

**ORDINANCE 2014- 0715A**

**An Ordinance Establishing Regular Meetings Times for the  
Otterbein Town Council**

The Town Council of the Town of Otterbein, Indiana ordains as follows:

*WHEREAS*, the 2008 Code of the Town of Otterbein, at Title 1, Section 2.7, provided that regular meetings of Otterbein Town Council would be held on the first and third Mondays of every month at 7:00 p.m.; and

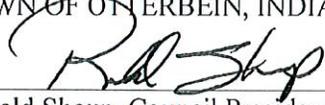
*WHEREAS*, the Otterbein Town Council has since modified its regular meeting time to the first and third Tuesday every month at 6:00 p.m. without reflecting that change in the 2008 Code;

*IT IS THEREFORE ORDAINED BY THE BOARD AS FOLLOWS:*

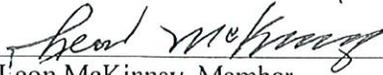
1. The regular meetings of the Council shall be held at the Town Hall on the first and third Tuesday of every month at 6:00 p.m.

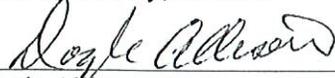
Passed this 15<sup>th</sup> day of July, 2014.

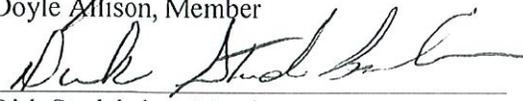
TOWN COUNCIL OF THE  
TOWN OF OTTERBEIN, INDIANA

  
\_\_\_\_\_  
Ronald Shoup, Council President

\_\_\_\_\_  
Kevin Burk, Member

  
\_\_\_\_\_  
Leon McKinney, Member

  
\_\_\_\_\_  
Doyle Allison, Member

  
\_\_\_\_\_  
Dirk Studebaker, Member

ATTEST:

  
\_\_\_\_\_  
Treeva Sarles, Clerk-Treasurer

X:\2014 Otterbein\Ordinance Establishing Regular Meeting Schedule 7-15-14.wpd

**ORDINANCE NO. 2014-0715B**

**An Ordinance Regarding the Procedures  
for Allowing Access to Public Records**

The Town Council of the Town of Otterbein, Indiana ordains as follows:

WHEREAS, it is necessary to make public records available to anyone who requests them and to insure requests are answered in a timely manner and that authorized records are provided in a reasonable time, all in accordance with Indiana Code 5-14-3, et seq., regulating Access to Public Records; and

WHEREAS, it is necessary to Ordain local procedures proscribing the manner in which such requests are submitted, reviewed and responded to, so as to clarify those areas where Indiana Code is silent or allows for local discretion.

NOW THEREFORE, PURSUANT TO IC § 36-1-3-6, BE IT ORDAINED that the Code of the Town of Otterbein, Indiana is hereby amended as follows:

A. The Town Council shall designate a person or persons responsible for public records release decisions and this person(s) shall make the final determination of whether to approve or deny a request.

B. All requests for public documents shall be made in writing by completing a Request for Public Records form, available from the Otterbein Clerk-Treasurer's Office, which shall be created and/or reviewed by Town Attorney and made available to the public by the Otterbein Clerk-Treasurer.

1. The Request for Public Records form shall be the only accepted form for making such requests.
2. The Request for Public Records form shall be submitted to the Otterbein

Clerk-Treasurer's office during regular business hours.

3. Each request shall identify with reasonable particularity the record being requested.

C. To recover the costs of reproducing these records, the Town Clerk-Treasurer shall assess the person(s) making the request a charge of \$.10 per page for photocopying of single-sided standard 8 ½ x 11 inch paper, and for copying photographs, audio tapes, electronic media, non-standard documents, and other items that may not be duplicated on a standard photocopier, the Clerk-Treasurer shall charge the direct cost for such copying, as defined by I.C. § 5-14-3-2, as that section may be amended from time to time.

