

**TITLE III: ADMINISTRATION**

Chapter

- 30. BODY OF GOVERNMENT**
- 31. TOWN OFFICIALS**
- 32. TOWN ORGANIZATIONS**
- 33. FINANCES AND REVENUE**
- 34. PERSONNEL POLICIES; TOWN EMPLOYEES**
- 35. TOWN POLICIES**



## CHAPTER 30: BODY OF GOVERNMENT

### Section

#### ***Town Council; Composition***

- 30.01 Three-member Council
- 30.02 Districts or election precincts; map
- 30.03 President of Town Council

#### ***Meetings; Procedures***

- 30.15 Quorum and votes to pass
- 30.16 Powers of Council
- 30.17 Regular meetings
- 30.18 Special meetings
- 30.19 Order of business
- 30.20 Parliamentary procedure
- 30.21 Introduction of ordinances and resolutions
- 30.22 Recording and publishing of ordinances
- 30.23 Compensation

#### ***TOWN COUNCIL; COMPOSITION***

#### **§ 30.01 THREE-MEMBER COUNCIL.**

(A) The Town Council is the town legislative body.

(B) The Council consists of 3 members whose terms of office are 4 years, beginning at 12:00 p.m. on January 1 after election, and continuing until successors are elected and qualified.

(C) One Councilmember is elected from each of the 3 districts of the town, but each member is elected by the vote of the entire town.

(1983 Code, § 3-1)

#### ***Statutory references:***

*Terms of office, see I.C. 36-5-2-3*

*Town Council, see I.C. 36-5-2-2*

#### **§ 30.02 DISTRICTS OR ELECTION PRECINCTS; MAP.**

(A) The town is divided into 3 districts or election precincts for purposes of conducting elections of town officers, namely:

- (1) First District;
- (2) Second District; and
- (3) Third District.

(B) The map certified April 25, 1980, depicting the boundaries of the 3 districts or election precincts, is hereby adopted by reference as if set out in full herein. A copy is available through town offices.

(1983 Code, § 3-2)

#### ***Statutory reference:***

*Composition of districts, see I.C. 36-5-1-10.1*

*Division of towns into districts, see*

*I.C. 36-5-2-4.1*

*Legislative districts, see I.C. 36-5-2-5*

#### **§ 30.03 PRESIDENT OF TOWN COUNCIL.**

(A) The Council shall select at its first annual meeting 1 of its members to be its President for a

definite term, which may not exceed his or her term of office.

(B) The President is the town executive.

(C) It shall be the duty of the President to preside at all meetings of the Council, to preserve order and generally to perform the duties of a presiding officer in legislative or deliberate assemblies.

(D) The President shall have the right to vote on all questions, the same as any other member of the Council.

(E) In the absence of the President, the Council may choose from among the members present a President pro tempore who shall, for the time being, perform all the duties required of the President. (1983 Code, § 3-3) (Ord. 5, passed - -189\_)

**Statutory reference:**

*Town Executive, see I.C. 36-5-2-2*

### **MEETINGS; PROCEDURES**

#### **§ 30.15 QUORUM AND VOTES TO PASS.**

(A) A majority of all elected members of the Council constitutes a quorum.

(B) Passage of ordinances, orders or resolutions shall be governed by applicable state statutes. (1983 Code, § 3-4)

**Statutory reference:**

*Majority, 2/3 and unanimous votes, see*

*I.C. 36-5-2-9.4 through 36-5-2-9.8*

*Quorum defined, see I.C. 36-5-2-9.2*

#### **§ 30.16 POWERS OF COUNCIL.**

(A) The Council may:

(1) Adopt ordinances and resolutions for the performance of functions of the town;

(2) Purchase, hold and convey any interest in property for the use of the town;

(3) Adopt and use a common seal and alter the same; and

(4) Exercise all powers that are needed for the effective operation of local governmental affairs. (1983 Code, § 3-5)

