

**TITLE III: ADMINISTRATION**

Chapter

- 30. TAXATION**
- 31. FINANCES AND FEES**
- 32. TOWN COUNCIL**
- 33. TOWN EMPLOYEES**
- 34. OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS**
- 35. ORDINANCE VIOLATIONS BUREAU**



## CHAPTER 30: TAXATION

### Section

30.01 County Economic Development Income Tax

30.02 Reviewing applications for tax abatement; policy and procedure

#### ***Cross-reference:***

*Special ordinances establishing or extending tax deductions for Economic Revitalization Areas, see Table of Special Ordinances VI*

### **§ 30.01 COUNTY ECONOMIC DEVELOPMENT INCOME TAX.**

The Town Council supports the imposition of a County Economic Development Income Tax by the Wells County Council, Indiana.

(Res. 97-2-1, passed - -)

### **§ 30.02 REVIEWING APPLICATIONS FOR TAX ABATEMENT; POLICY AND PROCEDURE.**

The Town of Ossian shall approve an application for tax abatement by passing a Confirmatory Resolution granting the deduction from assessed valuation and specifying that real property improvements are approved for 5, 7 or 10 years and/or new manufacturing equipment is approved from 5 or 10 years. The Confirmatory Resolution shall also reference the resolution by which the Economic Revitalization Area was so designated by the Ossian Town Council, or in the case of real property improvements within an Economic Development Target Area, the ordinance number.

(Ord. 95-12-1, passed 4-20-1998)



## CHAPTER 31: FINANCES AND FEES

### Section

#### *Fees*

- 31.01 Fixed fee for checks, reports and fingerprinting
- 31.02 Providing copies of public documents to general public

#### *Finances*

- 31.15 Purchasing agency; role of Town Council and Town Clerk-Treasurer
- 31.16 Purchasing rules for the town
- 31.17 Appropriation of funds to pay expenses incurred
- 31.18 Claims; payment prior to allowance
- 31.19 Funding of Economic Development Council
- 31.20 Uniform internal control standards
- 31.21 Credit cards and charge accounts
- 31.22 Materiality threshold

#### ***Cross-reference:***

*Establishment of special funds and transfers of money from fund to fund, see Table of Special Ordinances III*

#### ***FEES***

### **§ 31.01 FIXED FEE FOR CHECKS, REPORTS AND FINGERPRINTING.**

(A) *Criminal history check.* Pursuant to I.C. 5-14-3, the Ossian Police Department shall collect a \$3 fee for criminal history checks.

(B) *Fingerprints, VIN checks and police reports.* Pursuant to I.C. 5-14-3-8, the Ossian Police Department shall charge the following fees for:

- (1) Fingerprints: \$3;

- (2) Police reports: \$3; and
- (3) Vehicle ID number checks: \$5.

(C) *Fees deposited into fund.* The fees charged by the Ossian Police Department for criminal history checks, fingerprints, VIN checks and police reports shall be deposited in the Law Enforcement Training Fund.

(Ord. 98-9-2, passed 9-14-1998)

### **§ 31.02 PROVIDING COPIES OF PUBLIC DOCUMENTS TO GENERAL PUBLIC.**

(A) The appropriate officials within the governmental structure of the Town of Ossian are hereby required to provide to the general public any documents of public record when requested.

(B) Any personnel providing those documents is hereby required to make a charge of \$1 per page for those documents.

(C) The charge for those documents is to go into the General Fund of the Town of Ossian.  
(Ord. 98-5-1, passed 5-11-1998)

## ***FINANCES***

### **§ 31.15 PURCHASING AGENCY; ROLE OF TOWN COUNCIL AND TOWN CLERK-TREASURER.**

(A) The Town Council hereby determines that it is the purchasing agency for the town.

(B) The Town Council hereby designates the following persons to serve as purchasing agents for the town:

- (1) The Town Clerk-Treasurer; and
- (2) Town employees as are designated from time to time, in writing.

(Ord. 98-7-6, passed 7-13-1998)

**§ 31.16 PURCHASING RULES FOR THE TOWN.**

(A) *Protection of offers; status of documents as public records.*

(1) *Protection of offers prior to opening.* The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(2) *Unobstructed evaluation of offers.* After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in a manner so as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(3) *Public records status of bids.* Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.



(4) *Register of proposals.* The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(B) *Discussions for offerors responding to a request for proposals.* The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(C) *Delay of opening of offers.* When the Town Council makes a written determination that it is in the town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(D) *Evidence of financial responsibility.*

(1) *Purchases less than \$25,000.* The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(2) *Purchases between \$25,000 and \$100,000.* The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(3) *Purchases over \$100,000.* The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(4) *Small business set-asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

(E) *Use of RFP for purchases of designated types of supplies.* The town determines that it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding.

(F) *Modification and termination of contracts.*

(1) *Price adjustments.* The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(a) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(b) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(c) Price adjustments must be computed by costs attributable to the events or situations under clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(d) Price adjustments must be computed in another manner as the contracting parties may mutually agree upon; or

(e) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(2) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(3) *Unilateral rights of town.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(4) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(G) *Purchase of services.*

(1) The town determines that each town agency, department and office and elected town official may purchase services in whatever manner the purchaser determines to be reasonable.

