

ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL AMENDING PORTIONS OF THE TEXT 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 which is located at Chapter 154 of the Long Beach Town Code; and

WHEREAS, the Long Beach Advisory Plan Commission has initiated an amendment to the text portion of the Zoning Code in order to address sections concerning Garbage and Trash Management; and

WHEREAS, in order to protect property value, scenic views, improve the quality of life and to ensure the safety of our homeowners and their guests the following ordinance shall be followed by all governmental units, property owners and commercial business operations in the Town of Long Beach; 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 Zoning Code to the Long Beach Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to the Zoning Code; and

WHEREAS, the Long Beach Town Council concurs with its Advisory Plan Commission and accepts its proposal to amend the text of the Zoning Code;

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Long Beach Town Council that Chapter 154.09 shall read as follows:

154.109 PLACEMENT AND RETRIEVAL OF GARBAGE, TRASH AND RE-CYCLING RECEPTACLES (TOTERS).

A. Placement and Removal of Toters

- 1. No residential, commercial or business operation or governmental activity shall cause to be placed within 15 feet of the paved portion of any street or place (unless there is less than 15 feet to the front building line to pavement edge) any trash, garbage, recycling container, bin or any other receptacle used for the disposal of any matter, prior to 12 noon of day before scheduled trash or re-cycle pick-up. An exception is made if the above operation or activity chooses to leave their toters in an enclosure. (see below)**
- 2. All trash, garbage or recycling containers, bins or any other receptacle used for the disposal of any matter shall be retrieved from the street or place by midnight**

on the day of the scheduled pick-up. (Ord. 0203, passed 6-10-02; Am. Ord. 0806, passed 8-11-08). Penalty, see ' 154.199

B. It shall be the sole responsibility of the Property Owner to take action to ensure compliance with the provisions of this ordinance by making arrangements with a neighbor, private party, or the Town's contracted garbage disposal service to comply with this ordinance. Note: LaPorte County Re-cycling does not provide for customized pick-up.

C. Except for the time period specified in section A, all toters shall be located no closer than 15 feet from the paved portion of the street nearest the building or structure OR within an enclosure OR behind the front building foundation line abutting the street or place.

1. Enclosures in the Residential Districts shall comply with the following standards:

- It shall be of natural material, either wood or wood substitute, ornamental metal iron or metal substitute, pre-manufactured plastic (or similar type material) fencing. No chain-link fence of any type is permitted. The enclosure must totally screen the view of the toters from the street and neighboring properties.
- The enclosure material shall not exceed five feet in height nor be greater than 12 inches in thickness/width. The enclosure need not be covered.
- Planting material such as shrubbery and other living landscaping material to totally visually screen the view of the toters from the street and adjacent neighbors is acceptable.
- The enclosure may not be placed in the Front, Side or Rear Setback area. Where this is not possible an alternate location may be approved by the Long Beach Building Commission. **In the circumstance where a lot does not allow an enclosure to comply with the above rules or in the circumstance where complying would create undo hardship on the homeowner, a waiver could be granted by the Building Commissioner. In this case the Building Commissioner is empowered to inform the homeowner of the the best possible alternate location for the toters on non-pickup days.**
- The enclosure shall be maintained to ensure that all waste material remains in the designated receptacle and the area surrounding remains free and clear of waste and is not an attraction to animals and vermin.

2. Enclosures In the Local Business District.

- See 154.076 Fences in the Local Business District.

D. A Location Improvement Permit shall not be required for the construction of the enclosure. However, the enclosure must conform to all other ordinances of Title XV (Land Usage). The use and value of adjacent property shall not be affected in a substantially adverse manner.

E. No Trash, Rubbish, Re-cycling material, construction material, landscape material, brush, yard-waste (other than leaves during the annual spring and fall clean-up periods) or refuse of any description shall be piled or strewn on a lot or zoning lot, for a period greater than 48 hours. Exception: construction material may be stored behind the required setbacks when a Building Permit is in force.

F. All construction debris at a permitted site shall be placed in an appropriately sized dumpster and temporarily located not closer than 15 feet from the road pavement and adjacent property. The Building Commissioner shall have the authority to waive this requirement in writing when it is impossible for the property owner to comply with this section.

G. These restrictions shall apply to all Town Owned Beach Stops, Public Buildings, Parks and Public Places as well as Residential and Commercial Districts.

H. Items to be discarded on the Large-item pick-up days scheduled by the town shall not be placed for pick-up more than 48 hours before the scheduled pick up day.

154.199 PENALTIES FOR NON-COMPLIANCE.

Violation of any section of 154.109

(A) A ten-day written notice of warning, for the first offense only shall be issued by the Long Beach Clerk-Treasurer, to the property owner of record at the last known address. A notice shall also be posted on the property by the Long Beach Building Commission or the Town Marshall of Long Beach. The written notice may also be served in person.

(B) After 10 days if the violation is not corrected, or upon a second offense, each day that a violation exists shall be construed a separate offense. If the property owner does not correct the violation of any provision of this section he/she shall be fined not less than \$25 per day. Nothing herein shall be construed to limit any other remedies at law or equity.

TOTER ORDINANCE PROPOSED AMENDMENTS 5-10-2017

Effective Date:

This Ordinance shall be in full force and effect **starting 3 months after passage of this ordinance to allow dissemination of this ordinance's contents throughout the community.**

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this _____ day of _____, 201__.

LONG BEACH TOWN COUNCIL

By:

Peter Byvoets, President

Jane Neulieb

Robert LeMay

Joy Schmitt

Nick Meyer

ATTEST: _____, **Date** _____
William deFuniak, Clerk-Treas.