 130.05

§ 91.01 AUTHORITY OF TOWN TO REGULATE ANIMALS.

The town may regulate the control of animals and may establish animal shelters.

(`99 Code, § 6-6)

Statutory reference:

Authority to control animals, see I.C. 36-8-2-6

§ 91.02 RUNNING AT LARGE PROHIBITED.

(A) Any person owning a dog shall keep the dog chained, penned, or otherwise within his or her control at all times.

(`99 Code, § 6-14)

(B) No person owning any dog shall permit such dog to run at large in the town unless the same be under the immediate supervision of and within view of the owner thereof or the owner's agent.

(`99 Code, § 6-13) (Ord. 490, passed 5-3-82)

§ 91.03 VICIOUS DOGS PROHIBITED.

(A) *VICIOUS DOG* shall mean any dog which, without provocation, attacks or injures any person or animal.

(B) No person shall keep or harbor any fierce or vicious dog within the corporate boundaries of the town.

(`99 Code, § 6-15) (Ord. 490, passed 5-3-82; Am. Ord. 655, passed 12-6-99) Penalty, see § 91.99

§ 91.04 DOGS PROHIBITED ON BEACHES.

No person owning any dog shall permit such dog to be on the beaches of the town from May 1 through September 30, both dates inclusive, of each year. The beaches of the town are described as the sandy and grassy areas immediately adjacent to and contiguous with Lake Michigan that are owned by the town.

(`99 Code, § 6-16) (Ord. 490, passed 5-3-82; Am. Ord. 791, passed 12-27-13) Penalty, see § 91.99

§ 91.05 DOGS CREATING NOISE, OTHER DISTURBANCE.

No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood or the rights of others by barking, making other loud or unusual noises, or by running through or across cultivated gardens, fields, lawn, or property owned by another person.

(`99 Code, § 6-17) (Ord. 490, passed 5-3-82) Penalty, see § 91.99

§ 91.06 VACCINATIONS REQUIRED.

The owner of any dog harbored within the corporate boundaries of the town shall cause the dog to be and remain vaccinated against rabies by a duly licensed veterinarian unless the dog is under the age of six months.

(`99 Code, § 6-12) (Ord. 490, passed 5-3-82) Penalty, see § 91.99

§ 91.07 ANNUAL TAX; DOG TAGS.

(A) *Dog tax.* The owner of any dog harbored within the corporate boundaries of the town shall pay an annual fee for a dog tag of \$5 per dog.

(`99 Code, § 4-40)

(B) *Conditions of dog fees.* Fees shall be paid pursuant to the following provisions:

- (1) Payable to the town and shall be paid at the office of the Clerk-Treasurer;

(2) Paid on or before the first day of March of each year.
(`99 Code, § 4-41)

(C) *Metallic ID dog tags issued.*

(1) At the time when the fee is paid, the Clerk-Treasurer shall give to such owner a numbered metallic identification tag which shall be attached to the collar worn by such dog.

(2) The owners of the dog shall thereafter cause the dog to wear the collar and identification tag at all times.
(`99 Code, § 4-42)

(D) *Role of Clerk-Treasurer.* The Clerk-Treasurer shall record the number of the dog tag issued, the name and address of the owner of the dog for which the tax is paid, the sex of the dog, and a brief description of the dog which might include the breed, color, and markings.
(`99 Code, § 4-43) (Ord. 490, passed 5-3-82; Am. Ord. 728, passed 12-29-08)

§ 91.08 IMPOUNDMENT OF DOG IN VIOLATION; REDEMPTION; EUTHANASIA.

(A) Any dog found under circumstances that would constitute a violation of §§ 91.02 through 91.06 of this chapter is declared to be a nuisance and shall be impounded by the Marshal or such other person or persons authorized by the Town Council to perform such services.
(`99 Code, § 6-18)

(B) The owner of any dog impounded under the provisions of division (A) above may redeem the dog within 72 hours from the time of impoundment by paying all the costs of impounding the same, including contractual costs incurred by the town and feeding of the dog, together with all applicable fines that may be payable pursuant to § 91.99; provided that the owner of any dog which has bitten a person shall not be entitled to redeem the dog until he has also shown that the dog was immune from rabies at the time of the biting and, in the event that the owner cannot show that the dog was immune from rabies at the time of the biting, the dog shall remain impounded for a period of 14 days, the cost of which shall also be paid by the owner.
(`99 Code, § 6-20)