(2) The town purchasing agency may not require any town agency, department of office or any town-elected official, to purchase services in any particular manner.

(H) *Purchase of supplies manufactured in the United States.* Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the town determines that:

(1) The supplies are not manufactured in the United States in reasonably available quantities;

(2) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(3) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(4) The purchase of supplies manufactured in the United States is not in the public interest.  
(Ord. 98-7-4, passed 7-13-1998; Ord. 98-7-5, passed 7-13-1998)

**§ 31.17 APPROPRIATION OF FUNDS TO PAY EXPENSES INCURRED.**

(A) The Town Council of the Town of Ossian is authorized to budget and appropriate funds from the General Fund of the town to pay the expenses of or to reimburse town officials for expenses incurred in promoting the best interest of the town.

(B) Expenses incurred in promoting the best interest of the town may include, but not necessarily be limited to rental of meeting places; meals; decorations; memorabilia; awards; expenses incurred in interviewing job applicants; expenses incurred in promoting industrial, commercial and residential development; expenses incurred in developing relations with other units of government; and any other expenses of a civic or governmental nature deemed by the Town Council to be in the interest of the town.

(Ord. 99-9-6, passed 9-13-1999)

**§ 31.18 CLAIMS; PAYMENT PRIOR TO ALLOWANCE.**

(A) Notwithstanding I.C. 5-11-10, with the prior written approval of the Board having jurisdiction over allowance of the claim, the Clerk-Treasurer may make claim payments in advance of Board allowance for the following types of expenses:

- (1) Property or services purchased or leased from the United States government; or an agency on a political subdivision of the United States government;
- (2) License fees or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) Federal grant programs in advance funding is not prohibited; and the contracting party provides sufficient security for the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance agreements or service agreements;
- (8) Principal and interest payments on bonds;
- (9) Lease agreements or rental agreements;
- (10) Payroll;
- (11) State, federal or county taxes;

(12) Expenses that must be paid because of emergency circumstances; and

(13) Expenses described in an ordinance.

(B) Each payment of expenses must be supported by a fully itemized invoice or bill and certification by the Clerk-Treasurer.

(C) The Town Council shall review and allow the claim at the Council's next regular or special meeting following the preapproved payment of the expense.

(Ord. 95-10-2, passed 10-17-1995)

### **§ 31.19 FUNDING OF ECONOMIC DEVELOPMENT COUNCIL.**

(A) The Town of Ossian contributes annually 10% of its revenues from the Wells County Economic Development Income Tax to the Wells County Economic Development Council ("Development Council") to enable the Development Council to maintain an office, hire personnel and generally support economic development opportunities on behalf of each governmental unit adopting an ordinance similar to this section. To the extent permitted by law, the Wells County Auditor is authorized to remit a portion of the revenues directly to the Development Council within 30 days of receipt of the revenues from the State of Indiana. To the extent not so remitted, the Clerk-Treasurer shall remit the required payment to the Development Council within 30 days of receipt of the revenues.

(B) Periodically, within 30 days after request of the Executive Director of the Development Council, the Town Council shall appoint an individual residing within its corporate boundaries to serve on the Board of Directors of the Development Council for a term as specified by the Town Council.

(C) The Town Council reserves the right to rescind this section effective the next January 1 or July 1 which is at least 6 months after the effective date of the rescinding ordinance; provided that no rescission shall affect the Development Council's entitlement to the revenues specified in division (A) above until the effective date of the rescission.

(Ord. 98-4-2, passed 4-13-1998)

### **§ 31.20 UNIFORM INTERNAL CONTROL STANDARDS.**

(A) In a meeting duly assembled, that the town adopted as its policy the minimum requirements of I.C. 5-11-1-27, and shall authorize the development and implementation of specific policies to effectuate those requirements;

(B) The town finds that its objectives as related to an internal control system are as follows:

(1) Operations objectives, which are designed to analyze operational and performance goals, along with the effectiveness and efficiencies of the way governmental services are performed and the safeguarding of assets;

(2) Reporting objectives, which are designed to consider the dissemination of financial and non-financial information, internally and externally; and

(3) Compliance objectives, which are designed to assure adherence to applicable laws and regulations.

(C) The minimum requirements of I.C. 5-11-1-27 adopted by the town shall specifically include the five components as described in the uniform internal control standards for Indiana political subdivision guidance document from the State Board of Accounts dated September 2015, and any subsequent version thereof, which are the following:

(1) Control environment;

(2) Risk assessment;

(3) Control activities;

(4) Information and communication; and

(5) Monitoring.

(D) The town specifically adopts the following principles to effectuate the five components above:

(1) *Control environment.*

(a) The oversight body and management demonstrate a commitment to integrity and ethical values;

(b) The oversight body oversees the town's internal control system;

(c) Management establishes an organizational structure, assigns responsibility, and delegates authority to achieve the town's objectives;

(d) Management demonstrates a commitment to attract, develop, and retain competent individuals; and

(e) Management evaluates performance and holds individuals accountable for their internal control responsibilities.

(2) *Risk assessment.*

(a) Management defines objectives clearly to enable the identification of risks and defines risk tolerances;

(b) Management identifies, analyzes, and responds to risk related to achieving the defined objectives;

(c) Management considers the potential for fraud when identifying, analyzing, and responding to risks; and

(d) Management identifies, analyzes, and responds to significant changes that could impact the internal control system.