**Statutory reference:**

*Home rule powers of municipalities, see*

*I.C. 36-1-3-1 through 36-1-3-9*

*Powers of the legislative body, see I.C. 36-5-2-9*

#### **§ 30.17 REGULAR MEETINGS.**

The Council shall hold its regular meetings on the second Monday of each month at 7:00 p.m. (1983 Code, § 3-6)

#### **§ 30.18 SPECIAL MEETINGS.**

(A) *Call by President or a Member of the Council.* Special meetings may be convened at any time other than the time fixed for regular meetings, upon call of the President of the Council, or upon call of a majority of the members of the Council. (Ord. 5, passed - -)

(B) *Procedure for calling.* The call for these special meetings shall be written or printed and shall be signed by the President when made by him or her, and signed by the Councilmembers when made by them, and in either case, sealed with the seal of the town and countersigned by the Clerk-Treasurer.

(C) *Service of notice required.* The service of the notice shall be made by the President or by the Town Marshal or his or her deputy as follows:

(1) By reading the same to and within the hearing of all members of the Council present in the town at the time the call is made;

(2) By leaving a copy thereof at any member's last and usual place of residence, in case he or she cannot be found;

(3) By acknowledgment thereof by the Councilmember on the notice; or

(4) By having the Clerk-Treasurer’s office telephone each member of the Town Council and reading the call of the meeting to him or her.

(D) *Scope of business.* At any special meeting the Council shall be limited to transact business inserted in the call, unless it is business of which notice by publication was not first required to be given.

(1983 Code, § 3-7)

**Statutory reference:**

*Indiana Open Door Law or Sunshine Law, see I.C. 5-14-1.5 through 5-14.1-5-8  
Special meetings, see I.C. 36-4-6-7*

**§ 30.19 ORDER OF BUSINESS.**

The following order of business shall be observed at every regular meeting of the Town Council, unless suspended by a majority vote of the Council:

(A) Meeting called to order (7:00 p.m.).

(B) Minutes of previous meeting read or copies of minutes distributed for approval.

(C) Recognition of visitors.

(D) Copies of financial report distributed, financial statement, claims presented and docket sheet presented.

(E) Reading of ordinances, resolutions, opening of bids.

(F) Old business.

(G) New business.

(H) Councilmembers’ questions, reports and announcements.

(I) Clerk-Treasurer’s questions, reports and announcements.

(J) Meeting adjourned.  
(1983 Code, § 3-8)

**§ 30.20 PARLIAMENTARY PROCEDURE.**

Any matter not addressed by any rules of procedure which may be adopted by the Town Council shall be governed by *Robert’s Rules of Order*.  
(1983 Code, § 3-9)

**§ 30.21 INTRODUCTION OF ORDINANCES AND RESOLUTIONS.**

(A) *Filing with Clerk-Treasurer.* All ordinances, orders or resolutions shall be introduced by a member of the Town Council. All ordinances upon introduction shall be consecutively numbered by the Clerk-Treasurer and include the last digits of the date on which it was passed. For example: Ordinance No. (1) (year-month-day), Ordinance No.(2) 83-2-10, and the like.

(B) *Ordinances passing by unanimous consent.* No ordinance shall be passed on the same day or at the same meeting that it is introduced, except by unanimous consent, and a motion to suspend the rules, and then only in case there are present and voting at least 2/3 of all the members elect of the Council.

(C) *Reading of ordinances.* Every proposed ordinance shall receive 3 separate readings by the Council previous to passage.

(1) *First reading of ordinances.* The first reading of a proposed ordinance shall be for information, but may be read by title only. The title shall clearly set forth the nature of the contents.

(2) *Second reading of ordinances.* Every proposed ordinance shall be read through by sections at its second reading, and at this reading it shall be in order to commit, to amend, to lay upon the table, to postpone or to pass to its third reading by a majority vote of all the members. Any proposed ordinance failing to receive a majority vote of all the members at its second reading shall be considered lost. A proposed ordinance may be stricken from the files by

a vote of 2/3 of all the members before or after it has passed its second reading.