(C) Any dog impounded under the provisions of division (A) of this section that has not been redeemed pursuant to the provisions of the foregoing division (B) within 72 hours from the time of impoundment shall be destroyed or placed for adoption at the discretion of the Marshal, and the owner of the dog shall be liable for all costs of impounding and keeping the dog; provided, that any person claiming ownership of any such dog during that period shall first secure from the Marshal a release showing that the costs and obligations provided by the foregoing division (B) have been paid and that

the dog was immune from rabies at the time of impoundment, the dog shall not be released until it has been determined whether or not the dog has bitten a person and, if it has bitten a person, it shall be held for not less than a 14-day period.

(`99 Code, § 6-21) (Ord. 490, passed 5-3-82; Am. Ord. 505, passed 3-3-84)

§ 91.99 PENALTY.

Any person who violates any provision of this chapter shall be fined in the sum of \$100 for each violation; provided that in lieu of such person being charged for such violation in court, such person in violation hereof may pay the sum of \$25 within five days of the violation to the Clerk-Treasurer.

(`99 Code, § 6-19) (Ord. 490, passed 5-3-82)

CHAPTER 92: FIRE PREVENTION

Section

General Provisions

- 92.01 Authority to establish a fire department
- 92.02 Open unattended fires prohibited
- 92.03 Burning on public ways prohibited

Fireworks

- 92.15 Definition
- 92.16 General prohibition and exceptions

- 92.99 Penalty

Cross-reference:

Firearms, firecrackers and fireworks prohibited in parks and on beaches, see § 94.17

GENERAL PROVISIONS

§ 92.01 AUTHORITY TO ESTABLISH A FIRE DEPARTMENT.

The town may establish, maintain, and operate a fire fighting and fire prevention system and may provide facilities and equipment for that system.

(`99 Code, § 6-5)

Statutory reference:

Statutory authority, see I.C. 36-8-2-3

§ 92.02 OPEN UNATTENDED FIRES PROHIBITED.

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

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OPEN FIRE. Any fire which is not enclosed within the confines of a furnace, stove, fireplace, or other structure of solid wall construction, the confines of which, or the chimney of which extend above the upper limit of the flames created in the fire.

(`99 Code, § 6-84)

UNATTENDED FIRE. Any fire not supervised and watched by a person who is at all such times within 50 feet thereof.

(`99 Code, § 6-85)

(B) It shall be unlawful for any firm, or corporation who starts a fire or allows or directs the same to be started to leave the same open and unattended so long as the same is burning or any sparks remain in the ashes thereof.

(`99 Code, § 6-85) (Ord. 360, passed 4-6-64) Penalty, see § 92.99

§ 92.03 BURNING ON PUBLIC WAYS PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to burn or set fire to leaves, paper, wood or any other material or rubbish on any hard surface or blacktop public street or road within the corporate limits of the town.

(`99 Code, § 6-78)

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

(`99 Code, § 6-80) (Ord. 361, passed 12-2-63) Penalty, see § 92.99

FIREWORKS**§ 92.15 DEFINITION.**

The terms ***CONSUMER FIREWORK*** and ***FIREWORK*** shall have the meaning set forth in I.C. 22-11-14-1, as the same may be amended from time to time. Two copies of I.C. 22-11-14-1 are on file in the office of the Clerk-Treasurer for inspection by the public.

(Ord. 714, passed 6-18-07)

§ 92.16 GENERAL PROHIBITION AND EXCEPTIONS.

The use, ignition or discharge of consumer fireworks within the corporate limits of the town shall be unlawful and in violation of this subchapter at any time, with the exception of the following:

(A) Within the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9 in any year;

(B) Between the hours of 10:00 a.m. and 12:00 midnight on July 4;

(C) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1 in any given year.

(Ord. 714, passed 6-18-07) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person, firm or corporation violating any of the terms of this chapter shall be subject to a minimum fine of \$25 if paid to the Clerk-Treasurer within five days of the violation; and thereafter shall be subject to a fine of \$100 for the violation.

(B) A first violation of § 92.16 shall subject the offender to a \$100 fine before the Ordinance Violations Bureau. Any subsequent violations of § 92.16 shall subject the offender to a fine of up to \$2,500 per violation.

