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CH9 - PUBLIC SAFETY

CH9 9 .1 - Open Burning Restrictions

"WHEREAS, the Town Council of the Town of Lapel, Indiana, feels it to be in the best interest of the Town of Lapel and the citizens thereof for the Town Council to adopt in its entirety Article 4, Rule 1 of 326 IA. 5-1-1 et seq restricting open burning inside the corporate limits of the Town of Lapel, Indiana."

The provisions of this chapter shall apply to the control of all burning within the Town Limits, as the limits now exist or may hereafter be established.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAPEL, INDIANA, THAT:

Section 1. Article 4, Rule 1, Burning Regulations of the Air Pollution Control Board of the State of Indiana cited in the Indiana Administrative Code as 326 IA. 5-1-1 et seq, is hereby adopted in its entirety as follows:

326 IA. 5-1-1 Scope of Rule

Section. 1. The requirements of this rule (326 IA. 5-1) establish standards for the open burning of material which would result in emissions of regulated pollutants. This rule (326 IA. 5-1) applies everywhere in the state, except in areas where acts permitted by 326 IA. 5-1-3 or authorized by variance pursuant to 326 IA. 5-1-4 are prohibited by other state or local laws, regulations or ordinances. (Air Pollution Control Board; 326 IA. 5-1-1; filed Mar. 10, 1988, 1:20 p.m.; 11 IR 2419)

326 IA. 5-1-2 Prohibition against open burning

Section 2. No person shall open burn any material except as provided in section 3,4, or 6 of this rule (Air Pollution Control Board; 326 IA. 5-1-2; filed March 10, 1988, 1:20 p.m.; 11 IR 2419; filed Jan. 6, 1989, 3:30 p.m.; 12 IR 1126)

326 IA. 5-1-3 Exemptions

Section 3. a). The following types of fires are permitted:

1. Fires celebrating Twelfth Night Ceremonies.
2. Fires celebrating school pep rallies.
3. Fires celebrating scouting activities.
4. Fires used for recreational and cooking purposes, i.e., camp fires.
5. Only agricultural zoned property is allowed to burn wood products derived from the following farm maintenance operations:
 - a. Burning of fence rows and fields or materials derived therefrom.
 - b. Burning of natural growth derived from clearing a drainage ditch.
 - c. Burning of limbs and prunings, but only if so diseased or infected as to present a contamination problem
6. Waste oil burning: where the waste oil has been collected in a properly constructed and located pit as prescribed in 310 IA. 7-1-37(A) of the Division of Oil and Gas, Department of Natural Resources. Each oil pit may be burned once every two (2) months and all the oil must be completely burned within thirty (30) minutes after ignition.
7. Department of Natural Resources burning: in order to facilitate "prescribed" burning on DNR controlled properties for wildlife habitat maintenance, forestry purposes, and natural area management.
8. United States Department of the Interior burning: in order to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore.

(b) All exemptions under subsection (a) of this section shall be subject to the following:

1. Only wood products shall be burned unless otherwise stated above.
2. Fires shall be attended at all times until completely extinguished.
3. If fires create an (SIC) nuisance or a fire hazard, they shall be extinguished.
4. All residential, farm and waste oil burning shall occur during daylight hours during which the fires may be replenished, but only in a manner that nearly all of the burning material is consumed by sunset.
5. No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.
6. All leaf burning is prohibited. (Air Pollution Control Board; 326 IA. 5-1-3; filed March 10, 1988, 1:20 p.m.: 11 AR 2419 Cited in: 326 IA. 5-1-1; 326 IA. 5-1-2; 326 IA. 5-1-4.

326 IA. 5-1-4 Variances

Section 4 (a) Burning with prior approval of the Fire Chief or the Chiefs designated agent may be authorized for the following:

1. Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem.
2. Burning of refuse consisting of material resulting from a natural disaster.
3. Burning for the purpose of fire training.

4. Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land.
5. Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is impossible.

(b) Burning not exempted by 326 IA. 5-1-3 may be permitted with prior receipt of a variance application and approval of the commissioner or the commissioner's designated agent. (Air Pollution Control Board; 326 IA. 5-1-4; filed Mar. 10, 1988, 1:20 p.m.: 11 IR 2420). Cited in: 326 IA. 5-1-1; 326 IA. 5-1-2. (Air Pollution Board: 326 AIC 5-1-8; files Jan. 6, 1989, 3:30 p.m.: 12 IR 1127).

