

## **ORDINANCE 2023-\_\_\_\_\_**

**WHEREAS**, the Town Council of the Town of Long Beach, Indiana (“Town”) previously adopted ordinances that provided, among other things, penalties for violations of Code requirements under Title XV, Chapters 150, 151, 154, 155, and 156; and

**WHEREAS**, the Building Commission has requested assistance, as necessary, from the Advisory Plan Commission (“APC”) and Town Council assistance to address on-going issues with work being done in violation of the Town’s Code; and

**WHEREAS**, the APC and Town Council deem it necessary to increase fines under Chapters 150, 151, 154, 155, and 156 applicable to violations of the Code by property owners and/or contractors; and

**WHEREAS**, on June 10, 2002, the Town Council of the Town of Long Beach, LaPorte County, Indiana (the “Town Council”), adopted a Zoning Code of the Town of Long Beach, LaPorte County, Indiana (the “Town”), which is located at Chapter 154 of the Long Beach Town Code; and

**WHEREAS**, Chapter 154 of the Long Beach Town Code remains in full force and effect; and

**WHEREAS**, in accordance with Indiana Code § 36-7-4-600, et. seq., the Advisory Plan Commission of the Town has initiated an amendment to the Zoning Code to amend and/or restate certain provisions in the Zoning Code that address penalties for non-compliance with the Zoning Code; and

**WHEREAS**, in conjunction with the Town’s 2016 Comprehensive Plan Update and in recognition that the economic and environmental well-being of the Town of Long Beach is directly related to ensure compliance with the Town Code; and

**WHEREAS**, the Advisory Plan Commission and the Town Council have given reasonable regard to the provisions and considerations set forth in Indiana Code § 36-7-4-603; and

**WHEREAS**, a public hearing has been held before the Town of Long Beach Advisory Plan Commission, which has certified this proposal to amend certain text of Title XV, Chapter 154 of the Zoning Code in addition to the previously delineated Chapters to the Town Council; and

**WHEREAS**, public notice has been given, if and as required, in accordance with Indiana Code of all proceedings concerning this text amendment to Title XV, Chapter 154 of the Zoning Code Chapters as well as portions of Chapters 150, 151, 155, and 156; and

**WHEREAS**, the Long Beach Town Council concurs with its Advisory Plan Commission and has received this proposal regarding amending the text of the Zoning Code,

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED** by the Town Council amends and/or restates the following Sections of Title XV to read as follows:

1.

**CHAPTER 150: BUILDING CODE OF THE TOWN OF LONG BEACH, INDIANA**

**§ 150.999 MONETARY PENALTY.**

Any person, including, but not limited to any property owner and/or contractor providing services or work for, on behalf of, and/or for the benefit fit of the property owner, violating any provision of this chapter for which no fine is specified is subject to a fine in a sum of \$500 for a first violation, \$1,000 for a second violation, and not less than \$2,500 and up to \$7,500 for a third and each subsequent violation. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter. Each day that a violation is permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

2.

**CHAPTER 151: BUILDING PERMIT ADMINISTRATION,  
CONTRACTOR REGISTRATION AND UNSAFE BUILDING LAW**

**§ 151.060 CONTRACTOR REGISTRATION.**

(J) *Violations.* Failure by any property owner and/or contractor to comply with the provisions of this subchapter shall subject each and all of them to fine of \$500 for a first violation, \$1,000 for a second violation, and not less than \$2,500 and up to \$7,500 for a third and each subsequent violation. Each day that a violation remains or is otherwise permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

**§ 151.999 MONETARY PENALTY.**

Any person violating any provision of this chapter for which no fine is specified is subject to a fine of \$500 for a first violation, \$1,000 for a second violation, and not less than \$2,500 and up to \$7,500 for a third and each subsequent violation. Each day that a violation remains or is otherwise permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

3.

## **CHAPTER 154: ZONING CODE**

### **§ 154.999 PENALTIES FOR NON-COMPLIANCE.**

Any person violating any provision of this chapter for which no fine is specified is subject to a fine of \$500 for a first violation, \$1,000 for a second violation, and not less than \$2,500 and up to \$7,500 for a third and each subsequent violation. Each day that a violation remains or is otherwise permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

4.

## **CHAPTER 155 FLOODPLAIN MANAGEMENT**

### **Section 3. General Provisions**

**I. Penalties for Violation.** Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Long Beach. All violations shall be punishable by a fine of \$500 for a first violation, \$1,000 for a second violation, and not less than \$2,500 and up to \$7,500 for a third and each subsequent violation. Nothing herein shall be construed to limit any other remedies at law or equity.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Town of Long Beach Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

5.

## **MAINTENANCE AND REPAIR OF STORM WATER FACILITIES**

### **§ 156.093 CIVIL PENALTIES.**

Any person violating any provision of this chapter for which no fine is specified is subject to a fine of \$500 for a first violation, \$1,000 for a second violation, and not less than \$2,500 and up to \$7,500 for a third and each subsequent violation. Each day that a violation remains or is otherwise permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

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This Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Long Beach, LaPorte County, Indiana, and publication, if any, all in conformance with applicable law.

The Sections of this Ordinance shall be codified and made part of the Town Code of Ordinances and all sections and subsections may be renumbered or re-lettered as necessary to achieve such purpose.

It is the intent of the Town Council that if any section, subsection, sentence, clause or phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Ordinance.

**ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this \_\_\_\_\_ day of July, 2023.**

**LONG BEACH TOWN COUNCIL**

By:

\_\_\_\_\_  
Robert LeMay, President

\_\_\_\_\_  
John Kocher

\_\_\_\_\_  
Mary Lou McFadden

\_\_\_\_\_  
John Wall

\_\_\_\_\_  
Mike Johnstone

ATTEST:

\_\_\_\_\_  
Tim Perry, Clerk-Treasurer