(3) *Control activities.*

(a) Management designs control activities to achieve objectives and respond to risks;

(b) Management designs the town's information system and related control activities to achieve objectives and respond to risks; and

(c) Management implements control activities through policies.

(4) *Information and communication.*

(a) Management uses quality information to achieve the town's objectives;

(b) Management internally communicates the necessary quality information to achieve the town's objectives; and

(c) Management externally communicates the necessary quality information to achieve the town's objectives.

(5) *Monitoring activities.*

(a) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results; and

(b) Management remediates identified internal control deficiencies on a timely basis.

(E) The Town Council directs that the above principles be used to design, implement, operate, and modify current operations, reporting, and compliance objectives, where necessary, to establish and ensure that the minimum internal control standards and procedures are met or exceeded;

(F) The Town Council authorizes the Town Council President and Clerk-Treasurer to review the current internal control system of the town and to implement a policy that ensures that the minimum internal control standards and procedures are met or exceeded in compliance with I.C. 5-11-1-27;

(G) The personnel whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the Federal government, state government, a political subdivision, or another governmental entity shall comply with the minimum internal control standards and procedures and any other policy implemented to effectuate or surpass those standards, and that they shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the adopted and implemented control standards and procedures;

(H) The fiscal officer of the town shall certify in writing that the minimum internal control standards and procedures have been adopted by the town and that the personnel, who are not otherwise on leave status, have received training, which shall be filed annually with the State Board of Accounts at the same time as the annual financial report required by I.C. 5-11-1-4(a);

(I) The town authorizes the Town Council President and Clerk-Treasurer to determine which personnel must receive the required training and to notify such personnel;

(J) All elected and appointed officials of the town are hereby directed to abide by and to cooperate fully in the implementation and modification of the internal control system.  
(Ord. 16-7-1, passed 7-11-2016)

**§ 31.21 CREDIT CARDS AND CHARGE ACCOUNTS.**

(A) *Issuance.*

(1) The Clerk-Treasurer may make application for business credit, charge accounts and/or charge card, with authorization from the Town Council, for use by town employees (herein after "accounts"), and no other employee of the town shall make application for or otherwise obtain any credit card, charge account or charge card in the name of the town.

(2) Business credit cards issued to the town shall have a maximum credit card limit of not more than \$5,000.

(B) *Use and procedure.*

(1) When not in use, credit cards not issued shall be secured by and in the Office of the Clerk-Treasurer.

(2) Charges made on any account shall be for items which are authorized within the Department Head's spending limitation and budgeted in the town's then-current budget.

(3) As soon as possible, but not later than 72 hours following any use of an account, the person using such account shall provide the original receipt to the Clerk-Treasurer, Deputy Clerk-Treasurer or Department Head.

(4) No credit card or charge account issued in the name of the town shall be used for private purchases. Any credit card or charge account user who fails to provide a receipt for a purchase shall be personally liable to the town for the full amount of such charge and shall be subject to discipline by the town.

(5) Credit cards and charge accounts shall not be used to bypass or avoid the accounting system of the town and charges to the credit cards and charge accounts shall be paid by the Clerk-Treasurer only on the basis of original receipts and from appropriate budgeted funds, accounts, and line items pursuant to the claims procedures of the town.

(6) The Clerk-Treasurer shall endeavor to pay the accounts promptly so that no interest, carrying charges or penalties shall be incurred due to late payments. However, any such interest, carrying charges or penalties due to late payments shall be paid personally by the Clerk-Treasurer in accordance with Indiana law.

(7) No credit card or charge account shall be used to obtain cash advances.

(8) Any and all interest, late charges, over-limit fees, and/or penalties/charges of any kind that are charged to the town which were caused by the card or account user's failure to follow the credit card and charge account use and procedures shall be paid by that user along with the town's cost of collection including its attorney fees.

(9) Appropriate discipline shall be taken against any credit card or charge account user who:

(a) Improperly uses a town credit card or charge account; or

(b) Otherwise violates the credit card and charge account use and procedures set out above.

(Ord. 16-10-2, passed 11-14-2016)

**§ 31.22 MATERIALITY THRESHOLD.**

The Town Council in a meeting duly assembled and in accordance with information it has received and deemed sufficient, as follows:

(A) All erroneous or irregular variances, losses, shortages or thefts of the town's funds or property or funds or property the town holds in trust, shall be reported to the Clerk-Treasurer or her designee promptly.

(B) It will be the policy of the Clerk-Treasurer to report to the State Board of Accounts any erroneous or irregular variances, losses, shortages or thefts of cash in excess of \$500 dollars, except for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the town.

(C) It will be the policy of the Clerk-Treasurer to report promptly to the State Board of Accounts any erroneous or irregular variances, losses, shortages or thefts of non-cash items in excess of \$2,000 estimated market value, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the town and except for losses from genuine accidents.

(D) The Ossian Town Council directs the Clerk-Treasurer to advise it of any changes in the policy on materiality and process for reporting material items.

(E) Further details about the town's materiality threshold policies can be found in Appendix as attached to Res. 16-7-2 and shall be incorporated herein by reference, standing as if here in full: Clerk-Treasurer Directive Policy on Materiality.