(3) *Third reading of ordinances.* On the third reading of any proposed ordinance, no amendment shall be in order, except by a vote of 2/3 of the members of the Council. In no case shall the reading of any proposed ordinance by sections be dispensed with on third reading. At any time before the final passage, a proposed ordinance may be re-committed. On failing to receive a majority of the votes of all members present on the third reading, an ordinance is lost and shall be stricken from the files.

(D) *Signing of ordinances.* Every ordinance, order or resolution of the Council shall, upon its passage, enrollment, attestation and signature by the Clerk-Treasurer and presiding officer, be signed by all members of the Council present.

(E) *Clerk-Treasurer to vote in case of tie.* The Clerk-Treasurer shall cast a vote in instances where the vote by the members of the Council has resulted in a tie.  
(1983 Code, § 3-11)

### § 30.22 RECORDING AND PUBLISHING OF ORDINANCES.

(A) All ordinances, within a reasonable time after their passage, shall be recorded in a book kept for that purpose by the Clerk-Treasurer.

(B) Any adopted ordinance, order or resolution which must be promulgated or published before it takes effect shall be done pursuant to applicable state statute.

(1983 Code, § 3-12)

***Statutory reference:***

*Posting of ordinances in 3 public places;  
publication of ordinances in a town code,  
see I.C. 36-4-6-14*

### § 30.23 COMPENSATION.

(A) The Town Council shall, by ordinance, fix the compensation of its own members, as well as other town employees and officers.

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the year 1980.

(1983 Code, § 3-13)

***Statutory reference:***

*Compensation for officers and employees, see  
I.C. 36-5-3-2*

## CHAPTER 31: TOWN OFFICIALS

### Section

#### *General Provisions*

- 31.01 Appointed town officers
- 31.02 Building Commissioner
- 31.03 Membership dues paid to organizations

- (4) One or more Street Commissioners;
- (5) One or more firefighters; and  
(Ord. 5, passed - -)
- (6) Town Marshal.

#### *Clerk-Treasurer*

- 31.15 Term of office
- 31.16 Powers and duties
- 31.17 Compensation
- 31.18 Deputies and employees

- (C) Duties shall be set forth for each position by the Town Council.  
(1983 Code, § 2-12)  
**Statutory reference:**  
*Duties, authorization to appoint Town Manager, see I.C. 36-5-5-1 through 36-5-5-8*

#### *Marshal*

- 31.30 Appointment; compensation; tenure
- 31.31 Powers and duties
- 31.32 Deputy marshals

#### **§ 31.02 BUILDING COMMISSIONER.**

The Building Commissioner is the Zoning Inspector designated by the Town Council. He or she is charged with enforcement of the zoning chapter and related ordinances.  
(1983 Code, § 2-10)

#### **Cross-reference:**

*Zoning Inspector; duties, see §§ 156.065 and 156.066 of this code of ordinances*

#### **GENERAL PROVISIONS**

#### **§ 31.01 APPOINTED TOWN OFFICERS.**

(A) The Town Council may employ persons to effectively carry out the needs and services of the town. The persons' compensation and terms of employment shall be set by the Council.

(B) Positions which the Council may appoint may include but not be limited to the following:

- (1) Town Manager;
- (2) Town Attorney;
- (3) Town Engineer;

#### **§ 31.03 MEMBERSHIP DUES PAID TO ORGANIZATIONS.**

(A) The Town Council is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the town and the elected and appointed officials and members of the municipality's boards, council, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operation.

(B) The Town Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs.  
(1983 Code, § 2-44) (Ord. 83-1-10, passed - -)

### **CLERK-TREASURER**

#### **§ 31.15 TERM OF OFFICE.**

(A) The Town Clerk-Treasurer is an elected position whose term of office is for 4 years, beginning at 12:00 p.m. on January 1 after his or her election and continuing until a successor is elected and qualified.

