

**RESOLUTION NO: 2022-01**

**A RESOLUTION OF THE BOARD OF THE BASS LAKE CONSERVANCY DISTRICT  
TO ADOPT ORDINANCE NO. 22-01, AN ORDINANCE TO AMEND AND RESTATE  
ORDINANCE 1-02 AND 13-02 CONCERNING PORTA-POTTIES**

**WHEREAS**, the Board of Directors of the Bass Lake Conservancy District (the "Board" and the "District," respectively) enacted Resolution 1-02 ("Resolution of Bass Lake conservancy District Board of Directors Concerning Porta-Potties") on April 11, 2002, which required Board approval for the installation of any Porta-Potty, within the District for any period extending beyond thirty (30) days and further provided for certain penalties for non-compliance; and,

**WHEREAS**, the Board further enacted Ordinance No. 13-02 ("An Ordinance Amending Ordinance 1-02") on October 14, 2013, modifying Resolution 1-02 by requiring District approval for the installation of all Porta-Potties and Board approval for the installation of Porta-Potties for periods longer than thirty (30) days and which further required all such Porta-Potties to be securely anchored; and,

**WHEREAS**, the Board has found it to be in the best interest of the District that the aforementioned Ordinances be amended and restated to consolidate all of the District's rules concerning Porta-Potties in a single Ordinance; and,

**WHEREAS**, the Board further finds it to be in the best interest of the District that the aforementioned Ordinances be amended to add clear setback requirements for the placement of Porta-Potties; and,

**WHEREAS**, at its meeting of May 9, 2022, the Board considered a draft ordinance concerning the aforementioned matters and, by unanimous vote of members present, determined to pass such ordinance, as amended, and an amended and final copy of said Ordinance is attached hereto as **Exhibit A**;

**NOW THEREFORE, BE IT RESOLVED** that the Board of the Bass Lake Conservancy District does hereby ratify and adopt Ordinance No. 22-01, as attached herewith as **Exhibit A**, and instructs staff and legal counsel to take all necessary steps required to ensure the implementation of that Ordinance.

PASSED AND ADOPTED BY BOARD OF THE BASS LAKE CONSERVANCY  
DISTRICT THIS 13 DAY OF June, 2022 BY A VOTE OF 5 IN FAVOR  
AND 0 OPPOSED.

Eugene Dello  
Chairman, Board of Directors

Russell A. Blair  
Member

Melvin L. L.  
Member

Henry Broadstreet  
Member

Lauren R. Gilman  
Member

Attest :

Trish Allen

### NOTICE OF PENALTY

The Bass Lake Conservancy District held its monthly meeting on July 13, 2022 at 6 p.m.. At that meeting, Ordinance No. 22-01, which amends and restates prior Ordinances on Porta-Potties, was adopted. Among other things, the Ordinance provides for the following:

1. Any Property Owner within the jurisdiction of the Bass Lake Conservancy District, must obtain the permission of the Bass Lake Conservancy District for the placement of a Porta-Potty within the District's territory.
2. A fine of \$100 shall be assessed, plus \$25 for each day thereafter, with each day of non-compliance being considered a separate offense, for the following violations:
  - a. Placing a Porta-Potty within the jurisdiction of the District without prior permission being granted by the District;
  - b. Failing to securely anchor a Porta-Potty in a manner so as to prevent it from being tipped or moved;
  - c. Placing a Porta-Potty closer than 50 feet from the high-water mark at the shore of Bass Lake.
3. Additionally, should the failure to securely anchor a Porta-Potty result in spillage into the Bass Lake waterway, a separate, reasonable cleanup fee shall be assessed.

A full copy of Resolution 22-01 is available for inspection by contacting the Bass Lake Conservancy District, at 4450 E. 450 S., Knox, IN 46534, (574)-772-2974, or Christian W. Bartholomew, Burke Costanza & Carberry LLP, 9191 Broadway, Merrillville, IN 46410, counsel for the Bass Lake Conservancy District.

compliance being considered a separate offense. Should the failure to secure result in spillage into the Bass Lake waterway, a separate, reasonable cleanup fee shall be assessed.

8. Each Porta-Potty installed within the District shall be placed no closer than 50 feet from the high-water mark at the shore of Bass Lake. Failure to properly locate such Porta-Potty shall result in a fine of \$100, plus \$25 for each day thereafter, with each day of non-compliance being considered a separate offense.
9. The Bass Lake Conservancy District Plant Manager shall inspect and approve all proposed and actual Porta-Potty locations to ensure their compliance with the terms of this Ordinance.

