

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: SUBDIVISIONS

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150.01 Adoption of the Wells County Subdivision Control Ordinance

§ 150.01 ADOPTION OF THE WELLS COUNTY SUBDIVISION CONTROL ORDINANCE.

(A) The Board of Trustees of the Town of Ossian, Indiana, does hereby adopt as and for an ordinance to be effective in Ossian, Indiana, the Wells County Subdivision Control Ordinance as amended; and the Board of Trustees of the town elects to be subject to all provisions of the ordinance as amended and the enforcement thereof, the same as if fully adopted, enacted and ordained by this Board of Trustees; and the Clerk-Treasurer of the town is directed to furnish certified copies of the resolution to the Auditor of Wells County, Indiana, and to the Secretary of the Area Plan Commission of Wells County, Indiana.

(B) There is hereby adopted and enacted into law each and every provision of the Subdivision Control Ordinance recommended to the Board of Trustees of the Town of Ossian under the certification of the Area Plan Commission of Wells County, dated November 9, 1970.
(Ord. 29, passed 4-1-1971; Res. 6-13-89, passed 6-13-1989)

CHAPTER 151: UNSAFE BUILDINGS

Section

151.01 Inspection, repair or removal

§ 151.01 INSPECTION, REPAIR OR REMOVAL.

(A) Under the provisions of I.C. 36-7-9 *et seq.*, the Town of Ossian establishes the Ossian Unsafe Building Ordinance.

(B) (1) I.C. 36-7-9-1 through 36-7-9-28 as amended, are hereby incorporated by reference into this section. All proceedings within the Town of Ossian for the inspection, repair and removal of unsafe buildings shall be governed by the law and the provisions of this section.

(2) In the event the provisions of this section conflict with the provisions of the I.C. 36-7-9-1 through 36-7-9-28, as amended, then the provisions of the Indiana Code shall control.

(C) The Town of Ossian or its Town Council-approved representative is hereby authorized to administer the provisions of the Ossian Unsafe Building Ordinance, subject to I.C. 36-7-9-1 *et seq.*

(D) The "enforcement authority" of the Ossian Unsafe Building Ordinance, as defined by I.C. 36-7-9-2, as amended, shall be the town's inspector.

(E) The "hearing authority" of the Ossian Unsafe Building Ordinance, as defined by I.C. 36-7-9-2, as amended, shall be the Town Council of the Town of Ossian, wherein the hearing authority, subject to the provisions of I.C. 36-7-9-1 *et seq.*, is authorized to review any orders issued by the enforcement authority.

(F) (1) The provisions of the Ossian Unsafe Building Ordinance shall apply to any individual or entity holding a "substantial property interest" within the borders of the Town of Ossian.

(2) "Substantial property interest" as defined by I.C. 36-7-9-2, as amended, is hereby incorporated by reference into the Town of Ossian's Unsafe Building Ordinance.

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(G) (1) The enforcement authority may issue orders subject to I.C. 36-7-9-5, as amended.

(2) All orders issued by the enforcement authority must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties.

(3) The order of the enforcement authority supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(H) Orders and notices issued by the enforcement authority must meet the notice requirements of I.C. 36-7-9-25, as amended, and must be sent to those parties having a substantial interest as defined in I.C. 36-7-9-2.

(I) Hearings shall be conducted by the hearing authority subject to the provisions of I.C. 36-7-9-7, as amended. Except in limited circumstances enumerated in I.C. 36-7-9-5(a,2); 5(a,3); 5(a,4); a hearing must be held by the hearing authority relative to each order issued by the enforcement authority. Parties subject to an order under I.C. 36-7-9-5(a,2); 5(a,3); or 5(a,4) may request a hearing in writing within 10 days of issuance of the order.

(J) Appeals of decisions of the hearing authority are subject to the provisions of I.C. 36-7-9-8, as amended.

(K) Should any section, division, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reasons, the remainder of the section shall not be affected thereby.

(L) This section shall take effect and be in full force upon adoption and publication according to the laws of the State of Indiana. All former ordinances which conflict with this section are hereby repealed.

(M) (1) In addition to all other remedies a judgment under I.C. 36-7-9-13 to the extent that it is not satisfied under I.C. 27-2-15, is a debt and a lien on all the real and personal property of the person named or a joint and several debt and lien on the real and personal property of the persons named.

(2) The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a lis pendens notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.

(N) Pursuant to I.C. 36-7-9-28 each day of violation of this section shall constitute a separate offense. A person who:

- (1) Remains in, uses or enters a building in violation of an order made under this chapter;
- (2) Knowingly interferes with or delays the carrying out of an made under this chapter;

(3) Knowingly obstructs, damages or interferes with persons engaged or property used in performing any work or duty under this chapter; or

(4) Fails to comply with I.C. 36-7-9-27; commits a class C infraction. Each day that the violation continues constitutes a separate offense.

(Ord. 03-3-1, passed 3-8-2004; Am. Ord. 15-9-1, passed 9-14-2015)

CHAPTER 152: ZONING

Section

152.01 Wells County Zoning Ordinance adopted by reference

§ 152.01 WELLS COUNTY ZONING ORDINANCE ADOPTED BY REFERENCE.

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