(`99 Code, §§ 6-79, 6-87) (Ord. 655, passed 12-6-99; Am. Ord. 714, passed 6-18-07)

CHAPTER 93: NUISANCES

Section

- 93.01 Purpose
- 93.02 Public nuisances prohibited; responsibility for a nuisance
- 93.03 Debris and junk defined
- 93.04 Public nuisance defined
- 93.05 Neglected premises visible to the public
- 93.06 Duty of maintaining private property
- 93.07 Exteriors of structures
- 93.08 Swimming pools and spas
- 93.09 Noise regulations
- 93.10 Enforcement; notices of violation

- 93.99 Penalty

§ 93.01 PURPOSE.

The purpose of this chapter is to establish minimum requirements and standards for the maintenance of premises and structures in order to promote and protect the public health, safety and welfare of the residents of the town.

(Ord. 716, passed 7-18-07)

§ 93.02 PUBLIC NUISANCES PROHIBITED; RESPONSIBILITY FOR A NUISANCE.

(A) It shall be unlawful, for any person, owner, occupant, company, corporation, tenant, or any other person having a substantial interest in any real or personal property within the town, or any agent thereof, to erect, construct, permit, keep or maintain within the corporate limits of the town anything that is a public nuisance.

(B) Any person, owner, occupant, company, corporation, tenant or any other person having a substantial interest in any real or personal property within the town, or any agent thereof, maintaining any nuisance, as described herein, is declared to be responsible for the nuisance.

(C) Public nuisances are prohibited on private property, as well as on public property and public ways.

(Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.03 DEBRIS AND JUNK DEFINED.

DEBRIS and *JUNK* shall include, but not be limited to:

- (A) Paper, paper products and newspapers not being gathered for recycling;
 - (B) Empty, or partially empty, plastic or glass bottles and/or metal cans or empty receptacles of any and all types not being gathered for recycling;
 - (C) Bed springs and/or mattress(es);
 - (D) Rubber tires, rubber tubes, metal wheels, hubcaps or wheel covers;
 - (E) Building materials, including but not limited to: cinder blocks, bricks, lumber, plywood, plumbing and piping material and parts, siding, roofing and forms, when no construction is in process upon the real estate;
 - (F) Sinks, refrigerators, washing machines, dishwashers, clothes dryers, home appliances or other metal machinery, home exercise equipment, computers or any other home electronics equipment or household items no longer being used for the purpose for which they were manufactured; and
 - (G) Any waste or scrap materials, including motor vehicle parts or parts of other manufactured items.
- (Ord. 716, passed 7-18-07)

§ 93.04 PUBLIC NUISANCE DEFINED.

A public nuisance includes the following:

- (A) Those conditions that are known to the common law and/or the statutes of Indiana as public nuisances.
- (B) Any real or personal property that is infected with contagious disease or is likely to cause an immediate health hazard.
- (C) Any condition or use of premises or building exteriors that is detrimental to the property of others, or that causes or tends to cause substantial diminution in the value of property in the neighborhood in which such premises are located, including but not limited to, keeping, permitting or allowing any of the following materials:

- (1) Debris and junk;

(2) Any compost pile that is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;

(3) Demolition remains stored for more than 30 calendar days;

(4) Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced property within the town, unless the property is in an active construction site;

(5) Automobile parts, disassembled automobiles and automobiles without engines; plumbing and piping materials and parts; scrap metal; unseaworthy or dilapidated boats; dilapidated, deteriorated or inoperable jet skis, snowmobiles, motorcycles, bicycles, trailers or toys, any of which are not kept completely enclosed in a building;

(6) Structures defaced with paint or wording;

(7) Any waste water, filth, offal, garbage, rubbish, animal waste or human excrement that is deposited, or allowed or caused to be deposited, upon any public or private property;

(8) Any dead domesticated animal or parts and any dead livestock or non-domesticated animals within the public view;

(9) Trees, shrubbery, weeds, snow or other matter obstructing public ways or causing visual barriers that create vehicular traffic or pedestrian safety hazards;

(10) Any item not originally designed or manufactured solely for outdoor use;

(11) Parking a motor vehicle on a front yard not designed and approved for parking. The **FRONT YARD** shall be defined as the area of private property that is located between the public right-of-way and the front line of the primary structure on that property. Parking of any motor vehicle within this area shall be prohibited; and

(12) Any structure that is unfinished while not in an ongoing active construction project.