**ADOPTED** by the Board of Directors of the Bass Lake Conservancy District, Starke County, Indiana, on June 13, 2022.

Eugene Dello  
Chairman, Board of Directors

Gerry Broadstreet  
Member

Michael H.  
Member

Russell C. Blais  
Member

Thomas R. Gilman  
Member

Attest:

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**BASS LAKE CONSERVANCY DISTRICT**

**ORDINANCE NO. 22-01**

**AN ORDINANCE TO AMEND AND RESTATE ORDINANCE 1-02 AND 13-02  
CONCERNING PORTA-POTTIES**

**WHEREAS**, the Board of Directors of the Bass Lake Conservancy District (the "Board" and the "District," respectively) enacted Resolution 1-02 ("Resolution of Bass Lake conservancy District Board of Directors Concerning Porta-Potties") on April 11, 2002, which required Board approval for the installation of any Porta-Potty, as defined below, within the District for any period extending beyond thirty (30) days and further provided for certain penalties for non-compliance; and,

**WHEREAS**, the Board further enacted Ordinance No. 13-02 ("An Ordinance Amending Ordinance 1-02") on October 14, 2013, modifying Resolution 1-02 by requiring District approval for the installation of all Porta-Potties and Board approval for the installation of Porta-Potties for periods longer than thirty (30) days and which further required all such Porta-Potties to be securely anchored; and,

**WHEREAS**, the Board now wishes to further amend the aforementioned ordinances concerning Porta-Potties and restate all of the District's rules concerning Porta-Potties in a single Ordinance; and,

**WHEREAS**, pursuant to Section 2(a) of the Sewer Use Ordinance, it is "unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property's within the District or in any area under the jurisdiction of said District, any human excrement, garbage or other objectionable waste;" and,

**WHEREAS**, pursuant to Section 2(g) of the Sewer Use Ordinance, it is "unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or use of the disposal of sewage;" and,

**WHEREAS**, pursuant to Section 2(h) of the Sewer Use Ordinance, "The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the District is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance..." and,

**WHEREAS**, pursuant to Section 3(a) of the Sewer Use Ordinance, "When a public sanitary sewer is not available, under the provisions of Section 2(h), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article;" and,

**WHEREAS**, for purposes of this Ordinance, a "Porta-Potty" shall mean a devise, whose primary purpose is to hold human waste; and,

**WHEREAS**, the Board is sensitive to the needs of builders and recreational facilities, who may need the use of a Porta-Potty for an extended period. The Board also acknowledges the need of residents to use a Porta-Potty for a weekend or short period; and,

**WHEREAS**, the Board finds it to be in the best interest of the District that the use of Porta-Potties be regulated to ensure their safe and healthful use within the District;

**NOW THEREFORE BE IT ORDAINED** by the Board of Directors of the Bass Lake Conservancy District that:

1. This Ordinance shall amend, modify, and supplant all prior resolutions or ordinances enacted by the Board concerning the topic of Porta-Potties, including specifically Resolution 1-02 and Ordinance No. 13-02.
2. The Board of Directors of the Bass Lake Conservancy District concludes that any Property Owner, Person, or Entity within the Bass Lake Conservancy District, must obtain the permission of the Bass Lake Conservancy District for the placement of a Porta-Potty within the District's territory.
3. The Property Owner, Person or Entity shall submit their request in writing for the placement of the Porta-Potty, the number necessary, the proposed location of each Porta-Potty, the time duration needed, and rational for such to the Bass Lake Conservancy District.
4. Should the time duration requested be less than thirty (30) days, the Bass Lake Conservancy District Plant Manager shall, upon a proper showing that the proposed Porta-Potty installation is in compliance with the terms of this Ordinance and approval of the proposed location, grant permission to the Owner, Person or Entity for Porta-Potty usage.
5. Should the time duration requested be greater than thirty (30) days, the permit shall come before the Board of the Bass Lake Conservancy District for review and permission. The Board may request the Owner, Person or Entity's representative to come before the Board to discuss the usage requested.
6. Should a Porta-Potty be placed within the jurisdiction of the District without prior permission being granted by the District, a fine of \$100 may be assessed, plus \$25 for each day thereafter, with each day of non-compliance being considered a separate offense.
7. Each Porta-Potty installed within the District shall be securely anchored in a manner so as to prevent it from being tipped or moved. Failure to properly secure such Porta-Potty shall result in a fine of \$100, plus \$25 for each day thereafter, with each day of non-