(Res. 16-7-2, passed 7-11-16)



## CHAPTER 32: TOWN COUNCIL

### Section

- 32.01 Number of members
- 32.02 Staggered terms for 2 members
- 32.03 Nepotism and contracting with the town by a relative

### § 32.01 NUMBER OF MEMBERS.

(A) The number of members of the Council of the Town of Ossian is hereby altered from 3 to 5 effective January 1, 1993.

(B) The number of members of the Council of the town to be elected at the November 1995 general election for terms of 4 years beginning at noon January 1, 1996, following the election shall be 3.

(C) Each of the 3 Council members described in division (B) above is to reside in and be nominated as a representative from 1 of the 3 wards of the town as set forth previously by the Board of Trustees of the Town of Ossian. All 3 members are to then be elected by the voters of the whole town. The 3 members are to be nominated and elected as previously but prior to the adoption of this section.

(D) The number of members of the Council of the town to be appointed in December, 1992, by the Council per I.C. 3-13-9-4 for initial terms of 4 years to be followed by terms of 4 years is 2.

(E) The 2 Council members described in division (D) above are to reside in the town and be nominated and elected at large by the voters of the whole town.  
(Ord. 96-5-1, passed 5-15-1996)

### § 32.02 STAGGERED TERMS FOR 2 MEMBERS.

(A) Pursuant to the provisions of I.C. 3-10-6-2.5 and 3-10-7-2.5(b), 2 Ossian Town Council members shall, in the municipal election conducted on November 2, 1999, be elected to an initial term of 3 years, commencing at 12 p.m. January 1, 2000.

(B) The 2 Town Council members elected to these 3-year terms shall be those individuals elected to the seats designated as "at large."

(C) Thereafter, the Council members, or the Council members' successors' terms, shall be for a period of 4 years, all as pursuant to I.C. 36-5-2-3.  
(Ord. 98-2-1, passed 2-9-1998)

### **§ 32.03 NEPOTISM AND CONTRACTING WITH THE TOWN BY A RELATIVE.**

(A) As used in this resolution, "relative" shall mean spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half-brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law, or son-in-law.

(B) The town "nepotism policy" is hereby established effective July 1, 2012, by adopting as part of the policy the minimum requirements as set forth in I.C. 36-1-20.2, as adopted and effective July 1, 2012, and as may be amended from time to time in the future, and making them a part hereof as if fully set out herein. A copy of I.C. 36-1-20.2 "Nepotism," in effect on July 1, 2012, is attached to Ord. 12-6-1, passed June 6, 2012.

(C) The town "contracting with a unit by a relative policy" is hereby established effective July 1, 2012, by adopting as part of the policy the minimum requirements as set forth in I.C. 36-1-21, as adopted and effective July 1, 2012, and as may be amended from time to time in the future, and making them a part hereof as if fully set out herein. A copy of I.C. 36-1-21 "Contracting with a Unit by a Relative," in effect on July 1, 2012, is attached to Ord. 12-6-1, passed June 6, 2012.

(D) No single member of the Town Council shall be authorized to act for the body with respect to work assignments, compensation, grievances, advancement, or a performance evaluation without prior authority of a majority of the body, and therefore, without such authority by the majority, no single member of the body shall be in the direct line of supervision.

(E) No single member of any governing body of the town with authority over employees shall be authorized to act for said body with respect to work assignments, compensation, grievances, advancement, or a performance evaluation without prior authority of a majority of the body when a statute provides that a majority is needed to act, and therefore, without such authority by the majority, no single member of the body shall be in the direct line of supervision.

(F) All elected and appointed officials and employees of the town are hereby directed to cooperate fully in the implementation of the policies created by this section and demonstrating compliance with these same policies.

(G) Failure to abide by or cooperate with the implementation, compliance, and certifications connected with the nepotism policy is a violation of the policy and may result in the discipline, termination, or transfer of an employee or other curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance, and with mandated certifications or the nepotism policy may be subject to action allowed by law.

(H) Failure to abide by or cooperate with the implementation, compliance, and certifications connected with the “contracting with unit by a relative” policy is a violation of the policy and may result in the discipline, termination, or transfer of an employee or other curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance, and with mandated certifications or the “contracting with unit by a relative” policy may be subject to action allowed by law.

(I) (1) The policies created by this section are hereby directed to be implemented by any of the following actions:

(a) Posting a copy of this section in its entirety in at least one of the locations in the town where it regularly posts employer posters or other notices to its employees;

(b) Providing to its employees and its elected and appointed officials a copy of this section;

(c) Providing to its employees and its elected and appointed officials a notice of the adoption of this section; or

(d) Any such other action or actions that would communicate the policies established by this section to its employees and its elected and appointed officials.

(2) Upon the taking of any of these actions, these policies are deemed to have been implemented by the town.

(J) A copy of the provisions of I.C. 36-1-20.2 and I.C. 36-1-21, effective July 1, 2012, are annexed to Ord. 12-6-1, passed June 6, 2012.

