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Chapter 107

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TOWN CODE OF BREMEN, INDIANA

CHAPTER 1 - ADOPTION OF CODE

1.01 Adoption of Code. The substantive general ordinances shall constitute and designated as the "Town Code of Bremen, Indiana", and may be so cited.

1.02 Short Title. For brevity herein, the Town Code of Bremen, Indiana will sometimes be referred to as "the Code" or "this Code", and any use of said phrases shall be construed to mean the Town Code of Bremen, Indiana, unless the context clearly requires some other meaning.

1.03. Repeal of General Ordinances. All of the provisions of this Code shall be in full force and effect two weeks from the date of publication and the filing thereof in the offices of the Clerk-Treasurer. All ordinances of a general and permanent nature in force at that time are hereby repealed from and after said date.

Repeal of any ordinance by this Code shall not affect any suit, proceeding, right, forfeiture or penalty instituted, given, secured or accrued under any ordinance prior to the effective date of this Code, but may be prosecuted, enjoyed or recovered as fully as if such ordinance had continued in force.

The following types of ordinances are not repealed by this Section:

1. Any ordinance relative to the purchase or sale of property.
2. Any ordinance accepting gifts and dedications of real estate.
3. Any ordinance or resolution promising or guaranteeing the payment of money by the Town, or authorizing the issuance of bonds of the Town, or other evidence of the Town's indebtedness, or any contract or obligation assumed by the Town.
4. Any administrative ordinances or resolutions of the Board not in conflict or inconsistent with the provisions of this code.
5. Any ordinances which are transfer or appropriation ordinances.
6. Any ordinances concerning annexation or disannexation of territory to or from the Town, or binding boundaries of the Town.
7. Any ordinances changing or concerning names of streets, or opening or closing streets.

8. Any ordinances which constitute amendments to the zoning map of the Town.
9. Any ordinances accepting, releasing, or abandoning easements.
- 1.04. Subsequent Ordinances. Ordinances passed after the effective date of this Code shall be incorporated into same at its annual revision as hereinafter provided (or as directed by the Town Council). Said ordinances shall be passed as amendments or additions to this Code, unless they are of limited or special application, or are otherwise deemed to be not a part of this Code.
- 1.05. Numbering of Ordinances. Ordinances as passed shall be numbered in consecutive chronological order on a yearly basis, regardless of whether or not such subsequent ordinances are included in whole or in part in this Code.
- 1.06. Annual Revision. The Town Council, with the advice of the Town Attorney, shall annually make arrangements for the work necessary to prepare such revised and additional pages as are needed to keep this Code current and up-to-date at all times.
- 1.07. Preservation of Existing Rights. The repeal of any ordinance or portion thereof or any prior municipal code by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal takes effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof or prior municipal code had not been repealed.
- 1.08. Constitutionality. If any part or parts, section or subsection, sentence, clause or phrase of this Code is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.
- 1.09. Penalties. Any act or omission to act that has been declared to be unlawful by the Town Council, by this Code, ordinance, rule or regulation, where no specific penalty is provided for, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00).

Every day any violation of this Code or any such ordinance, rule or regulation shall continue shall constitute a separate offense.

- 1.10. Offenses Punishable Under Separate Provisions. In all cases where the same offense may be made punishable by different clauses or sections of the ordinances of the Town, the prosecuting officer may elect under which to proceed.

Such election by the prosecuting officer shall constitute a bar to subsequent prosecution of the same individual for the same act under all alternate ordinances.

1.11. Effective Date. Provided that the notice of adoption of this Code shall have been published for at least two weeks in an official newspaper of the Town, and that copies of this Code have been made available at the Town offices at a reasonable price for at least one week prior to the proposed effective date, this Code shall be effective as of January 1, 1996.

1.12. Public Availability. The Clerk-Treasurer of the Town shall permanently maintain a copy of this Code which shall be open to public inspection.

CHAPTER 2 - RULES OF CONSTRUCTION

2.01. General. In the absence of a contrary intent by the Town Council, the words and phrases used in all ordinances shall be construed in their plain, ordinary and usual sense.

2.02. Gender. Words used in the masculine gender shall include feminine and neuter.

2.03. Singular, Plural. Words importing the singular shall include the plural, and words importing the plural shall include the singular.

2.04. Time. The use of either past, present or future tense shall include the other tenses.

2.05. Joint Authority. Words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

2.06. Computation of Time. The time, within which an act shall be done, as herein provided, shall be computed by excluding the first and including the last. If the last day be a Sunday or legal holiday, it shall be excluded.

2.07. Agents. Whenever this Code requires an act to be done, said act may legally be performed by an agent or employees as well as by the principal; such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

2.08. Filing, Notification, etc. at Town Offices. Whenever this Code shall require filing, payment to, or notification of any Town official or department, said requirement shall be satisfied by filing, payment or notification at the regular office of such Town official or department during normal business hours on any business day.

2.09. And, Or. The words "and" and "or" may be read interchangeable where the sense requires it.

2.10. Preceding, Following. The words "preceding" and "following" shall mean

next before and next after respectively.

- 2.11. Written. The words "written" or "in writing" shall be construed to include any representation of words, letters, or figures whether by printing or otherwise.
- 2.12. Section Headings. The capitalized or bold print section headings of this Code are intended as mere catchwords for emphasis on contents only, and shall not be construed as a part of the section.
- 2.13. Repeal, Revival of Ordinance. When any ordinance or provision repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless the intent to do so shall be clearly stated. The repeal of any provision shall not be construed to abate, annul or otherwise affect any proceeding had or commenced under or by virtue of the repealed provision, and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent is clearly indicated.
- 2.14. Liberal Construction. In order that the true intent of the provisions contained in this Code may be fully carried out, all general provisions, terms, phrases and expressions contained herein shall be liberally construed.
- 2.15. Intent. The Town Code of Bremen, Indiana is intended as a codification of the existing law, and shall be construed in accordance with such intent.
- 2.16. Indiana Rules of Construction to Apply. The rules of construction established for the State of Indiana by statute or case law shall apply in the construction of this Code, unless they are clearly in conflict with the provisions herein, or otherwise clearly inapplicable.

CHAPTER 3 - DEFINITION OF TERMS

- 3.01. Common Terms Defined. Unless the particular context shall clearly require some other meaning, the following words which are frequently used in this Code shall mean:
- 3.02. Code. "Code", "the Code", or "this Code" may be used as short title for the Town Code of Bremen, Indiana.
- 3.03. Council. The word "Council", "the Council" or "such Council" shall mean the Town Council.
- 3.04. County. The words "the county" or "this county" shall mean the County of Marshall, State of Indiana.
- 3.05. Month. The word "month" shall mean a calendar month.
- 3.06. Oath. The words "oath" shall be construed to include an affirmation in all cases which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" shall be equivalent to the words "affirm" or "affirmed".
- 3.07. Owner. The word "owner" applied to a building or land shall include any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest, of the whole or part of such building or land.
- 3.08. Person. The word "person" shall include a corporation, firm, partnership, association, organization, trustee or any other group acting as a unit, as well as a natural person.
- 3.09. Property. The word "property" shall include real and personal property. The words "personal property" shall include every species of property except real property, and the words "real property" shall include lands, tenements, and hereditaments.
- 3.10. Public Place. The term "public place" shall mean any street or highway, sidewalk, park, cemetery, schoolyard or open space adjacent thereto, and any lake or stream or any other place of public resort or accommodation.
- 3.11. Reasonable Time. In all cases where any provision shall require any act to be done in a "reasonable time" or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.
- 3.12. Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.
- 3.13. Signature or Subscription. "Signature" or "subscription" shall include a mark when a person cannot write.

- 3.14. State. The words "the state" or "this state" shall mean the State of Indiana.
- 3.15. Street. The word "street" shall mean to include streets, avenues, boulevards, roads, alleys, viaducts and all other public highways in the Town.
- 3.16. Tenant. The words "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.
- 3.17. Town. The word "Town" shall be construed as if the words "of Bremen, Marshall County, Indiana" followed it.
- 3.18 Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.
- 3.19. Year. The word "year" shall mean a calendar year.
- 3.20. Other Definitions. Certain chapters of this Code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions provided in this chapter and such other definitions, the other definitions shall prevail in the chapters where applicable.
- 3.21. Indiana Definitions to Apply. Unless clearly in conflict with definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Indiana by statute or case shall apply to this Code.

CHAPTER 4 - ORDINANCES

4.01. Introduction of Ordinances and Resolutions. All ordinances, orders or resolutions shall be introduced by a member of the Town Council, or by any committee of said Council, or by the Board of Health. All ordinances upon introduction shall be consecutively numbered.

4.02. Unanimous Consent. No ordinance shall be passed on the same day or at the same meeting that it is introduced, except by unanimous consent, and a motion to suspend the rules, and then only in case there are present and voting at least three-fourths of all the members-elect of the Council.

4.03. Readings. Every proposed ordinance shall receive three separate readings by the Town Council previous to passage.

(1) First Reading.

The first reading of a proposed ordinance shall be for information, but may be read by title only, and such title shall clearly set forth the nature of the contents, and the proposed ordinance shall be immediately referred to the proper committee, or may be taken up by the entire Council.

(2) Second Reading.

Every proposed ordinance shall be read through by sections at its second, and at such reading it shall be in order to commit, to amend, to lay upon the table, to postpone or to pass to its third reading by a majority vote of all members-elect. Any proposed ordinance failing to receive a majority vote of all the members-elect at its second reading shall be considered lost. A proposed ordinance may be stricken from the files by a vote of three fourths of all the members elect before or after it has passed its second reading.

(3) Third Reading.

On the third reading of any proposed ordinance, no amendment shall be in order, except by a vote of three-fourths of the members-elect of the Town Council, and in no case shall the reading of any such proposed ordinance by sections be dispensed with on third reading except by unanimous vote. At stricken from the files.

any time before the fir

4.04. Tie; Tie-Breaking Vote. The Clerk-Treasurer of the Town Council shall cast a vote in instances where the vote cast by the members of the Council has resulted in a tie.

4.05. Adoption. Every ordinance, order or resolution of the Town Council shall be considered adopted upon its passage, enrollment, attestation and signature by the Clerk-Treasurer and the presiding officer, and upon a record having been

signed by all members of the Council present.

CHAPTER 10 - COUNCIL PROCEDURES

- 10.01. Regular Meeting Time. The regular, stated, and fixed meetings of the Town Council shall be the second and fourth Mondays of each month, and at such hours as the Council may.
- 10.02. Special Meetings. Special meetings may be convened at any time other than the regular scheduled meetings. Such meetings may be called by the President of the Council, or by a majority of the members of the Council.
- 10.03. Procedures for Special Meetings. The call for such special meetings shall be written or printed, and shall be signed by the person(s) calling, and sealed with the Town seal and countersigned by the Clerk Treasurer.

The service of such notice shall be made by the President or his appointed agent as follows:

- (1) By delivering a copy of said notice to each Council member or by leaving a copy at his usual place of residence.
- (2) By posting a copy of the notice at the Town Hall; and
- (3) By mailing a copy of the notice to all news media which have filed an annual written request in accordance with the provisions of Ind. Code 5-14-1.5-1 et seq.

All notices required hereunder shall be given at least forty-eight (48) hours before the meeting, except when the meeting is called to deal with an emergency as defined by Ind. Code 5-14-1.5-5(d), in which case notice of said meeting will be made by posting a copy thereof, and by giving the same notice to all news media who have requested notice as is given to Council

Members.

- 10.04. Quorum. A quorum shall consist of not less than three members of the Town Council.
- 10.05. Vacating of Council Seat. The seat of any member of the Council may be declared vacant by a two-thirds vote of the Council upon the failure of any member to be present during the sitting of the Council, unless excused by the members of the Council.
- 10.06. Calling the Meeting to Order. At the hour fixed for the opening of the meeting, the President shall take the chair and call the Council to order. Once determined that a quorum is present, he shall direct the Clerk Treasurer to read the minutes of the preceding meeting, unless the reading of the minutes be dispensed with.
- 10.07. Voting at Meetings. Every Council member shall be present within the designated meeting room during the meeting of the Council, and shall vote on each question put, unless he has a personal or pecuniary interest in the event of such question.

10.08. Appointment of Standing Committees. At the first annual meeting of the Town Council it shall be the duty of the President to appoint such standing committees as deemed necessary for the operation of the Town. At such time the President shall assign Council members as liaison to assist in the administration and operation of the departments as follows:

- | | |
|-----------------------------------------|---------------------------|
| (1) Electric Utility | (5) Parks and Recreation |
| (2) Police and Fire Department | (6) Zoning |
| (3) Streets, Water and Sewers | (7) Waste Water Treatment |
| (4) Public Buildings and
Real Estate | (8) Economic Development |

The Council President shall be a member of each committee by virtue of his office. The Committee shall consist of the liaison, the department head and the President of the Council.

10.09. Department Heads. The Department Heads shall be appointed by a majority vote of the Council. The Department Heads shall be responsible for the administration and operation of the respective departments, and each department head shall have the power and duty to direct such department subject to the ratification and approval of the Council.

It shall be the duty of each Department Head to report to the Town Council at any time the Council calls upon it to do so, or when they may deem it necessary so to do.

Personnel in the respective departments shall report to the Department Heads.

10.10. Appointment of Special Committees. The President may appoint committees for special purposes. Such committees shall expire when their purpose has been accomplished, or at such time as the Council may deem appropriate.

10.11. Order of Business. Business shall be taken up by the Council in the following order:

- (1) Roll call.
- (2) Reading the minutes of previous meeting.
- (3) Reading and referring claims and bills.
- (4) Reception of petitions and remonstrance.
- (5) Reports from department heads and special committees.
- (6) Unfinished business.
- (7) New business.
- (8) Miscellaneous.
- (9) Adjournment.

The Council may, by a majority vote, suspend the rules.

10.12. Procedures.

- (1) Rules of Order - Robert's Rules of Order shall govern except where

inconsistent with standing rules.

(2) Change of Rules - Any rule or rules of this Council may be changed, altered or amended by a majority vote of the Council, but the same shall not be passed at the same meeting it is submitted.

(3) Addressing the Council - When any member is about to speak, he shall address the Chair, and upon being recognized, shall confine himself to the question before the Council avoiding all personalities.

(4) Censure - If any member, in speaking or in any other manner, consent of the other Council members. If the violation be of such magnitude as to require censure, he shall be liable

trans

thereto subject to the

(5) Motions - When a motion has been made and seconded the Chair shall state it, or if in writing, cause it to be read aloud by the Clerk-Treasurer and attached to said ordinances.

10.13. Effective Date of Ordinances.

All ordinances passed by the Town Council requiring publication shall take effect on the date of publication, unless therein otherwise expressly provided.

Ordinances not requiring publication shall take effect from their passage and upon being signed and attested to, unless otherwise expressly provided.

Wherever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the part of such ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying the same. When publication is not required, the repealing or modifying ordinance shall take effect immediately upon passage, unless therein otherwise expressly provided.

CHAPTER 11 - TOWN GOVERNMENT

11.01. Town Government. The Town of Bremen shall be governed by a Town Council composed of four Council persons and one Clerk-Treasurer.

11.02. Election of Officers. Elections for Town officers shall be held in November, 1991, and every four years thereafter, and the first Tuesday after the first Monday in May, 1991 and every four years thereafter a primary election shall be held to nominate candidates for said November elections in accordance with the Provisions of Ind. Code 3-2-7-2.

11.03 Town Council

1. As used in this Code:
 - (a) "Council" refers to the Town council of the Town of Bremen.
 - (b) "Town" refers to the Town of Bremen.
2. The Council consists of four (4) members.
3. The members of the council shall be elected at large by the voters of the whole town in accordance with Indiana 36-5-2-5.
4. The Council members shall reside in the town when they file their declaration of candidacy and at the time of their election and taking office. A council member who moves his residence outside the Town limits immediately vacates his seat and shall be replaced.
5. The Clerk-Treasurer of the Town shall forward a signed copy of this Code to the Circuit Court Clerk of Marshall County and shall request the Clerk to include the copy of the Code section and Chapter 12 in the records of Marshall County Election Board.

11.04 Residency Candidates for the office of Town Council shall reside in the Town in which they are nominated and elected. Candidates shall be citizens of the United States and be of legal voting age.

11.05 Oath of Office Each candidate shall, prior to taking office, take and subscribe to the usual oath or affirmation for the faithful performance of the duties of their respective offices.

11.06 Term An elected term of office is four (4) years. If a vacancy occurs, the Council shall fill such vacancy by appointing a person to serve in that office for the remainder of the unexpired term unless otherwise provided by state law.

11.07 President of Council The election of a president shall be done at each annual meeting of the Town Council.

11.08 Powers of the Town Council The powers of the Town Council are to:

- (1) Elect a president.
- (2) Make and establish such by-laws, ordinances and regulations as may be necessary a
- (3) Determine the salaries to be received by the Councilpersons, Clerk-Treasurer, appointive to be affected by a majority vote.
- (4) Codify and publish Town ordinances.
- (5) Appoint a Town Attorney.
- (6) Appoint a Fire Chief; organize fire companies; and, provide equipment.
- (7) Appoint a street commissioner; lay, open, pave and maintain streets, alleys, sewers and sidewalks; and, regulate travel upon streets and thoroughfares.
- (8) Levy taxes within statutory limitations, subject to review by the County Board of Tax Adjustment and the State Board of Tax Commissioners.
- (9) Purchase and hold real estate necessary for carrying out town functions.
- (10) Build and repair municipal structures.
- (11) Insure public property of the Town.
- (12) Purchase and maintain cemeteries.
- (13) Plant trees and acquire land for park purposes.
- (14) Rent or lease park lands to individuals or organizations for the purpose of constructing
- (15) Provide recreation facilities for the Town, and establish a Board of Parks and Recreation to conduct playground and recreational centers.
- (16) Create a plan commission to promote orderly development of its government
- (17) Provide for lighting of streets and public places.
- (18) Regulate rail travel within the town, and require lighting of railroad crossings.
- (19) Contract with owners of real estate for the construction of storm and sanitary sew
- (20) May establish town drainage district upon petition.
- (21) May establish and regulate markets, and build market houses.

(22) Provide for a Town pound.

(23) Determine what constitutes a public nuisance and provide for its abatement.

(24) Regulate salesmen, merchants, itinerate vendors and street auctions.

(25) Carry out other necessary functions of the Town Corporation.

(26) Maintain electric and water utilities.

(27) Remove or contract for the removal of garbage, trash and refuse.

(28) All other powers not prohibited by law.

11.09 Clerk-Treasurer. The Office of Clerk-Treasurer is a combined office with the following duties:

(1) To have custody of the Town seal, the records, books and papers

(2) To record the proceedings of the Council.

(3) To issue licenses.

(4) To administer oaths and take depositions.

(5) To be responsible for the Town funds under the direction of the

(6) Office manager of Town utilities.

(7) Payment of Claims approved by the Council.

11.10 Payment of Claims (Pre Approval)

Section A: The Clerk-Treasurer is hereby granted authority to issue any checks between

Town Council meeting which would otherwise incur late charges, loss of discount, penalties or other constraints, for the following types of expenses:

a. Property or services purchased or leased from:

(1) The United States government; or

(2) An agency or a political subdivision of the U.S. Government

b. License fees or permit fees.

c. Insurance premiums.

d. Utility payments or utility connection charges.

- e. Federal grant programs if:
 - (1) Advance funding is not prohibited; and
 - (2) The contracting party provides sufficient security for the amount advanced.
- f. Grants of state funds authorized by statute.
- g. Maintenance agreements or service agreements.
- h. Lease agreements or rental agreements.
- i. Principal and interest payments on bonds.
- j. Payroll
- k. State, federal or county taxes.

Section B: The Town Council or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the Council or board's next regular or special meeting following the pre-approved payment of the expense.

11.11 Town Attorney. The duties of the Office of Town Attorney shall be:

- (1) Management of the Town's law business and of the legal
- (2) Prosecution of all violations of Town ordinances.
- (3) Service as legal advisor to all Town departments.
- (4) Preparation of all cases, ordinances, contracts and other
- (5) Handling of all Town litigation.
- (6) Making all title searches and examining all abstracts
- (7) Employing of assistants within ordinance limits.
- (8) Instituting all proceedings necessary to protect the

11.12 Fire Marshall. The Town Fire Marshall is appointed by the Town Council, and is subject to dismissal by the Council. Duties of said Marshall include:

- (1) Directing and taking charge of the fire protection of the Town.
- (2) Directing and taking charge of the Town's Volunteer Fire Department.

11.13 Building Commissioner. The Office of Town Building Commissioner is established. Said Building Commissioner has the principal responsibility for insuring compliance with all ordinances related to zoning and shall be appointed

by the Town Council.

11.14 Police Chief. The Town Police Chief is appointed by the Town Council and is subject to dismissal by the Council. Duties of the Police Chief include:

- (1) Enforcement of all laws and ordinances.
- (2) Directing and taking charge of the Town's Police Department.
- (3) Performance of all duties of the traffic engineer as per 60.08 of this Code.
- (4) All other duties necessary to promote safety and security within the Town.

11.15 Director of Operations. The Office of Director of Operations is established. Said director has the principal responsibility of insuring the efficient operation of each department, individually and jointly, and for the smooth administration of the services provided by the Town government and shall be appointed by the Town Council and report directly to the Town Council.

CHAPTER 13 - TOWN PLAN COMMISSION

- 13.01 Establishment. There is hereby created a Plan Commission for the Town of Bremen, which commission shall exercise all powers and duties as provided by law. This commission shall serve in an advisory capacity to presently established boards and officials.
- 13.02. Plan Commission. The Plan Commission shall consist of nine (9) members. Membership shall be determined as follows:
- (1) Three (3)-commission members shall be from the Town Council.
 - (2) The president of the Council shall appoint four (4) citizen members, not more than two (2) of whom shall be members of the same political party.
 - (3) Two (2) members from the jurisdictional area, each of whom shall be of a different political party, shall be appointed according to law by the Judge of the Circuit Court.
- 13.03. Powers. The Commission has the power to establish its own rules and regulations within the statute, to appoint a secretary and professional consultants whom it deems necessary for the making of survey, studies, maps, plans, charts, ordinances, or such other data as fall within the scope of the Commission's authority.

CHAPTER 14 - BOARD OF ZONING APPEALS

14.01 Membership. A Board of Zoning Appeals is established, with membership as follows:

- A. Five (5) members appointed by the Town Council President, two (2) of whom must be members of the Plan Commission; and,
- B. One (1) member appointed by the Judge of the Marshall County Circuit Court from the jurisdictional area.

At the first meeting in each calendar year, the Board shall elect from among its members a Chairman and a Vice-Chairman.

14.02. Powers and Duties. The function of the Board is to hear and determine appeals for exceptions to Town zoning ordinances.

Consistent with State law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharging its duties.

The Board shall prescribe such regulations, as it considers necessary to carry out the Town zoning ordinances.

14.03. Public Availability. Meetings of the Board shall be open to the public.

The Board shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing, and record the vote of each member on each question. Minutes and records shall be filed in the office of the Board and made available to the public.

14.04. Hearings. Upon application for a Special Exception or Variance, and upon appeal from a decision of the Building Commissioner, the Board shall hold a public hearing. Public notice setting forth the time and place shall be given at least fifteen (15) days before the date of the hearing in a newspaper of general circulation in the County. Interested parties shall be notified as provided by the Board. The cost of such notices shall be borne by the person applying or appealing.

14.05. Variances. The Board may grant a Variance with respect to specific property or an intended use if, after a hearing under Section 14.04, it finds that.

(1) There are special circumstances relating to the property or intended use that do not generally affect other property or other uses of the same kind in the same district and vicinity.

(2) The special circumstances create hardship in that, if the Variance is not granted, a substantial property right that is enjoyed by other properties in that district and vicinity cannot be enjoyed.

(3) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to other property or uses in that district and vicinity; and

(4) The granting of the Variance will not materially change the character of that district and vicinity, materially lower the market value of adjacent property, or materially increase congestion in the streets.

14.06. Appeals. A decision of the Building Commissioner enforcing a zoning ordinance may be appealed to the Board by any person who is adversely affected by the decision.

On an appeal under the above, the Board may reverse, modify or uphold any decision that the Building Commissioner might have made.

A decision of the Board is subject to review by certiorari.

14.07. Enforcement. Any person may, by suit in the Circuit or Superior Court of the County, enjoin the violation of the zoning ordinance.

The Commission or the Board may, by mandatory injunction in the Circuit or Superior Court of the County, require the removal of a structure erected in violation of the ordinance.

A use that violates an ordinance shall be treated as if it were a common nuisance, and it may be abated in the same manner as such a nuisance.

14.08. Filing Fees. Applications and petitions filed pursuant to the provisions of this Chapter shall be accompanied by a filing fee which filing fee shall be in accordance with a Schedule, established by the Board of Zoning Appeals and approved by the Town Council and placed on file in the Office of the Town Clerk-Treasurer which office shall also serve as the Office of the Board of Zoning Appeals.

14.09. Amendments. All amendments to this Chapter shall be in accordance with the laws of the State of Indiana.

14.10. Remedies and Penalties.

A. Action on the violation of any provision of this Chapter and the rights of injunction against such violation shall be as provided by Chapter 174, Acts of 1957, of the Indiana General Assembly, and all acts amendatory thereto.

B. In addition to the remedies provided under sub-section A herein above, any violation of any provision of this Chapter shall be deemed to be an infraction punishable by a fine of up to Three Hundred Dollars (\$300.00). This shall include but not be limited to a failure to obtain an Improvement

Location Permit (See

CHAPTER 15 - POLICE OFFICERS

15.01. Board of Police Commissioners. There is hereby created a Metropolitan Board of Police Commissioners for the Town, which Board shall have full powers and duties as set forth under the laws of the State of Indiana and as modified from time to time hereafter.

15.02. Board Members. Said Board shall consist of three (3) members who shall be appointed by the Town Council. All members shall be legal residents of the Town, and no more than two shall be of the same political party. Each member shall serve a three (3) year term, with terms staggered, such that one commissioner is appointed on January 1st of each year.

Each of such commissioners shall be subject to removal by the Town Council for any cause which the Board may deem sufficient.

Before entering upon their duties, each member shall take and subscribe an oath of office before the Clerk, and shall also take and subscribe before such Clerk the further oath or affirmation that, in any and every appointment or removal to be made by them, to and from the police force created and to be organized by them under the laws of the State, they shall in no case and under no pretext appoint or remove any policeman, officer of police, or other person because of any political affiliation of such person, or for any cause or reason other than that of fitness or unfitness of such person.

Salary of the Board members shall be Three Hundred Dollars (\$300.00) per year, payable annually out of the treasury of the Town.

15.03. Definitions. For the purposes of this Chapter, certain words or phrases shall have the following meaning:

"Years of Satisfactory Service" shall be construed to mean years of continuous, uninterrupted active duty as a police officer of the Town, except as provided in Section 15.05.

"Police Officer" shall be construed to mean all policemen employed by the Town of Bremen, or to be employed by the Town, whether such police officer be Chief, Assistant Chief, Captain, Sergeant or Patrolman, or other type or classification as may be created by the Town Council, but does not mean volunteer or part time policemen.

"Base Pay" shall be the annual compensation paid to the police officers as determined on an annual basis by the Town Council, and the monthly base pay shall be the amount of said compensation divided by twelve (12).

15.04. Probationary Period. A police officer shall be considered as a probationary police officer for a period of one (1) calendar year from the date of his employment as a police officer, and he shall be subject to dismissal at the suggestion of the Police Chief with the approval of the Metropolitan Board of Police Commissioners. His salary for the probationary period shall be considered his "base pay" for the purposes of this Chapter.

- 15.05. Leaves of Absence. The Board of Police Commissioners shall have the right, upon application by a police officer and for good cause, to grant a leave of absence for a period of time determined by said Board. A police officer shall not lose his previously accumulated "years of satisfactory service" while on leave of absence, but the time during which the police officer is on a leave of absence shall not be included in determining the total number of years of satisfactory service.
- 15.50. Establishment of Police Reserve. There is hereby established pursuant to IC 36-8-3-20 a police reserve for the Town of Bremen, Indiana, to be known as the Bremen Auxiliary Police Department.
- 15.51. Membership. The Bremen Auxiliary Police Department shall consist of twenty (20) members appointed by the Bremen Police Commission and shall have the police powers and authority authorized by the Indiana Code except as limited by the rules and regulations adopted by the Police Commission.
- 15.52. Eligibility. Police reserves may not be members of the regular Police Department and are not eligible to participate in any pension program and shall receive those benefits as provided by Town ordinance.
- 15.53. Training. No member of the police reserves shall be appointed until he has completed the training and probationary period specified by the rules of the department. Further, those officers appointed after June 30, 1993, shall complete a pre-basic course set out under IC 502-1-9(f)

16.01 Collection of Fines. Fines collected as penalties for violations of the Ordinance regulating motor vehicles within the Town shall be receipted to the General Fund as miscellaneous revenue.

16.03 Pension Fund Board of Trustees. Said Pension Fund shall be governed and managed by a Board of Trustees, to be composed of the President of the Town Council, the Town Clerk-Treasurer and the Chief of Police and three (3) members (1 retired and 2 active) elected by the police department.

16.04 Board Elections. The retired member and the active members of the police force who are elected to Board membership shall be so elected at a meeting of the members of the police force which shall be held at the police station on the second Monday in February of each year. The Board of Trustees members of the Pension Fund now in office shall continue in office for the respective terms for which they were selected, and thereafter there shall be selected on the second Monday in February of each year two (2) trustees for a term of three (3) years to succeed those whose terms of office shall expire on such date, and such Trustees shall hold their said offices until their successors shall be elected and qualified.

1. President. The President of the Town Council shall be President of this called meetings of same held with relation to the Fund.

Board. It sh

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monthly account of his acts and services as such and turn over to his
discharge of the duties of his position.

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The Secretary and Treasurer shall make full reports of their trusts
to the Board of Trustees on the first Monday in February of
each year, and shall file copies of same with the Town
Clerk-Treasurer. The books of the Secretary
and Treasurer shall at all times be open to examination by any

member of the Pensi

16.06. Board Vacancies. In the event of a vacancy in the office of any of the
Trustees selected by the police force, then such police force shall, within a
reasonable time thereafter, upon the call of the President of the Town
Council, hold a special meeting and elect a successor for the remainder of the
term of such member.

16.07 Expenses of Board Members. Pension Fund Trustees shall receive no
pay for their services, and shall be paid only their necessary expenses.
Trustees shall, however, be paid out of the Fund their necessary traveling
expenses when acting upon matters pertaining to the Police Pension Fund.

16.08 Board Powers. The Board of Trustees of the Police Pension Fund shall
have the following
powers:

1. To make all necessary by-laws for meetings, the manner of their
election and the counting and canvassing of the votes
there for.
2. To collect all money and other property due or belonging to such
fund.
3. To adopt rules for the operation of such fund in accordance with the
Laws of the State of Indiana.

16.09 Source of charge and control of the Police Pension Fund of the Town
which shall be derived from all sources permitted under Ind. Code 19-1-24-2 as
amended.

16.10 Investment and Payment of Benefits. The Board of Trustees of the
Fund shall have the powers and duties concerning the investment of said
funds and the payment of benefits as required by Ind. Code 19-1-24-3 as
amended.

16.11 Further Provisions. All provisions of Ind. Code 19-1-24-1 et seq, are
incorporated herein by reference in so far as applicable.

CHAPTER 17 - DEPARTMENT OF PARKS AND RECREATION

- 17.01. Department Established. There is hereby established a Department of Parks and Recreation composed of the Board of Parks and Recreation, a Superintendent, and such other personnel as the Town Council may determine.
- 17.02. Membership. The Park and Recreation Board shall be composed of five (5) members appointed by the President of the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than three (3) members shall be of the same political party.
- 17.03. Terms of Members. Upon establishment of the board, the terms of the members initially appointed shall be:
1. One (1) member for a term of one (1) year,
 2. One (1) member for a term of two (2) years,
 3. One (1) member for a term of three (3) years, and,
 4. Two (2) members for a term of four (4) years.
- As a term expires, each new appointment shall be made by the President of the Town Council for a term of four (4) years. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed. If an appointment for a new term is not made by the President of the Town Council by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the President of the Town Council shall appoint a new member for the remainder of the unexpired term.
- 17.04. Officers. At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership.
- 17.05. Powers. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all powers and duties listed in IC 36-10-3.
- 17.06. Budget. The Board shall prepare and submit an annual budget in the same manner as other departments of Town government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

CHAPTER 18 - FIRE DEPARTMENT

- 18.01. Chief. The Town Council shall appoint the Town Fire Marshall, who shall be known as the Chief of the Volunteer Fire Department. The Chief shall serve at the pleasure of the Town Council.
- 18.02. Duties of Chief. The Town Fire Marshal and Chief of the Volunteer Fire Department is delegated the responsibility for the organization and operation of the Fire Department known as the Bremen Community Fire Department, and said Chief shall report to and be under the direction of the Town Council and shall have such other duties and obligations as may from time to time be assigned to him by the Town Council.
- 18.03. Assistant Fire Chief. The Chief of the Volunteer Fire Department shall nominate and appoint an Assistant Fire Chief, subject to the approval of the Town Council, and said Assistant shall serve at the pleasure of the Chief.
- 18.04. Volunteer Fire Department. The Volunteer Fire Department shall be under the supervision and direction of the Chief, and such Department shall consist of such membership, and adopt and promulgate such rules and regulations, as the membership shall determine subject to the acceptance and approval of the Chief and the Town Council.
- 18.05. Compensation. The Town Council shall determine and establish the monetary compensation and other compensatory benefits for the Chief and the other members of the Volunteer Fire Department, and said Council may from time to time alter, amend and change said compensation and benefits as allowed by law.
- 18.06. Reports. The Chief shall be responsible for providing to the Town Council an annual report to include the activities of the Volunteer Fire Department, which report shall be submitted on or before the first meeting in January of each year for the prior year's activities, or at such other time and also such other reports as the Council may from time to time require.
- 18.51 Definitions: The following terms when used in this ordinance shall have the following meanings:
- a. "Alarm System" means any mechanism, equipment or device which is designed or used for the detection of an unauthorized entry into a building, structure, facility or enclosed area or a device utilized to alert others of the commission of an unlawful act, or a fire within a building, structure, facility or enclosed area, said device emitting a sound or transmitting a signal message when activated. Provided, however, that this definition does not include "local alarm systems".
 - b. "Local alarm system" means a devise alerting only individuals located upon the premises which is subject to the commission of an unlawful act or fire, or the threat of an unlawful act or fire. An example of a "local alarm system" included, but is not limited to, a home smoke detector or a home burglar alarm that does not directly alert the Bremen Police Department by direct telephonic or other means.

- c. A “second-party alarm monitoring agency” shall mean any private business, providing an alarm monitoring service to another person or entity, which, in the event of an activated alarm would telephone or otherwise notify the appropriate department to report said alarm. Such a “second-party alarm monitoring agency” is not considered a “local alarm system”.
- d. “False alarms” shall mean the activation of an alarm where the casual factor lacks validity in its notification of the appropriate department. A non-exclusive listing of examples of factors lacking validity shall include intentional, knowing, reckless or negligent activity on the part of the user or person on the property; improper installation, equipment misuse, malfunction or failure, and, the performance of alarm system maintenance work without having first notified the fire department or police department of the Town of Bremen. A non-exclusive listing of alarms lacking validity but which are exempted from the preceding definition shall be telephone line interruptions occurring outside of the premises where the alarm is located, alarms triggered by severe weather conditions or any other act of God, alarm trouble indications, and pre-arranged alarm system tests.

18.52 Fees: The owner of the property upon which an alarm has been installed shall be the party against whom fees shall be imposed under this ordinance. There shall be no fees imposed for three (3) false alarms in any calendar year. However, upon the fourth false alarm in any calendar year, a fee of Twenty-five Dollars (\$25.00) shall be imposed against the owner of the real property upon which the alarm system has been installed. Upon the fifth false alarm in any calendar year, a fee of Fifty Dollars (\$50.00) shall be imposed. Upon the sixth and every subsequent false alarm in any calendar year the fee shall be One Hundred Dollars (\$100.00).

18.53 Response to alarm:

- a. Whenever an alarm system is activated in the Town of Bremen, thereby requiring an emergency response on the premises by the police or fire department and to which the police or fire department responds, the senior officer on the premises where said alarm system is activated shall inspect the area protected by the system and shall determine whether the emergency response was required as indicated by the alarm system. If the senior officer on the premises of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm and shall submit the same to the chief of the department. If the chief concurs that the alarm was false, then notice of a false alarm shall be sent to the owner of the real property upon which the alarm system has been installed. The chief shall keep a record of the number of false alarms for any particular property owner for each calendar year. Upon the occurrence of the fourth false alarm in any calendar year, the notice shall reflect the imposition of fees equal to those referred to above.

18.54 Appeal of imposition of fees: The owner of property in which an alarm system has been installed may object the imposition of fees based upon the ordinance, and/or the determination that false alarms have occurred on the premises. The owner may appeal the decision to impose fees by filing a written objection with the chief of the department within thirty (30) days of the date of the notice. This appeal shall be to the Town Council who shall make the final decision on the imposition of any fees pursuant to this ordinance.

CHAPTER 19 - BOUNDARIES

19.01 CHAPTER 19 - BOUNDARIES

The following description encompasses the corporation limits of the Town of Bremen, Marshall County, Indiana, as of the effective date of this Code:

Commencing at the intersection of the center line of the Yellow River and the North right-of-way line of the Baltimore & Ohio Railroad in the South west Quarter (SW-1/4) of Section 27, Township 35 North, Range 3 East: thence Southeasterly along the North right-of-way line of the B & O RR to a point where it intersects the East right-of-way line of State Road #331; thence North along the East right-of-way line of State Road #331 to a point where it intersects with the North right-of-way line of the U.S. Route #6 By-Pass; thence East on the North right-of-way line to a point where it intersects with the west line of the East one-half (E-1/2) of the Northwest Quarter of Section 26, Township 35 North, Range 3 East; thence South along said half section line to the South line of the East one-half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 26; thence East along said line to a point directly North of the Northwest corner of Rolling Heights Subdivision; thence due South to the Northwest corner of said Subdivision; thence East along the North side of said Subdivision to the Northeast corner of said Subdivision; thence South along the East line of said Subdivision to the North right-of-way line of Fourth Street; thence East along the North right-of-way line of Fourth Street to the Northwest corner of Bremen Cemetery; thence due North along the West line of the East one-half of Section 26, Township 35 North, Range 3 East to where it intersects the North right-of-way line of the U.S. Route #6 By-Pass; thence East on the North right of way of U.S. Route #6 to the West right-of-way line of Douglas Road; thence South along the West right-of-way line of Douglas Road to a point where it intersects with the South line of Second Street; thence East on the South line of Second Street extended to the Northeast corner of a tract now owned by John Pfeiffer; thence South on the East line of said tract extended to where it intersects with the South right-of-way line of the B & O RR; thence westerly along the South right-of-way line of the B & O RR to where it intersects the West right-of-way line of U.S. Highway No. 6; thence South along the West highway line of U.S. highway line of U.S. Highway No. 6 to a point where it intersects the middle point of the North branch of the Yellow River (Armey Ditch); thence Southeasterly along the center of said River to a point where it intersects with the South line of State Road #331; thence continuing Southeast along the center line of the Armey Ditch to the East line of the Clifford D. Zillmer and Betty J. Zillmer parcel (Deed Record 1975, page 6340, Office of the Marshall County Recorder); thence South 00°07'37" East (South 00°34'05" West recorded), along the East line of said Zillmer parcel, to the Northeast corner of a tract of land conveyed to Kae L. Crum (recorded in deed record 1984, page 8580, in the office of the Marshall County Recorder); thence South 89°59'36" West, along the North line of said Crum property and along the North line of Lot 1 in Sonny Meadows Section 3, 331.58 feet to the Northwest corner of said Lot 1, said point also being the Northeast corner of Lot 10 in Sonny Meadows Section 4; thence South 00°03'35" East along the East line of said Lot 10, 454.92 feet to the South line of the Southwest quarter of said Section 36; thence South 90°00'00" West, along said South line, 1269.30 feet to the Southwest corner of said Sonny Meadows Section 4; thence North 00°20'56" West along the West line of said Sonny Meadows Section 4, 291.6 feet to the Northeast corner of the Marsha L. Patterson tract (recorded in deed record 1988, page 1245 in the office of the Marshall County Recorder); thence South 89°46'22" West, along the North line of said Patterson tract, 449.00 feet to the Northwest corner of said Patterson tract; thence South 00°25'39" East, 121.27 feet to a point 19.60 feet East of the Northeast corner of Lot 10 in Sonny Meadows Section 1; thence South 89°56'40" West, along the North line of said Lot 10, 119.51 feet to the Northwest corner of said Lot 10; thence South 00°00'30" East, along the West line of said Lot 10 and said line projected Southerly, 170.00

feet to the South line of the Southeast quarter of said Section 35; thence North 89°59'59" West, along said South line, 60. Feet; thence North 00°00'30" West, along the east line of Lot 9 in said Sonny Meadows Section 1 and said line projected Southerly, 170.00 feet to the Northeast corner of said Lot 9; thence South 89°57'41" West, along the North line of said Sonny Meadows Section 1, 960.00 feet to the Northwest corner of Lot 1 in said addition; thence North, 308.34 feet to the South line of a tract of land conveyed to John L. Pfeiffer (recorded in deed record 1987, page 6907 in the office of the Marshall County Recorder); thence South 89°57'00" West, along the South line of said Pfeiffer tract, 1204.10 feet to the center line of North Elm Road, said point also being the Northwest corner of Gooding's Second Addition to the Town of Bremen; thence North, along the East right-of-way line of said Alexander Street, to the South line of Lincoln Street extended; thence South 89°41'39" East, along the South line of said Lincoln Street extended; thence West to the West line of South Center Street (Elm Road); thence North along the West right-of-way line of South Center Street to a point 1152.2 feet South of the Northeast corner of the Southwest Quarter (SW-1/4) of Section 35, Township 35 North, Range 3 East; thence West 767.1 feet; thence North 502.2 feet; thence West to the West line of the East Half of the Southwest Quarter of Section 35, Township 35 North, Range 3 East; thence North to the Southeast corner of Roeder's Addition; thence West along the South line of Roeder's Addition to the West right-of-way line of South Baltimore Street; thence North along the West right-of-way line of Baltimore Street to the South Line of I. L. Kelley's Addition; thence West along the South line of said Addition to the East right-of-way line of South Bowen Street; thence South along the East right-of-way line of South Bowen Street to the South right-of-way of Stock Street; thence West along the South right-of-way line of Stock Street to the Northwest corner of Lot No. 1 of Owen Stock's 3rd Addition; thence South along the West line of said subdivision to the South line of Section 35, Township 35 North, Range 3 East; thence West along the said section line to the Southwest corner of the Southeast quarter of the Southeast Quarter; thence North to a point 336.3 feet South and 45.0 feet East of the Southwest corner of Lot No. 11 of Southlawn Estates which is on the North line of the South Half (S-1/2) of Section Thirty-four (34), Township Thirty-five (35) North, Range Three (3) East; thence West along said quarter section line to the center of the Yellow River; thence North following the center line of the Yellow River to the point of beginning of this description.

Lot Number One (1) in Owen Stock's Addition, except the South ten (10') feet thereof, located in the Southeast Quarter (SE-1/4) of Section Thirty-four (34), Township Thirty-five (35) North, Range Three (3) East, German Township, Marshall County, State of Indiana.

A tract of land located in the Southeast quarter of Section 35 and in the Southwest quarter 145.0 acres more or less, more particularly described as follows, commencing at the Northeast corner of the Southeast quarter of said Section 35; thence North 89°38'00" West, 428.12 feet to the Northeast corner of Lot 8 in Beyler's Addition to the Town of Bremen; thence South 00°28'14" West, along the East line of said Section 36 in Township 35 North, range 3 East, German Township, Marshall county, Indiana containing id Beyler's Addition, 566.68 feet to the point of beginning; thence South 89°36'41" East, 2187.94 feet (South 89°41'39" East, 2188.96 feet recorded) to the East line of the Clifford D. Zillmer and Betty J. Zillmer parcel (Recorded in Deed Record 1975, Page 6340, in the office of the Marshall County Recorder; thence South 00°07'37" East (South 00°34'05" West recorded), along the East line of said Zillmer parcel, 1642.55 feet to the Northeast corner of a tract of land conveyed to Kae L. Crum (recorded in deed Record 1984, Page 8580, in the office of the Marshall County Recorder); thence South 89°59'36" West, along the North line of said Crum property and along the North line of Lot 1 in Sonny Meadows, Section 3, 331.58 feet to the Northwest corner of said Lot 1, said point also being the Northeast corner of Lot 10 in Sonny Meadows, Section 4; thence South 00°03'35" East, along the East line of said Lot 10, 454.92 feet to the South line of the Southwest quarter of said Section 36; thence south 90°00'00" West, along said South line, 1269.30 feet to the Southwest corner of said Sonny Meadows, Section 4; thence North 00°20'56" West along the West line of said Sonny

Meadows Section 4, 391.63 feet to the Northeast corner of the Marsha L. Patterson tract (recorded in Deed Record 1988, Page 1245 in the office of the Marshall County Recorder); thence South $89^{\circ}46'22''$ West, along the North Line of said Patterson tract, 449.00 feet to the Northwest corner of said Patterson tract; thence South $00^{\circ}25'39''$ East, 121.27 feet to a point 19.60 feet East of the Northeast corner of Lot 10 in Sonny Meadows, Section 1; thence South $89^{\circ}56'40''$ West, along the North line of said Lot 10, 119.51 feet to the Northwest corner of said Lot 10; thence south $00^{\circ}00'30''$ East, along the West line of said Lot 10 and said line projected Southerly, 170.00 feet to the South line of the Southeast quarter of said Section 35; thence North $89^{\circ}59'59''$ West, along said South line, 60.00 feet; thence North $00^{\circ}00'30''$ West, along the East line of Lot 9 in said Sonny Meadows, Section 1 and said line projected Southerly, 170 feet to the Northeast corner of said Lot 9; thence South $89^{\circ}57'41''$ West along the North line of said Sonny Meadows Section 1, 960.00 feet to the Northwest corner of Lot 1 in said addition; thence North, 308.34 feet to the South line of a tract of land conveyed to John L. Pfeiffer (Recorded in Deed Record 1987, page 6907 in the Office of the Marshall County Recorder): thence South $89^{\circ}57'00''$ West, along the South line of said Pfeiffer tract, 1204.10 feet to the centerline of North Elm Road, said point also being the Northwest corner of Goodings Second Addition; thence North $00^{\circ}00'00''$ East, along the centerline of said Elm Road, 724.55 feet; thence North $89^{\circ}49'00''$ East, along the South line of Beyler's addition and along the North line of said Pfeiffer tract, 1212.45 feet to the Northeast corner of said Pfeiffer tract; thence North $89^{\circ}05'57''$ East to the East right-of-way line of Alexander Street, said point being opposite the Southeast corner of Pfeiffer's Second Addition to the Town of Bremen; thence North, along the East right-of-way line of said Alexander Street, to the South line of Lincoln Street extended; thence South $89^{\circ}41'39''$ East, along the South line of said Lincoln Street extended, to the point of beginning.

CHAPTER 20 - ECONOMIC DEVELOPMENT

- 20.01 Creation. There is hereby created the Bremen Economic Development Commission to carry out the provisions as set forth below and as enacted by the General Assembly of the State of Indiana in the "Promotion of Economic Development" (the Act) and as may be amended from time to time. 18-6-4.5-1 ET Seq.
- 20.02 Purpose. The purpose of said Commission shall be to investigate, study and survey the need for job opportunities, industrial diversification and economic stability, development and general welfare of the Town, and to carry out the duties and powers as set forth in the Act.
- 20.03 Members. The members of said Commission shall be appointed and shall perform the duties and exercise the powers all as set forth in the Act.
- 20.04 Economic Development Fund. There is hereby created a separate Economic Development Fund into which contributions may be deposited by various individuals, corporations or groups, to be used for economic development purposes. The Town Council shall also review and approve a budget for Economic Development, including the salary of the Director, and may allocate tax or utility revenues to the Economic Development Fund.
- 20.05 Director of Economic Development. There is hereby created the position of Director of Economic Development who shall be responsible for coordinating efforts to promote and plan economic development in the Town of Bremen, Indiana. The Director shall be subject to the supervision and direction of the Town Council.

CHAPTER 21 - URBAN DEVELOPMENT AREAS

21.01. The Plan Commission of the Town of Bremen, Indiana, is hereby designated as the Agency of the Town of Bremen which shall receive all applications from persons, firms, organizations or corporations requesting that certain real estate be designated as an Urban Development Area.

21.02 FEES. The fees, unless waived by the Town Council, to be paid by the applicants on the real estate to be designated as an Urban Development Area, shall be paid to the Clerk-Treasurer of the Town, and shall thereafter remain the property of the Town, and are as follows:

<u>Fee</u>	<u>Value of Proposed Improvements</u>
\$ 50.00	\$ 0 to \$ 25,000.99
\$150.00	\$ 25,001.00 to \$ 75,000.99
\$300.00	\$ 75,001.00 to \$500,000.99
\$500.00	\$500,001.00 and over

21.03 Printed Forms. The Plan Commission of the Town of Bremen, Indiana, shall prepare printed forms and require all applicants applying for designation of real estate as an Urban Development Area to use such forms in making application for such designation. The Plan Commission shall consider the following items in preparing such printed forms: Proposed use of real estate; proposed type and cost of buildings and equipment, if improvements are proposed; proposed operation and number of jobs to be created; real estate description; and proposed development of the real estate if improvements and/or buildings are not immediately contemplated.

21.04 Recommendations and Final Approval. The Plan Commission, after receiving an application requesting Urban Development Area designation, shall investigate the applicant to determine the best interests of the Town, shall hold public hearings thereon, if necessary or advisable, and shall thereafter make written recommendations to the Town Council as to the desirability or non-desirability of designating the area described in the application as an Urban Development Area. The Town Council shall make final approval of all applications, and the application shall be attached to the Ordinance.

21.05 This Chapter shall apply only to structures on real estate located in the Town of Bremen which is zoned Industrial.

21.06 Expiration of Permit. If Improvements as proposed in the application for Urban Development Status are not started within one (1) year from the date of designation, the Urban Development permit therefore shall expire; however, the applicant may re-apply, and the application fee therefore shall be fifty (50%) percent of the original fee. Such re-application shall be made within ninety (90) days from the date of expiration of the one (1) year period.

21.07 Where an area has been designated as an Urban Development Area, such status shall expire five (5) years after the date of designation; however, such expiration shall not affect any persons, firms, organizations or corporations who have applied for and received tax abatement status, in accordance with the

law.

21.08 This Chapter shall not give any person, firm, organization or corporation any rights as to tax abatement status as would be a longer period of time, or greater than as provided by the laws of the State of Indiana.

21.10 Non-reverting Fund for Fire Department User Fees. There is hereby established a Fire Department User Fee Fund for the deposit of user fees collected and billed by and on behalf of the Fire Department which fund will be a non-reverting fund with the proceeds to be used solely for the purchase of fire equipment upon submission of the appropriate purchase order and claim form by the Fire Department.

21.20 None-reverting Fund for Police Department Restitution Money. There is hereby established a non-reverting Police Department Restitution Fund to be administered by the Clerk's Office for receipt of restitution payments ordered by the Probation Departments or the Courts in criminal cases. The funds thus received may be used only by the Police Department for the purchase of new equipment or repairs to existing equipment upon the submission of the proper purchase order and claim forms.

CHAPTER 31 - SPECIAL FUNDS

- 31.01. General Improvement Fund. There is hereby created and established a General Improvement Fund as authorized by IC 18-6-3. The purpose of such fund is to establish a permanent revolving fund to be used for financing public improvements which are to be paid for by special assessments. Accounting for the financing of public improvements handled through this revolving fund requires the use of the regular Barrett Law forms that are applicable. The Town Council is hereby authorized to fix the time within which assessments shall be paid, which time shall not extend beyond a period of five (5) years. The aggregate sum which may be appropriated and levied shall not exceed the equivalent of fifty cents on each one hundred dollars of net taxable valuation. All collections on such assessments shall be receipted to the General Improvement Fund and all portions of such costs as shall be assumed by the town of public improvement projects shall also be receipted to this fund, thus making the General Improvement Fund self Sustaining. The Council, upon establishing the assessment, may also determine interest rates, not to exceed twelve (12%) percent, and penalties, not to exceed ten (10%) percent, and all such interest and penalties collected on assessment are to be receipted to the Town General Fund.
- 31.02. Promotional Fund. A fund, the Bremen Promotional Fund is hereby established. The Town Council is hereby authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality. Expenditures from this fund may include, but are not necessarily limited to the following:
- a. Membership Dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.
 - b. Direct expenses for travel, meals, and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.
 - c. Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel.
 - d. Commemorative plaques, certificates, or objects such as commemorative keys.
 - e. Other purposes which are deemed by the Town Council to directly relate to promotion or betterment of the Town.
- 31.03. Confidential Expenditure Fund. There shall be included in each annual Town Budget a Confidential Expenditure Fund in an amount to be determined by the Board of Trustees, which fund shall be included in those funds budgeted for the Metropolitan Police Department and shall be treated as a petty cash fund under IC 36-8-3 under the supervision of the Chief of Police or an officer he designates. The Town Council shall adopt by resolution a minimum

documentation procedure in compliance with the requirement of the State Board of Accounts.

- 31.04. Cumulative Capital Development Fund. There is hereby established a Cumulative Capital Development Fund for the following purposes: Fire Equipment, Police Radios, Park and Recreation Equipment and Improvements.