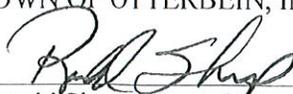
D. Pursuant to I.C. § 5-14-3-3, as that section may be amended from time to time, a person who obtains public records or information, which includes either the name, address, telephone number, property location, account balances, or any identifying information shall not be used for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes.

1. Any person or organization that violates this provision shall be fined Five Hundred Dollars (\$500) for each violation.
2. Each record obtained in violation of this provision shall constitute a separate violation.

This Ordinance shall be effective upon passage and publication according to law.

Passed this 15<sup>th</sup> day of July, 2014.

TOWN COUNCIL OF THE  
TOWN OF OTTERBEIN, INDIANA

  
\_\_\_\_\_  
Ronald Shoup, Council President

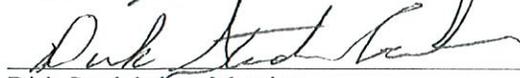
Kevin Burk, Member



Leon McKinney, Member



Doyle Allison, Member



Dirk Studebaker, Member

ATTEST:



Treeva Sarles, Clerk-Treasurer

# REQUEST FOR PUBLIC RECORDS

from the *Town of Otterbein*

## I. Person Submitting Request:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Daytime Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

## II. Please Identify with reasonable particularity the record being requested: (Use a separate Form for each type of Record requested)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### NOTICE:

(1) You will be charged the greater of \$.10 per page for standard photocopying or the direct cost all other reproductions (IND. CODE §5-14-3-2) and by submitting this Request you expressly agree to be liable for these charges up to \$50 and costs of collection, including attorney fees..

(2) A person who obtains a information that includes a name, address, telephone number, property location, account balance, or any identifying information shall not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of goods, or services, or sell, loan, give away, or otherwise deliver the information to any other person for these purposes. Violators are subject to FINE.

Return the completed form during regular business hours to:  
Otterbein Town Hall or by mail to:104 E. 2<sup>nd</sup> St., P.O. Box 215, Otterbein, IN 47970  
The Town will reply within seven (7) days, as to whether your request was approved or denied.

### THIS SPACE FOR OFFICE USE ONLY:

To Whom It May Concern:

Date of Reply: \_\_\_\_\_

On \_\_\_\_\_, the Town of Otterbein received the request you submitted and after careful review, the above request is (DENIED \_\_\_) (APPROVED \_\_\_). The statements marked below apply to your request:

- \_\_\_ These records are copied and available at the Otterbein Town Hall. You are responsible for a charge of \$ \_\_\_\_\_ for the costs of copying of your records.
- \_\_\_ After a diligent search of the Towns files, the records that you requested could not be located or do not exist.
- \_\_\_ The Town is conducting a search and/or attempting to assemble these records, which will be done in a reasonable time. You will be notified when the records are available.
- \_\_\_ Your request was unclear or did not identify with reasonable particularity the record(s) you were requesting. Please contact our office, if you would like assistance clarifying this request.
- \_\_\_ The records you requested are Exempt from Public Access in accordance with Indiana Code.
- \_\_\_ Other: \_\_\_\_\_

**If your request was denied and you have further questions, you may notify the Town Hall of your concerns and you will be contacted by the person responsible for making these decisions.**

**ORDINANCE NO. 2014-0715E**

**An Ordinance Repealing Ordinance 98-11 and the Ordinance Violations Bureau Created Thereby, Repealing the Ordinance Violation Fund, and Designating the Clerk-Treasurer as Violations Clerk**

The Town Council of the Town of Otterbein, Indiana ordains as follows:

WHEREAS, the Town Council adopted Ordinance 98-11, creating the Ordinance Violation Bureau and a fund, called the "Ordinance Violation Fund";

WHEREAS, the Town Council desires to repeal Ordinance 98-11, the Ordinance Violation Bureau, and the Ordinance Violation Fund;

WHEREAS, the Town Council desires to designate the Clerk-Treasurer as Violations Clerk, pursuant to Indiana Code § 33-36-2-2, authorizing him or her to take all actions permitted under Indiana Code 33-36-2, et seq. and 33-36-3, et seq.