(K) Two copies of I.C. 36-1-20.2 and I.C. 36-1-21, as supplemented or amended, are on file in the office of the Clerk-Treasurer for the town for public inspection as required by I.C. 36-1-5-4. (Ord. 12-6-1, passed 6-6-2012)



## CHAPTER 33: TOWN EMPLOYEES

### Section

33.01 Deferred Compensation Plan adopted by reference

33.02 Holidays, hours, vacation time and conflicts

#### ***Cross-reference:***

*Nepotism and contracting with the town by a relative, 32.03*

### **§ 33.01 DEFERRED COMPENSATION PLAN ADOPTED BY REFERENCE.**

The Town of Ossian, Indiana, hereby establishes the 457 Deferred Compensation Plan for employees, and hereby authorizes its officials to execute all documents necessary to effectuate the existence of the plan effective upon passage of this section. This plan is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Ord. 97-11-1, passed 11-10-1997)

### **§ 33.02 HOLIDAYS, HOURS, VACATION TIME AND CONFLICTS.**

(A) This section shall be known and referred to as the Town of Ossian Employee Benefit Ordinance.

(B) Employees of the Town of Ossian shall be given 7 paid holidays annually beginning March 10, 1992. These holidays shall be New Year's Day, Christmas Day and a floating personal holiday. If a holiday falls on a Saturday, the Friday previous will be considered the holiday. If the holiday falls on Sunday, the Monday following will be considered the holiday for employees working a Monday to Friday work week. When working a holiday, another day within a 30-day time period following that holiday shall be chosen by the employee as an off day.

(C) The holidays shall be grouped in threes to be designated winter and summer holidays. The 3 summer holidays will be Memorial Day, Independence Day and Labor Day. The 3 winter holidays will be Thanksgiving Day, Christmas Day and New Year's Day. In the Police Department, an officer will work 2 of 3 holidays in each grouping to be decided by mutual agreement and personal choice.

(D) Any conflict unable to be resolved shall be decided by Town Council.

(E) In Utilities and Street Departments, 2 of 4 employees need to be available by phone and reasonable traveling distance for emergency problems for each holiday.

(F) Division of holiday coverage shall be determined by mutual agreement and personal choice. Any conflict unable to be resolved shall be decided by Town Council.

(G) Vacation time shall be awarded as follows:

- (1) After 1 year's continuous full time employment: 1 week;
- (2) After 2 years' continuous full time employment: 2 weeks;
- (3) After 10 years' continuous full time employment: 3 weeks; and
- (4) After 20 years' continuous full time employment: 4 weeks.

(H) Vacation time begins January 1 of each year and must be taken during the calendar year. Increased vacation time shall be awarded the month of January following the employment anniversary.

(I) Normal working shift hours for the Police Department shall be 7:45 a.m. to 4:15 p.m.; 3:45 p.m. to 12:15 a.m.; 11:45 p.m. to 8:15 a.m. Normal working day for Utilities and Street Departments shall be 8:00 a.m. to 4:30 p.m. This includes a 30-minute meal time and two 15-minute breaks. All other hours are to be considered compensation time and to be so itemized. Comp time shall be and must be allowed to be used by the end of the month following the month accrued. Comp days may not be used consecutively. The majority of a department may not use comp time on the same day. Comp time accumulated and used shall be recorded on a weekly time card completed by the employee in duplicate with the original going to the Clerk-Treasurer biweekly. All comp time is subject to approval, disapproval and review by the Town Council.

(Ord. 92-3-1, passed 5-12-1992)

## CHAPTER 34: OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS

### Section

#### *Establishment*

- 34.01 Abolishment of Town Marshal; Board of Police Commissioners
- 34.02 Economic Revitalization Board
- 34.03 Department of Storm Water Management
- 34.04 Department of Economic Development
- 34.05 Wells County Emergency Management Advisory Council
- 34.06 Department of Redevelopment

#### *Property Disposal*

- 34.30 Department head responsibility
- 34.31 Report to Town Council; Town Council determination
- 34.32 Department authorization
- 34.33 Disposal by auction or sealed bid
- 34.34 Exception

### **ESTABLISHMENT**

#### **§ 34.01 ABOLISHMENT OF TOWN MARSHAL; BOARD OF POLICE COMMISSIONERS.**

(A) The Office of Town Marshal shall be abolished upon the effective date of this section as hereafter defined.

(B) (1) There is hereby established a Board of Metropolitan Police Commissioners (hereinafter referred to as "the Board.") The Board shall consist of 3 Commissioners, all appointed by the Town Council of the Town of Ossian. In order to qualify as a Commissioner, an appointee must be of good moral character and a legal resident of the town. Not more than 2 of the Commissioners may be of the same political party. All 3 Commissioners shall be appointed no earlier than the first regular meeting of the Town Council in January, 2000. The appointment of each Commissioner shall carry with it a specific term. One Commissioner shall serve for a term of 1 year. One of the Commissioners shall serve for a term of 2 years. One of the Commissioners shall serve a term of 3 years. After the initial appointment of the first Board, 1 Commissioner shall come up for reappointment on January 1 of each succeeding

year. Thereafter, on January 1 of each year, 1 Commissioner shall be appointed to serve for a term of 3 years. Each Commissioner is subject to removal by the Town Council of the Town of Ossian for any cause that the Town Council considers sufficient.