And the levying of an additional tax at the rate of five (\$.05) cents on each one hundred (\$100.00) dollars of taxable real and personal property within the taxing district to provide monies for said fund, said tax to be first levied in 1987, payable in 1988, and annually thereafter at the rate of ten (\$.10) cents in 1988, payable in 1989, and fifteen (\$.15) cents levied in 1989, payable in 1990, a period not to exceed three (3) years, as provided for in Indiana Code 36-9-15.5. Provided that such tax may be extended or renewed as provided by law.

- 31.05 Non-reverting Fund for Fire Department User Fees. There is hereby established a Fire Department User Fee Fund for the deposit of user fees collected and billed by and on behalf of the Fire Department which fund will be a non-reverting fund with the proceeds to be used solely for the purchase of fire equipment upon submission of the appropriate purchase order and claim form by the Fire Department.

- 31.06 Non-reverting Fund for Police Department Restitution Money. There is hereby established a non-reverting Police Department Restitution Fund to be administered by the Clerk's Office for receipt of restitution payments ordered by the Probation Departments or the Courts in criminal cases. The funds thus received may be used only by the Police Department for the purchase of new equipment or repairs to existing equipment upon the submission of the proper purchase order and claim forms.

- 31.11 Non-reverting fund for Senior Center. There is hereby established a Senior Center Fund for the operation and maintenance of the Senior Center. Such Fund shall be the receipt of all loans which the Town Council may from time to time determine to be appropriate or necessary to the operation of the Center from the General Fund or such other funds as the Council may determine. Further, the fund shall be the recipient of grants, loans or donations from other governmental entities, corporations or individuals intended for the maintenance, rents received from tenants and users of the facility shall also be deposited in the Fund. The Fund may be used for any purposes related to the construction and operation and maintenance of the facility, including repayment of debts or obligations relating thereto. The Fund shall be a non-reverting fund and shall be deemed perpetual. At such time as the Fund is terminated by other ordinances or enactment of the Town Council, the balance shall be first applied to any outstanding debts or obligations of the Senior Center and the balance, if any, to the General Fund.

- 31.12 Senior Center Surety Deposit Fund. There is established a non-reverting perpetual fund to be known as the Senior Center Deposit Fund into which all security deposits or other deposits from tenants or other users relating to the Senior Center shall be placed and accounted for.

CHAPTER 40 - JUNK DEALERS

40.01. Definitions. For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

1. Person. The word "person" shall be deemed to mean and include an individual, partnership, joint enterprise, corporation, association or other legal entity.
2. Junk Dealer. Any person who buys, sells at retail or wholesale, and trades in, barter and exchanges new and used metals, rags, paper, scrap iron, scrap metal, new and used rubber or who wrecks and demolishes buildings and personal property for the purpose of salvaging all junk, irons, metals and kindred articles therein contained.
3. Junk Yards. Any real estate or building used by a junk dealer for the sale, purchase, maintenance or storage of personal property of or for a junk dealer.

40.02. License Required. It shall be unlawful for any person to maintain or operate the business of junk dealer or junkyard within the Town limits without first having obtained a junk dealer's license. If the same person is a junk dealer and has a junkyard, only one license is required.

Any person desiring a junk dealer's license shall apply to the Clerk-Treasurer stating in the application the name of the person, the proposed place of business, and evidence of the compliance and agreement to comply with the terms of this Ordinance, and requesting the issuance of a junk dealer's license. Upon the approval of such application by the Town Council, said Council shall order the Clerk-Treasurer to issue to such person a junk dealer's license after the payment by said person of the required license fee.

Any license granted hereunder shall be valid for a period of one year from the date of issuance, and any subsequent license or renewal of license shall be obtained in the same manner as herein set forth for the issuance of an initial junk dealer's license.

40.03. Penalties. The fine for violation of this Ordinance shall be as set forth by the Town Council, and each day it continues to exist shall be a separate offense. Such fine shall be in addition to other penalties and remedies provided for in this Ordinance.

Any violation of any of the terms of this chapter shall be deemed to constitute a nuisance which may be prevented, abated, removed or may be subject to such other measures as are necessary for the protection of the public safety of the inhabitants of the Town.

40.04. Additional Requirements. No junk dealer's license shall be granted to any person who is or proposes to be the operator of a business of junk dealer or junk yard in violation, non-conformity or non-compliance with any of the statutes of the State of Indiana, or the applicable Statutes, laws, rules and

regulations of the State Fire Marshal's office or the Zoning Ordinance of the Town of Bremen.

40.05. Operational Restrictions. No person shall permit the maintenance of a junk yard within the Town limits, outside of a building, without first constructing a solid wall or fence completely enclosing the area in which any of the property of said junk yard is contained:

1. Said wall or fence shall be at least eight feet (8') high, and shall be of solid metal or cement construction from the ground up;
2. Any gates or similar openings shall be of the same or similar solid
3. None of the personal property maintained or used in said junkyard within said wall or fence shall be located at a height of greater than three feet (3') below the top of said wall or fence.

40.06. Fire Hazard. No person shall maintain or use any building within the Town as a junk yard unless said building is first approved by the State Fire Marshal's office as being of such repair and structure for the purpose to which it is to be used as not to constitute a fire hazard.

No fire shall be permitted within the confines of a junkyard unless an attendant shall be present with a fire extinguisher for the purpose of safeguarding against fire hazard.

40.07. Health Regulations. No person shall maintain, use or permit the operation of a junkyard without taking such action and precaution as may be necessary to eliminate, by extermination measures, the habitat or breeding of any disease carrying animals or insects detrimental to the health of the inhabitants of the Town.

40.08. Examinations and Control. At all reasonable times, the Fire Marshal or any Deputy Fire Marshal may examine any location alleged to be operated or being used as a junkyard in order to ascertain the compliance with the fire protection provisions of this Ordinance.

The Town Council may, at any time, examine any person who proclaims to be a junk dealer and any place alleged to be a junkyard for the purpose of determining whether or not they are complying with the provisions of this Ordinance.

CHAPTER 41 - ITINERANT MERCHANTS, PEDDLERS AND SOLICITORS

- 41.01. Definitions. For the purposes of this Chapter, the following definitions shall apply:
1. Itinerant Merchant. "Itinerant Merchant" is defined as any person, who is selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, or any street, alley or any other place within the Town, for the exhibition and sale of any goods, wares or merchandise, either privately or at public auction.
 2. Peddler. The word "peddler" as used herein shall include any person, whether a Town resident or not, who, for the purpose of exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from any type of vehicle of conveyance; provided, however, that such do not include any person who is engaged in the business of peddling, whether or not such individual is a resident of the Town.
 3. Solicitor. A solicitor is defined, for the purposes of this Chapter, as any individual, who, for the purpose of soliciting orders for future delivery; or for services to be furnished or performed in the future, whether person, hires, uses or occupies any building, structure, motor vehicle or any street, alley or any other place within the Town for the purpose of exhibiting samples and taking orders for future delivery.
- 41.02. Orders by Solicitors. All orders taken by solicitors within the Town of Bremen shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy of such order shall be given to the purchaser.
- 41.03. License. All itinerant merchants, solicitors and peddlers are required to obtain a license, (See Application for: Itinerant Merchants, Solicitors and Peddlers), from the office of the Clerk-Treasurer prior to conducting business. The Clerk-Treasurer shall keep a complete record in his office of all licenses issued.
1. Application. Any person, firm or corporation desiring to engage in the business of itinerant merchant, peddler or solicitor shall be authorized to begin business. Such application shall state the name and residence of the applicant, the company or firm which he represents, the place where such business is to be conducted, the kind of goods to be sold and the length of time for which a license is desired.
 2. Fee. The license fee for itinerant merchant, peddler or shall be Three (\$3.00) and for solicitor shall be Five (\$5.00).
 3. Term. No license shall be issued for a period of longer than one (1) year.
 4. Exhibition. All peddlers, solicitors and itinerant merchants shall be required to exhibit their goods for sale in a conspicuous place on the vehicle or conveyance used for such purpose.
- 41.04. Exceptions and Exemptions. The provisions hereof shall not apply to sales by producers of farm or dairy products.

Any person exempt by the laws of this State from the payment of the license fee shall, before beginning such business, present to the Town Clerk-Treasurer his credentials showing that he is entitled to such exemption and upon the acceptance and approval thereof he shall then receive a certificate from the Clerk-Treasurer authorizing him to engage in the business of itinerant merchant, peddler or solicitor subject to the terms of his license and the other applicable provisions hereof.

41.05. Use of Streets. No itinerant merchant, peddler or solicitor, nor any person in his behalf, have any exclusive right to any location in the public streets nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this Code the judgment of the Board of Police Commissioners, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

41.06. Revocation of License. Licenses issued under the provisions of this Ordinance may be revoked by the President of the Town Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the
2. Fraud, misrepresentation, or false statement made in the
3. Conviction of any crime or misdemeanor involving moral
4. Conducting the business of peddling or soliciting in an unlawful
5. Any other violation of this Ordinance.

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41.07. Procedure for Revocation of License. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The Board of Police Commissioners may at any time suspend any license pending hearing on revocation upon an allegation and information that such license is believed to have been violated, or has been violated, or is guilty of any of the causes upon which a revocation of such license could be predicated hereunder.

41.08. License Expiration. All licenses issued under this Chapter shall expire at the time stipulated on the license or upon revocation.

41.09. License Required. It shall be unlawful for any itinerant merchant, peddler or solicitor to perform any of their defined business within the Town without first having obtained a license as herein provided.

CHAPTER 42 - CIRCUS, CARNIVAL AND PARADE

42.01. License. Any person or group of persons desiring to conduct a parade, circus or carnival, or other similar event within the Town shall first obtain a license from the office of the Clerk-Treasurer. The Clerk Treasurer shall keep a complete record in his office of all licenses issued.

1. Application. Any person, firm or corporation desiring to conduct a parade, circus or carnival, or other similar event within the Town as herein defined shall make an application in writing to the Clerk-Treasurer of the Town at least seven (7) days before said applicant shall be authorized to begin business. Such application shall state the name and residence of the applicant, the company or firm which he represents, the place where such business is to be conducted, the kind of goods to be sold and the length of time for which a license is desired.

2. Fee. No license fee shall be required under this Ordinance.

3. Exhibition. All circuses, carnivals and parades or similar events coming within the terms of this Code are required to exhibit their license at the request of any citizen.

42.02. Use of Streets. The Clerk-Treasurer shall notify the Town Council of the issuance of any license for any circus, carnival or parade or similar event and if the streets of the Town or any other public place is required to be used therefore, the same shall be done in conformity with the directions of said Council.

42.03. Revocation of License. Licenses issued under the provisions of this Ordinance may be revoked by the President of the Town Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the license application.

2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as an itinerant merchant, peddler or solicitor.

3. Conviction of any crime or misdemeanor in involving moral turpitude.

4. Conducting the business of peddling or soliciting in an unlawful manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.

5. Any other violation of this Ordinance.

- 42.04. Procedure for Revocation of License. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The Board of Police Commissioners may at any time suspend any license pending hearing on revocation upon an allegation and information that such license is believed to have been violated, or has been violated, or is guilty of any of the causes upon which a revocation of such license could be predicated hereunder.
- 42.05. License Expiration. All licenses issued under this Ordinance shall expire at the time stipulated on the license or upon revocation.
- 42.06. License Required. It shall be unlawful for any person to conduct a parade, circus or carnival, or other similar event within the Town without first having obtained a license as herein provided.

**CIRCUS/ANIMAL PERFORMANCE
CARNIVAL AND PARADE
EXHIBITION PERMIT**

PERMIT NUMBER _____

NAME _____

CIRCUS/EXHIBITOR _____

ADDRESS _____

CITY _____ STATE _____

ZIP _____

TELEPHONE NUMBER _____

LOCATION OF EXHIBITION:

PURPOSE _____

DATES: _____

HOURS _____

PROOF OF INSURANCE _____ YES _____

NO _____

FEE PAID _____ FEE WAIVED _____

THIS APPLICATION IS: APPROVED _____ DENIED -

SIGNED _____

CHAPTER 43 - SOLICITORS OF FUNDS

43.01 Definitions. For the purposes of this Chapter, certain words and phrases shall have the following meanings:

1. Person. Any individual, firm, partnership, corporation, company,
2. Solicit and Solicitation. The request, directly or indirectly, of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable purpose as those purposes
 - a. Any oral or written request;
 - b. The making of any announcement to the local press or by
 - c. The distribution, circulation, posting, or publishing of
 - d. The sale of, or the offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, membership, merchandise, subscription, ticket or other thing.
3. Solicitation. As defined herein, solicitation shall be deemed to have taken place when the request is made, whether or not the person making the same receives any contribution referred to in this section.
4. Charitable. Includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, or fraternal, either actual or purported.
5. Contributions. Includes the words alms, food, clothing, money,
6. Cost of Solicitation. All costs of whatever nature incurred in raising the funds solicited except bona fide educational material in such instances where the solicitation plan involves the promotion or sale of merchandise or an entertainment event; the cost of such merchandise or entertainment shall not be considered as part of the cost of solicitation. Compensation, in whatever form, paid to a "Professional Promoter or Professional Solicitor"
7. Cost of Promotion. In connection with a charitable solicitation, the admissions nor the cost of bona fide educational materials. No cost included in the definition of "Cost of Solicitation" shall be considered a "Cost of Promotion".
8. Professional Promoter. A person who for compensation plans, promotes, conducts, manages or carries on or attempts to plan, promote, conduct, manage or carry on any drive or campaign for the purpose of solicitation contributions for or

on behalf of any charitable person or engages in the business of soliciting contributions for charitable purposes. A bona fide

officer or reg

9. Professional Solicitor. Any person other than a professional regular employee of a charitable person shall not be deemed a professional solicitor by reason of his participation in charitable

solicitations

10. Religious and Religion or Church. Any activity directly involving the promulgation or observance of any system of worship or to the building or maintenance of places of worship. The words "Religious" and "Religion" or "Church" as used herein do not include "Charitable" activities as defined herein, even though carried on or sponsored by a religious organization.

11. Commission. The Charitable Solicitations Commission of the Town of Bremen, Indiana.

12. Political Parties. As defined by Indiana law, their sub- divisions, and their bona fide candidates for public office are specifically exempted from and shall not be subject to the provisions of this ordinance as the intent of the ordinance is to regulate the solicitation of charitable contributions.

43.02. Commission. There is hereby created a Charitable Solicitations Commission of the Town of Bremen, Indiana, which Commission shall be responsible for the regulation of charitable solicitations.

Said Commission shall be composed of the Bremen Town Council, and their terms on the Commission shall be the same as their terms on the Council.

43.03 Permit Required. No person shall solicit charitable contributions in the Town of Bremen, Indiana without first having registered with and obtained a permit from the Town of Bremen Charitable Solicitation Commission. (See Charitable Solicitations Registration and Permit)

43.04. Application. Any person desiring to register and obtain a permit as above required shall make application to the Commission. (See Application for Solicitation Permit). Such application shall be sworn to or affirmed and filed with the Commission not less than sixty (60) days prior to the time at which the permit applied for shall become effective, provided, however, that the Commission may, for good cause shown, allow the filing of an application less than sixty (60) days prior to the effective date of the registration and permit applied for. The application herein required shall contain the following information:

1. The name, address or principal office of the person applying for the permit;

2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and executives and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of the applicant's records;

3. The purpose for which solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts there from;

4. A specific statement, supported by facts, and figure, if any, showing the need for the contributions to be solicited;

5. The names and addresses of the person or persons by whom the receipts of such solicitations will be disbursed;

6. The name and address of the person or persons who will be in direct charge of conducting the solicitation, and the names of all fund raisers connected or to be connected with the proposed solicitation if said fund raisers shall receive any paid compensation for their services;

7. An outline of the method or methods to be used in conducting the

8. The time when such solicitation will be made, giving the preferred dates and the hour of day for the commencement and termination of such solicitation;

9. The estimated cost of the solicitation;

10. The amount of any wages, fees, commissions, expenses, or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons. The Commission may elect not to require such information as to regular staff or charitable organizations maintaining a permanent office in said Town of Bremen;

11. A financial statement for the past preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;

12. A full statement of the character and extent of the charitable work being done or to be done by the applicant, and showing how much thereof is being done or to be done in the Town of Bremen;

13. A statement to the effect that if registration and a permit is granted, it will not be used or represented in any way as an endorsement by the Town of Bremen or by any department or officer thereof;

14. Such other information as may be reasonably required by the Commission in order for it to determine the kind, character, and method of the proposed solicitation, and whether such solicitation is in the interest of, and not inimical to, the safety, convenience, or welfare of the residents of the Town of

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Bremen;

15. If, while any application is pending, or during the term of any permit writing thereof within seventy-two (72) hours after such change. Should the applicant fail to so notify the Commission, any permit issued to said applicant prior thereto shall stand

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suspended u

43.05. Fees. Each person registered for each applicant, at the time of application for registration and permit shall pay to the Town Clerk-Treasurer of the Town of Bremen a fee fixed by the Commission which shall not be less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) unless the Town Council shall waive the same.

The Commission shall establish a schedule of fees based upon the amount raised by solicitations on behalf of the person during its preceding fiscal year and the Town's total expense of regulating charitable solicitations during the preceding calendar year.

43.06. Investigation. The Commission shall examine all applications filed under Section 43.04 hereof and shall make, or cause to be made, such further investigation of the application and the applicant as the Commission shall deem necessary in order for it to perform its duties under this ordinance. Upon request by the Commission, the applicant shall make available for inspection by the Commission, or any person designated in writing by the Commission as its representative for such purpose, all of the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired.

43.07. Standards. The Commission shall grant the registration and permit provided for in Section 43.04 hereof whenever it finds or reasonably believes:

1. That all of the statements made in the application are true;
2. That the applicant, or if the applicant is not an individual person, that its managing officers or managing agents be of good character and reputation for honesty and integrity;
3. That the local control and supervision of the solicitation will be under local, responsible and reliable persons;
4. That the applicant is not engaged in any fraudulent transaction or enterprise;
5. That the solicitation will not be a fraud on the public;
6. That the solicitation is promoted solely by a desire to finance the charitable cause described in the application, and will not be conducted primarily for private profit;
7. That the cost of solicitation and/or promotion shall be reasonable and shall not exceed a reasonable portion of the receipts

to be realized from _____ the solicitation. Whenever any Professional Promoters or Professional _____ Solicitors are employed in connection with the solicitation a copy of the contract between the applicant and such Professional Promoters or

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8. That the kind, character, and method of the proposed solicitation, are such _____ that the solicitation will be in the interests of and not inimical to the safety, _____ convenience, or welfare of the residents of the said Town of Bremen;

9. That the Commission shall file with its secretary for public inspection a _____ written statement of its findings of fact and its decision upon each _____ application. If the application is denied, the Commission shall notify the applicant by certified mail, at the therefore.

43.08. Cost of Solicitations; Limitations. The cost of solicitation for a charitable solicitation shall _____ not exceed a reasonable portion of the gross amount realized from such solicitation after deduction of the cost of promotion. Cost of solicitation in excess of twenty-five percent (25%) of the gross amount realized from the solicitation _____ after the deduction of cost of promotion shall establish a prima facie case that the cost of solicitation is _____ unreasonable.

43.09. Cost of Promotion; Limitations. The cost of promotion for a charitable solicitation shall _____ not exceed a reasonable portion of the gross amount realized from all events held and publications, debts and services sold, given away, or used as prizes in connection with the solicitation. Cost of promotion in excess of seventy-five percent (75%) of the gross amount realized from such events, publications, goods and services shall establish a prima facie case that the cost of promotion is unreasonable.

43.10. Misrepresentation.

1. No person shall directly or indirectly solicit contributions for any purpose _____ by misrepresentation of his name, occupation, financial condition, social _____ position, residence, or principal place of business, and no person shall _____ make or cause to be made any misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose in the

Town of Bre

2. No charitable organization or professional fund raiser soliciting to confuse or mislead the public.

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3. No charitable organization or professional fund raiser shall solicit funds by _____ the use of statements or materials that would indicate that such funds were _____ being raised for an organization or agency from which such organization or _____ agency explicit permission for the raising of such funds has not been received in accordance with other provisions of this Code.

43.11. Books and Records. No person shall solicit any contributions for any charitable purpose without maintaining a system of accounting whereby all

donations to it and all disbursements by it are entered upon the official books or records of such person's treasurer or other financial officer.

- 43.12. Reports Required. It shall be the duty of all persons registered and issued permits under this ordinance to furnish to the Commission within sixty (60) days after the solicitation has been completed, a report and financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, including a report of the wages, fees, commissions, and expenses, paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. In the case of charitable organizations maintaining a permanent office in the Town of Bremen, the wages of regular full time staff employees may be entered as a total figure.

The entire report filed by said person shall be available for public inspection. The permit holder shall make available to the Commission, or to any person designated in writing by the Commission as its representative for such purpose, all books, records, and papers whereby the accuracy of such report may be verified.

- 43.13. Charitable Solicitations Registration and Permit-Form. Registrations and permits issued under this ordinance shall bear the name and address of the person to whom the permit is issued, the serial number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the Town of Bremen or by any of its departments, officers, or employees of the purpose or of the persons conducting this solicitation. All permits must be signed by the Chairman of the Commission and the Clerk-Treasurer of the Town of Bremen. Each solicitor of the charitable organization will be provided with an information card or similar identification signed by the person having control and supervision of the solicitation. Said card or identification shall carry on its face the name and address of the person to whom the permit was issued, the number of the permit, the dates during which the permit holder may solicit and shall identify by name the individual holder of said card or identification. Any individual soliciting without said card or identification shall be deemed to be in violation of this ordinance and said card or identification shall be provided for said individual solicitor by and at the expense of the permit holder.

Any permit issued by the Commission under this Chapter shall not be transferable or assignable.

- 43.14. Notice of Intent. Any person, except churches and their directly connected agencies, desiring to conduct a charitable solicitation or on whose behalf a charitable solicitation is to be conducted shall file, at least sixty (60) days prior to the commencement thereof, with the Commission, a Notice of Intent containing the following information:

1. The proposed use of the net proceeds of the solicitation under the general headings required for reports under paragraph (5) hereof.
2. The manner in which the solicitation shall be conducted, and an estimate of the cost of solicitation and the cost of promotion, if any, and of the net proceeds expected for the

charitable purpose.

3. If a professional Promoter or any Professional Solicitor are to be employed a copy of the contract of each.

4. A certified copy of the resolution or other action authorizing the solicitation.

5. A report of all the receipts of the person during his preceding show the gross amount raised by solicitation, during the period covered, what portion thereof, if any, is attributable to promotional activities, the cost of promotion, the cost of what portion, if any was allocated to a national organization.

solicitation a

The proportions allocated respectively to local use or to a national

orga

1. Agency administration.
2. Information and public education activities.
3. Social services.
4. Hospital care.
5. Educational institutions.
6. Research.
7. Other civic or philanthropic purposes.
8. Capital improvements.

The Commission may, in its discretion, waive the filing of such statements as are duplicated substantially by reports already on file pursuant to this section or to any other section of this Chapter.

43.15 Requirement of Written Receipt. Any person receiving money or anything having a value of One Dollar (\$1.00) or more from any contributor under a solicitation made pursuant to a permit granted under this Chapter shall give to the contributor, upon request, a written receipt signed by the solicitor showing plainly the name and permit number of the person under whose permit the solicitation is conducted, the date, and the amount received; provided, however, that this section shall not apply to any contributions collected by means of a closed box or receptacle used in solicitation with the written approval of the Commission, where it is impractical to determine the amount of such contributions.

43.16. Hearings. If the Commission denies an application for registration and permit it shall notify the applicant of its decision and the grounds therefore by certified mail return receipt requested, and within five (5) days after the receipt of such notification, the applicant may file a written request for public hearing on the application, together with exceptions to the grounds upon which the Commission based its denial of the application. Upon the filing of such request, the Commission shall fix a time and place for the hearing, which shall be within fifteen (15) days after the request is filed, and shall notify the applicant thereof. At the hearing, the applicant may present evidence in support of his application and exceptions. Any interested person may be allowed to participate

in the hearing to present evidence in opposition to the application and exceptions.

Within ten (10) days after the conclusion of the hearing, the Commission shall render a written report either granting or denying the application and shall state grounds upon which the decision is based.

A copy of said report shall be served by certified mail, return receipt requested, upon the applicant. Said report shall constitute a public record.

- 43.17. Review. Any person claiming to be prejudiced by action of the Commission under this Chapter may appeal to the Marshall County Circuit or Superior Court to reverse such action, but such appeal shall be limited to the claim that the Commission has violated the appellants constitutional rights, has acted in excess of its jurisdiction, or has acted unreasonably, arbitrarily, and beyond the limits of its reasonable discretion. The members of the Commission shall not be liable for damages or for any claim against them as individuals because of action taken by them in performance of their duties under this ordinance. This Chapter shall be liberally construed to achieve its purpose.
- 43.18. Revocation. Whenever it shall be shown or whenever the Commission has reason to believe that any person registered under this Chapter has violated any of the provisions thereof, or that any promoter, agent, or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Commission shall immediately suspend the permit and give the permit holder written notice in person or by certified mail, return receipt requested, of the suspension and of a hearing to be held within seven (7) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the Commission has acted in suspending the permit. At the hearing the permit holder, and any other interested persons, shall have the right to present evidence as to the facts upon which the Commission based the suspension of the permit and any other facts which may aid the Commission in determining whether this Chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the Commission finds that the Chapter has been violated or the purpose of the solicitation has been misrepresented, it shall within two (2) days after the hearing file in its office for public inspection and send to the permit holder by registered mail, or serve him in any manner provided by general law for the service of notices, a written statement of the facts upon which it bases such a finding and shall immediately revoke the permit. If, after the hearing, the Commission finds that this Chapter has not been violated and the purpose of the solicitation has not been misrepresented, it shall, within two (2) days after the hearing give to the permit holder a written statement canceling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed.

In all cases where a suspension of the permit occurs, the Chief of Police shall be notified forthwith by the Commission of the suspension or revocation of any permit issued under this Chapter. In like manner, the Commission shall immediately notify the Chief of Police, subsequent to the hearing provided for here in above of the decision of the Commission.

- 43.19. Penalties. Any person, as herein before defined, or any agent, servant, employee, or officer thereof, violating any of the provisions of this Chapter, or who aids or abets in the procuring of a violation of any provision, part or portion of this

Chapter, or who files or causes to be filed an application for a permit which contains false or fraudulent statements of fact, shall be deemed guilty of an infraction and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense. Each violation shall be deemed a separate offense, and each act in violation of this Chapter shall constitute a separate offense and shall be punishable as such.

CHAPTER 44 - TAXICABS

44.01. Definitions. For the purposes of this Code, the following definitions will apply:

1. Taxicab. The word "taxicab" as used herein shall be deemed to mean any motorized vehicle carrying passengers for hire upon the streets and public ways of the Town, except those vehicles lawfully authorized to operate under and by virtue of a certificate or permit duly granted with by the Public Service Commission of the State or the Interstate Commerce Commission of the United States.

2. Taxicab Service. "Taxicab service" shall mean the business or occupation of operating taxicabs and furnishing taxicab service to the public.

44.02. License Required. It shall be unlawful for any person to operate a taxicab or a taxicab service or business within the Town without first having obtained a license therefore as provided herein; provided, however, that taxicabs licensed by other cities or towns may be driven within the Town when said taxicab and driver are properly licensed by the city or town or origin.

44.03. Requirements for License. No taxicab service license shall hereafter be issued unless and until the Town Council shall approve an application thereof. In making its decision, the Council shall take into consideration any and all facts which are necessary and proper.

If the Town Council determines that the public convenience and necessity requires the proposed taxicab service, it shall issue certificates of convenience executed by the President of the Council and attested to by the Town Clerk-Treasurer. The certificate shall remain in effect until canceled, either by its term or otherwise.

44.04. License Application. Prior to the issuance of any taxicab service license, the applicant shall file with the Clerk-Treasurer of the Town any general information as requested, as well as the specific information as follows:

1. A description of each vehicle to be operated.
2. A certificate of insurance from the insurance company or surety insuring each taxicab with the expiration date of said policy.
3. A statement naming and describing the qualifications of each driver.

In addition, the application fee for said license shall be filed prior to licensing.

44.05. Fees. The annual license fee for each taxicab service shall be Five (\$5.00) Dollars. In addition, there shall be an annual fee of One (\$1.00) Dollar each for each taxicab licensed through the service. The full annual license fee must be paid in advance to the Clerk-Treasurer and a receipt therefore given to the applicant.

44.06. Financial Responsibility. Before a license for a taxicab shall be issued, the owner shall file with the Clerk-Treasurer a certificate issued by a duly authorized officer of an insurance company authorized to do business in the State to the effect that an insurance policy for each specific taxicab has been issued to the applicant and is in full force and effect, and shall show the amount, the effective date, the expiration date, and that the premium has been paid. A true copy of the policy shall also be filed. This policy shall be kept in effect during the life of the license and failure to do so shall serve to automatically revoke any such license.

Such policy shall provide coverage for liability of a minimum of One Hundred Thousand Dollars (\$100,000.00) for injury or death of any one person and subject to the same limit per person, a minimum liability of Three Hundred Thousand Dollars (\$300,000.00) for injury or death of any number of persons in any one accident and a minimum liability of Fifty Thousand Dollars (\$50,000.00) for property damage in any one accident.

44.07. Issuance of License. For each taxicab permit issued under this Code, the Clerk-Treasurer shall issue one taxicab license or authorization to be publicly exhibited in or upon the said vehicle.

44.08. License Limitations. There shall be no limitation on the number of taxicab services or the number of taxicabs.

44.09. Term of License. Taxicab permits issued under this Ordinance shall be operative for the period January 1st to December 31st of each calendar year unless revoked.

44.10. Renewal, Revocation, Transfer of License. Taxicab permits shall be renewed upon the payment of the prescribed fees by the person holding the taxicab permits.

The Town Council shall have the power to revoke and terminate, or refuse to renew, any taxicab permit if, after notice to the holder and a hearing, said Council shall find that the holder of said permit is not rendering or cannot render efficient service, or is in violation of any other provisions of this Code.

It shall be unlawful for any holder of a taxicab permit to sell, transfer, assign, or set over said permit to another person or persons.

44.11. Taxicab Drivers. Each driver employed to drive a taxicab, pursuant to a permit issued under the provisions of this chapter, shall be required to have a public passenger chauffeurs license issued pursuant to and under the provisions of the State, and such license shall be carried with said driver at all times of operation of the vehicle and be displayed upon demand to any police officer for inspection.

A violation of any of the above provisions or of the provisions of this Code or the traffic laws of the State or the Town shall be a basis for a revocation of the taxicab license granted hereunder.

44.12. Suspension of License. Any taxicab license granted hereunder shall be suspended if such taxicab shall, with the knowledge and consent of the owner, be used in violation of any law or provision of this Code.

No owner or taxicab operator shall permit any unlicensed driver or any driver

whose license has been suspended or revoked to operate any taxicab within the Town or as provided for in this Code.

44.13. Taxicab Equipment. No taxicab shall be licensed until the vehicle shall have been inspected by the Police and found to be equipped in a safe condition for transportation of passengers. Said taxicab shall also be clean, of good appearance, and shall be well painted.

The Police are hereby authorized to inspect all taxicabs from time to time as often as deemed necessary to see that the terms and conditions of this Code are being complied with, and any taxicab license may be revoked whenever the vehicle shall be found to be unfit for public patronage. Written reports of inspection shall be made by the Police and filed with the Town Council.

44.14. Taxicab Stands. The Town Council may, pursuant to this Code, designate places on the streets of the Town for use by taxicabs as stands. Taxicab stands so designated shall be clearly marked or indicated by signs. It shall be unlawful to park any vehicle other than a taxicab in any such taxicab stand.

44.15. Taxicab Rates. Annually, upon receiving a taxicab license, the licensee shall immediately publish a schedule of rates in a newspaper of general circulation in the Town, a certified copy of which rates and publication shall be filed with the Clerk-Treasurer.

That schedule shall be the maximum rates to be charged for the operation of a taxicab.

**TAXICAB PERMIT/LICENSE
TOWN OF BREMEN**

PERMIT NUMBER _____

DATE _____ EXPIRES

OWNER'S NAME _____

ADDRESS _____

PHONE _____

FOR OFFICE USE ONLY

PERMIT FEES _____ CERTIFICATE OF INSURANCE YES ____
_____ NO _____

NUMBER OF VEHICLES _____ FEE

**POLICE ANNUAL INSPECTION
ATTACH INSPECTION REPORT FOR EACH VEHICLE**

APPROVED BY _____

DATE _____

CHAPTER 45 - REGULATING GARAGE AND YARD SALES

45.01 Limitations in Residential Area

No person, firm or corporation and no group or groups of persons shall organize, operate and maintain a yard or garage sale in any residential areas or on any premises primarily used for residential purposes for any period or term exceeding three (3) days, and no person, firm, corporation, group or groups of persons may thus organize, operate or maintain such yard or garage sale more than two (2) times during any calendar year.

45.02 Sign Regulation

No person, firm or corporation nor group or groups of persons shall construct, attach or otherwise display any yard or garage sale sign as herein above defined on any public street or street right-of-way, within the limits of the Town of Bremen, Indiana, nor attach such sign to any stop sign, street sign, telephone or utility pole or other permanent installation of any utilities company.

45.03. Consent to Location of Signs

No person, firm or corporation nor group or groups of persons shall construct, attach or otherwise install any yard or garage sale sign as herein above defined on any private property of any third person without first obtaining the consent of the owner or occupant of the real estate upon which such sign is constructed, attached or installed.

45.04 Permit

Any person desiring to organize, operate or maintain a yard or garage sale in any residential area as here in above related, shall make application, (See Application for Sale Permit), at the Office of the Clerk-Treasurer for a permit, (See Sale Permit), for such operation and maintenance of such sale and shall state, in detail, the full name and address of the persons, firm or group who shall operate the same, the address thereof, the term or duration thereof said sale, a general description of the items and articles offered for sale and such other information and data as may be pertinent thereto. One copy of each such application shall be forwarded, forthwith, to the Chief of Police of the Bremen Police Department or to such Officer who may be delegated by the Chief to receive such applications. It shall be the duty and responsibility of the Chief or such Officer to investigate such parking, traffic flow and similar or other health and safety aspects of such proposed yard or garage sale, and to make such reasonable recommendations or orders as are in the best interests of the public safety of the citizens and the peace and dignity of the residential area, and to approve, disapprove or approve as modified such application, all of which investigation and activity shall be done and accomplished within forty-eight (48) hours of the receipt of such application. The fee for each such application shall be the sum of One Dollar (\$1.00), which sums shall be paid to the Clerk- Treasurer upon submission of such application.

45.05. Display of Permit

Upon approval of such application as here in above related, the Chief of Police or other designated Officer shall execute the same and shall issue such license or other certificate to such applicant, which such license or certificate shall be attached or displayed to the residential premises at which such garage or yard sale is being operated or

maintained and in clear view for public inspection thereof at all times during such sale.

45.06. Penalties

Any person, firm or corporation or group of persons who shall violate any of the provisions of this Chapter or fail to comply therewith or with any of the requirements thereof shall, for the first violation or noncompliance be guilty of an infraction and upon conviction shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and each day that such violation or non-compliance shall be permitted to exist shall constitute a separate offense and, upon conviction of a second or subsequent such non-compliance, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

CHAPTER 46 - EQUAL OPPORTUNITY PROVISIONS

46.01 Policy Statement:

It shall be the policy of the Town of Bremen to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq. the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin.

46.02 Definitions:

The definitions set forth in this Chapter shall apply throughout this code.

- (a) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families.
- (b) "Family" includes a single individual with the status of such family being further defined in subsection (h) of this Chapter.
- (c) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- (d) "To rent" includes to lease, to sublease to let and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant.
- (e) "Discriminatory Housing Practice" means an act that is unlawful under section 46.04, 46.05, 46.06, 46.07, or 46.08 of the code.
- (f) "Handicap" means, with respect to a person:
 - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
 - (2) a record of having such an impairment, or
 - (3) being regarded as having such an impairment.

The term "handicap" does not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [IC 22-9.5-2-10(b)]; nor does the term "handicap" include an individual solely because that individual is a transvestite.

- (g) "Aggrieved person" includes any person who:
 - (1) claims to have been injured by a discriminatory housing practice; or
 - (2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

- (h) "Familial status" means one or more individuals (who have not attained the age of eighteen (18) years being domiciled with:
 - (1) a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.
- (i) "Complainant" means a person, including the commission, who files a complaint under this code.
- (j) "Respondent" means a person accused of a discriminatory housing practice in a complaint under this code.

46.03 Unlawful Practice:

Subject to the provisions of subsection (b) of this Chapter, and section 46.09 of this code the prohibitions against discrimination in the sale or rental of housing set forth in section 46.04 of this code shall apply to:

- (a) All dwellings except as exempted by subsection (b).
- (b) Other than the provisions of subsection (c) of this Chapter, nothing in Section 46.04 shall apply to:
 - (1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three (3) such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this Chapter only if such house is sold or rented:
 - (A) without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - (B) without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 46.04 (c) of this code, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - (2) Rooms or units in dwellings containing living quarters occupied or intended to

be occupied by more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (A) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
 - (1) he has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (2) he has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (3) he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

46.04 Discrimination in the Sale or Rental of Housing:

As made applicable by Section 46.03 and except as exempted by Section 46.03 (b) and 46.09, it shall be unlawful:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, handicap or national origin.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, handicap or national origin.
- (c) This Chapter does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.
- (d) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (e) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (f) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry of perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status

or national origin.

- (g) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of --
 - (A) that buyer or renter;
 - (B) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (C) any person associated with that person
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (C) any person associated with that person.
- (3) For purposes of this subsection, discrimination includes:
 - (A) a refusal to permit, at the expense of the handicap person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (C) in connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - (i) the dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.
 - (ii) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (iii) all doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow

passage by handicapped persons in wheelchairs; and

- (iv) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (4) Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C) (iii).
- (5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

46.05 Discrimination in Residential Real Estate Related Transactions:

- (a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- (b) As used in this Chapter, the term "residential real estate-related transaction" means any of the following:
 - (1) The making or purchasing of loans or providing other financial assistance:
 - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (B) secured by residential real estate.
 - (2) The selling, brokerage, or appraising of residential real property.
- (c) Nothing in this code prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, handicap, or familial status.

46.06 Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

46.07 Interference, Coercion, or Intimidation:

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 46.03, 46.04, 46.05, or 46.06 of this code.

46.08 Exemptions:

- (a) Nothing in this code shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this code prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (b) (1) Nothing in this code limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this code regarding familial status apply with respect to housing for older persons.
- (2) As used in this Chapter, "housing for older persons" means housing:
 - (A) provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (B) intended for; and solely occupied by, persons 62 years of age or older; or
 - (C) intended and operated for occupancy by at least one person 55 years of age or older per unit if the following requirements are met:
 - (i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

- (ii) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
- (iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

46.09 Administrative Enforcement of Code:

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- (a) The authority and responsibility for properly administering this Code shall be vested in the Town Council President of the Town of Bremen, Indiana.
 - (b) The Town of Bremen, Indiana shall establish a local commission with the authority and responsibility for properly administering this code. The local commission will administratively enforce all formal complaints alleging a violation of the articles of this Code for the purpose of investigation, resolution, and appropriate relief as provided for under Title 22-9.5-6 of the Indiana Code.
 - (c) All executive departments and agencies of the Town of Bremen, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this code and shall cooperate with the Town Council President and the commission to further such purposes.
 - (d) The Town Council President of the Town of Bremen, Indiana or the Town Council President's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.
 - (e) Each complaint must be in writing and must be signed and affirmed by the aggrieved person filing the complaint or, if the complaint is filed by the commission, by any commission member, or the director, if one is appointed pursuant to Section 46.11(b). The signature and affirmation may be made at any time during the investigation. The commission may require complaints to be made on prescribed forms.
- (1) Complaint forms will be made available in the commission's offices or in the office of the Town Council President of the Town of Bremen, Indiana.
 - (2) Notwithstanding any requirement for the use of a prescribed form, the commission will accept any written statement which substantially sets forth the allegations of a discriminatory housing practice under this code.
 - (3) An aggrieved person may provide information to be contained in a complaint by telephone to the commission's offices. The commission or staff of the commission will reduce the information provided by telephone to writing on the prescribed complaint form and send the form to the aggrieved person to be signed and affirmed.
 - (4) Each complaint must contain substantially the following information:
 - (A) The name and address of the aggrieved person

- (B) The name and address of the respondent.
 - (C) A description and the address of the dwelling which is involved, if appropriate.
 - (D) A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.
- (5) Except as provided in paragraph (6) of this subsection, a complaint is filed when it is received by the commission in a form that reasonably meets the standards of section 46.09 (e) (4) (A)-(D).
- (6) The commission may determine that a complaint is filed for the purposes of the one year period for filing complaints, upon the submission of written information (including information provided by telephone and reduced to writing by the commission or staff of the commission) identifying the parties and describing generally the alleged discriminatory housing practice.
- (7) Where a complaint alleges a discriminatory housing practice that is continuing, as manifested in a number of incidents of such conduct, the complaint will be timely if filed within one year of the last alleged occurrence of that practice.
- (f) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the commission alleging the discriminatory housing practice.
- (g) A complaint under this code may be reasonably and fairly amended at any time.
- (h) When a complaint is filed under this code, the commission shall do the following:
- (1) Give the aggrieved person notice that the complaint has been received.
 - (2) Advise the aggrieved person of the time limits and choice of forums under the code.
 - (3) Not later than ten (10) days after the filing of the complaint or the identification of an additional respondent, serve on each respondent:
 - (A) a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this code; and
 - (B) a copy of the original complaint.
 - (4) A person who is not named as a respondent in a complaint, but who is identified in the course of the investigation as a person who is alleged to have engaged, or is about to engage in the discriminatory housing practice upon which the complaint is based may be joined as an additional or substitute respondent by service of notice on the person under subsection (3) of this Chapter within ten (10) days of the identification. If the person is

not named in the complaint, but is being joined as an additional or substitute respondent, the notice will explain the basis for the commission's belief that the joined person is properly joined as a respondent.

- (i) Not later than ten (10) days after the receipt of the notice and copy of the complaint, a respondent may file an answer to the complaint. an answer must by:
 - (1) in writing;
 - (2) signed under oath; and
 - (3) in the form prescribed by the commission.
- (j) An answer may be reasonably and fairly amended at any time with the consent of the commission
- (k) An answer does not inhibit the investigation of a complaint.
- (l) The commission shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The commission shall make this determination not later than one hundred (100) days after a complaint is filed unless:
 - (1) the commission has approved a conciliation agreement relating to the complaint; or
 - (2) it is impracticable to make the determination within that time period in which case the commission shall notify the complaint and respondent in writing of the reasons for the delay.
- (m) If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall promptly issue a short and plain statement of the facts upon which the commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of the facts). The fact of the dismissal, including the names of the parties, shall be public information available on request.
- (n) The commission may not issue a finding of reasonable cause under this code regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.
- (o) If the commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall immediately issue a finding of reasonable cause consisting of a short and plain statement of the facts on which the commission found reasonable cause on behalf of the aggrieved person.
- (p) Not later than twenty (20) days after the commission issues a finding of reasonable cause, the commission shall send a copy of the finding of reasonable cause to each respondent and each aggrieved person with the following information:

- (1) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in a civil action.
- (2) The election must be made not later than twenty (20) days after the date of receipt of the reasonable cause notice by the electing person.
- (3) The person making the election shall give notice to the commission and to all other complainants and respondents to whom the finding of reasonable cause relates.
- (q) If a timely election is made under section (p) (1) the commission shall not later than thirty (30) days after the election is made, file and maintain a civil action on behalf of the aggrieved person in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice occurred. If a timely election is not made the commission shall provide for a hearing on the finding of reasonable cause.

46.10 Human Rights Commission:

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- (a) To assist in the elimination of discrimination in the Town of Bremen, Indiana, there is hereby created a commission to be known as the Bremen Human Rights Commission composed of seven (7) members not more than four (4) of whom shall be of the same political party. Members must be residents of the Town of Bremen, Indiana.
 - (b) All members of the Human Rights Commission shall be appointed by the Town Council President of the Town of Bremen, Indiana within thirty (30) days of the effective date of this code subject to the advice and consent of the Town Council.
 - (c) Of the seven (7) members first appointed two (2) shall be appointed for a term of one (1) year; two (2) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. There after, each appointment shall be for a period of three (3) years.
 - (d) Upon the death or resignation of any member a successor shall be appointed by the Town Council President of the Town of Bremen, Indiana, subject to the advice and consent of the Town Council, to serve for the unexpired term of the member.
 - (e) The members of the Commission shall serve without compensation, but they may be reimbursed for all expenses necessarily incurred in the performance of their duties in accordance with appropriations made by the Town Council.
 - (f) The Town Council President may remove Commission members for cause.
 - (g) The expenses for carrying on the Commission's activities shall be budgeted for and paid out of the treasury and appropriated by the Town Council for such purposes; however, the Commission shall also have the authority to accept grants, or other payments to help finance its activities. The Commission may receive federal or state funds by work sharing or cooperative agreements or grants with such funds deposited in designated non-reverting funds.

- (h) At its first meeting, which shall be called by the Town Council President, and thereafter at its February meeting the Commission shall select from its membership a Chairperson and Vice-Chairperson. These officers elected at the February meeting shall assume their offices April first.
- (i) The Commission shall meet once each month at a regularly published time and place and shall hold special meetings as the chairperson deems necessary or at the call of a majority of its members. Four (4) members of the Commission shall constitute a quorum for the transaction of business. No official action shall be taken by the Commission except by an affirmative vote of an absolute majority of a quorum of members of said Commission; provided that a majority of the entire Commission shall be required for a finding of a violation of this Code.

46.11 Powers and Duties:

The Commission shall have the following powers and duties:

- (a) To establish and maintain in the Town of Bremen, Indiana a permanent office to be provided by the Town of Bremen, Indiana.
- (b) To appoint a Director and other staff as it may deem necessary and prescribe their duties.
- (c) To adopt, promulgate, amend and rescind such rules and regulations, procedural and substantive, as are consistent with the provisions of this code or its intent and purpose as the commission may deem necessary. Such rules and regulations shall be adopted, amended, or rescinded by the commission only after a public hearing thereon, notice of which shall be given by two (2) publications in a newspaper of general circulation printed in the Town of Bremen, Indiana, such publications to be one (1) week apart. The first publication to be not more than thirty (30) days nor less than fifteen (15) days before the date of such hearings.
- (d) To receive and investigate the merits, allegations, and factual basis of complaints of discriminatory practices under this code, and to hold hearings on such complaints. All investigations of complaints shall be investigated by staff members or commission members. Such investigations shall be impartial and shall be limited in each instance to the discriminatory practices alleged in the complaint. At the end of each investigation the commission or a staff member of the commission will prepare a final investigative report. The investigative report will contain:
 - (1) The names and dates of contacts with witnesses, except that the report will not disclose the names of witnesses that request anonymity. The commission, however, may be required to disclose the names of such witnesses in the course of an administrative hearing under this code or a civil action under the Federal Fair Housing Act or the Indiana Fair Housing Act;
 - (2) A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
 - (3) A summary description of other records;

- (4) A summary of witness statements; and
- (5) Answers to interrogatories.

A final investigative report may be amended at any time, if additional evidence is discovered. Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in Section 46.011 (j) (9), the commission will make information derived from an investigation, including the final report, available to the aggrieved person and the respondent. Following the completion of investigation the commission shall notify the aggrieved person and the respondent that the final investigative report is complete and will be provided upon request.

- (e) To initiate complaints, except that no member of the commission who initiates a complaint may participate as a member of the commission in the hearing or disposition of the complaint.
- (f) To prevent any person from discriminating or retaliating against any other person because he/she filed a complaint with the commission, has testified in any hearing before the commission, or has in any way assisted the commission in any matter under investigation.
- (g) To seek prompt judicial action. If the commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this article, the commission may file a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice has occurred.
- (1) A temporary restraining order or other order granting preliminary or temporary relief under this subsection is governed by the Indiana Rules of Trial Procedure.
- (2) The filing of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this code.
- (h) To hold hearings, subpoena witnesses, administer oaths, take the testimony of any such person under oath, and require the production for examination of any books and papers relating to any manner under investigation or in question before the commission. All hearings shall be held with in the Town of Bremen, Indiana at a location determined by the commission. The commission shall have the authority to institute actions for appropriate legal or equitable relief in a circuit or superior court to obtain enforcement of any commission order or subpoena. All subpoenas and orders emanating from the commission shall be served pursuant to the Indiana Rules of Civil Procedure applicable to service in civil action.
- (i) To appoint hearing officers, other than commissioners, when an appointment is deemed necessary by a majority of the commission. The hearing officers shall be members in good standing before the Indiana bar and shall be appointed by the Chairperson of the commission. A hearing officer appointed under this subsection shall have the same powers and duties as a commissioner sitting as a hearing officer, except the power to issue subpoenas.
- (j) To attempt reconciliation between the parties. If such reconciliation efforts fail, the

commission shall conduct hearings to find facts, reach conclusions, and issue orders.

- (1) During the period beginning with the filing of the complaint and ending with the reasonable or not reasonable cause determination the commission will, to the extent feasible, attempt to conciliate the complaint.
- (2) In conciliating the complaint, the commission will attempt to achieve a just resolution of the complaint and to obtain assurances that the respondent will satisfactorily remedy any violations of the rights of the aggrieved person, and take such action as will assure the elimination of discriminatory housing practices, or the prevention of their occurrence in the future.
- (3) Generally members of the commission or staff of the commission engaged in the investigation of a complaint will not participate or advise in the conciliation of the same complaint or in any factually related complaint. Where the rights of the aggrieved party and the respondent can be protected and the prohibitions with respect to disclosure of information can be observed, the investigator of the complaint may suspend fact finding and engage in efforts to resolve the complaint by conciliation.
- (4) The terms of a settlement of a complaint will be reduced to a written conciliation agreement. The conciliation agreement shall seek to protect the interests of the aggrieved person, other persons similarly situated, and the public interest. The types of relief that may be sought are:

For the aggrieved person:

- (A) Monetary relief in the form of damages, including damages caused by humiliation or embarrassment, and attorney's fees;
- (B) Other equitable relief including, but not limited to, access to the dwelling at issue, or to a comparable dwelling, the provision of services or facilities in connection with a dwelling, or other specific relief; or
- (C) Injunctive relief appropriate to the elimination of discriminatory housing practices affecting the aggrieved person or other persons.
- (D) The conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Arbitration may award appropriate relief as described in this subsection. The aggrieved person and the respondent may, in the conciliation agreement, limit the types of relief that may be awarded under binding arbitration.

For the public interest:

- (E) Elimination of discriminatory housing practices.
- (F) Prevention of future discriminatory housing practices.
- (G) Remedial affirmative activities to overcome discriminatory housing

practices.

(H) Reporting requirements.

(I) Monitoring and enforcement activities.

(5) The agreement must be executed by the respondent and the complainant. The agreement is subject to approval by the commission. The commission will indicate approval by having a majority of the commission sign the agreement. The commission will approve an agreement and, if the commission is the complainant, will execute the agreement , only if:

(A) The complainant and the respondent agree to the relief accorded to the aggrieved person;

(B) The provisions of the agreement will adequately vindicate the public interest; and

(C) If the commission is the complainant, all aggrieved persons named in the complaint are satisfied with the relief provided to protect their interests.

(6) The commission may issue a reasonable cause determination if the aggrieved person and the respondent have executed a conciliation agreement that has not been approved by the commission.

(7) The commission may terminate its efforts to conciliate the complaint if the respondent fails or refuses to confer with the commission; the aggrieved person or the respondent fail to make a good faith effort to resolve any dispute; or the commission finds, for any reason, that voluntary agreement is not likely to result.

(8) Where the aggrieved person has commenced a civil action under federal or state law seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced, the commission will terminate conciliation unless the court specifically requests assistance from the commission.

(9) Except as provided in paragraph (10) of this subsection and in Section 46.11 (d), nothing that is said or done in the course of conciliation may be made public or used as evidence in a subsequent administrative hearing under this code or in civil actions under the Federal Fair Housing Act or the Indiana Fair Housing Act without the written consent of the persons concerned.

(10) Conciliation agreements shall be made public unless the aggrieved person and respondent request nondisclosure and the commission determines that disclosure is not required to further the purposes of this code. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the commission may publish tabulated descriptions of the results of all conciliation efforts.

(11) The commission may, from time to time, review compliance with the terms

of any conciliation agreement. Whenever the commission has reasonable cause to believe that a respondent has breached a conciliation agreement, the commission may file a civil action under Section 46.11(h) of this code for the enforcement of the terms of the conciliation agreement.

- (k) To state findings of fact and conclusions of law after a hearing. If the commission determines, after a hearing, that the respondent has engaged in a discriminatory practice in violation of this code the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief. To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed the following.
 - (1) Ten thousand dollars (\$10,000) if the respondent has not been adjudged by order of the commission or a court to have committed a prior discriminatory housing practice.
 - (2) Except as provided by subsection (1), twenty-five thousand dollars (\$25,000) if the respondent had been adjudged by order of the commission or a court to have committed one (1) other discriminatory housing practice during the five (5) year period ending on the date of the filing of the finding of reasonable cause.
 - (3) Except as provided by subsection (1), fifty thousand dollars (\$50,000) if the respondent has been adjudged by order of the commission or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the finding of reasonable cause..
- (l) If the acts constituting the discriminatory housing practice that is the object of the finding of reasonable cause are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subsection (k) (2) and (k) (3) may be imposed without regard to the period of time within which any other discriminatory housing practice occurred. The commission may sue to recover a civil penalty due under this Chapter.
- (m) If after the hearing the commission shall find that the respondent has not engaged in any practice in violation of this code, the commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint.
- (n) Judicial review of commission orders shall be obtained in accordance with the provisions of Indiana Code 4-21.5-5.
- (o) To prepare and submit to the Town Council President and Town Council once each year a detailed report of the Commission's activities, including the investigations, reconciliation, and hearings its has conducted and their outcome.