(D) The placing or accumulating on or within any real or personal property, or permitting the same, of any matter that attracts or may attract rodents, insects or domestic or wild animals in such a manner as to create a health hazard or an unsanitary or dangerous condition.

(E) The storage of any explosive, combustible or other material that creates a safety or health hazard.

(`99 Code, § 6-66) (Ord. 553, passed 3-5-90; Am. Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.05 NEGLECTED PREMISES VISIBLE TO THE PUBLIC.

It shall be the duty of every person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner. It shall be a violation of this section to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter thereon. (Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.06 DUTY OF MAINTAINING PRIVATE PROPERTY.

(A) No person owning, leasing, occupying or having charge on any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises is located.

(B) All property located in the town shall be maintained within the following minimum standards:

(1) All fences and walls shall be maintained in a structurally sound manner to protect the public safety.

(2) All premises shall be free of any stagnant water.

(3) All outbuildings and accessory structures shall be maintained in a structurally sound manner to protect the public safety.

(4) All property shall be maintained in a manner so that it does not create or constitute a public nuisance.

(Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.07 EXTERIORS OF STRUCTURES.

(A) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good repair.

(1) Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

(2) Peeling, flaking/and or chipped paint shall be eliminated and surfaces repainted.

(3) All siding and masonry joints shall be maintained weather-resistant and watertight.

(B) All porches, decks, balconies, exterior stairways, and all appurtenances attached thereto, shall be maintained in a structurally sound manner, capable of supporting the imposed load and free from hazardous conditions.

(C) Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials, and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

(D) (1) Roofs of buildings shall be maintained so that they are structurally sound and in safe condition, and have no defects that might admit rain and cause dampness in the interior portions of the building.

(2) All portions, additions and sections of a roof, including but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, down spout, roofjack, lead and metal flashing, shall be complete, with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.

(E) Windows of buildings shall be fully supplied and maintained with glass windowpanes or a substitute approved by the Building Commissioner, without open cracks or holes. Screens, if provided, shall be securely fastened to the window.

(F) Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

(Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.08 SWIMMING POOLS AND SPAS.

All swimming pools, hot tubs, spas or any other water-filled area shall be maintained in a sanitary condition to avoid the creation of any health hazard or a breeding ground for disease-carrying insects. (Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.09 NOISE REGULATIONS.

(A) No person shall play, use or operate any machine or device for the producing or reproducing of sound, including but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs and cassette players, or any other machine or tool that produces sound, nor shall any person operate any motor vehicle that contains a modified or defective exhaust system, if such machine, tool or vehicle is located in or on any of the following:

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(1) Any public property, including any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare, and the sound generated therefrom is:

(a) Audible 40 feet or more from its source; or

(b) Is at a level of 90 decibels or more, when measured on a dB(A) scale from a distance of not less than six feet from its source; or

(2) Any private property and the sound generated therefrom is:

(a) Audible 40 feet or more outside of said private property line; or

(b) Is a level 90 decibels or more, when measured on a dB(A) scale from a distance of not less than six feet from the private property line.

(B) The following are exempted from the provisions of this section:

(1) Sounds emitted from authorized emergency vehicles;

(2) Lawn mowers, weed blowers, garden tractors, construction and repair equipment, go carts and power tools, when property muffled, between the hours of 6:00 a.m. and 10:00 p.m. only;

(3) Burglar alarms and other warning devices when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time;

(4) Parades, festivals, carnivals, fairs, celebrations, concert performances, band and drum corps performances, and artistic performances, as well as any rehearsals for same, and all other events authorized by the Town Council or other appropriate governmental entity;

(5) Attendant noise connected with the actual performance of athletic or sporting events and practices related hereto;

(6) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency construction, repair or other work;

(7) Sounds associated with the use of legal fireworks;

(8) Sounds associated with the normal conduct of legally established, non-transient businesses, organizations and governmental entities, when such sounds are customary, incidental and within the normal range appropriate for such use;

(9) Rubbish collection utilizing any mechanical equipment between the hours of 6:00 a.m. and 9:00 p.m. only;

(10) Subject to the other provisions of this section, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on streets;

(11) Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap;

(12) Sounds associated with the operation of aircraft or snow removal equipment.

(C) No person shall keep any animal, other than a service animal lawfully used by a handicapped person to accommodate his or her handicap, that, by causing frequent or long-continuing noise that is audible 40 feet or more from its source when the animal is on public property, or 40 feet or more outside of a private property line when the animal is on private property, does disturb the comfort or repose of any other person.