(2) Before entering upon his or her duties, each Commissioner shall take and subscribe an oath of office before the Clerk of Wells County. Each Commissioner shall also take and subscribe before the Clerk a further oath or affirmation that, in each appointment or removal made by the Board to or from the Town Police Department under this chapter, he or she will not appoint or remove a member because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person. The oath and affirmation shall be recorded and placed among the records of the court. Each Commissioner shall give bond in the penal sum of \$5,000 payable to the state and conditioned upon the faithful and honest discharge of his or her duties. The bond must be approved by the Town Council. The salary of the Commissioners shall be fixed by the Town Council and is payable monthly out of the treasury of the town.

(C) (1) Upon its creation as provided for herein, the Board may appoint, subject to the qualifications for employment determined by the Board and approved by the Town Council of the Town of Ossian, as many persons as necessary to serve in the Police Department of the town. One person shall be appointed to serve as the Police Chief. The Board may also appoint other employees that are necessary to carry on the work of the Police Department. The Board may recommend and the Town Council of the Town of Ossian shall determine the compensation to be paid to members of the Police Department in amounts that are just and reasonable.

(2) All persons so appointed by the Board must be of good moral character and serve only during good behavior. The Board constitutes the Safety Board of the town for purposes of the suspension, demotion or dismissal of any member of the Police Department. Proceedings for the suspension, demotion or dismissal of any member of the Police Department shall be conducted in the manner prescribed by I.C. 36-8-3-4. The disciplinary provisions of I.C. 36-8-3-4.1 also apply to the Safety Board and the Police Chief. The Board may make general and special rules for the government and discipline of the Police Department and may make special and general orders to the Department through the Police Chief, who is the Executive Head of the Department. Members of the Police Department must:

- (a) Have adequate means of transportation into the town; and
- (b) Maintain in their residence telephone service with the town.

(D) In all other respects, the Police Department and the Police Chief as provided for herein shall be governed by applicable statutes of the State of Indiana as set forth in the Indiana Code and as amended from time to time, and to the extent appropriate, other ordinances as govern the conduct of the Police Department enacted now or hereafter by the Town Council of the Town of Ossian.

(E) Except to the extent that any prior ordinance adopted by the town is inconsistent with the specific provisions of I.C. 36-8-9-1 and following, ordinances shall continue to apply to the extent that they provide for governance of the Police Department, previously, the Town Marshal and his or her deputies.

(F) The effective date of this section shall be the date of the first meeting in January, 1999, or the appointment of the initial 3 Commissioners, whichever comes later. Specifically, the abolition of the office of Town Marshal shall become effective upon the appointment of a Police Chief as provided herein. It is the intent of this section that there be no gap between the abolition of the office of Town Marshal and the creation of the office of Police Chief. All ordinances or parts thereof which are inconsistent with or contrary to the provisions of this ordinance are hereby repealed.

(G) The Town Council does hereby acknowledge that upon the adoption and with effective date of this section, that it is mandated to participate in the 1977 PERF Fund, all in accordance with I.C. 36-8-8-3.

(Ord. 99-12-1, passed 3-13-2000; Am. Ord. 99-12-1, passed 9-11-2000)

#### **§ 34.02 ECONOMIC REVITALIZATION BOARD.**

(A) There is hereby established an Economic Revitalization Board (hereinafter referred to as "the Board"). The Board shall consist of 12 Board members, all appointed by the Town Council. In order to qualify as a Board member, the appointee must have an interest in economic revitalization. Six Board members must be legal residents of the town. Two Board members must be legal residents of the town or Jefferson Township. Four Board members may be legal residents of the town or town business representatives.

(B) The appointment of each member shall carry with it a specific term. The terms of those initially appointed shall be 1, 2 or 3 years. All terms shall expire January 1, but an appointee shall continue in the position until his or her successor is appointed.

(C) At its first regular meeting in each year, the Board shall elect a Chairperson, Vice-Chairperson and Secretary. The Vice-Chairperson shall have authority to act as the Chairperson of the Board during the absence or disability of the Chairperson. The Secretary shall have the responsibility to provide public notification of meetings, prepare and post an agenda and provide a written record of the meetings.

(D) The Board shall be an Advisory Board responsible to the Town Council.

(Ord. 05-3-1, passed 3-14-2005; Am. Ord. 05-3-1, passed 7-11-2005; Am. Ord. 05-3-1, passed 1-28-2013)

***Cross-reference:***

*Special ordinances establishing or extending tax deductions for Economic Revitalization Areas, see Table of Special Ordinances VI*

**§ 34.03 DEPARTMENT OF STORM WATER MANAGEMENT.**

(A) The Town Council hereby adopts the provisions as set out in the Storm Water Management Systems statute as found in I.C. 8-1.5-5-1 *et seq.* except for the exception set out in division (D) below and as amended from time to time by the Indiana legislature.

(B) A Department of Storm Water Management is hereby established for the town to be controlled by a Board of Directors consisting of 3 directors. Directors shall be appointed by the executive of the town and not more than 2 of the directors may be of the same political party.

(C) (1) The terms of office of the directors shall be staggered so that 1 of the first appointed directors shall serve an initial term of 1 year; 1 director shall serve an initial term of 2 years; and 1 director shall serve an initial term of 3 years. All initial terms shall begin effective as of July 1, 2004, the Executive, when making the appointments of directors, shall specify which director shall serve which initial term.

(2) From and after the initial term each director so appointed shall serve a term of 3 years. The executive of the town may remove a director at any time when in the judgment of the executive it is in the best interest of the Department of Storm Water Management to do so.