46.12 Enforcement By Private Persons

- (a) An aggrieved person may file a civil action in the circuit or superior court located in the county in which the alleged discriminatory practice occurred not later than one

(1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this code, which ever occurred last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

- (b) The one (1) year period does not include any time during which an administrative hearing under this code is pending with respect to a complaint or finding of reasonable cause under this code based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.
- (c) An aggrieved person may file an action under this Chapter whether or not a complaint has been filed under this code and without regard to the status of any complaint filed under this code.
- (d) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this Chapter with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.
- (e) An aggrieved person may not file an action under this Chapter with respect to an alleged discriminatory housing practice that forms the basis of a finding of reasonable cause issued by the commission if the commission has begun a hearing on the record under this code with respect to the finding of reasonable cause.
- (f) If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this Chapter, the court may award to the prevailing party the following:
 - (1) Actual and punitive damages.
 - (2) Reasonable attorney's fees.
 - (3) Court costs.
 - (4) Subject to subsection (g) of this Chapter, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.
- (g) Relief under this Chapter does not affect the contract, a sale, an encumbrance, or a lease that:
 - (1) was consummated before the granting of the relief; and
 - (2) involved a bona fide purchaser, an encumbrance, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this code.
- (h) The commission may intervene in an action under this Chapter if the commission determines that the case is of general public importance. The commission may obtain the same relief available to the commission under section 46.13 of this code.

46.13 Enforcement By the Commission

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- (a) The commission may file a civil action for appropriate relief if the commission has reasonable cause to believe that:
- (1) a person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this code; or
 - (2) a person has been denied any right granted by this code and that denial raises an issue of general importance.
- (b) An action under this Chapter may be filed in a circuit or superior court located in the county in which the alleged pattern, practice, or denial has occurred. The court may do the following:
- (1) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for the violation of this code as necessary to assure the full enjoyment of the right granted by this code.
 - (2) Award other appropriate relief, including monetary damages, reasonable attorney's fees and other court cost.
 - (3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:
 - (A) Fifty thousand dollars (\$50,000) for a first violation.
 - (B) One hundred thousand dollars (\$100,000) for a second or subsequent violation.
 - (C) A person may intervene in an action under this Chapter if the person is:
 - (1) an aggrieved person to the discriminatory housing practice; or
 - (2) a party to a conciliation agreement concerning the discriminatory housing practice.

46.14 Separability of Provisions:

If any provision of this code or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the code and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby.

CHAPTER 47 - SMOKE DETECTORS

47.01. Definitions. When used in this Chapter unless the context otherwise indicates:

A. "Smoke Detector" shall be defined as a device which detects particles or products of combustion other than heat, approved by Underwriters Laboratories, Inc., or Factory Mutual, equipped with a test button and may be either battery powered, minimum 9 volt or 120 volt AC

B. "Multi-family Dwelling Unit" shall be defined as any building that contains quarters for two or more occupancies, and shall include hotels, motels, boarding houses, sleeping rooms, buildings of mixed occupancy, having any residential unit, nursing homes, convalescent homes, licenses half-way houses or lodging houses.

C. "Mobile Home Rental" shall be defined as any mobile home or trailer occupied by or offered for occupancy to an individual or individuals as a residence on a rental basis.

D. "Sleeping Area" shall be defined as the area of a unit in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

47.02. Smoke Detectors Required. All multi-family dwelling units, motels, hotels, boarding houses, sleeping room houses, mobile home rentals, and buildings of mixed occupancy having any residential units located in the Town of Bremen shall be equipped with approved smoke detectors.

47.03. Location of Smoke Detectors. Every owner, manager, or agent of any multiple dwelling shall install in every dwelling unit, not less than one approved smoke detector on the ceiling, not less than seven (7) inches from the ceiling and with fifteen (15) feet of all rooms used for sleeping purposes. Smoke detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to the rooms used for sleeping purposes. Where a common hallway is used, smoke detectors shall be spaced not more than thirty (30) feet apart in such hallway.

47.04. Not Required Where Sprinkler System Installed. The provisions of this Chapter shall not be required in buildings which contain an approved automatic sprinkler system throughout.

47.05. Maintenance. At every change of tenant in every multi-dwelling, it shall be the responsibility of the owner, manager or agent to test and ascertain that the approved smoke detectors are in operable condition. It shall be unlawful for any person to tamper or remove any smoke detector except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement must be reinstalled or replaced so that it is in place during normal sleeping hours.

47.06. Certification as to Proper Working Condition. Between January 1 and January 31 each year, the owner of each dwelling unit or mobile home in which a smoke detector has been installed shall certify in writing on forms prescribed by the Town to the Fire

Department of the Town of Bremen that the required maintenance has been performed on all detectors in the owner's units and that the detectors are in good working condition as of the date of certification. Each owner shall certify to each new occupancy of any dwelling unit and mobile home covered by this ordinance that all smoke detectors required have been installed and are in proper working condition.

47.07. Penalties. Failure to comply with the terms of this ordinance shall result in charges being brought against the person obligated herein to maintain the equipment as provided in this ordinance, and upon conviction or violation of this ordinance, such offending party shall be fined in an amount of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

47.08. Enforcement. The Building Commissioner and the Fire Department of the Town of Bremen shall be charged with the duty of enforcing the terms of this Chapter.

CHAPTER 48 - ADDRESS IDENTIFICATION NUMBERS

48.01 Authority: The authority to develop, plan, coordinate, facilitate and implement the address identification numbers for all premises in the Town of Bremen shall be vested in the Street Department.

48.02 Requirements: All homes, businesses, premises and parcels of real estate in the Town of Bremen shall prominently display their street address in numerals not less than two inches (2") in height on the structure in a location clearly visible from the nearest street.

48.03 Enforcement: The Bremen Building Commissioner shall have the power and authority to inspect all such premises and compile a list of non-compliance and notify the Town Council.

48.04 Non-Compliance: The Town Council, upon notification, shall cause due notice of noncompliance to be sent to each affected property owner or other persons having an interest in such property and said persons shall be given thirty (30) days within which to comply.

48.05 Remedy: Upon notice to the Bremen Town Council that a property has remained in noncompliance, following such notice and thirty (30) day waiting period, the Town Council may direct the Building Commissioner to take all necessary and appropriate steps to appropriately number the non-compliant premises, and the Town may thereafter enforce a lien against the property for all costs incurred by the Town in correcting the noncompliance.

48.06 Penalty: In the alternative the property owner may be cited for a Class "C" Infraction after notice of non-compliance is given as provided in paragraph (3) hereinabove and the property remains in non-compliance after the thirty (30) day waiting period.

CHAPTER 49 - CABLE TELEVISION REGULATION

49.01 FCC Rate Regulations: The Town will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town, notwithstanding any different or inconsistent provisions in the Franchise.

49.02 Consideration of Views of Interested Parties: In connection with such regulation, the Town will ensure a reasonable opportunity for consideration of the views of interested parties.

49.03 Director of Operations is Authorized To: The Director of Operations, or his or her designee, is authorized to execute on behalf of the Town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges.

Chapter 50: Sexually Oriented Business

50.01 PURPOSE AND INTENT

It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health and safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent deleterious effects of sexually oriented businesses within the Town. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the Indiana State Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to in any way condone or legitimize the distribution of obscene or material harmful to minors.

50.02 DEFINITIONS

For the purposes of this division, certain terms and words are defined as follows:

A. “Sexually oriented businesses” are those businesses defined as follows:

1. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
2. “Adult Bookstore”, “Adult Novelty Store” or “Adult Video Store” means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devoted a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”;
 - b. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas”, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe “specified anatomical areas” or “specified sexual activities”

3. "Adult cabaret" means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or specified anatomical areas".
4. "Adult motel" means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows for a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
5. "Adult motion picture theatre" means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
6. "Adult theatre" means a theatre, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure or "specified anatomical areas" or by "specified sexual activities".
7. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of sexually oriented businesses shall not include the practice of massage in or by any licensed hospital; nor by a licensed physician, surgeon, chiropractor or osteopath; nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program; nor by any person or entity licensed pursuant to Chapter 115.
10. "Nude Model Studio" means any place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" for money or any form of consideration and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

11. “Sexual encounter establishment” means a business or commercial establishment that, as one of its primary business purposes offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in “specified sexual activities” or the exposure of “specified anatomical areas” or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- B. “Employee means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- C. “Establishment” means and includes any of the following:
1. The opening or commencement of any such business as a new business;
 2. The conversion of an existing business, regardless of whether it currently exists as a sexually oriented business, to any of the sexually oriented businesses defined in this chapter.
 3. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
 4. The relocation of any such sexually oriented business.
- D. “Nudity” or “State of Nudity” means: (a) the appearance of human bare buttock, anus, male or female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- E. “Operator” means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
- F. “Permitted or Licensed Premises” means any premises that requires a license and/or permit and that is classified as sexually oriented business.
- G. “Permittee and/or Licensee” means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- H. “Person” means an individual, proprietorship, partnership, corporation, association, limited liability company or other legal entity.
- I. “Public building” means any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.
- J. “Public park” or “recreation area” means public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the city which is under the control, operation, or management of the city park and recreation authorities.
- K. “Religious institution” means any church, synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities.

- L. "Residential District or Use" means a single family, duplex, townhouse, multiple family, or mobile home park or subdivision as defined in the Bremen Zoning Ordinance.
- M. "School" means any public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior college, colleges and universities. The term "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
- N. "Semi-Nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- O. "Sexually Oriented Business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, and escort agency or nude motel studio.
- P. "Specified Anatomical Areas means and includes any of the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - 2. Human male genital in a discernibly turgid state, even if completely and opaquely covered.
- Q. "Specified Sexual Activities" means and includes any of the following:
 - 1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - 3. Masturbation, actual or simulated; or
 - 4. Human genital in a state of sexual stimulation, arousal, or tumescence;
 - 5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
- R. "Substantial Enlargement of a Sexually Oriented Business" means increase in the floor areas occupied by the business by more than 15%, as the floor areas exist on the date this Ordinance takes effect.
- S. "Transfer of Ownership or Control of a Sexually Oriented Business" means and includes any of the following:
 - 1. The sale, lease or sublease of the business;
 - 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means;
 - 3. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possession the ownership or control.

50.03 PERMIT REQUIRED

- A. No person shall conduct, maintain, operate, or cause to be conducted, maintained, or operated, any

sexually oriented business within the corporate limits of the Town without first being licensed under this chapter.

- B. The Bremen Town Council, or its designee, is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits for proposed or existing sexually oriented businesses. The Bremen Town Council, or its designee, is also responsible for ascertaining whether a proposed sexually oriented business for which a permit is being applied complies with all applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this ordinance in the Town and the Town's Comprehensive Plan.
- C. Bremen Police Department shall be responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time period set forth.
- D. Town's Code Enforcement Department shall be responsible for inspecting a proposed permitted or non-permitted sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.
- E. An application for a permit must be made on a form provided by the Bremen Town Council. Any person desiring to operate a sexually oriented business shall file with the Town an original and two copies of a sworn permit application on the standard application form supplied by the Bremen Town Council, or its designee.
- F. The completed application shall contain the following information and shall be accompanied by the following documents:

The applicant is:

- a. an individual, the individual shall state his/her legal name and any aliases and submit satisfactory proof that he/she is eighteen years of age;
- b. a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
- c. a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of Indiana, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he must state 1) the sexually oriented business's fictitious name and 2) submit the required Indiana registration documents.

Whether the applicant or any of the other individuals listed in the application has, within the two (2) or five (5) year period as specified in S 125.05 immediately preceding the date of the application, been convicted of a specified criminal act, and if so, the specified criminal act involved, and the date and place of conviction.

Whether the applicant or any of the other individuals listed in the application has had a previous permit under this Ordinance, or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individuals listed in the application has been a

partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this Ordinance whose permit has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

Whether the applicant or any other individual listed in the application holds any other permits and/or licenses under this Ordinance or other similar sexually oriented business ordinance from another city, county, or state and if so, the names and locations of such other permitted businesses.

The single classification of permit for which the applicant is filing.

The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.

The applicant's mailing address and residential address.

A recent photograph of the applicant(s).

The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.

A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a State of Indiana registered land surveyor depicting the property lines and the structures containing any established existing uses regulated by this Ordinance within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 1,000 feet of the property to be certified; and the property lines of any residentially zones area or residential property within 1,000 feet of the property to be certified. For purposed of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person wishes to operate a sexually oriented business collectively with a group of individuals, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit as applicant.

If a person wishes to operate a sexually oriented business which shall exhibit on the premises films, video cassettes, or other video reproductions which depict specified sexual activities or specified anatomical areas, then said person shall comply with the application requirements stated at S 125.14 et. seq.

G. Applicants for a permit under this Section shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days form the date of such change, shall be grounds for suspension of a permit.

H. In the event that the Bremen Town Council or its designee determines or learns at any time that the

applicant has improperly completed the application for a proposed sexually oriented business, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)

- I. The applicant must be qualified according to the provisions of this Ordinance and the premises must be inspected and found to be in compliance with health, fire and building codes and laws.
- J. The applicant shall be required to pay a non-refundable application fee of one hundred dollars (\$100.00) at the time of filing an application under this Section of this Ordinance.
- K. Prior to obtaining any permit or license to operate any sexually oriented business defined in this Ordinance and as part of any application for a permit under this Section, the applicant shall obtain from the Bremen Town Council or its designee a certification that the proposed location of such business complies with the Bremen Zoning Ordinance.
- L. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.
- M. By applying for a permit under this Ordinance, the applicant shall be deemed to have consented to the provisions of this Ordinance and to the exercise by the Bremen Town Council or its designee, the Bremen Police Department and all other Town agencies charged with enforcing the laws, ordinances and codes applicable in the Town of their respective responsibilities under this Ordinance.
- N. The applicant shall be required to provide the Town with the names of any and all employees who are required to be licensed pursuant to 50.13 of this Ordinance. This shall be a continuing requirement even after a permit is granted or renewed.

50.04 INVESTIGATION AND APPLICATION

- A. Upon receipt of an application properly filed with the Town and upon payment of the non-refundable application fee, the Town Clerk-Treasurer shall immediately stamp the application as received and shall immediately thereafter sent photocopies of the application to the Bremen Police Department and any other Town agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this Ordinance. Said investigation shall be completed within twenty (20) days of receipt of the application by the Town Clerk-Treasurer. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons. The Bremen Police Department shall only be required to certify the NCIC records request check mentioned at 50.05. The Police Department shall not be required to approve or disapprove applications.
- B. Grant of Application for Permit
 - 1. The Bremen Town Council or its designee shall grant the application unless one or more of the criteria set forth in Section C below is present.
 - 2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall also indicate that the sexually oriented business shall be subject to prohibitions against Public Nudity and Indecency pursuant to the Indiana Penal Code 35-45-4-1. The permit shall be posted

in a conspicuous place at or near the entrance to the sexually oriented business so that it can be read easily at any time.

C. Denial of Application for Permit

1. The Bremen Town Council or its designee, shall deny the application for any of the following reasons:
 - a. An applicant is under eighteen years of age.
 - b. An applicant or an applicant's spouse is overdue on his/her payment to the Town of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
 - c. An applicant is residing with a person who has been denied a permit by the Bremen Board of Public Works and Safety to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 - d. An applicant has failed to provide information required by this Section or permit application for the issuance of the permit or has falsely answered a question or request for information on the application form.
 - e. The premises to be used for the sexually oriented business have not been approved as being in compliance with health, fire and building codes by the department or agency responsible under law for investigating said compliance.
 - f. The application or permit fees required by this Ordinance have not been paid.
 - g. An applicant of the proposed business in violation of, or is not in compliance with, any of the provisions of this Ordinance or the Bremen Zoning Ordinance.
 - h. The granting of the application would violate a statute, ordinance, or court order.
 - i. The applicant has a permit under this Ordinance that has been suspended or revoked.
 - j. An applicant has been convicted of a "specified criminal" act for which:
 - (1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations
 - (2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; for the "specified criminal" acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or material harmful to minors, prostitution, or tax violations;

- (3) less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanor offenses for “specified criminal” acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business including but not limited to distribution of obscenity or materials harmful to minors, prostitution, pandering or tax violations; offenses occurring within any twenty-four (24) month period;
- (4) the fact that a conviction is being appealed shall have no effect on disqualification of the applicant.
- (5) An applicant who has been convicted of the above described “specified criminal” acts may qualify for a sexually oriented business permit only when the time period required above in 50.05 (C)(1)(j) has elapsed.
- k. An applicant knowingly has in his or her employ, an employee who does not have a valid license as required in 50.13 of this Ordinance.
- 2. If the Bremen Town Council or its designee denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial.
- 3. If a person applies for a permit for a particular location within a period of twelve (12) months from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

50.06 ANNUAL PERMIT FEE

The annual fee for a sexually oriented business permit is Two hundred dollars (\$200.00).

50.07 INSPECTION

- A. An applicant or permittee shall permit representatives of the Town of Bremen and Marshall County to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- B. A person who refuses to permit any such inspection of the premises at any time that it is occupied or open for business shall be in violation of this Ordinance.

50.08 EXPIRATION OF PERMIT

- A. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in 50.05 (for renewals, filing of original survey shall be sufficient) of this Ordinance. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
- B. When the Bremen Town Council or its designee denies renewal of the permit, the applicant shall not be issued a permit under this Ordinance for one (1) year from the date of denial. If, subsequent to

denial, the Bremen Town Council or its designee finds that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

50.09 SUSPENSION OF PERMIT

- A. The Bremen Board of Public Works and Safety or its designee shall suspend a permit for a period not to exceed thirty (30) days if he/she determines that a permittee, or an employee of a permittee, has:

Violated or is not in compliance with any section of this Ordinance; or

Been under the influence of alcoholic beverages or any controlled substances while working in the sexually oriented business premises; or

Refused to allow an inspection of sexually oriented business premises as authorized by this Ordinance; or

Knowingly permitted gambling by any person on the sexually oriented business premises; or

Operated the sexually oriented business in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance or regulation violation, the Bremen Town Council or its designee shall promptly notify the permittee of the violation and shall allow the permittee a seven (7) day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven (7) day period, the Bremen Town Council or its designee shall forthwith suspend the permit and shall notify the permittee of the suspension.

Operated the sexually oriented business in violation of the hours of operation 50.17.

Knowingly employs a person who does not have a valid license as required in 50.13 of this Ordinance.

- B. The suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected.

50.10 REVOCATION OF PERMIT

- A. The Bremen Town Council or its designee shall revoke a permit if a cause of suspension in 50.09 of this Ordinance occurs and the permit has been suspended within the preceding twelve (12) months.

- B. The Bremen Board of Public Works and Safety or its designee shall revoke a permit upon determining that:

A permittee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit; or

A permittee or an employee has knowingly allowed possession, use or sale of controlled substances in or on the premises; or

A permittee or an employee has knowingly allowed prostitution on the premises; or

A permittee or an employee knowingly operated the oriented business during a period of time when the permittee's permit was suspended; or

A permittee has been convicted of a "specified criminal act" for which the time period required in 50.05 of this Ordinance has not elapsed; or on two or more occasions within a twelve (12) month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit; or

A permittee is convicted of tax violations for any taxes or fees related to a sexually oriented business; or

A permittee or an employee has knowingly allowed any act of sexual intercourse; sodomy, oral copulation, masturbation or any other specified sexual activities to occur in or on the permitted premises.

A permittee has been operation more than one sexually oriented business under a single roof.

A permittee has engaged in or attempted to engage in a transfer of permit in violation of 50.12 of this Ordinance.

B. When the Bremen Town Council or its designee revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective. If, subsequent to revocation, the Bremen Town Council or its designee finds that the basis for revocation under 50.10 of this Ordinance has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date of revocation became effective. If the permit was revoked under 50.10 of this Ordinance, an applicant may not be granted another permit until the number of years required under 50.10 has elapsed.

50.11 JUDICIAL REVIEW OF PERMIT DENIAL, SUSPENSION OR REVOCATION

After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek judicial review of the administrative action in Marshall Superior Court or Circuit Court.

50.12 TRANSFER OF PERMIT

A. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application for permit.

B. A permittee shall not transfer his/her permit to another person.

C. A permittee shall not transfer his/her permit to another location.

D. Any attempt to transfer a permit either directly or indirectly in violation of this Section is hereby declared void and the permit shall be deemed revoked.

50.13 SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE

A. Each individual to be employed in a sexually oriented business, as defined in 50.02 of this Ordinance, who engages in the services rendered by a nude model studio, escort or escort agency, sexual encounter establishment, massage parlor (except for massage parlors licensed pursuant to Chapter ____ of the Bremen Municipal Code), or a live performer or entertainer shall be required to obtain a

Sexually Oriented Business Employee License. Each applicant shall pay a permit fee of twenty-five (\$25.00) dollars. Said fee is to cover reasonable administrative costs of the licensing application process.

- B. Before any applicant may be issued a Sexually Oriented Business Employee License, the applicant shall submit on a form to be provided by the Bremen Town Council or its designee the following information:

The applicant's name or any other names (including "stage" names) or aliases used by the individual;

Age, date and place of birth;

Height, weight, hair and eye color;

Present residence address and telephone number;

Present business address and telephone number;

Social Security number; and

Acceptable written proof that the individual is at least eighteen (18) years of age.

Attached to the application form as provided above, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Bremen Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.

A statement detailing the license or permit history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operation or seeking to operate, in this or any other county, city, state or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event if any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and describe in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

Whether the applicant has been convicted of a "specified criminal act" as defined in 50.05 (C) (1) (j) of this Ordinance. This information shall include the date, place, nature of each conviction or plea of nolo contendere and identifying the convicting jurisdiction.

The Bremen Town Council designee shall refer the Sexually Oriented Business Employee License application to the Bremen Police Department for an investigation to be made of such information as is contained on the application. The application process shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the Bremen Town Council or its designee shall issue a license unless the report from the police department finds that one or more of the following findings are true:

That the applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the sheriff's department or other department of the town;

That the applicant is under eighteen (18) years of age;

That the applicant has been convicted of a “specified criminal act” as defined in 50.05 (C) (1) (j) of this Ordinance;

That the Sexually Oriented Business Employee License is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this Ordinance;

That the applicant has had a Sexually Oriented Business Employee License revoked by the town within two (2) years of the date of the current application.

C. Renewal of License:

1. A license granted pursuant to this Section shall be subject to annual renewal by the Bremen Board of Public Works and Safety or its designee upon the written application of the applicant and a finding by the Bremen Town Council or its designee and the Bremen Police Department that the applicant has not been convicted of any “specified criminal act” as defined in 50.05 (C) (1) (j) of this Ordinance or committed any act during the existence of the previous license period which would be grounds to deny the initial permit application.
2. The renewal of the license shall be the same as the initial application fee.

50.14 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS IN VIDEO BOOTHS

A person who operates or causes to be operated a sexually oriented business, other than a sexually oriented motel/hotel, regardless of whether or not a permit has been issued to said business under this Ordinance, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations, the location of all overhead lighting fixtures and designating any portion of the premises wherein patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area with no dimension greater than eight (8) feet. The diagram shall also designate the place where this permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Bremen Town Council designee may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

The application shall be sworn to be true and correct by the applicant.

No alteration in the configuration or location of a manager’s station may be made without the prior approval of the Bremen Town Council or its designee.

It is the duty of the owners and operator of the premises to insure that at least one employee is on duty and situated at each manager’s station at all times that any patron is present inside the premises.

The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises, to insure that the view area specified in Subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other materials or persons at all times and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection A of this section.

No viewing room may be occupied by more than one person at any one time. No holes, commonly known as "glory holes", shall be allowed in the walls or partitions, which separate each viewing room from an adjoining viewing room or restroom.

The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2) foot candle as measured at the floor level.

It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises.

50.15 PROHIBITIONS REGARDING MINORS AND SEXUALLY ORIENTED BUSINESSES

It shall be unlawful for a person who operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to knowingly or with reasonable cause knows, permits, suffers, or allows:

Admittance of a person under eighteen (18) years of age to the business premises;

A person who is under eighteen (18) years of age to work at the business premises as an employee;

It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless the attendant asked for and was furnished:

- a. A valid operator's, commercial operator's or chauffeur's license; or
- b. A valid personal identification certificate issued by the State of Indiana reflecting that such person is eighteen (18) years of age or older.

50.16 ADVERTISING AND LIGHTING REGULATIONS

- A. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to advertise the presentation of

any activity prohibited by any applicable state statute or local ordinance.

- B. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to display or otherwise exhibit the materials and/or performances at such sexually oriented business in any advertising or any portion of the interior premises which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
- C. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to allow the exterior portion of the sexually oriented business to have flashing lights or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Ordinance.
- D. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to erect, construct, or maintain any sign for the sexually oriented business other than as permitted by the Bremen On-Premise Sign Ordinance and as follows:
 - (1) Signage shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the legal name of the enterprise.
 - (2) Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- E. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to allow the exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

The establishment is a part of a commercial multiunit center; and the exterior portions of each individual unit in the commercial multiunit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multiunit center.
- F. All off-street parking areas and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.
- G. Nothing contained in this section of the Ordinance shall relieve the operator(s) of a sexually oriented business from complying with the requirements of the Town of Bremen, commonly known as the Sexually Oriented Business Ordinance, as it may be amended from time to time, or any subsequently enacted Town ordinances or regulations.

50.17 HOURS OF OPERATION

- A. It shall be unlawful for any person to operate, or cause to be operated, a sexually oriented business,

regardless of whether or not a permit has been issued for said business under this Ordinance, and allows such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 10:00 p.m. and 10:00 a.m. of any particular day.

- B. It shall be unlawful for any person while working as an employee of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, and allows such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 10:00 p.m. and 10:00 a.m. of any particular day.

50.18 NUDITY AT SEXUALLY ORIENTED BUSINESSES PROHIBITED

No person shall allow public nudity in any sexually oriented business. Any sexually oriented business, which is found in violation of this section, shall have its permit suspended pursuant to the provisions of 50.09

50.19 REGULATIONS PERTAINING TO LIVE ENTERTAINMENT

- A. For purposes of this section, “live entertainment” is defined as a person who appears nude, semi-nude, or a performance, which is characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- B. No person shall perform live entertainment for patron(s) of a sexually oriented business establishment, except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patron(s). No patron shall be permitted within ten (10) feet of the stage while the stage is occupied by a performer.
- C. The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers that shall not be occupied or used in any way by any one other than performers.
- D. The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms, which are completely, separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum four (4) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers, which prevents any physical contact between the patrons and performers.
- E. No entertainer, before, during, or after a performance, shall have physical contact with any patron and no patron shall have physical contact with any entertainer before, during, or after a performance. This subsection shall only apply to physical contact while in or on the premises of the establishment.
- F. Fixed rails at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this section.
- G. No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and an performer. No performer shall solicit any gratuity from any patron.

- H. No operator of a sexually oriented business establishment shall cause or allow a performer to engage in any entertainment such as a “couch” or “straddle” dance with a patron while in or on the establishment premises. No performer shall contract to or engage in a “couch” or “straddle” dance with a patron while in or on the establishment premises. For purposes of this subsection, “couch” or “straddle” dance is defined as an employee of the establishment intentionally touching or coming within ten (10) feet of any patron while engaged in the display or exposure of any “specified anatomical area” or any “specified sexual activity”. For purposes of this subsection, “employee” is defined as it is in 50.22 (B).
- I. 50.19 shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bartender, comes within ten (10) feet of a patron. No employee shall engage in any “specified sexual activity” or display or expose any “specified anatomical area” while acting as a waiter, waitress, host, hostess, or bartender.
- J. Compliance with this section:
1. For purposes of this section, establishment is defined as it is in 50.02 (C) of this Ordinance. No establishment shall be in compliance with this section until the Town’s designated agent(s) have inspected and approved of the establishment’s compliance. The Town shall have ten (10) days from the date it receives written notice from the operator that the establishment is ready for inspection to approve or disapprove of compliance required by this section. Failure to approve or disapprove of compliance within ten (10) days shall constitute a finding of compliance under this section.
 2. The operator of an establishment, that has been providing live entertainment under a valid sexually oriented business permit, shall have the time periods listed below in which to bring the establishment into compliance with this section. Failure to do so while continuing to provide live entertainment shall cause the establishment’s permit to be suspended under 50.09 of this Ordinance. The permit shall remain suspended until the establishment is approved by the Town’s designated agent(s) as being in full compliance with this section.
 3. The operator of establishment, that has been operation under a valid permit for another classification of sexually oriented business and who wishes to provide live entertainment at that establishment, shall apply for and receive a sexually oriented business permit for the operation of an establishment providing live entertainment before any live entertainment is provided at that establishment. No live entertainment permit shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this Ordinance.
 4. The applicant for a permit to operate a new establishment, who wishes to provide live entertainment, shall apply for and receive a sexually oriented business permit for the operation of an establishment providing live entertainment before any live entertainment is provided. No live entertainment permit shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this Ordinance.
 5. Compliance with Subsection B must occur within sixty (60) days from the date this section becomes effective.
 6. Compliance with Subsection C must occur within ninety (90) days from the date this section becomes effective.
 7. Compliance with Subsection D must occur within ninety (90) days from the date this section

becomes effective.

8. Compliance with Subsection E must occur upon the date this section becomes effective.
9. Compliance with Subsection F must occur within sixty (60) days from the date this section becomes effective.
10. Compliance with Subsection G must occur upon the date this section becomes effective.
11. Compliance with Subsection H must occur upon the date this section becomes effective.

50.20 EXEMPTIONS

- A. It is a defense to prosecution for any violation of this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:

By a college, junior college, or university supported entirely or partly by taxation.

By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

In a structure:

Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

Where no more than one nude model is on the premises at any one time.

- B. It is a defense to prosecution for a violation of this Ordinance that an employee of a sexually oriented business, regardless of whether or not it is permitted under this Ordinance, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

50.21 PENALTY AND INJUNCTIVE RELIEF

- A. A person who violates the provisions of this chapter shall be subject to a fine not to exceed Two thousand five hundred (\$2,500.00) dollars for each violation. Each day of continued violation shall constitute a separate offense.
- B. In addition to seeking penalties against individuals who violate provisions of this chapter, the Town Attorney or his/her designated representative may commence legal action seeking injunctive relief against any individuals violating the provisions of this chapter.

50.22 PROHIBITION OF DISTRIBUTION OF SEXUAL DEVICES

- A. It is unlawful for anyone to distribute for commercial purposes, sell or offer for sale, any device, instrument or paraphernalia designed or marketed primarily for stimulation of human genital organs

or for sadomasochistic use or abuse of themselves or others.

- B. Such devices, instruments or paraphernalia shall include, but are not limited to, phallic shaped vibrators, dildo's, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing elements (excluding earrings or other decorative jewelry) or other tools or sado-masochistic abuse.

50.23 SEVERABILITY

If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity with the remaining section, subsection and clauses shall not be affected hereby.

50.24 CONFLICTING ORDINANCE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Town Council, signature of the President of the Town Council, attestation by the Town Clerk and publication as required by law.

CHAPTER 60 - TRAFFIC ADMINISTRATION

60.01. Traffic Division. There is hereby established within the police department of the Town a Traffic Division to be under the direction of a police officer who shall be appointed by, and directly responsible to, the Chief of Police.

60.02. Duty of Police Department. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the Town and all of the State vehicle laws applicable to street traffic in the Town, to make arrests for traffic violations, to investigate accidents and to cooperate in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the police department by this Code and the traffic ordinances of the Town.

60.03. Records of Traffic Violations. The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the Town or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. All such records and reports shall be public records.

60.04. Traffic Accident Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the Town and traffic engineer in conducting studies of such accidents and determining remedial measures.

60.05. Traffic Accident Reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the Town and traffic engineer.

60.06. Drivers Files. The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which records shall be filed alphabetically under the name of the driver concerned.

Said division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

Such records shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the most recent five (5) year period.

60.07. Annual Traffic-Safety Report. The traffic division shall annually prepare a traffic report which shall be filed with the Town Council. Such report shall contain the following information:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police; and,
3. The plans and recommendations of the division for future traffic safety activities.

60.08. Traffic Engineer. The Chief of Police of the Town shall serve as the traffic engineer in to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this ordinance.

It shall be the general duty of the traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of the Town, and to cooperate with other Town officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of the Town.

The Chief of Police/Traffic Engineer is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the Town and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than ninety (90) days.

The Traffic Engineer may test traffic-control devices under actual conditions of traffic.

Whenever in the administration of this Code the Traffic Engineer takes action as provided herein, his acts shall be subject to review by the Town Traffic Commission at any time within ninety (90) days; however, such acts shall remain in full force and effect unless remanded or modified upon such review.

60.09. Town Traffic Commission. There is hereby established a Traffic Commission to serve without compensation, consisting of the Chief of Police or in his discretion as his representative the chief of the traffic division, a member of the Town Council and the town attorney's office and such number of other town officers and representatives of unofficial bodies as may be determined and appointed by the Town Council. The chairman of the commission shall be appointed by the Town Council.

It shall be the duty of the Traffic Commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the Town Council and to the Traffic Engineer, the chief of the traffic division, and other Town officials ways

and means for improving traffic conditions and the administration and enforcement of traffic regulations.

The Traffic Commission shall meet when called into session by the Commission chairman or the Town Council. The Commission shall meet bi-annually, once in the first half and once during the second half of the fiscal year to review current traffic problems. The Commission can be called into session any time throughout the year, with a reasonable advance notice. The number of sessions over the minimum requirements shall be left to the discretion of the Town Council and the chairman of the Commission.

60.10 Non-Exclusive Jurisdiction. The police officer may file any motor vehicle violation having been committed within the Town of Bremen with any Court of competent jurisdiction.

CHAPTER 61 - TRAFFIC REGULATIONS

61.01 Definitions. For the purposes of the chapters in this Code relating to traffic, certain words and phrases shall have the following meanings:

1. Alley. A public or private vehicular right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. Authorized Emergency Vehicle. Fire department vehicles, police vehicles, and such ambulances and emergency vehicles of Town departments or public service corporations as are designated or authorized by the Town Chief of Police.
3. Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground, upon which any person or persons ride.
4. Commercial Vehicle. Any vehicle designed, maintained or used primarily for the transportation of goods or property by a business.
5. Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
6. Districts. The business and residential districts are hereby defined as designated in the Zoning Ordinances of the Town which are now in effect, or which may become effective in the future.
7. Driver. Every person who drives or is in actual physical control of a vehicle.
8. Freight Curb Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of freight.
9. Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
10. Motor Vehicle. A vehicle which is self propelled and every vehicle which is attached to or propelled by a self-propelled vehicle.
11. Motorcycle. A motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
12. Official Traffic Control Device. All signs, signals, markings, and devices

not inconsistent with this Code placed or erected by the authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

13. Park. The standing of a vehicle, whether occupied or not, and whether or not accompanied by an operator, for a period of time in excess of two (2) minutes.

14. Passenger Curb Loading Zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

15. Pedestrian. Any person afoot.

16. Police Officer. An officer of the police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

17. Private Road or Driveway. A way or place in private ownership used for vehicular travel by the owner and by those having express or implied permission from the owner, but not by other persons.

18. Right of Way. The privilege of the immediate use of the roadway.

19. Roadway. That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

20. Sidewalk. That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

21. Stop. When required means complete cessation of movement.

22. Stop, Stopping or Standing. When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

23. Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

24. Through Highway. Any street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Code.

25. Traffic. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for the

purposes of travel.

26. Traffic Control Signal. A device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed, placed in accordance with the provisions of this Code.

27. Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved exclusively by human power.

61.02. Authority of Police and Fire Department Officials. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the Town and all of the State vehicle laws applicable to street traffic in this city.

Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Officers of the fire department, when in uniform, may direct or assist the police in directing traffic.

61.03. Required Obedience. It is an infraction for any person to do any act forbidden or fail to perform any act required in this Ordinance. Further, no person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

61.04. Public Employees to Obey Traffic Regulations. The provisions of these Ordinances shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County, or Town, and it shall be unlawful for any said driver to violate any of the provisions of these Ordinances, except as otherwise permitted in this Ordinance or by State Statute.

61.05. Authorized Emergency Vehicles. The driver of an authorized emergency vehicle, when operating any such vehicle in an emergency, may exercise the privileges set forth in this section, unless otherwise directed by a police officer, but subject to the conditions herein stated. Said driver may:

1. Park or stand at any location.
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
3. Exceed the prima facie speed limits so long as he does not endanger life or property.
4. Disregard regulations governing direction of movement or turning in specified directions.

The exemptions herein granted shall apply only when the driver of any said

vehicle shall sound a bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet from the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle.

The foregoing provisions shall not relieve the driver of any vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

61.06. Emergency Vehicles Have Right of Way. Upon the immediate approach of an authorized emergency vehicle displaying at least one lighted lamp exhibiting red or blue light visible from the front of such vehicle, and when said driver is giving audible signal by siren, bell or exhaust whistle:

The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

61.07. Report of Accidents. The driver of a vehicle involved in an accident resulting in property damage or injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within the Town.

The driver of a vehicle which is in any manner involved in an accident resulting in property damage or injury to or the death of any person shall, within five (5) days after such accident forward a written report of such accident to the police department, or a copy of any report he is required to forward to the State. The provisions of this paragraph shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present.

Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in this section and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

Whenever the driver is physically incapable of making a written report of an accident as required herein and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after learning of the accident make such report not made by the driver.

61.08. Written Accident Reports Confidential. All written accident reports made by drivers, owners, or occupants of vehicles involved in accidents as required herein shall be without prejudice to the individual so reporting and shall be for use of the police department or other governmental agencies having use for the records for accident prevention purposes. Police Department may make copies available at a reasonable fee or as per department policy, subject to council approval.

61.09. Animal Rider and Push Carts. Every person propelling any push cart or riding an animal upon a road way, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Ordinance applicable to the driver of any vehicle, except those provisions of this Ordinance which by their very nature can have no application.

61.10. Obedience to Traffic Control Devices. No driver of any vehicle shall disobey the instructions of any traffic control device placed in accordance with the Ordinances of the Town, unless otherwise directed by a police officer, subject to the exceptions herein granted the driver of an authorized emergency vehicle.

61.11. When Traffic Devices Required. No provision of this Ordinance for which signs or markings are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that signs are required, such Section shall be effective even though no signs are erected or in place.

61.12. Traffic Control Signals. Whenever traffic is controlled by traffic control signals exhibiting the words "go", "caution", or "stop", or exhibiting different colored lights successively, one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green alone or "go". Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. Yellow alone or "caution" when shown following the green or "go" signal. Vehicular traffic facing the signal is hereby warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.
3. Red alone or "stop". Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
4. Red with green arrow. Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

No pedestrian facing such signal shall enter the roadway unless he can

do so safely and without interfering with any vehicular traffic.

5. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a stop or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

61.13. Pedestrian Control Signals. Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

1. "Walk". Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

2. "Wait" or "Don't Walk". No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

61.14. Flashing Signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing Red. When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing Yellow. When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

61.15. Interference With Traffic Control Devices. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device or any inscription, shield, or insignia thereon, or any other part thereof.

61.16. Display of Unauthorized Signs, Signals or Markings. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, marking, or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any sign or signal.

No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

61.17. Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. The approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection. The left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.
3. The approach for a left turn from a two-way street onto a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street onto a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.
4. Where both streets or roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left hand curb or edge of the roadway.

61.18. State Speed Laws Applicable. The State of Indiana traffic laws regulating the speed of vehicles shall be applicable upon all streets within the Town, except as the Board may declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets, in which event it shall be prima facie unlawful for any person to drive a vehicle at a speed in excess of any speed so declared by the Board when signs are in place giving notice thereof.

61.19. Authority to Install Traffic Control Devices. The Traffic Engineer shall place and maintain traffic control signs, signals, markers, and devices when and as required under the traffic ordinances of the Town to make effective the provisions of said ordinances, and may place and maintain such additional traffic control signs, signals, markers and devices as he may deem necessary to regulate traffic under the traffic ordinances of the Town or under State law, or to guide or warn traffic.

61.20. U-Turns. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

61.21. One-Way Streets. Upon those streets and parts of streets and in those alleys and parts of alleys which have been designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

61.22. Specifications for Stop and Yield Signs. Every stop sign erected pursuant to this article shall bear the word "Stop" in letters not less than eight (8") inches in height, and every yield sign shall bear the word "Yield" in letters not less than seven (7") inches in height. Such signs shall at nighttime be rendered luminous by efficient reflecting elements on the face of the sign or by internal or external illumination. Every stop and yield sign shall be located as near as practicable to the nearest line of the cross walk on the near side of the intersection or, if none, at the nearest line of the roadway.

61.23. Stop Signs. When stop signs are erected, as provided for in this Code, at or near the entrance to an intersection, a driver of a vehicle shall stop his vehicle at such sign or at a clearly marked stop line of the crosswalk on the near side of the intersection, or if no crosswalk, at the nearest line of the roadway. Only after making a complete stop may the driver of a vehicle proceed into the intersection, and then only after yielding to other vehicles not so obliged to stop.

61.24. Yield Signs. The driver of a vehicle upon approaching an intersection where there is placed a "Yield" sign shall stop his vehicle or slow it down or shall so control his vehicle so as to yield the right-of-way to any approaching vehicles which are so close as to constitute an immediate hazard. Only after having so yielded or having stopped in order to yield, may the driver then proceed.

61.25. Emerging from Alley, Driveway or Building. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, sound his horn, yielding the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

61.26. Obstruction of Intersection. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

61.27. Following Fire Apparatus. No driver of any vehicle other than one on official business shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

61.28. Crossing Fire Hose. No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, alley or driveway without the consent of the fire department official in command.

61.29. Funeral or Other Processions. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

A funeral procession shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are

conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

61.30. Driving on Sidewalks. The driver of any vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

61.31. Backing. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

61.32. Riding on Motorcycles. A person operating a motorcycle shall not ride other than upon a permanent and regular seat attached thereto or carry any other person except upon a firmly attached seat to the operator's rear or sides. No person shall ride upon a motorcycle other than upon a firmly attached seat to the rear or side of the operator.

61.33. Attaching to Vehicles. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

61.34. Unlawful Riding. No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

61.35. Play Street. The Town Traffic Engineer shall have the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

61.36. Designated Speed Limits. Speed limits on the streets listed in schedule A are modified as listed therein from the speed limits set by state law.

61.37. Alley Speed Limits. See Attached.

61.38. Turning Limitations. Turning is prohibited at the times and in the directions listed in Schedule B for the intersections therein described.

61.39. One-way Streets and Alleys. The streets listed in Schedule C are designated one-way in the direction therein indicated for the distances described.

61.40. Multi-Way Stop Intersections. The intersections listed in Schedule D are designated stop intersects for all traffic.

61.41. Stop Streets. The streets listed in Schedule E are designated stop streets for all traffic thereon at the cross street indicated.

61.42. Traffic Control Signals. Traffic control signals shall be installed as designated in Schedule F.

61.43. Yield Streets. The streets listed in Schedule G are designated yield streets for all traffic thereon at the cross street indicated.

SCHEDULE A (61.36)

STREET NAME WHEN	LOCATION	MAXIMUM	SPEED
	APPLICABLE		
North Center Street to Bike Street	Plymouth Street	20 MPH	All Times
South East Street to Maple Street	Lincoln Street	20 MPH	All Times
Lincoln Street to Alexander Street	East Street	20 MPH	All Times
South Street to East Street	Center Street	20 MPH	All Times
Bowen Avenue Children to South Street	Stock Street	20 MPH Present	When
Grant Street Children to Marshall Street	Bowen Avenue	20 MPH Present	When
Marshall Street Children to South Street	Grant Street	20 MPH Present	When
South Street Children to Marshall Street	Bowen Avenue	20 MPH Present	When

SCHEDULE B (61.38)

STREET NAME RESTRICTED	WHEN	DIRECTION OF TRAVEL	CROSS STREET	RESTRICTED MANEUVER	
Baltimore Street		Southbound	South Street	No Right Turn	All times
Center Times Street		Northbound	South Street	No Left Turn	All
Center Times Street		Southbound	South Street	No Right Turn	All
Center Times Street		Northbound	North Street	No Right Turn	All
Center Times Street		Southbound	North Street	No Left Turn	All
East Times Street		Northbound	South Street	No Left Turn	All
Indiana Times Street		Southbound	South Street	No Right Turn	All
Jackson Times Street		Northbound	South Street	No Left Turn	All
Jackson Times Street		Southbound	South Street	No Right Turn	All
Jackson Times Street		Northbound	North Street	No Right Turn	All
Jackson Times Street		Southbound	North Street	No Left Turn	All
Marshall Times		Southbound	North	No Left Turn	All

Street		Street		
Marshall Times Street	Southbound	South Street	No Right Turn	All
Marshall Times Street	Northbound	South Street	No Left Turn	All
Maryland Times Street	Southbound	South	No Right Turn	All
Montgomery Times Street	Northbound	Street South	No Left Turn	All
Montgomery Times Street	Southbound	Street		
Montgomery Times Street	Southbound	South	No Right Turn	All
Montgomery Times Street	Northbound	Street		
Montgomery Times Street	Northbound	North	No Right Turn	All
Montgomery Times Street	Southbound	Street		
Montgomery Times Street	Southbound	North	No Left Turn	All
Washington Times Street	Northbound	Street		
Washington Times Street	Northbound	South	No Left Turn	All
Washington Times Street	Southbound	Street		
Washington Times Street	Southbound	South	No Right Turn	All
Washington Times Street	Northbound	Street		
Washington Times Street	Northbound	North	No Right Turn	All
Washington Times Street	Southbound	Street		
Washington Times Street	Southbound	North	No Left Turn	All
Whitlock Times Street	Northbound	Street		
Whitlock Times Street	Northbound	South	No Left Turn	All
Whitlock Times Street	Southbound	Street		
Whitlock Times Street	Southbound	South	No Right Turn	All
Whitlock Times Street		Street		

Whitlock Times Street	Northbound	North Street	No Right Turn	All
Whitlock Times Street	Southbound	North Street	No Left Turn	All

SCHEDULE C (61.39)

STREET OR ALLEY	LOCATION	DIRECTION OF TRAVEL
South Street	Bowen Avenue to East Street	Eastbound
North Street	Marshall Street to East Street	Westbound

SCHEDULE D (61.40)

MULTI-WAY STOP INTERSECTION

Bike Street and Industrial Drive	(4-way)
Dewey Street and Center Street	(4-way)
East Street and Sherman Street	(3-way)
Faith Avenue and Faith Court and Hope Boulevard	(4-way)
Grant Street and Center Street	(4-way)
Grant Street and East Street	(3-way)
Grant Street and Marshall Street	(4-way)
Grant Street and Whitlock Street	(4-way)
Grant Street and Bowen Avenue	(4-way)
Grant Street and Stewart Street	(4-way)
Grant Street and Birkey Street	(4-way)
Liberty Street and South Street	(4-way)
Lincoln Street and East Street	(4-way)
Maple Street and Alexander Street	(4-way)
Maple Street and Marshall Street	(3-way)
Maple Street and Woodies Lane	(3-way)
Mill Street and Montgomery Street	(4-way)
Mill Street and Baltimore Street	(4-way)
North Street and Alexander Street	(4-way)
North Street and Liberty Street	(4-way)
North Street and Marshall Street	(3-way)
North Street and Maryland Street	(4-way)
North Street and Baltimore Street	(4-way)
South Street and Baltimore Street	(2-way)
South Street and Indiana Street	(2-way)
South Street and Marshall Street	(3-way)
North Street and 1st Source Drive	(3-way)

SCHEDULE E (61.41)

STOP STREET

Alexander Street
 Alexander Street
 Baltimore Street (southbound)
 Baltimore Street (northbound)
 Baltimore Street
 Beechwood Court (eastbound)
 Beyler Street (southbound)
 Bike Street (eastbound)
 Bike Street (eastbound)
 Bike Street
 Bike Street
 Bike Street
 Bike Street
 Bike Street
 Bike Street
 Bike Street
 Birkey Street (northbound)
 Birkey Street
 Burket Lane
 Carol Street (southbound)
 Carol Street (northbound)
 Cemetery Drive #1
 Cemetery Drive #2
 Cemetery Drive #3
 Cemetery Drive #4
 Cemetery Drive #5
 Cemetery Drive #6
 Cemetery Drive #7
 Collier Street (northbound)
 Corey Drive (westbound)
 Dewey Street
 Dewey Street
 East Street
 East Street
 East Street
 Enterprise Drive
 Foltz Street
 Foltz Street
 Foltz Street (northbound)
 Fourth Street
 Grant Street (westbound)
 Harding Street (eastbound)
 High Road (eastbound)
 High Road
 Holland Street (southbound)
 Hope Boulevard
 Hope Boulevard (northbound)
 Huff Street (northbound)

CROSS STREET

Lincoln Street
 Plymouth Street
 Bike Street
 Grant Street
 Plymouth Street
 Oakmont Drive
 Second Street
 Alexander Street
 Birkey Street
 Center Street
 East Street
 Indiana Street
 Marshall Street
 Montgomery Street
 Whitlock Street
 Baltimore Street
 Dewey Street
 Plymouth Street
 Grant Street
 Bike Street
 Dewey Street
 Second Street
 Second Street
 Second Street
 Second Street
 Second Street
 Second Street
 Second Street
 Second Street
 Maple Street
 Faith Avenue
 Baltimore Street
 Marshall Street
 North Street
 South Street
 Plymouth Street
 S.R. 331
 Maple Street
 South Street
 Plymouth Street
 Center Street
 Faith Avenue
 Center Street
 Center Street
 S.R. 331
 Second Street
 Grant Street
 Plymouth Street
 Bike Street

Huff Street
Huff Street (southbound)
Indiana Street
Indiana Street
Indiana Street
Indiana Street
Industrial Drive (northbound)
Industrial Drive (southbound)
Jacinda Drive (westbound)
Jackson Street
Jackson Street (southbound)
Jackson Street
Jackson Street
Jackson Street
Jackson Street
Joey Court (westbound)
Legner Street (northbound)
Liberty Street
Liberty Drive (northbound)
Liberty Drive
Lincoln Street (westbound)
Maple Street
Maple Street
Maple Street
Maple Street
Maple Street
Maple Street
Maple Street
Marshall Street
Maryland Street
Maryland Street
Maryland Street (southbound)
Maryland Street
Meadowlark Lane (2 exits)
Mill Street
Mill Street
Mill Street
Montgomery Street (southbound)
Montgomery Street
Montgomery Street
Montgomery Street
Montgomery Street
Morningside Drive (northbound)
Morningside Drive
North Street
North Street (westbound)
Oakmont Street (northbound)
Raymond Street (westbound)
Raymond Street
Railroad Street (eastbound)
Second Street (westbound)
Second Street (eastbound)
Sherman Street

North Street
Plymouth Street
Dewey Street
Mill Street
North Street
Plymouth Street
Dewey Street
Plymouth Street
Birkey Street
Bike Street
Grant Street
North Street
Sherman Street
South Street
Plymouth Street
Faith Avenue
Second Street
Grant Street
Dewey Street
Plymouth Street
Center Street
Center Street
East Street
Jackson Street
Montgomery Street
Washington Street
Whitlock Street
Plymouth Street
Bike Street
Mill Street
South Street
Plymouth Street
Stewart Street
Center Street
Marshall Street
Whitlock Street
Grant Street
North Street
South Street
Plymouth Street
Dewey Street
Lincoln Street
Raymond Street
Birkey Street
Center Street
Grant Street
Center Street
Washington Street
Center Street
Center Street
S.R. 106
Liberty Street

Sherman Street
Sherman Street (eastbound)
Sherman Street
Sherman Street (westbound)
Sherman Street
Sherman Street (westbound)
Sherman Street
Sherman Street
Shumaker Drive
Shumaker Drive
Shumaker Drive
Shumaker Drive
Shumaker Drive
South Street
South Street (eastbound)
South Street (eastbound)
South Street (eastbound)
South Street
South Street (eastbound)
South Street (eastbound)
Southlawn Court (eastbound)
Spencer Street (northbound)
Spencer Street
Spencer Street
Stewart Street
Stock Street (eastbound)
Stock Street (westbound)
Third Street
Third Street (westbound)
Third Street (eastbound)
Timberwood Court (2 exits)
Wahl Street (southbound)
Washington Street
Washington Street
Washington Street
Washington Street
Washington Street
Washington Street
Water Street (eastbound)
Water Street (westbound)
Whitlock Street
Whitlock Street (northbound)
Whitlock Street
Woodies Lane (northbound)

Stewart Street
Bowen Avenue
Center Street
Marshall Street
Montgomery Street
Stewart Street
Washington Street
Whitlock Street
North Street
Sherman Street
Stock Street
Plymouth Street
Grant Street
Alexander Street
Center Street
Liberty Street
Shumaker Drive
Stewart Street
Whitlock Street
Woodies Lane
Stewart Street
Dewey Street
North Street
Plymouth Street
Plymouth Street
Bowen Avenue
Stewart Street
Beyler Street
Center Street
Holland Street
Birkey Street
Second Street
Grant Street
Bike Street
Lincoln Street
North Street
South Street
Plymouth Street
Center Street
Marshall Street
North Street
Dewey Street
Plymouth Street
S.R. 331

SCHEDULE F (61.42)

Grant Street (red Flasher light)

Bowen Avenue

SCHEDULE G (61.43)

YIELD STREET

Collier Street (northbound)
Collier Street (southbound)
Mill Street (eastbound)
Jackson (northbound)
Maryland Street (northbound)
Montgomery Street (northbound)
Pleasant Court (westbound)
East Street
Wahl Street

CROSS STREET

South Street
Maple Street
Washington Street
Mill Street
Dewey Street
Water Street
Hope Boulevard
Raymond Street
Third Street

CHAPTER 62 - PARKING

62.01. Method of Parking. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway.

Notwithstanding the above paragraph, no person shall stand or park a vehicle on the left hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within twelve (12) inches of the curb or edge of the roadway.