(Ord. 716, passed 7-18-07) Penalty, see § 93.99

§ 93.10 ENFORCEMENT; NOTICES OF VIOLATION.

(A) It shall be the duty of the Building Commissioner to enforce the provisions of this chapter. Members of the Town Marshal Department may also enforce the provisions of this chapter, as may the Town Council, the Plan Commission and/or the Board of Zoning Appeals.

(B) Enforcement may include:

(1) Issuance of a written notice to the person responsible for the violation, indicating the nature of the violation, ordering the action necessary to correct, and specifying a reasonable amount of time for the correction of the violation or the performance of any other act required.

(2) The town also has the ability to enter onto the offending property and take appropriate action to bring it into compliance with this chapter.

(a) The town will comply with I.C. 36-1-6-2 should it desire to take this action.

(b) Any expenses incurred to bring the property into compliance constitutes a lien against the property pursuant to Indiana law; or

(3) Issuance of a written warning to the person responsible for such a violation, and to the property owner;

(4) Issuance of a citation to the property owner for such a violation.

(C) Notice of a violation shall be served:

(1) Personally; or

(2) By certified mail, with return receipt required, to the last known address; and

(3) By posting the notice in a conspicuous place on the building, structure or premises on which the violation exists.

(`99 Code, §§ 6-68, 6-70, 6-72) (Ord. 553, passed 3-5-90; Am. Ord. 716, passed 7-18-07)

§ 93.99 PENALTY.

(A) In addition to any and all other remedies set forth in this chapter, either the Building Commission, the Town Marshal, the Plan Commission and/or the Board of Zoning Appeals may, for any violation of this chapter, levy a fine against the violator of \$50 for each occurrence, each day being a separate violation.

(B) If the fine is not paid to the Clerk-Treasurer within five days of the violation, the fine shall automatically be \$100 per violation, each day being a separate occurrence. The fine shall be paid to the Clerk-Treasurer as the Ordinance Violations Bureau.

(C) If the \$100 fine is not paid to the Clerk-Treasurer within an additional 25 days (30 days from the date of the violation), this matter shall be prosecuted in the Porter County court system, and the violator shall be subject to a fine of up to \$2,500 per occurrence, with each day being a separate violation.

(D) In addition, any person violating this chapter shall pay and be responsible for all attorney fees incurred by the town in enforcing the provisions of this chapter.

(E) 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)

CHAPTER 94: PARKS AND RECREATION

Section

General Provisions

- 94.01 Authority to operate parks and recreational facilities
- 94.02 Department of Parks and Recreation

Park Regulations

- 94.15 Hours of operation
- 94.16 Group regulations
- 94.17 Firecrackers, fireworks, and explosive devices prohibited
- 94.18 Vehicle and bicycle restrictions
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- 94.20 Sand and vegetation regulations
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- 94.22 Disposal of refuse; glass containers prohibited

Lake Shore Regulations

- 94.35 Definition
- 94.36 Water regulations
- 94.37 Erection of buoys and markers
- 94.38 Enforcement by Town Marshal
- 94.39 No conflict with state or federal law
- 94.40 Watercraft identification stickers
- 94.41 Removal of derelict or abandoned watercraft

- 94.99 Penalty

Statutory reference:

Recreation facilities and programs, see I.C. 36-10-2-2

Cross-reference:

Dogs prohibited on beaches, see § 91.04

Fireworks regulated, see § 92.15 et seq.

GENERAL PROVISIONS**§ 94.01 AUTHORITY TO OPERATE PARKS AND RECREATIONAL FACILITIES.**

The town may establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

(`99 Code, § 5-1)

§ 94.02 DEPARTMENT OF PARKS AND RECREATION.

(A) *Department created.* There is created a single department of parks and recreation for the town pursuant to statutory authority to be known as the “Ogden Dunes Parks and Recreation Department.”

(`99 Code, §§ 2-100, 5-6)

(B) *Parks and Recreation Board created.* The department shall be governed by a Parks and Recreation Board, which shall be known as the “Ogden Dunes Parks and Recreation Board,” which shall consist of four members to be appointed by a majority vote of the Town Council. No more than two of such appointees shall be of the same political party. In addition, there shall be appointed a liaison member to the Board to be selected from the directors of the Ogden Dunes Homeowners Association and his or her term of office shall be coextensive with the term of his or her office as Director of the Ogden Dunes Homeowners Association. This liaison membership to the Parks and Recreation Board shall continue only so long as the Ogden Dunes Homeowners Association shall exist. The liaison member shall have all the rights and duties as the other members of the Board except that he or she shall have no vote.