326 IA. 5-1-5 Liability for fire.

Section 5. Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this rule (236 IA. 5-1) on the basis that said fire was set by vandals, accidental, or an act of God. (Air Pollution Control Board; 326 IA. 5-1-5; files March 10, 1988, 1:20 p.m.: 11 IR 2420).

326 IA. 5-1-6 Air curtain destructors; approval; fee

Section 6 (a) An owner or operator of an air curtain destructor shall submit an application to the department to obtain a letter of approval from the commissioner prior to its installation or operation at a new site. The owner or operator shall not operate the air curtain destructor site at all times for verification by the department.

(b) Upon application for a letter of approval, an owner or operator shall pay a fee of fifty dollars (\$50.00) to the department. Fees paid by mail shall be paid by check or money order and shall be made out to: Indiana Department of Environmental Management. (Air Pollution Control Board; 326 IA. 5-1-6; filed Jan. 6, 1989, 3:30 p.m.: 12 IR 1126) Cited in: 326 IA. 5-1-2.

326 IA. 5-1-7 Air curtain destructors; approval conditions.

Section 7 (a) In order to obtain an air curtain destructor letter of approval, the owner or operator shall ensure that installation and operation of such air curtain destructor will comply with subdivisions (1) through (10) as follows. Burning shall be terminated immediately at any air curtain destructor site which does not comply with this section.

1. Only wood products shall be burned, except for minimal amounts of uncontaminated petroleum products which may be used for ignition. Merchantable wood products shall not be burned.
2. Burning shall not be conducted during unfavorable meteorological conditions such as high winds or air stagnation.
3. The air curtain destructor shall not be operated prior to one (1) hour after sunrise and combustion shall be complete by sunset.
4. An air curtain destructor site shall be located no less than five hundred (500) feet from any private residence, public roadway, power line, pipeline, fuel storage area or business.

5. An air curtain destructor site shall not be located at a landfill or transfer station as defined in 329 IA. 1.5.
6. An air curtain destructor shall not be permanently located at any site.
7. An air curtain destructor shall be attended at all times while burning and until combustion is complete. Adequate firefighting equipment shall be maintained at an air curtain destructor site at all times during operation.
8. Burning shall not create or contribute to an air pollution problem, a nuisance or a fire hazard.
9. An air curtain destructor shall be maintained and operated according to the manufacturer's recommendations.
10. The owner or operator shall provide notification in advance to the local fire department and the local health department of the dates and times that the air curtain destructor will be in operation.
 - a. An air curtain destructor letter of approval shall be valid for no longer than one (1) year.
 - b. The commissioner may add conditions to an air curtain destructor letter of approval as necessary to prevent a public nuisance or protect the public health.

(Air Pollution control Board; 326 IA. 5-1-7; filed Jan. 6, 1989, 3:30 p.m.,: 12 IR 1127). Cited in: 326 IA. 5-1-8.

326 IA. 5-1-8 Air curtain destructors; approval revocation

Section 8. The commissioner may, upon good cause, revoke an air curtain destructor letter of approval if the owner or operator:

1. violates any requirement of section 7(a)(1) through 7(a)(10) of this rule;
2. violates any condition added to the letter of approval under section 7(c) of this rule;
3. violates any other state or local rule or ordinance pertaining to the installation or operation of air curtain destructors;
4. falsifies information on an application for a letter of approval; or
5. operates an air curtain destructor in a manner which is hazardous to the public health.

(Air Pollution Board; 326 IA. 5-1-8; filed Jan. 6, 1989, 3:30 p.m.: 12 IR 1127)

Section 2. Such burning as is permissible by this Ordinance and state regulations shall be done only within the hours of 9:00 a.m. to 5:00 p.m. each day.

Section 3. When the Town Marshall or his deputies has reason to believe that a person(s) may be in violation of this Ordinance he may issue a citation to such person(s) for such violation.

Section 4. Whoever violates any of the provisions of this Ordinance shall be fined not less than fifty (\$50.00) dollars no more than five hundred (\$500.00) dollars payable through the Ordinance Violation Bureau of the Town of Lapel, Indiana.

Each day's violation shall constitute a separate offense. A separate and distinct offense shall be regarded as committed each day on which such person(s) shall continue or permit any such violation to exist.