Upon those streets which have been signed or marked by the Town Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. The vehicle must enter the parking space with a forward movement.

62.02. Stopping, Standing or Parking Prohibited. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk or between sidewalk and curb;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15') feet of a fire hydrant;
5. On a cross walk;
6. Within twenty (20') feet of a cross walk at an intersection;
7. Within thirty (30') feet upon the approach to any flashing beacon;
8. Between a safety zone and the adjacent curb or within thirty (30') feet of the curb;
9. Within fifty (50') feet of the nearest rail of a railroad crossing;
10. Within twenty (20') feet of the driveway entrance to any fire station;
11. Alongside or opposite any street excavation or obstruction when stopping;
12. On the roadway side of any vehicle stopped or parked at the edge or within three feet of the edge of the roadway;
13. Upon any bridge or other elevated structure upon a highway or within ten feet of the edge of the roadway;
14. At any place where official signs prohibit stopping;
15. On the traveled portion of any roadway, which does not have a curb or other physical barrier.

No person shall move a vehicle not lawfully under his control

into any such

16. In the front yard, as defined in Section 110.01, sub-section

80, i

62.03. Parking in Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

62.04. Night Parking Prohibited. No person, except physicians on emergency calls, shall park a vehicle on any street in the central business district for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.

62.05. Parking for Certain Purposes Prohibited. No person shall park a vehicle upon any street or highway for the principal purpose of:

1. Displaying such vehicle for sale; or

2. Washing, greasing, or repairing such vehicle except for

repa

62.06. Parking Prohibited on Certain Streets. The Chief of Police/Town Traffic Engineer is hereby authorized to erect signs indicating no parking up either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon such streets, no person shall park a vehicle in any such designated place. The Chief of Police/Town Traffic Engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty-three (33) feet. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

The Chief of Police/Town Traffic Engineer is authorized to erect signs upon either or both sides of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such side in violation of any such sign.

The Chief of Police/Town Traffic Engineer is hereby authorized to prohibit parking on either or both sides of any street in the Town between the hours and on days of the week specified by him, and to erect signs so indicating.

62.07. Parking in Congested Locations. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than twelve (12) feet of the width of the roadway for free movement of vehicular traffic.

The Town Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred fifty (150) feet in length in which the stopping, standing, or parking of vehicles would create an especially

hazardous condition or would cause unusual delay in traffic. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

62.08. Parking on One-Way Roadways. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon either or both sides of such One-way roadway unless signs are erected to permit such standing or parking. The Town Traffic Engineer is authorized to determine when standing or parking may be permitted upon the side of any such one-way roadway and to erect signs giving notice thereof.

62.09. Municipal Off-Street Parking. The Chief of Police and Traffic Engineer are hereby authorized to erect signs in "off-street" parking areas maintained by the Town designating parking time limits in certain portions so designated and the time limits adopted by resolution of the Town Board.

62.10. Parking Time Limited - Posted Areas. When appropriate signs are erected in "off-street" parking areas giving notice thereof no person shall park a vehicle for longer than the time specified.

62.11. Parking Limited. No person shall park or leave a vehicle unattended for more than twenty-four (24) hours in any municipal "off-street" parking area nor shall any person park or leave unattended a disabled or inoperable vehicle or a vehicle with an expired license or registration in any municipal "off-street" parking area.

62.12. Authority to Impound Vehicles. Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or otherwise maintained by this Town under the following circumstances:

1. When a vehicle is found unattended in any place as may be
2. When a vehicle upon a highway is so disabled as to constitute custody or removal.
3. When any vehicle is left unattended upon a street or alley or is
4. When any vehicle is left unattended upon a street, alley, or removal, street cleaning or maintenance of streets or public utilities.
5. When any vehicle is left unattended upon a municipal parking lot and rema licensed and registered.

62.13. Notice of Impoundment. Whenever an officer removes a vehicle from a street as authorized in this section, or other place as is authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give, or cause to be given, notice in writing to such owner of the fact of such removal and the reasons therefore and the place to which such

vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

- 62.14. Cost of Impoundment. The cost of such removal and the cost of such storage shall be borne by the owner thereof and such vehicle shall be entitled to be held until such costs are paid in full.
- 62.15. Penalties. Any person who violates the provisions of this section shall be fined Ten (\$10.00) Dollars, provided that said fine shall be reduced to One (\$1.00) Dollar if such person shall pay within forty-eight (48) hours after such violation the sum of One (\$1.00) Dollar (\$1.00) to the Office of the Clerk-Treasurer of the Town of Bremen, Indiana, provided, however, that in the event of a second offense during any calendar year the fine shall be reduced to Five (\$5.00) Dollars if paid within forty-eight (48) hours at the Office of the Clerk-Treasurer as provided above. The fine for third and subsequent offenses in any calendar year may not be reduced.
- 62.16. Definitions. As used in this Chapter unless the context otherwise indicates: "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, bus, school bus, pickup truck camper, camper trailer, horse drawn vehicle, utility trailer, boat and/or boat trailer, RV, snowmobile and/or snowmobile trailer, jet ski, motor home, house car or motor bicycle or any portion thereof.

CHAPTER 63 - ESTABLISHING LIGHT MOTOR VEHICLE NOISE CONTROL REGULATIONS

63.01 Definitions.

Terminology. All terminology used in this ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-Weighted Sound Level. This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Noise Level. This shall refer to the A-weighted sound level produced by a light motor vehicle.

Person. This means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.

Sound Level Meter. This means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI S1.4-1 971 or its successor.

Sound Pressure Level. This means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

Noise. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Light Motor Vehicle. For the purpose of this Chapter 63 Light Motor Vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter or light truck with gross vehicular weight of less than 8,000 pounds.

Modified Exhaust System. It is an exhaust system in which:

- a. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or
- b. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
- c. Devices have been added to the original noise abatement devices, such that noise levels are increased.

63.02. Heavy Motor Vehicle: For the purposes of this Chapter, heavy motor vehicle shall

mean any motorized vehicle with a gross vehicular weight of more than 8000 pounds.

Noise Limit. It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA and from a heavy motor vehicle in excess of 95 dBA in any area within the corporate limits of Bremen. Measurement shall be made on pedestrian walkways or on other suitable locations at a point closest to the street in accordance with procedures outlined in the Code of Recommended Practices on file with the Town Clerk.

- 63.03. Excessive Noise. In addition to the prohibition provided for in Chapter 63, subsection 63.02, it shall be unlawful for any person to operate a motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. At the request of the operator of the light motor vehicle, the officer can administer a stationary motor vehicle noise test as outlined in the Code of Recommended Practices on file with the Town Clerk. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.

- 63.04. Signaling Devices. It shall be unlawful for any person to operate any horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.

Burglar alarms on light motor vehicles shall only be of the electronic signaling type which transmit a non-audible signal to a receiver which can be carried by the owner or operator of the vehicle.

CHAPTER 64 - PEDESTRIANS

64.01. Pedestrians Subject to Traffic Control Signals. Pedestrians shall be subject to traffic control signals, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Code.

64.02. Pedestrians' Right-of-Way. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to any pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

64.03. Pedestrians to Keep to Right. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

64.04. Crossing at Right Angles. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

64.05. When Pedestrian Shall Yield Right-of-Way. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

The foregoing rules in this section have no application under the conditions stated in Section 64.06 when pedestrians are prohibited from crossing at certain designated places.

64.06. Prohibited Crossing. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

64.07. Pedestrians Walking on Roadways. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along or upon an adjacent roadway. Where sidewalks or marked walkways are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

64.08. Pedestrians Soliciting Rides or Business. No person shall stand on a street or

highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

64.09. Drivers to Exercise Due Care. Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

64.10. Use of Roller Skates and Similar Devices. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street when set aside as a play street as authorized by this Code.

CHAPTER 65 - WEIGHT REGULATIONS

- 65.01. Load Restrictions on Certain Streets. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts posted at any time upon any of the streets or parts of streets so designated.

No person shall park or leave standing any truck of a greater weight than one (1) ton rated load capacity on any Town street or public parking area, except that trucks over such weight may be parked or standing only while loading or unloading cargo.

- 65.02. Commercial Vehicles. Commercial vehicles exceeding five thousand (5,000) pounds gross weight shall be restricted at all times to those streets or parts of streets as posted by signs, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

Commercial and other vehicles exceeding one (1) ton load rated capacity shall be restricted from use of any and all residential zoned streets, highways, alleys, and such public thoroughfares (except where such street is a State or Federal highway passing through a residential zone), except that such vehicles may be operated there upon for the purpose of delivering or picking up cargo or merchandise and then only by entering such street and using such streets that are approved for the most practical and direct route in the opinion of the local police.

- 65.03. Load Restrictions during Certain Hours. Except on State highways or State controlled highways, no commercial vehicle with a gross weight in excess of ten thousand (10,000) pounds shall be operated in any residential district in said Town between the hours of 5:30 p.m. and 7:00 a.m., provided in the event that this restriction shall result in an undue hardship or unfair competition, the traffic commission shall have the power to authorize the issuance of special permits from time to time as deemed necessary for the protection of the rights of any individual, firm or corporation.

- 65.04. Penalties. It is provided that in addition to any penalty provided for in the Town Code, any truck or vehicle in violation of this article may be ordered to be removed or may be removed by the Chief of Police or any police officer at the expense of the driver of said vehicle, its owner, or person in possession of such truck or vehicle.

CHAPTER 66 - TRUCKS

- 66.01. "Truck Defined". For the purpose of this Chapter, "truck" shall mean any motor vehicle designed, used or maintained, primarily for the transportation of property, unless the vehicle has a maximum capacity of one ton or less unloaded.
- 66.02. Trucks Restricted. No driver of a truck shall operate it upon any street which is not posted as a truck route except for the purpose of making a delivery or carrying on business in the block in which such truck is being operated or driven.
- Any driver making such a delivery shall enter the street at the first intersection nearest the point of delivery and leave such street at the first intersection after such delivery. It is the intent of this section that any driver making such a delivery or carrying on business on a street other than a truck route shall use the shortest possible route to and from a truck route for purposes of making the delivery or carrying on the business.
- 66.03. Truck Routes Designated. The Town Board shall have the authority to designate and to order posted streets as truck routes as deemed necessary.
- 66.04. Parking in Residential Area. No person shall park or cause to be parked any truck upon any street in the Town located in an area zoned primarily for residential purposes. Provided, however, this Section shall not apply to the parking of trucks in any area, regardless of zoning designation, for purposes of making a delivery or carrying on business.
- 66.05. Parking in Business Districts. No person shall park or cause to be parked any truck on any street within the central business district of the Town. Provided, however, that a truck may park in the area for the purpose of loading or unloading freight between the hours of 6:00 p.m. and 11:00 a.m. In the event of an emergency, exceptions to this Section may be permitted by specific authorization of a police officer.
- 66.06. Special Permits. Except for highways under state control, no trucks shall be operated in any residential district within the Town between the hours of 5:30 p.m. and 7:00 a.m., provided that upon application showing undue hardship, a special permit may be issued by the Clerk-Treasurer for the operation of a truck in contravention of this Section.
- 66.07. Parking Over One Hour. No person shall park a bus or truck of more than one-half ton capacity on any street or alley for a period of more than one hour, nor in any angle parking space at any time.

CHAPTER 67 - BICYCLES

67.01. Traffic Laws Apply to Bicycles. Any person operating a bicycle upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the laws of this State declaring rules of the road applicable to vehicles and under Chapter 61 of this Code, except as to special regulations in this Chapter and except as to those provisions of State law and Chapter 61 which by their nature can have no application.

67.02. Traffic Control Devices. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other devices applicable to vehicles unless otherwise directed by a police officer.

Whenever authorized signs are erected, including that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from a bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

67.03. Number on Bicycle Limited. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

67.04. Riding on Streets. A person operating a bicycle upon a street shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Bicycles shall be ridden in single file when passing other vehicles or other objects in the roadway, and at no time shall bicycles be ridden more than two (2) abreast.

67.05. Pedestrian Has Right-of-Way. When a person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian. Persons riding bicycles should give an audible signal a reasonable distance before overtaking and passing a pedestrian.

67.06. Handle Bars. The hands of the operator shall be on the handle bars at all times except while in the act of signaling.

67.07. Light Required. When in use during the period of darkness, each bicycle shall be equipped with and shall display a white light on the front thereof, said lamp to be securely fastened to the bicycle, and plainly discernible from a distance of three hundred feet (300') ahead under normal atmospheric conditions, and a red reflector on the rear thereof, which shall be plainly visible at night in the lawful lights of motor vehicles for a distance of two hundred feet (200') to the rear under like conditions.

67.08. Warning Device Required. No person shall ride a bicycle unless it is equipped with a suitable bell or other warning device audible for a distance of one hundred feet (100') or more. Whistles or sirens are prohibited as warning devices.

- 67.09. Brakes Required. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on a dry, level, clean pavement.
- 67.10. Speed Limits. No person shall operate his bicycle at a speed greater than permits him to bring his vehicle to a stop within the assured clear distance ahead.
- 67.11. Parking. Bicycles shall be parked in bicycle racks or other designated areas. In the event that the above are unavailable, the bicycle may be parked against the curb or alongside a building in a manner so as not to obstruct vehicular or pedestrian traffic.
- 67.12. Parental Responsibility. No parent or guardian shall authorize or knowingly permit his or her child or ward to violate any of the provisions of this Code.
- 67.13. Provisions of Code Applicable. The provisions of this Code shall apply whenever a bicycle is operated upon any street, sidewalk, alley or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
- 67.14. Procedure for Handling Violations. Upon the violation of any of the provisions of this Code by any person, the owner of the bicycle which was being used by such person at the time of the violation may voluntarily deliver, surrender and turn said bicycle over to the Police Department for impoundment for a period not exceeding thirty (30) days. Provided, however, that if the person violating is under the age of seventeen (17) years, and the prosecution for the violation would be handled under the statute therefore provided, the Chief of Police at his discretion may determine that such voluntary impoundment of the bicycle is sufficient deterrent and punishment to the person so violating and thereupon may refuse to prosecute for such violation.
- 67.15. Riding Bicycles, Tricycles, etc., on Sidewalks in Central Business District Prohibited. It shall be unlawful for any person to ride any bicycle, tricycle or velocipede along or upon any of the sidewalks in any area zoned DD, Downtown Business District of the Town of Bremen.
- 67.16. Skating or Coasting on Central Business District Sidewalks Prohibited. It shall be unlawful for any person to skate on either ice skates or roller skates along, across or upon any of the sidewalks in any area zoned DD, Downtown Business District of the Town of Bremen.
- It shall be unlawful for any person to coast with a sled, skate board, hand cart or in any other manner upon any sidewalk in any area zoned DD, Downtown Business District of the Town of Bremen.
- 67.17. Penalties. Any person who violates any provision of this Chapter (67) shall be committed a Class "B" infraction as defined by the Indiana Code.

CHAPTER 70 - GARBAGE AND RUBBISH

70.01. Definitions. For purposes of this Chapter, certain words and phrases shall have the following meanings:

- a. Garbage. Any and all refuse accumulation of animal, fish, cuttings, green shrubbery and leaves.
- b. Trash and Rubbish. Material other than garbage resulting cartons.
- c. Commercial Incinerator. An incinerator designed or used for employed, or meeting the standards set by the Indiana Department of Environmental Management (IDEM) from time to time
- d. Public Nuisance. It shall be a public nuisance to burn any garbage or trash or any other materials at or on the exterior of buildings in the Town of Bremen, Indiana, except as hereinafter provided. All violation of this Ordinance shall constitute a public nuisance.
- e. Lawn and Garden Waste. Includes vegetative matter from landscape maintenance as set forth in I.C. 13-7-29.

70.02. Burning or Incineration of Trash in Approved Incinerators

- a. Containers for the accumulation of trash, rubbish or garbage shall be of solid metal or plastic type, with a secure fitting lid.
- b. That from and after the effective date of this Code, no rubbish or trash shall be burned in containers or otherwise in the Town of Bremen, Indiana, on or at the exterior of buildings or premises.
- c. Accumulations of garbage, trash or rubbish in containers larger than thirty (30) gallons in size and sixty (60) pounds in weight shall constitute a violation of the Code.
- d. From and after the enactment of this Code, any violation of any of the foregoing provisions hereof shall be punishable by a fine of \$10.00 per each and every such violation. The Town Clerk shall be empowered and authorized to receive the fines so imposed under this Code for and on behalf of the Town of Bremen.
- e. That the Town Council be, and hereby is, authorized and empowered to remove and dispose of any and all barrels, drums, containers, or receptacles accumulating garbage, trash or rubbish, which said barrels, drums, containers or receptacles fail to meet the qualifications and specifications as to size heretofore set forth, providing said barrels, drums, containers or receptacles are situated at the exterior of buildings within the corporate limits of the Town of Bremen Indiana, if they contain rubbish, trash or garbage generated by residentially occupied buildings.
- f. That the Chief of Police and all of the officers of the Police Department, shall be the

enforcement agency for the enforcement of this Code, and for the abatement and prevention of violations of this Code.

- g. That upon the application of any person for the approval of plans and specifications for a commercial incinerator for the burning of garbage, trash or rubbish, the Town Council of the Town of Bremen, Indiana, shall, before approval of such plans and specifications, be satisfied that the proposed incinerator's use and location will not endanger the public health, will not pollute the air, will not create a public nuisance and meets the standards of the Indiana Department of Environmental Management (IDEM). Upon such findings by the Town Council, the Council shall submit written approval to the Town Clerk, and the Town Clerk shall thereupon issue a permit for the construction and use of such incinerator. Any and all permits issued hereunder shall be valid for a one-year term from the date of issuance and shall be subject to the annual review and to an annual approval or disapproval by the Town Council of the Town of Bremen, Indiana.

- 70.03. Receptacles. All garbage, trash or rubbish stored on or at the exterior of buildings or premises for more than twelve (12) hours prior to collection must be stored animal-proof watertight containers of metal, plastic or similar rigid materials not exceeding thirty (30) gallons in capacity and sixty (60) pounds in weight. Provided, however, that garbage, trash or rubbish in watertight plastic trash or garbage bags may be placed for collection not more than twelve (12) hours prior to the collection day as designated by the Town Council of the Town of Bremen, Indiana. All receptacles shall be placed conveniently for collection within ten (10) feet of the designated collection route.

- 70.04. Right to Removal. Any resident, property owner or tenant within the Town shall be entitled to garbage and refuse removal services, subject to rules and regulations which shall be established by the Town Council, provided however, that owners or tenants of commercial and industrial properties shall arrange for their own collection services at their own expense. The Town shall not be required to give service to any user who has not paid for the service.

- 70.05. Rates and Charges. The Town Council is hereby authorized to establish by resolution a schedule of rates and charges to be assessed for residential garbage removal services. The charges shall be placed on every residential electric customer's utility statement and will be payable in advance and billed at least as often as quarterly.

- 70.06. Supervision. The Town Council shall at all times exercise supervision over the collection of garbage and refuse through the street superintendent or such other person as it may appoint. The Council is empowered to enter into contracts and agreements with a private garbage collector and make any necessary rules having due regard to the collection of residential garbage and refuse removal shall be under the supervision of the Town Council and all residential property owners, or tenants shall be assessed charges for their services. Each user will be deemed to be residential based upon the manner of use.

- 70.07 Multi-family Dwellings. The owner of all residential buildings containing four (4) or more residential units shall provide metal containers or dumpsters of at least two (2) cubic yards capacity meeting the specifications of the municipality's contract trash collection service for the benefit of tenants of the building at the owner's expense. The municipal collection service shall not be obligated to pick up trash or refuse

from any such location not in compliance with this provision.

- 70.08 Recycling Bins. Bins located by the Town of Bremen or its contractors for collection of recyclable materials shall, together with their contents, be deemed to be property of the Town of Bremen.

Anyone, other than a Town employee or employer of a firm contracting with the Town to provide service, attempting to gain entry to the bins, removing material there from or in any way damaging the bins shall have committed an infraction punishable by a fine of up to Three Hundred Dollars (\$300.00) for each such violation. The Town Clerk shall be empowered and authorized to receive the fines so imposed.

- 70.09 Lawn and Garden Waste. Effective September 1, 1992, no resident, property owner or tenant shall place any lawn or garden waste in receptacles for regular pickup of garbage, trash or rubbish. Such materials shall be composted or delivered to a place designated by the Town Council for disposal of such items. A violation of this provision shall be a Class "A" infraction.

CHAPTER 71 - DOGS AND ANIMALS

71.01. Definitions: The following terms and phrases shall have the

meanings se

- a. ABANDON means to deposit, leave, drop off or otherwise dispose of any live domestic animal without providing immediate humane care on any public or private property.
- b. AGENT means person(s) eighteen (18) years or older authorized by an owner to act in the owner's behalf.
- c. ALTERED ANIMAL means any animal that has been operated on to prevent it from procreating.
- d. ANIMAL means any live non-human vertebrate creature, domestic, wild or exotic.
- e. ANIMAL CONTROL AGENCY means any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this Ordinance for and on behalf of the Town of Bremen (hereinafter "Town").
- f. ANIMAL SHELTER means a facility or vehicle operated by a governmental or private entity for the purpose of providing or promoting animal welfare and humane treatment of animals.
- g. AT LARGE means any animal that is not under restraint.
- h. ATTACK DOG means any dog trained to attack upon command or those which do attack or have attacked another animal or human being upon command. This definition is intended to cover dogs bred for fighting, and shall include but not be limited to the breed of dog commonly referred to as the American Pit Bull, or American Pit Bull Terrier, or Pit Bull Terrier, or cross-breeds therewith, which breed is hereby found and considered to be unsafe and potentially hazardous to the citizens of the Town of Bremen. This definition excludes K-9 Corps dogs in use by the law enforcement agencies.
- i. AUCTION means any place or facility where animals are regularly bought, sold or traded by means of auction sale, except for those facilities otherwise defined in this Chapter or State Law.
- j. BREEDER means any person, for-profit business or corporation which harbors or keeps dogs and/or cats, and allows or causes those animals to procreate for the purpose of selling said animals for profit.
- k. CONTROLLED ANIMAL means any animal not defined as a domestic animal in this Chapter, with the exception of small, non-poisonous aquatic or non-poisonous amphibious animals, non-poisonous reptilian, and small cage birds, and psittacine, and possession of which requires a valid Town CONTROLLED ANIMAL PERMIT. Such Controlled Animals shall include, but not be limited to the following:
 - (1) All poisonous animals, including rear-fang snakes
 - (2) Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and siamangs (Symphalangus)

- (3) Baboon (Papoe, Mandrillus)
- (4) Bears (Ursidae)
- (5) Bison (Bison)
- (6) Cheetahs (Acinonyx jubatus)
- (7) Crocodilians (Crocodylia)
- (8) Constrictor snakes, including but not limited to boa, python, and anaconda
- (9) Coyotes (Canis latrans)
- (10) Deer (Cervidae), includes all member of the deer family, for example, white-tailed deer, elk, antelope and moose
- (11) Elephants (Elephas and Loxodonta)
- (12) Game cocks and other fighting birds
- (13) Hippopotami (Hippopotamidae)
- (14) Hyenas (Hyaenidae)
- (15) Jaguars (Panthera onca)
- (16) Leopards (Panthera pardus)
- (17) Lions (Panthera leo)
- (18) Lynxes (Lynx)
- (19) Monkeys
- (20) Ostriches (Struthio)
- (21) Piranha fish (Characidea)
- (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers
- (23) Rhinoceroses (Rhinocero tidae)
- (24) Sharks (class Chondrichthyes)
- (25) Snow Leopards (Panthera uncia)
- (26) Spiders and insects which are poisonous
- (27) Tigers (Panthera tigris)
- (28) Wolves (Canis Lupus)

I. DANGEROUS ANIMAL means any animal

- (1) that has, off its owner's property attacked another animal or livestock; or
- (2) which as attacked or which has attempted to attack, unprovoked, any human being, whether on or off the owner's property; or
- (3) which has bitten or attacked a person, causing wounds or injuries creating a potential danger to the health and life of the victim; or
- (4) which is found to be at large three (3) times or more.

However, no animal shall be a Dangerous Animal if injury or damage is inflicted by that animal upon a person or another animal if such person or other animal, at the time such injury or damage was sustained, was committing a willful trespass upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. This definition excludes K-9 Corps dogs in use by law enforcement agencies.

m. DOMESTIC ANIMAL mean any animal that is a member of one of the following species:

Dog (Canis Familiaris)

Cat (Felis Cattus or Felis Domesticus)
 Cattle (Bos Domesticus or Bos Taurus or Bos Indicus)
 Horse (Equus Caballus)
 Donkey (Equus Asinus)
 Sheep (Ovis Aries)
 Goat (Capra Hilrcus)
 Rabbit (Oryctolagus Cuniculus)
 Mouse (Mus Musculus)
 Rat (Rattus Rattus)
 Guinea Pig (Cavis Procellus)
 Hamster (Mesocricetus Auratus)
 Gerbil (Gerbillus Gerbillus)
 Cow or Ox (Bovine)
 Pigeon, Homing or Racing
 Chicken, Turkey, Goose, Duck

- n. ESCAPE-PROOF ENCLOSURE means the owner's home or an enclosure at least 6 'x 12' constructed of 10-gauge commercial chain link steel wire at least 6' high above grade unless covered with a roof of similar wire, and two feet of similar wire buried below grade unless there is a cement floor. (If the dog escapes the enclosure, a five-sided enclosure on concrete will be required).
- o. EXOTIC ANIMAL means any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish, and fur-bearing animals commercially bred for the furrier trade and birds protected under federal laws and regulations.
- p. EXPOSED TO RABIES means any human or non-human warm blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.
- q. FOWL mean any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar typed of birds normally kept in cages.
- r. GUIDE DOGS means dogs formally trained to assist handicapped persons.
- s. HARBORING means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days or more.
- t. HUMANE OFFICER(S) means any person(s) and/or agency designated by the State of Indiana, or the Town, as a person(s) who is qualified to perform the duties required by the law of this Town and State regarding animals.
- u. "NOT-FOR-PROFIT" means a business, association, or entity established or organized as a "not-for-profit" corporation under Sate law or recognized as "not-for profit" by the Internal Revenue Service or the Indiana Department of Revenue. "FOR-PROFIT" means all other types of businesses, associations or entities.
- v. OWNER means any person age, eighteen (18) years or older, partnership or

- corporation owning, keeping or harboring one or more animals.
- w. ANIMAL PERFORMANCES OR EXHIBITIONS means any spectacle, performance, display, act, exhibition or event in which an animal or animals are used.
 - x. PET means any animal kept for pleasure rather than utility.
 - y. PET SHOP means any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, engaged in the humane care and possession for sale, display and sale of pets.
 - z. PUBLIC NUISANCE means any animal or animals which:
 - (1) Interferes with passersby or passing vehicles;
 - (2) Attacks other animals or persons;
 - (3) Is at large;
 - (4) Damages private or public property;
 - (5) Causes frequent or long continued loud noises or other sounds common to its species which disturbs the comfort or repose of any person in the immediate neighborhood;
 - (6) Causes foul or noxious odors which offend residents in the neighborhood;
 - (7) Is at large or on a public playground, swimming pool or school yard unless the animal is authorized by school officials.
 - aa. RABIES VACCINATION means the injection by a licensed veterinarian of a dog or cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.
 - bb. RESTRAINT means the securing of an animal by leash or lead or confining it within the real property limits of its owner or agent.
 - cc. STRAY means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.
 - dd. VETERINARIAN means any person licensed and accredited to practice veterinary medicine in the State of Indiana.
 - ee. WILD ANIMAL means any animal not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.
 - ff. ZOOLOGICAL PARK means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species or non-domesticated animals operated by a person, partnership, corporation or governmental agency that is established for educational purposes and is properly zoned for such use and which possesses valid licenses and permits as required under federal or state law.

71.02 General Animal Care Requirements: Every owner and/or his agent

within the Town shall s

- a. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement.
- b. Has sufficient and wholesome food and water, which is proper and nutritional for that species of animals.
- c. Has a proper and adequate structure provided that it will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and is kept in a sanitary manner.
- d. If ill, diseased or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings.
- e. Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.
- f. Is not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing for identification purposes and grooming.
- g. Is not abandoned, neglected or tortured.
- h. Does not become a public nuisance.
- i. Does not become a dangerous animal.
- j. In the case of a dog or cat over the age of six (6) months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by Indiana Code, and such animals shall be licensed as required by this Ordinance and State Law.
- k. Is properly restrained.
- l. In mating season, shall be kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species except for planned breeding.

71.03 Sale of Animals as Novelties or Use as Prize Prohibited; Exception:

- a. No person shall display, sell offer for sale, barter or give away any animal, reptile, fish, or bird as a novelty or as an advertising device.
- b. No rabbit, chick, gosling, duckling, turkey or other fowl may be dyed or otherwise colored artificially, nor may dyed or artificially colored rabbits, chicks, goslings, ducklings, turkeys or other fowl be sold, offered for sale, displayed, used as barter, or given away.

- c. This Section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this Section prohibit a pet shop holding a valid permit under this Chapter, or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.

71.04 Motor Vehicle Accidents Involving Animals:

- a. Any person operating a motor vehicle who knowingly hits, runs over or causes injury to an animal shall immediately notify the police department.
- b. Such notice shall include the motorist's name, address, type of animal hit, and the location of the animal.

71.05 Animals in Motor Vehicles. No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to such animal confined in said motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open portion of any vehicle unless the animal is enclosed in a cage or attached to a harness designed for vehicles which is securely fastened to the vehicle.

71.06 Poisoning of Animals. It shall be unlawful for any person to throw or deposit any known poisonous substance in any of the street, alleys, parks, commons, yard or other places, whether public or private, within the City, so that the same shall be liable to be consumed by any animal, provided that it shall not be unlawful for a person to expose on his or her own property common rat or mouse poison or insecticide, unmixed or mixed only with vegetable substances, if used so as to restrict access to the poison only to the targeted rodents or insects.

71.07 Trapping of Animals Restricted No person shall trap for animals or fowl within the City unless such trap(s) approved by a humane officer or the Town animal control agency and issued for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers, or moles so long as the owner of the property is aware of where the trap(s) are set.

71.08 Maximum Number of Dogs or Cats.

No more than an aggregate of three (3) dogs or cats over the age of six (6) months may be kept on any residential, commercial, or other premises within the Town unless the owner of the animals holds a valid Pet Shop/Breeder, Permit, whichever may be appropriate. (Provided, however, if an owner of more than three cats within sixty, (60) days of the adoption of this ordinance provides the Clerk's office with a list of the cats, including their name, sex, approximate age and general description, such owner may retain those cats for their lifetime but may not acquire additional cats until the total number falls below three (3).)

71.09 Certain Domestic Animals Prohibited.

- a. No person shall keep any of the following named domestic animals or fowl in the Town.

- (1) Cow, ox, cattle, calves, or other livestock
- (2) Donkey, ass, burro, mule
- (3) Sheep
- (4) Goat
- (5) Chickens, rooster, geese, turkeys, ducks, or other fowl, except racing or homing pigeons
- (6) Bees
- (7) Horses
- (8) Rabbits

Provided, however, that an owner of such animals legally located within the Town shall have sixty (60) days from the enactment of this ordinance to provide the Clerk's office with a list of such animals (including their name, sex, approximate age and general description) and such owners may retain those animals for their natural life but may not replace them.

b. Nothing in the Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a zoological park, school, or university building for the purpose of study or observation, as long as the public safety is ensured.

c. Any person desiring to raise rabbits or pets or racing or homing pigeons within the Town must keep such animals and birds in safe and sanitary conditions so that a public nuisance as defined herein is not created.

d. No person may keep with the Town, as presently or hereinafter established, any swine, or pig pens, or hog sties, which are hereby declared to be a nuisance in the Town.

71.10 Owners or Agents Responsible for Removing Animal Wastes and Dead Animals.

a. Any owner or his agent taking the owner's dog(s) or cat(s) outside of the owner's real property limits must immediately remove any excrement deposited by the animal(s) on any such public or private property, except in the case of a guide dog for a blind person or service dog for deaf or physically disabled person.

b. The owner of any dead animal shall remove and properly dispose of the animal within twenty-four (24) hours after its death. The real property owner is responsible for removal of any strange animal carcass on such real property.

71.11 Animal Bites and Reports:

a. If any person is a victim of an animal bite, he shall immediately notify the County Health Department and/or Town Department of Code Enforcement of the incident, and provide a description of the animal and the identification, if

possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than fourteen (14) days.

b. If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless, in the judgment of the humane officer, and based upon considerations of public safety, the humane officer determines if it should be removed to an animal shelter or veterinary hospital for the period of observation.

c. In addition to any other legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal.

d. If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Town animal control agency and confined in the Town's animal control facility for the period of observation of not less than fourteen (14) days.

e. Humane Officers shall be empowered to enter onto private property for the purpose of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.

f. Unless otherwise provided, the Town and any of its agents shall comply with the standards set forth in I.C.15-1.1-6-1 through IC.15-2.1-6-13 entitled "Rabies."

71.12 Vaccination of Dogs and Cats Required.

a. No animal owner or his agent shall keep or harbor a dog or cat over the age of six (6) months unless it has been vaccinated annually by a licensed veterinarian with anti-rabies vaccine.

b. Proof of vaccination shall be maintained by the owner for display if requested by the Town or its agents.

71.13 Interference with Humane Officer Prohibited. It shall be a violation of this Chapter to interfere with or impede a humane officer or officers in the performance of their duties set forth in this Chapter.

71.14 Spaying and Neutering of Adopted Animals. Any dog or cat adopted from a local humane society or animal care facility must be spayed or neutered by a licensed veterinarian within thirty (30) days of adoption if the dog or cat is over six (6) months of age. If the dog or cat is less than six (6) months of age upon adoption, it shall be spayed or neutered by a licensed veterinarian upon reaching the age of six (6) months. An exception is made only if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation within the time limitations. The individual adopting the dog or cat must sign a written agreement with the adopting facility guaranteeing that such animal shall be neutered or spayed within the time limitations specified in this Section.

71.15 Excluding "Seeing Eye" and "Hearing" Dogs Prohibited. It shall be unlawful for any

person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude therefrom any dog which has been trained to assist the blind, the hearing impaired or physically disabled. However, the dog must be in the company of the handicapped person whom it was trained to assist.

71.16 Confinement by Other Than Town Officials; Notice Required: No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner for more than twenty-four (24) hours without first reporting the possession of the animal to a humane officer, an animal control agency, or its designee, giving his name and address, a description of the animal, a true and complete statement of the circumstance under which he took possession of the animal, and the precise location where said animal is confined.

71.17 Breaking into Animal Shelter Prohibited. It shall be unlawful for any person to break into any animal shelter wherein animals are impounded by the Town or in any way remove or assist in the removal of any animal from the described property without lawful permission.

71.18 Dangerous, Poisonous Animals Prohibited. It shall be unlawful for any person to harbor or possess within the Town any poisonous animal, reptile, amphibian, fish or insect, any Dangerous Animal, or any animal that poses a threat to public health and safety, and the same may be impounded by the Animal Control Agency and disposed of in the best interest of the animal, and to protect the safety of the public and humane officers.

71.19 Impounding Procedures

a. All animals found to be at large, stray or being a public nuisance may be taken by the police or humane officer and impounded.

b. If any dangerous, ferocious, or vicious animal is found a large and cannot be safely taken up and impounded, the animal may be tranquilized, slain, or humanely euthanized to prevent undue suffering, by a police officer or his designee, or a humane officer.

c. Impounded dogs and cats not wearing Town tags (license) must be kept for no fewer than three (3) days before being adopted out or humanely euthanized.

d. If dogs and cats wearing Town tags (licenses) are impounded by the Animal Control Agency, an attempt shall be made by the Humane Officer to return said animal to the owner, as indicated on the records of the Animal Control Agency, as soon as is practical after the time of the impoundment. If said attempt to return said animal is impossible or without success, the Animal Control Agency shall send a written notice to the owner at the address indicated in the records of the Animal Control Agency, that said agency has in its possession said animal and that unless said animal is claimed by the owner within ten (10) days from the date of said impoundment said animal may be placed for adoption, or humanely euthanized. This process shall be followed for the first offense, only. On second and subsequent violations, the impounded dog or cat wearing Town tags (licenses) shall be kept for no fewer than five (5) days to permit their owners to claim them. After the fifth day of

said second or subsequent violations, such dogs or cats may be placed for adoption or humanely euthanized if their owners have not claimed them and paid the required fees.

e. All other impounded animals (except dogs and cats specifically covered herein) shall be under the authority of the humane officer. The animals shall be held at least one (1) day, after which time the animal shelter shall have the authority to take whatever action is necessary with regard to adoption or euthanasia of such animals.

f. An owner reclaiming an impounded animal shall pay to the Town Animal Control Agency its then-current redemption fee plus total daily boarding fee for redemption of the animal.

g. No unlicensed dog or cat shall be released from an animal shelter without a license being issued in accordance with this Chapter, except a dog or cat less than six (6) months old. However, because proof of current, effective rabies vaccination is required before the license is issued, if such shelter does not have licensed veterinary services on site to administer such required rabies vaccination, the dog or cat may be released upon presentation of a veterinarian's charges for such vaccination, and must be vaccinated within forty-eight (48) hours after such release, and the owner shall supply proof of same to said Town animal control agency within seventy-two (72) hours after the release, at which time the license tag shall be issued. Failure of the animal owner to obtain such vaccination after such release shall constitute a breach of the release agreement and entitle the Town animal control agency to regain possession of the animal.

h. An animal owner redeeming an impounded animal belonging to him shall pay to the Town or its agent a redemption fee of Ten Dollars (\$10.00) on the occasion that an animal released to such owner by the Town's Animal Control Agency. An owner redeeming an impounded unlicensed animal shall pay to the Town a redemption fee of Twenty Dollars (\$20.00) before the animal is released by the Animal Control Agency. Such redemption fee shall increase by an additional Twenty-five Dollars (\$25.00) per impoundment for each subsequent time within a three-month period that the same or any other animal belonging to the same owner may impounded. Any impounded animal which is not required to be licensed under the provisions of this Ordinance may be redeemed by its owner for the \$10.00 fee for the first impoundment. The Town's Animal Control Agency shall collect all such licensing and redemption fees for the Town and shall account to the Town and pay over to the Town Clerk-Treasurer such amounts of such fees as required by the animal control contract between the Town and the Animal Control Agency then in effect.

i. The Town animal control agency shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, for the welfare of the animal and for the safety of humane officers and the public.

j. In the event that an animal is retained at the impounding facility because its owner has been in violation of this Chapter, the person redeeming the animal by paying the redemption fee shall also be subject to paying for veterinary bills incurred, for routine vaccinations for the animal(s) if necessary, veterinary

services, boarding fees, all pertinent expenses, and all applicable permit and/or licensing fees reasonably necessary and incurred for the benefit of the animal.

k. Any animal impounded in an animal control facility, if not reclaimed by its owner as provided for herein, shall thereby become the property of the animal control agency and, if not adopted out, must be humanely euthanized.

71.20 Pet Registration:

a. Any person owning, keeping harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet registration, (See Pet Registration and Licence), for such animal; provided that no pet registration shall be required of any municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary registration tags.

b. Written application for such registration shall be made to the Town animal control agency which shall include name and address of the applicant, description of the animal, payment of the appropriate fee, and valid rabies certificate and written verification if the pet has been spayed or neutered, issued by a licensed veterinarian. Said application must be made within thirty (30) days after either obtaining a dog or cat over six (6) months of age, or after a younger animal attaining six (6) months, except that this requirement will not apply to a non-resident keeping a dog or cat within the Town for not longer than thirty (30) days.

c. A durable tag stamped with registration number and year of issuance will be provided to pet registration holder for each registration granted. Dogs and cats must wear their tags at all times, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian or when properly kenneled.

d. No such registration shall be issued for a dog or cat unless the animal owner provides proof of current and effective rabies vaccination.

71.21 Controlled Animal Permit:

It shall be unlawful for any person to possess within the Town any controlled animal or controlled animals as defined herein unless the owner of said animal or animals possesses proper State and/or Federal permits as required for said animal or animals, and a valid Town Controlled Animal Permit.

a. It shall be unlawful for any person to possess within the Town any protected or endangered species as may be listed or published from time to time by any department or agency of the Federal or State government, unless the owner of said animal possesses proper State and/or Federal permits, and a valid Town Controlled Animal Permit as defined in this Chapter.

b. It shall be unlawful for any person to possess within the Town any wild animal indigenous to the State of Indiana unless said owner possesses proper State and/or Federal permits and a valid Town Controlled Animal Permit.

c. It shall be unlawful for any person to possess within the Town any non-domestic animal unless said owner possesses proper State and/or Federal

permits as required by law for said animal and a valid Town Controlled Animal Permit.

d. This Section shall not be deemed to prevent the importation, possession, purchase or sale of any species by any institute of higher learning, zoological park, persons holding valid State or Federal permits together with a valid Town Controlled Animal Permit, or to any person or organization licensed to present a circus or carnival pursuant to this Chapter.

e. Any animal being possessed in violation of this Section may be seized by a humane officer and impounded. Any person violating any of the provisions of this Section shall be fined not more than Two Hundred Dollars (\$200.00) for the first offense and not more than Five Hundred Dollars (\$500.00) for each subsequent offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

71.22 Pet Shop/Breeder Permit:

a. No person, partnership or corporation shall operate a pet shop or operate as a Breeder as defined herein, in the Town, without first obtaining from the Town or its agent a Pet Shop/Breeder Permit and pay the necessary fees. Any person holding a Pet Shop/Breeder Permit shall furnish to each customer purchasing a dog or cat a written statement at the time of sale containing the following information:

- (1) Date of Sale;
- (2) Name, address, and telephone number of purchaser and Permit holder;
- (3) Permit number of Permit holder;
- (4) Species, bred, description, age and sex of dog or cat sold;
- (5) Vaccination and parasite medication(s) administered to said animal and date(s) administered and name of veterinarian or person who administered the same.
- (6) Guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian.

b. The Permit holder shall retain a copy of said written statement for a period of twelve (12) months from the date of sale, and provide a duplicate copy to the Licensing Authority if the purchaser resides within the Town.

c. The Permit holder shall also deliver to the purchaser at time of sale, a written statement of registration and licensing requirements under this Chapter applicable to the purchased animal if the purchaser resides within the Town of Bremen. Such statement shall be prepared by the Town of Bremen and provided by the Animal Control Agency.

d. All pet shops and breeding facilities shall take care to house animals in a sanitary manner, provide appropriate veterinary services and humane care, and housing shall be provided according to the needs of individual species.

71.23 Dangerous Animal/Attack Dogs, Permits: No person shall harbor, hold for sale, sell, keep or maintain in the Town any Dangerous Animal or Attack dog, unless:

a. Such person or entity shall first submit a written application for and obtain from the Town animal control agency a Dangerous Animal/Attack Dog Permit, which application shall be accompanied by a current photograph of the animal being registered and written proof of liability insurance in the minimum sum of \$300,000.00.

b. The Dangerous Animal/Attack Dog owner at all times maintains liability insurance covering possible injury or damages caused by said dog in a minimum amount of Three Hundred Thousand Dollars (\$300,000.00) coverage, and written agreement that the City Code Enforcement Department will be notified within 24 hours, excluding Sundays and Holidays, in the event that said insurance coverage is canceled or discontinued; and

c. The Dangerous Animal/Attack Dog is at all times confined in an escape-proof enclosure which protects the public from coming into direct contact with the Dangerous Animal/Attack Dog; and

d. The Dangerous Animal/Attack Dog, when not confined, is muzzled and reined or tethered to its master, owner or keeper, who must be over the age of eighteen (18) years and who, at all times, must maintain control over the animal to prevent injury to any person or animal; and

e. The Dangerous Animal/Attack Dog, at all times wears the registration tag issued by the Town designating said animal as registered Dangerous Animal/Attack Dog; and

f. If, in the event that the animal is lost or escapes, the same will be reported immediately to the Town and to the Town's designated animal control agency; and

g. The property on which the Dangerous Animal/Attack Dog is kept is posted with signs clearly visible from the closest street advising the general public that a Dangerous Animal/Attack Dog is on the premises.

h. Upon licensing a dog hereunder, the Town Animal Control Agency shall assign a specific Number of Ownership to said dog without duplication. This number shall be tattooed on and through the skin on the inside of the rear leg of said dog. The tattooing shall be done by a licensed veterinarian and shall be made by use of permanent tattoo ink. The tattoo shall be not less than one inch long and not less than one-quarter inch high. A person, corporation, club or organization shall not tattoo any number over or upon the number tattooed on a dog pursuant to this Article so as to deface the number, nor shall any such person or organization remove or otherwise deface the number tattooed on a dog pursuant to this Article so as to deface the number or prevent identification of the dog. A person or entity who violates this subsection shall be guilty of an infraction punishable by a fine of not more than \$50.00.

Duly authorized members of the police or other law enforcement

departments, including but not limited to, game wardens, conservation officers, and other law enforcement officers, shall be exempt from the provisions of the Section in the performance of their law enforcement duties.

71.24 Animal Performance/Exhibition, Permit:

a. No person or entity shall operate or maintain for profit an animal performance or exhibition without first having obtained a Permit from the Town animal control agency.

b. The application for such Permits shall describe the proposed location, the purposes for which it is maintained, and the dates and hours of such performances or exhibitions. The application must be accompanied by the written approval of the Department of Code Enforcement showing compliance with the local and State regulations governing location of and sanitation at the establishment, the written approval of the Town Building Department official showing compliance with the local regulations concerning building, zoning, and public health and safety regulation, and compliance with local, State Federal laws regulating the humane care and treatment of such animals.

c. The applicant shall provide proof of insurance executed by a company legally authorized to do business in the State of Indiana in limits of liability not less than the amounts set forth in I.C. 34-4-16.5-4, as such Statute may be amended from time to time.

d. Such permit shall not be transferable.

e. Any permit issued under the provisions of this Section may be revoked by the Town Department of Code Enforcement or the Town Building Commissioner, after reasonable notice or hearing for violation of any local, county or state law regulating such performance or exhibition.

71.25 Permit Exemptions: No permits shall be required of the Town's animal control agency or a State-licensed veterinary hospital/clinic, birds held under State or Federal Falconry permits, or guide dogs specifically trained to assist their handicapped owner. However, all other animal care provisions of this Chapter shall apply to such exempt persons or entities.

71.26 Issuance of Permits:

a. Application for registrations or permits shall be made to the Town animal control agency on such forms providing such information, as is required for the particular permit and shall include name, address and phone number of applicant, type of permit applied for, number and description of animal(s), proof of valid rabies vaccination when required by law, information regarding sterilization, and appropriate fee. Appropriate State and Federal permit numbers must be provided in cases which involve wildlife or federally protected animals, or any animal which requires any State or Federal permit.

(1) All applicants must be in compliance with all other applicable State, local and Federal laws, germane to this Ordinance, and the applicant shall not have been convicted of any cruelty to animal offenses as set forth in the Indiana Code.

- (2) Applicants for permits must agree in writing to on-site inspections by the Town animal control agency prior to the issuance of any permit or at any time during the valid term of such permit, upon reasonable advance notice.

b. The Town animal control agency shall have authority and discretion for the issuance or denial of all of the registrations and permits provided for herein subject to the following criteria:

- (1) No person shall be issued a registration or permit if they have been convicted of cruelty to animals.
- (2) Applicants must have proper facilities in place for such species before registrations or permits shall be approved.
- (3) Applicant shall exhibit sufficient knowledge and proof of previous experience in handling and keeping of such species of animal.
- (4) Applicant shall have no previous record of providing inadequate or improper care for animals.

c. Registrations and permits are to be issued for a term of one (1) year, effective January 1 through December 31 of each year, and may be purchased during the first three (3) months of each calendar year or within thirty (30) days of acquiring the animal, whichever comes later, except the ANIMAL PERFORMANCE/EXHIBITION PERMIT, which shall be valid for fourteen (14) days.

d. Upon approval of application for pet-registrations or permits, the Town animal control agency shall issue a pet registration or permit in written form which includes number of registrations or permit, type of registration or permit, and all pertinent information. In addition, for each pet registration, the Town animal control agency shall issue a durable tag stamped with registration number and year of issuance for each said registration.

e. The Town animal control agency shall maintain records of the identifying Registration, permit, license or tag for any animal other than the animal for which it was issued.

f. All fees shall be paid at the time of application and prior to the issuance of the permit or registration.

g. No person may use any registration permit, license or tag for any animal other than the animal for which it was issued.

h. It shall be unlawful for any person to manufacture, to cause to be manufactured, or to have in his possession or control a stolen, counterfeit, or forged animal registration, permit, license or tag, rabies or neutering certificate, or other form of licensing or documentation required by this Chapter.

71.27 Fees: In addition to all other fees required by law to be paid, the following fees shall be paid:

a. Pet Registration

Each altered dog or cat \$. 2.00

Each unaltered dog or cat 10.00

Except upon a statement from a
licensed veterinarian that neutering
shall constitute a threat to the health
of said animal, the fee shall be
5.00

Senior citizens (age 62 or older)
Upon presentation of written verification
from a licensed veterinarian that said
animal(s) have been spayed or neutered,
the fee shall be (no part of which will be
paid to the Town) 1.00

Replacement tag 2.00

b. Town controlled Animal Permit:
Fee per animal \$
100.00

c. Pet Shop/Breeder Permit: \$
50.00

d. Dangerous Animal/Attack Dog Permit:
Fee per animal \$ 50.00

e. Animal Performance or Exhibit Permit:
Fee \$ 100.00

f. The Town Animal Control Agency shall collect all such registration
and permit fees for the Town and shall account to and pay over to the Town
Clerk-Treasurer such amounts of such fees as required by the animal control
contract between the Town and the Animal Control Agency then in effect.

71.28 Permit Revocation: Any pet registration or permit provided for herein above may
be revoked after notice and hearing before the Town Code Enforcement Hearing
Officer upon his finding that the animal owner/permit holder has failed to comply
with any requirement of this Chapter.

71.29 Inspection:

a. Whenever it is necessary to make an inspection to enforce any of the
provisions of or perform any duty imposed by this Chapter, or when there is
reasonable cause to believe that there exists in any building or upon any premises
any violation of the provisions of this Chapter of Indiana State law, a health officer,
police officer, or humane officer is authorized at all reasonable times to inspect the
same for compliance with the provisions of this Chapter or any State Law, provided

that:

- (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
- (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons therefor.

b. In the event the officer has reasonable cause to believe that the keeping or maintaining of an animal(s) is so hazardous, unsafe, dangerous or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained, the officer shall have recourse to secure lawful entry and inspection of the property.

71.30 Barking Dogs: It shall be unlawful for any person, firm or corporation being the owner or keeper of any dog or/or animals to permit such dog and/or animal to bark, howl, whine, or otherwise disturb or annoy any other resident of the said Town for any single period of fifteen (15) minutes, nor for intermittent periods of shorter duration than such shorter disturbances of the peace shall occur more than three (3) times in any period of twenty-four (24) hours.

71.31 Penalties:

a. Warning Notices: Persons who violate any provisions of this Chapter or whose animals violate any provision of this Chapter or who fail to comply with the registration and permit sections of this Chapter may, for the first offense, be served with a warning notice requesting immediate compliance, except in the case that human beings or other animals health and safety are endangered, the offending animal may be immediately impounded or may be humanely slain by a police officer or his designee or a humane officer, if such impoundment is not feasible.

b. Citations: Any person who violates any provision of this Chapter, except where otherwise specified herein, shall be subject to a civil forfeiture of not more than Two Thousand Five Hundred Dollars (\$2,500.00), nor less than Fifteen Dollars (\$15.00) for the first offense, Thirty Dollars (\$30.00) for the second offense, and Fifty Dollars (\$50.00) for each offense thereafter. If any violation is continuing, each day's violation shall be deemed a separate offense.

CIRCUS/ANIMAL PERFORMANCE EXHIBITION PERMIT

PERMIT NUMBER _____

NAME OF
CIRCUS/EXHIBITOR _____

ADDRESS _____

CITY _____ STATE _____

ZIP _____

TELEPHONE NUMBER _____

LOCATION OF EXHIBITION:

PURPOSE _____

DATES: _____

HOURS _____

PROOF OF INSURANCE _____ YES _____

NO _____

FEE PAID _____ FEE WAIVED _____

THIS APPLICATION IS: APPROVED _____ DENIED _____

SIGNED _____

TOWN OF BREMEN, INDIANA

CONTROLLED ANIMAL PERMIT

PERMIT

No. _____

Applicant's Name: _____

Address: _____ **Phone:** _____

Type of Controlled/Exotic Animal

Number of Animals _____

Fee \$100.00 per animal: _____

If Applicable:

Federal Permit Number _____

State Permit Number _____

Applicant Signature _____ **Date** _____

Approved by: _____ **Clerk-Treasure**

TOWN OF BREMEN, INDIANA

DANGEROUS ANIMAL/ATTACK DOGS PERMIT

PERMIT

No. _____

Applicant's Name: _____

Address: _____ **Phone:** _____

Type of Dangerous Animal/Attack Dog(s)

Number of Animals _____

Fee \$ 50.00 per animal: _____

Photograph Submitted: _____

Proof of Liability Insurance: _____
(minimum \$300,000)

Town of Bremen Registration Tag: _____

Applicant Signature _____ **Date**

Approved by:

Clerk-Treasure

CHAPTER 72 - JUNK CARS

72.01. Definitions. As used in this Chapter unless the context otherwise indicates:

- a. "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, ski, motor home, house car or motor bicycle or any portion thereof.
- b. "Abandoned" when used in conjunction with the term vehicle, means:
 - (1) Any vehicle located on public premises which does not have
 - (2) Any vehicle which is parked or located on public premises
 - (3) Any vehicle parked or located on public premises illegally or in such
 - (4) Any vehicle that is over five (5) years old and mechanically
 - (5) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises for more than forty-eight (48) hours.
 - (6) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise dismantled or inoperable and left partially unattended on private premises in a location visible from public premises or left unattended on public premises.
- c. "Public Premises" means any public right-of-way, street highway, alley
- d. "Private Premises" means all privately owned property which is not class
- e. "Person" means all natural persons, firms, partnerships and corp
- f. "Officer" means any regular member of the Indiana State Police, any regular mem
- g. "Bureau" shall mean the Bureau of Motor Vehicles of the State of India
- h. "Owner" means the last known record title holder to a vehicle according to
- i. "Public agency" means the department of local government which is denominated the local responsibility for removal, storage, and disp
- j. "Disposal Agent" means any firm or individual engaged in the business of c
- k. "Commissioner" means the commissioner of the bureau.
- l. "Parts" means all component parts of a vehicle which are in a state of

disassembly or are assembled with other vehicle component parts, but which, in their state of assembly do not constitute a complete vehicle.