(`99 Code, §§ 2-101, 5-7)

(C) *Terms of office.* The terms of the members initially appointed under this chapter shall be one, two, three, and four years; that thereafter, as a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday in January, but an appointee shall continue in office until his or her successor is appointed. Term of the liaison member shall be coextensive with the term of his or her office in the Ogden Dunes Homeowners Association, unless the body which selects him or her shall at its first regular meeting of a year appoint another to serve as its representative.

(`99 Code, §§ 2-101, 5-8)

(D) *Powers and duties.* The Park Board as addressed in this section shall be responsible for administering programs under the Park and Recreation Law, I.C. 36-10-3-1, *et seq.* The Parks and Recreation Board shall have the following powers, duties and responsibilities:

- (1) Perform all acts necessary to acquire and develop sites and facilities;

(2) Accept as gifts, land or equipment, and may agree to such terms and conditions that the donor may impose and the Board may bind the municipality and carry them out pursuant to authority of I.C. 36-10-3-1, *et seq.*

(3) Conduct such programs as are generally understood to be Park Board functions;

(4) Provide for and maintain park and recreational areas;

(5) Beautify and enhance the usability and appearance of all Park Board property;

(6) Develop and update on an annual basis, a Five Year Plan. Such plan is to be used to request/receive various grants to facilitate accomplishing the responsibilities as defined for the benefit of the citizens of the town as the Board determines.

(`99 Code, §§ 2-101, 5-2, 5-9)

(E) *Compensation.* The Board members shall not be compensated for their services but the Town Council may reimburse members for actual expenses incurred in attending meetings dealing with park and recreation problems, provided that the attendance at such meetings was authorized by the majority vote of the Park Board and further provided that all such expenses of all Board members shall not exceed the sum of \$500 per annum, which sum shall be appropriated by the Town Council at its next budget meeting for such purposes.

(`99 Code, §§ 2-101, 5-10) (Ord. 409, passed 8-3-70; Am. Ord. 779, passed 4-1-13)

PARK REGULATIONS

§ 94.15 HOURS OF OPERATION.

No person shall be on the beaches and park property of the town between the hours of 12:00 midnight and 5:00 a.m., except upon authorization, in writing, of the Town Marshal.

(`99 Code, § 5-17) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.16 GROUP REGULATIONS.

No group or assemblage of 20 or more persons may use the beaches or parks of the town except upon authorization, in writing, of the Town Marshal.

(`99 Code, § 5-18) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.17 FIRECRACKERS, FIREWORKS, AND EXPLOSIVE DEVICES PROHIBITED.

No person shall use or possess any firecrackers, firework, or explosive device of any sort at any time on the beaches and park property of the town except upon authorization, in writing, by the Town Marshal.

(`99 Code, § 5-15) (Ord. 497, passed 12-6-82; Am. Ord. 793, passed 3-10-14) Penalty, see § 94.99

§ 94.18 VEHICLE AND BICYCLE RESTRICTIONS.

No person shall operate any vehicle, bicycle, or wheeled motorized equipment on the beaches and park property of the town except in designated parking areas and except as authorized for purposes of maintenance or emergency.

(`99 Code, § 5-16) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.19 RULES GOVERNING TENNIS COURTS AND OTHER RECREATIONAL AREAS.

No person shall violate the posted rules and regulations of the Park Board governing the use of the tennis courts and other defined recreational areas within the town.

(`99 Code, § 5-19) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.20 SAND AND VEGETATION REGULATIONS.

No person shall cut, destroy, or remove any vegetation, remove any sand, or destroy or cut into any dunes or build-up of sand on the beaches and park property of the town except as authorized by the Park Board for purposes of maintenance or for emergency purposes.

(`99 Code, § 5-20) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.21 STORAGE PROHIBITED.

No person shall store or leave on the beach any motorized boat, boat carriers, or large sailboats.

(`99 Code, § 5-21) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.22 DISPOSAL OF REFUSE; GLASS CONTAINERS PROHIBITED.