NOW THEREFORE, BE IT ORDAINED as follows:

1. Ordinance 98-11, the Ordinance Violation Bureau and the Ordinance Violation Fund are hereby repealed. Any funds remaining in the Ordinance Violation Fund shall be transferred to the General Fund and the Ordinance Violation Fund shall be closed.

2. The Clerk-Treasurer is designated as Violations Clerk, pursuant to Indiana Code § 33-36-2-2, and he or she is authorized to take all actions permitted under Indiana Code 33-36-2, et seq. and 33-36-3, et seq.

3. The violations clerk may accept:
- (a) written appearances;
  - (b) waivers of trial;
  - (c) admissions of violations; and

- (d) payment of civil penalties up to a specific dollar amount set forth in an ordinance adopted by the Town Council, but not more than two hundred fifty dollars (\$250);

in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the Town Council.

4. The following schedule of ordinance and code provisions are subject to admission of violation before the violations clerk, and the amount of civil penalty to be assessed to a violator who elects to admit a violation are set forth as follows:

**Penalties for Violations Which May be Admitted Before the Violations Clerk:**

Any section of the Code of the Town of Otterbein which refers to the penalty provisions of this Section for a violation may admitted by the violator before the Clerk-Treasurer who shall serve as violations clerk, and pay the civil penalty described in this Section in lieu of the filing of an ordinance violation. The maximum civil penalty which may be paid to the violations clerk is \$250.00. In the event the violator does not wish to admit the violation and pay the civil penalty, or in the event that the civil penalty exceeds \$250.00, the violation will be filed in court, and the civil penalty described in this section will be assessed upon judgment of an ordinance violation by the court.

(1) Graduated Penalties.

(a) First violation, the violator will be assessed a civil penalty of \$50.00.

(b) Second violation, the violator will be assess a civil penalty of \$100.00.

(c) Third and subsequent violation, the violator will be

assessed a civil penalty of \$500.00.

(2) Specific Penalties.

(a) For violations of Ordinance 2005-12 [to be denominated Code §70.023 Use of Skateboards and Similar Devices Restrained]:

(i) The first offense will result in the confiscation of the skateboard or other device for 30 days.

(ii) The second offense will result in the confiscation of the skateboard or other device for 30 days and a \$50 fine.

(iii) The third offense will result in permanent confiscation of the skateboard or other device and an additional \$50 fine.

(iv) Any fine not paid within 10 days will double.

(v) The Town Council or designated officers may, under certain extraordinary circumstances, authorize the compromising or settlement of delinquent accounts.

(b) For violations of 2008 Code § 3.3.7 [to be denominated Title VII, Chapter 73 Bicycles]: A fine of not more than \$15.00 or by impounding of such person's bicycle for a period not to exceed 30 days, or by any combination thereof. In lieu of appearing before a court of competent jurisdiction, the person so charged may pay within five (5) days to the Town Clerk-Treasurer for the benefit of the general fund of the town, the sum of \$10.00.

(c) For violations of 2008 Code § 3.7.1 [to be denominated Code §§ 74.01 - 74.08 and §§ 74.10 - 74.14]: A fine of not more than \$1,000.00. In lieu of appearing before a court of competent jurisdiction, the person so charged may pay within 5 days to the Town Clerk-Treasurer of the Town of Otterbein, for the benefit of the general fund of the Town, the sum of \$15.00.

(d) For violations of 2008 Code § 3.4.10 [to be denominated Code §74.09], a fine of \$150 per offense.

(e) For violations of Ordinance 2008-4 [to be denominated Title VII, Chapter 77]:

(i) For violations of Ordinance 2008-4, except Section 5 [to be denominated Chapter 77 other than § 77.05], for which no other penalty is

given, while operating a moving vehicle shall, upon judgment, be fined not less than \$10, nor more than \$50, per offense. Further, any person operating a vehicle, who, by reason of a violation of any other provisions of Chapter 77, has caused or is involved in an accident or collision with any person, vehicle or property; or any person charged with a third offense under Chapter 77 other than § 77.05, shall, upon judgment thereof, be fined any sum not exceeding \$300.