72.02. Prohibition. No person shall abandon his vehicle on any public premises or private premises in a location which is visible from public premises.

72.03. Removal. The Police Department of the Town of Bremen is the authorized agency assigned the responsibility for removing vehicles defined as abandoned under the provisions of this Chapter and of the Public Law 86 of 1972.

a. Any vehicle which under the standards established by Public Law 86 of 1972 has an appraised value of less than \$200 shall be subject to removal, impoundment and sale by the public agency.

After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department shall contain the following information:

- (1) That the vehicle or parts are considered abandoned.
- (2) That the vehicle or parts will be removed seven (7)
- (3) That the owner will be held responsible for all costs
- (4) That the owner may avoid costs or suspension of
- (5) The date, officer's name and the address and telephone

No impounded vehicle shall be sold by the public agency prior to the expiration of 15 days from the date the public agency mails a written notice to the owner advising him that his vehicle has been impounded and must be removed from the impounding facility by the owner within 15 days of the date of mailing the notice or the public agency will proceed to dispose of the vehicle by sale to a disposal agent.

72.04. Disposal. Within five (5) days after removal of abandoned vehicle to a storage area, the vehicle shall perform the function of appraising all abandoned vehicles which have been removed pursuant to this ordinance. Such contract shall be approved and executed by the President of the Town Council.

a. The final disposal of vehicles valued at either over \$200 which statute shall be appended hereto and made a part of this code.

b. Limitation on Cost and Repayment to Owner of Excess of excess of \$45.00, nor shall the cost of storage exceed the sum of \$7.50 per day. The storage

charge shall be limited to the actual number of days of storage not to exceed fifteen (15) days.

If the proceeds of sale exceed all costs incident to removal, established under Section 72.05.

stor

72.05. Junk Vehicle Removal Fund. All monies paid to the Town for the cost of removal, storage, and disposal

72.06. Penalties. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class C Infraction and upon conviction thereunder shall be fined not exceeding \$500.00. Each day violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

CHAPTER 73 - ANTI-NOISE REGULATIONS

73.01. Noise Control.

Definitions. The definitions of the terms us in this ordinance shall be:

- a. A-Weighted Sound Level. Means the sound pressure level of
- b. Commercial Zone. Means Zones C-1, C-2, C-3, as defined
- c. Decibel. Means the unit used for comparing the sound
- d. Frequency. Means the number of periodic oscillations,
- e. Hertz (HZ). Means the unit used for measuring the
- f. Industrial Zone. Means Zones I-1, I-2 as defined in Chapter
- g. Light Motor Vehicle. Means any motorized vehicle with gross
vehicles, go-carts, mini bikes, trail bikes and
light trucks.
- h. Modified Exhaust Systems. Means any exhaust system in which
altered or replaced to produce more noise.
- i. Noise. Means any sound subject to complaint.
- j. Octave Bank. Means a portion of the entire sound frequency
- k. Person. Means any individual, firm, partnership,
- l. Plainly Audible. Means any noise for which the information
normal or comprehensible musical
rhythms.
- m. Residential Zone. Means zones R-1, R-2, R-3 as defined in
- n. Sound Level Meter. Means an instrument designed to measure
- o. Sound Pressure Level. Means 20 times the logarithm (Base
$$\text{SPL} = 20 \text{ LOG } \frac{\text{SOUND PRESSURE A}}{10 \text{ } \underline{\text{SOUND PRESSURE B}}}$$
$$\text{SOUND PRESSURE A} = \text{MEASURED SOUND PRESSURE}$$
$$\text{SOUND PRESSURE B} = \text{REFERENCE SOUND PRESSURE}$$
$$(20 \text{ MICROPASCALS})$$
- p. All other terminology used in this ordinance which is not

73.02. General Prohibitions. No person shall make or cause to be made, any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their

enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions listed in the following sections.

73.03. Specific Restrictions. The following specific acts are declared to be unlawful:

a. Radios, Television Sets, Musical Instruments, Tape or Record such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building.

b. Domestic Power Tools: Operating or permitting the use or hours of 10:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby.

c. Construction: Operating or permitting the operation of any person nearby.

d. Horns and Signaling Devices: Operating a horn or other

e. Participation in noisy parties or gatherings: Participation common to two or more persons within a building.

f. Animals: Harboring or keeping any animal which is causing

g. Schools, Courts, Churches, Hospitals: The creation of any which reasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous

h. Yelling, Shouting, etc.: Yelling, shouting, hooting, whistling, persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

i. Loud Speakers, Amplifiers and Advertising: The using, other machine or device for the producing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the

73.04. Motor Vehicles.

a. It shall be unlawful for any person to cause the sound Town of Bremen. The sound pressure level measurement shall be made at a distance of not less than 15 feet from the edge of the lane of travel of the violator.

b. It shall be unlawful for any person to operate a light motor revving, or tire squealing.

73.05. Stationary Source.

a. It shall be unlawful for any person to cause the sound

pres

1. If the person is located within a RESIDENTIAL ZONE:
The Octave-band breakdowns of the DBA limits used in

OCTAVE-BANK CENTER FREQUENCY (HZ)		MAXIMUM BOUNDARY SPL (DB)	
31.5	72		
63	71		
	125	65	
	250	51	
	1000		45
	2000	39	
	4000	34	
	8000	32	

2. If the person is located within a COMMERCIAL ZONE:
64 DBA at all times.

The Octave-band breakdowns of the DBA limits used in

this

OCTAVE-BAND CENTER FREQUENCY (HZ)MAXIMUM BOUNDARY SPL (DB)

31.5	79
63	71
125	73
250	67
500	61
1000	55
2000	50
4000	46
8000	43

b. If the property boundary lies between the two zones, the

c. In addition to the above, no person within a RESIDENTIAL or
vibration source. No person within an
INDUSTRIAL ZONE shall make or cause to be
made any earth-shaking vibrations perceptible
without the aid of instruments beyond the zone boundary of the

73.06. Exemptions. The provisions of this ordinance shall not apply to the EMISSION OF
SOUND for the purpose of alerting persons to the existence of an
emergency or the EMISSION OF SOUND in the performance of work to
prevent or alleviate physical or property damage threatened or caused by a public
calamity or other emergency.

73.07. Permits. The Office of the Town Clerk shall have the authority to issue permits for:

a. Holidays, Celebrations, Concerts, Parades, or other Special

b. Persons who demonstrate that bringing the source of sound
community or other persons and that the
adverse impact on the health, safety and welfare
of persons affected by the permit has been
outweighed by such hardship. Permits may contain any

c. Non-compliance with any condition of the Permit shall

73.08. Guidelines. The Town Council of the Town of Bremen shall issue guidelines
defining the procedures to be followed in applying for a permit and the
specific criteria to be considered in deciding whether to issue a permit. The
Town Council shall also determine fees for such permits to be issued.

73.09. Penalties.

a. Any person found in violation of the Motor Vehicle Noise

b. Any person found in violation of any other provisions of

c. Each day that a violation is in effect shall constitute a

- d. During any trial concerning the provisions of this ordinance the
 - e. In addition to any and all other remedies, the Town may at its d
- ordinance.

CHAPTER 75 - WEEDS

75.01 Administration. The Director of Operations or Building Commissioner shall be responsible for administration of this ordinance.

75.02 Definition. Rank, obnoxious and troublesome vegetation or weeds shall exceed eighteen (18") inches in height and are as follows:

- a. Canada thistle (*Cirsium arvense*)
- b. Johnson Grass and Sorghum Almiun (*Sorghous halepeuse*)
- c. Bur cucumber (*Sicyos angulatus*)
- d. Marijuana (*Cannabis sativa*)
- e. Ragweed
- f. Milkweed
- g. All such vegetation that is not generally cultivated for lawns, landscaping, gardens, decoration or farming, including, but not limited to: briars, brambles, horseweed, brush, thistles, tall grasses and other weeds which have an adverse effect on agricultural production or cultivation or provide harborage for rodents or other pests.

75.03 Obnoxious Weeds Prohibited. No owner or occupant of any real estate within the Town shall permit any rank, obnoxious or troublesome vegetation or weeds to grow more than eighteen (18") inches high or mature upon premises owned or occupied by such person, or upon, in or along any of the sidewalks, streets or alleys adjoining the same.

75.04 Notice.

- a. Whenever the Director of Operations or Building Commissioner determines that violation of this ordinance exists he shall give the owner (as determined by real estate tax records of the county) written notice of the violation at the address real estate taxes are billed, by regular U.S. Mail, and post a copy on the premises. The Owner shall have ten (10) days to abate the violation or appeal the same to the Town Council. In the event of an adverse ruling by the Town Council the owner shall have ten (10) days from the date of the decision to abate the violation.
- b. Whenever the Street Department after such notice shall proceed to mow or otherwise abate the violation, the Director of Operations or Building Commissioner shall send the owner a bill at the same address as the notice above for the expenses related thereto and the owner shall have thirty (30) days to pay the same or appeal the same as provided herein to the Town Council. A bill not paid within thirty (30) days of issuance or of the determination of the appeal shall be collected as provided in Section 75.05 below.

75.05 Town to Cut Weeds. If the owner of any real estate within the Town, after notice as provided hereinabove fails to destroy the weeds of vegetation prohibited hereinabove, the Town may employ some person to cut down and destroy such

weeds and remove any trash or rubbish which interferes with mowing or cutting. The expenses incurred with regard to weed cutting or mowing shall be a lien against such premises and may be entered upon the tax duplicated and collected as other taxes, or such lien may be foreclosed against the premises as in the case of mortgages.

CHAPTER 76 - CIVIL EMERGENCIES

76.01 DEFINITIONS.

1. A civil emergency is hereby defined to be:
 - a. A riot of unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute such force by three or more persons acting together without authority of law; or
 - b. Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
2. Curfew is hereby defined as a prohibition against any person or persons walking, running loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Town during the hours in which a curfew has been imposed, excepting persons officially designated to duty with references to said civil emergency.

76.02 Proclamation by President of the Town Council of said Town.

When in the judgment of the President of the Town Council of said Town a civil emergency as defined herein is deemed to exist, he may forthwith proclaim in writing the existence of same. In case of the absences of the President of the Town Council of said Town from the Town, the Chief of Police shall be authorized to act in his stead.

76.03 Imposition of Curfew.

After proclamation of a civil emergency by the President of the Town Council of said Town, he may order a general curfew applicable to such geographical areas of the Town or to the Town as a whole, as he deems advisable and as he deems necessary in the interest of the public safety and welfare.

76.04 Additional regulations.

After proclamation of a civil Emergency by the President of the Town Council of said Town may also in the interest of public safety and welfare make any or all of the following orders:

1. Order the closing of all retail liquor stores.
2. Order the closing of all taverns.,
3. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
4. Order the discontinuance of the sale of beer.
5. Order the discontinuance of selling, distributing or giving away

gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

6. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products.

7. Order the discontinuance of selling, distributing, dispensing or giving away of firearms and/or ammunition and other explosives.

8. Issue such other orders as are imminently necessary for the protection of life and property.

76.05 Emergency powers.

During the period of a declared state of emergency, the President of the Town Council of said Town may have the power to invoke any or all of the following provisions:

1. Alcoholic beverages. No person shall consume any alcoholic beverages in a public street or place which is publicly owned, or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

2. Weapons. No person shall carry or possess any rock bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the persons or property of another.

3. Incendiary missiles. No person shall make, carry, possess or use any type of "Molotov cocktail", gasoline or petroleum base fire bomb or other incendiary missile.

4. Restricted areas. No person shall enter any area designated by the President of the Town Council of said Town as a restricted area unless in the performance of official duties or with written permission from the President of the Town Council of said Town or his duly designated representative, or such person shall prove residence therein.

76.10 Congregating so as to obstruct prohibited.

It shall be unlawful for three or more persons to assemble, except in public meetings of citizens, on any sidewalk, street corners, street crossings or near the mouth of the alleys of the Town, to the obstruction of the same, so as to hinder or delay any person passing in, upon or along the same, or the owners or occupants of the property adjacent thereto.

76.20 Curfew.

1. 15,16,17 years olds

It is a curfew violation for a child 15, 16,17 years of age to be in a public place:

a. between 12:00 p.m. on Friday and Saturday and 5:00 a.m. on Saturday and

Sunday.

- b. after 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday or Thursday or Friday
- c. before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

2. Children under 15 years of age.

It is a curfew violation for a child under 15 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

3. Exceptions

This Article shall not apply to a child who is:

- a. accompanied by his parent, guardian or custodian;
- b. accompanied by an adult specified by his parent, guardian or custodian; or
- c. participating in, going to, or returning from 1.) lawful employment, 2.) school sanctioned activity, or 3) a religious event.

4. Penalties.

The custodial parent or legal guardian of any child who commits a curfew violation as defined herein, violates this Article and shall be subject to penalties.

76.30 Penalties

Any person violating Section 76.01 through 76.05 of this Chapter shall be guilty of a Class "C" Misdemeanor and any other violation of a provision of this Chapter shall constitute a Class "A" infraction as defined by the Indiana Code.

Chapter 77 MUNICIPAL STREET TREE REGULATIONS

77.01 **Definitions:** For the purposes of this Article, certain terms are defined in this Section. When not inconsistent with the context, words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular number. The word “shall” is always mandatory and not merely directory. The term “person” shall mean an individual, partnership, limited liability company, corporation or any other association or its agents. Terms not defined in this Section shall have the meanings customarily assigned to them.

Accepted Street Tree List is a list of proven trees deemed adaptable to the street conditions of the Town of Bremen. The list is located in the Arboricultural Specifications Manual, which is deemed incorporated by reference into this Article. Two copies of the Arboricultural Specifications Manual for the Town of Bremen are on file for inspection in the Office of the Clerk-Treasurer of the Town of Bremen, Indiana

Boundary Tree is a tree that meets one or more of the following criteria:

- a. The stem of the tree straddles the actual property line between Town public property and adjoining property;
- b. The Town and the adjoining property owner have previously agreed that the tree will identify the property boundary;
- c. The Town and the adjoining property owner have previously agreed to share the cost of maintaining the tree.

A boundary tree is the common property of both landowners.

Caliper is the diameter measurement of the trunk taken 6 inches above ground level for, up to and including four-inch caliper size.

Critical Root Zone is a circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree’s survival. Critical root zone is one foot in radial distance for every inch of tree DBH, with a minimum distance of eight feet. For specimen trees, the formula changes to 1.5 feet for every inch of tree DBH.

Crown is the above-ground parts of a tree consisting of the branches, stems, buds, fruits and leaves. It may also be referred to as “**canopy**.”

DBH means diameter breast height, or the diameter measurement in inches of the trunk 4.5 feet above ground level. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Drip line is a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Specimen Tree or Stand is any tree, or grouping of trees that has been determined by the Tree committee to be of high value because of its species, size, age, form, historical significance, or professional criteria.

Owner-Occupant shall mean the property owner or the residing occupant with the permission of the property owner.

Park Trees are herein defined as trees on Town owned park areas.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Property Owner shall mean the person owning such property as shown by the County Auditor's Plat of Marshall County, Indiana.

Root Barrier is an anchored physical device used to stop or divert the growth of tree roots.

Shrub means a woody plant which is characteristically below 20 feet in height and is multi-stemmed supporting the main leafy growth.

Street means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Street Trees are herein defined as trees lying on the real estate owned or controlled by the Town, excluding the real estate owned or controlled by the Town of Bremen Park Department except for an area 15 feet in depth from the pavement edge on either side of any paved through streets within any park.

Topping is defined as the cutting back of the leading shoot or shoots of major limbs which form the natural canopy of the tree as to disfigure the tree crown.

Tree means a perennial woody plant, ordinarily with one main stem or trunk, which develops many branches, and which ordinarily grows to a height of 20 feet or more.

Tree Care means the treating, removal, spraying, pruning, and any other tree maintenance or horticultural work intended for the enhancement or preservation of trees and the removal and prevention of any and all damages to any trees caused by tree pests, blights, and diseases.

Tree Lawn is that part of a street or highway, not covered by sidewalk or other paving, lying within the Town's right-of-way.

Trees, Large are designated as those capable of attaining a height of 45 feet or more at maturity.

Trees, Small are designated as those capable of attaining a height of 20 to 30 feet at maturity.

Wheel Stop shall be a solidly anchored concrete or wooden barrier at least 6 inches in height that is designed to stop the forward motion of a motor vehicle.

77.02 Establishment of a Tree Committee. There shall be created a committee that services solely in an advisory capacity to the Bremen Town Council that shall be known as the "Tree Committee." The Tree Committee shall be composed of five (5) members, two (2) of whom are residents of the Town of Bremen who shall be appointed by the Town Council. The term of office for the members shall be two (2) years. The Street Superintendent, the Electric Utility Superintendent and the Park Superintendent shall be members of the Tree Committee by virtue of their appointive position. All members of the Tree Committee serve at the pleasure of the Town council and the Town Council has the ability to remove any member at any time for any reason deemed sufficient to the Town Council.

77.03 Tree Committee Duties and Responsibilities.

The Tree Committee shall serve in an advisory capacity to the Town Council on all matters pertaining to these Municipal Street Tree Regulations. Matters upon which the Tree Committee may advise the Town Council include, but are not limited to, the following

- a. Assist in policy development concerning the care, preservation, selection, planting, transplanting, spraying, maintenance, and removal of trees and shrubs in the street right-of-way, public parks, and other public places assuring that good arboricultural practices are followed.
- b. Make recommendations regarding tree care of street trees and park trees and the siding, seeding, and maintenance of lawns along existing Town streets.
- c. Assist, when requested by the Town Council, in the preparation of grant applications that would fund municipal tree related projects.
- d. Assist the Street Superintendent, when requested, concerning matters contained within the Municipal Street Tree Regulations.
- e. When requested by the Town Council, present inventory of public trees in the Town.
- f. cooperate with the Indiana Department of Transportation concerning planting efforts along state road right-of-ways within Bremen's boundaries.
- g. conduct educational programs as necessary while working with private and public agencies and organizations to establish programs for planting and the care of street trees.
- h. Advise, as needed, concerning amendments to these Municipal Street Tree Regulations including the Arboricultural Specifications Manual.
- i. Meet as needed.
- j. Elect a president and vice president annually and keep a written record of its proceedings, all in accordance with Indiana law.
- k. Shall serve without compensation.

77.04 Public Tree Care by the Town. The Town shall have the right to plant, prune, maintain and remove trees, shrubs and plants within the lines of all streets, alleys, squares, and public grounds as may be necessary to insure the public safety or to preserve the aesthetics of such public grounds. Whenever the Town finds it necessary to remove a tree, the Town shall, when reasonably possible, replant or replace it consistent with the specifications and standards herein.

77.05 Street Superintendent Authority.

- a. The Street Superintendent and/or Electric Superintendent or his designee can cause or order to be removed any Tree or part thereof which is in an unsafe condition or is affected with any injurious fungus, insect or other pest, any Street Tree or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements.

The Street Superintendent and/or Electric Superintendent will in writing notify the owner of such tree or the

adjoining owner of such a Street Tree. In the event of an emergency as determined by the Street Superintendent and/or Electric Superintendent, the owner shall be given such notice as is reasonable under the circumstances.

If the owner request removal of a tree, the owner shall be responsible for the expense of dropping the tree and the Town shall assume responsibility for removal of the stumps and cleanup.

- b. The Street Superintendent and/or Electric Superintendent or his designee can cause or order to be pruned limbs or branches of any trees or shrubbery which overhang any public property and which constitute a menace to the safety of the public, obstructs the light from any street lamp, obstructs the motorists' view of any street intersection or any traffic control signal or sign, or obstructs or endangers passing vehicles and pedestrians.
- c. The Street Superintendent and/or Electric Superintendent or his designee will govern the issuance of the Tree Work Permits as required by the Chapter.

77.06 Tree Care - Permit Required. No Person, company, or public utility shall plant, remove, excavate within a 10 foot radius of, trench within the critical root zone or, or cut above the ground any public tree or disturb or plant any shrubbery within any tree lawn, park or other public place unless the Town of Bremen shall have first granted a Tree Care Permit. No permit shall be required for the trimming of any branches with a diameter of 3 inches or less. No permit shall be necessary for tree removal or trimming in the emergency situations detailed in Section 77.11.

77.07 Tree Care - Permit Issuance.

- a. Tree Care Permits shall be administered and issued by the Bremen Street Superintendent or his designee.
- b. The person receiving the permit shall abide by the standards set forth in this Chapter including the Arboricultural Specifications Manual of the Town of Bremen and any additional requirements placed upon the permit by the Street Superintendent.
- c. An annual permit shall be issued to any public utility for trimming and cutting trees in the public-right-of-way. The permit application shall include utility trimming schedules and locations.
- d. There shall be no charge for the Tree Care Permit issuance.

77.08 Tree Care - Contractor's License Required. It shall be unlawful for any person to work for hire performing tree care activities in the Town of Bremen for private or municipal street trees without first registering with the Clerk-Treasurer for an annual license and paying the permit fee of Ten Dollars (\$10.00); showing proof of liability insurance for personal injury and property damage in the amount of One Hundred Thousand Dollars (\$100,000.00); and shall be familiar with Osha's laws governing power line tree trimming maintenance.

77.09 Tree Care - Pruning, Trimming and Removal.

- a. No person or property owner shall remove a tree or a boundary tree from the public tree lawn for the purpose of construction, or for any other reason, without first securing a Tree Care Permit from the Town of Bremen. The person or property owner shall bear the cost of

complete removal, including the chipping of all limbs and removal of the stump.

- b. All trimming, pruning, and any other tree care activities shall comply with good Arboricultural practices as delineated in the Arboricultural Specifications Manual of the Town of Bremen. The person or property owner shall bear the cost of these activities.
- c. It shall be unlawful as a normal practice for any person to top any Street Tree. Topping is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter with the tree's crown to such a degree so as to remove the severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this requirement by a written determination made by the Bremen Street Superintendent or his designee.
- d. No person shall pave, asphalt or apply poison, rock, sand or gravel to any tree row, or public right-of-way or public ground of any kind without the specific authority of the Street Superintendent.
- e. No person shall deposit, place, store, or maintain upon any public place of right-of-way of the city any stone, brick, sand, concrete, or other materials that may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein except by written permission of the Street Superintendent.

77.10 Tree Care - Removal of Stumps. In the process of tree removal, all stumps of Street Trees shall be removed at least 6 inches below the surface of the ground.

77.11 Tree Care - Emergency Declared.

- a. in emergencies, when a tree or trees have been severely damaged by storms or other causes, the Street Superintendent may waive the requirement for a Tree Care Permit. All removals of public trees under those conditions shall be reported to the Town.
- b. The Town Street Department or public utilities may act to trim or remove trees in emergency situations.
- c. Topping and severe cutting back of limbs may be allowed by the Street Superintendent under emergency situations.

77.12 Tree Care - Proximity to Construction and Excavation.

- a. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded whenever possible with a fence, frame or box not less than 4 feet high and 8 feet square and all building material, dirt or other debris shall be kept outside the barrier. Where heavy equipment will pass repeatedly over the tree's critical root zone, particularly in wet conditions, a temporary layer of 4 inches of shredded bark or wood chips shall be placed and maintained on the ground. At the time of Tree Care Permit issuance, it may be specified that the barrier size be enlarged to further protect the critical root zone of that tree during construction activities.
- b. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining street cut and tree care permits from the Street Superintendent.

- c. Any and all installations of underground utilities upon the public right-of-way that impact on public trees due to necessary removals or underground conflicts (roots) require a Tree Care Permit and are specifically subject to protection measures designated by the Street Superintendent.
- 77.13 Tree Care - Injury to Trees. Unless specifically authorized by the Street Superintendent or Bremen Park Superintendent for park trees, no person shall intentionally damage, cut, carve, transplant or remove any public tree; attach any wire, or nails, advertising posters, or other contrivance to any public tree; allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire to or allow to burn when such fire or heat will injure any portion of any public tree.
- 77.14 Tree Planting - General. The owner-occupant of property abutting public ways may plant Street Trees in the tree lawn at his or her own expense in strict accordance with the Arboricultural Specifications Manual of the Town of Bremen and these Municipal Street Tree Regulation. A Tree Care Permit must first be obtained for such a planting.
- 77.15 Tree and Shrub Planting - Species and Sizes to be Planted. It should be specifically noted that the Arboricultural Specifications Manual contains a list of acceptable trees including species and sizes to be planted, spacing, distance from curb, sidewalk and parking and distance from street corners, fireplugs, utility poles, utilities, and other, regulation. In accordance with the Bremen Town code, no person shall plant or maintain any shrubs, bushes, trees or other forms of vegetation or material in such a manner that it obstructs or hinders the passage of pedestrians on sidewalks or vehicular traffic on streets or alleys within the Town.
- 77.16 Alteration of Tree Lawn. No person shall pave, gravel, remove or otherwise convert existing grassed Tree Lawn into hard space with the addition of the aforementioned without the advice of the Tree committee and the consent of the Bremen Town Council.
- 77.17 Violations. Violations of this Article shall subject the offender to the general Penalty Provisions of the Town Code which provides for, among other things a fine not to exceed \$2,500.00 per violation and that every day any violation of this Article shall continue, shall constitute a separate offense. Additionally, pursuant to Indiana code 36-1-2, the Town may enter onto real property and take appropriate action to bring the property into compliance with this Article, including, but not limited to, replanting of trees damaged or improperly removed by the offender, provided, however, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If action to bring compliance is taken by the Town, the expense involved may be made a lien against the property.

CHAPTER 90 - STREET IMPROVEMENT

90.01. Participation by the Town. The Town of Bremen, Indiana, may participate with owners of lands abutting streets within the Town of Bremen, Indiana, in the creation and improvement and development of such streets in accordance with the requirements and standards for street improvements established by the Town of Bremen, Indiana, by its Town Council of the Town of Bremen, Indiana, shall determine to participate in the cost of the development or improvement of streets with owners of lands abutting new streets without new residential or new commercial areas or new sub-divisions of the Town, then such participation by the Town shall be undertaken by the enactment of a special ordinance by the Town of Bremen, Indiana, setting forth the extent and amount of participation in dollars, undertaken by the Town of Bremen, Indiana.

90.02. Limitations. Participation by the Town of Bremen, Indiana, in the cost of development or improvement of such streets in new residential or new commercial areas or new sub-divisions of the Town of Bremen, Indiana, shall be limited so that the total cost to the Town of Bremen, Indiana, for its share in participating in the cost of any particular new residential or new commercial street, development or improvement, shall not exceed a total of \$20,000.00 in any calendar year and the participation of said Town in said cost shall further be limited to a cost not exceeding 15% of a local street, 20% of a minor collector street, and 25% of a major collector street or larger street, all as defined in the Master Plan of the Town of Bremen, Indiana.

90.03. Scope of Participation. The participation by the Town of Bremen, Indiana, in the cost of development and improvement of new streets and roads in new residential areas and new commercial areas or new sub-divisions within the corporate limits of the Town of Bremen, Indiana, shall extend to and may apply only to the installation of concrete or asphalt streets in said areas for the construction of said streets. The participation in the cost of said streets by the Town of Bremen, Indiana, shall not be deemed mandatory in any instance and participation shall not be undertaken unless and until provisions of this Code and all applicable ordinances have been fully complied with. In computing or calculating the cost of any such street wherein the Town of Bremen, Indiana, shall undertake to participate with adjoining property owners abutting said street, the cost thereof, the cost of grading and excavating, and the cost of engineering not to exceed 10% of the total street cost, which said engineering cost shall be subject to approval by the Town of Bremen, Indiana, incurred in connection with the development and improving of said street, is to be considered as part of the total cost of said street.

90.04. Method of Participation. Participation by the Town shall be limited by the provisions hereinbefore provided for and shall be undertaken only after:

- a. Plans and specifications for such proposed streets or roads
- b. Bids have been submitted and made pursuant to published
Indiana, and which said notice to bidders shall provide
notice that bids for the construction of said
streets or roads will be awarded at a
meeting of the Town Council of the Town of Bremen, Indiana,

not less than 14 days

lowest and best bid and reserves the right
to reject any and all bids and which said notice shall
set forth where the plans and specifications shall
be available to the bidders for their use in
preparing their bids.

c. In the event that the dollar amount of participation to be
the event that a developer or property
owner of land abutting the said street or
road to be developed or improved with the participation of
cooperation and jointly with the
owner of the land abutting said street or individually
may contract for the Town's share of the cost or for the
total cost of the project and may bill the
developer or abutting land owner of the land abutting said
and the Town may participate by making
payment of its share of the cost directly to the
owner of the property adjoining said street,
provided that payment therefor shall not be made by

und

the Town hereunder

street for the

the Town until such time

CHAPTER 91 - SIDEWALKS

- 91.01. Construction Material. All sidewalks constructed in the Town shall be composed of or concrete.
- 91.02. Minimum Width. No sidewalk constructed in the Town shall have a width of less than four (4') feet.
- 91.03. Sidewalks Required. No person shall occupy any building, house, or other structure prior to the time sidewalks are constructed meeting the requirements of this Code existing at the time of the proposed occupancy.
- 91.04. Ice and Snow Removal. The occupant, or if unoccupied, the owner, of any premises situated within the Town shall remove ice and snow from the sidewalks in front of and adjacent to such premises within twenty-four (24) hours after its accumulation.
- 91.05. Failure to Remove Ice and Snow. If any such owner or occupant does not remove such ice and snow as amount with a description of the lot or parcel of ground, and with the owner or owners' name or names, to the Clerk-Treasurer, which amount shall then become a lien upon said lot or parcel of ground, and shall be collected by the same Clerk-Treasurer at the same time and in the same manner that he collects other assessments on real estate.
- 91.06. Sidewalk Openings. No person shall leave or keep open any cellar door, or window grating, or vault on any sidewalk so as to endanger life and limb.

CHAPTER 92 - EXCAVATIONS

- 92.01. Excavations of Streets Restricted. No person shall excavate or dig in any of the streets, highways, alleys or public grounds of the Town without first obtaining a permit from the Town.
- 92.02. Permit Application. Any person desiring to make any openings in any of the streets, highways, alleys or public grounds of the Town, or to excavate or dig therein, shall file an application, (See Application for Permit to Excavate in a Street or Public Right-Of-Way), provided by the Town with the Clerk-Treasurer of the Town.
- 92.03. Performance and Damage Bond Required. The applicant shall file a bond in the penal sum of not less than \$10,000.00. In the event personal sureties are used, they shall sign an affidavit that they are worth over and above the amount of their indebtedness the penalty of said bond.
- 92.04. Insurance Required. The applicant shall further furnish to the Town at the time of making application proof of the fact that he is covered by liability insurance in an amount not less than \$5,000.00 for property damage and \$25,000.00 for injury to any one person, and \$50,000.00 for any one accident. Said applicant shall prove to the satisfaction of the Town the payment of a premium for said insurance so that the Town will be protected for a period of one year from the date of the commencement.
- 92.05. Separate Permits Required. A separate permit shall be obtained for the making of separate openings and excavations. However, a person may file one bond to cover and apply to all work to be done under several permits.
- 92.06. Permit Approval and Issuance. Upon the filing of the application and bond, the Clerk- Treasurer shall notify the Town Council. If said application is satisfactory and the bond is sufficient as to form and surety, the Town Council shall approve the application by endorsing their approval thereon. The Clerk-Treasurer shall issue a permit only upon receipt of approval of the application by the Town Council.
- 92.07. Permit Fee. The applicant shall pay to the Clerk-Treasurer simultaneously with his application a permit fee set by the Town Council. In the event the application and bond of the applicant is not approved, the fee shall be returned to the applicant.
- 92.08. Excavation Time Limit. No opening in any street, highway, alley or public grounds of the Town shall remain open for a period of more than ten consecutive days. One ten day extension of time on excavation openings may be granted by the Clerk-Treasurer upon a showing by the permit holder of good and sufficient reason for such extension. Any additional extension of time on excavation openings may be granted by the Town Council on petition of the permit holder demonstrating necessity.
- 92.09. Obstructions Prohibited. No person shall erect any building, fence or other obstruction upon any street, alley, sidewalk or public grounds in the Town.

92.10. Each Day a Separate Offense. Each day any portion of this Chapter is violated shall constitute a separate offense.

CHAPTER 100 SEWAGE RATES AND CHARGES_____
3/27/2000

Approved

100.01 User - Classes

Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, in order that the sewage works shall recover, from each user, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register August 21, 1973 (38 CFR 22523) and on February 11, 1974 (39 CFR 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works plant and equipment.

(b)The various user classifications for the purpose of this Code, shall be as follows:

Class I - 1. Residential

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- 2. Apartments/Multiple family dwelling
(on a single meter)
- 3. Commercial
- 4. Governmental
- 5. Institutional
- 6. Wholesale residential
- 7. Industrial

100.02 Sewage Rates

For the use of and the services rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sanitary system or otherwise discharge sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Bremen. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

.... (a) Sewage Bill Calculation

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, and a base charge based on the size of the water meter in use at that locaction, except as herein otherwise

provided. Water meters will be read once each month, and sewage service bills shall be rendered once each month Or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined shall be as follows:

1) Metered Rate

<u>Total</u>		<u>User Charge</u>			
Rate per 1000 Gallons	Flow	Billed Total	I/I Service	Debt	Flow
\$.568	\$.660	\$1.228	\$.792	\$2.02	

2) Base Rate - As follows:

All User Classes

		<u>Monthly Base Rate</u>		
		<u>User Charge</u>	<u>Debt Charge</u>	<u>Total</u>
5/8" water meter		\$ 2.27	\$ 1.18	\$ 3.45
3/4" water meter		2.27	1.18	3.45
1" water meter		5.08	2.77	7.85
1-1/4" water meter		7.88	4.42	12.30
1-1/2" water meter		11.26	6.39	17.65
2" water meter		19.10	10.95	30.05
3" water meter		43.41	25.04	68.45
4" water meter		77.07	44.63	121.70
6" water meter		172.73	100.17	272.90

- (b) For the services rendered to the Town of Bremen, said Town shall be subject to the same rates and charges herein above provided, or to charges and rates established in harmony therewith.
- (c) The rates and charges as herein set forth became effective on the first full billing period after the adoption of Ordinance 3-99 on June 28, 1999, and is now incorporated in this new Code.

100.03 Discharges Into the Sewer System

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; further, as is hereinafter provided in this section, the Town may make proper allowances in the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewage system.

- (a) In the event a lot, parcel of real estate or building discharging sanitary sewage,

industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this Code, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times \$3.00 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A Dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that the single family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of June, July, August and September, the billing for sewage service for residences an/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March. In the event the

water usage for said previous months is greater than the water usage for said summer months, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

Domestic and/or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single family residence. **Said sprinkling rate shall not apply to premises which are serviced by a separate sprinkling meter unless said meter is valved off at the property line by a water department control valve, or premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.**

- (f) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary system, either directly or indirectly, and uses water in excess of 15,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

100.04 Basis for Determining Sewage Charge

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid, suspended solids in excess of 150 milligrams per liter of fluid, or $\text{NH}_3\text{-N}$ in excess of 14 milligrams per liter of fluid in the winter months and 9.8 milligrams per liter of fluid in the summer months. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis.

(1) Rate Surcharge Based upon Suspended Solids

There shall be an additional charge of \$.11 per pound of suspended solids for

suspended solids received in excess of 150 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of \$.07 per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

(3) Rate Surcharge Based on NH₃-N

There shall be an additional charge of \$.09 per pound of NH₃-N (ammonia Nitrogen) for NH₃-N received in excess of 14 milligrams per liter of fluid during the winter months of November, December, January February, March and April.

There shall be an additional charge of \$.12 per pound of NH₃-N (ammonia Nitrogen) for NH₃-N received in excess of 9.8 milligrams per liter of fluid during the summer months of May, June, July, August, September and October.

- (b) The determination of Suspended Solids, Five-day Biochemical Oxygen Demand, and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973. As amended October 26, 1984.

100.05 General Sewer Hook-on Fee

A hook-on fee in the amount of One Hundred Dollars (\$100.00) shall be charged for all connections made to the Town municipal sewer system, including any connections made to private contract sewers in or out of the Town limits. The hook-on fee shall be paid prior to actual connection to the Town sewer system, charges also shown in Paragraph 102.35 of the Code.

100.0501 Multiple Dwelling Sewer Hook-on Fee

In addition to the hook-on fee in Paragraph 100.05, in the case of multi-family dwelling units, a Fifty Dollar (\$50.00) per unit connection fee starting with the second unit will be charged. The hook-on fee for multi-family dwellings shall be paid prior to actual connection to the Town sewer system, charges also shown in Paragraph 102.35 of the Code

100.0502 Determination of Sewer Hook-on Fee

In the event that any application for hook-on fee requires definition as to what category shall be applied for the payment of fees, the Clerk-Treasurer shall refer such application to the Department of Sanitation systems for determination and disposition.

100.0503 Industrial, Commercial or Non-Residential Users Sewer Hook-on Fee

..... Any industrial, commercial or non-residential user shall pay the following hook-on fee in lieu of the fee provided for in Paragraph 100.05

<u>Number of Meters</u>	<u>Size</u>	<u>Charge (fee)</u>
1 3/4"	\$	160.00
1... 1"	\$	240.00
1 1-1/2"	\$	480.00
1... 2"	\$	630.00
2... 2"	\$	780.00
3... 2"	\$	940.00
1... 4"	\$	1,090.00
1... 6"	\$	1,230.00

.....
..... Charges also show in Paragraph 102.35.

100.0504 Increase in Water Meter Size

Present industrial, commercial or non-residential users now receiving sanitary sewer service who apply for a larger water meter than they now have shall pay the difference in cost at the time of the filing of the application between the size of the meter they now have and the one applied for, according to the charges set forth in section 100.0503. No credit shall be given in the case of a downward size revision.

100.06 Monthly Billings

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billings shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall there-upon attach thereto. The time at which such rates or charges shall be paid is not fixed at fifteen (15) days after the date of mailing of the bill.

100.07 Study of Rates

In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made within a reasonable period of time following the first 12 months of operation, following the date on which this Code goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems. Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances.

100.0701 Replacement Account of the Sanitary Sewer Utility

Replacement Account of the Sanitary Sewer Utility. There is hereby established a Replacement Account into which the Clerk-Treasurer shall annually pay over \$ 29,793.00 from the gross receipts of the Department to be used for replacement of Structures and equipment.

100.0702 Capital Improvement Fund of the Sanitary Sewer Utility

Capital Improvement Fund of the Sanitary Sewer Utility. There is hereby established a Capital Improvement Fund for the extensions and betterments to the system. The Clerk-Treasurer shall set over to this fund any funds in excess of the Sixty (60) day working capital requirement in the Operating Fund for the Sewage Works.

CHAPTER 100.08 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

"Act" or "the Act" shall mean the Federal Water Pollution Control Act, (PL-92-500) also known as the clean water Act of 1977, as amended, 33 U.S.C. 1251, et. seq. (95-217); as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.

"Ammonia Nitrogen (referred to as $\text{NH}_3\text{-N}$)" shall mean the concentration, expressed as milligrams per liter (mg/l) of nitrogen which is the form of Ammonia. Determination of Ammonia Nitrogen shall conform to approved methodology as prescribed in 40 CFR 136, laboratory procedures shall conform with the latest addition of Standard Methods.

"Applicable Pretreatment Standard" shall mean any pretreatment limit or prohibitive standard (federal and/or local) contained in this Code deemed to be the most restrictive which non domestic users will be required to comply with.

"Approval Authority" shall mean the Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

"Authority" shall mean the Bremen Town Council, as designated by ordinance and/or its authorized deputy, agent, or representative.

"Average Monthly Discharge Limitation" shall mean the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"Authorized Representative of Industrial User" shall mean an authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice president, if the Industrial User is a Corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"Beneficial Uses" shall be, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

"Biochemical Oxygen Demand (or BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C., expressed as mg/l.

"Building Commissioner" shall mean the Building Commissioner of the Town, or authorized deputy, agent, or representative.

"Building (or House) Drain" shall mean the lowest horizontal piping of the building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation of the building.

"Building Drain (Sanitary)" shall mean a building drain which conveys sanitary or industrial sewage only.

"Building Drain (Storm)" shall mean a building drain which conveys storm water or other clear water drainage, but no wastewater.

"Building (or house) Lateral Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Building Sewer (Sanitary)" shall mean a building sewer which conveys sanitary or industrial sewage only.

"Building Sewer - Storm" shall mean a building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

"Bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"CBOD (denoting Carbonaceous Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of carbonaceous organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C., expressed in mg/l.

"CFR" shall mean the (Code of Federal Regulations).

"Categorical Standards" shall mean the National Categorical Pretreatment Standards or Pretreatment Standard.

"Chemical Oxygen Demand (or COD)" shall mean the Chemical Oxygen Demand of sewage.

"Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

"Compatible Pollutants" shall mean the biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, and additional pollutants if the treatment plant was designed to treat such pollutants, and in fact does remove such pollutants to a "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial

Examples of the additional pollutants which may be compatible include,

- (a) chemical oxygen demand
- (b) total organic carbon
- (c) phosphorous and phosphorous compounds
- (d) nitrogen and nitrogen compounds, and
- (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works.

"Composite (Proportional) Sample" shall mean a collection and combination of individual samples obtained at regular intervals, usually every one or two hours during a 24-hour time span. Individual sub-samples may be of equal volume or may be proportional to the flow at the time of sampling as required. The resulting mixture a composite sample, forms a representative sample and is analyzed to determine the average conditions during the sampling period.

"Council" shall mean the Town Council of the Town of Bremen, Indiana, or any duly authorized officials acting on its behalf.

"Daily discharge" shall mean the discharge of a pollutant "measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling."

.....

"Debt Service Cost" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

"Department" shall mean the Town of Bremen Wastewater Treatment Plant, including the Sewer Collection System.

"Discharger, Industrial/Commercial" shall mean any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and an appliance's appurtenant thereto regulated under the Act, State Law or Local Ordinance.

"Domestic Sewage" shall mean wastewater from typical residential users and having pollutant characteristics of not greater than 250 mg/l BOD and 250 mg/l suspended solids.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Effluent" shall mean water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.

"EPA" shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of a said agency.

"Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

"Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such sources if the standard is thereafter promulgated in accordance with Section 307 of the Act.

"Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presents in sanitary sewage is an indicator of pollution.

"Floatable Oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater treatment in an approved pretreatment facility.

"Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from handling, storage, or sale of produce.

"gpd" shall mean gallons per day.

"Grease and Oil" shall mean a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with "Standard Methods."

"Grease and Oil of Animal and Vegetable Origin" shall mean substances of biodegradable nature such as are discharged by meat packing, vegetable oil and fat industries, food processors, canneries and restaurants.

"Grease and Oil of Mineral Origin" shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin; and are derived from a petroleum source. Such substances include machinery lubricating oil, gasoline station wastes, petroleum refinery wastes and storage depot wastes.

"Ground (shredded) Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the condition normally prevailing in the sewerage system, with no particle being greater than one-half (½) inch in dimension.

"GroundWater remediation Discharge" shall mean wastewater discharged to the POTW Authority's wastewater collection and treatment system for the purpose of GroundWater contamination remediation.

"Holding Tank Waste" shall mean any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks, etc.

"Incompatible Pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non biodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.

"Indirect Discharge" shall mean the discharge or the introduction of non domestic pollutants from a source regulated under Section 307(b)(c)&(d) of the Act, into a POTW.

"Industrial User" shall mean those industries that include all categorical, and noncategoricals with an average process flow of 25,000 gallons per day (GPD) or more, noncategoricals contributing 5 percent or more of the POTW's dry weather hydraulic or organic capacity, or any industrial users designated by the Control Authority to have a reasonable potential to adversely affect the POTW's operation [40 CFR 403.3 (t)].

"Industrial Waste" shall mean the wastewater discharge from industrial, trade or business processes as distinct from sanitary sewage and any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escape from industrial manufacturing, commercial, or business process or from a development, recovery, or processing of a natural resource carried on by a person and shall further mean any waste from an industrial user.

"Industrial Waste Permit" shall mean a permit to deposit or discharge industrial waste into a sanitary sewer as issued by the POTW.

"Infiltration" shall mean the quantity of GroundWater that leaks into a pipe through joints, porous walls, or breaks. (Infiltration does not include and is distinguished from inflow).

"Inflow/Infiltration" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

"Inflow" shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cistern overflows, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.

"Influent" shall mean the water, together with wastes, that flow into a drain, sewer, or outlet.

"Inspector" shall mean a person or persons duly authorized by the Town through its

Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources; both: (1) Inhibits or disrupts the POTW, its treatment processes of operations, or its sludge processes, use or disposal: and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including and increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in

"L" (Liter)

"mg" (milligram)

"mg/L" shall mean milligrams per liter.

"Major Contributor" shall mean a contributor that: (a) has a flow of more than twenty-five thousand (25,000) gallons per average workday; (b) has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Act; (c) has a flow greater than 5 percent of the flow carried by the municipal system receiving the waste; or (d) has in its waste toxic pollutants as defined pursuant to Section 307 of the Act, or State Statutes and rules, or (e) is found by the Town, State Control Agency or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

"Manager" shall mean the administrative head of Water, Wastewater and Streets.

"Maximum Daily Discharge Limitations" shall mean the highest allowable daily discharge.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or GroundWater.

"National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of Industrial Users.

"National Prohibitive Discharge Standard or Prohibitive Discharge Standard" shall mean any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5 and includes specific prohibitions or limits as developed by a

POTW, either as a requirement of an approved POTW Pretreatment Program or an NPDES Permit.

"New Source" shall mean any building structure, facility or installation from which there is (or may be) a discharge of pollutants the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c)(33 U.S.C. 1317) which will be applicable to such sources if such standards are thereafter promulgated in accordance with that Section provided that (1) the construction is a site at which no other source is located; (2) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; (3) the production or wastewater generating processes are substantially independent of an existing source at the same site.

"Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l

S.S. not more than 150 mg/l

NH₃-N not more than 14 mg/l during the winter months of November, December, January, February, March and April

NH₃-N not more than 9.8 mg/l during the summer months of May, June, July, August, September and October.

As defined by origin, wastewater from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

"NPDES" shall mean National Pollutant Discharge Eliminations System permit program as administered by the U.S. EPA or State of Indiana pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

.....

"Nuisance" shall mean anything which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort and enjoyment of life or property.

"Operation and Maintenance, known as O & M" shall include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement).

"Other Service Charge" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and excessive strength surcharges.

"Other Wastes" shall mean decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar chemicals, and all other substances excepting sewage and industrial wastes.

"Pass Through" shall mean the discharge of pollutants by an industrial user through the POTW into navigable waters in quantities or concentration which are a cause

of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including and increase the magnitude or duration of the violation) and as defined in 40 CFR 430 Part 403.3(n).

"Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" shall mean the negative logarithm (base10) of the hydrogen ion concentration expressed in moles per liter.

"Pollution" shall mean an alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"Phosphorus or P" shall mean the concentration, expressed in milligrams per liter (mg/l) of Total Phosphorus derived through acid hydrolysis of the wastewater sample. Determination shall be conducted using the methodology prescribed in 40 CFR 136.

"Pollutant" shall mean any substance discharged in to a POTW 's, listed in this Code, or any substance which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations or

Physiological manifestations as defined in standards issued pursuant to Section 307 (a) of the Act. This may include any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.

"Premises" shall mean a parcel of real estate including any single improvement thereon which is determined by the Town to be a single user for purposes of receiving, using, and payment for service. Any additional improvement on the same parcel of real estate which is determined by the town of be a user shall be separately connected to the sewerage for the purpose of receiving, using, and payment for service.

"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as

prohibited by 40 CFR Section 403.6(d).

"Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on and industrial user.

"Pretreatment Standard or Standard" shall mean any local, state or federal regulation containing pollutant discharge limits. This term includes local limits, prohibited discharge limits including those promulgated under 40 CFR 403.5 and categorical pretreatment standards.

"Private Sewage Disposal System" shall mean any sewage disposal system not connected to a public sanitary or combined sewer and constructed for the purpose of treating residential, commercial, industrial wastes.

"Private Sewer" shall mean a sewer which is not owned by a public authority.

"Proper Operation and Maintenance" shall mean procedures executed in a prudent, cost-effective, and workmanlike manner which achieve the highest and/or required effluent quality of industrial discharge attainable in conformance with the best available technology and practices. Proper operation and maintenance requirements include avoidance of operation error, adherence to manual instruction, preventive maintenance, avoidance of careless or improper retention; storage of process chemicals, lubricants, solvents etc., in a safe and organized manner, avoidance of accidental spillage, keeping operating logs, and any other activities which produce the desired effluent quality.

"Publicly Owned Treatment Works or (POTW)" shall mean a treatment works as defined by Section 212 of the Act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes, and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Act which has jurisdiction over the indirect discharges and the discharges from such treatment works.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority, including the following elements:

A. "Collector sewer" shall mean a sewer whose primary purpose is to collect wastewater from individual point source discharges.

B. "Interceptor sewer" shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

C. "Force main" shall mean a pipe in which wastewater is carried under pressure.

"Pumping Station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

"Receiving Stream" shall mean the watercourse, stream, or body of water receiving the water finally discharged from the wastewater POTW.

"Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

. "Sanitary Sewer" shall mean a sewer which carries sewage and liquid and water-borne wastes to which storm, surface, and GroundWater are not intentionally admitted.

"Severe Property Damage" shall mean substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonable be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss cause by delays in production.

"Sewage" shall mean the combination of the liquid and water-carried wastes from residence, commercial buildings, industrial plants and institutions (including polluted cooling water). The three most common types of sewage are:

1. "Sanitary Sewage" shall mean the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, basement drains, household laundries, garage floor drain, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water carried waste except industrial wastes.

2. "Industrial Sewage" shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

3. "Combined Sewage" shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

"Sewage Works" shall mean sewers, wastewater treatment plant, sewerage system, and any associated structures or equipment. Also, known as POTW.

"Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface, and ground water and unpolluted industrial wastewater are not intentionally admitted.

"Sewer" shall mean a pipe or conduit used to collect and transport sewage .

"Storm Sewer" shall mean a sewer which carries storm, surface and ground water drainage but excludes wastewater.

"Sewerage System" shall mean the network of publicly owned sewers and appurtenances used for collection, transporting and pumping wastewater to the wastewater treatment plant.

"Sewer Use Ordinance" shall mean a Ordinance, which regulates the connection to and use of public and private sewers.

"Shall" is mandatory; "May" is permissive.

"Sludge" shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other water having similar characteristics and effects as defined in standards issued under section 402 and 405 of the Federal Act and in the applicable requirements under sections 3001, 3004 and 4004 of the Solid Waste Disposal Act PL 94-580.

"Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes, more than five (5) time the average twenty-four (24) hour concentration of flow during normal operation and shall adversely affect the sewage works.

"SIC (Standard Industrial Classification)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive office of the President, Office of Management and Budget, 1972.

"Significant Industrial user or SIU" shall mean

1 Except as provided in paragraph (2), the term Significant Industrial User means: (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Sub-Chapter N; and (ii) Any other industrial user that: discharges and average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater): contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iii) is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's options or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

2. Upon a finding that an industrial user meeting the criteria in paragraph (1)(ii) has not reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard of requirement, the POTW may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user in not a significant industrial user.

"Significant Noncompliance or SNC" shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which

- sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 6. Failure to accurately report noncompliance'
 7. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

"Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution control Federation.

"State" shall mean the State of Indiana.

"Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting there-from.

"Superintendent" shall mean the supervisor in responsible charge of operation and maintenance of the Wastewater Treatment Plant and Sanitary Collection System.

"Surcharge" shall mean a charge for services in addition to the basic service charge.

"Total Suspended Solids (TSS)" shall mean solids which either float on the surface of

or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter (mg/l). Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods".

"Total Solids" shall mean the sum of suspended and dissolved solids.

"Town" shall mean the Town of Bremen, Indiana, acting by and through its Town Council.

"Toxic Amount" shall mean concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (PL 94-217).

"Toxicant" shall mean a substance that is a known or suspected carcinogen, mutagen, or teratogen and substances present in industrial discharges with known toxic effects on human and aquatic life which is among the list of elements and compounds known as "priority pollutants" developed under the Clean Water Act.

"Toxic Pollutants" shall mean any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the State under state law.

"Unpolluted Water" shall mean water of quality equal to or better than the wastewater POTW effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to sanitary sewer and wastewater treatment facilities provided.

"Upset" shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Ordinance due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"USC" shall mean United States Code.

"USEPA" shall mean United States Environmental Protection Agency.

"User" shall mean any person who contributes, causes, or permits the contribution of wastewater into the Town's POTW.

"User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.

"User Class" shall mean the divisions of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System. The Industrial Class shall include any user, identified in the Standard Industrial Classification Manual of 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary Services; Division I - Services. The Non-Industrial Class shall include all users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity.

Residential User shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User shall mean any establishment listed in the Office of Management and Budget's "Standard Industrial classification manual" (1972 Edition) involved in a commercial enterprise, business, or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User shall mean any establishment listed in the "SICM" involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User Shall mean any federal, State, or Local governmental user of the wastewater treatment works.

