

ORDINANCE NO. 2015-0804a

AN ORDINANCE TO AMEND TITLE IX, SECTION 91.02 OF THE TOWN OF OTTERBEIN CODE PROHIBITING NUISANCES

Comes now the Otterbein Town Council, and make the following recitals and ordain as follows:

WHEREAS, Indiana Code 36-8-2-4 authorizes a town to regulate conduct, or the use or possession of property, that might endanger the public health, safety or welfare;

WHEREAS, Title IX, Section 91.02 of the Town of Otterbein Code prohibits public nuisances which are caused, permitted, kept or maintained within the to Otterbein;

WHEREAS, the Otterbein Town Council now find that the following activities or conditions constitute a public nuisance and are prohibited because they endanger the public health, safety or welfare of the citizens of the town of Otterbein by increasing the risk of disease, injury or rodent and insect infestation:

1. Dumping, placing or depositing garbage, debris or refuse, including, but not limited to construction material or structural debris, rock, earth or sod, grass clippings, shrub clippings, leaves, vines, small trees, brush, limbs, tires, animal carcasses or parts thereof, appliances, or hazardous waste, upon or along public or private roads and highways, or within any public rights-of-way within Otterbein, Indiana; and

2. Allowing the outside and uncovered storage of machinery and equipment, and the accumulation of trash, junk or refuse, on any residential property under a person's control, except as may be placed inside a structure, under a tarp or other covering, or in properly controlled containers or enclosures to be picked up by a regular trash collection service; and

3. Dumping, placing or storing machinery, equipment, junk or refuse including, but not limited to construction material or structural debris, tires, animal carcasses or parts thereof, appliances, furniture not constructed for outdoor use, floor coverings, plumbing fixtures or components, or hazardous waste, on any residential property under a person's control in a zoning district which does not permit such dumping, placing or storing of such items, or without the necessary Permit, if such dumping, placing or storing of such items is allowed; and

4. Allowing unpermitted vehicles, or unlicensed and uninsured vehicles, to be placed or stored in any place other than inside a building on any residential property or under a person's control in a zoning district which does not permit such placement or storage of such vehicles, or without the necessary Permit; and

5. Repairing, restoring, servicing, painting or salvaging vehicles for a

commercial purpose on any residential property under a person's control in a zoning district which does not permit such activities, or without the necessary Restoration Permit, if such activities would be allowed with such a permit.

WHEREAS, the Otterbein Town Council has determined that it is permissible for residents to have automobiles, trucks, farm implements and/or motorized farm machines which are being restored or reconditioned, by obtaining a Restoration Permit;

1. Restoration Permits may be obtained upon payment of the sum of \$50.00. Said Restoration Permit shall be valid for a period of one (1) year from and after the date of issuance by the Clerk-Treasurer of the Town of Otterbein. A Restoration Permit may only be issued on a licensed, insured and registered vehicle, or upon an insured implement. The applicant must provide proof of such licensing, registration and insurance. The applicant must further agree to completely cover the machinery and place it parallel to, and within ten (10) feet of a building in a manner which does not create a visual nuisance on the premises.

2. One subsequent Restoration Permit may be issued after the initial Restoration Permit, upon a showing to the Town Marshal of substantial restoration or reconditioning since the date of issuance of the initial permit.

NOW THEREFORE BE IT ORDAINED by the Otterbein Town Council that Title IX, Section 91.02 of the Town of Otterbein Code is hereby amended to include the following:

....

91.02 (A) The following activities or conditions constitute a public nuisance and are prohibited:

1. Dumping, placing or depositing garbage, debris or refuse, including, but not limited to construction material or structural debris, rock, earth or sod, grass clippings, shrub clippings, leaves, vines, small trees, brush, limbs, tires, animal carcasses or parts thereof, appliances, or hazardous waste, upon or along public or private roads and highways, or within any public rights-of-way within Otterbein, Indiana; and

2. Allowing the outside and uncovered storage of machinery and equipment, and the accumulation of trash, junk or refuse, on any residential property under a person's control, except as may be placed inside a structure, under a tarp or other covering, or in properly controlled containers or enclosures to be picked up by a regular trash collection service; and

3. Dumping, placing or storing machinery, equipment, junk or refuse including, but not limited to construction material or structural debris, tires, animal carcasses or parts thereof, appliances, furniture not constructed for outdoor use, floor coverings, plumbing

fixtures or components, or hazardous waste, on any residential property under a person's control in a zoning district which does not permit such dumping, placing or storing of such items, or without the necessary Permit, if such dumping, placing or storing of such items is allowed; and

4. Allowing unpermitted vehicles, or unlicensed and uninsured vehicles, to be placed or stored in any place other than inside a building on any residential property under a person's control in a zoning district which does not permit such placement or storage of such vehicles, or without the necessary Permit; and

5. Repairing, restoring, servicing, painting or salvaging vehicles for a commercial purpose on any residential property under a person's control in a zoning district which does not permit such activities, or without the necessary Restoration Permit, if such activities would be allowed with such a permit.