(ii) For violations of Ordinance 2008-4, Section 5 [to be denominated § 77.05], a fine not to exceed \$2,500. The minimum fine shall be \$200 for the first offense, \$300 for the second offense, with each subsequent violation being a fine of \$100 more than the last fine up to a maximum fine of \$2,500.

(f) For violations of 2008 Code Title II [to be denominated Title VII Traffic Code]: Unless otherwise specified, a fine not to exceed \$1,000.00.

(g) For violations of 2008 Code Title IV, Section 1 [to be denominated Title IX, Chapter 90]:

(i) Whoever violates any provision of 2008 Code Title IV, Section 1 [to be denominated Title IX, Chapter 90] for which no penalty is otherwise provided, shall be fined not more than \$1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(ii) For violations of 2008 Code Title IV § 1.9 [to be denominated § 90.09], a fine of \$25.00 for the first offense, a fine of \$40.00 for the second offense, and a fine of \$50.00 for the third or subsequent offense.

(iii) For violations of Ordinance 2008-1 [to be denominated § 90.22], a fine of:

(A) \$100 for the first violation in a 24-month period;

(B) \$150 for the second violation in a 24-month period;

(C) \$250 for the third violation in a 24-month period; and

(D) \$500 for four or more violations in a 24-month period.

(h) For violations of 2008 Code Title IV Section 2 [to be denominated Title IX, Chapter 91], for each day of unabated nuisance after the scheduled deadline, a fine not to exceed \$1,000.

(i) For violations of 2008 Code Title IV Section 4 [to be denominated Title IX, Chapter 93], the following fines apply. The Town may further enforce 2008 Code Title IV Section 4 [to be denominated Chapter 93] by restraining order, injunction or any other remedy available in law or equity. Each door to door contact made without a proper permit shall be deemed a separate and distinct violation. Any violations shall cause such violator to have his, her or its permit to be revoked for a period of not less than 30 days.

(i) For violations of any provision of 2008 Code Title IV Section 4 [to be denominated Chapter 93] for which no penalty is otherwise provided, shall be fined not more than \$1,000.00. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(ii) For violations of 2008 Code Section 4.4.3 [to be denominated § 93.01], a fine of \$150.

(iii) For violations of 2008 Code § 4.4.7 [to be denominated § 93.04], a fine of \$10.00 for each and every violation thereof.

(iv) For violations of 2008 Code § 4.4.11 [to be denominated § 93.05], a fine of not less than \$10.00.

(j) For violations of 2008 Code § 4.4.2 [to be denominated Title XIII, Chapter 130], a fine of \$15.00.

(k) For violations of Ordinance 2005-12 [to be denominated Title XIII, Chapter 131]:

(i) A fine of \$25.00 for the first violation.

(ii) A fine of \$50.00 for the second violation.

(iii) A fine of up to \$1,000.00 for the third and subsequent violations, which will be filed through the Benton County Court.

5. If a person:

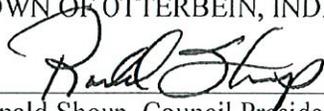
- (a) denies an ordinance or code violation;
- (b) fails to satisfy a civil penalty assessed by the violations clerk after having entered an admission of violation; or
- (c) fails to deny or admit the violation;

the clerk shall report this fact to the official having the responsibility to prosecute ordinance violation cases for the municipal corporation. Proceedings in court against the person shall then be initiated for the alleged ordinance violation.

This Ordinance shall be effective upon passage and publication according to law.

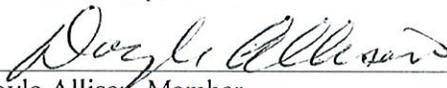
Passed this 15<sup>th</sup> day of July, 2014.