(B) The Town Clerk-Treasurer is elected by the voters of the entire town.  
(1983 Code, § 2-1)

**Statutory reference:**

*Election, see I.C. 36-5-6-4*

*Term of office, see I.C. 36-5-6-3*

#### **§ 31.16 POWERS AND DUTIES.**

(A) The Town Clerk-Treasurer may administer oaths, take depositions and take acknowledgments of instruments as required by law.

(B) The Town Clerk-Treasurer is the Clerk of the Town Council, and whenever the Council has an even number of members, the Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.

(C) The Town Clerk-Treasurer may perform all duties prescribed by law, which include but are not limited to the following:

(1) Receive and care for all town monies, and pay them out upon order of the Council:

(2) Keep accounts of all town monies;

(3) File monthly reports with the Council showing all receipts and disbursements of the town treasury for the preceding month;

(4) Maintain records which are open for inspection by the Council;

(5) Maintain custody of the town seal and records of the Town Council;

(6) Issue all licenses; and

(7) Attend all Town Council meetings and maintain a recording of its proceedings.

(1983 Code, § 2-2)

**Cross-reference:**

*Town seal, see § 11.01 of this code of ordinances*

**Statutory reference:**

*Clerk-Treasurer to administer oaths and related powers, see I.C. 36-5-6-5*

*Clerk-Treasurer's role to the legislative body, see I.C. 36-5-2-8*

*Powers and duties, see I.C. 36-5-6-6*

#### **§ 31.17 COMPENSATION.**

(A) The offices of Clerk and Treasurer are combined so that the position may be filled by 1 person.

(Ord. 170, passed - -1917)

(B) The compensation for the services of the person holding the office of Clerk-Treasurer shall be paid out of funds in the town treasury, and upon proper claim being filed and allowed, the amount shall be fixed by the Town Council.

(Ord. 171, passed - -1916)

(1983 Code, § 2-3)

#### **§ 31.18 DEPUTIES AND EMPLOYEES.**

(A) The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Council.



(B) Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.

(1983 Code, § 2-4)

**Statutory reference:**

*Clerk-Treasurer authorized to appoint deputies and employees, see I.C. 36-5-6-7*

(4) Execute search and arrest warrants;

(5) Enforce local ordinances;

(6) Give notice of any nuisance and abate the same when ordered.

**MARSHAL**

**§ 31.30 APPOINTMENT; COMPENSATION; TENURE.**

(A) The Town Council shall appoint a Town Marshal and fix his or her compensation.

(B) The Town Marshal serves at the pleasure of the Town Council and is subject to the state minimum basic training requirements.

(1983 Code, § 2-7)

**Statutory reference:**

*Council may appoint a Town Marshal, see I.C. 36-5-7-2*

*Tenure, training and removal procedures, see I.C. 36-5-7-3*

(C) Any Marshal or deputy who shall make any false return of any writ or other instrument whereon a return is required, who shall fail to return the same on the return day thereof, or who shall fail to perform any duties incumbent upon him or her by ordinance or law, shall with his or her securities be liable on his or her bond to any person so injured, to the extent of the injury.

(Ord. 4, passed - -189\_)

**Statutory reference:**

*Powers and duties of Town Marshals, see I.C. 36-5-7-4*

**§ 31.32 DEPUTY MARSHALS.**

(A) The Town Council authorizes the Town Marshal to appoint a Deputy Marshal and/or Relief Night Marshal as the needs of the town shall require, and they shall assist the Marshal in his or her official duties.

(Ord. 136, passed - -1910)

**§ 31.31 POWERS AND DUTIES.**

(A) The Town Marshal is the chief police officer of the town and has all powers and duties prescribed by law.

