

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: PARKS AND RECREATION

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GENERAL PROVISIONS**§ 90.01 DEPARTMENT OF PARKS AND RECREATION.***(A) Establishment.*

(1) Under the provisions of I.C. 36-10-3-1 *et seq.*, commonly referred to as “The Park and Recreation Law,” there is hereby established a Department of Parks and Recreation composed of a Board of Parks and Recreation (hereinafter called the “Board”) and other personnel as the Board shall determine, and the provisions of the statutes are hereby adopted in their entirety.

(2) The Board shall be composed of 4 members. The Town Council shall select the regular members on the basis of their interest in and knowledge of parks and recreation but not more than 2 members shall be of the same political party.

(3) Upon the establishment of a Board, the terms of the members initially appointed shall be 1, 2, 3 and 4 years. Thereafter, as a term expires, each new appointment shall be for a 4-year term. All terms shall expire on the first Monday of January, but an appointee shall continue in office until his or her successor is appointed.

(4) At its first regular meeting in each year the Board shall elect a President and a Vice President. The Vice President shall have authority to act as the President of the Board during the absence or disability of the President.

(5) The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities to conduct programs as are generally understood to be park and recreation functions, including powers and duties listed in the Park and Recreation Law, and all acts amendatory thereof and supplemental thereto.

(6) The Board may create an advisory council and special committees composed of citizens interested in the problem of parks and recreation in accordance with I.C. 36-10-3-17 of the Park and Recreation Law, and all acts amendatory thereof and supplemental thereto.

(7) The Board shall prepare and submit an annual budget in the same manner as other departments of the city government. The Board may accept gifts, donations and subsidies for park and recreation purposes.

(8) The Board shall have the powers and shall exercise the functions given to it by law as the same now exist, and may hereafter be enacted, but subject to limitations and restrictions as the Town Council may, from time to time, by ordinance establish.

(B) State law applicable. The Board shall have the powers and duties mandated by state law as that law now exists and is hereafter amended, and specifically those now set out in I.C. 36-10-3-10.

(C) *Authority conditional.* Hereafter the Board may do the following, only upon application to and express approval from the Council in each specific circumstance, to the extent then permitted by other applicable authority:

- (1) Enter into contracts and leases for facilities and services;
- (2) Contract with persons for joint use of facilities for the operation of park and recreation programs and related services;
- (3) Contract with another board, a unit of government, or a school corporation for the use of park and recreation facilities or services;
- (4) Acquire and dispose of real and personal property;
- (5) Exercise the power of eminent domain under statutes available to municipalities;
- (6) Sell, lease, or enter into a royalty contract for the natural or mineral resources of land;
- (7) Engage in self-supporting activities as prescribed by I.C. 36-10-3-22 as it now exists or is hereafter amended;
- (8) Contract for special and temporary services and for professional assistance;
- (9) Delegate authority to perform ministerial acts in all cases except where final action of the Board is necessary;
- (10) Prepare, publish, distribute reports and other materials relating to department activities;
- (11) Sue collectively by its legal name, as the “Ossian Park and Recreation Board”;
- (12) Invoke any legal, equitable, or special remedy for the enforcement of state law, a park or recreation ordinance, or the Board’s own action taken under either;
- (13) Release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities or another governmental unit for park and recreational purposes;
- (14) Lease any buildings or grounds belonging to the town and located within a park to a person for a period not to exceed 50 years.

(D) *Oversight.* Except as limited by the provisions of division (C) of this section, and the other requirements of applicable authority, the Board shall oversee the establishment and implementation of the operations of the Department.

(E) *Extended area of service.* Under the provision of Indiana law (I.C. 36-10-3-1 *et seq.*) the Ossian Department of Parks and Recreation has received a petition signed by more than 24 persons who reside in Jefferson Township outside of the boundaries of the Town of Ossian requesting the Ossian Department of Parks and Recreation to extend park and recreation services to benefit all residents of Jefferson Township. The Ossian Department of Parks and Recreation held a public hearing on May 11, 1992, at 7:00 p.m. at the Ossian Town Hall and approved the petition and recommends to the Ossian Town Council that it adopt this division. The Ossian Department of Parks and Recreation shall extend its parks and recreation services to include all of Jefferson Township as of January 1, 1993, if the same is approved by the eligible voters as part of the general election on November 3, 1992.

(Ord. 91-3-1, passed 5-14-1991; Am. Ord 95-5-2, passed 7-14-1992; Am. Ord. 91-3-1, passed 5-22-2006)

§ 90.02 ADOPTION OF PARKS AND RECREATION MASTER PLAN.

The Ossian Parks and Recreation Board, by unanimous declaration, does adopt the Ossian Parks and Recreation Master Plan 2005-2009 as its official plan for the growth and development of parks and recreation opportunities in Ossian, Indiana over the next 5 years. The Ossian Parks and Recreation Board is committed to an annual review and update of the goal and objectives of this Master Plan.

(Res. 2004, passed 12-6-2004)

RULES AND REGULATIONS FOR PARKS AND OTHER RECREATIONAL AREAS

§ 90.10 PURPOSE.

The purpose of this subchapter is to establish reasonable and responsible rules for those individuals who use the parks and other recreational areas owned and operated by the town. This subchapter is necessary to insure that residents fully enjoy leisure and recreational activities available in town parks and other recreational areas and to protect the health and safety of persons using the parks and other recreational areas.

(Ord. 12-6-3, passed 6-25-2012)

§ 90.11 PARKS AND OTHER RECREATION AREAS DEFINED.

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

PARKS AND OTHER RECREATION AREAS. Includes but is be limited to any lands, buildings, structures, waters, parks, walking trails, drives, and roadways within all designated parks in the town that are under the jurisdiction and control of the town and the town Parks and Recreation Department. (Ord. 12-6-3, passed 6-25-2012)

§ 90.12 PARK HOURS.

No person shall enter or remain in any park or other recreational area in the town after the park or recreational area is closed to the public. Parks and other recreational areas in the town open to the public at dawn and close at dusk or at the conclusion of park approved activities, whichever is later. (Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.13 VEHICLES LEFT IN PARKS AFTER CLOSING HOURS.