"Volatile Organic Matter" shall mean material in the sewage solids transformed into gases or vapors when heated at 550 degrees centigrade for 15 to 20 minutes.

"Waste" shall mean sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive waste associated with human habitation, or of human or animal origin, or from any producing, processing, Manufacturing, or industrial operation of whatever nature, including such wastes placed within containers or whatever nature prior to, and purposed for disposal.

"Wastewater" shall mean the water-carried waste from residences, business buildings, institutions, and industrial establishments, singular or in any combination, together with such ground, surface, and storm waters as may be present.

"Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume, flow

rate, and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

"Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating "Wastewater".

"Wastewater Treatment System" shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Waters of the State" shall mean:

1. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
2. The flood plain free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency.
3. Any other water specified by State Law.

"Abbreviations"

The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand.

CFR - Code of Federal Regulations.

CBOD - Carbonaceous Biochemical Oxygen Demand.

COD - Chemical Oxygen Demand.

EPA - Environmental Protection Agency.

L - Liter.

mg - Milligrams.

mg/L - Milligrams per liter.

NH₃-N - Ammonia Nitrogen

NPDES - National Pollutant Discharge Elimination System.

P - Phosphorous

POTW - Publicly Owned Treatment Works.

SIC - Standard Industrial Classification.

SIU - Significant Industrial User

SNC - Significant Noncompliance

SS - Suspended Solids

SWDA - Solid Waste Disposal Act. 42 U.S.C. 6901, Et. Seq.

TSS - Total Suspended Solids.

USC - United States Code.

USEPA - United States Environmental Protection Agency

WPCF - Water Pollution Control Federation.

ASTM - American Society for Testing Materials.

O&M - Operation and Maintenance.

40 CFR 403 - General Pretreatment Regulation as published in the Federal Register on June 26, 1978 and on January 28, 1981 and in subsequent amendments thereto.

ISBH - Indiana State Board of Health

RCRA - Resource Conservation and Recovery Act (PL 92-580).

101.00 GENERAL PROVISIONS, Purpose and Policy

- A.** The following chapters of the Municipal Code of the Town of Bremen, Indiana set forth uniform requirements for direct and indirect discharges into the Publicly Owned Treatment Works (POTW), Authority's wastewater collection and treatment systems, and enables the City to improve the opportunity to recycle and reclaim wastewater and sludge from the system to protect public health in conformity with all applicable local, State and Federal laws relating thereto and the General Pretreatment Regulations (40 CFR, Part 403).
- B.** Accordingly, the Wastewater Treatment Plant Superintendent shall have the right to reject and eliminate any Industrial or Commercial Discharge which would:
 - 1. Introduce pollutants into the Town's POTW's, wastewater collection system which may damage said system and its structures, interfere with wastewater flows or which may cause danger to the health of or jeopardize the safety of those who must maintain said system.
 - 2. Introduce pollutants into the Town's POTW's which interfere with the operation of the POTW treatment processes, inhibit or upset its biological processes, overload its treatment system, contaminate the POTW sewage sludge and, therefore, jeopardize or diminishes its capability of being recycled or be otherwise incompatible with the system.
 - 3. Introduce pollutants which would pass through the POTW into the receiving stream and which would in fact contribute to the pollution of said stream or cause the POTW to violate its NPDES Discharge Permit
- C.** This Code provides for the regulation of discharges into the wastewater system through the issuance of permits.
- D.** This Code provides for the recovery of operations, maintenance and replacement costs of the POTW, the costs associated with the construction of collection and treatment systems used by Industrial Dischargers, in proportion to their use of the POTW and the assessment of fines and penalties for abuses or violations of the Code.

CHAPTER 101 USE OF PUBLIC SEWERS REQUIRED

101.01 Prohibition of Unlawful Disposal

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town of Bremen, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, wastewater, or other objectionable waste(s) except where suitable treatment has been provided.

101.02 Disposal Boundaries

It shall be unlawful to discharge to any natural outlet within the Town of Bremen, or in any area under the jurisdiction of said Town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the Code.

101.03 Forbidden Sewage Facilities

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

101.04 Required Waste Facilities and Sewer Connections

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Town abutting on any street, alley or right-of-way is hereby required at the owner's expense, to install suitable toilet facilities therein which conform to Town codes, and to connect such facilities directly with the proper sewer in accordance with the provisions of the Code, within ninety (90) days after the date of the official notice from the Town of Bremen to do so, provided that said public sewer is with three hundred feet (300') of the property line

101.05 Hauled Liquid Waste

Generators and/or haulers of non-hazardous liquid waste may be allowed to discharge on a discretionary basis with the approval of the Superintendent. An approved permit must be obtained and payment made prior to dumping. Fees can be found in Paragraph 102.35, of the Code. A listing of all wastes and source information must be submitted with each application or permission will NOT be granted.

PRIVATE SEWAGE DISPOSAL

101.06 Private Connection Requirements

Where a public sanitary sewer is not available under the provisions of Paragraph 101.04, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Chapter.

101.07 Building Sewer Connection Permit

It shall be unlawful to commence construction of any Building Sewer, Private Sewer System, or Sewer connection without first obtaining a Construction Permit from the Town of Bremen. Any individual, business or industry desiring to make a connection to a sewer shall complete and file with the Town of Bremen, a permit application on a form provided or approved by the Town. The application shall be filed at least five (5) working days prior to desired date of connection. Additional permits may be necessary, including, but not limited to, a Permit to Excavate in a Street or Public Right-of-Way, Industrial Pretreatment, or Indiana Department of Transportation. All applicable permits shall be obtained from the appropriate department or agency prior to commencing any construction.

101.08 Private Sewage Disposal System Permit Procurement

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town Inspector or Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the Town of Bremen at the time the application is filed, this fee can be found in Paragraph 102.35, of the Code. A construction permit must also be obtained from the Indiana Department of Environmental Management (IDEM) for all wastewater treatment systems with exception of subsurface absorption systems for the disposal of sanitary waste. In addition, a National Pollutant Discharge Elimination System Permit (NPDES) must be obtained from the IDEM for any discharge of a point source to navigable waters (all waters of the United States).

101.09 Construction Inspection

A Permit for a Private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town Inspector, who shall be allowed to inspect the work at any stage of construction. In any event, the applicant for the permit shall notify the Superintendent or Manager (Inspector) when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within one (1) business day of the receipt of notice.

101.10 Construction Compliance

The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Indiana Department of Environmental Management, Indiana State Board of Health, Marshall County Health Department and all Ordinances of the Town of Bremen, Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

101.11 Governing Authority

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Indiana Department of Environmental

Management, Indiana State Board of Health or Marshall County Health Department

101.12 Maintenance Responsibility

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

101.13 Subsequent Sewer Availability

At such time as a public sewer becomes available to a property serviced by a private sewage disposal system, as provided in Paragraph 101.06, a direct connection shall be made to the public sewer in compliance with this Code within sixty (60) days of the date on the notice. All private treatment facilities including but not limited to septic tanks, cesspools, and similar private subsurface soil absorption sewage disposal facilities shall be abandoned, pumped out and filled with suitable approved material.

BUILDING SEWERS, PRIVATE SYSTEMS AND CONNECTIONS

101.14 Permit Requirement

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer. There shall be two (2) classes of building sewer permits:

- 1) for residential and commercial service
- 2) for services producing industrial wastes.

A completed permit application must be returned to the Clerk-Treasurer and approved by the Superintendent or Manager (inspector) before commencing with construction. Permit costs can be found in Paragraph 102.35 of the Code.

101.15 Permit Application

The owner or his agent shall make application on forms furnished by the Town of Bremen. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgement of the Superintendent or Manager (inspector). The Town shall obtain the approval of the Superintendent or Manager (inspector) prior to issuing any commercial or industrial sewer permits.

101.16 Financial Responsibility

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town of Bremen from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

101.17 Separate Building Sewer Provision

A separate and independent building sewer shall be provided for every building

except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

101.18 Old Building Sewer Use

Old building sewer may be used in connection with new buildings only when they are found, on examination by Superintendent or Manager (Inspector) to be in good condition. If a Sewer is found to be questionable in the judgement of the Superintendent or Manager (Inspector), the owner may hire a licensed Plumber to check the sewer line to determine the condition of the old sewer. If the sewer is useable, a written inspection report from the Plumber shall be submitted to the Town before a new sewer connection is made. All charges billed by the licensed plumber shall be the responsibility of the property owner.

101.19 Sewer Materials

The building sewer beginning two feet (2') from any building or structure shall be of such materials as approved by the Town of Bremen in their sewer installation specification. Any part of a building sewer located within ten feet (10') of a water service pipe shall be constructed of ductile iron pipe within that limiting distance. Ductile iron pipe may be required by the Superintendent or Manager (Inspector), where the building sewer is exposed to damage by tree roots or being installed over fill or in unstable ground.

101.20 Sewer Size and Slope

The size and slope of the building sewer shall be subject to the approval of the town inspector, but in no event shall the pipe be less than four inches 4"0 in diameter for Residential and 6" for Commercial and Industrial. The slope of such pipe(s) shall be no less than one-eighth inch (1/8") per foot. Deviation from this requirement must have approval of the Superintendent and or Manager (Inspector). Plans and specifications must be submitted for approval for sewers larger than 6" prior to being constructed.

101.21 Sewer Placement

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet (3') of any bearing wall. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with proper pipe fittings. All buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged into the building sewer. All costs for installation, operation and maintenance shall be the responsibility of the owner.

101.22 Sewer Construction Methods and Testing Requirements

All construction methods shall be in accordance with the latest edition of the Bremen Town Code and Town Sewer Installation Specifications. An

Infiltration/Exfiltration test, signed and sealed by a licensed Professional Engineer, may be required on all sewers, including building sewers, if ordered by the Superintendent or Manager (Inspector). The Town shall be notified at least one business day in advance of any testing, in order to be able to witness the tests. The maximum allowable infiltration rate is one hundred (100) gallons per inch diameter per mile of sewer per day, prorated to the length of the building sewer. In the event any manholes, or other structures are installed, they too shall be tested, with a maximum allowable infiltration rate of one tenth (0.1) gallon per hour per foot of diameter per foot of head. If ordered, all cost shall be borne by the Owner.

101.2201 Sewer Excavations

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent or Manager (Inspector). Pipe laying and backfill shall be performed in accordance with Town of Bremen specifications or any applicable ASTM specification, except that no backfill shall be placed until the work has been inspected. All work shall be in compliance with all applicable State and Federal laws and regulations.

101.23 Sewer Joints and Connections

All joints and connections shall be made utilizing methods and material approved in the Town of Bremen Sewer Installation specification. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent or Manager (Inspector) before installation.

101.24 Location of Sewer Connection

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If a "Y" branch is not available, the owner shall, at the owners expense, install a sewer connection saddle as specified by the Town of Bremen Sewer Installation Specifications and approved by the Town Inspector. The invert of the building sewer at the point of connection shall be made in the top one quarter of the public sewer. Care is to be taken when cutting a hole into the public sewer so as not to crack the main sewer tile. Should a main tile be damaged during this process, the Superintendent or Manager (Inspector) shall determine the method of repair.

101.25 Notification for Testing and Inspection

The applicant for the building sewer permit shall notify the Town Superintendent or Manager (Inspector) when the building sewer is ready for inspection and connection to the public sewer. The connection to the main sewer shall be made under the supervision of the Town Superintendent or Manager (Inspector) or authorized representative.

101.26 Excavation of Public Property

All excavations for building sewer installation shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the

work shall be restored in a manner satisfactory to the Superintendent or Manager (Inspector). No work within the public right-of-way shall be done prior to obtaining an approved Right-of Way Cut Permit, application can be obtained at the Clerk-Treasurer's Office, the completed application along with proof of insurance and a \$ 2,000.00 bond shall be returned to the Clerk-Treasurer for consideration and approval by the Superintendent or Manager (Inspector).

101.28 Record Drawings

All sewers installed shall be accurately and carefully noted as to the location, type of materials, size, length, elevation and other pertinent information including details of structures. This information shall be submitted to the Superintendent or Manager (Inspector) in accordance with the Town of Bremen Engineering Standards.

101.29 Sewer Construction and Prohibited Connections

- A.** The introduction of inflow sources to any sanitary sewer is prohibited.
- B.** Construction of new combined sewers is prohibited. New construction tributary to the combined sewer shall be designed to minimize or delay the admission of unpolluted water to the existing combined sewer.
- C.** For any new building, the inflow/clear water connection to a combined sewer shall be prohibited.

101.30 Cleanouts

- A.** Cleanouts equal in size to building sewer shall be required at the following locations:
 - 1. At outside junction of building drain and building sewer.
 - 2. Change of direction greater than 45 degrees.
 - 3. At locations not more than 100 lineal feet intervals.
- B.** The cleanout shall be installed to open in the direction of the flow of drainage pipe or at a right angle thereto.
- C.** Each cleanout shall be adjusted flush with finish grade and sealed with a suitable cap or plug.

101.31 Unpolluted Discharge

- A.** Stormwater and all other unpolluted drainage shall be discharged to sewers designated as storm sewers or a natural outlet. Industrial or domestic cooling water or unpolluted industrial or domestic process wastes may be discharged, upon approval of the Superintendent or Manager (Inspector). All discharges to storm sewers or to natural outlets shall be in accordance with the NPDES permit program.
- B.** Unpolluted water from air conditioners, cooling, condensing systems, or swimming pools shall be discharged to a storm sewer where it is available.

Where storm sewer is not available, discharge may be to a natural outlet approved by the Town Superintendent, Manager (Inspector) and by the State of Indiana.

- C. Industrial cooling water, which may be polluted with insoluble oils, grease or suspended solids, shall be pre-treated for removal of pollutants and the resultant clear water shall be discharged in accordance with Subsection A, above.
- D. No person shall make connection of roof down spouts, basement drains, sump pumps carrying ground water, exterior foundation drains, areaway drains for other sources of surface runoff or GroundWater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- E. Any new construction tributary to an existing combined sewer shall be designed to minimize or delay the admission of unpolluted water to the existing combined sewer. All new residential, commercial, or industrial connections to a combined sanitary sewer, must provide, on site, handling of all inflow/clear water. If this is not possible, after receiving permission from the Town, separate inflow/clear water and sanitary connections to the combined sewer is required to facilitate disconnection of the clear water should a storm sewer become available. At such time, reconnecting of the inflow/clear water line to the storm sewer is mandatory.

101.32 Governing Standards

The National Categorical Pretreatment Standards, Located in 40 CFR Chapter I, Sub-Chapter N, Parts 405-471, are hereby adopted and incorporated by reference into this Code and Include amendments to those standards that occur hereafter as the same are published in the CFR with effective dates as fixed therein. State and local requirements and limitations on discharges shall be met by all Dischargers when such requirements and limitations are more stringent than federal requirements and limitations.

101.33 Wastewater Discharge Limitations

Except as hereinafter provided, no person shall discharge or cause to be discharged directly or indirectly any of the following described waters or wastes to any public sewer at any time:

- A. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade or 104 degrees Fahrenheit or any liquid or vapor discharged into the sewer system having a temperature higher than one hundred fifty (150 degrees F) (65 degree C).
- B. Any waters or wastes which may contain more than 100 mg/L fat, oil, or grease derived from a mineral or petroleum source as determined by test procedures approved by the EPA and the Control Authority or the discharge of any such

materials derived from any source which will cause interference, pass through, or excessive accumulations of the same in any part of the POTW.

- C.** Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid or gas of whatsoever kind of nature having a closed cup flashpoint of less than 140 Degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- D.** Any garbage that has not been properly shredded.
- E.** Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, dough, wood, paunch manure, garbage, or any other solid or viscous substance with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension or any material which can be disposed of as trash or is capable of causing obstruction to the flow in sewers or other interference with the proper operation of the POTW.
- F.** Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the POTW.
- G.** Any pollutant, including oxygen demanding pollutants (BOD, etc.) Released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW, impair a wastewater treatment process, or that would create any hazard in the receiving waters of the POTW, any substance which may cause the POTW's effluent to fail a toxicity test.
- H.** All waters or wastes containing BOD in concentrations greater than **200** mg/L, total suspended solids in concentration greater than **150** mg/L or ammonia-nitrogen in concentrations greater than **14** mg/L in the summer months and **9.8** mg/L in the winter months, on a 24 hour composite sample basis, (or grab sample basis where appropriate) shall be subject to a surcharge costs as shown in Paragraphs 100.04 and 102.35 of the Code.
- I.** Any Noxious, malodorous or toxic gas or substance capable of creating a public nuisance. Any substance which can cause acute or chronic worker health and safety problems, a hazard to human life, prevents entry into the sewers or POTW for maintenance or repairs or creates a public nuisance.
- J.** Any water or wastes containing metallic ions, or other toxic ions as determined and established from time to time by the Superintendent and adopted by the Bremen Town Council. Chemical constituents shall not exceed the following concentrations for grab or composite samples.

Cadmium, Total	1.0	mg/L
Chromium, Total Hexavalent Plus, Total Trivalent	3.0	mg/L
Chromium, Hexavalent	1.0	mg/L
Copper, Total	1.0	mg/L

Cyanide, Total by distillation	1.2	mg/L
Lead, Total	0.4	mg/L
Mercury, Total	0.001	mg/L
Nickel, Total	2.4	mg/L
Silver, Total	0.24	mg/L
Zinc, Total	1.5	mg/L
Total Toxic Organics (TTO)		
Volatile, Acid Extractable, (1-day max)	2.13	mg/L
Base-Neutral Extractable, Pesticides/PCB's		
pH	6.0 - 10.0	
Phenols, Total	1.0	mg/L
Oil & Grease (animal or vegetable origin)	200	mg/L
Oil & Grease (mineral or petroleum origin)	100	mg/L

- K.** Any water or wastes containing concentrated acid metallic pickling wastes or plating solution.
- L.** Any toxic radioactive wastes or isotopes of such half-life or concentration which may exceed limits set by applicable State and Federal regulations.
- M.** Any waters or wastes containing TSS, Phosphorus, Ammonia-nitrogen, or BOD of such character and quantity that unusual operation, maintenance, supervision, attention and expenses would be required to handle such material by the POTW without prior approval of the Authority.
- N.** Any residuals defined as a Hazardous Waste under 40 CFR 261.
- O.** Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks and vegetable tanning solutions.
- P.** Any PCB's, unless generated by a controlled waste manufacturing process as defined in 40 CFR 761.3 (kk), in which case the limit shall be 0.1 mg/l.
- Q.** Surface Active Agents (Surfactants) in concentrations which cause operational problems with the POTW or which pass through the POTW and cause nuisance foaming in the receiving stream.
- R.** Any trucked or hauled pollutants, except at discharge points designated by the POTW. Discharge is subject to costs shown in Paragraph 102.35 of the Code.
- S.** All waters containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or causes treatment plant effluent to exceed requirements established by other agencies.

- T. Any substance which may cause the POTW's effluent residual, sludge, and scum to be unsuitable for reclamation, reuse or interfere with the reclamation process.
- U. Any waters containing Phenols or other taste or odor producing substances, in such concentrations exceeding limits that have been or may be established by the Superintendent.

101.34 Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors or retainers shall be installed by the user at the user's expense when, in the opinion of the Building Commissioner, Superintendent or Manager (Inspector) such are necessary for the proper handling of liquid wastes containing grease, oils or sand in excessive amounts, or any inflammable wastes, or other such harmful ingredients. Such interceptors shall be of a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Authority. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

101.35 Pretreatment Requirements

In the event that a user is exceeding the limitations as set forth in Paragraph 101.33 of the Code, the Superintendent shall direct the user causing the discharge of any such materials to, at his own expense, construct, install, and operate such pretreatment facilities as may be required in order to reduce the waste constituents which are in violation of the Code to the limits set forth by this Code or to cease and desist from those activities or operations which cause a violation of established discharge standards. The Superintendent may use a grab sample(s) to determine noncompliance with pretreatment standards.

101.36 Approval of Treatment Facilities

No pretreatment facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance conform to all Municipal, U.S. Environmental Protection Agency, Indiana Department of Environmental Management and any other local, State or Federal Agency regulations, and unless written approval of the plans, specifications, technical

operating data, and sludge disposal has been obtained from the Indiana Department of Environmental Management, and any other local, State, Federal agency having regulatory authority with respect thereto. Detailed plans showing the pretreatment

facilities, operating procedures and documentation of compliance must be provided to the Authority and must meet the approval of the POTW Authority before construction of the facility. Pretreatment equipment may not be installed or modified without a valid construction permit issued by the Indiana Department of Environmental Management. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provision

of the Code and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the POTW Authority prior to the industrial user's initiation of the changes.

101.37 Required Treatment Facilities Maintenance

All such pretreatment facilities as required by this Code shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

101.38 Superintendent's Authority

The Superintendent is vested with the authority to deny admission to the system any waste considered to be harmful. In addition to the initiation of permit revocation or of litigation proceedings, the Superintendent may choose to exercise this authority in the form of a Water Shut-off and/or the installation of sewer plugs, if a certain wastewater discharge (industrial) presents an immediate danger to the health or welfare of persons or a danger to the environment, threatens to interfere with the operation of the POTW, or violates any pretreatment limits imposed by this Code or any Wastewater Discharge Permit issued pursuant to this Code.

101.39 Town's Right to Amend

The Town reserves the right to amend this Code to provide for changes in the limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in the General Provisions Section, except as provided in Paragraph 101.32 of the Code.

101.40 Prohibition of Diluted Discharge

No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Code. The Authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

101.41 Responsibility for Hazardous and Accidental Spills

A. Accidental Spill Prevention Plan (ASPP)

Each Discharger shall develop an Accidental Spill Prevention Plan (ASPP) designed to protect the POTW from an accidental discharge of hazardous or toxic material or materials prohibited or regulated by this Code. Where necessary, facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the Discharger's cost and expense. A detailed ASPP, showing facilities and operating procedures to provide this protection shall be submitted to the POTW for review, and shall be approved by the Authority before construction of the facility. Each existing Discharger shall complete his ASPP and submit same to the Authority within the time specified by the Control Authority. No Discharger who discharges to the POTW after the specified date shall be

permitted to introduce pollutants into the system until an ASPP has been approved by the Authority. Review and approval of such plans and operating procedures by the Authority shall not relieve the Discharger of the responsibility to modify its facility as necessary to meet the requirements of the Code or of the responsibility to comply with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

B. Employee Training

The industrial user shall permanently post a notice in a prominent place advising all employees to call (546-3829 , 546-4324 or 546-3456) immediately in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

C. Notification

Dischargers shall notify the Superintendent immediately by telephone of the occurrence of a "slugload", or accidental discharge of substances prohibited by this Code. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Within 7 days following the discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges. Any Discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the Town on account thereof under State or Federal Law and any fines, civil penalties or other liability.

D. Spill Prevention Plans and Slugload Evaluation

The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Paragraph 101.33 of the Code with procedures for follow-up written notification within seven days.
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

101.42 Control of Acceptable Wastes

A. Submission of Data on Industrial Wastes

Any person (Discharger) who discharges industrial wastes into the Town's wastewater treatment system, either directly or indirectly, shall, within 30 days of a written request of the Superintendent, fill out and file with the Town an Industrial Waste Questionnaire to be furnished by the Town, in which he shall set out the quantity and characteristics of the wastes discharged into the Town wastewater treatment system. Each discharger requested to file an Industrial Waste Questionnaire shall be financially responsible for the sampling and analyses which may be required to determine the characteristics of their discharge. Similarly, any person desiring to establish a new connection to the public sewer for the purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time scheduled cited in this Code an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Superintendent upon presentation of proper written application.

B. Control Manholes

Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes at a specified location or location to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the Standards and specifications of the Town. The Superintendent may also require the person to install and maintain in any such manhole at said person's expense, an approved volume measuring device. Plans for the installation of control manhole and related equipment must be approved by the Authority before construction begins.

C. Waste Sampling and or Sampling Equipment

Any industrial wastes discharged into the public sewers shall be subject to sampling and determination of characteristics. The sampling and analysis shall be made as often as the Superintendent deems necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. The sampling location(s) must be approved by the Superintendent. National Categorical Pretreatment standards are required to be met at the point of discharge from the industrial pretreatment system prior to mixing with any other waste stream. Except as indicated, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

D. Waste Analysis

Laboratory procedures used in the examination of industrial wastewater shall be those set forth in 40 CFR 136 "Guidelines Establishing Test Procedures for the analysis of Pollutants" or amendments thereto or, if 40 CFR part 136 does not contain sampling analytical techniques for the pollutant in questions, then in accordance with procedures approved by the EPA. The POTW may make the initial analysis and perform periodic check analysis of the customer's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the POTW at the request of the discharger shall be charged to the customer according to the POTW's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

E. Use of Representative Analyses

Until an adequate analysis of a representative sample of customer's wastes has been obtained, the Town may, for the purpose of the Code, make a determination of character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the industry-recognized authoritative sources. This method, if selected by the Town, shall continue at the Town's pleasure or until an adequate analysis has been made.

101.43 Special Agreement

No statement contained in this chapter shall be construed as prohibiting any special agreement or arrangement between the POTW and any person whereby an industrial waste of unusual strength or character may be accepted by the POTW for treatment whether with or without pretreatment, provided that such agreement does not violate National Categorical Pretreatment Standards for the specific category of Industrial User, provided that there is not impairment of the functioning of the Sewage Works by reason of the admission of such wastes and provided that no extra costs are incurred by the POTW without recompense by the person.

CHAPTER 102 ADMINISTRATION OF INDUSTRIAL WASTEWATER PERMIT PROGRAM

102.00 Refer to Chapter 101.00, General Provision, Purpose and Policy

102.01 Wastewater Dischargers

It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the Authority without first obtaining the proper permits from the Town of Bremen.

102.02 Wastewater Discharge Permits

A. General Permits.

All Dischargers deemed by the Control Authority to be Significant Industrial Users (SIU) or which discharge any waste characteristic limited by Paragraph 101.33 of the Code shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. The Superintendent may permit Wastewater flow resulting from GroundWater Remediation Discharges into the POTW Authority wastewater collection and treatment system with approval by the Superintendent and Town Council. GroundWater remediation discharges shall be subject to all applicable requirements of the Code and shall be subject to all applicable sewer rates and charges found in Paragraph 100.02 (b) and 102.35 of the Code.

B. Permit Application

Industrial Wastewater Dischargers shall complete and file with the Authority, a permit application in the form prescribed by the Authority. Existing Industrial/Commercial Dischargers shall apply for a Wastewater Discharge Permit within thirty 30 days after being requested to do so by the Authority. Proposed new Dischargers shall apply at least ninety (90) days prior to connecting to the POTW. (The Authority will evaluate the complete application and data furnished by the Discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to terms and conditions provided herein). No discharge permit shall be issued unless and until the following conditions have been met:

1. Disclosure of name, address, and location of the Discharger;
2. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification manual, Bureau of the Budget, 1972, as amended and the applicable National Categorical Pretreatment Standard;
3. Disclosure of wastewater constituents and characteristics including, but not limited to, priority pollutants, and to those mentioned in this Code as determined by categorical pretreatment standards as they apply to the

Discharger and
pollutants requested by the Authority. Sampling and analysis
shall be performed
in accordance with procedures established by the U.S. EPA and
contained in 40
CFR 136, as amended;

4. Disclosure of time, duration and volume of each specific discharge at each specific discharge point;
5. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flow shall be measured unless other verifiable techniques are approved by the Authority due to cost of non-feasibility.
6. Disclosure of site plans, mechanical and/or plumbing plans to show all connections of pollutant generating processes, inspection manholes, sampling chambers and appurtenances by size, location and elevation, including measuring and sampling equipment
7. Description of activities, facilities and plant processes on the premises including all material stored above and below ground which are or may be discharged to the sewer or works of the Authority.
8. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Code in the discharge, together with a statement regarding whether or not compliance is being achieved with this Code on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with this;
9. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Code, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities;
 - a. The schedule shall contain milestone dates for the commencement and completion of major events leading to construction and operation of additional pretreatment required for the Discharger to comply with the requirements of the Code including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Code. No increment referred to in this paragraph shall exceed 9 months
 - b. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the

- Authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if, not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Discharger to return the construction to the approved schedule. In no event shall more than 9 months elapse between such progress reports to the Authority.
10. The Discharger will also provide a Certified Operator to run the pretreatment system. The operator must hold Wastewater Treatment Plant Operation Certification, issued by the Indiana Department of Environmental Management, that is required for that pretreatment system;
 11. Disclosure of each product produced by type, amount, process or processes and rate of production;
 12. Disclosure of the type and amount of raw materials utilized (average and maximum per day);
 13. All permit applications for new or modified permit shall be signed by a principal executive officer of the Discharger and certified by a qualified professional acceptable to the Superintendent. All renewal applications for existing permits shall be signed by a principal executive officer of the Discharger. All permit applications shall contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation."
 14. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system:
 15. List of any environmental control permits held by or for the facility; and
 16. Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

102.03 Permit Modifications

The Authority reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the Authority with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater discharge Permit of each Discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of the Code shall be adopted by the Authority as part of the Code except as noted in

Paragraph 101.32, of the Code. Where a Discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Paragraph 102.03, of the Code, the Discharger shall apply for a Wastewater Discharge Permit from the Authority within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, the Discharger with an existing Wastewater Discharge Permit shall submit to the Authority within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by Paragraph 102.02, of the Code. Any changes or new conditions in the new permit shall include a reasonable time schedule for compliance. National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act, shall be met by all Dischargers of the regulated industrial categories. New Source categorical dischargers must submit a Baseline Monitoring Report (BMR), on a form provided by the Authority, at least ninety (90) days prior to commencement of discharge. New sources must meet all applicable Pretreatment Standards. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the regional Administrator by the Authority, when the Authority's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7

102.04 Permit Conditions

Wastewater Discharge Permits shall specify no less than the following:

- A.** Fees and charges to be paid when applying for a permit issuance;
- B.** Limits on average and maximum wastewater constituent and characteristics regulated thereby;
- C.** Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- D.** Requirements for installation and maintenance of inspection and sampling facilities;
- E.** Special conditions as the Authority may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types, and standards for tests and report schedule;
- F.** Compliance schedules;
- G.** Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Code;
- H.** Requirement that the POTW be notified in advance of changes in wastewater processes, volumes and compositions;

- I. Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by the Code, or State and local law;
- J. General and specific discharge prohibitions as established by Paragraph 101.33.
- K. Requirements for collection/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;
- L. Requirements for notification of spills, potential problems to the POTW including slug loadings, upsets or violations;
- M. Requirements for installation, operation and maintenance of pollution control equipment;
- N. Requirements to develop and implement spill and slug control plans;
- O. Other conditions as deemed appropriate by the POTW to ensure compliance with this Code, State and Federal pretreatment standards and requirements;
- P. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- Q. Statement of non-transferability;
- R. Conditions for modification of revocation of permit; and
- S. A statement that indicates wastewater discharge permit duration, which in no event shall exceed four (4) years.

102.05 Permit Duration

All Wastewater Discharge Permits shall be valid from the date of issue for four (4) years and shall be renewed at the end of each 4 year period, hereafter subject to amendment or revocation as provided in this Code. Discharger is required to submit an application for renewal of his discharge permit at least 180 days prior to expiration of such permit.

102.06 Limitation on Permit transfer

Wastewater Discharge Permits may be reassigned or transferred to a new owner and operator only if the permittee gives at least thirty (30) days advance notice to the Superintendent and the Superintendent approves the Wastewater discharge Permit transfer. The notice to the Superintendent must include a written certification by the new owner and/or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

The following statement must be included on all pre-treatment Wastewater Discharge

Permits, "Failure to provide advance notice of a permit transfer renders the Wastewater discharge Permit voidable on the date of facility transfer."

102.07 Ninety (90) Day Compliance Report

Within 90 days following the date for final compliance by the Discharger with applicable Categorical Pretreatment Standards or Standards set forth in this Code or ninety (90) days following commencement of the introduction of wastewater into the POTW by the Discharger, any Discharger subject to this Code shall submit to the Authority a report indicating the nature and concentration of all prohibited or regulated substance contained in its discharge, the average and maximum daily flow in gallons, and rate of production if production-based standards apply. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharger into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the discharger, and certified to be a qualified professional acceptable to the Superintendent. The certification statement required in Paragraph 102.02 (B)(13), shall be included in this report.

102.08 Periodic Monitoring Compliance Reports

- A.** Any Discharger subject to a Pretreatment Standard set forth in this Code, after the compliance date of such Pretreatment Standard, or, in the case of a New discharger, after commencement of the discharge to the Authority, shall submit to the Authority a periodic monitoring report on a form approved by the Authority based on sampling and flow analysis performed by said discharger or its representative. The frequency in which this monitoring compliance report is to be submitted to the Authority shall be prescribed within the discharge permit procured by the Discharger. Compliance reports shall be required within a time period of no more than one (1) per week to no less than one (1) per quarter, depending on the discharger's potential waste discharge characteristics. Specific waste pollutants to be sampled and analyzed will be contingent on the substances listed in the Discharger's Compliance report as detailed in Paragraph 102.07, of the Code, and any additional pollutant requested by the Authority. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in Paragraph 102.07, of the Code. Flow shall be reported on the basis of actual measurement provided: however, where cost of feasibility considerations justify, the Authority may accept reports of average and maximum flows estimated by verifiable techniques. Unless otherwise specified, all monitoring reports shall be due by the 20th day of the month following the period covered by the report. Reports not postmarked or received by the 20th shall be considered late. All self monitoring reports must be signed by a principal executive officer of the company and shall contain the certification statement from Paragraph 102.02(B)(13), of the Code.
- B.** Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Authority. The POTW may convert

production-based categorical standards to equivalent mass or concentration limits. If the POTW elects to calculate equivalent limits, the permittee(s) subject to that standard will be required to comply with the equivalent limits in lieu of the production-based standards. Discharge samples shall be collected at an appropriate monitoring facility approved by the Authority. Samples will be taken on a composite or grab sample basis and on varying days throughout the work week as prescribed by the Authority. Sampling may occur more frequently during the first few months in order for the Authority to obtain an adequate data base of information. All analyses shall be performed in accordance with 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not conclude a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with analytical procedures approved by the Administrator of the U.S. EPA.

- C. If a user subject to the reporting requirement in this Section, monitors any pollutant more frequently than required by the Authority using the procedures prescribed in this Section, the results of such monitoring shall be included in the report.
- D. If sampling performed by a user indicates a violation, the user must notify the Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if the Authority monitors at the user's facility at least once a month, or if the Authority samples between the user's initial sampling and when the user receives the results of this sampling.

102.0801 Cost Reimbursement for Pretreatment Program

It is the purpose of charges and fees to provide for the recovery of costs from Industrial Users of the POTW for program costs established herein. The applicable charges or fees shall be set forth in the POTW's, Summary of Rates and Charges, located in Paragraph 102.35 of the Code.

The POTW may adopt charges and fees which may include:

- a. charge for filing application and questionnaire for non permitted Industrial Users
- b. charge for surveillance (monitoring) of Industries
- c. charge for filing appeals
- d. surcharges on excessive loadings.
- e. charge for inspection of permitted industries, minimum of two (2) per year
- f. charge for transferring discharge permits
- g. charge for four (4) year discharge permit
- h. other fees as the POTW may deem necessary to carry out the requirement contained herein.

These fees relate solely to the matters covered by this paragraph are separate from all other fees chargeable by the POTW.

102.0802 Surveillance of Major Contributors

To establish a feasible surveillance schedule, the following classes of major contributors are formed:

- Class A. Flow of 100,000 gallons per average work day or Greater.
- Class B. Flow of 25,000 gallons to 100,000 gallons per average work day.

Minimum Surveillance Schedule shall be as follows:

- Class A. Monthly or as required by the Superintendent
- Class B. Quarterly or as required by the Superintendent or determined by characteristics that result in a major contributor classification.

The surveillance period will normally be for a period of seven (7) consecutive days, but can be of longer or shorter duration at the discretion of the Superintendent. In cases where the surveillance period extends for a greater number of consecutive days than (7), the POTW shall have the prerogative of selecting the seven (7) consecutive days of its choice for establishing rates and charges. The POTW will sample and conduct surveillance and inspection activities of major contributing and non-major industries when deemed necessary by the Superintendent to identify independent of information supplied by Industrial Users, Compliance or non-compliance with applicable pretreatment standards. In addition to surveillance monitoring conducted by the POTW, a major contributor shall conduct self-monitoring and submit monthly monitoring reports to the POTW unless specified other wise in the users permit conditions or by the Superintendent.

102.09 Notification of Discharge Change

All industrial users shall notify the POTW in advance of any significant change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under 40 CFR 403.12(p). For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, or the discharge of any previously unreported pollutants. Any discharger, who through addition or changes in operational process(es), anticipates the discharge of wastes identified in Paragraph 101.33, of the Code, shall notify the Authority of such anticipated change by written notice at least thirty (30) days prior to the proposed effective date of such change. The discharger shall provide the following specific information:

- A. Description of waste constituent or characteristic;
- B. Method or process that will generate waste;
- C. Approximate amount of said waste to be discharged to the sewer by continuous or batch discharge method. Data verification by sample effluent analysis may be required by the Authority; and
- D. Detailed plans for the elimination or treatment of waste must be described, along

with compliance dates when such treatment, is necessary, will be initiated. All treatment plans and compliance dates shall be reviewed by the Authority for final approval.

The authority shall provide any necessary information to a discharger regarding established limits, if any, on proposed waste discharge changes.

102.10 Monitoring Facilities

Each Discharger shall provide and operate at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the Authority. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the Authority may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All monitoring structures shall have an opening of no less than 24 inches diameter and an internal diameter of no less than 48 inches. Construction shall be completed within one hundred twenty (120) days of receipt of permit by Discharger. The Authority may grant extensions of time at its discretion.

102.11 Right of Entry

Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of the Code. Industrial Users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, State and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements, at the user's own expense, to enable authorized representatives of the POTW, State and EPA to enter and inspect the premises as guaranteed by this Section. The Authority, at its discretion, shall have the right to inspect any non-regulated Discharger to confirm the absence of wastes as described in Paragraph 101.33, of the Code.

102.12 Search Warrants

If the Superintendent and/or authorized representative has been refused access to a building, structure or property or any part thereof, and if the Superintendent and/or his authorized representative has probable cause to believe that there may be a violation of the Code or that there is a need to inspect as part of a

routine inspection program of the Town designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application to the appropriate Court, the Superintendent may seek a search and/or seizure warrant describing therein the specific location subject to the warrant. The request by the Superintendent shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Superintendent in the company of a uniformed police officer. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

102.13 Confidential Information

Information and data furnished to the Authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge process information or methods of production which are entitled to production trade secrets or proprietary information. Any such request must be asserted at the time of the submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public with restriction.

When requested by a Discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Code, the EPA, National Pollutant Discharge Elimination system (NPDES) Permit, State Disposal System Permits and/or their Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the Discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

102.14 Emergency Suspension of Service and Discharge Permits

The Authority may, for good cause, suspend the wastewater treatment service and the Wastewater Discharge Permit of a Discharger when it appears to the Authority that an actual or threatened discharge presents or threatens an imminent danger to the health or welfare of persons or danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits imposed by this Code or any Wastewater discharge Permit issued pursuant to this Code. Any Discharger notified of the suspension of the Authority's wastewater treatment service and/or the Discharger's Wastewater Discharge permit, shall, within a reasonable period of time, as determined by the Authority, cease all discharges. In the event of failure of the Discharger to comply voluntarily with the suspension order within the specified time, the Authority shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The Authority shall reinstate the

Wastewater Discharge

Permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the Discharger of the elimination of the non-complying discharge or condition creating the threat of imminent or substantial danger as set forth above.

102.15 Revocation of Permit

The Authority may revoke the permit of any Discharger who fails to factually report the wastewater constituents and characteristics of its discharge; fails to report significant changes in wastewater constituents or characteristics; refuses reasonable access to the Discharger's premises by representatives of the Authority for the purpose of inspection or monitoring; or violates the conditions of its permit, this Code, or any final judicial order entered with respect thereto. Whenever the Authority finds that any Discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit pursuant to this Section, the Authority shall serve or cause to be served upon such Discharger, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the Discharger shall respond personally or in writing to the Authority, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

102.16 Show Cause Hearing

When violations of the Code are not corrected by timely compliance by means of Administrative Order, the Authority may order any Discharger which causes or allows conduct prohibited by this Code, to show cause before the Authority or its duly authorized representative, why the proposed enforcement actions should not be taken. A written notice shall be served on the Discharger by postal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the Authority or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Discharger to show cause before the Authority or its designee why the proposed enforcement actions should not be taken. Service may be made on any agent, officer, or authorized representative of the Discharger. The proceedings at the hearing shall be considered by the Authority which shall then enter appropriate orders with respect to the alleged improper activities of the Discharger. Appeal of such orders may be taken by the Discharger in accordance with applicable local or State law.

102.17 Notification of Violation

When the Authority finds that a user has violated, or continues to violate, any provision of the Code, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Authority will refer to the Town of Bremen Enforcement Response Guidelines, available for review at the POTW, to determine an appropriate response.

102.18 Administration Fines

When the Authority finds that a user has violated, or continues to violate, any provision of the Code, a Wastewater Discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Authority may fine such user in an amount not to exceed Two Thousand Five Hundred Dollars (\$ 2,500.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. The Authority shall inform the Discharger through written notice by postal service, certified or registered, return receipt requested, detailing the cause of the violation and the specific amount of fine to be paid per day of continued non-compliance. Issuance of an administrative fine shall not be a bar against, or be a prerequisite for, taking any other actions against the user.

102.19 Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate provisions of the Code, Wastewater Discharge Permit or orders issued hereunder, or any other pretreatment requirement, the Superintendent may petition the Circuit Court of Indiana or Superior Court of Marshall County through Bremen's Town Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this Code on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the Authority. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

102.20 Civil Penalties

Any user which has violated or continues to violate provisions of this Code, any order or Wastewater Discharge Permit hereunder, or any other pretreatment standard or requirement shall be liable to the Town of Bremen for the maximum civil penalty of Two Thousand Five Hundred Dollars (\$ 2,500.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The Town may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, and economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

102.21 Right of Appeal

Any Discharger or any interested party shall have the right to request in writing an interpretation of ruling by the Authority of any matter covered by the Code and

shall be entitled to a prompt written reply. In the event that such inquiry is by Discharger and deals with matters of performance or compliance with this Code or deals with a wastewater Discharge Permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, the Authority's decision, action, or determination shall remain in effect during such period of reconsideration and appeal. Appeal of any final judicial order entered pursuant to this Code may be sought in accordance with applicable local and State law.

102.22 Operating Upsets

Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of non-compliance with this Code or a Wastewater Discharge Permit issued pursuant hereto, shall inform the authority immediately (by telephone) upon first awareness of the commencement of the upset. The written follow-up report shall be completed within five (5) days and shall specify:

- A. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;
- B. Duration of non-compliance, including exact dates and time of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur; and
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance. Based on the information received by the Authority regarding the nature and potential harmful effect of a Discharger's upset to sewer or treatment plant systems, the Authority may require the Discharger to monitor waste discharge for a continued period of time specified by the Authority. Waste samples and analysis may also be required to determine appropriate treatment compliance.

A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the Authority against a Discharger for any non-compliance with this Code or any wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset.

102.23 Bypassing Prohibition

Bypassing of pretreatment facilities is prohibited unless it is the only feasible alternative to prevent loss of life, personal injury, or severe property damage. However, bypasses which do not cause violation of pretreatment standards or requirements shall be allowed only if it is also for essential maintenance to assure efficient operation. When possible, the Authority shall be notified of such bypasses at least ten (10) days in advance. Planned bypasses which violate pretreatment standards may be permitted if all of the above conditions are met. Unanticipated bypasses which cause violations of pretreatment standards must be reported by phone to the Authority within 24 hours followed within five (5) days by a written submission containing a description of the bypass, its cause, duration, date, and time. If the bypass has not been corrected, the report shall include the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

102.24 Enforcement Actions - Annual Publication

A list of Dischargers which are determined to be in significant non-compliance at any time during the twelve (12) previous months, shall be published by the Authority in the largest daily newspaper serving the municipality in which the Authority is located. Publication shall occur no less than once annually; normally in the month of January. This list may summarize the enforcement actions which have been taken against each Discharger and indicate their current compliance status.

102.25 Records Retention

All Dischargers subject to this Code shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a Discharger in connection with its discharge or any permit or order issued pursuant to this Code. All records which pertain to matters which are the subject of Administrative Order or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation, with respect to any and all appeals, have expired.

102.26 Recovery of Costs Incurred by the Authority

Any Discharger violating any of the provisions of the Code, or who discharges or causes a discharge producing deposit or obstruction, or causes damage to or impairs the Authority's wastewater disposal system shall be liable to the Authority for any expenses, loss, or damage caused by such violation or discharge. The Authority shall bill the Discharger for costs incurred by the Authority as a result of the violation or discharge. These charges may include, but shall not be limited to costs for additional surveillance, sampling and analysis, as well as any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of the Code enforceable under the provisions of Paragraph 102.15, of the Code.

102.27 Falsifying of Information

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Code, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code, or violates any provision of the Code shall, upon conviction be subject to the possibility of fine and imprisonment, or punishment by the imposition of a civil penalty of not more than \$ 2,500 per violation. Each occurrence of falsification or day covered by said falsified record or report shall be considered a separate violation.

102.28 Protection of Property

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or

equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct and be liable for fines, penalties, and liability for recovery of damages.

102.29 Revocation of Discharge Permits

The Town reserves the right to revoke the discharge permits and to disconnect service to any user whenever wastewater treatment bills become delinquent. All amounts charged under this Code continue to be due hereunder, whether or not said sewer is disconnected until the Town is paid in full for all amounts due it, and in addition, there shall be paid to the Town a deposit equal to an estimated amount of such charge for the next succeeding year. Such deposit shall be held by the Town in escrow, and will be returned upon satisfactory payment of all bills for a period of two (2) years.

102.30 Conflict

All previous Codes or parts of Codes inconsistent or in conflict herewith are hereby repealed.

102.31 Validity

The invalidity of any section, clause, sentence, or provision of the Code shall not affect the validity of any other part of the Code which can be given effect without such invalid part or parts.

102.32 Severability

If any provision, paragraph, word, section, subsection or chapter of the Code is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

102.33 Effective Date

This Code shall be in full force and effect for and after its passage, approval recording, and publication as provided by law.

102.34 Annual Code Review

This Code shall be reviewed annually by the Superintendent or his designated representative, to insure compliance with current state, and federal regulations, and as necessary recommend to the Town actions to upgrade this Code.

102.35 Summary of Rates and Charges

1) Metered Rate, (as found in Paragraph 100.02 (b))

Flow Charge - per 1,000 gallons

Billed Flow	\$ 0.568
I/I Flow	<u>0.660</u>

Sub Total	1.228
Debt Service	<u>0.792</u>
Total Flow Rate	\$ 2.02

2) Base Rate - As follows: (as found in Paragraph 100.02 (b))

All User Classes

Monthly Base Rate	User	Debt	
	Charge	Charge	Total
5/8" water meter	\$ 2.27	\$ 1.18	\$ 3.45
3/4" water meter	2.27	1.18	3.45
1" water meter	5.08	2.77	7.85
1-1/4" water meter	7.88	4.42	12.30
1-1/2" water meter	11.26	6.39	17.65
2" water meter	19.10	10.95	30.05
3" water meter	43.41	25.04	68.45
4" water meter	77.07	44.63	121.70
6" water meter	172.73	100.17	272.90

Cost to Discharge Remediation Water to Sanitary Sewer, (as found in paragraph 102.02),

Will be billed at the normal sewage rate.

Sewer Connection Charge, (as referenced in Paragraph 100.05)

A general connection fee of \$ 100.00 will be charged to all wishing to connect to Bremen's sewer system, in addition to this charge will be the following:

Multiple Dwelling Connection fee, \$ 50.00 per unit starting with the second unit.

Industrial, Commercial connection charge is shown in the schedule below and referenced in Paragraph 100.0503.

Number of Meters	Meter Size	Charge
1	3/4"	160.00
1	1"	240.00
1	1-1/2"	480.00
1	2"	630.00
2	2"	780.00
3	2"	940.00
1	4"	1,090.00
1	6"	1,230.00

Sewer Permit and Inspection charge for new or replacement Building Sewer (as shown in Paragraph 101.14).

Residential	\$	30.00
Commercial		150.00
Industrial		300.00

Permit and Inspection Charge for Private Residential Sewage Disposal System, \$
30.00 (as referenced in Paragraph 101.08).

Wastewater Pretreatment Program Costs, (as referenced in Paragraph (102.0801)
Unless otherwise stated, all fees are non refundable.

Filing application and questionnaire for non permitted Industrial Users	\$	150.00
Pretreatment Discharge Permit (4 year permit) Cost,(New and renewal)	\$	500.00
Transfer of Pretreatment Wastewater Discharge Permit,	\$	75.00
Inspection fee per visit	\$	50.00
Monitoring Fee	\$	100.00

Surcharges, (as referenced in Paragraph 100.04).

(1) Rate Surcharge Based upon Suspended Solids

There shall be an additional charge of \$.11 per pound of suspended solids for
suspended solids received in excess of 150 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of \$.07 per pound of biochemical oxygen demand
for BOD received in excess of 200 milligrams per liter of fluid.

(3) Rate Surcharge Based on NH₃-N

There shall be an additional charge of \$.12 per pound of NH₃-N (ammonia Nitrogen)
for NH₃-N received in excess of 9.8 milligrams per liter of fluid during the summer
months of May, June, July, August, September and October.

There shall be an additional charge of \$.09 per pound of NH₃-N (ammonia Nitrogen) for
NH₃-N received in excess of 14 milligrams per liter of fluid during the winter
months of November, December, January, February, March and April.

Administration Fines, (as referenced in Paragraph 102.18).

Violation of Permit Limits could result in a fine of up to \$ 2,500.00 per day per
violation.

Civil Penalties, (as referenced in Paragraph 102.20).

Violations resulting in Civil Penalties could result in a fine of up to \$ 2,500.00 per day per
violation plus Attorney and Court costs incurred by the Town of Bremen.

Falsification of Information, (as referenced in Paragraph 102.27).

Subject to fine and imprisonment or civil penalties up to \$ 2,500.00 per day.

Hauled Liquid Wastes, (as referenced in Paragraph 101.05).

Septic Tank (Residential) Trucked Waste

\$5.00/1000 Gallons
Industrial and/or Commercial Trucked Waste
\$ 500.00/1000 Gallons

CHAPTER 103 - SEWER CONSTRUCTION

103.01 Connection Permit Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Department of Sanitation Systems. There shall be 2 classes of building service sewer permits:

- (1) For residential and Commercial Service
- (2) For service to establishments producing industrial wastes.

103.02 Permit Application. The owner or his agent shall make application on a special form furnished by the Town obtainable in the office of the Clerk-Treasurer. The permit application shall be supplemented by any plans, specifications, or other information consider pertinent in the judgment of the Superintendent.

103.03 Inspection Fee. An inspection fee of \$25.00 shall be paid with the filing of the application for a hook-on connection.

103.04 General Connection Fee. A hook-on fee in the amount of One Hundred Dollars (\$100.00) shall be charged for all connections made to the Town municipal sewer system, including any connections made to private contract sewers in or out of the Town limits. The hook-on fee shall be paid prior to actual connection to the Town sewer system.

103.05 Multiple Dwelling Connection Fee. In addition to the hook-on fee in Section 103.04, in the case of multi-family dwelling units, a Fifty Dollar (\$50.00) per unit with the second unit. The hook-on fee for multi-family dwellings shall be paid prior to actual connection to the Town sewer system.

103.06 Determination of Hook-on Fees. In the event that any application for hook-on fee requires definition as to what category shall be applied for the payment of fees, the Clerk-Treasurer shall refer such application to the Department of Sanitation Systems for determination and disposition.

103.07 Hook-on Fee For Industrial, Commercial or Non-Residential Users. Any industrial, commercial or non-residential user shall pay the following hook-up in lieu of the fee provided for in Section 103.04:

Water Meter Size Up To And Including:

	<u>Number of Meters</u>	<u>Size</u>	<u>Charge</u>
1	3/4"	160.00	
1	1"	240.00	
1	1-1/2"	480.00	
1	2"	630.00	
2	2"	780.00	
3	2"	940.00	
1	4"		1,090.00
1	6"	1,230.00	

103.08 Increase in Water Meter Size. Present industrial, commercial or non-residential users now receiving sanitary sewer service who apply for a larger water meter than they now have shall pay for the difference in cost at the time of the filing of the application between the size of the meter they now have and the one applied for, according to the charges set forth in Section 103.07. No credit shall be given in the case of a downward size revision.

103.09 Owner to Pay Installation Cost. All costs and expense incident to the installation and connection of the building service sewer shall be borne by the owner.

103.10 Owner to Indemnify Town for Loss. The owner of the property shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building service sewer.

103.11 Each Building to Have Sewer Connection. A separate and independent building service sewer shall be provided for every building. However, where one building stands at the rear of another on any interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building service sewer from the front building may be extended to the rear building and the whole considered as one building service sewer.

103.12 Use of Old Building Sewers. Old building service sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all the requirements of this Code.

103.13 Size and Slope Requirements. The size and slope of the building service sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than 6 inches. The slope of a 6 inch pipe shall be not less than 1/8 inch per foot.

103.14 Service Sewer Miscellaneous Requirements No Building service sewer shall be laid parallel to or within 3 feet of any bearing wall which might thereby be weakened.

Whenever possible the building service sewer shall be brought to the building at an elevation below the basement floor.

The building service sewer shall be laid at a depth which will afford protection from frost.

The building service sewer shall be laid at uniform grade and in straight alignment in so far as possible.

Changes in direction with respect to the building service sewer shall be made only with properly curved pipe and fittings.

103.15 Lack of Gravity Flow. In all buildings in which any building drain is too low to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building service sewer.

103.16 Open Trench Excavations Required. All excavations required for the installation of a building service sewer shall be open trench work, unless otherwise approved by the Superintendent.