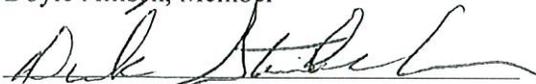
TOWN COUNCIL OF THE  
TOWN OF OTTERBEIN, INDIANA

  
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Ronald Shoup, Council President

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Kevin Burk, Member

  
\_\_\_\_\_  
Leon McKinney, Member

  
\_\_\_\_\_  
Doyle Allison, Member

  
\_\_\_\_\_  
Dirk Studebaker, Member

ATTEST:  
  
\_\_\_\_\_  
Treeva Sarles, Clerk-Treasurer

**ORDINANCE NO. 2014-0715F**

**An Ordinance Amending the Penalty Provisions for Violation of  
Title II of the Code of the Town of Otterbein  
Relating to Public Works**

The Town Council of the Town of Otterbein, Indiana ordains as follows:

WHEREAS, the penalty provisions Sections 2.5 and 2.39 of Title II of the Code of the Town of Otterbein create confusion which the Town Council desires to clarify;

NOW THEREFORE, BE IT ORDAINED that Sections 2.5 and 2.39 of Title II of the Code of the Town of Otterbein are hereby repealed and replaced by the following replacement provisions:

Title II Public Works

.....

Section 2.5. Violations and Penalties:

A. Any person found to be violating or failing to comply with any of the provisions of this chapter shall be served, by the Town, with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

B. Residential and commercial customers who shall continue any violation beyond the time limit provided in §51.999 shall be deemed to have violated the Code and upon judgment thereof shall be subject to a fine in an amount of \$25.00. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of Chapter 51 and found liable for a violation thereof shall become liable to the Town for expense, loss or damage occasioned by the Town by reason of such violation.

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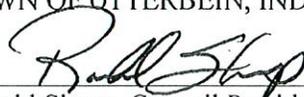
Section 2.39 Violation and Penalties:

Industrial customers who shall continue any violation beyond the time limit provided in §51.999 shall be deemed to have violated the Code and upon judgment thereof shall be subject to a fine in an amount of \$300.00. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of Chapter 51 and found liable for a violation thereof shall become liable to the Town for expense, loss or damage occasioned by the Town by reason of such violation.

This Ordinance shall be effective upon passage and publication according to law.

Passed this 15<sup>th</sup> day of July, 2014.

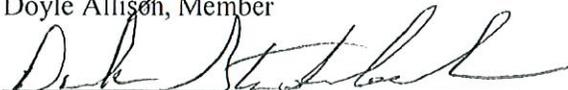
TOWN COUNCIL OF THE  
TOWN OF OTTERBEIN, INDIANA

  
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Ronald Shoup, Council President

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Kevin Burk, Member

  
\_\_\_\_\_  
Leon McKinney, Member

  
\_\_\_\_\_  
Doyle Allison, Member

  
\_\_\_\_\_  
Dirk Studebaker, Member

ATTEST:

  
\_\_\_\_\_  
Treva Sarles, Clerk-Treasurer

**ORDINANCE 2014-0715G**

**AN ORDINANCE REGULATING THE USE OF GOLF CARTS  
WITHIN THE TOWN OF OTTERBEIN**

*WHEREAS*, the Otterbein Town Council has previously passed Ordinance 2009-13 regulating the use of golf carts in the Town of Otterbein, which the Otterbein Town Council desires to repeal and replace with this Ordinance, and

*WHEREAS*, the Otterbein Town Council recognizes that golf carts may provide a convenient, inexpensive and environmentally responsible alternative to the use of fossil-fuel powered vehicles; and

*WHEREAS*, the Otterbein Town Council desires to permit the use of golf carts within the boundaries of the Town of Otterbein by establishing minimal regulations to protect the safety of the citizens of the Town of Otterbein and drivers and passengers in golf carts;