(B) These powers and duties include but are not limited to the following:

(1) Serve and execute orders directed by the Town Council;

(2) Make arrests and detain in custody until the arrest has been investigated;

(3) Suppress breaches of peace;

(B) All deputies shall file their certificates of appointment and bonds, along with the oath of office, upon the approval of the Town Council.

(Ord. 132, passed - -1909)

(C) Compensation of Deputy Marshals shall be set by the Town Council.

(D) Deputy Marshals shall have the powers and liabilities of the Marshal in executing the orders of the Town Council and the enforcement of laws.

**Statutory reference:**

*Deputy marshals, see I.C. 36-5-7-6*



**CHAPTER 32: TOWN ORGANIZATIONS**

Section

*Commissions*

- 32.01 Established
- 32.02 Economic Development Commission
- 32.03 Plan Commission

(2) Plan Commission.  
(1983 Code, § 2-26)

**§ 32.02 ECONOMIC DEVELOPMENT COMMISSION.**

*Boards*

- 32.15 Established
- 32.16 Appointments
- 32.17 Board of Aviation Commissioners

(A) The Economic Development Commission is established to investigate, study and survey job opportunities, industrial diversification, and economic stability, development and welfare in and near the town.  
(Ord. 76-9-13, passed - -; Ord. 77-2-14, passed - -)

*Departments*

- 32.30 Establishment

(B) The Commission shall carry out the duties and powers as set forth in I.C. 36-7-12-1 through 36-7-12-37, as it may be amended from time to time.  
(Ord. 77-2-14, passed - -)  
(1983 Code, § 2-27)

***Cross-reference:***

*Board of Zoning Appeals, see Chapter 156*  
*Park Board/Parks and Recreation, see Chapter 92*

**§ 32.03 PLAN COMMISSION.**

**COMMISSIONS**

**§ 32.01 ESTABLISHED.**

(A) The town shall establish commissions as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.

(A) A Plan Commission for the town is established. It shall consist of 3 persons in the town government and 4 additional members to be appointed by the President of the Town Council, with not more than 2 of whom shall be members of the same political party.  
(Ord. 220, passed - -1951)

(B) The following commissions are established:

- (1) Economic Development Commission;

(B) The Plan Commission shall have and possess all the duties, rights, and powers under its enabling statute of I.C. 36-7-4-102, Area Planning Law, and all amendments thereto.

and

(C) The duties of the Plan Commission shall be:

(1) To promote the orderly development of the governmental units of the town and its environs;

(2) To improve the public health, safety, convenience and welfare of the town;

(3) To plan for the future development of the town;

(4) To plan the development and to set off into zones the real estate within the corporate limits of the town;

(5) To plan and recommend the passage of ordinances providing for specific zones for types of improvements and to divide the town and the real estate therein into residential, business, school and park districts or zones;

(6) To recommend the passage of ordinances for the districting and zoning of the town; and

(7) To do and perform any and all other things authorized by the Plan Commission in connection with the planning and zoning of the town. (1983 Code, § 2-28) (Ord. 220, passed - -1951)

**Statutory reference:**

*Planning and Development, see I.C. 36-7-4-100 through 36-7-4-1106*

### **BOARDS**

#### **§ 32.15 ESTABLISHED.**

(A) The town shall establish boards as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.

(B) The following boards are established:

(1) Board of Aviation Commissioners;

(2) Board of Parks and Regulations;

(3) Board of Zoning Appeals;

(4) Town Conservancy Director; and

(5) Park Board.

(1983 Code, § 2-34)

#### **§ 32.16 APPOINTMENTS.**

The town has appointments to the following organizations:

(A) Alcoholic Beverage Board;

(B) Kankakee-Iroquois Regional Planning;

(C) Lake-Porter County Regional Transportation and Planning Commission; and  
(Res. 9-15-69, passed - -)

(D) Library Board.  
(1983 Code, § 2-42)

#### **§ 32.17 BOARD OF AVIATION COMMISSIONERS.**

(A) *Establishment.* A Board of Aviation Commissioners is established. It shall consist of 4 members, no more than 2 of whom shall be of the same political party. They shall be appointed by Council and serve for the terms provided by statute.