No person shall leave a vehicle within any park or other recreation area in the town after the location has closed to the public, except in cases of an emergency or with consent of the Town Manager or the town Police Department. The registered owner of a vehicle shall be responsible for the vehicle being within any park or other recreational area after the location has closed to the public. (Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.14 DISPOSAL OF RUBBISH, REFUSE, AND GARBAGE.

No person shall take into, carry through, or put into any park or other recreation area any rubbish, refuse, garbage, or other material, except that any refuse or garbage resulting from properly using the parks and recreation areas shall be deposited in receptacles provided. Where receptacles or adequate receptacles are not provided, all such rubbish or waste shall be carried away from the park or recreation area by the person responsible for its presence and disposed of elsewhere. (Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.15 ALTERING OR REMOVING SIGNS, STRUCTURES, FIXTURES, AND OTHER IMPROVEMENTS.

No person shall damage, deface, remove, or otherwise alter any sign, structure, fixture, or other improvement in any park or other recreational area in the town. The signs, structures, fixtures, or other improvements shall include but not be limited to any drive, roadway, walk, path, trail, wall, monument, statue, fountain, grill, table, bench, fence, gate, building, splash pad, and recreational equipment. (Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.16 DISTURBING, INJURING, OR REMOVING WILDLIFE AND VEGETATION PROHIBITED.

(A) No person shall harass, hurt, trap, injure, remove, or otherwise disturb any wildlife located in any park or other recreational area in the town without the express written permission of the Town Council. Fishing must be catch and release only; all barbs must be removed from fishing hooks prior to using them. The term *WILDLIFE* shall mean any wild mammal, bird, fish, reptile, amphibian, mollusk, crustacean, or other wild animal or any part, product, egg, offspring, or the dead body or parts of the wild animal.

(B) No person shall harvest, cut, break, set afire, injure, remove, or otherwise disturb or damage any plant, flower, bush, tree, or other vegetation growing in any park or other recreational area in the town. No person shall attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.17 SWIMMING PROHIBITED.

No person shall swim or bathe in any waters or splash pads that are within any park or other recreational area.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.18 PET SUPERVISION REQUIRED.

No person shall bring any pet into a park or other recreational area in the town unless the person shall continuously supervise such pet, including preventing or promptly repairing any damages caused by the pet and picking-up and disposing of any excrement dropped by the pet upon any park property. All pets are to be kept on short leashes at all times.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.19 CAMPING PROHIBITED.

No person shall erect or maintain a tent or other shelter, or otherwise camp within any park or other recreational area in the town, without express written permission of the Town Council or the Town Manager.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.20 FIRES PROHIBITED.

No person shall build, kindle, maintain, or use a fire within any park or other recreational area in the town that is not utilizing a grill. Any fire shall be continuously monitored and under the care and direction of a competent person from the time it is kindled until it is extinguished.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.21 SOLICITATIONS, COMMERCIAL SALES, AND COMMERCIAL PHOTOGRAPHY PROHIBITED.

No person shall solicit, advertise, sell, photograph, or promote for sale any commercial product or event within any park or other recreational area in the town without the express written permission of the Town Manager. The person must conspicuously post such permission at the site of such activity. Distribution or posting of flyers, brochures, or other written material is prohibited in parks and other recreational areas within the town.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.22 SPEED LIMITS.

No person shall operate any vehicle or bicycle upon roadways within a park or other recreational area in the town in excess of the speed limit as posted, which in any event, is not to exceed 15 miles per hour, whichever is less.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.23 PEDESTRIAN WALKING TRAIL RESTRICTIONS; OTHER PROHIBITED ACTIVITIES.

(A) No person shall operate any motorized vehicle, motorized bicycle, motorized skateboard, or other similar device upon any walking trail designed for pedestrian use in the town, except that a person with a disability, as defined by the American With Disabilities Act, may operate the device specialized motorized equipment designed for their transportation. Motorized vehicles owned and operated by the town and/or its contractors and subcontractors are permitted on any walking trail designed for pedestrian use within town when doing work for the town or providing a service for the town.

(B) No person shall ride or allow any horse on any walking trail designed for pedestrian use or in any park or other recreational area in the town.

(C) No person shall ride a bicycle at an excessive speed or engage in any racing activity upon any walking trail designed for pedestrian use in the town.

(D) The following activities are prohibited within any parks or other recreational areas in the town:

(1) Littering.

(2) Children under the age of 10 not accompanied by an adult.

(3) Use of park equipment, apparatus, structures, and buildings in any manner inconsistent with their intended purposes.

(4) Swimming in ponds, retention ponds, or other similar bodies of water.

(5) Enter an area posted as closed to the public.

(6) Engage in threatening, abusive, insulting, or indecent language or engage in any conduct or behavior tending to breach the public peace.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.24 POSSESSION, CONSUMPTION, AND SALE OF ALCOHOL BEVERAGES PROHIBITED.

No person shall possess, consume, sell, offer for sale, barter, or exchange any alcoholic beverage in any park or other recreational area in the town. The term *ALCOHOLIC BEVERAGE* means a liquid or solid that is or contains one-half percent (0.5%) or more alcohol by volume, is fit for human consumption, and is reasonably likely or intended to be used as a beverage.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.25 POSSESSION OR USE OF WEAPONS PROHIBITED.

No person shall possess or use a weapon in any park or other recreational area in the town. The term *WEAPON* means any device, firearm, equipment, or other material that in the manner that it is used or is ordinarily used is readily capable of causing serious bodily injury. The term *FIREARM* means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion. This prohibition excludes duly sworn town police officers or duly sworn police officers located in the state.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.26 PROHIBITED PERSONS.

No person who is required to register as a sexual offender by the state or any other state or who is listed on the state sex offender registry shall be permitted to enter or remain in any park or other recreational area as defined in § 90.11 of this subchapter.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.27 REMOVAL OR EXCLUSION FROM A PARK OR OTHER RECREATIONAL AREAS.

The Department of Park and Recreation, or its agent or designee (specifically including but not necessarily limited to any member of the town Police Department), shall have the right to remove and excluded from a park or other recreational area any person whom the Department, or its agent or designee, believes in its sole discretion to be acting in such a way as to endanger the health or safety of any other park user or to be acting in such a way as to prevent the use and enjoyment of the park by another park user. No person who is removed or excluded from the park shall reenter the park within 24 hours after the original removal or exclusion.