No person shall leave any refuse or waste of any kind on the beach or park property, except in containers provided for that purpose. No person who is present upon the beach shall have in his or her possession any beverage container made of glass, regardless of whether the container is intended for alcoholic or non-alcoholic beverages.

(`99 Code, § 5-22) (Ord. 540, passed 11-7-88) Penalty, see § 94.99

LAKE SHORE REGULATIONS

§ 94.35 DEFINITION.

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

WATERCRAFT. Any vessel or boat, whether motorized or a sail boat, hobie cat, jet skies, power sleds or other similarly powered devices.
(`99 Code, § 5-30) (Ord. 554, passed 6-4-90)

§ 94.36 WATER REGULATIONS.

No person operating a watercraft and no water skier shall move at a speed above five miles per hour or create a wake within the area bounded by the shoreline of Lake Michigan and an imaginary line connecting the buoys placed offshore by the Park Board as further addressed in §§ 94.37, *et seq.*
(`99 Code, § 5-31) (Ord. 497, passed 12-6-82) Penalty, see § 94.99

§ 94.37 ERECTION OF BUOYS AND MARKERS.

(A) Upon adoption and approval of this subchapter, the town may apply to the Department of Natural Resources for a rule for the safe operation of watercraft under I.C. 14-15-1-1 *et seq.*

(B) Upon adoption and approval of this subchapter, the town may apply to the Department of Natural Resources and U.S. Coast Guard for the placement of buoys for designation of a special use area marking the area where the lake depth reaches approximately to the six feet to eight feet mark with buoys and other appropriate signage and marking devices.
(`99 Code, § 5-33) (Ord. 554, passed 6-4-90)

§ 94.38 ENFORCEMENT BY TOWN MARSHAL.

The provisions of this subchapter shall be enforced by the Town Marshal.
(`99 Code, § 5-32) (Ord. 554, passed 6-4-90)

§ 94.39 NO CONFLICT WITH STATE OR FEDERAL LAW.

This subchapter shall not be construed so as to conflict with any state or federal statute or with any Indiana Department of Natural Resources or U.S. Coast Guard Order, Rule or Regulation.
(`99 Code, § 5-35) (Ord. 554, passed 6-4-90)

§ 94.40 WATERCRAFT IDENTIFICATION STICKERS.

(A) All watercraft stored on the beach overnight must display an annual town identification sticker or they may be subject to removal by the Town Marshal at the owner's expense.

(B) New stickers go into effect as of June 1 annually, and can be purchased at Town Hall for \$10. Non-residents can purchase a watercraft identification sticker for \$60.
(Ord. 734, passed 5-4-09)

§ 94.41 REMOVAL OF DERELICT OR ABANDONED WATERCRAFT.

The Town Marshal may order the removal of any abandoned or derelict watercraft or personal property at the owner's expense.
(Ord. 734, passed 5-4-09)

§ 94.99 PENALTY.

Any person who violates any provision of this chapter shall be subject to a minimum fine of \$25 if paid to the Clerk-Treasurer within five days of the violation, and thereafter shall be subject to a fine of \$100 for a violation.
(`99 Code, § 5-34) (Ord. 655, passed 12-6-99)

CHAPTER 95: STREETS AND SIDEWALKS

Section

- 95.01 Street names
- 95.02 Tree removal permit fee
- 95.03 Address numerals required on structures
- 95.04 Depositing snow or ice on streets

Cross-reference:

Burning on public ways prohibited, see § 92.03

§ 95.01 STREET NAMES.

The names of all streets and public ways in the town remain as shown upon the original plat of the town save and except only where a change therein is provided for in the following sections.

(A) Dogwood Lane, Sandcliffe Court, Grandin Road, Grandin Road East, and Aster Lane are discontinued.

(B) Hillcrest Road becomes Cedar Trail.

(C) Dogwood Lane at Cedar Trail become Hillcrest Road.

(D) Hillcrest Road becomes Ogden Road.

(E) Aster Lane becomes Bittersweet Court.

(F) Cedar Trail becomes Sunset Trail.

(G) Sandcliffe Court becomes Beach Lane.

(H) Dogwood Lane becomes Diana Court.

(I) Unnamed Street becomes Ogden Court.

(J) A cul-de-sac becomes Cedar Court.

(`99 Code, § 8-62) (Ord. 112, passed 4-3-39)

§ 95.02 TREE REMOVAL PERMIT FEE.

