

AN ORDINANCE ESTABLISHING PROCEDURE
FOR ENFORCEMENT OF TOWN OF OSGOOD ORDINANCES

WHEREAS, the Town of Osgood has the authority under Indiana Code 36-8-2-4 to regulate conduct or use or possession of property that might endanger the public health, safety or welfare; and under Indiana Code 36-8-2-6, to capture and destroy animals if necessary; and under Indiana Code 36-8-2-8 to regulate the introduction of any substance or odor to the air, or any generation of sound; and,

WHEREAS, the Town of Osgood has adopted various ordinances pursuant to that authority, which ordinances need a procedure for enforcement thereof; and,

WHEREAS, Indiana Code 33-36-2-1 authorizes the Town of Osgood to enforce its ordinances by establishment of an ordinance violations bureau and appointment of an ordinance violations bureau clerk; and by ordinance designate those ordinances for enforcement thereby; and,

WHEREAS, Indiana Code 36-1-6-9 authorizes the Town of Osgood to enforce certain of its ordinances through administrative proceedings, and allows the appointment of an administrative body of the Town of Osgood for that purpose.

BE IT, THEREFORE, ORDAINED as follows:

1. That pursuant to Indiana Code 33-36-2-1, the Town of Osgood establishes the Town of Osgood Ordinance Violations Bureau and pursuant to Indiana Code 33-36-3-1 designates Dana Row as its Ordinance Violations Bureau Clerk.

2. That said Osgood Violations Bureau shall have authority to enforce the following Ordinances of the Town of Osgood by imposition of fines of up to Two Hundred Fifty Dollars (\$250) per violation:

Ordinance No. 2002-3	Excessive Noise
Ordinance No. 2008-4	Storage of Junk
Ordinance No. 2009-3	Solid Waste Collection and Disposal
Ordinance No. 2009-4	Animals Running at Large
Ordinance No. 2009-5	Signage Requirements
Ordinance No. 2009-8	Golf Carts
Ordinance No. 2009-12	Standing Water
Ordinance No. 2009-13	Weeds and Rank Vegetation

3. That pursuant to Indiana Code 33-36-2-3, said Ordinance Violations Bureau Clerk may accept written appearances, waivers of trials, admissions of violations, and payment of civil penalties of up to Two Hundred Fifty Dollars (\$250) as set forth in ordinances adopted by the Town Council for the Town of Osgood.

4. That a person charged with an ordinance violation is entitled to a trial before a court as provided by law unless that person waives the right to trial and enters an admission of the violation with the Ordinance Violations Bureau Clerk.

5. A person charged with a violation who wants to invoke the right to trial shall appear before the Ordinance Violations Bureau Clerk and deny the violation or enter a written denial with the Ordinance Violations Bureau Clerk.

6. The Town of Osgood, pursuant to Indiana Code 36-1-6-9 establishes the Town of Osgood Ordinance Violations Bureau as its administrative body for enforcement of its ordinances that restrict or prohibit actions that are harmful to land, air or water, or govern the use of the public way, or govern the standing or parking of vehicles.

7. The Ordinance Violations Bureau Clerk shall serve as the hearing officer for purposes of determination of a violation of an ordinance by a preponderance of the evidence, and imposition of a penalty of not more than Two Thousand Five Hundred Dollars (\$2,500).

8. Pursuant to Indiana Code 36-1-6-9, those ordinances to be enforced by the Ordinance Violations Bureau as administrative body for the Town of Osgood are as follows:

Ordinance No. 2008-4	Storage of Junk
Ordinance No. 2009-3	Solid Waste Collection and Disposal
Ordinance No. 2009-12	Standing Water
Ordinance No. 2009-13	Weeds and Rank Vegetation

SO ORDAINED this 15 day of December, 2009.

TOWN COUNCIL OF THE TOWN OF OSGOOD,

By: Linda Krinop
LINDA KRINOP, President

NORMAN KAPPES, Member

Vickie D. Holliday
VICKIE D. HOLLIDAY, Member

ATTEST:

Tamara Wilhoit
TAMARA WILHOIT, Clerk-Treasurer