(Ord. 12-6-3, passed 6-25-2012) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person who violates §§ 90.12 through and including § 90.23 or § 90.26 of this subchapter shall be fined \$25 for the first offense and \$50 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.

(2) Any person who violates § 90.24 and 90.25 of this subchapter shall be fined \$100 for the first offense and \$200 for each offense thereafter. A separate offense shall be deemed committed for each day during which or on which a violation occurs or continues to occur.

(3) In addition to penalties contained herein, any person who damages park property is subject to payment of restitution in an amount equal to the town's cost to repair said damage.

(Ord. 12-6-3, passed 6-25-2012)

CHAPTER 91: NUISANCES; PUBLIC HEALTH AND SAFETY

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Nuisances

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GENERAL PROVISIONS

§ 91.01 ADOPTION OF COUNTY HEALTH ORDINANCE.

The Wells County Health Ordinance is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

SPECIFIC TOWN PROVISIONS**§ 91.15 REMOVAL AND DISPOSAL OF ABANDONED, SALVAGE AND SCRAP VEHICLES.**

(A) The chapter of Indiana Statutes entitled “Abandoned Motor Vehicles” (I.C. 9-22-1-1 *et seq.* and as it may hereafter be amended), is hereby adopted for application in the Town of Ossian.

(B) The charges for the towing of abandoned vehicles in the Town of Ossian shall be not more than \$50 per tow.

(C) The storage charge for abandoned vehicles in the Town of Ossian shall be not more than \$5 per day.

(D) The Town Council shall have the authority to amend the towing and storage charges from time to time and shall notify the Bureau of Motor Vehicles of amendments.

(E) The Town of Ossian may dispose of the abandoned vehicles or parts pursuant to the provisions of I.C. 9-22-1-1 *et seq.*

(F) An account to be known as the “Abandoned Vehicle Fund” is hereby established in accordance with I.C. 9-22-1-1 *et seq.*, to be funded and used according to that section.
(Ord. 92-1-2, passed 2-11-1992)

§ 91.16 WRECKED, NON-OPERATING OR ABANDONED VEHICLES.

(A) *Short Title.* This section shall hereafter be known and cited as the “Abandoned Vehicle Ordinance.”

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED. When used in conjunction with the term vehicle, means:

(a) Any vehicle located on public premises which does not have lawfully affixed thereto, or displayed thereon, a valid unexpired license plate permitting its operation upon the highways of the State of Indiana;

(b) Any vehicle which is parked or located on public premises continuously without being moved for a period of 7 days, except before the legal or temporary residence of the owner;

(c) Any vehicle parked or located on public premises illegally or in a manner so as to constitute a hazard or obstruction to the movement of pedestrians or other vehicle traffic on a public right-of-way, street or highway;

(d) Any vehicle that is over 5 years old and mechanically inoperable, and is left unattended on private premises in a location which is visible from public premises for more than 30 days;

(e) Any vehicle that has remained on private premises without the consent of the owner or person in control of the premises, for more than 48 hours;

(f) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left unattended on private premises in a location visible from public premises or left unattended on public premises; and/or

(g) Any vehicle which has historical value is excluded from that part of this section relating to junked or inoperable vehicles.

BUREAU. The Bureau of Motor Vehicles of the State of Indiana.

COMMISSIONER. The commissioner of the Bureau.

DISPOSAL AGENT. Any firm or individual engaged in the business of converting vehicles and parts of vehicles into processed scrap or scrap metal.

OFFICER. Any regular member of the Indiana State Police, any Town Marshal or Town Marshal Deputy, or any regular member of the County Sheriff's Department.

OWNER. The last known record title holder to a vehicle according to the records of the Bureau under the provisions of I.C. 9-13-2.

PARTS. All component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which, in their state of assembly, do not constitute a complete vehicle.

PERSON. All natural persons, firms, partnerships and corporations.

PRIVATE PREMISES. All privately-owned property which is not classified within the definition of public premises.

PUBLIC AGENCY. The department of local government which is denominated the local responsibility for removal, storage and disposal of abandoned vehicles by ordinances of the Common Council, Town Council or County Commissioners.

PUBLIC PREMISES. Any public right-of-way, street, highway, alley, park or other state, county or municipally-owned property.

VEHICLE. Any motor vehicle, automobile, motorcycle, truck, semitrailer, truck tractor, bus, school bus, house car or motor bicycle.

Ossian - General Regulations

(C) *Prohibition.* No person shall abandon his or her vehicle on any public premises or private premises in a location which is visible from public premises.

(D) *Removal and disposal.* The Wells County Police is the authorized agency assigned the responsibility for removing vehicles defined as abandoned under the provisions of this section and of I.C. 9-22.

(1) Any vehicle which under the standards established by I.C. 9-22 has an appraised value of less than \$200 shall be subject to removal, impoundment and sale by the public agency.

(2) After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, the vehicles shall be tagged by a police officer with a notice affixed in a prominent place on the vehicle and the tag which shall be prepared by the Police Department shall contain the following information:

(a) That the vehicle or parts are considered abandoned;

(b) That the vehicle or parts will be removed 7 days thereafter, impounded and subsequently disposed of;

(c) That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended;

(d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within 7 days; and

(e) The date, officer's name and the address and telephone number of the public agency to contact for information.

(3) No impounded vehicle shall be sold by the public agency prior to the expiration of 15 days from the date the public agency mails a written notice to the owner advising him or her that his or her vehicle has been impounded and must be removed from the impounding facility by the owner within 15 days of the date of mailing the notice or the public agency will proceed to dispose of the vehicle by sale to a disposal agent.

(4) Any vehicle which under the standards established by I.C. 9-22 has an appraised value of more than \$200 shall be subject to removal, impoundment and sale by the public agency.

(5) After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, vehicles shall be tagged by a police officer with a notice affixed in a prominent place on the vehicle and the tag which shall be prepared by the Police Department shall contain the following information:

(a) That the vehicle or parts are considered abandoned;

(b) That the vehicle or parts will be removed 7 days thereafter, impounded and subsequently disposed of;

(c) That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended;

(d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within 7 days; and

(e) The date, officer's name and the address and telephone number of the public agency to contact for information.

(6) No impounded vehicle shall be sold by the public agency prior to the expiration of 30 days from the date the public agency mails a written notice by certified mail to the owner advising him or her that his or her vehicle has been impounded and must be removed from the impounding facility by the owner within 30 days of the date of mailing the notice or the public agency will proceed to dispose of the vehicle by sale to a disposal agent.