The permit fee for tree removal is set at \$1 per tree with a maximum fee of \$50.
(`99 Code, § 4-50)

§ 95.03 ADDRESS NUMERALS REQUIRED ON STRUCTURES.

(A) Every owner or occupant of each house, business, or other structure within the town now existing or hereafter erected shall place on such structure or near the street in front of the structure, numerals (Arabic numerals; not Roman numerals or written words) not less than four inches high showing the number of the address of each such structure as assigned by the town.

(B) Numerals shall be placed on the structure or near the street in front of the structure or adjacent to the driveway so that they are visible from the street and shall contrast with the color of the background upon which they are placed.

(Ord. 762, passed 12-12-11) Penalty, see § 10.99

§ 95.04 DEPOSITING SNOW OR ICE ON STREETS.

It shall be unlawful for any person to move snow, slush, or ice, or cause the same to be moved from any driveway, parking lot, or other parcel of land and deposit same upon any street in the town. The Street Department is exempt from the provisions of this section while performing its official job duties. If, at the time of the event, the individual responsible for the above action is not immediately contacted, the homeowner or current renter will then become solely responsible for any violation of the above.

(Ord. 795, passed 3-10-14) Penalty, see § 10.99

CHAPTER 96: NON-SMOKING AREAS

Section

- 96.01 Definitions
- 96.02 Smoking prohibited in town facilities
- 96.03 Reasonable distance
- 96.04 Enforcement
- 96.05 Other applicable laws
- 96.06 Chapter to be broadly interpreted

- 96.99 Penalty

§ 96.01 DEFINITIONS.

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

ENCLOSED AREA. All space between floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to ceiling.

PERSON. Any individual, firm, partnership, association, corporation, company, or organization of any kind.

SMOKE or SMOKING. The act of lighting, carrying, inhaling from, or leaving a lighted or smoldering cigar, cigarette, or pipe of any kind.
(Ord. 766, passed 7-2-12)

§ 96.02 SMOKING PROHIBITED IN TOWN FACILITIES.

Smoking shall be prohibited in all enclosed facilities owned, leased, or operated by the town, including buildings and vehicles. The Parks and Recreation Department shall enact rules concerning non-smoking areas in the town parks. Any violation of the rules adopted by the Parks and Recreation Department shall subject the offender to the penalty provisions contained in § 96.99 of the Town Code. (Ord. 766, passed 7-2-12) Penalty, see § 96.99

§ 96.03 REASONABLE DISTANCE.

Smoking shall be prohibited within a reasonable distance from an area where smoking is prohibited by this chapter, but in no event any closer than 15 feet so as to insure that tobacco smoke does not enter into facilities designated smoke-free under this chapter through entrances, windows, ventilation intakes, or other means.

(Ord. 766, passed 7-2-12)

§ 96.04 ENFORCEMENT.

(A) This chapter shall be enforced by the Police Department, Building Commissioner, Fire Department, Town Attorney, or an authorized designee of the aforementioned.

(B) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Police Department or Building Commissioner.

(Ord. 766, passed 7-2-12)

§ 96.05 OTHER APPLICABLE LAWS.

This chapter shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws or to supercede any federal, state or local laws which are more restrictive.

(Ord. 766, passed 7-2-12)

§ 96.06 CHAPTER TO BE BROADLY INTERPRETED.

This chapter shall be construed broadly to effectuate the following purposes:

(A) To protect the health and welfare of employees of the town and visitors to its municipal facilities by prohibiting smoking in buildings and vehicles owned, leased, or operated by the town; and

(B) To guarantee the right of non-smokers to breathe smoke-free air and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke in municipal facilities.

(Ord. 766, passed 7-2-12)

§ 96.99 PENALTY.

(A) Any employee of the town who violates this chapter shall be subject to disciplinary action and fines set forth below.

(B) Any person, who is not an employee of the town and violates this chapter, shall be punished by a fine of \$100 for a first violation, and \$200 for a second or subsequent violation; all of which shall be paid within 30 days of said violation to the Ordinance Violations Bureau. Any failure to pay the prescribed fine for said violation within 30 days of the violation, or any subsequent violations of this chapter by the same person, shall subject the offender to a fine of not less than \$200 nor more than \$2,500 for each violation along with court costs imposed by a court of competent jurisdiction in Porter County. Each day in which a violation of this chapter occurs shall be considered a separate and distinct violation.

(Ord. 766, passed 7-2-12)