*NOW THEREFORE BE IT ORDAINED* pursuant to Indiana Code § 9-21-1-3(a)(14) and § 9-21-1-3.3(a), that the operator of a golf cart within the Town of Otterbein, Indiana, shall comply with and be subject to the following:

**A. DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. “Golf Cart” means a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course, as that term is defined in Indiana Code § 9-13-2-69.7, as amended from time to time.
2. “Driver’s License” means any type of license or privilege to operate a motor vehicle issued under the laws of a jurisdiction.
3. “Proof of Financial Responsibility” as that term is defined in Indiana Code § 9-25-2-3, as amended from time to time, means proof of ability to respond in damages for each motor vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the motor vehicle in the following amounts:
  - (a) Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of any one (1) person.
  - (b) Subject to the limit in subsection (1), Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident.

(c) Ten Thousand Dollars (\$10,000) because of injury to or destruction of property in any one (1) accident.

**B. OPERATION OF GOLF CARTS**

The operation of a golf cart within the Town of Otterbein is strictly prohibited unless the golf cart is operated and equipped in full compliance of this Ordinance.

**C. OPERATOR**

A golf cart may only be operated by an individual who holds a valid driver's license.

**D. FINANCIAL RESPONSIBILITY**

The financial ability of the operator or owner notwithstanding, the operator of a golf cart must be able to show proof of financial responsibility when operating a golf cart. Written proof of financial responsibility must be available on the golf cart or carried by the operator at all times.

**E. TIME OF OPERATION**

Golf carts shall not be operated on town streets during one-half hour before sunset to one-half hour after sunrise unless the golf cart is equipped with two (2) operating headlights (one (1) on each side of the front of the golf cart) and two (2) operating tail lights with brake lights (one (1) on each side of the rear of the golf cart) which are visible from a distance of five hundred (500) feet, as well as at least two (2) red reflectors visible from of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

**F. PLACE OF OPERATION**

Golf carts may be operated on town streets which have a posted speed limit of thirty (30) miles or less.

Golf carts may not be operated on sidewalks.

**G. OCCUPANTS**

The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is being operated.

**H. TRAFFIC RULES**

The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of Indiana and the Town of Otterbein which govern the operation of motor vehicles.

**I. SLOW MOVING VEHICLE SIGN**

All golf carts must display on the back of the golf cart a "slow moving vehicle emblem" as described in Indiana Code § 9-21-9-3, or a red or amber flashing lamp as described in Indiana Code § 9-21-9-4, as those sections may be amended from time to time.

**J. WRECKED OR DAMAGED GOLF CARTS**

A person removing a wrecked or damaged golf cart from a street or highway also must remove any glass or other foreign material dropped upon the street or highway from the golf cart, as described in Indiana Code § 9-26-6-1, as amended from time to time.

**K. ENFORCEMENT**

An owner, lessee or operator may be cited to appear in a court of competent jurisdiction by issuance of an Indiana Uniform Traffic Ticket or by the filing of an ordinance violation. Upon a finding by such court that an owner, lessee or operator of a golf cart has violated any provision of this Chapter, such person shall be subject to a fine as set forth in Section L [to be denominated as §10.99(B)(1) of the 2014 Code of the Town of Otterbein], along with court costs. A fine assessed for a violation of this Ordinance shall be deposited in the General Fund of the Town of Otterbein.

**L. PENALTY**

- (1) First violation, the violator will be assessed a civil penalty of \$50.00.
- (2) Second violation, the violator will be assess a civil penalty of \$100.00.
- (3) Third and subsequent violation, the violator will be assessed a civil penalty of \$500.00.

Passed this 15<sup>th</sup> day of July, 2014.

TOWN COUNCIL OF THE  
TOWN OF OTTERBEIN, INDIANA

  
\_\_\_\_\_  
Ronald Shoup, Council President

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Kevin Burk, Member

  
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Dirk Studebaker, Member

ATTEST:

  
\_\_\_\_\_  
Treeva Sarles, Clerk-Treasurer