(E) *Appraisal.* Within 5 days after removal of an abandoned vehicle to a storage area, the vehicle shall be appraised by an Appraisal Board which shall be composed of persons appointed by the County Commissioners.

(F) *Final disposal.* The final disposal of vehicles valued at either over \$200 or under \$200 shall be in accordance with the provisions of I.C. 9-13-2, 9-22, which statute shall be appended hereto and made a part of this section.

(G) *Limitation on cost and repayment to owner of excess proceeds of sale over all costs incident to removal.* In no event shall the owner of the motor vehicle be charged for towing or removing the vehicle a sum in excess of \$15, nor shall the cost of storage exceed the sum of \$1 per day. The storage charges shall be limited to the actual number of days of storage, not to exceed 15 days. If the proceeds of sale exceed all costs incident to removal, storage and disposal of the vehicle, the Chief Fiscal Officer of the county shall repay the excess to the owner upon his or her demand from the Junk Vehicle Fund established under division (H) below.

(H) *Junk Vehicle Fund.* There is hereby created the County Junk Vehicle Fund which shall be a revolving fund, and all monies paid to the county for the cost of removal, storage and disposal of abandoned vehicles shall be placed in the fund and in no other place. The fund shall also have added to it monies as may be appropriated by the County Commissioners, and the monies shall not revert, but shall remain in the Junk Vehicle Fund.

(Ord. 1-1974, passed 4-17-1974)

§ 91.17 LOUD NOISE.

(A) This section shall be known and designated as the Noise Ordinance.

(B) It shall be a violation of this section to produce or cause to be produced any noise that by the manner of its productions or its volume disturbs the peace or quiet enjoyment of any person and is audible at a distance of 30 feet or greater.

(C) The following shall be exempted from the prohibitions set forth in this section:

(1) Sounds produced by sirens of authorized emergency vehicles;

(2) Sounds produced by lawn mowers, garden tractors and similar home power tools when properly muffled and produced between the hours of 7:00 a.m. and 10:30 p.m.;

(3) Sounds produced by burglar alarms or other warning devices when properly installed on publicly or privately owned property, provided that the cause of alarm or warning device sound is investigated and turned off within a reasonable period of time;

(4) Sounds produced in connection with celebrations on legal holidays;

(5) Sounds produced in connection with permitted parades, festivals or concerts between the hours of 7:00 a.m. and 12:00 a.m.;

(6) Sounds produced in connection with the actual performance of athletic events and practices related to them;

(7) Sounds produced in connection with the performance or practice of a band, orchestra or choir organized and maintained as part of the curriculum of a publicly or privately operated educational institution;

(8) Sounds produced for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work;

(9) Sounds produced in connection with normal conduction of a legally established non-transient business when sounds are customary, incidental and within the normal range appropriate for that use; and

(10) Sounds produced in connection with religious practice, function or celebration.

(Ord. 98-9-1, passed 11-9-1998)

Cross-reference:

Violation of this section subject to fine by the Ordinance Violation Bureau, see § 35.04

§ 91.18 DISCHARGE OF GUNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREARM. Any weapon which can expel a projectile with deadly force by means of an explosion.

(B) It shall be unlawful for any person to discharge or assist in discharging any firearm within the corporate limits of the Town of Ossian, Wells County, Indiana.

(C) This section shall not apply to the discharge of firearms by proper officials engaged in their official duties, or by members of the armed forces of the United States or the State of Indiana; or by persons on the premises of a licensed shooting gallery or any firearms dealer having a regular place of business and facilities for the testing and sighting in of guns, nor any shooting or gun club using facilities for either indoor or outdoor shooting; or any private individual using facilities for indoor shooting on his or her property or the discharge of firearms or cannon with the permission of the Police Chief, in commemoration of an important event, or in the salute of any deceased person, or any duly organized veterans groups in conducting any portion of a deceased veteran's funeral. An individual acting in self-defense does not violate this section.

(D) This section may be prosecuted by the prosecutor of Wells County or by the Town of Ossian Attorney.

(Ord. 03-5-1, passed 7-14-2003)

NUISANCES

§ 91.35 PURPOSE; ADMINISTRATION.

It is the purpose of this subchapter to protect the public safety, health and welfare and enhance the environment of the people of the town by making it unlawful to allow any material growth of weeds, grass or other rank vegetation to exist and that it is further unlawful to maintain a public nuisance. This subchapter is to be administered by the Council's duly authorized representative. It is not Council's intent to include within its definition of public nuisance land that is left mostly in its natural condition or farm fields.

(Ord. 2007-8-3, passed 9-10-2007)

Cross-reference:

Violation of this subchapter subject to fine by the Ordinance Violation Bureau, see § 35.04

§ 91.36 INCORPORATION OF STATE LAW.

This subchapter, adopted in accordance with I.C. 36-7-10.1, incorporates the provisions of I.C. 36-7-10.1 as they now exist and are hereafter amended. This subchapter further incorporates the requirements of I.C. 36-1-6-2 as it now exists and is hereafter amended.
(Ord. 2007-8-3, passed 9-10-2007)

§ 91.37 AUTHORITY TO MAKE INSPECTIONS.

All officers and employees of the town shall report the existence of nuisances to the town's duly authorized representative. For this purpose, the representative designated by the Council shall have the authority to visit, enter into or upon any property or premises within the limits of the town in accordance with the requirements of other applicable law to ascertain and discover any nuisance and to make examination thereof.
(Ord. 2007-8-3, passed 9-10-2007)

§ 91.38 DEFINITIONS.

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

NUISANCE. In addition to what is declared in this subchapter to be a public nuisance, those offenses which are known to the common law and the state statutes as a public nuisance. Whenever the word ***NUISANCE*** is used in this subchapter, it refers to a public nuisance.

OWNER. The record owner and any of record contract purchaser of the real estate, all as shown by the records in the County Courthouse.

RANK VEGETATION. Plant life which grows excessively and unmanageably upon the land.

WEED. A plant held to have little or no material public value, which tends to overgrow or choke out more desirable plants, and is usually growing, or has the potential to grow, plentifully and detrimentally upon the land.
(Ord. 2007-8-3, passed 9-10-2007)

§ 91.39 CONDITIONS CONSTITUTING PUBLIC NUISANCE.