(D) The Town Council replaces I.C. 8-1.5-5-6 with the following. The Board has the powers and duties as set out below:

(1) Hold hearings following public notice;

(2) Make findings and determinations;

(3) Install, maintain and operate a storm water collection and disposal system;

(4) Make all necessary or desirable improvements of the grounds and premises under its control; and

(5) Issue and sell bonds of the district in the name of the unit served by the Department for the acquisition, construction, alteration, addition or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the Board.

(E) The territory initially included in the special taxing district shall be and is all the territory now and hereafter included in within the corporate limits of the town.

(Ord. 04-6-2, passed 8-9-2004)

**§ 34.04 DEPARTMENT OF ECONOMIC DEVELOPMENT.**

The Ossian Department of Economic Development, controlled by the Ossian Economic Development Commission be, and are hereby created and granted all powers and duties of the Department and the Commission as set forth in I.C. 36-7-11.9 and 36-7-12.  
(Ord. 92-8-1, passed 8-11-1992)

**§ 34.05 WELLS COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL.**

(A) In accordance with I.C. 10-14, there is established a Wells County Emergency Management Advisory Council, which shall consist of the following:

- (1) The President of the County Executive;
- (2) The President of the County Fiscal Body;
- (3) The Mayor of the City of Bluffton;
- (4) One individual representing the towns located within the county;

(5) Representatives of private and public agencies or organizations within the county which can be of assistance to emergency management as added by the County Emergency Management Advisory Council; and

- (6) One commander of a local civil air patrol unit in the county, or the commander's designee.

(B) The County Emergency Management Council shall select a Chairperson from its membership.

(C) The County Emergency Management Council shall have general supervision and control over the Emergency Management and Disaster Program of the county, and shall select or cause to be selected with approval of the County Executive, the county emergency management and disaster director who shall have direct responsibility for the organization, administration and operation of the emergency management program in the county, and shall be responsible to the Chairperson of the County Emergency Management Advisory Council.

(Ord. 2000-1, passed 1-3-2000)

**§ 34.06 DEPARTMENT OF REDEVELOPMENT.**

(A) The Town Council of the Town of Ossian, Indiana (“the town”) now deems it to be in the best interest of the town and its citizenry to establish a Department of Redevelopment to afford a maximum opportunity for rehabilitation, redevelopment, or economic development of areas by private enterprise and the town.

(B) The Town Council of the town hereby establishes the Department of Redevelopment for the town, which Department shall be controlled by a board of five voting members and one non-voting advisory member to be designated and known as the Ossian Redevelopment Commission (“the Commission”).

(C) Pursuant to the terms of the act, all of the territory within the corporate boundaries of the town constitutes a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the act, which district shall be known as the Ossian Redevelopment District.

(D) The town hereby finds and determines that all of the taxable property within the Ossian Redevelopment District is considered to be benefitted by redevelopment projects carried out under the act to the extent of the special taxes levied under the act.

(E) As the Town Executive under I.C. 36-5-2-2, and pursuant to the act, the President of the Town Council shall appoint three of the five members of the Commission and, in accordance with I.C. 36-7-14-1(d), shall appoint a member of the Board of Trustees of the Northern Wells School District as a non-voting advisory member of the Commission.

(F) In accordance with the act, the term of office of the original members of the Ossian Redevelopment Commission shall commence from the date of the member's appointment and expire January 1, 2015; thereafter, each member shall serve one-year terms as provided by the act. The term of office of the non-voting member advisory member of the Commission shall be two years with the initial term commencing from the date of his or her appointment and expiring on January 1, 2016. (Ord. 14-1-2, passed 1-27-2013)

### ***PROPERTY DISPOSAL***

#### **§ 34.30 DEPARTMENT HEAD RESPONSIBILITY.**

From time to time, but not less than annually, the head of each town department shall consider the town’s personal property under its control and identify those items of personal property which are appropriate for disposal because they are either no longer needed or are unfit for their intended purpose. (Ord. 2006-4-2, passed 4-10-2006)

#### **§ 34.31 REPORT TO TOWN COUNCIL; TOWN COUNCIL DETERMINATION.**

(A) Each department shall then report to Council, on a form Council shall from time to time adopt, the following information:

- (1) A list of personal property appropriate for disposal;

- (2) The reason each is no longer needed or is unfit for its intended purpose;
  - (3) The estimated value of each;
  - (4) The estimated cost of sale;
  - (5) The estimated cost of transportation (to sale or other disposition); and
  - (6) The department's suggested form of disposition (e.g., sale, transfer, junk).
- (B) At a regular Council meeting, Council shall examine the reports and determine:
- (1) Whether the property is no longer needed or is unfit for its intended purpose; and
  - (2) Whether the property is:

- (a) Worthless (the value of the property is less than the cost of sale plus transportation);

or

- (b) one item has an estimated value of less than \$1,000; or

- (c) more than one item has an estimated value of less than \$5,000.

(Ord. 2006-4-2, passed 4-10-2006)

**§ 34.32 DEPARTMENT AUTHORIZATION.**

(A) Upon Council's affirmative findings in § 34.31, the department shall then be authorized by Council to either:

- (1) Demolish or junk the subject property.
- (2) Sell the property at a public or private sale without advertising.
- (3) Transfer the property without advertising.