Section 5. All persons owning, operating or in charge or control of any equipment or premises who shall cause, suffer, allow, permit or participate in any violation of this Ordinance shall be individually and collectively liable for any penalties imposed by this Ordinance. This liability shall include any person(s) who shall refuse to comply with or who shall assist in violation of any provisions of this Ordinance. (Ord. No. 5-1999, Amendment passed 2/18/1999.)

CH9 9 .2 - Noise Control Ordinance

“WHEREAS, the Town Council of Lapel, Madison County, Indiana, feels it in the best interest of the Town of Lapel and the citizens thereof for the Town Council to adopt a noise control ordinance.

NOW, THEREFORE, be it ordained by the town council of the Town of Lapel, Indiana, that:

Section 1 The provisions of this chapter shall apply to the control of all noise within the town limits, as the limits now exist or may hereafter be established.

Section 2 DEFINITIONS

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

“Motor Vehicle”

Any vehicle powered by a mechanical engine and designed to be given or used on

any public or private property. Such definition shall include but not be limited to: automobiles, vans, trucks, motorcycles, motor scooter, dune buggies, snowmobiles, all terrain vehicles, go-carts, minibikes, and trail bikes.

“Person”

Any individual, association, partnership, joint venture, or corporation which includes any officer, employee, department, agency, or instrumentality thereof.

Section 3 LOUD AND UNNECESSARY NOISE PROHIBITED

- a. It shall be a violation of this chapter for a person to make any loud, raucous improper, unreasonable, offensive or unusual noise, or disorder, which disturbs, injures, or endangers the comfort, health, peace or safety of others within the town, or to permit such noise, or disorder to be made in or about his/her house or premises and the same is hereby declared to be a public nuisance.
- b. Further, it shall be the duty of every owner, occupant, manager, and agent of the any property, structure, vehicles, or business in the town to prevent persons using property under their control from violation of this chapter.

Section 4 ENUMERATION OF CERTAIN PROHIBITED ACTS; EXEMPTIONS.

a. Prohibited acts. The following acts, uses, or noises, among others, subject to specific exemptions, are declared to be loud, raucous, or disturbing noises in violation of this chapter. Such enumeration shall not be deemed to be exclusive:

1. Using, operating, or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound in such manner as to disturb peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, or property on which such machine or device is operated and who is a voluntary listener.
2. Using, operating or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing of sound which is cast upon other properties, including the public right-of-way for the purpose of commercial advertising or to attract attention to any activity, performance, sale, place or structure.
3. Using, operating, or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing any sound on any public transportation vehicle.
4. Using, operating, or permitting to be played, used, or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, or church, while the same are in use, or adjacent to any medical facility which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the medical facility.

b. Prohibited noise. No person shall play, use, or permit to be played, used , or operated any machine or device for the producing or reproducing of sound, if it is in or on any of the following:

1. Any public property, including any public right-of-way, highway, building, sidewalk, park, or thoroughfare, if the sound generated is audible at a distance of 30-feet from its source.
2. Any motor vehicle on a public right-of-way, highway, or public space, if the sound generated is audible at a distance of 30-feet from the device producing the sound.
3. Exemptions. The following shall be exempted from the provisions of this chapter:
 1. Sound emitted from sirens of authorized emergency vehicles.
 2. Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 8:00 p.m.
 3. Burglar alarms or other warning devices when properly installed on publicly or privately owned property, provided that the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.
 4. Celebrations on legal holidays.
 5. Permitted parades or festivals.
 6. Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.
 7. The emission of sound for the purposes of alerting persons to the existence of an emergency or for the performance of emergency work.
 8. Sounds associated with the normal conduct of a legally established non-transient business within the normal range appropriate for such use.

9. In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.

Section 5. PENALTY

Whoever violates the provision of this chapter shall upon conviction thereof be fined a sum of not less than \$100 for the first offense, a sum of not less than \$200 for the second offense, and a sum of not less than \$500 nor more than \$1,000 for any additional offenses. A separate offence shall be deemed committed on each day that violation occurs or continues.

(Ord. No. 3-1999, passed 1/21/1999)

Further Information

Ord. No. 3-1999, passed 1/21/1999

Date Passed: 1/21/1999

CH9 9 .3 - Discharge of Firearms

- a. No person shall discharge a firearm, pellet gun, or B-B gun within or into the Town except:
1. by any authorized law enforcement officer in pursuit of his or her duty; or
 2. by any person who has reason to believe that he or she shall suffer an imminent injury to his or her person or property and as a consequence discharges the firearm, pellet gun or B-B gun in self-defense.
- b. Any person violating the provisions of this section shall be fined a sum not to exceed Twenty-Five Dollars (\$25.00) for each offense.

Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

CH9 9 .4 - Police Reserve Officers

- a. The Board may appoint reserve police officers of the Town. The number of police reserves appointed shall not be more than ten (10) at an one time, with the specific number to be fixed by the Board.
- b. The individuals appointed as reserve officers, their conditions and compensation for employment shall be fixed by the Board.
- c. The reserve officers shall be under the direct supervision of the Chief of the Police Department who shall issue written regulations governing the jurisdiction of the police reserves and their duties. All such regulations shall be approved by the Board.

CH9 9 .5 - Ambulance Attendant Compensation

- a. Volunteers for the Fire and Ambulance Department will be paid Seven Dollars (\$7.00) per run canceled or not. No more than three (3) attendants shall be compensated for any one (1) run.
- b. Compensation due under this section shall be paid semi-annually each year.
- c. Each volunteer will receive a \$100/year car allowance per year car allowance payable semi-annually and a \$100/year clothing allowance payable semiannually. The car and clothing allowance will be prorated in the case of a new firefighter or ambulance volunteer.
- d. Town employees that are volunteer firefighters or ambulance EMTs will be compensated one hour pay for the specific fire/ambulance run. This is applicable during town office, utility, street department hours as stated in the salary ordinance. Employees must record on their daily time sheet when the fire/ambulance run began and when they returned to their duties as a town employee.
- e. The ambulance fees for persons residing within the corporate limits of the Town of Lapel, Indiana, for ambulance service with personnel and equipment of the Lapel ambulance service be increased to the rate of two hundred twenty (\$225.00) dollars per ambulance run together with additional charges for supplies used for each such ambulance run.
- f. Ambulance fees for persons residing outside the corporate limits of the Town of Lapel, Indiana, be increased to the rate of two hundred seventy five (\$275.00) dollars per ambulance run together with additional charges for supplies used for each such ambulance run.
 - o Ambulance fees for persons residing outside the limits of Madison County, Indiana, shall be charged a rate of \$325.00 per ambulance run together with additional charges for supplies used for each such ambulance run.
- g. Firemen and EMT personnel and immediate family members (spouse and unmarried children residing with such firemen and EMT personnel) shall be charged the total sum of one hundred twenty five (\$125.00) dollars per ambulance run for such ambulance service provided to said firemen, EMT personnel or their immediate family.
- h. Fifty (\$50.00) dollars of each such ambulance service fee including the ambulance service fee charged to firemen, EMT personnel and their immediate families is hereby allocated to the Ambulance Replacement Fund.
- i. Paramedic assisted ambulance fees for persons residing within the corporate limits of the Town of Lapel, persons residing outside of the corporate limits of the Town of Lapel, and persons residing outside the limits of Madison County, Indiana, shall be charged a rate of \$300 per ambulance run together with additional charges for supplies used for each such ambulance run.
- j. Loaded mileage charge shall be the sum of six dollars (\$6.00) per loaded mile charged by the Lapel ambulance service.

(Amend. Ord. No. 8-1994, passed 12/20/1994) (Ord. No. 13-2005, passed ????????)

Amendment to Ord. 12, 2001, passed 12/6/01, Ordinance 7-2003, passed 11/20/2003, Ord. No. 8, passed 5/4/2006

CH9 9 .6 - Volunteer Fire Companies Compensation

Section I That the compensation for each Fireman of the Town of Lapel, Indiana, shall be five dollars (\$5.00) for each regular meeting attended.

Section II That the compensation for each fireman of the Town of Lapel, Indiana shall be five dollars (\$5.00) for each training meeting attended.

Section III That the compensation for each fireman of the Town of Lapel, Indiana, shall be five dollars (\$5.00) for each fire run attended, canceled or not.

Section IV That the compensation for the Fire Chief, Assistant Chiefs and Secretary/Treasurer for the Town of Lapel, Indiana, shall be five dollars (\$5.00) for each regular meeting, training meeting and fire run.

Section V Each volunteer will receive a \$100 per year car allowance payable semiannually and a \$100 clothing allowance payable semi-annually. The car and clothing allowance will be prorated in the case of a new firefighter or ambulance volunteer.