(A) In addition to what is declared in this subchapter to be a public nuisance, those offenses which are known to the common law and the statutes of Indiana as a public nuisance may, when found to exist within the town limits, be treated as such and be proceeded against as provided in this town's ordinances, or in accordance with any other provisions of law.

(B) No owner, occupant, tenant, or any other person having a substantial interest in any improved or unimproved real property within the town, or any agent thereof, shall permit or allow to remain on or within that property or upon abutting public ways any materials, trash, garbage, debris, or any other matter which is detrimental to the public health, comfort, safety, or the aesthetic well-being of the community.

(C) The following conditions, but not limited only to those, shall constitute public nuisances for the purpose of this subchapter:

- (1) Litter.
- (2) Fallen trees, stumps, or dead trees.
- (3) Boxes, appliances, furniture, household items, tires, tools, fixtures, and long term storage of construction material.
- (4) Demolition remains.
- (5) Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced real property, including open foundations.
- (6) Dressing of poultry or rabbits.
- (7) Structure defaced with paint or wording.
- (8) Any wastewater, filth, offal, garbage, trash, rubbish, animal waste, or human excrement which is deposited, allowed, or caused to be upon any property.
- (9) Any substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage.
- (10) The erection of a dam or any other obstruction by a private party which prevents the flow of water and causes it to collect or pool upon any public property.
- (11) Any dead animal.
- (12) Any real or personal property which is infected with contagious disease and is likely to cause an imminent health hazard.
- (13) The placing or accumulation on or within any real or personal property, or the permitting of same, of any matter which attracts or may attract rodents, insects, or animals in such a manner as to create a health hazard or unsanitary or dangerous condition.

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(14) Any real or personal property used as a place of residence or habitation for sleeping that is maintained in such a way as to be dangerous or detrimental to life or health due to the lack of or defects in water, drainage, heating, plumbing, or ventilation.

(15) Any dilapidated or condemned building, structure, or dwelling, or remains thereof, so out of repair that it constitutes a fire hazard liable to catch on fire or communicate fire to surrounding properties.

(16) Any noxious or repugnant odor, smoke, dust, or noise that emits from the premises into the surrounding atmosphere which created an uncomfortable condition to surrounding properties.

(17) The storage of explosive, combustible, or other flammable material which creates a safety or health risk.

(18) Any trees, shrubbery, weeds, snow, fences, or other material which obstruct public ways or cause a visual barrier for vehicular traffic.

(19) Any junk automobiles, broken concrete, scrap metal, or automobile parts.

(20) Any growth of weeds, grass, or other rank vegetation which is either:

(a) Neglected, disregarded or not adequately managed or controlled, cut, mown, or removed;

(b) Has attained a height of 8 inches or more; or

(c) Is actually or imminently detrimental to the public health, safety, or welfare.

(Ord. 2007-8-3, passed 9-10-2007) Penalty, see § 10.99

§ 91.40 NOTICE OF VIOLATION.

Violations of the requirements of this subchapter shall be addressed through the town's duly authorized representative as follows:

(A) When a public nuisance is found to exist, the town's representative shall notify the property's owner to abate the nuisance according to applicable law.

(B) The written notice to abate shall be served upon an owner by personal service, by certified mail, or by a "notice" placard conspicuously posted on the property with a copy of the notice being sent by regular first class United States mail, postage prepaid, granting a minimum of 10 calendar days to abate the nuisance. That notice shall state the nature of the nuisance and the penalty for neglect or refusal to abate the nuisance. That notice shall also contain the address and the telephone number of the town, and a notification that if the nuisance is not abated within 10 calendar days of that notice, the town may abate the nuisance and seek recovery for its costs of doing so.

(C) Within 10 calendar days of delivery of a notice to abate, the owner may notify the town in writing of any specific objection to that notice. No further abatement action shall be pursued until such action is directed by the Council.

(D) If after the expiration of those 10 days, the public nuisance continues unabated, and either no objection has been made or an objection has been made and considered by the Council and the Council has overruled the objection, further action shall be taken to abate that nuisance in accordance with this subchapter and applicable law.

(Ord. 2007-8-3, passed 9-10-2007)

§ 91.41 CITATION FOR FAILURE TO ABATE NUISANCE.

Whenever the town's representative, after the expiration of the notice, determines that the property's owner has failed to abate the nuisance, the town's representative may cause a citation to be issued against that owner. For the first offense the fine shall be \$25, for the second offense the fine shall be \$50, for all subsequent offenses the fine shall be \$100. Each subsequent day of violation shall be considered a separate and chargeable offense.

(Ord. 2007-8-3, passed 9-10-2007)

§ 91.42 ABATEMENT OF NUISANCE BY TOWN.

Upon failure, neglect, or refusal of any party to comply with the notice to abate, in addition to the issuance of a citation under § 91.41, the town's representative in the name of the Council may cause the town to abate by any reasonable means the public nuisance, and thereafter furnish the Council with a statement of the costs of that abatement.

(Ord. 2007-8-3, passed 9-10-2007)

§ 91.43 INSTITUTION OF ENFORCEMENT ACTION.

An action for appropriate relief may be brought against an alleged violator in the County Superior Court.

(Ord. 2007-8-3, passed 9-10-2007)

§ 91.44 PROCEDURE FOR COLLECTION OF ABATEMENT AND ADMINISTRATIVE COSTS.

(A) The town's representative shall make and issue to the owner a bill for those abatement costs, including administrative costs. That bill shall be delivered to the owner by any reasonable means including first class mail sent to the address as it appears upon the tax duplicates in the records of the County Auditor. The owner shall pay the amount of the bill to the Clerk-Treasurer's office within 30 days of the date of that delivery unless, within those 30 days the owner notifies that office in writing of

any objection to that bill. If that notice is given, no further collection action shall be taken until the Council acts on the objection.

(B) If the 30 days has expired and either no timely objection to the bill has been made or the Council has overruled any timely objection and the bill is not paid in full, then the bill for all such costs which the owner has failed to pay shall be certified to the County Auditor to be placed on the tax duplicate for that property with the result that the amount so certified shall be collected as delinquent taxes are collected.