(B) *Powers.* The Board of Aviation Commissioners shall constitute a municipal authority and shall perform the duties and have the powers granted to it by statute.

(C) *Organization.* The Board of Aviation Commissioners shall choose, annually at its first regular meeting in January, 1 of its members to be President and another of its members Vice-President, who shall perform the duties of the President during the absence or disability of the President.

(D) *Reports.* The Board of Aviation Commissioners, on or before February 1 of each year, shall make a report to the Town Council, with a full statement of its receipts and disbursements for the preceding year, and shall also report the acquisition of airport facilities of other property which may have come under the control of the Board of Aviation Commissioners.

(E) *Regulations.* The Board of Aviation Commissioners shall have the power to make any reasonable rules and regulations, not in conflict with the laws of the state or the laws or regulations of the United States for the management and control of its airport and landing facilities.  
(Ord. 72-5, passed - -1972)

(F) *Authority to receive contributions from the public.* The Board of Aviation Commissioners shall have the authority to receive contributions from the general public and shall make an accounting of the contributions so received in its annual report to the Town Council.  
(1983 Code, § 2-35)

**Statutory reference:**

*Towns may establish, aid, maintain and operate airports, see I.C. 36-9-2-3*

(4) Kentland-Jefferson Township Volunteer Fire Department;

(5) Municipal Sewage Works Department;  
and  
(Ord. 77-2-14, passed - -)

(6) Waterworks Department.

(C) The departments established by this section shall perform the administrative functions assigned to them by statute and ordinance.  
(1983 Code, § 2-45)

**DEPARTMENTS**

**§ 32.30 ESTABLISHMENT.**

(A) The town shall establish departments as deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.

(B) The following departments are established:

- (1) Building Commissioner;
- (2) Department of Economic Development;
- (3) Department of Parks and Recreation;

(Ord. 1976-8-14, passed - -)



## CHAPTER 33: FINANCES AND REVENUE

### Section

#### *Funds*

33.01	Cumulative Capital Improvement Fund
33.02	Sewage Bond and Interest Fund
33.03	Cumulative Capital Development Fund
33.04	Water Storage Sinking Fund

#### **§ 33.02 SEWAGE BOND AND INTEREST FUND.**

The Sewage Bond and Interest Fund is created as a special fund, governed by all applicable state and local laws.  
(1983 Code, § 2-52)

#### **FUNDS**

#### **§ 33.01 CUMULATIVE CAPITAL IMPROVEMENT FUND.**

(A) *Fund established.* The Cumulative Capital Improvement Fund is created as a special fund.

(B) *Purposes.* The cigarette taxes allotted to the town by reason of the Indiana Cigarette Tax Law, being I.C. 6-7-1 *et seq.*, shall be deposited therein. This fund shall be a cumulative fund and all of the monies deposited into it shall be appropriated and used solely for capital improvements as hereinafter defined. None of these monies shall revert to the General Fund or be used for any purposes other than capital improvements.

(C) *Definition.* The term **CAPITAL IMPROVEMENTS** means the construction or improvement of any property owned by the town, including but not limited to streets, thoroughfares and sewers, and the retirement of general obligation bonds of the town issued, and the proceeds used for the purpose of constructing capital improvements. The term shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.  
(1983 Code, § 2-51)

#### **§ 33.03 CUMULATIVE CAPITAL DEVELOPMENT FUND.**

(A) There is hereby established a Town Cumulative Capital Development Fund.

(B) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Town Cumulative Capital Development Fund.

(C) The maximum rate of levy under division (B) of this section will not exceed amounts as determined by Council from time to time.