103.17 Joints Generally. All joints and connections shall be made gastight and watertight.

103.18 Superintendent to Supervise Connection. The applicant for a building service sewer permit shall notify the Superintendent when the building service sewer is ready for inspection and connection to the public sewer. The connection of the building service sewer to the public sewer shall be made under the supervision of the Superintendent or his representative.

103.19 Excavation Safety Precautions. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

103.20 Damage to Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

CHAPTER 104 - TOWN WATER SYSTEM

- 104.01 Department of Water Utility. There is hereby created a Department of Water Utility which shall be responsible to the Town Council for the operation of the Town's water utility.
- 104.02 Powers. The Council shall have all powers necessary for the custody, management and operation of said utility under the provision of Ind. Code 18-1-21-1 et seq., and amendments thereto.
- 104.03 Rates and Charges. The Council shall, by ordinance, establish rates and charges for water supplied by said utility to adequately provide for the operation, maintenance, depreciation, and repayment of indebtedness of said utility. (See rate schedule attached).
- 104.04 Department Head. The Council shall appoint a Superintendent of said utility who shall serve as head of the Department of Water Utility. Superintendent to serve as Head of the Water Department operations.
- 104.05 Remote Meter Readout. All the customers of the water utility shall install remote reading water meters.
- 104.06 Rules and Regulations Governing Water Service Application

The Rules and Regulations of the Town of Bremen, as amended and supplemented from time to time, shall govern all water service rendered or to be rendered by the Town of Bremen, shall be binding upon every Customer, and shall constitute a part of the terms and conditions of every contract for water service, whether expressly incorporated therein or not or whether or not a signed application for water service is on file.

104.07 Definitions

The following words, as used in these rules and Regulations, have the following meanings:

"TOWN" - The Town of Bremen

"A CURB STOP, OR SERVICE STOP" - is a valve inserted in the service pipe near the property line for the purpose of turning water on or off to the premises supplied or to be supplied.

BACKFLOW PREVENTOR - Is a device used to prevent liquid from flowing backwards in a particular pipe.

CUSTOMER"- is a person, firm, corporation, association, Governmental Agency, or other political subdivision of the State, either as tenant or owner, which has been, is being, or is to be supplied with water service by the Town of Bremen.

- (1) Residential Customer means those persons receiving and paying for service exclusively for residential purposes.
- (2) Non-residential Customer means those persons, firms, corporations, associations, Governmental agencies or other political subdivisions of the State receiving and paying for service other than for residential purposes.

"A DISTRIBUTION MAIN" - is the pipe owned by the Town which delivers water to (a) fire hydrants, (b) fire lines, (c) service pipes, and (d) private mains.

"A PRIVATE MAIN" - is a privately owned supply main leading from a distribution main to one or more customer's premises. The main is not a part of the Town's system and is maintained by the customers which it services.

"A METER" - is a device owned by the Town and which measures and records the quantity of water supplied to the customer.

"A Month" - is the period between any two consecutive regularly scheduled meter readings and billings for water service. Such billings are scheduled at approximately thirty day intervals.

"A SERVICE LINE" - is a supply pipe leading from the tap in the distribution main to or into the premises supplied or to be supplied.

"A TAP OR CORPORATION COCK" - is a fitting owned by the Town and inserted in the distribution main to which the service line or private main is attached.

"PREMISES" - is a dwelling, building, structure, or parcel of real estate which is supplied through a separate service pipe and meter installation.

"SERVICE" - is supplying water to premises of Customer.

"DISCONNECTION" - is the termination or discontinuance of water service.

"CROSS CONNECTION" - is a physical connection between the water supply of the Town and any private supply on the premises of the Customer or any plumbing connection or appliance on the premises of the Customer through which the Town supply could become contaminated or chemical or physical properties changed.

"INTERRUPTION OF SERVICE" - is the temporary discontinuance of service due to emergency, construction or maintenance requirements of the Town.

104.08 Rates, Rules and Regulation - Availability

A copy of all rates, rules and regulations under which water service will be rendered is filed for the convenience of the Public in the office of the Town Clerk-Treasurer.

104.09 Contracts for Service

- a. A contract for water service is any form of written agreement or document with the Town of Bremen, the simplest being a signature ordering the water service turned "on" to a more complex written contract for main extensions. Be it a signature or a written contract, they shall be legal and binding. (See Application for Town of Bremen for water, sewage, electricity, and garbage collection service).
- b. It is understood that any request for water service is subject to a water distribution main being or being made available adjacent to the property. If no water main exists and unusual construction and equipment expense is involved in furnishing water to a particular property, the town may, require a written contract establishing guidelines for repayment of all or portions of the incurred costs.
- c. No promise, agreement or representation by any agent of the Town shall be

binding upon the town unless the same shall have been incorporated in a written contract signed and approved by an agent of the Town authorized to sign such contract on behalf of the Town.

- d. The benefits and obligations under any contract for the supply of water by the town shall begin when the town commences to supply water service. A person who made a contract for water service to premises shall be held liable for all water service furnished to such premises until such time as the Town is properly notified to discontinue the service for his account and a final reading of the meter is obtained. The Town shall obtain such final reading as soon as possible.
- e. Contracts for water service will cover only the premises and uses applied for. Customers shall not sell or give away water or grant privileges to use water to anyone not specifically included in the contract under penalty of discontinuance of service.
- f. Upon request, the Customer shall provide information to the Town concerning the devices that are to be connected to the Town's distribution main and the location of the device on the premises. The Town may request a customer to provide Plans and Specifications covering construction and plumbing changes on the premises.

104.10 Classes of Service

The Town has two classes of service: (1) A service to supply metered water to residential customers. (2) Non-residential Customers for commercial, industrial, municipal, fire protection uses, sprinkler installations, tank truck filling, contractors and Customers service other than residential. All services shall fall into one or the other of these classes.

104.11 Deposits

The Town may require from each applicant for service a cash deposit equal to his estimated billing for a period of four (4) months, but not less than \$ 30.00 for a home owner and \$ 50.00 for a rental, as a guarantee against the non-payment of bills for service. Such deposit shall remain with the town, without interest for the time service is to be supplied.

Any Customer who has failed to pay all charges for service rendered within the specified payment period may be required, upon five (5) days written notice, to make a cash deposit in an amount equal to an estimated charge for four billing periods for the premises served. If such cash deposit is not made within the five (5) day period, disconnection may be made.

The Town may, but shall not be required, to apply the customer's deposit to payment of water bills or any other charge.

The deposit, where chargeable, shall be applied against the final bill when service has been terminated. Any outstanding credit balance shall be refunded to the Customer, and any outstanding debit balance shall be billed to the Customer.

Any deposit made by the Customer (less any lawful deductions) which has remained unclaimed for seven (7) years after the Town has made diligent efforts to locate the person who made such deposit or the heirs of such person, shall be presumed to be abandoned and treated in accordance with the laws of the State of Indiana.

104.12 Service

- A. Until a contract for water service has been executed and a meter has been installed, water shall not be turned on at any premises by anyone but a Town water employee or authorized representative. No person except an authorized employee of the town water department, fire department, or any other person authorized by the town shall open, operate or remove the nozzle cap from any hydrant to which water is supplied by the Town. It is a violation of both the Towns Rules and Regulations and the Bremen Municipal Code for anyone except a Water Department employee or authorized representative to make a water turn-on.
- B. A violation of this rule constitutes a class "B" infraction and requires payment for the water consumed at the rate of \$10.00 per day during the period the water was turned on without authority from the Town.
- C. In order to determine that no open spigot or fault exists in the plumbing, a representative of the builder must be on hand at the site of the building before water will be turned on by Town personnel. When additional visits must be made to turn on the service, an addition charge will be made.
- D. When water service is to be transferred and the meter has been left in for the convenience of the Town the service will be shut off at the curb stop located at the property line. If for some reason this is not possible, the valve ahead of the meter located inside the premises will be shut off and sealed. Only a Representative of the Town is allowed to break this seal and turn the water on.
- E. The Customer must notify the Town when the billing is to be transferred to a new Customer, otherwise, the original Customer will be billed until such record of transfer is made available to the Town.
- F. Yard sprinkling service. Property owners are required to order a yard sprinkler system turned on in the spring and turned off in the fall. Any yard sprinkling system not having an outside Water Department control valve shall be automatically billed a minimum water bill plus all water used commencing with the June 1st bill and ending with the September 1st billing.

104.13 Service Connections

- A. Where large connections are made as a part of the initial installation of "on site" mains, they may be installed by the developer. All other connections or taps shall be made by Town personnel at the expense of the customer or developer. Charges for 1" services will be at a standard rate of \$375.00 established by the Town and on file with the Town Clerk and may from time to time be revised to reflect current costs. For sizes larger than 1", the actual expense plus 20% for overhead will be charged. A Tap Order shall be obtained from the Town for each service connection. (See Water Line Construction Permit)
- B. Each connection to the distribution main shall be installed so that a line perpendicular to the long axis of the main at the connection will intersect the meter location. Under certain conditions (such a locations where mains are not laid in a straight line or where buildings are not parallel with the street) the connection may be located so a line perpendicular to the face of the building will intersect both the meter and the connection. A valve shall be install immediately adjacent to the main for connections larger then 4". A corporation stop and tapping saddle shall be used on all 1-1/2" and 2" connections. Corporation stops shall be inserted in the water main for connections 1" or less (except on mains

less than 4" in diameter and or transit pipe where a tapping saddles will be required).

- C. For each service, a valve shall be installed near the property line in the public right-of-way. For services 2" and smaller, the Town will furnish and install the service pipe from the main to the curb stop. The Town reserves the right to locate the stop at: (1) the curb line, (2) between the curb and the sidewalk, or (3) at the property line, whichever, in the judgment of the Town will provide the most satisfactory location for the curb stop and service box. For connections larger than 2", the Customer or developer shall furnish and install the service stop and service pipe from the distribution main to the property line. All materials used shall conform to the requirements of the Town's "Material Specifications", a representative of the Town must be present when the construction is taking place and must have a minimum of 4'- 6" of cover.
- D. The Customer shall, at his own expense, install and maintain the service pipe from the curb or service stop to the meter. Service pipes between the curb stop and meter shall conform to requirements of the Town's "Material Specifications". The Town or its authorized representative shall inspect each service pipe before the trench is back filled. As a rule, water service will only be furnished to one property through a single service pipe. A separate service pipe is required for each water meter installed.
- E. Taps will not be installed until platting has been approved, rough grading has been completed and sidewalks, curbs, and structures to be served have been located.

If the service pipe from the house to the service stop is installed prior to the Town installing the tap, the end of the pipe shall be plainly marked, or the service pipe shall project above the surface of the ground to show its location. Sufficient pipe is to be installed to allow proper location of the curb (service) stop.

The Town will make the connection between the Town's service pipe and the Customers service pipe if the pipe from the building is installed and available.

- F. The Town will make every reasonable effort to assist the Customer or developer in scheduling the tapping of the distribution main and installation of the service pipe.
- G. Any developer, general contractor, or person responsible for disturbing or damaging water services or valve boxes, once the services have been properly installed, shall be liable for the cost of repairs.
- H. In general, water on a flat rate basis will be available for residential construction only. The supply of water for other types of construction, including but not limited to commercial and industrial, will necessitate the installation of a meter set in temporary housing to provide sufficient protection to prevent freezing or vandalism. In lieu of a meter setting, a flat rate charge per month based on probable water use may be negotiated with the Town. A refundable deposit will be required for each meter.

Water service may be furnished to a residential developer or other home builder upon request at a cost of \$ 30.00 for a period not to exceed three (3) months at which time if temporary service is still required a meter must be installed and a meter deposit paid. Water obtained under the above arrangements will be confined to use on the lot or premises for the purpose of house construction and worker convenience only. This fee may be reviewed and updated from time to time.

(See Bremen Water Department 90 Day Residential Temporary Use Permit)

The Town will open all service stops. If, at the end of the three month agreement period, the agreement has not been renewed or a meter has not been installed, the water will be turned off.

104.15 Metering

- A. Unless otherwise specified in a contract between the Town and the Customer, all water supplied will be measured by a meter or meters of standard manufacture, furnished and installed by the Town according to its requirements in force and effect as amended from time to time. The Customer shall provide for this purpose, free of expense to the Town, a suitable area near the service entrance either in the basement, or in a location which is approved by the Town before installation. Residential meters shall be installed 3'0" to 3'6" above the floor and as shown on a standard meter installation drawings which may be obtained from the Town. Customer shall provide and maintain suitable means of access to the meter with no obstructions of any kind within 3'0" of the meter. Customer shall provide and install an approved valve on the inlet and outlet sides of the meter as specified by the Town. A meter spacing bar and meter flanges will be supplied by the Town and must be installed as specified by the Town.
- B. A charge will be made for each meter installation. For new services, this charge is included in the connection or tap charge. For customers desiring service where existing taps, service lines and yokes may be used, a labor charge of \$ 20.00 will be billed for a meter installation. This charge is based on the average cost of installing meters and the Town may from time to time adjust these charges to reflect current costs.
- C. If a Customer requests for his convenience or by his actions requires that Town facilities be redesigned, re-engineered, relocated, removed, modified, or reinstalled, the town may require the Customer to make payment to it of the full cost of performing such service.
- D. The Town reserves the right to determine the kind and size, location and number of meters that shall be used on any service pipe. The water supplied for each Customer's premises shall ordinarily be measured by a single meter of standard manufacture installed by the Town. However, for the convenience of the Town more than one meter may be installed for capacity purposes on the same class of service, on the same premises for the same Customer. In this case, meter readings shall be aggregated and billed as if from a single meter.

When for the convenience of the Customer, water for a premise is metered at more than one service line, each meter shall be billed separately.

- E. When the Customer will permanently require for his own use and convenience one or more additional meters for the same class of service in any one premises, the Customer may purchase the meter or meters from the Town. The Town will not supply extra meters except for temporary installation. When such temporary extra meters are installed at the request of the Customer, the Customer shall be required to pay the cost (excepting meter) required for the installation and removal. A rental charge, dependent upon the size and type of meter, will be made for each extra meter.
- F. The properly authorized agents of the Town shall have the right to enter upon the premises of the Customer at all reasonable times for the purpose of inspecting, reading, testing, repairing, or replacing the meter or meters, appliances and

equipment used in connection with its service and removing the same on the termination of the contract or the discontinuance of the service.

- G. All meters or other appliances and equipment which are furnished by and at the expense of the Town and which may at any time be on the Customer's premises shall, unless otherwise expressly provided herein, be and remain the property of the Town. The Customer shall protect such property from freezing and from loss or damage and no one who is not a representative of the Utility shall be permitted to remove such property or tamper therewith.
- H. Ordinary repairs to meters will be made by the Town without expense to the Customer. Repairs of damage caused by carelessness or neglect on the part of the Customer including damage from freezing or from hot water, will also be made by the Town, but the cost of such repairs shall be charged to the Customer after a second instance of a damaged meter due to negligence of the Customer, the Town may discontinue service until the Customer properly protects the meter from damage.
- I. A meter will be tested by the Town upon request of the Customer, but not more frequently than once in twelve months. A report of the results of such a test will be made to the Customer and a complete record of the test will be kept on file in the office of the Town. The Customer may be, and is encouraged to be, present or have a representative present when the meter is tested. If a test requested by the Customer established that the meter is over registering more than two (2) percent, no charge will be made for the test and an adjustment shall be made for the difference during the time of the malfunction up to a period of one year. Otherwise the Town shall charge the Customer for making the test in accordance with the schedule on file with the Town.
- J. When a residential meter is found to under register, in excess of two (2) percent in tests made at the request of the Customer, the Town may charge the Customer for the water incorrectly metered for a period equal to one-half of the time elapsed since the previous test, but not to exceed six months. If a meter is found not to register for any period, the Town shall estimate the charge for the water used by averaging the amounts registered over similar periods, or over corresponding periods in previous years.
- K. For the determination of residential meter accuracy the Town shall use the appropriate test flows specified by the American Water Works Association for the various type of meters. Tests on large meters shall be as recommended by the meter manufacturer.

If under registration, the cost of the test shall be borne by the Customer and if over registration, the cost will be borne by the Town. Cost of water shall be adjusted as with residential meters.

104.16 Meter Readings and Billings

- A. Meters will be read monthly and bills will be rendered monthly according to the schedule of rates on file with the Town. If a bill is not paid before the due date indicated on the bill, the Customer will be considered delinquent and, at any time thereafter prior to the payment thereof, the Town may, after service notice, discontinue service. Failure to receive the bill shall not affect the right of the Town to discontinue service for non-payment.
- B. All water charges accrued to Customer rather than the premises. If a Customer moves from premises where he or she has been supplied with water service, he

will be held responsible for the payment of all bills rendered for the service supplied to said premises until he gives proper notice to the Town that service is to be discontinued at said premises.

- C. Bill for public fire protection and private fire protection shall be rendered yearly. Rates are on file with the Town.
- D. All special services for which cash payment is not required will be billed with the next regular monthly bill following the date the service was performed. Rates for special services are on file with the Town.
- E. Each bill shall be due upon receipt and payable at the Customer service office of the Town or at such other places as may be designated by the Town. A penalty may be added to any bill not paid by the due date printed on the bill.
- F. All charges, if any, shall be based on the registration of the meter or meters installed.
- G. The Town will make an effort to read meters at least once a month and such reading shall be prima facie evidence of the amount of water used. If the Town is temporarily unable to obtain an accurate meter reading, the customer shall be billed an estimated charge based on previous meter readings. A card will be left on the door requesting you to set a time with the water department for entry into your premises for the purpose of reading the meter and making repair of the readout device. The first billing made after the meter is read shall be adjusted according to the actual meter reading. No more than two estimated readings will be allowed. Failure to make a meter available for reading and or repair for three consecutive months will result in disconnection of service.
- H. All water passing through meters shall be charged for, whether used, wasted, or lost through leakage.
- I. Disputing the accuracy of a bill shall not be reason for non-payment of the bill by the Customer. The Customer may pay a bill under protest, thus giving written notice that redress is being sought. Such written notice must be filed with the Town Clerk-Treasurer prior to the due date of the bill.

104.17 Maintenance of Service Lines & Meter Pits

- A. All service lines 1" and smaller from the distribution main to and including the curb stop and box shall be maintained in good repair at the expense of the Town, including the replacement thereof if necessitated because of corrosion, tuberculation, or other deterioration. Service lines from 1-1/4" to 2" from the main to the curb stop will be maintained as needed by the Town, the cost of this repair will be billed to the owner or responsible party. However, if replacement or repair of any of the above size service lines is necessitated due to increased demand or damage caused by the Customer, such replacement or repair shall be at the Customer's expense.
- B. All service lines and fixtures from the curb stop to the meter, and all service lines 2 1/2" and larger from the distribution main to the meter shall be installed and maintained at the expense of the owner. Any leaks or other defects shall be properly and promptly repaired by him.

Existing services extended to property not adjacent to a water main, whether through public or private property, shall be considered a private service line, the maintenance of which shall be the Customer's responsibility, unless said line or

main has been accepted in writing for maintenance by the Town prior to its installation. If needed repairs are not made to service lines or private line within five (5) days of notification by the Town, the property owners may be charged the sum of \$ 5.00 per day for each day following the five-day period of grace that the water wastage is allowed to continue. In cases of emergency, the Town will shut off the water, make the repair, and charge the Customer for this service on the basis of actual cost plus overhead expenses.

- C. Effective October 1, 1979 no new private service lines or new connections to existing private service lines will be permitted. After this date, service will only be furnished to properties located adjacent to a water main.

104.19 Cross Connections

- A. Any cross connection with other sources of water supply shall be made in conformity with the rules and regulations of the Indiana State Board of Health and/or such requirements as other regulatory bodies may from time to time require and/or the rules and regulations of the Town in force at that time. Copies of the Indiana State Board of Health regulations and Town requirements are on file for the benefit and inspection of parties concerned.
- B. All plumbing shall conform to the State Plumbing Code, which does not permit physical connections between the public water supply and waste lines, process solution lines, tanks, etc., unless properly protected by approved safety devices.
- C. As a condition to receiving water service, the customer shall grant to the Town upon request, the right to enter the Customer's premises to make periodic inspections of Customer's piping. The Town will report any violations, as set out in (a) and (b) above, to both the Customer and to the respective regulatory authority. The Town will not assume responsibility for damage, sickness or death arising from the existence of an improper cross connection or the use or failure of a cross connection prevention device. Failure to correct a non-complying installation will lead to a disconnection of service.

104.20. Use of Booster Pumps

- A. Booster pumps shall not be installed without the written approval of the Town.
- B. In all booster pump installations the suction of the pump shall be connected to an atmospheric tank with the public water supply entering the tank being controlled by an automatic float valve and freely discharging into the tank a minimum of six (6) inches above the positive over-flow level of the tank.
- C. As an alternative, an approved back flow prevention device may be installed on the suction of the pump. The back flow prevent must meet State Board of Health and Indiana Department of Environmental Management guidelines and must be tested and maintained as per state guidelines with copies of test results submitted to the Superintendent of Water.
- D. A set of plans and specification must be submitted to the Town of Bremen, State Board of Health, and IDEM, as required, for approval, before installation of any booster pump.

104.21 Ground wires

The Town is aware that telephone and electric companies may ground wires to water lines. The Town does not install such connections; derives no benefit

from them; and tolerates them only because of their reputed importance to safe and effective telephone and electric service. When and if they are found to appear to be the cause of damage, the Town may order them removed, and may discontinue water service until they are removed.

104.22 Fire Protection Systems

- A. Before any modifications are made to any private fire protection systems or before service is furnished to any new fire protection system connected to or proposed to be connected to and supplied with water from the Town's distribution mains, final plans shall be filed with and approved by the Town. The following shall be shown on the plans:
- (1) The number of sprinkler heads to be served.
 - (2) The sizes and locations of the system piping.
 - (3) The sizes and locations of all connections to the Town's distribution mains.
 - (4) The sizes, locations and types of all valves.
 - (5) The sizes and locations of all hose connections, reels or cabinets.
 - (6) The sizes and locations of storage tanks connected to the system.
 - (7) The outlet sizes and locations of all fire hydrants.
 - (8) The maximum flow rate in gallons per minute recommended by the Insurance Underwriters.
 - (9) Type and location of check valve and/or back flow device as required by the IDEM or State Board of Health.
- B. All fire protection lines within buildings shall be installed in such manner that all pipes will be easily accessible for inspection at any time. Underground pipes outside of building must be placed and maintained at a minimum depth of four and one-half feet of cover. No connections with a fire protection system will be permitted to supply water service for commercial or industrial use, unless the connection has been approved by the Customer's fire underwriter, the Town, and the commercial or industrial water use is metered.

A private fire protection system without a tank shall be equipped with an alarm valve and a check valve. A system with a tank shall have one alarm valve and two check valves. In either case the back flow prevention device must meet the IDEM or State Board of Health approval. Such device must be maintained and tested as per state guidelines and a copy of the testing and maintenance results must be submitted to the Superintendent of Water on regular established intervals.

104.24 Thawing Frozen Service

- A. The thawing of frozen Customer service lines shall be the responsibility of the Customer.
- B. When a distribution main is found to be frozen, the Town will thaw at its expense the service line connected with that part of the main which is frozen.
- C. At the request of any Customer, or upon the Town's initiative, the Town will make

an investigation (but not including any digging) and inform the Customer of any conditions found upon the premises which might cause the freezing and advise him of the steps necessary to remedy such condition.

104.25 Special Services

- A. A special service is a temporary service which is expected to terminate within thirty (30) days after connection. For all special services such as fill swimming pools, large stationary tanks, circuses, carnivals, shows, etc., regular water rates plus a meter installation charge plus any connection expenses shall be charged. (See Swimming Pool Fill Request). For temporary use of a fire hydrant, a special permit is required. (See Fire Hydrant Use Permit). Fire hydrant use is reserved for emergencies only and a special inspection charge after each use will be required in addition to the permit charge and a refundable deposit for loan of a hook-up assembly.
- B. A flat charge shall be made for filling a tank truck. This charge shall be a single fee of \$ 5.00 for service plus the following charge for water for each tank filled:
 - (1) For trucks with capacity up to 1,000 gallons -
\$ 6.80
 - (2) For trucks with capacity up to 5,000 gallons -
\$ 10.91
 - (3) For trucks over 5,000 gallon capacity or multiple truck load sales, a charged, a meter will be set and water will be billed at regular rates based on metered consumption.

**TOWN OF BREMEN
FIRE HYDRANT USE PERMIT**

Date Issued: _____

Permit Issued To:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Fire hydrant is located at the Triangle at the East entrance of town at Douglas and US 106.

Purpose of Intended Use: _____

When Will The Job Be Completed? _____ (14 days maximum time allowed).

Cost of fire hydrant usage is \$30.00 plus the usage of metered water. Only meters from the Town Water Department may be used.

FOR WATER DEPARTMENT USE ONLY

Hydrant Meter Given to Contractor	Yes	No
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Hydrant Meter Returned	Yes
No	

Fire Hydrant Checked After Use - Date _____

Fire Hydrant Condition is: _____ OK

Not OK

Fire Hydrant Repairs Needed: _____

Check Performed By: _____

Fire Hydrants are intended to be used only in emergency situations by the Bremen Fire Department. Any other use of a fire hydrant is by special exception only and requires a permit. A copy of this permit must be kept on the job site and made available for inspection upon the request of any Water Department Employee or Town Official. Anyone caught using a fire hydrant illegally will be in violation of the Water Ordinance and liable for fines and penalties described in section 7 (B).

104.26 Discontinuance of Service

- A. Whenever a Customer desires to have service discontinued, he shall notify the Town sufficiently in advance of such desire and of the date on which service is to be discontinued, to provide a reasonable time for the Town to obtain the final meter reading.
- B. There will be no abatement of charges in whole or in part by reason of the extended absence of the customer or for any other cause unless the Town has been notified to turn off the water.
- C. The Town may discontinue the service of any Customer for any of the following reasons:
 - (1) If a condition dangerous or hazardous to life, physical safety or property exists; or
 - (2) Upon order by any court, or other duly authorized public authority; or
 - (3) If fraudulent or unauthorized use of water is detected and the Town has reasonable ground to believe the affected Customer is responsible for such use; or
 - (4) If the Town's regulating or measuring equipment has been tampered with and the Town has reasonable grounds to believe the affected Customer is responsible for such tampering.
 - (5) For any use of water unauthorized by the Town.
 - (6) For un-approved cross-connection of a Customer's water pipes to any other source of water supply or for permitting any condition to exist about the premises that causes or might cause pollution of the public water supply.
 - (7) Where Customer has failed to repair any leak in the service pipe or appurtenances between the property line and the meter, or in any private fire protection system or other un-metered facilities.
 - (8) For any tampering or knowingly permitting any tampering or interference with any service pipe, service stop, meter, meter seal, or other Town equipment or appliances without permission of the Town.
 - (9) For failure to pay in accordance with these rules any water bills or other charges in connection with water utility service installations or facilities.
 - (10) For failure to provide free and non-hazardous access to the premises and meter so that representative of the Town may take water readings, make all necessary inspections, and maintain, replace, or remove the water meter.
 - (11) For failure to maintain approved meter settings, including pits, where the meter is not protected from damage.
 - (12) For installing a new service pipe and/or appurtenances without a permit from the Town.
 - (13) For failure to comply with the terms of the contract.
 - (14) For violation of any of the Town's rules and regulations.

- (15) For any lawful reason.
- (16) When the town must repair its mains or services.
- (17) When for any reasons there is a lack of water in the distribution system.

Discontinuance of service for any of the above reasons shall not invalidate any contract and the Town shall have the right to enforce any contract notwithstanding such discontinuance.

- D. In each case, except those arising under subparagraph 1, 2, 6, 16, or 17, the Town shall give written notice of at least five days either mailed to such Customer at his address as shown upon the Town's records or personally delivered to him or a person on the premises, advising the Customer the reason for the proposed discontinuance of service and stating that service will be discontinued if the condition continues uncorrected. In cases provided for in subparagraphs 1, 2, 6, 16, or 17, the Town may discontinue service without notice.
- E. Whenever the service is turned off for reasons other than 1, 2, 6, 16, or 17 above, a reconnecting charge shall be paid after the condition resulting in the turn-off is remedied and prior to the restoration of service. This charge shall be as determined by the Town and may from time to time revised to reflect current costs.

104.28 Interruption of Service

The Town shall not be responsible for damages for any failure to supply water service or for interruption of the supply of water, or for defective piping on the Customer's premises, or for damages resulting to a Customer or to third persons for the use of water or the presence of the Town's devices on the Customer's premises, unless due to fault, defect, or wrong on the part of the Town. Neither party shall be liable to the other for any failure or delay in case such failure or delay is caused by strikes, acts of God, unavoidable accidents or contingencies beyond its control and is not due to fault, neglect or wrong on their part.

104.29 Main Extension Policy

DEFINITIONS:

"A DEVELOPER OR OWNER OF REAL ESTATE" shall mean the person, firm, company, corporation, governmental unit, charitable or not-for-profit organization or association making application for a permit for a main extension or to use an existing main.

"OFF-SITE MAINS" shall mean mains required to reinforce or extend the present water system to the point(s) where the on-site mains are to be located on public right-of-way or dedicated easements.

"OVERSIZING" shall mean the installation of a main of larger diameter than necessary to adequately furnish water to the specific development in which it is installed.

"EXISTING SINGLE FAMILY RESIDENCE" shall mean a structure occupied by a single individual, a single family, or which was suitable for such occupancy.

- A. Based upon the main size required to serve the development, the developer shall pay the entire cost of all mains within and bordering upon the development.

- B. All developers requiring a connection to, or an extension or reinforcement of any water supply transmission main, or water distribution main, owned by the Town shall secure a permit and sign a main extension contract prior to connecting to any part of the Town's system. As a condition of issuance of a permit all requirements of the Town shall be complied with and the cost of construction shall be the responsibility of the developer.
- C. Refunding of costs for oversizing to meet the Town's specifications shall be made only for that portion of the oversizing which lies within or adjacent to the area being developed.
- D. Where larger mains are required by the Town, the developer or owner of real estate shall be refunded the actual material cost difference between the size of the main specified by the Town and the size main required to serve the development as determined by the Town Engineer. For calculating the refund, the Town Engineer will use material price quotations to determine the difference in the material costs.
- E. The owners of real estate requiring a permit for water services shall submit plans for their on-site water distribution system, including on-site transmission lines, to the Town for their review and approval. Plans must comply with the Town's "design criteria" and "materials shall meet the Town's specifications. All water main materials shall be purchased by the owner or developer. Installation of water mains remain the exclusive right of the Town of Bremen and a minimal labor charge of \$ 2.00 per foot of water main installed will be billed to and paid for by the owner or developer for this work. Upon completion, the Town will submit construction drawings to the owner and the owner shall provide the Town certified "as-built" construction drawings. If "as-built" drawings are not provided within one month after completion of construction, the Town may prepare drawings at the expense of the said owners of real estate.
- F. All plans for transmission and reinforcing mains to be installed outside the area being developed by the applicant for water service (e.g., off-site water mains) shall be prepared by the owners engineer for Town approval or the Town engineer at the property owners expense. All easements shall be made out to the Town of Bremen but shall be obtained by, and if necessary, paid for by the owners of real estate. Easements shall also be in a form approved by the Town.
- G. The owners of real estate applying for water service shall pay all engineering and appurtenant non-construction project costs. Owners may utilize outside engineering or may use the Town Engineer at their cost to develop plans and specifications that meet guidelines established by the Town of Bremen. Owners will be required to purchase all water main materials needed to develop their property. Construction of the water mains will be the exclusive right of the Bremen Water Department. A minimal labor charge of \$ 2.00 per foot per foot of water main installed will be billed to and paid for by the property owner.
- H. If a connection is made to any transmission line or existing local distribution system without first obtaining a permit, the individual or owners of real estate will be subject to a charge of \$ 150.00 a day for each day the connection was unlawfully installed and be required to remove the connection until a permit is obtained.
- I. All extensions to the Town's Water System must be accepted by the Town before being permanently connected to the system and once connected, shall be and remain thereafter the sole property of the Town without further dedication thereof. Warrantee and one year maintenance guarantee on new mains shall be

transferred by the owner to the Town. Once accepted, all maintenance and repairs become the responsibility of the Town.

- J. All persons or corporations, they or its survivors, heirs, or assigns who shall connect to any water main connected to the Town's system located outside the Town's limits, shall agree in writing prior to said connection, to waive their or its rights to remonstrate against annexation by the Town of Bremen. Such agreement, on forms provided by the Town, shall be included in the title of each affected parcel of property. A copy of the recorded restriction shall be filed with the Town within 30 days of providing service or service will be disconnected until such recorded restriction is delivered to the Town.

104.30. Protective Devices

- A. The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, must such owner or occupant protect water cooled compressors or refrigeration systems by means of high pressure safety cutout devices. There shall likewise be provided mains for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. On all "closed systems"(i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. An air gap is required between the relief valve drain pipe and the drain being discharged into.
- C. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided with a valve and drain cock at its base for water drainage and replenishment of air.

104.31 Changes

The Town reserves the right to modify any rule or regulation, or to make such additional regulations as may be found necessary for the better protection of the public interest in the management of the Town's waterworks.

104.32 Sprinkling Restrictions

The Town may issue orders limiting the use of water for sprinkling of lawns, gardens and similar uses during such periods, times or days as the water storage supply and pumping facilities may require limitation of use for other consumer uses.

104.33 Disconnect Water Service Prior to Razing

Prior to razing any portion of any building, the person to whom a razing permit is issued shall cause all water laterals to be disconnected and capped by a plumber, said disconnections to be at property line. Upon completion of capping, the Town

shall be notified prior to back filling of excavation.

SCHEDULE OF MONTHLY WATER RATES & CHARGES (104.03)

Metered Consumption per Month

First 3,000 gallons	\$ 2.27 per 1000 gallons
Next 4,000 gallons	2.05 per 1000 gallons
Next 10,000 gallons	1.84 per 1000 gallons
Next 17,000 gallons	1.72 per 1000 gallons
Next 36,000 gallons	1.43 per 1000 gallons
70,000 gallons and over	1.16 per 1000 gallons

Minimum Charge per Month

Size of Meter

5/8"-3/4"	\$ 6.80	2"	\$ 34.87
1"		10.09	3" 54.28
1-1/4"	16.48	4"	113.82
1-1/2"	24.17	6"	241.69

Fire Protection Services

Municipal hydrants:

Per hydrant-per annum \$ 316.32

Private hydrants:

Per hydrant-per annum \$ 316.32

Sprinkling Rates

1" sprinkler riser	\$ 17.46	6" sprinkler riser	\$316.32
2" sprinkler riser		34.92	8" sprinkler riser
	562.86		
3" sprinkler riser	78.54	10" sprinkler riser	879.18
4" sprinkler riser	139.62	Hose connections	152.70

104.51 Application. This ordinance shall apply to all persons, firms, partnerships, company, associations, corporations, or organizations of any kind connected to the Bremen public water system or using water therefrom (hereafter called "user").

104.52 Declaration of Need. Upon determining that the Town of Bremen public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the governing body shall declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof.

104.53 Exception. The governing body of the Town of Bremen reserves the right to establish alternative rationing requirements for the following:

- a. Health care providers.
- b. A reasonable use of water to maintain adequate health and sanitary standards.
- c. Those industrial and agricultural activities declared to be necessary for the public health and well being.

104.54 Voluntary Conservation. In accordance with 104.57, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body suggests reasonable and meaningful actions which will alleviate existing or potential water shortage. Bremen public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the governing body shall declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof.

104.55 Mandatory Conservation. In accordance with 104.57, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the governing body shall determine.

- a. Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables or any other vegetation.
- b. Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment.
- c. Cleaning or spraying of sidewalks, driveways, paved areas or other outdoor surfaces.
- d. Washing and cleaning of any business equipment or machinery.
- e. The filling of swimming pools, wading pools and ornamental fountains.
- f. Knowingly allowing leakage through defective plumbing.

104.56 Rationing. In addition to the mandatory conservation measures of 104.55 and in accordance with 104.57, users shall be limited to water use per the following schedule:

- a. Residential use shall be limited to 80 gallons per day, per person in the residence.
- b. Business, commercial and industrial users shall be limited to 50 percent of the volume of water used during the corresponding month of the preceding year. Business, commercial or industrial users that were not in business and operating in the area served by the Bremen public water system more than one year prior to

the declaration of need shall be restricted to 50 percent of the average monthly volume of water used during the number of months such business, commercial or industrial user was in business and operating in the public water supply area.

- 104.57 Notice. Notice of voluntary conservation measures shall be by publication in local newspaper of general circulation or other means as deemed appropriate by the governing body. Said Notice shall be effective upon publication.

Notice of mandatory conservation or rationing shall be by first class United States Mail or by door to door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door to door distribution, or at noon of the third day after depositing same in the United States Mail.

- 104.58 Enforcement. Any user who violates 104.55 or 104.56 of this code may be punished by a fine of not more than \$2,500.00 [See IC 36-1-3-8 (10)]. Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates 104.55 or 104.56 of the Code.

CHAPTER 105 - TOWN ELECTRIC SYSTEM

- 105.01 Department of Electric Utility. There is hereby created a Department of Electric Utility which shall be responsible to the Town Council for the operation of the Town's electric utility.
- 105.02 Powers. The Council shall have all powers necessary for the custody, management and operation of said utility under the provision of Ind. Code 18-1-21-1 et seq., and amendments thereto.
- 105.03 Rates and Charges. The Council shall, by ordinance, establish rates and charges for electricity supplied by said utility to adequately provide for the operation, maintenance, depreciation, and repayment of indebtedness of said utility. (See Schedules Attached)
- 105.04 Superintendent. The Council shall appoint a Superintendent of said utility who shall serve as head of the Department of Electric Utility.
- 105.05 Electric Cash Reserve Fund. There is hereby established an Electric Cash Reserve Fund into which the Clerk-Treasurer shall pay over five (5%) percent of the gross receipts of the electric utility on a monthly basis. The funds thus paid into the Cash Reserve Fund shall be appropriated as provided by the Indiana Code and the Town Council.
- 105.10 Commercial Service
- A. Availability: Available to commercial and industrial Customers for single and three-phase service, who are located on the Utility's distribution lines suitable and adequate for supplying the service requested. Utility shall not supply demand in excess of 225 kW under this schedule.
- B. Character & Conditions of Service Alternating current, sixty cycle, three phase at voltages of approximately 480, 240 and 208 volts and single phase service at a voltage of approximately 120/240 volts.

The Utility will supply service from its electrical distribution lines at only such frequency, phase, regulation and voltage as it has available in the location where service is requested and will transform its primary voltage to one standard secondary voltage as herein above set forth. Any applicant requiring service differing from that to be supplied by the Utility as herein provided, shall provide proper converting, transforming, regulating or other equipment upon the applicant's own premises and at the applicant's own expense.

The Customer will supply in accordance with plans and specifications furnished by the Utility, at a mutually agreed upon location on the Customer's property, suitable fencing and foundations to protect and support the Utility-owned transformers and equipment.

- C. Rates Rates charged for service rendered under this schedule are based upon the measurement of the electrical energy supplied to the Customer and metered at the secondary voltage supplied by the Utility.

Monthly Bill:

Customer Charge:

Single-Phase Customer	\$7.00 per service connection
Three-Phase Customer	\$8.25 per service connection

Energy Charge:

All KWh \$0.0442 per kWh

- D. Minimum Bill The monthly minimum payment for single-phase service under this schedule shall be the Customer charge.

The monthly minimum payment for three-phase service under this schedule shall be the Customer charge for those Customers whose required electrical capacities do not exceed 15 kilowatts.

For Customers whose required electrical capacities exceed 15 kilowatts, the monthly minimum payment shall be as follows.

\$0.45 per kilowatt for the first 100 kilowatts, plus
\$0.35 per kilowatt for all over 100 kilowatts; but not less than the Customer charge for three-phase service.

Electrical capacity in kilowatts shall be determined by the ampacity of the Customer's three-phase service entrance, multiplied by the service voltage, multiplied by 1.73 and divided by 1,000.

$$\frac{\text{Amperes} \times \text{Voltage} \times 1.73}{1,000} = \text{Kilowatts}$$

- E. Terms of Payment All bills on the above schedule shall be rendered and due monthly. If not paid by the fifteenth day of the month following the date of the bill, there shall be added to bills of \$3.00 or less a ten percent (10%) penalty to the amount of the bill. Bills in excess of \$3.00, shall have a ten percent (10%) penalty added to the first \$3.00 of the bill plus three percent (3%) penalty to the amount of the bill in excess of \$3.00.

Remittances sent by mail on or previous to the fifteenth for the month as evidenced by the US Post Office mark on the envelope in which they are received will be accepted as a tender of payment within the time limit. When the fifteenth falls on Saturday, Sunday or any other legal holiday, the first business day thereafter shall be considered as being within the time limit.

- F. Disconnection/Reconnection: Whenever the service is disconnected for nonpayment of bill, or whenever for any reason beyond the control of the Utility, a reconnection of service is required by any Customer, a charge of \$25.00 will be made by the Utility to cover a part of the cost of disconnection and reconnection of service.

The Utility reserves the right at any time to install demand metering equipment.

105.11 Large Power Service

- A. Available Available to power Customers who enter into a written contract for electrical service in accordance with this rate schedule, and who are located on the Utility's electrical supply lines suitable and adequate for supplying the service requested.

- B. Character and Condition of Service

The Utility will supply service from its electrical supply lines at only such frequency, phase, regulation and primary voltage as it has available in the location where service is

required; and if transformation of voltage. Any Customer requiring service differing from that to be supplied as herein provided, may be required by the Utility to provide proper converting, transforming, regulating or other equipment upon his own premises and at his own expense.

The Customer will supply in accordance with plans and specifications furnished by the Utility, and at a mutually agreed upon location on the Customer's property, suitable fencing, pads and foundation to protect and support Utility-owned transformers and equipment.

- C. The Utility shall have the option of not supplying demands in excess of 2,000 kilowatts under this schedule.
- D. Rates Rates and charges for service rendered under this schedule are based upon the measurement of the electrical energy at the voltage supplied at the Customer on the primary side of the transformers furnished by the Utility.

Monthly Bill:

Customer Charge: \$170.00

E. Demand Charge: \$4.90 per kW of Billing Maximum Demand

F. Energy Charge:
All kWh \$0.023 per kWh

G. Minimum Bill The monthly minimum payment under this schedule shall be \$2.00 per kilo-volt-ampere [kVA] of total transformer capacity installed and sized according to the customer's requested electrical power requirements.

H. Terms of Payment All bills on the above schedule shall be rendered and due monthly. If not paid by the fifteenth day of the month following the date of the bill, there shall be added three percent [3%] of the amount of the bill.

Remittances sent by mail on or previous to the fifteenth of the month, as evidenced by the US Post Office mark on the envelope in which they are received, will be accepted as a tender of payment within the time limit. When the fifteenth falls on Saturday, Sunday or any other legal holiday, the first business day thereafter shall be considered as being within the time limit.

I. Determination of Amount of Electrical Service Supplied The electrical service to be supplied under this rate shall be measured, as to Maximum Demand, Energy Consumption and Power Factor, by suitable meters to be installed by the Utility.

K. Determination of Kilowatt Billing Demand The Maximum Demand shall be determined as follows:

1. The Maximum Demand shall be determined from the readings or indications of suitable demand measuring instruments, provided however, that if welding machines or other apparatus where the use of electricity is intermittent or subject to violent fluctuations constitute a part of the entire load, then the measurements shall be increased by the connected load in welding machines or other such apparatus, and the sum taken as the Maximum Demand. The Utility further reserves the right to require the Customer to provide at his own expense, suitable apparatus to reasonably limit such intermittence or fluctuations where, in

the Utility's judgment, such apparatus is necessary to prevent undue interference with the service of the Utility.

2. The Maximum Demand shall be taken as the highest average load in kilowatts occurring during any 15 consecutive minutes of the month; provided however, that if such load shall be less than fifty percent [50%] of the maximum monetary demand in kilowatts, then the Maximum Demand shall be taken at fifty percent [50%] of such maximum monetary demand; provided further, that the Maximum Demand shall not be less than eighty percent [80%] of the product of the actual voltage multiplied by the maximum amperes in any phase multiplied by 1.73.

- K. Determination of Average Power Factor The Average Power Factor for the month shall be determined by computation from the registration of a watt-hour meter, and a reactive volt-ampere-hour meter, by dividing the registration of the watt-hour meter by the square root of the sum of the square of the registration of the watt-hour meter and the square of the registration of the reactive volt-ampere-hour meter.
- L. Power Factor Correction : The service supplied by the Utility should be taken by the Customer preferable at an average power factor of not less than ninety-five percent (95%) lagging. If the service is taken at an average power factor of less than ninety-five percent (95%) lagging, the maximum demand for billing purposes shall be corrected in accordance with the following formula:

$$\text{Billing Demand} = \frac{\text{Maximum Demand} \times .95}{\text{Average Monthly Power Factor}}$$

A power factor correction will not be applied for power factors at 95% or greater.

- M. Credit for Transformer Ownership: For customers metered at a primary voltage who own, operate and maintain all transforming, controlling, regulating and protective equipment will be given a discount of \$0.35 per kW applicable to the monthly billing demand.
- N. Metering Adjustment: If a customer is primary service and metered at secondary voltage, metered kWh and kW will be increased by 1% for billing purpose.
- O. Contracts with Large Power Customers Any new large power customer requesting electric service or any large power customer requesting an expansion of the utility's facilities to provide additional power shall enter into a contract with the utility agreeing to the following terms:
1. The utility will provide equipment and materials to provide the requested service at a cost not to exceed five thousand dollars (\$5,000.00) in any one year period.
- A. Equipment and materials shall include but not limited to:
- a. All pole line hardware and wire or cable
 - b. Transformers
 - c. Metering
 - d. Upgrade of present system in order to serve new customer
 - e. Purchase of territory from other electric supplier
2. Any costs to provide the requested service in excess of five thousand dollars shall be borne jointly by the customer and the utility as follows:

A. Fifty percent (50%) by the customer.

B. Fifty percent (50%) by the utility.

3. In the case that costs to provide service to the customer should be more than one hundred thousand dollars (\$1,000,000.00) the utility and the customer shall enter into negotiations to reach a fair and workable agreement.

P. Large Power Off-Peak Service

1. Availability:

Available to any customer taking service under the provisions of Rate Schedule "LP" (Large Power) and having a maximum load requirement of 1,000 kilowatts or more. The Customer shall agree to move its load requirements from on-peak hours to off-peak hours. Customer must be located adjacent to the utility's distribution lines that are adequate and suitable for supplying the service required.

2. Character and Condition of Service:

Rates based for service rendered under this schedule are based upon the measurement of the electrical energy at the voltage supplied to the Customer on the primary side of the transformers furnished by the Utility.

All provisions of Rate "LPOP" (Large Power Off Peak) shall be the same as the provisions contained in Rate "LP" (Large Power). The billing rate of LPOP will be as follows:

3. Monthly Bill:

Customer Charge: \$170.00

Demand Charge: \$2.25 per month per kilo-watt of maximum billing demand occurring during the off-peak period in the month \$4.90 per month per kilo-watt of maximum billing demand occurring during the on-peak period in the month

Energy Charge: \$0.023 per kWh for all metered kWh

4. Definition of On-Peak / Off-Peak Periods: The Utility shall consider the following as the on-peak and off-peak billing periods for each month. All hours shall be Eastern Standard Time.

On-Peak periods are defined as follows:

All weekdays: 6:00a.m. to 3:00p.m.

Off-Peak periods are defined as follows:

All weekdays: 3:00p.m. to 6:00a.m.

Saturdays, Sundays and the entire twenty-four (24) hours of the following national holidays:

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

Whenever any of the above holidays occur on a Sunday and the following Monday is legally observed as a holiday, then the entire twenty-four (24) hours of such Monday will be off-peak hours.

5. On-Peak / Off- Peak Period Adjustment: The Utility shall have the right to adjust

the on-peak/off-peak time periods by giving the Customer thirty (30) days notice.

6. Discount For Transformer Ownership: For customers metering at a primary voltage who own, operate and maintain all transforming, controlling, regulating and protective equipment will be given discount of \$0.35 per kW applicable to the monthly billing demand.

105.12 Municipal Service

- A. Availability: Available to the Town of Bremen and the various departments of the Town of Bremen for municipal service.

The Utility shall have the option of billing any department of the Town of Bremen, whose power requirements exceed 225 kilowatts, on the Large Power Service Schedule.

- B. Monthly Bill:

Customer Charge:

Single-Phase Customer \$7.00 per service connection

Three-Phase Customer \$8.25 per service connection

Energy Charge:

All kWh \$0.0442 per kWh

105.13 Residential Service

- A. Availability: Available to residential Customers for general service who are located on the Utility's distribution lines and served through a single point of delivery and measured through one meter.

- B. Character of Service This Schedule is for single-phase, alternating current at standard voltage as designated by the Utility.

- C. Monthly Bill:

Customer Charge: \$4.00 per service connection

Energy Charge: All kWh \$0.0407 per kWh

- D. Minimum Bill: The Customer Charge set forth in this Schedule shall be the minimum bill. The minimum bill for temporary service shall be \$15.20 per month.

- E. Terms of Payment: All bills on the above schedule shall be rendered and due monthly. If not paid by the fifteenth day of the month following the date of the bill, there shall be added to bills of \$3.00 or less a ten percent (10%) penalty to the amount of the bill. Bills in excess of \$3.00, shall have a ten percent (10%) penalty added to the first \$3.00 of the bill plus three percent (3%) penalty to the amount of the bill in excess of \$3.00.

Remittances sent by mail on or previous to the fifteenth of the month as evidenced by the US Post Office mark on the envelope in which they are received, will be accepted as a tender of payment within the time limit. When the fifteenth falls on Saturday, Sunday or on any legal holiday, the first business day thereafter shall be considered as being within the time limit.

- G. Reconnecting /Reconnection: Whenever the service is disconnected for

non-payment of bill, or whenever for any reason beyond the control of the Utility, a reconnection of service is required by any Customer, a charge of \$25.00 will be made by the Utility to cover a part of the cost of disconnection and reconnection of service.

105.14 Security Lighting Service

- A. Available Available to Customers located on the Utility's distribution lines suitable and adequate for supplying dusk to dawn security lighting for entrance, driveways and other private areas.
- B. Character of Service The Company will install, own and maintain a bracket mounted lighting fixture, including the photo electric control, with either a 175 watt mercury vapor lamp, 150 watt hi-pressure sodium lamp, 250 hi-pressure sodium lamp, 400 watt metal halide lamp.

The Utility shall adjust the automatic control on each fixture to provide lighting service from approximately one-half hour before dusk on one-half hour after dawn. Lamp replacement and repairs will be made within a reasonable period of time during regular working hours after Customer notification of the need for such maintenance. The facilities installed by the Utility shall remain the property of the Utility and may be removed by the Utility if service is discontinued for any reason.

C. Monthly Bill:

1] Where the lighting fixture can be installed on an existing Utility pole and served from existing secondary lines, with not more than one span of secondary, the rate shall be:

\$18.00 per lamp per month for 400 watt Metal Halide
\$12.00 per lamp per month for 250 watt Hi-Pressure Sodium
\$ 6.00 per lamp per month for 150 watt Hi-Pressure Sodium
\$ 6.00 per lamp per month for 175 watt Mercury Vapor

2] If additional facilities are required to furnish service hereunder, the Utility will install, operate and maintain such facilities at the following charges, with such charges being added to the charges listed under Section 1]

\$1.00 for each 30 foot wood pole and span of secondary.

In addition to the above monthly charge per fixture, a one time charge of \$75.00 shall be made by the Utility to the Customer requesting security light service, for each installation of a wood pole required to furnish said service.

- D. Terms of Payment All bills on the above schedule shall be rendered and due monthly. If not paid by the fifteenth day of the month following the date of the bill, a ten percent (10%) penalty will be added to the bills of \$3.00 or less. Bills in excess of \$3.00, will have a ten percent (10%) penalty calculated on the first \$3.00 of the bill plus three percent (3%) penalty calculated on the amount of the bill in excess of \$3.00/

Whenever the service is turned off for nonpayment of bill, a reconnection charge of \$25.00 must be paid by the Customer before such service is reconnected.

- E. Terms of Service: Any Customer requesting service under this schedule shall make written application for such service for an initial period of one year and shall

make a deposit of thirty six dollars \$36.00. If for any reason the Customer requests the termination of such service before the expiration of the initial period of one year, the Customer shall forfeit the \$36.00 deposit to cover the cost of the installation and removal of the security light fixture.

The Customer may request a refund of the \$36.00 deposit after the initial period of one year, the Customer shall forfeit the \$36.00 deposit to cover the cost of the installation and removal of the security light fixture.

- F. Reconnecting Charge Whenever the service is turn off for nonpayment, a reconnecting charge of \$25.00 must be paid by the customer before such service is reconnected.

105.15 Past Due Accounts: All accounts not paid by the 20th of each month shall receive a card entitled DELINQUENT NOTICE advising the customer that utilities must be paid by the 15th of the month. Any account which has a balance forward from the previous month will receive a letter advising there will be one week allowed to bring the account up to date before service is disconnected. If no response is received, service will be disconnected without further notice and will not be restored until the account is paid in full plus a \$25.00 reconnect fee. Provided, however, that all industrial and commercial accounts are due by the 15th of the month.

105.16 Referral for Collection: Any customer who has received a final bill and has not paid by the 20th of the month will receive a letter advising they have thirty (30) days to pay the account before it is turned over to the Town Attorney or a collection agency for collection. If no response is received after thirty days, the account will be referred to the Town Attorney or the collection agency. The Town Attorney or the collection agency will be authorized to charge a fee, not to exceed fifty (50%) percent of the amount collected under five hundred (\$500.00) dollars and thirty-three and one-third (33 1/3%) percent of the amount collected over five hundred dollars (\$500.00).