(Ord. 2007-8-3, passed 9-10-2007)

CHAPTER 92: FIRE PREVENTION AND PROTECTION

Section

92.01 Burning of leaves

§ 92.01 BURNING OF LEAVES.

(A) No person, firm, corporation or other entities shall burn or cause to be burned any leaves within the Town of Ossian.

(B) Any person, firm, corporation or other entity violating the provision of this section shall, upon conviction, be fined in a sum not exceeding \$100, together with the court cost.

(C) Each day a violation is committed it shall be considered to be a separate offense and shall be punishable by the same fine for each day as set out above.

(D) This section shall not be considered to be a repeal of any existing section of the Town of Ossian.

(E) This section shall be in full force and effect after final adoption by the Town Council of the Town of Ossian, Indiana.

(F) The Prosecuting Attorney of Wells County is authorized to prosecute for violations of this section.

(Ord. 99-7-1, passed 7-12-1999)

CHAPTER 93: FAIR HOUSING

Section

- 93.01 Policy statement
- 93.02 Definitions
- 93.03 Unlawful practice
- 93.04 Discrimination in the sale or rental of housing
- 93.05 Residential real estate transactions
- 93.06 Provision of brokerage services
- 93.07 Interference, coercion or intimidation
- 93.08 Prevention of intimidation
- 93.09 Exemptions
- 93.10 Administrative enforcement of chapter

§ 93.01 POLICY STATEMENT.

It shall be the policy of the Town of Ossian to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended and I.C. 22-9.5-1 *et seq.*

(Ord. 8-2-01, passed 8-13-2001)

§ 93.02 DEFINITIONS.

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

AGGRIEVED PERSON. Includes any person who, according to I.C. 22-9.5-2-2:

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

COMMISSION. According to I.C. 22-9.5-2-3, the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*

COMPLAINANT. According to I.C. 22-9.5-2-4, a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

DISABILITY.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits 1 or more of a person's major life activities;

(b) A record of having an impairment;

(c) Being regarded as having an impairment;

(d) An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990; and/or

(e) Any other impairment defined under I.C. 22-9.5-2-10.

(2) The term shall not include current illegal use of or addictions to a controlled substance as defined in § 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)); nor does the term include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

Statutory reference:

The statute cited in the definition of DISABILITY, I.C. 22-9.5-2-10, has been repealed. The state legislature has not provided a replacement in the related statutes.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 93.04 through 93.08 or I.C. 22-9.5-5.

DWELLING. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by 1 or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by 1 or more families. (I.C. 22-9.5-2-8)

FAMILIAL STATUS. Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 years of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

FAMILY. Includes a single individual (I.C. 22-9.5-2-9), with the status of a family being further defined in **FAMILIAL STATUS**.

PERSON. Includes 1 or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under U.S.C. Title 11, receivers and fiduciaries (I.C. 22-9.5-2-11).

TO RENT. To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant (I.C. 22-9.5-2-13).
(Ord. 8-2-01, passed 8-13-2001)

§ 93.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (A) below, § 93.09 and I.C. Title 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. Title 22-9.5-5-1 and in § 93.04 shall apply to all dwellings except as exempted by division (A) below and I.C. Title 22-9.5-3.

(A) Other than the provisions of this section, nothing in § 93.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than 3 single-family houses at any 1 time; provided that in the sale of a single-family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to 1 sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than 3 single-family houses at any 1 time. The sale or rental of any single-family house shall be excepted from application of this section only if the house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesperson, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than 4 families living independently of each other, if the owner actually maintains and occupies 1 of the living quarters as his or her residence.

(B) For the purposes of division (A) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in 3 or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in 2 or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, 5 or more families.

(Ord. 8-2-01, passed 8-13-2001) Penalty, see § 10.99

§ 93.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 93.03 and except as exempted by §§ 93.03(A) and 93.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, familial status or national origin;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;

(C) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin, or an intention to make any preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin;

(F) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(3) For purposes of this section, *DISCRIMINATION* includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by a person if modifications may be necessary, to afford that person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services when accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in a manner so that:

1. The public use and common use portions of dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations; and

c. Reinforcements in bathrooms so that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically disabled people (commonly cited as AANSI A117.1) suffices to satisfy the requirements of division (F)(3)(c)3.

(5) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.
(Ord. 8-2-01, passed 8-13-2001) Penalty, see § 10.99

§ 93.05 RESIDENTIAL REAL ESTATE TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available a like transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, familial status or national origin.

(B) As used in this section, the term ***RESIDENTIAL REAL ESTATE-RELATED TRANSACTION*** means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
 - (b) Secured by residential real estate; and/or
- (2) The selling, brokering or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.
(Ord. 8-2-01, passed 8-13-2001) Penalty, see § 10.99

§ 93.06 PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of access, membership or participation, on account of race, color, religion, sex, disability, familial status or national origin.
(Ord. 8-2-01, passed 8-13-2001) Penalty, see § 10.99

§ 93.07 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having

aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 93.03 through 94.06 above.
(Ord. 8-2-01, passed 8-13-2001)

§ 93.08 PREVENTION OF INTIMIDATION.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, disability, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate a person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate;
or

(C) Any citizen because he is or has been, or in order to discourage a like citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 8-2-01, passed 8-13-2001)

§ 93.09 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. Title 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) below.

(B) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a

religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to those persons, unless membership in the religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which owns or operates for other than a commercial purpose, from limiting the rental or occupancy of lodging to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, *HOUSING FOR OLDER PERSONS* means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for, and solely occupied by, person 62 years of age or older; or

(c) Intended and operated for occupancy by at least 1 person 55 years of age or older per unit.

(Ord. 8-2-01, passed 8-13-2001)

§ 93.10 ADMINISTRATIVE ENFORCEMENT OF CHAPTER.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioner as set forth in division (B) below shall be vested in the Chief Elected Official of the Town of Ossian, Indiana.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Ossian, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the sections of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to I.C. Title 22-9.5-6 and the Chief Elected Official of the Town of Ossian, Indiana, shall refer all complaints to the Commission as provided for under division (A) above to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. Title 22-9.5-6.

(C) All executive departments and agencies of the Town of Ossian, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Elected Official and the Commission to further those purposes.

(D) The Chief Elected Official of the Town of Ossian, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting information.
(Ord. 8-2-01, passed 8-13-2001)

CHAPTER 94: ANIMALS

Section

- 94.01 Horses prohibited within town
- 94.02 Keeping and harboring animals

§ 94.01 HORSES PROHIBITED WITHIN TOWN.