(B) Restoration Permits:

1. Restoration Permits may be obtained upon payment of the sum of \$50.00. Said Restoration Permit shall be valid for a period of one (1) year from and after the date of issuance by the Clerk-Treasurer of the Town of Otterbein. A Restoration Permit may only be issued on a licensed, insured and registered vehicle, or upon an insured implement. The applicant must provide proof of such licensing, registration and insurance. The applicant must further agree to completely cover the machinery and place it parallel to, and within ten (10) feet of a building in a manner which does not create a visual nuisance on the premises.

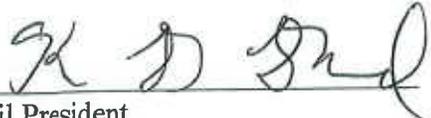
2. One subsequent Restoration Permit may be issued after the initial Restoration Permit, upon a showing to the Town Marshal of substantial restoration or reconditioning since the date of issuance of the initial permit.

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

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ALL OF WHICH IS ORDAINED this 4th day of AUGUST, 2015.

OTTERBEIN TOWN COUNCIL



Council President



Member



Member



Member



Member

ATTEST: 

Otterbein Clerk-Treasurer

ORDINANCE NO. 2015-1006 9

AN ORDINANCE TO AMEND TITLE IX, SECTION 91.02 OF THE TOWN OF OTTERBEIN CODE PROHIBITING NUISANCES

Comes now the Otterbein Town Council, and make the following recitals and ordain as follows:

WHEREAS, Title IX, Section 91.02 of the Town of Otterbein Code prohibits public nuisances which are caused, permitted, kept or maintained within the to Otterbein;

WHEREAS, the Otterbein Town Council passed Ordinance 2015-0804a on August 4, 2015, which amended Title IX, Section 91.02 of the Town of Otterbein Code, but which inadvertently imposed restrictions on residents seeking restoration permits for vehicles.

NOW THEREFORE BE IT ORDAINED by the Otterbein Town Council that Title IX, Section 91.02(B)(1) of the Town of Otterbein Code is hereby repealed and replaced by the following:

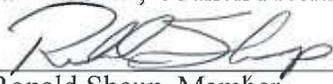
1. Restoration Permits may be obtained upon payment of the sum of \$50.00. Said Restoration Permit shall be valid for a period of one (1) year from and after the date of issuance by the Clerk-Treasurer of the Town of Otterbein. A Restoration Permit is only needed for unregistered, uninsured vehicles and uninsured implements. The applicant must further agree to completely cover the vehicle or implement with a tarp or similar covering and place it parallel to, and within ten (10) feet of a building, in a manner which does not create a visual nuisance on the premises.

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

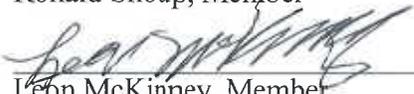
Passed this 6th day of October, 2015.

TOWN COUNCIL OF THE
TOWN OF OTTERBEIN, INDIANA

Kevin Burk, Council President



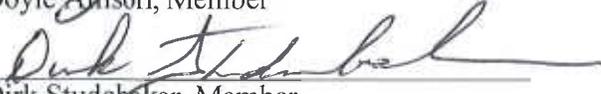
Ronald Shoup, Member



Leon McKinney, Member



Doyle Allison, Member



Dirk Studebaker, Member

ATTEST:


Treeva Sarles, Clerk-Treasurer

ORDINANCE NO. 2015-1006 E

**AN ORDINANCE TO
AMEND TITLE V, SECTION 50.01 OF THE CODE OF THE TOWN OF
OTTERBEIN RELATING TO STORM WATER FEES
AND
TITLE V, SECTION 52.01 RELATING TO TRASH COLLECTION FEES**

Comes now the Otterbein Town Council, and make the following recitals and ordain as follows:

WHEREAS, Title V, Section 50.01 of the Otterbein Town Code (the “Code”) provides for the collection of a storm water fee which the Otterbein Town Council finds is inadequate to support future storm water drainage projects; and

WHEREAS, Title V, Section 52.01 of the Code imposes a monthly fee to be collected for garbage collection for the years 2012 through 2015, which was based on the cost of delivering garbage collection services, which the Otterbein Town Council now finds should be reduced due to a decrease in the cost of delivering that service;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

A. Title V, Section 50.01 of the Otterbein Town Code is amended as follows:

§50.01 Storm Water Fees.