(B) Any money received from the disposition of the property shall be directed to the Clerk-Treasurer and deposited in the town's General Fund.

(Ord. 2006-4-2, passed 4-10-2006)

**§ 34.33 DISPOSAL BY AUCTION OR SEALED BID.**

If Council determines that the property does not meet the criteria set out in § 34.31, then the town shall follow the procedures of I.C. 5-22-22 for disposition by public auction, appropriate internet auction, or sale by receipt of sealed bids.

(Ord. 2006-4-2, passed 4-10-2006)

**§ 34.34 EXCEPTION.**

Excepted from this subchapter are town-owned law enforcement vehicles which shall be disposed of in accordance with I.C. 5-22-22-9 as it exists or is hereafter amended.

(Ord. 2006-4-2, passed 4-10-2006)

## CHAPTER 35: ORDINANCE VIOLATIONS BUREAU

### Section

- 35.01 Establishment; purpose
- 35.02 Administrator; location
- 35.03 Application
- 35.04 Schedule of offenses
- 35.05 Procedures
- 35.06 Payment of penalties and continued enforcement
- 35.07 Institution of enforcement action
- 35.08 Forms

### § 35.01 ESTABLISHMENT; PURPOSE.

There is established an Ordinance Violations Bureau (OVB) for the town pursuant to the provisions of I.C. 33-6-3-1 to 33-6-3-5, as amended. The purpose of the OVB shall be to receive, during regular business hours, or other hours as may be established, fines and fees imposed pursuant to the town ordinances for violations thereof, except for moving traffic violations, as a means of resolving a citation, however, the OVB is not a court and the administrator has no authority to compromise penalty amounts. (Ord. 2007-8-1, passed 8-27-2007)

#### *Statutory reference:*

*The town Ordinance Violation Bureau was originally established under the authority of the statutes cited in this section, I.C. 33-6-3-1 through 33-6-3-5. Those statutes have been repealed and replaced by I.C. 33-36-1-1 through 33-36-3-7.*

### § 35.02 ADMINISTRATOR; LOCATION.

The town's duly elected and sitting Clerk-Treasurer is appointed and shall serve as the Violations Bureau's Clerk and Administrator to act with regard to ordinance violations as provided by applicable law. The Ordinance Violations Bureau shall be located in the office of the Clerk-Treasurer. (Ord. 2007-8-1, passed 8-27-2007)

### § 35.03 APPLICATION.

This chapter shall not apply to moving traffic violations. The penalties set forth in this chapter amend all specific or general monetary penalty sections of other town ordinances only as they relate to

the specific offenses set out in § 35.04. Otherwise, this chapter does not amend any monetary or non-monetary penalty or remedial rights or enforcement rights.

(Ord. 2007-8-1, passed 8-27-2007)

#### § 35.04 SCHEDULE OF OFFENSES.

The following may be subject to admission of violation before the OVB:

<i>Ordinance Reference</i>	<i>Violation</i>	<i>Penalty First</i>	<i>Penalty Second</i>	<i>Penalty Third</i>
2007-8-3	Nuisance	\$25	\$50	\$100
2007-8-2	Curfew	\$25	\$50	\$100
96-11-3	Animals	\$25	\$50	\$100
98-9-1	Loud noise	\$25	\$50	\$100
15-12-1	Structure address numbering	\$25	\$50	\$100

(Ord. 2007-8-1, passed 8-27-2007; Am. Ord. 2007-8-1, passed 12-10-2007; Am. Ord. 15-12-1, passed 12-14-2015)

#### § 35.05 PROCEDURES.

Upon receiving a citation, the alleged ordinance violator:

(A) May admit the violation and/or pay the appropriate fine amount;

(B) May deny the citation and request a trial for the alleged violation by submitting a written denial; or

(C) Who does neither (A) or (B), shall be deemed to have denied the violation and a trial will be set.  
(Ord. 2007-8-1, passed 8-27-2007)

#### § 35.06 PAYMENT OF PENALTIES AND CONTINUED ENFORCEMENT.

(A) A separate and distinct violation of any of the provisions referenced in § 35.04 constitutes a separate offense which may result in multiple violations and increasing penalties as indicated. In

circumstances where there exists a continuing act or omission, or a continuing existing condition, which constitutes a violation, every day that violation continues shall constitute a separate offense. The payment of the penalty for the violation of any of the above provisions shall not excuse the violation or permit it to continue, nor shall such payment prevent the enforced correction of any prohibited act, omission, or condition as appropriate under this or other ordinances and/or state law.

(B) The payment of the penalty for any ordinance violation as provided in this chapter shall not relieve the violator from liability for personal injury or property damage arising out of the violating act, omission, or condition. The town, or third persons, may pursue any and all other appropriate legal remedies for such injury or damage.

(Ord. 2007-8-1, passed 8-27-2007)

**§ 35.07 INSTITUTION OF ENFORCEMENT ACTION.**

At the town's option, an action for appropriate relief may be brought against an alleged ordinance violator in the County Superior Court.

(Ord. 2007-8-1, passed 8-27-2007)

**§ 35.08 FORMS.**

With Council's consent, the OVB's Administrator shall prepare and use forms to assist in the administration and prosecution of ordinance violations.

(Ord. 2007-8-1, passed 8-27-2007)