(A) No person shall keep or maintain any horse, pony, mule or donkey of any kind within the town, except those presently legally maintained at this date.

(B) This section shall be deemed to be supplementary and in addition to, and not a repeal of, any existing ordinance of this Town of Ossian.

(Ord. 96-8-3, passed 8-13-1996) Penalty, see § 10.99

§ 94.02 KEEPING AND HARBORING ANIMALS.

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

AT LARGE. Off the premises of the owner and not under the control of the owner or some member of his or her immediate family or other authorized person either by leash or other means of control or containment.

OWNER. Any person, firm or corporation owning harboring or keeping an animal.

(B) No person shall keep or maintain any pig, hog, swine, cattle, sheep, fowl, llama or goat of any kind within the town.

(C) No person shall keep or maintain any horse, pony, mule or donkey of any kind within the town, except on property presently having an animal of this kind legally maintained at this date.

(D) No person shall keep within the town any pig sty, kennel, stable or other animal pen or shelter in a manner so as to create or cause any offensive or noxious smell or condition, or maintain or use any animal pen or shelter constructed in a manner so as to permit the contents of filth therein to run or wash upon the premises owned or occupied by another or upon any street or other public place.

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(E) Any person who becomes apprised of the death of any animal owned by him or her within the town shall, within 6 hours thereafter, cause the same to be removed outside the limits of the town and buried, or disposed of so as not to become a nuisance. When an animal is killed by any other person than its owner, if the person so killing it is known, the owner shall not be compelled to remove it as provided above, but it shall be removed by the person killing it.

(F) (1) It shall be unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium or advertising device, or display in any store, shop, carnival or other place, any chick, duckling, gosling or rabbit that has been dyed or otherwise colored artificially.

(2) It shall be unlawful for any person to sell or offer for sale, raffle or offer or give as a prize, premium or advertising device, any chicks, ducklings or goslings younger than 4 weeks of age in quantities of less than 12 birds to each individual person.

(3) All stores, shops, vendors and others offering chicks, ducklings or goslings for sale, or raffle, or as a prize, premium or advertising device, or displaying chicks, ducklings or goslings to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings or goslings in good health, and shall keep adequate food and water available to the birds at all times.

(G) The following conditions are hereby declared to be nuisances within the meaning of this section, and no person having ownership or custody of any animal or described herein shall:

(1) Keep any dog or other animal which by barking, howling, yelping or making any other noise disturbs the peace and quiet of any neighborhood;

(2) Allow any dog to chase, or keep any dog which chases automobiles or bicycles on streets or sidewalks;

(3) Allow or keep any dog, cat or other animal which destroys, defaces or damages shrubbery, lawns, flowers, gardens or other property;

(4) Allow or keep any dog or other animal which kills or injures sheep, cattle or any other domestic animal;

(5) Fail to confine any female dog or cat in heat in a closed building so that the animal cannot come into contact with another animal except for planned and supervised breeding; or

(6) Allow any animal under that person's control or authority to run at large in the town.

(H) The police or animal control personnel shall impound any animal found running at large and transfer the animal to the Bluffton/Wells County Animal Shelter and shall keep it until redeemed or otherwise disposed. The police or animal control personnel shall have the right to go upon private property to carry out the purpose of this chapter and to deputize others to assist them.

(I) Any animal which has bitten or attacked any person or any other domestic animal while at large shall be considered vicious and shall be impounded by the police and/or animal control personnel. No person shall keep or permit any vicious animal within the town unless the animal is secured by chain on the person's premises or muzzled to prevent it from biting. Any vicious animal found running at large may be destroyed without attempting to impound the same.

(1) Any animal owner whose animal has attacked a person or another domestic animal shall take precautions as may be necessary to ensure that the animal does not roam off the owner's premises and attack persons or animals. If a vicious animal continues to stray from its owner's premises and control, thereby causing a risk to persons and animals, any town police officer or animal control officer may, by petition to a court of appropriate jurisdiction, request that the animal be taken into custody, following which the court shall determine whether the animal is vicious and whether its owner's refusal or inability to restrain it constitutes a threat to the health, safety and welfare of the general public.

(2) If the court determines that a threat exists, it may make orders as may be necessary to alleviate the danger, including the destruction of the animal in question. In the case of destruction ordered by the court, the owner shall be not be entitled to any compensation for the taking of the animal.

(J) If any division, sentence, clause, phrase or portion of this section shall for any reason be held invalid or unconstitutional, by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions thereunder.

(K) This section shall be deemed to be supplementary and in addition to, and not a repeal of, any existing ordinance of this Town of Ossian.

(L) Any action under this section may be commenced by the Town Attorney or the Wells County Prosecutor's Office.

(Ord. 96-11-3, passed 1-9-2006) Penalty, see § 10.99

Cross-reference:

Violation of this section subject to fine by the Ordinance Violation Bureau, see § 35.04

CHAPTER 95: STREETS AND SIDEWALKS

Section

- 95.01 Maintenance of trees in walkways and street rights-of-way
- 95.02 Replacement and maintenance of sidewalks
- 95.03 Obstructions interfering with traffic safety

- 95.99 Penalty

Cross-reference:

Special ordinances affecting streets, alleys and public ways, see Table of Special Ordinances I

§ 95.01 MAINTENANCE OF TREES IN WALKWAYS AND STREET RIGHTS-OF-WAY.

(A) The owner of property on which a public street is located is ultimately responsible for the removal of trees and other vegetation in that public right-of-way and for the maintenance of trees and vegetation in a condition that does not pose a hazard to the public health and safety or inhibit passage along the public right-of-way.

(B) At any time, an owner may be called upon by the Ossian Town Council or an agent of the Ossian Town Council to carry out these responsibilities of removal and/or maintenance.

(C) This resolution is an extension of the Town of Ossian's previous policy of trees, vegetation and landscaping located in the street rights-of-way and the utility easements are the property owners' responsibilities approved by unanimous Council vote at the August 9, 1999, public Council meeting. (Res. 03-11-1, passed 11-10-2003)

§ 95.02 REPLACEMENT AND MAINTENANCE OF SIDEWALKS.