A storm water fee of \$3 per month is hereby adopted, which shall go into effect for the November 1, 2015, billing cycle.

B. Title V, Section 52.01 of the Otterbein Town Code is amended as follows:

§52.01 Charges Imposed.

For the period November 1, 2015 through 2018, each household shall be billed \$13.75 for solid waste and recycling, per month. A resident’s election to solicit the services of a private entity for solid waste collection and/or recycling shall not entitle that resident to a waiver of the fees provided for herein. In the event the solid waste and recycling fees are not paid within 15 days after their billing date, a 10% delinquency charge will be assessed.

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

ALL OF WHICH IS ORDAINED this 6th day of October, 2015.

TOWN COUNCIL OF THE
TOWN OF OTTERBEIN, INDIANA

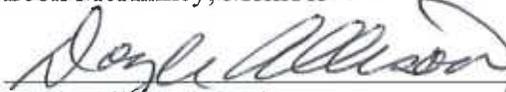
Kevin Burk, Council President



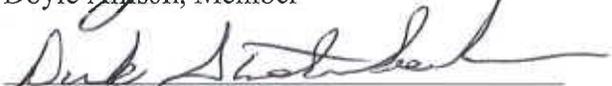
Ronald Shoup, Member



Léon McKinney, Member



Doyle Allison, Member



Dirk Studebaker, Member

ATTEST:



Treeva Sarles, Clerk-Treasurer

ORDINANCE 2015-0804B

An Ordinance Regulating the Use of Consumer Fireworks.

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

WHEREAS, the Town Council recognizes its continuing obligation to enact and update ordinances that promote public safety and welfare; and

WHEREAS, pursuant to IC 22-11-14-10.5 a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality; and

WHEREAS, the lawful, safe and responsible use of consumer fireworks decreases the chances of injury to persons and property and helps to preserve the livability and tranquility of the Town of Otterbein.

IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OTTERBEIN, INDIANA as follows:

1. The use or discharge of consumer fireworks is prohibited within the corporate limits of the Town of Otterbein, except on certain dates, places and times as herein provided.

2. Definitions.

(a) **Firework.** The term “firework” shall be defined as provided in IC 22-11-14-1.

(b) **Consumer Firework.** The term “consumer firework” shall be defined as provided in IC 22-11-14-1.

3. **Location for Use.** Fireworks may be used or discharged within the Town of Otterbein only on the user’s property, on the property of someone who has consented to the use of fireworks, or at a special discharge location designated by the State Fire Marshal for the discharge of consumer fireworks.

4. Use or discharge of consumer fireworks prohibited except on certain dates and times. Consumer fireworks may **ONLY** be used or discharged within the Town of Otterbein, Indiana by adults age eighteen of age or older, or by children under age 18 when an adult is present, on the following dates and times, as provided in IC 22-11-14-10.5:

(a) Between the hours of 5:00 p.m. and two (2) hours after sunset (approximately 11:00 p.m.) on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(b) Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(c) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

5. Enforcement. The Otterbein Police Department is responsible for the interpretation and civil enforcement of this ordinance.

6. Seizure and forfeiture of consumer fireworks. Enforcement personnel from the Otterbein Police Department may seize and dispose of consumer fireworks that are used in violation of this ordinance.

7. Penalty. In addition to the seizure and disposition of consumer fireworks that are used in violation of this ordinance, whoever violates any provision of this ordinance shall be fined not more than fifty dollars (\$ 50.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

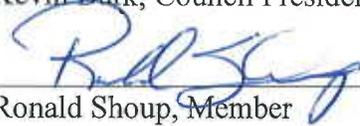
This Ordinance shall become effective as set forth above and after it has been published pursuant to law.

Passed this 4th day of August, 2015.

TOWN COUNCIL OF THE
TOWN OF OTTERBEIN, INDIANA



Kevin Burk, Council President



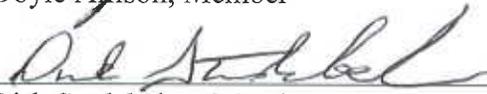
Ronald Shoup, Member



Leon McKinney, Member



Doyle Allison, Member



Dirk Studebaker, Member

ATTEST:



Treeva Sarles, Clerk-Treasurer