Said compensation shall be paid semi-annually in January and July of each year. (Ord. No. 1-1989, passed 3/16/89) (Amend. Ord. No. 8-1994, passed 12/20/1994) (Ord No. 9-1996, passed 12/19/95), Ord No. 9, 1997, passed 12/17/96).

CH9 9 .7 - Township Fire Protection

The Board may enter into contracts for providing fire protection for townships contiguous to and adjoining the Town. The contracts shall in no way diminish the fire protection provided to the residents and taxpayers of the Town. The consideration for such contracts shall be in amounts determined by the Board.

Codifer's note:

ORDINANCE NUMBER 7-1964 PROVIDED:

"An Ordinance authorizing contracts for providing fire protection for townships in and around the Town ...

WHEREAS, the Town ... has and maintains its own fire equipment; and

WHEREAS, the same is operated by a volunteer fire department in the Town

WHEREAS, Burns' Indiana Statutes, Section 65-501, et sequel (now Indiana Code [368-13-1](#)), authorized said Town to contract for providing fire protection for townships without such fire protection: ***"

Further Information

CH9 9 .8 - Lapel-Stony Creek Township Fire Protection Board

There is hereby created a five (5) member board to be known as the Lapel-Stony Creek Township Fire Protection Board. Membership on the fire protection board shall be as follows:

- a. Two (2) members shall be appointed from among the members of the Lapel Town Council. Their term of office shall coincide with their term of office as a member of the Town Council.
- b. Two (2) members shall be appointed from among the members of the Stony Creek Township Advisory Board. Their term of office shall also coincide with their term of office on the Township board.
- c. The fifth member of the fire protection board shall be selected by agreement of the other four (4) members. This member shall be a resident of the TOWN OR TOWNSHIP, but may not be a member of the volunteer fire department. This member shall serve four (4) year term commencing on January 1 for the year of his or her initial appointment, and he or she shall continue to serve until such time as their term expires and a successor has been appointed. In the event that the members from the TOWN and TOWNSHIP cannot agree on the appointment of the fifth member of the fire protection board, the appointment shall be made by the then Frankton Lapel Community School Corporation Superintendent.
- d. Any Fire Board Member may be removed at any time only for cause upon specific written charges filed against him or her. The charges shall be filed with and heard by the appointing body, unless the appointing body is bringing the charges. If the appointing body is bringing the charges, the Town Board and the Stony Creek Township Advisory Board shall appoint a hearing officer to hear the charges and determine if the Fire Board Member should be removed. The party to hear the charges shall fix a date for a public hearing and give the charged Fire Board Member and the Public notice, at least ten (10) days in advance of the hearing. At the hearing the charged Fire Board Member is entitled to presents evidence and argument and to be represented by counsel.

SECTION II MEETINGS, DUTIES AND OFFICERS OF FIRE BOARD

The fire protection board shall meet at least once each month. Officers shall be elected at the first meeting held in January of each year. The fire protection board shall determine their regular meeting dates and adopt rules of procedure within sixty (60) days of their first meeting. All meeting of the Fire Board shall be conducted in accord with "The Indiana Open Door Law" as the same now exists or shall be amended.

Officers.

President. The Fire Board shall elect from among its members a President to preside over all meetings of the Board and to perform other duties generally associated with the office of president of any governmental organization.

Secretary/Treasurer. The Fire Board shall elect from among its members a Secretary/Treasurer who shall keep minutes of the meetings of the Board and to perform other duties generally associated with the office of secretary of any governmental organization. This officer shall also serve as the Treasurer and shall perform the duties that are generally associated with said office. By this description of the two offices together in one individual, this is not meant to imply that the Fire Board cannot at a time in the future choose to create a separate office of Treasurer. Should the Fire Board decide to create the said separate office, a resolution at a regular meeting would be sufficient to create this separation of the offices and to create the separate office of "Treasurer".

SECTION III JURISDICTION

The fire protection board shall be responsible for administering fire protection and emergency ambulance services for the Town of Lapel, Indiana and Stony Creek Township, Madison County, Indiana. They shall also have authority to contract with other jurisdictions and provide mutual aid services.

