

ORDINANCE NO. 2019- 01

**AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL
AMENDING TITLE XV, CHAPTER 154, SECTION 154.109 OF THE ZONING CODE
OF THE TOWN OF LONG BEACH, INDIANA**

WHEREAS, the Long Beach Town Council on June 10, 2002, adopted a Zoning Code of the Town of Long Beach, LaPorte County, Indiana, as amended, which is located at Title XV, Chapter 154 of the Long Beach Town Code; and

WHEREAS, the Long Beach Advisory Plan Commission has initiated a proposal to amend Title XV, Chapter 154 of the Zoning Code to add Section; and

WHEREAS, a public hearing has been held before the Town of Long Beach Advisory Plan Commission, which has certified its proposal to amend the text of the above-referenced sections and related appendixes of the Zoning Code to the Long Beach Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning the amendments of the subject sections of the Zoning Code; and

WHEREAS, the Advisory Plan Commission and the Town Council have paid reasonable regard to the Town's Comprehensive Plan, the current conditions and character of current structures and uses in each zoning district, the most desirable use for which the land in each zoning district is adapted, the conservation of property values throughout the jurisdiction, and responsible growth and development in the Town; and

WHEREAS, the Long Beach Town Council concurs with its Advisory Plan Commission and accepts the proposal to amend Title XV, Chapter 154, Section 109 of the Zoning Code;

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Long Beach Town Council as follows:

1. Title XV, Chapter 154, Section 109 of the Zoning Code shall be amended to read as follows:

154.109 Placement and Removal of Garbage/Recycling Receptacles

(A) No residential, commercial or business operation or activity shall cause to be placed within ten feet of the paved portion of any street or place where there shall be more than ten (10) feet between the paved portion of the street and the nearest structure, or place any trash, garbage or recycling container, bin or any other receptacle used for the disposal of any matter prior to the morning of the day before scheduled garbage/recycling pick-up. All trash, garbage or recycling containers, bins, or any other receptacle used for the disposal of any matter shall be retrieved from the side of the street or place by noon on the day after the scheduled garbage/recycling pick-up.

(B) In addition to the enforcement authority generally provided in the Zoning Code, the Town's Building Inspector shall be the Town official responsible for enforcement of the requirements of this Section.

(C) Penalties.

Penalties for violations of this Section shall be as follows:

- (1) First Weekly Violation. Written warning.
- (2) Second Weekly Violation. Final, written warning.
- (3) Third Weekly Violation. Fine of Ten Dollars (\$10.00).
- (4) Fourth Weekly Violation. Fine of Twenty-five Dollars (\$25.00).
- (5) Fifth Weekly Violation and each subsequent violation. Fine of Fifty Dollars (\$50.00).

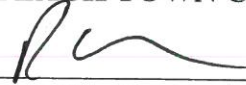
Violations shall be considered to occur on a weekly (for garbage) and bi-weekly (for recycling) basis rather than on a daily basis. No property owner shall received more than one (1) violation during any one (1) week/bi-weekly period. Each period that a violation exists shall be construed as a separate, weekly/bi-weekly offense; and nothing in this Subsection shall be construed to limit any other remedies at law or equity.

Notwithstanding any other provision of this Subsection, the number of violations accrued between April 1st of a given year and March 31st of the following year shall reset on April 1st of that following year for the purpose of determining penalties to be imposed.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this 8th day of July, 2019.

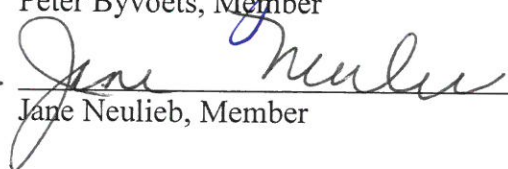
LONG BEACH TOWN COUNCIL

By: _____


Bob LeMay, President

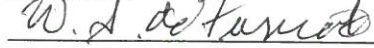

Nicholas Meyer, Vice-President


Peter Byvoets, Member

Nay 
Jane Neulieb, Member

Joy Schmitt, Member

ATTEST:


Bill DeFuniak, Clerk-Treasurer