If the Town Attorney or a collection agency is unable to recover the account in four (4) months and does not request additional time to pursue the account, then the account shall be returned to the Clerk-Treasurer and written off as a bad debt. All such accounts written off as bad debts shall be listed and presented to the Town Council for approval.

105.17 Filing of Liens: The sewage portion of those accounts which are returned to the Clerk-Treasurer as uncollectable shall be itemized and listed by name and address of the property involved. At least as often as annually, but not later than July 10th, the Clerk-Treasurer shall provide the County Auditor with a certified listing of the sewage accounts.

105.18 Residential Sub-Division

Where it is common practice of the Town of Electric Utility to provide primary electric service to residential sub-division developers at no cost to the developing contractor as long as this service is overhead, using poles and wires.

- A. The Town Electric Utility will provide underground electric primary service, if it is deemed feasible to the utility.
- B. The contractor agrees to pay the difference of the cost of overhead and underground service.

1. This cost will be an estimate of the charge for poles, transformers, wire, etc.
2. This charge may be pro-rated and paid on a per lot basis, to be paid as the lots are sold.
- C. The cost for secondary underground service is \$1.25 per running ft. with an 80 ft. minimum. This will be charged to the building contractor on a per lot basis.

105.100 Rules and Regulations on File A copy of all rates, rules and regulations under which service will be supplied is posted or filed for the convenience of the Public in the office of the Company.

105.101 Written Application or Contract Required A written application for service or properly executed contract may be required from Customers before the Company will be required to supply service. The Company shall have the right to reject any application or contract for valid reason. (See Application for Town of Bremen Water, Sewage, Electricity and Garbage Collection). When special construction or equipment expense is necessary to furnish service, the Company may require contracts for a suitable period of time and reasonable guarantees.

105.102 Modification of Contract No promises, agreements or representations of any agent of the Company shall be binding upon the Company unless the same shall have been incorporated in a written contract before such contract is signed and approved.

105.103 Access to Premises The properly authorized agents of the Company shall have the right to enter upon the premises of the Customer at all reasonable times for the purpose of inspecting, reading, testing, repairing or replacing the meter or meters, appliances and equipment used in connection with its service and removing the same on the termination of the contract or the discontinuance of the service.

105.104 Equipment Location Permit If the Customer is not the owner of the premises served or of intervening property between such premises and the Company's equipment, the Customer shall obtain from such owner, or owners, in form satisfactory to Company, such permits or easements as are, in the opinion of the Company, necessary for the installation and maintenance on such premises and on such intervening property, all poles, wires, or other equipment required for the supplying of electric service to the Customer.

105.105 Customer Billing

A. Payment of Bills

Bills will be issued and payable monthly and must be paid at an office or an established collection agency of the Company. If a bill is not paid within fifteen (15) days from the date mailed, the Customer shall be considered delinquent in payment, and the Company may, disconnect service. Failure to receive the bill shall not entitle the Customer to relief from the deferred payment provisions of the rate if he fails to make payment within said fifteen (15) day period, nor shall it affect the right of the Company to disconnect service for non-payment as above provided.

105.108 Deposit to Insure Payment of Bills

A. Applicable to Residential Customers

The Utility shall determine the credit worthiness of an applicant or customer in an equitable non-discriminatory method and may require a deposit of not less than

\$15.00 for a home owner and \$60. For a rental, to insure payment of bills.

B. Applicable to Commercial and Industrial Customers

The Utility may require from any applicant or customer, as a guarantee against the non-payment of bills, a cash deposit equal to the amount payable for service for a 60-day period as estimated by the Utility, but not less than \$50.00 for Commercial and \$100.00 for Industrial. In all cases, where the monthly amount payable is in excess of that covered by the deposit, the Utility may increase the amount of deposit required, but such deposit shall not exceed the estimated amount payable for a sixty-day period.

Any Customer who has failed to pay all charges for service rendered within the specified payment period may be required, upon five (5) days written notice, to make a cash deposit in the amount equal to an estimated charge for four billing periods for the remises served. If such cash deposit is not made within the five (5) day period, disconnection may be made.

The Town may, but shall not be required, to apply the customer's deposit to payment of electric bills or any other charge.

The deposit, where chargeable, shall be applied against the final bill when service has been terminated. Any outstanding credit balance shall be refunded to the Customer, and any outstanding debit balance shall be billed to the Customer.

Any deposits made by the Customer (less any lawful deductions) which has remained unclaimed for seven (7) years after the Town has made diligent efforts to locate the person who made such deposit or the heirs of such person, shall be presumed to be abandoned and treated in accordance with the laws of the State of Indiana.

105.109 Predication of Rates The Company's electric rates are predicated upon the supply of service to the Customer separately for each premises and for the ultimate usage of such separate premises. The combining of service of two or more separate classifications through a single meter, or of two or more premises, or of two or more separate living quarters of the same premises, will be permitted only under such rules and regulation as filed by the Company and approved by the Indiana Utility Regulatory Commission. (See Rules No. 11,12, and 13). An outlying or adjacent building of the Customer, if located on the same premises, may be served from the supply to the main residence or building, provided the use of such supply to the adjacent building is supplementary to the usage in the main building. "Premises" as herein used shall mean the main residence, or living quarter for the use of a single family or main building of a commercial Customer, and shall include the outlying or adjacent buildings used by the same provided the use of the service in the outlying or adjacent buildings is supplemental to the service used in the main residence or building.

105.110 Building Containing Two or More Separate Living Quarters

Where RESIDENTIAL service is supplied through one meter to an apartment house or to a building containing two or more separate living quarters,

A. the service shall be classed as Residential, in which case, for billing purposes, the blocks and minimum payment of the Residential rate shall be multiplied by the number of living quarter served through the meter;

- B. The Customer may arrange the wiring at his own expense, so as to separate the combined service and permit the Utility to install a separate meter for each separate living quarter. In each such case the readings of each such meter shall be billed separately on the Residential rate. In such case the wiring shall be arranged to provide for the grouping of all meters at the service entrance.

This rule has no application to rooming houses.

105.111 Combined Residential and Commercial Service Where both residential and commercial classes of service are supplied through one service and one meter to the same Customer on the same premises and where the principal use of energy will be for residential purposes, but a small amount of energy will be used for non-residential purposes, the Customer will be billed under the residential service rate only when the equipment for such non-residential use is within the capacity of one 120 volt, 30 ampere branch circuit (or is less than 3,000 watts capacity) and the non-residential equipment exceeds the above-stated maximum limit, the entire non-residential wiring may be separated from the residential wiring, so that the residential and non-residential loads may be metered separately. If the separation is accomplished, the residential and nonresidential consumption will be billed under the appropriate tariffs. In the event the Customer elects to not separate the residential and non-residential wiring, the total metered consumption will be billed under the appropriate general service tariff.

105.112 Resale of the Service Service will not be furnished under any schedule of the Company on file with the Commission to any Customer, applicant, or group of applicants desiring service with the intent or for the purpose of reselling any or all of such service.

105.113 Choice of Optional Rate Where optional rate schedules are available for the same class of service, the Customer shall designate the Schedule he desires. Where selection of the most favorable schedule is difficult to pre-determine, the customer will be given reasonable opportunity to change to another schedule, provided, however, that after one such change is made, the Customer may not make a further change, in schedule until twelve (12) months have elapsed.

The Company will, at the request of the Customer, assist the Customer in the choice of the schedule most advantageous to the Customer, but the Company does not guarantee that the Customer will at all times be served under the most favorable rate, nor will the Company make refunds representing the difference in charges between the rate under which service has actually been billed and another rate applicable to the same class of service; provided that if the if the customer is placed on an unfavorable rate through erroneous advise of the Company, the Customer shall be changed to the most advantageous rate immediately upon discovering such error.

105.114 Company Reserves the Right to Shut Off Supply The Company reserves the right to shut off the supply of all service to all or any part of the premises for any of the following reasons:

- A. if a condition dangerous or hazardous to life, physical safety or property exists; or
- B. upon order by any court, the Commission or other duly authorized public authority; or
- C. if fraudulent or unauthorized use of electricity is detected and the utility has

reasonable ground to believe the affected Customer is responsible for such use;
or

- D. if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected Customer is responsible for such tampering; or
- E. for violation of any of the Rules and Regulations applicable to the service; and
- F. for repairs; or
- G. for non-payment of bills;
- H. for want of supply; or
- I. for any lawful reason. Such discontinuance shall not, however, invalidate any contract and said Company shall have the right to enforce any contract notwithstanding such discontinuance.

A Customer may request that the Utility notify predesignated third party of an electric service disconnection notice issued to the Customer. Such request shall be made in writing in the form of a Third Party Designation Authorization. When requested, the Utility shall notify the predesignated third party, by mail, of the pending service disconnection at the time the Utility renders the disconnection notice to the Customer. The Utility may restrict the use of this Third Party Designation Authorization to its customers who are elderly, handicapped, ill, or otherwise unable to act upon a service disconnection notice, as determined by the Utility.

105.115 Failure of Meter Whenever it is discovered that a meter is not recording within the limits of accuracy, adjustment shall be made in accordance with such rules.

105.116 Company's Property and Protection Thereof All meters, or other appliances and equipment furnished by and at the expense of the Company, which may at any time be on or in the Customer's premises, shall, unless otherwise expressly provided, be and remain the property of the Company, and the Customer shall protect such property from loss or damage, and no one who is not an agent of the Company shall be permitted to remove said property or tamper therewith.

105.117 Interruption of Service, Etc. The Company shall not be responsible in damages for any failure to supply electric service or for interruption or reversal of the supply of electrical energy, or for defective wiring on the Customer's premises, or for damages resulting to a Customer or to third persons from the use of electricity or the presence of the Company's equipment on the Customer's premises, unless due to fault, neglect, or culpability on the part of the Company. Neither party shall be liable to the other for any failure or delay in case such failure or delay is caused by strikes, the Act of God, or unavoidable accidents or contingencies beyond its control and is not due to fault, neglect or culpability on its part.

105.118 Discontinuance of Service The Customer shall be responsible and pay for all electric service supplied to the Customer's premises until the third working day following the requested disconnection date given by the Customer at the office of the Company to discontinue service.

105.119 Month A "Month" means the period between any two consecutive regular readings by the Company of the meter or meters on the premises, such readings being taken as nearly as practicable every thirty (30) days.

105.120 Description of Service to be Furnished The Customer shall (upon request of the Company) provide the Company with the load and demand characteristics to be served. This information will be used by the Company to determine the character of the service and the conditions under which it will be served.

105.121 Extension of Distribution Lines and Services Upon proper application, the Company will provide necessary distribution and service facilities for rendering service. A contribution or minimum guarantee will be necessary when the estimated revenue for a two and one-half year period is less than the estimated cost of such facilities.

See Appendix A to Rule 22 attached "Rules and Procedures of Overhead or Underground Services."

105.122 Inside Wiring and Entrance Equipment Applicant for service must at their own expense equip their premises with all wiring and entrance equipment, all of which shall be constructed and maintained, subject to the approval of any authorized inspectors, and in accordance with the rules of the Company in force at the time. The Company shall be under no duty to inspect the wiring and equipment of the Customer.

The applicant shall at all times maintain the service entrance and the wires inside the building.

105.123 Location of Company Transformers, Meters, and Equipment When the form of service requires, the Customer shall provide free of expense to the Company, and at a location satisfactory to the Company, a suitable place for necessary transformers, meters, or other equipment which may be furnished by the Company.

105.124 Meters to be Installed by the Company The electrical energy, unless otherwise specified, shall be measured by a meter or meters of standard manufacture, installed by the Company.

If more than one meter is installed on different classes of service (each class being charged for at different rates), each meter shall be considered by itself in calculating the amount of any bills. Where building codes or other governmental regulation require a separate service for lighting or indicating exits of buildings, each meter shall be considered by itself in calculating the amount of any bills.

When for the convenience of the Company more than one meter is installed on the same class of service in the same premises for the same Customer, the sum of the registration shall in all cases be taken as the total registration.

105.125 Meter Testing The Company will test meters used for billing Customers in accordance with the IURC Rules and Regulations. A copy of these rules is on file at the Company's office.

105.127 Fraud, Theft or Unauthorized Use When the Company detects fraudulent or unauthorized use of electricity, or that the Company's regulating, measuring equipment or other service facilities have been tampered with, the Company may reasonably assume that the Customer or other user has benefited by such

fraudulent or unauthorized use or such tampering and, therefore, is responsible for payment of the reasonable cost of the service used during the period such fraudulent or unauthorized use or tampering occurred or is reasonably assumed to have occurred and is responsible for the cost of field calls and for the cost of effecting repairs necessitated by such use and/or tampering. In any event, the Company may make a charge for such out-of-pocket costs. Under circumstances of fraud, theft, unauthorized use of electricity, tamper or alteration of the Company's regulation, measuring equipment and/or other service facilities, the Company may disconnect service without notice and is not required to reconnect the service until a deposit and all the aforementioned charges, or an estimate of such charges are paid in full, subject to any provision of the Indiana Utility Regulatory Commission rules to the contrary. In the event of fraud, theft or unauthorized use of electricity which is not upon or connected with a Customer's premises, the ultimate user of the service shall be liable in the same manner as a Customer for electric service used, the incurred costs of field calls and the cost of effecting repairs, and disconnection without notice.

- 105.128 Charge for Non-sufficient Funds Checks A charge will be made to reimburse the Company for its cost in handling a check returned by any bank for non-sufficient funds, which charge shall be \$20.00.
- 105.129 Temporary Service An applicant for temporary service shall be required to pay the cost of labor and material required in connection with such installation in accordance with the Company's job work procedure. The applicable rate schedule shall apply for service provided that in cases where the required transformer capacity is more than 10 KVA, an additional charge of \$1.00 per month will be made for each KVA of transformer capacity required in excess of 10 KVA.
- 105.130 Notify Company Before Increasing Load The service connections, transformers, meters, and equipment supplied by the Company have definite capacity and no substantial addition to the equipment or connected load thereto will be allowed except upon written consent from the Company.
- 105.131 Exclusive Service on Installation Connected Except for emergency generating equipment approved by the Company, no other electric light or power serve shall be used by the customer on the same installation in conjunction with the Company's service, either by means of a "throw-over" switch or any other connection, except under a contract for auxiliary service. (see Rule 33)
- 105.132 Auxiliary Service Auxiliary Service is herein defined as electric service rendered by the Company to a Customer wherein such Customer's premises are supplied with electricity from a source of supply other than the Company, or whose electric requirements are wholly or partially at any time relieved by other power generating equipment. The Customer, where service is rendered under such circumstances, shall have the privilege of using the Company's electrical service as reserve or auxiliary service in connection with his alternative or other source of supply upon the conditions herein prescribed.
- A. Where total connected load to be supplied by Company's service does not exceed 15 kilowatts:
- A suitable contract shall be entered into with the Customer, listing the apparatus and connected load in kilowatts of the equipment to be supplied auxiliary service.

The Customer shall agree to pay for all energy used computed under any rate he shall select in effect for the location and for the class of service rendered, except that

the minimum monthly payment for such auxiliary service shall be calculated on the basis of \$10.00 per month for the first 3 kilowatts or less of total connected load and 3.00 per month for each additional kilowatt or fraction thereof of total connected load; provided, however, that the minimum monthly payment for such auxiliary service so calculated shall not in any case be less than the monthly minimum payment called for in the rate and contract.

For the purpose of determining the demand of the total connected load contracted for, the Company may install a demand meter which shall measure the highest average load in kilowatts occurring during any thirty (30) consecutive minutes of the month; provided, however, that if such load shall be less than fifty percent (50%) of the maximum momentary demand in kilowatts, then the maximum demand shall be taken at fifty percent (50%) of such maximum momentary demand; provided, further, that if the Customer's load is three-phase, the maximum demand shall not be less than eighty percent (80%) of the product of the actual voltage multiplied by the maximum amperes in any phase multiplied by 1.73. If such measured maximum demand exceeds the connected load contracted to be supplied with standby service, then such measured demand shall be used in calculating the minimum charge in the current and subsequent month's billing until exceeded by a higher measured demand.

The Company further reserves the right to require the Customer to provide, at his own expense, suitable apparatus to reasonably limit any intermittence or fluctuations of the Customer's requirement, where in the Company's judgment such apparatus is necessary to prevent undue interference with the service of the Company, and the Company further reserves the right to refuse, at any time, service where electric welding machines or other equipment producing high and intermittent fluctuations constitute a part of the Customer's connected load. Paralleled operations of the Company's and the Customer's electric generating equipment shall not be permitted hereunder.

The term of the contract shall be for a period of not less than one (1) year from the beginning of service thereunder. If the parties continue thereafter to furnish and accept the electrical service thereunder, it shall operate to renew and continue the service by yearly periods until canceled by sixty (60) days notice being given by one party to the other, prior to any such yearly expiration, of such party's election to discontinue the service.

B. Where total connected load to be supplied by Company's service exceeds 15 kilowatts:

In such cases, auxiliary service shall be furnished only upon execution of a special contract.

105.133 Load Reduction and Curtailment

A. Company Load Reduction During Fuel Shortages

This step will be taken by the Company when its fuel supplies are decreasing and the remaining fuel supplies are sufficient in its opinion for not more than approximately 60 days' operation of its generation facilities.

1. Company use of electric energy will be reduced in any way that will not jeopardize essential operations.
2. The Company will partially or fully terminate the availability of electric energy under the "Surplus Capacity" provisions of rates for "Industrial Power Service" or "General Service - Large Use".

B. Economic Dispatch During Curtailment

Fuel supply levels at the Company's generating stations will become a determinant in economic dispatch decisions in an effort to maintain a reasonable supply of fuel at all generating stations at the time the Indiana Utility regulatory Commission determines that a fuel emergency exists or at the time the Company is required to initiate either voluntary or mandatory curtailment under this plan. In the event of a decision to depart from economic dispatch, the Company shall file with the Commission its planned methodology and implementation for departing from economic dispatch. Economic dispatch shall be resumed on the conclusion of the emergency and/or voluntary or mandatory curtailment unless the Company is authorized by the Commission to continue its fuel conservation methodology beyond the period of the emergency and/or voluntary or mandatory curtailment.

C. Customer Voluntary Load Reduction During Fuel Shortages

If fuel supplies continue to decrease and the Company's remaining fuel supply is sufficient, in its opinion, for not more than 50 days' operation of its generating facilities, appeals to users will be made for the voluntary curtailment of load. Efforts would be made to obtain a decrease in usage of at least 15 percent.

1. Public appeals will be made by the Company through appropriate news media asking customers to reduce their use of electric energy by at least 15 percent because of the impending fuel shortage.
2. Direct appeals will be made by the Company to major industrial and commercial customers and to wholesale customers requesting them to shut off nonessential loads and curtail usage in an effort to obtain a 15 percent reduction.

D. Relief to Customers for Voluntary Load Reduction During Fuel Shortages

If an appeal has been made by the Company through appropriate news media or by direct appeal to the customer for voluntary electric energy reduction because of impending fuel shortage, the Company will reward those customers who do reduce their electrical consumption by suspending the minimum demand charge for the period of the requested voluntary curtailment. No relief from the minimum demand charge will be given for those customers who do not reduce their electrical consumption.

E. Mandatory Load Reduction During Fuel Shortage

If fuel supplies continue to decrease, and the Company's remaining fuel supply is sufficient, in its opinion, for not more than 40 days' operation of its generating facilities, mandatory curtailment will commence pursuant to Sections 134.6 through 134.14 hereof, unless the Company has achieved no less than a 10 percent reduction in daily kilowatt-hour usage on a consistent basis through voluntary curtailment. If a reduction of 10 percent or more has been achieved, mandatory curtailment may be deferred until a 30-day fuel supply remains.

F. Mandatory Curtailment, Limitation and Priorities of Service

When fuel supplies reach the levels specified in Section 134.5 or when for any reason sufficient amounts of electric power in the judgment of the Company are not available to the Company to meet all existing and reasonably anticipated demands for service or to protect the integrity and stability of the system, the Company shall have the right to restrict, limit, or curtail electric service within any

of its systems so affected in accordance with any of the provisions of this Rule.

G. Definitions

For the purpose of this Rule, the following terms shall have the following meanings:

1. **Human Needs Requirements**

Human needs requirements for electricity shall consist of only that portion of the electrical requirements of customers which are essential to preserve and maintain the public health, safety and welfare as determined by the Company, including the following requirement:

- a. Minimum essential requirements of hospitals, medical centers, medical products and supplies, doctor's offices, nursing homes, and life support equipment, such as Kidney machines and respirators.
- b. Minimum essential requirements of fire departments, police departments, civil defense and emergency Red Cross services.
- c. Minimum essential requirements of those customers engaged in the production, distribution, and storage of essential dairy products, meat, fish, poultry, eggs, fresh produce, bread, rolls and buns (including the raw materials to manufacture bread, rolls and buns) to be prepared and consumed by humans.
- d. Minimum essential requirements of those customers engaged in the production, distribution and storage of essential feed which will be fed to livestock and poultry.
- e. Minimum essential water, sewerage, and communication facilities.
- f. Minimum essential requirements of facilities used for the production, transportation, and distribution of essential energy supplies.
- g. Any other use of electricity which is essential to public health, safety, and welfare as determined by the Company.

2. **Residential Customers**

Residential customers shall be residential dwellings, mobile homes, apartments or condominiums.

3. **Commercial Customers**

Commercial customers shall be customers engaged primarily in wholesale or retail trade and services including clubs, institutions, and local, state and federal governmental agencies.

4. **Industrial Customers**

Industrial customers shall be customers who are engaged primarily in a process that creates or changes raw or unfinished materials into another form or product.

5. **Service Obligation**

Service Obligation shall be the smaller of the following:

- a. KW demand specified in the customer' contract for electrical service;
- b. Largest metered demand (peak period demand for customers served on rates designating peak periods) in the previous 12 months. If no such demand information is available, an estimate will be used determined by dividing the KWH in the maximum usage month in the previous 12 months by 200 hours. Adjustments may be made for customers with change circumstances that have caused the present 12-month usage to be non-representative of current usage.

6. **Living Quarters**

Living quarters as used in Service Priority Class II shall mean hotels, motels, dormitories and similar dwelling places.

7. **General Service Customers**

Commercial and Industrial customers served on one of the "General Service" rates.

8. **Base Monthly Consumption**

Base monthly consumption will be the customer's average billing month usage based upon the three (3) month period in the prior year which corresponds to the billing month being curtailed and the immediately preceding and succeeding months. Adjustments may be made for customers with changed circumstances that have caused the prior year's usage during the period to be non-representative of current usage during the period.

9. **New Customers**

The service obligation and the base monthly consumption for a new customer with less than 12 months' service history shall be estimated by the Company.

10. **Days of Fuel Supply**

As used in this plan, the number of days fuel supply will be determined by the Company after considering the following and such other factors as it deems pertinent:

- a. Amount of fuel in inventory.
- b. Projected availability of additional fuel
- c. Projected availability of electric energy from interconnected utilities.
- d. Projected use by customers.

H. **Emergency Curtailment Without Regard to Priority**

Priority of service, in the event of mandatory curtailment, shall be as set forth below. The highest priority is Service Priority Class I and the lowest priority of service is Service Priority Class IX.

I. **Service Priority Class**

- I Human Needs

- II Residential, living quarters, commercial and industrial customers with a service obligation of 50 KW or less
- III General Service customers with a service obligation of more than 50 KW but less than 500 KW and Class VIII customers after initial curtailment
- IV General Service customers with a service obligation of 500 KW but less than 1,000 KW
- V General Service customers with a service obligation 1,000 KW but less than 3,000 KW
- VI General Service customers with a service obligation of 3,000 KW but less than 10,000 KW
- VII General Service customers with a service obligation of 10,000 KW or more and all customers served on "Industrial Power Service" rates
- VIII Schools, colleges, universities and other educational institutions, night-time sports entertainment and recreational activities
- IX "Surplus Capacity" customers

J. Mandatory Curtailment Procedure

Curtailment, unless pursuant to 134.8, shall begin with Service Priority Class VIII and IX and continue as necessary through Service Priority Classes VII, VI, V, IV, III, II, and I as follows:

1. Telephone calls, confirmed by written notice, shall be give to service Priority Class IX customers to fully (100) percent) curtail such service.
2. Public notice, by press release, shall be given to Service Priority Class VIII customers to curtail their electric requirement to 60 percent of their service obligation or base monthly consumption, whichever is applicable.
3. After notice is given to Service Priority Class VIII and IX curtailment will commence in Service Priority Class VII and continue until a service level is reached of not more than 90 percent but not less than 80 percent of service obligation or base monthly consumption, whichever is applicable. If further curtailment is necessary, curtailment will commence and proceed sequentially as necessary through Service Priority Classes VI, V, IV, III, and II, provided that the curtailment to each succeeding lower numbered Service Priority Class shall be at least 10 percent but not more than 20 percent less than the next higher numbered Service Priority Class beginning with Service Priority Class VII. Customers in Class VIII shall be further curtailed with Class III customers as the curtailment level of Service Priority Class III reaches 60 percent.
4. When Service Priority Class VII is curtailed to a level of 35 percent of service obligation or base monthly consumption, any further necessary curtailments shall be made from next succeeding Service Priority Classes, beginning with Service Priority Class VI, until each class through Service Priority Class II reaches 35 percent level, provided that each reduction, until a Service Priority Class shall be curtailed to the 35 percent level, shall maintain the interval of at least 10 percent but not more than 20 percent between succeeding Service Priority Classes.
5. After Service Priority Classes VII, Vi, V, IV, III, and II are curtailed to a level of not

more than 35 percent of service obligation or base monthly consumption, Service Priority Classes VII through II, both inclusive, will be further curtailed by equal percentages until full (100 percent) curtailment occurs.

6. After Service Priority Classes VII, VI, V, IV, III, and II are in full (100 percent) curtailment, curtailment shall commence in Service Priority Class I as necessary.

EXCEPT as provided in Sections 134.10, 1 and 134.01,2., the Company will give notice of curtailment in the most effective manner possible and as much in advance as possible with regard to the exigencies and the number of customers to be notified. The curtailment shall be effective as of the time and date specified in the notice.

K. Curtailment by Short-Term Service Interruption

In the event mandatory curtailment is imposed, as above provided, the Company, in addition may employ, for not more than two (2) hours duration at any one time selective short-term service interruptions by operation on a rotational basis of distribution switching equipment to effect the necessary curtailment in one or more service priority classes. Customers so interrupted shall be deemed to have complied with the specific curtailment ordered at that time and accordingly will not be subject to the penalty provision of Section 34.13 A and B.

L. Restoration of Service

Service shall be restored in the reverse order of the original curtailment.

M. Penalty for Non-Compliance

1. Demand use in excess of that permitted under curtailment shall be subject to \$22.62 per KW per calendar day penalty, in addition to normal billing charges for all electric service taken in excess of mandatory curtailment limitations.
2. Energy use in excess of the permitted under curtailment shall be subject to a 12 cent per KWH penalty, in addition to normal billing charges, for all electric energy taken in excess of mandatory curtailment limitations.
3. Penalty charges collected hereunder shall be segregated in a separate account, and may be expended only for (i) pollution, or (ii) costs of research and development.
4. Customers failing to comply with the specified curtailment for more than a seven (7) day period will be subject to disconnection for the duration of the emergency.

N. Applicability

The terms and provisions of this Rule shall control notwithstanding any terms and provisions of rate schedules, General Rules and Regulations of the Company, or an contract or agreement between the Company and any customer to the contrary.

- 105.134 Emergency Curtailment Without Regard to Priority The Company reserves the right to order electric service curtailment without regard to the priority of service when in its judgment such curtailment is required to forestall imminent and irreparable injury to life, property, or the electric system. Curtailment may include interruption of selected distribution circuits. A curtailment pursuant to this

Rule shall not exceed 72 consecutive hours but may be extended by Order of the Indiana Utility Regulatory Commission.

105.135 Customer Equipment Where any of the Customer's utilization equipment has characteristics which, in the Company's judgment, may cause interference with service to other Customers or result in operation at a low power factor, the Customer shall, at the request of the Company, provide suitable facilities to preclude such interference or improve such power factor, or both, as the case may be. Otherwise, the Company shall have the right to provide, at the expense of the Customer, the facilities necessary to preclude such condition or conditions.

105.136 Voltages The standard nominal distribution service voltages within the service area of the Company are:

<u>Secondary</u>		<u>Primary</u>	
<u>Single Phase</u>	<u>Transmission Three Phase</u>	<u>Three Phase</u>	<u>Three Phase</u>
120/240 volts	120/208 volts	4,330/2,500	34,500 volts
120/208 volts		240 volts	12,470/7,200
69,000 volts			
277/480 volts	138,000 volts		
480 volts			

105.137 None

105.138 None

105.139 None

105.140 Excess Facilities Unless otherwise provided for the Rate Schedule:

- (1) the Company will furnish as a normal installation, facilities adequate to supply service at a single point of delivery,
- (2) each normal installation shall include, where necessary, facilities for one standard transformation, and
- (3) the Company will furnish as a normal metering installation meters adequate to measure at a single point of delivery the demand and energy consumption of the entire premises, the type of such meter to be determined by the Company.

In the event service facilities in excess of a normal installation are requested by the Customer or are required to serve the Customer's load, the Company, subject to rule currently approved by the Indiana Utility Regulatory Commission, shall determine whether to extend facilities therefore, and if so, the Company shall furnish, install, and maintain such facilities, subject to the following conditions and such others as are reasonably necessary due to special conditions of service:

- (a) The type, extent, and location of such service facilities shall be determined by the agreement between the Company and the Customer.
- (b) Such service facilities shall be the property of the Company.
- (c) The Customer shall agree to pay to the Company a monthly rental equal to two percent (2%) of the estimated installed cost of the excess facilities.

- (d) The monthly rental shall be appropriately adjusted if a change is made in the excess facilities provided by the Company.

105.141 Electric Service to Mobile Home Parks

A. **Permanency**

The Park must be of a permanent nature and conform to all codes and ordinances applicable to Mobile Home Parks.

B. **Contract**

The park shall enter into a contract for an initial term of two and one-half years, and such contract shall continue thereafter until canceled by either party giving to the other 60 days' prior written notice of the termination of such contract at the end of the initial period or any extension thereafter.

C. **Easement**

The Park shall grant to the Company an easement and right-of-way, in form and substance satisfactory to Counsel for the Company, for the construction, maintenance, operation, repair, replacement or renewal of the electric lines as are or may be hereafter required to furnish electric service hereunder and removal of same. Free access shall be provided to read meters. The Park shall grade that portion of the easement that will accommodate any underground facilities to within 3 inches of final grade before the Company will install any underground facilities.

D. **Minimum Payments**

The Park shall guarantee monthly or annual minimum payments in such amounts that the total guaranteed revenue for the first two and one-half years of service will equal the cost of the Company of providing the service. If, during the initial 2-1/2 years of service, the Park desires to expand, and the Company provides the service to said expansion, the cost of the original service, less revenue received up to but not exceeding the total amount guaranteed for the term of the original contract, shall be added to the cost of service to said expansion and the Park shall guarantee new monthly or annual minimum payments in such amounts that the total guaranteed revenue for the first 2-1/2 years of service to the expanded Park will equal the cost to the Company of installing the facilities to provide the service. Said expansion shall be continuous to the existing Park.

E. **Facilities to be supplied by Company**

Upon Park's compliance with the foregoing paragraphs, the Company will provide facilities in accordance with the following:

1. **Overhead Facilities**

The Company shall provide, own, install and maintain electric distribution facilities consisting of poles supporting primary conductors, those poles supporting secondary conductors not previously installed by the Park, secondary conductors with supporting racks, transformers, service droop wires extending to the service raceway or entrance run of the metering locations, and all meters for each park site.

2. Underground Facilities

The Company shall provide, own, install and maintain distribution facilities consisting of primary feeders, pad-mounted transformers and foundations, secondary feeders and appurtenances if any, service laterals extending to the metering locations, such rigid or flexible conduit crossing under public thoroughfares and dedicated easements, if any, as necessitated by standard construction requirements and all meters for each park site.

3. Overhead to Underground Service Facilities

If the Park desires underground electric service from existing or planned overhead facilities, the Company will install underground service lines from the overhead facilities to the metering location.

4. Special Facilities

Any Park desiring electric facilities differing from the above shall obtain the Company's prior approval for such facilities.

5. Location of Facilities

A sketch of the Park showing the location of facilities to be installed by the Company shall be attached to the contract and marked "Exhibit A".

F. Facilities to be Supplied by Park

The Park shall provide, own, install and maintain the following: (1) all facilities for mounting meter sockets; (2) all fused switches or circuit breakers; (3) all service raceways or entrance runs; (4) all power-supply cable from the metering location to each mobile home site; and (5) all service entrance conductors in the case of an overhead service.

The Park may obtain individual meter sockets furnished by the Company or may at its option purchase Company approved meter mounting equipment, but in any case installation shall be by the Park at its expense.

All facilities installed by the Park shall conform to the rules and requirements of the Company and any local code in effect in the area.

G. Meter Protection

The park shall provide substantial protection against physical damage satisfactory to the Company for all meters installed in the Park.

H. System Protection

The Park shall keep the electric distribution system free and clear of any obstruction that will interfere with the proper operation or maintenance of the system.

I. Relocation of Facilities

When, in the judgment of the Company, relocation of facilities becomes necessary because of a change in the Park's operation or construction, or if relocation is requested by the Park, the Company will move such facilities at the Park's expense. In such instances, said facilities will be moved to a location provided by the Park and acceptable to the Company.

J. Rate

Electric service will be supplied to each single occupancy dwelling unit under the

applicable residential rate. Service to other Park load will be supplied to the Park under the applicable General Service Rate.

K. Mobile Home Wiring

All mobile home wiring shall meet the Standards of the National Electrical Code for Mobile Homes and Travel Trailer (NEC No. 550 and 551).

L. Resale of Electric Service

The Park shall not resell the electric service as supplied to any park site occupant (see Rule 13). A charge by the Park to such an occupant for electric service supplied to amount equal to the Company's billing to the Park for such electric service supplied to and used by said occupant shall not be considered a resale hereunder.

M. Lot Identification

The Park shall provide and use in said Park a system of street and/or lot numbering satisfactory to the Company so that the location of the Company's meters with respect to each individual lot may be readily determined and so that United States Mail may be properly addressed and delivered to each tenant. Each meter socket shall be identified with the lot number it served.

105.200 Underground Electrical Service:

A. Single Phase 120/240 Volt - 100 ampere service:

The Bremen Electric Light & Power Co. hereafter called the company, will:

1. Dig and back fill the trench for the cable.
2. Provide the cable from the company's distribution lines to the meter on the structure. If the meter is not installed on the structure, the cable will be provided to the service entrance switch.
3. Provide all materials needed except the following:
 - a. Conduit used on the structure.
 - b. Multi-position meter mounting devises.
 - c. Conduit fittings used on the structure.

The charges for the above service will be as follows:

One Dollar (\$1.00) per running foot of trench from the company's pole or pad mount transformer to the point of entrance of the cable into the structure receiving the electrical service. For runs of less than eighty feet, a minimum of eighty dollars (\$80.00) will be charged

B. Single Phase 120/240 Volt - 200 ampere service:

The Company will provide the same services and materials as previously stated for 100 ampere service.

The Charges for 200 ampere electrical services installed underground shall be as follows:

One dollar and twenty five cents (\$1.25) per running foot of trench from the Company's pole or pad mount transformer to the point of entrance of the cable into the structure receiving the electrical service. For runs of less than eighty (80) feet, a minimum of one hundred dollars (\$100.00) will be charged.

C. Single Phase 120/240 Volt - 400 ampere service:

The Company will provide the same services and materials as previously stated for 100 & 200 ampere services.

The charges for 400 ampere electrical services installed underground shall be as follows:

Two dollars and fifty cents (\$2.50) per running foot of trench from the Company's pole or pad mount transformer to the point of entrance of the cables into the structure receiving the electrical service. For runs of less than eighty (80) feet, a minimum of two hundred dollars (\$200.00) will be charged.

D. Single Phase 120/240 Volt - In excess of 400 amperes:

If a customer desires single phase service in excess of 400 amperes, the Company will supply the installation and trench from the pole or pad mount transformer to the customer's structure and the customer will supply the cable. The Company's charge will be based on the actual cost of labor and equipment used to make the installation.

E. Three Phase Service - 200 ampere maximum:

The Company will provide the same services and materials as previously stated for 100 and 200 ampere single phase services.

The charge for 200 ampere Three Phase service will be based on time and material used to make the installation.

For Three Phase service in excess of 200 ampere, the Company will supply the installation and trench from the pole or pad mount transformer to the customer's structure and the customer will supply the cable. The Company's charge will be based on the actual cost of labor and equipment used to make the installation.

105.210 Relocation of Transformer Bank Whenever a customer of the Bremen Municipal Electric Utility requests relocation of the power transformer bank installation for any reason, the following conditions will apply:

1. The Bremen Municipal Electric Utility shall have the right to decide whether the new location chosen by the customer is readily accessible to the Utility's personnel and equipment to perform routine and emergency repairs, including replacement of transformers, poles and protective devices.
2. The Bremen Municipal Electric Utility, upon agreement with the customer on the new location, shall perform the work of moving the power transformer bank installation. The customer must furnish the concrete pad and fencing at the new location if a pad and fencing is required.
3. The customer must give the utility at least 30 days notice of their intention to have the installation moved and an adequate time that is agreeable to the Utility to perform the work of removing and re-installing the power transformer bank at the

new location.

4. All costs involved in moving the transformer installation shall be borne by the customer requesting the relocation and if not paid within thirty days after the billing date, the costs involved shall be added to their monthly power bill.
5. The customer must understand that, in order to move the installation, it will be necessary to completely disconnect all power to their facilities while the installation is being moved.
6. The Utility's personnel will perform the work of moving the power transformer bank installation as expeditiously as possible, but the Bremen Municipal Electric Utility cannot be held responsible for any delays caused by adverse weather conditions, breakdowns of equipment or any other unusual events occurring that might cause the completion of the project to be delayed beyond the time estimated for completion.

APPENDIX "C"

BREMEN ELECTRIC LIGHT & POWER CO.
CUSTOMER CONTRACT FOR ELECTRIC LIGHT & POWER SERVICE

The Bremen Electric Light & Power Company, hereafter called the company
agrees to furnish electric light and power service according to the provisions of the current
rates and schedules of the company to _____
Customer

The customer hereby agrees to abide by the provisions of the company's current rates
and schedules. The customer further agrees to reimburse the company for the
company's investment in transformers, metering and all other equipment and
materials necessary to provide electric light and power service to the customer,
under the following conditions:

In the event that the customer discontinues electric light and power service from the
company, before the customer has been billed and has paid an amount that
would equal the company's investment to provide service, over and above the
amount the company has paid to it's supplier for power used by the customer.

To determine this amount, the following formula shall be used.:

All KWHrs. billed to the customer and paid by the customer, multiplied by \$0.003. If this
amount is less than the company's investment, then the customer shall
re-imburse the company for the difference at the time electric service is
discontinued.

Signed _____
Company Officer

Signed _____
Clerk-Treasurer,
Town of Bremen

CHAPTER 106 - CEMETERIES

106.01 Creation of Cemetery Board. There is hereby created a Board for the Bremen Cemetery which shall be known as the "Bremen Cemetery Board".

106.02 Board - Number of Members and Qualifications. The said Cemetery Board shall consist of three (3) members appointed by the Bremen Town Council from lot owners of said cemetery residing in the Town of Bremen, State of Indiana, provided that the Clerk-Treasurer of said Town shall be one of the members of said Board by virtue of his office regardless of whether or not he possesses the other qualifications hereinbefore set forth.

106.03 Board - Officers. The officers of the said Cemetery Board shall consist of a Chairman, Vice-Chairman, and a Secretary Treasurer, provided, however, that the Office of Secretary-Treasurer shall be held by one person and the same shall be held by the Clerk-Treasurer of the Town of Bremen.

106.04 Board - Duties. The duties of the said Cemetery Board shall be the control and management of the affairs of the Bremen Cemetery, subject to the directives of the Bremen Town Council from time to time given to said Cemetery Board and consistent with the rules, regulations, ordinances and resolutions of said Town applicable to the control and management and operation of the Bremen Cemetery.

The duties of the officers of the Board shall be as follows:

The Chairman shall preside at all meetings of the Cemetery Board and conduct all proceedings before the said Board, and execute with the Secretary-Treasurer for said Town, deeds of conveyance to cemetery real estate.

The Vice-Chairman shall, in the absence of the Chairman, assume all of the duties of the Chairman.

The Secretary-Treasurer shall prepare and submit to the Town Council of said Town all reports required by said Town Council of said Town, shall pass on the approval of all applications for burial permits, (See Opening Grave of:), and issue said permits on behalf of the Town, shall with the Chairman for said Town execute deeds of conveyance to cemetery real estate, shall receive and accept, for said Town, all payments respecting said cemetery matters, shall keep and maintain accounts and records as from time to time required by the Town Council of said Town, and the State of Indiana respecting Town Cemeteries, shall keep and maintain a plat of said Bremen Cemetery and record all burial permits, and shall keep and maintain a record of the names and addresses of all persons to whom burial permits have been issued and to whom deeds of conveyance or transfers of such deeds have been made, and shall perform such other duties as may from time to time be assigned or delegated to such Secretary-Treasurer by the Town Council of such Town respecting cemetery matters.

106.05 Meetings. The Cemetery Board shall hold meetings from time to time throughout the year whenever it is deemed necessary to conduct the business of the cemetery.

106.06 Reports. The Cemetery Board shall require the cemetery superintendent to prepare an annual report concerning the activities and business of the cemetery to be submitted to the Bremen Town Council as soon as possible after the last Town Council meeting of the year.

106.07 Board - Compensation. The Bremen Cemetery Board shall receive no compensation for their service on the Cemetery Board.

106.08 Perpetual Care. There is hereby created, ratified and confirmed a permanent maintenance cemetery fund or perpetual care fund for the Bremen Cemetery which fund shall be maintained and kept as a separate fund. Any part of the proceeds, not exceeding seventy-five percent (75%) thereof, derived from the sale of cemetery property within said cemetery may be set aside to be and to constitute the permanent maintenance or perpetual care fund, the income from which shall be added to and become a part of said fund until such time as the revenue from the sale of cemetery property and other income from such cemetery shall cease to be sufficient to meet the expenses of the maintenance, care and upkeep of such cemetery, after which the income derived from such fund and its accretions shall be used in whole or in part, as the needs of the cemetery may require, and to appropriation by the Town Council of said Town as other funds are appropriated. The Town Council of said Town shall from time to time by Council action establish the limitations with respect to the sale of real estate within said cemetery and the sale price thereof and the percent of monies to be set over to said permanent maintenance cemetery fund or perpetual care fund, provided, that until changed by said Council, all lots sold in said cemetery shall contain the restrictions on use as hereinafter set forth.

106.09 Cemetery Area. The Bremen Cemetery is known and consists of the Old Cemetery, Yockey's Addition, Vollmer and Sauer's First Addition, Vollmer and Sauer's Second Addition, Balsley's Addition, Balsley's Second Addition, Meyers Addition, Chapel View Addition, Cox Addition, Bowen Addition and Keyser Addition. The complete legal description and platting of which is on record in the Office of the Clerk-Treasurer of the Town of Bremen.

106.10 Bremen Cemetery Restrictions. Each lot or part thereof in the Bremen Cemetery shall be, and hereby is, subject to the following conditions and limitations and with the privileges specified as follows to-wit:

1. Before any foundations are constructed for monuments and markers, the contractor constructing the foundation shall first submit a foundation plan to the cemetery sexton for approval.
2. All monument foundations shall be constructed of concrete and shall extend a minimum of Thirty (30) inches below grade. All four sides shall be straight and vertical. Aprons shall be flush with the ground and normally extend six (6) inches from the outside of the nearest portion of the monument erected above the ground unless otherwise directed by the cemetery sexton to change the width to other than six (6) inches.
3. All marker foundations shall be constructed of concrete and shall extend a minimum of Twenty (20) inches below and flush with the grade. All four sides shall be straight and vertical.
4. All markers shall be placed with the front side thereof flush with the West lot line of any grave and flush with the ground and there shall not be more than one marker on each grave. The term "marker" as used herein shall be deemed to mean any head or grave identification of bronze, granite, marble, stone and the like. Any other man-made object placed on a grave or lot shall be construed to be a monument.
5. Not more than one monument or one pondering bench shall be permitted on any

- one grave, such monument shall be placed either flush with the West lot line of any such lot and shall be erected only upon a concrete foundation and apron.
6. Not more than two inverted type, permanent flower vases may be set next to a marker or a monument and when the flowers have withered or become stale, the same may be removed by the proper cemetery authority and the cover on the inverted type flower vase may be put on, which cover shall stand flush with the ground.
 7. No markers, concrete aprons, flower vases, monuments or planting of any nature whatsoever shall be set or installed until the approval of the proper cemetery authority has been given consistent with the terms hereof.
 8. The grantor hereby expressly agrees to keep and maintain a complete permanent record of the title to all graves and lots in said cemetery and the grantor covenants that said real estate is free and clear of all liens and encumbrances.
 9. The above named grantees, their heirs, successors, and assigns are hereby given a perpetual right to the free use of the passageways of the entire cemetery together with the right to use the other facilities that are now or may hereafter be erected in said cemetery for use by the owners of real estate within said cemetery or the general public, provided that any user thereof shall so do as not to interfere with the rights of other owners of real estate therein and consistent with the rules and regulations now or hereafter adopted respecting the maintenance, operation and control of said cemetery.
 10. Burial of any animals shall not be allowed in the Bremen Cemetery.
 11. No more than two cremation burials shall be allowed on any single grave.

It is understood and agreed that each of the foregoing conditions, limitations, and provisions constitute a covenant running with the land and shall be binding upon each direct or subsequent purchaser by the within procedure and a breach by such

purchasers or grantees shall entitle the grantor, its successors or assigns to the possession of said real estate herein conveyed and it is hereby expressly agreed that as a part of the consideration for the above purchase of said real estate all other real estate in said cemetery shall be sold and transferred under the same provisions and conditions as herein set out.

- 106.11 Sale of Cemetery Real Estate. Any person purchasing any real estate in said Balsley's Addition shall be given a Bremen Cemetery Balsley's Addition Deed to said real estate executed on behalf of the Town by the Chairman and the Secretary of the Bremen Cemetery Board and such deed shall contain all of the above set forth conditions, restrictions, privileges and limitations, numbered one (1) through ten (10).
- 106.12 Bequests and Donations. Any gifts, donations, bequests or devises of money or property, real or personal, for the use of the Bremen Cemetery may be received and accepted for and on behalf of said cemetery by the Town Council of said Town, and any such so received and accepted or any interest or income derived there from shall be used in the same manner as proceeds from the sale of burial permits and lots as hereinbefore set forth; provided, however, that any such gifts, donations, bequests or devises of money or property, real or personal, received and accepted for the use of a particular lot or plat of real estate in said cemetery, shall be used for the care and maintenance of such particular lot or real estate and for no other purpose.

106.13 Grave Fees.

Price		
<u>Grave (Full Size)</u>	\$200	
<u>Infant Grave</u>	\$60	Price
<u>Grave Opening</u>		
RESIDENTS OF BREMEN AND PROPERTY TAX PAYER**		
Monday-Friday	\$175	
Saturday 9am-12noon	\$275	
Saturday after 12 noon	\$350	
Sundays & Holidays	\$350	
NON-RESIDENTS		
Monday-Friday	\$550	
Saturday 9 am-12 noon	\$750	
Saturday after 12 noon	\$900	
Sundays & Holidays	\$900	
<u>Infant Opening</u>		
Monday-Friday	\$100	
Saturday 9am-12 noon	\$200	
Saturday after 12 noon	\$250	
Sundays & Holidays	\$250	
<u>Cremation Opening (In ground)</u>		
Monday-Friday	\$100	
Saturday 9am-12 noon	\$200	
Saturday after 12 noon	\$250	
Sundays & Holidays	\$250	

Additional \$50.00 after 3:00 p.m. arrival.

** Residents of Bremen and Property Tax Payer (owner) on a parcel inside the Corporate limits of the Town of Bremen.

106.14 Selection of Grave Sites. The purchaser of four (4) or more lots shall be entitled to select the location or site of the lots purchased, provided, however, that the Cemetery Board reserves the right to choose the site where less than four (4) graves are purchased.

106.15 Pauper Section. The Cemetery Board shall have the authority to designate a special section reserved for paupers and to adopt rules and regulations for that section.

106.16 Infant Section. The Cemetery Board shall have the authority to designate a special section reserved for burial of infants (defined as children under two years of age) and to adopt rules and regulations for that section. An infant grave shall be one-fourth the size of a regular grave and all markers shall be six (6) inches by ten (10) inches with a three (3) inch wash border and shall be flush with the ground.

106.17 Time When Burials Are Permitted. It shall be the established policy of the Bremen Cemetery Board that all burials at the Bremen Cemetery shall take place during the following hours: April through September - 9:00 a.m. to 4:00 p.m. (EST) and October through March - 9:00 a.m. to 3:30 p.m. (EST).

106.18 Disinterment and Reinterment. It shall be the established policy of the Bremen Cemetery Board that anyone wishing to have the remains of a relative disinterred and reinterred at another location in the Bremen Cemetery or elsewhere, shall contract with a private firm having the proper equipment and experience to perform this service.

The firm providing this service shall notify the Bremen Cemetery Board of their intention of moving the remains, and provide a signed letter or contract from the relative desiring this service. The firm providing this service shall be under the direct supervision of the Bremen Cemetery Sexton and shall restore all areas of the Cemetery disturbed, back to their original condition.

106.19 Indigent Burial Policy It shall be the policy of the Bremen Cemetery to furnish without charge, a grave site for a deceased indigent person, who was a resident of Bremen at the time of death or a former resident of Bremen who was residing in a health care facility or a county facility for indigent at the time of death. In order to qualify, the former resident must have moved from Bremen to one of the above facilities prior to becoming deceased. The Bremen Cemetery charges for grave openings and closing shall apply and be billed to the proper authority that is responsible for the indigent's other funeral and burial expenses.

106.20 Chapel Use. The chapel will be available for graveside services at the Bremen Cemetery without charge. Use of the chapel for graveside services shall be mandatory, when in the opinion of the Bremen Cemetery Sexton, adverse conditions, weather or otherwise, shall warrant such use.

106.21 Mausoleum Fees for Bremen Residents & Property Tax Payer**

Put into <u>Fund</u>	<u>Price</u>	Amt. put into		Name <u>Fund</u>	Amt. <u>Debt Service</u>
		Perpetual <u>Care Fund</u>			
<u>Chapel Crypts Rows 2 & 3</u>		\$2,850	-	\$85	\$180
					\$2,585
<u>Chapel Crypts Rows 1 & 4</u>		\$2,650		\$85	\$180
					\$2,385
<u>Outside Crypts Rows 2 & 3</u>		\$2,050		\$85	\$180
					\$1,785
<u>Outside Crypts Rows 1 & 4</u>		\$1,850		\$85	\$180
					\$1,585
<u>Niches All Rows</u>		\$320		\$135	\$100
					\$85

Crypt Openings

Monday-Friday	\$ 100
Saturday	\$ 200
Sundays & Holidays	\$ 300

Niche Openings

Monday-Friday	\$ 50
Saturday	\$ 150
Sundays & Holidays	\$ 200

NON-RESIDENT OP/CL

Crypt Openings

Monday-Friday	\$ 300
Saturday	\$ 400
Sundays & Holidays	\$ 500

Niche Openings

Monday-Friday	\$ 250
Saturday	\$ 350
Sundays & Holidays	\$ 450

** Residents of Bremen and Property Tax Payer (owner) on a parcel inside the Corporate limits of the Town of Bremen.

Vases with brackets for Mausoleum

Outside Crypt - brown plastic vase	Cost plus tax
Inside Crypt - brass vase	Cost plus tax
Niche - brass vase	Cost plus tax

Additional \$50. for any services started after 3:00 p.m.

106.22 Sale of Crypts on contract. The Bremen Town Council has authorized the sale of crypts on contract, pursuant to Resolution No. 92-18 and the terms attached and marked Exhibit "A". This resolution allows for the purchase of a crypt or crypts over a period of 24 or 36 months.

106.23 Crypt & Niche identification. All crypts & niches shall be identified with a brass name plate furnished by the Town of Bremen when the crypt is purchased. A name plate allowance of \$115.00 shall be included in the price of each crypt purchased and a name plate allowance of \$65.00 shall be included in the price of each niche purchased. Any name plate costs in excess of the above named allowances shall be added to the purchase price of each crypt or niche and all such excess costs shall be borne by the purchaser of the crypt(s) or niche(s). No other name plates or inscriptions shall be allowed unless a marker is issued by a governmental agency.

106.24 Crypt & Niche flower vases. Flower vases for crypts & niches can be purchased from the Town of Bremen.

106.25 Mausoleum site restrictions. Embalming is required for all crypt interments. Crypts & niches may be decorated with flowers only. No other ornaments, statues, pictures or other decorations shall be allowed around or in the mausoleum or chapel.

106.26 Chapel door keys. A chapel door key shall be furnished by the Town of Bremen, without charge, to anyone purchasing a chapel crypt.

CHAPTER 107 - TOWN STORM WATER SYSTEM

- 107.01 Department of Storm Water Management. There is hereby created a Department of Storm Water Management which shall be responsible to the Town Council for the operation of the Town's Storm Water System.
- 107.02 Powers. The Council shall have all powers necessary for the custody, management and operation of said utility under the provision of IC 18-1-21 et seq., and amendments thereto.
- 107.03 Personnel. The Council shall appoint such personnel to said utility as deemed necessary.
- 107.04 Storm Water Fund. There is hereby established a Storm Water Fund into which the Clerk-Treasurer shall pay over funds raised by taxes. The funds thus paid into the Fund shall be appropriated as provided by the Indiana Code and the Town Council.