SECTION VI POWERS AND DUTIES

- a. The board shall have full authority to supervise and administer the operation of the Lapel-Stony Creek Township Volunteer Fire Department
- b. The board shall also have the authority to contract with the volunteer fire fighting companies and/or other governmental entities to provide fire fighting and emergency medical services to the residents of the TOWN and TOWNSHIP.
- c. Subject to applicable laws concerning the appropriation and disbursement of funds by the TOWN and TOWNSHIP fiscal officers, the board shall have authority to purchase fire fighting and ambulance equipment, supplies and apparatus for the TOWN and TOWNSHIP, and provide the facilities to store and maintain such equipment.
- d. The fire protection board shall have full authority to separate the fire protection services from the ambulance service, and establish rates for such services. The fire protection board is authorized to receive funds for the fire and ambulance services, to budget and appropriate monies independently for each service.

SECTION V BUDGET

The fire protection board shall annually prepare a budget to meet the expenses incurred in the operation and maintenance of all fire and medical emergency services in the TOWN and TOWNSHIP. The board shall submit its proposed budget to the TOWN and TOWNSHIP not later than June 30th of each year. The budget must be approved by the fiscal bodies of the TOWN and TOWNSHIP, and the Department of Local Government Finance.

SECTION VI INDEBTEDNESS INCURRED BEFORE ESTABLISHMENT OF BOARD

Any indebtedness incurred for fire protection and emergency ambulance services prior to the establishment of the fire protection board shall be paid by the entity (TOWN or TOWNSHIP) which incurred the said debt liability.

SECTION VII RECEIPTS, DISBURSEMENTS, BILLING AND ACCOUNTING

The Fire Protection Board Secretary/Treasurer shall be responsible for receipts, disbursements, and accounting of all monies of the Fire Board. The Fire Protection Board Secretary/Treasurer shall maintain a separate account for the financing of activities carried out under this agreement. Upon approval of a budget, each fiscal body shall appropriate funds to pay its portion as herein noted of the approved budget and shall thereafter deliver such funds to the Fire Protection Board Treasurer for deposit in the Fire Protection Board Account. The portion of each fiscal bodys obligation shall be paid to the Fire Protection Board each month following procedure. Unilateral Termination. Either party may unilaterally terminate this agreement, upon written notice to the other, no less than three hundred days from the proposed adoptive date of this resolution, by resolution duly passed and adopted by an affirmative vote of two-thirds of the members of its fiscal body and by withdrawing party giving written notice as set out hereinabove of the adoption of such resolution t the fiscal body of the non-withdrawing party. Thereafter, this contract shall automatically renew for additionally twelve (12) month periods commencing January 1st of each successive calendar year, unless the TOWN of TOWNSHIP gives written notice not less than three hundred (300) Days from the expiration of such term.

SECTION X PROVISION FOR TERMINATION IN THE EVENT OF CREATION OF FIRE PROTECTION DISTRICT

In the event that the parties to this agreement shall create a Fire Protection District (taxing entity) this agreement can be unilaterally terminated without following the provisions of the Section IX herein above to allow for the transfer of the authority to the Fire Protection District from said Fire Protection Board.

Further Information

Ord. No 11-2006, Passed 12-21-2006

Date Passed: 12/21/2006

CH9 9 .9 - Fire, Ambulance, Police Key Boxes

Whereas, the Town Council has received a request from the Lapel Fire/Ambulance

Department to provide an ordinance requiring the placement of key boxes for Fire, Ambulance and Police Department use; and

Whereas, the Town Council deems it desirable to minimize property damage that can result from forced entry in an emergency; and

Whereas, the use of key lock boxes provides better access to buildings by the Fire/Ambulance and Police Departments for the purpose of protecting lives and property;

Now Therefore, be it ordained by the Town Council of the Town of Lapel;

Application:

1. Any property within the Town that is protected by an automatic fire alarm system and/or a fire suppression system;
2. Any new or remodeled non-residential structure;
3. Any multi-family structure with a common, locked entrance;

Contents:

The key box shall contain;

1. Keys to locked points of ingress whether on the interior or exterior of such buildings;
2. Keys to locked mechanical equipment rooms;
3. Keys to locked electrical rooms;
4. Keys to elevator controls;
5. Keys to other areas as directed by the Fire Chief and Town Marshal;
6. Any other devices needed for access to above locations, including key cards or codes;
7. All keys, key cards, key codes, etc. shall be labeled to indicate what specific location within the building they unlock.

Installation

Key Box shall be approved by the Fire Chief and Town Marshall as to location of installation and type.

This ordinance shall be in full force from and after its passage and approval according to law.

Further Information

Ord. No. 9-2006, passed July 20, 2006

Date Passed: 7/20/2006