(A) The responsibility for care, maintenance and repairs of sidewalks located within the town is hereby deemed that of property owners abutting any sidewalk.

(B) Property owners whose land abuts any sidewalk shall keep the sidewalk in reasonably safe condition, and shall maintain and repair the sidewalk at their own expense as and when needed, and also within 30 days after being notified by the Town of Ossian that the sidewalk is in need of repairs.

(C) Property owners whose land abuts any sidewalk and that sidewalk has been removed shall replace that sidewalk with concrete of a size no less than the removed sidewalk.

(D) At any time, property owners whose land abuts any sidewalk may be called upon by the Ossian Town Council or an agent of the Town of Ossian to carry out these responsibilities. If so notified, the property owners shall have 30 days from the time of receiving the notice to complete the required work.

(E) This section shall be deemed to be supplementary and in addition to, and not a repeal of, any existing ordinance of this Town of Ossian.

(Res. 03-11-2, passed 11-10-2003)

§ 95.03 OBSTRUCTIONS INTERFERING WITH TRAFFIC SAFETY.

(A) It shall be unlawful to construct, maintain or permit to remain any obstruction on a street right-of-way.

(B) No tree shall be planted in a location so that it will at any time block the view of drivers of vehicles approaching an intersection.

(C) Trees and shrubs which have branches projecting into the public right-of-way, including public sidewalks, public places or public highways, shall be kept trimmed to prevent interference with any person or vehicle lawfully using the right-of-way.

(D) No person shall fail, neglect or refuse to properly remove an obstruction so owned or occupied by him or her within 5 days after receiving notice in writing from the Clerk-Treasurer that the obstruction exists and that he or she is ordered to remove the obstruction. Notice as herein provided for shall be served by a law enforcement officer upon the landowner, lessee or occupant of the real estate if the person is a resident, or registered mail addressed to his or her last known address if the person is a non-resident. In the event that the law enforcement officer is unable to locate an owner who is known to be a resident, service shall be made in a manner which is most likely to bring to the attention of the landowner that he or she is being required to take action under the terms of this section. Service in these cases shall include, but shall not be limited to, the posting of a copy of the notice on the premises affected thereby.

(E) (1) If a landowner, lessee or occupant fails to remove the obstruction within the time prescribed, the Town of Ossian may hire independent labor or employ its own agents to remove the obstruction.

(2) The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the town in the removal of the obstruction. The statement of costs shall be delivered to the owner of the property by a law enforcement officer of the Town of Ossian (or by registered mail in the case of a non-resident owner), and the owner shall pay the amount to the Clerk Treasurer within 10 days after receiving the statement.

(3) In the event of the failure of a landowner to pay the amount within the prescribed time, a certified copy of the statement of costs shall be filed in the office of the Auditor of Wells County.

(4) The Auditor of Wells County shall then place the amount claimed by the Town of Ossian on the tax duplicate against the property affected by the work, and the amount shall be collected as taxes and shall be disbursed to the General Fund of the Town of Ossian.

(F) This section may be enforced by either the Wells County Prosecutor's office or the Town of Ossian's Attorney.

(G) It shall be the duty of the Town Council to establish policies and regulations concerning the enforcement of this section, including, but not limited to, the methods and rates of pay to be allowed to those individuals who perform services on behalf of the Town of Ossian under the terms of this section. (Ord. 03-5-2, passed 6-9-2003)

§ 95.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject § 10.99.

(B) Any person, firm or corporation who, upon receipt of the notice referred to in § 95.03(D) above, fails, refuses or neglects to cut or remove the obstruction from the roadway or the premises under his or her control within 5 days from the receipt of the notice shall be subject to a civil fine of not less than \$5 nor more than \$200 for each violation; and a separate violation shall be deemed committed on each day during or on which any obstruction to the view is permitted to remain after notice from the Police Department, or any official of the Town of Ossian, to remove the same. The civil fine provided for by this division shall be in addition to any liability imposed under § 95.03(E), and the prosecution of anyone under the terms of this section shall in no way affect the right of the Town of Ossian to remove the obstruction and make the cost of removal, a lien upon the real estate as provided for by § 95.03(E).

(Ord. 03-5-2, passed 6-9-2003)

CHAPTER 96: STRUCTURE ADDRESS NUMBERING

Section

- 96.01 Uniform system for structure address numbering
- 96.02 Structure address numbering responsibility
- 96.03 Enforcement

- 96.99 Penalty

§ 96.01 UNIFORM SYSTEM FOR STRUCTURE ADDRESS NUMBERING.

All structures, new and existing, fronting public streets within the town shall be numbered in accordance with the regulations and plans of the Wells County Area Plan Commission. Structure address numbers shall be a minimum of four inches in height and shall be located near the structure's main entrance, above a garage door, or on a surface that is plainly visible from the public street. The numbers shall be displayed with Arabic numerals in a color which contrasts with their background. Where access is by means of a private road and the address number cannot be viewed from the public street, a monument, pole or other sign or means shall be used to identify the structure.

(Ord. 15-12-1, passed 12-14-2015)

§ 96.02 STRUCTURE ADDRESS NUMBERING RESPONSIBILITY.

The owner of the new or existing structure and its occupant shall be jointly and severally responsible for the address numbers being displayed in accordance with this chapter.

(Ord. 15-12-1, passed 12-14-2015)

§ 96.03 ENFORCEMENT.

When a violation of this chapter is found to exist, the town's representative shall notify the property owner and occupant on appropriate ordinance enforcement forms as follows:

(A) A written notice of violation shall be served upon the owner and occupant by personal service or by certified mail with a copy of the notice being sent by regular first class U.S. mail, postage prepaid. The notice shall grant a minimum of ten calendar days to cure the violation and state the penalty for neglect or refusal to cure the violation.

(B) Whenever the town's representative, after the expiration of the notice time period, determines that the property owner and occupant have neglected or refused to cure the violation, the town's representative may cause a citation to be issued against the owner and occupant.
(Ord. 15-12-1, passed 12-14-2015)

§ 96.99 PENALTY.

Any person or entity violating this chapter shall be penalized in accordance with Chapter 35 of the Town Code, as amended. Each subsequent day of violation shall be considered a separate and chargeable offense.

(Ord. 15-12-1, passed 12-14-2015)

Cross-reference:

Structure address numbering fines, see also § 35.04