(D) The funds accumulated in the Town Cumulative Capital Development Fund will be used for the Cumulative Firefighting Equipment Fund per I.C. 36-8-14.

(E) Notwithstanding division (D) of this section, funds accumulated in the Town Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (D), if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Town Council President issues a declaration that the public health, welfare or safety

is in immediate danger that requires the expenditure of money in the fund.

(Ord. 84-8-13, passed 8-13-1984)

**§ 33.04 WATER STORAGE SINKING FUND.**

(A) A Water Storage Sinking Fund is hereby established in the Town Waterworks.

(B) The Clerk-Treasurer of the town is authorized to transfer funds from the Waterworks Cash Operating Fund to the Water Storage Sinking Fund as funds are available at the discretion of the Council.

(C) The Clerk-Treasurer is directed and authorized to invest and reinvest money in the Water Storage Sinking Fund in United States Treasury Bills until such time as it may be used for a water storage tank.

(Ord. 70-1, passed 3-2-1970)



## CHAPTER 34: PERSONNEL POLICIES; TOWN EMPLOYEES

### Section

- 34.01 Sick leave
- 34.02 Vacations
- 34.03 Compensation and salary
- 34.04 Official surety bonds
- 34.05 Old Age and Survivors Insurance Program
- 34.06 Mileage

### § 34.01 SICK LEAVE.

All full-time employees of the town are allowed 5 days per year sick leave.  
(1983 Code, § 2-16) (Ord. 82-4-12, passed - -1982)

### § 34.02 VACATIONS.

(A) All full-time employees of the town are entitled to the following paid vacations:

- (1) One week vacation after 6 months of employment; or
- (2) Two weeks vacation after 1 year of employment.  
(Ord. 68-1, passed - -1968)

(B) One to 3 days before the vacation leave period of a town officer or employee begins, the town may pay him the amount of compensation he or she will earn while he or she is on vacation leave.  
(1983 Code, § 2-17)

#### ***Statutory reference:***

*Vacation leave provisions for town officers and employees, see I.C. 36-5-4-7*

### § 34.03 COMPENSATION AND SALARY.

The Town Council shall fix the compensation and salary of all town employees and officers by appropriate ordinance.  
(1983 Code, § 2-18)

### § 34.04 OFFICIAL SURETY BONDS.

Individual official surety bonds required by I.C. 5-4-1-18 shall be provided by the town. A blanket bond may be obtained to cover the faithful performance of all other employees, commission members and persons acting on behalf of the town, so required to be covered.  
(1983 Code, § 2-19)

### § 34.05 OLD AGE AND SURVIVORS INSURANCE PROGRAM.

All positions not covered by an existing retirement plan as of January 1, 1952, shall be covered by the Federal Old Age and Survivors Insurance Trust Fund, being 42 U.S.C. §§ 401 *et seq.*, as provided by law.  
(1983 Code, § 2-20) (O.A.S.I. Res. 2, passed - -1951)

### § 34.06 MILEAGE.

Mileage shall be governed by the applicable state law and shall be approved by the Town Council.  
(1983 Code, § 2-23)



**CHAPTER 35: TOWN POLICIES**

Section

*Purchasing Rules*

- 35.01 Purchasing agent; duties and powers
- 35.02 Delegation
- 35.03 Restrictions on purchases
- 35.04 Improper purchases
- 35.05 Emergency purchases
- 35.06 Small purchases

*Fees*

- 35.15 Fee schedule for licenses, permits
- 35.16 Miscellaneous fees

**PURCHASING RULES**

**§ 35.01 PURCHASING AGENT; DUTIES AND POWERS.**

(A) The Town Council shall be the purchasing agent for the town.

(B) The purchasing agent shall:

(1) Assume the duties, powers and responsibilities assigned to a purchasing agent in I.C. 5-22 and establish small purchasing policy for purchases not governed by I.C. 5-22;

(2) Act as the sole agent in obtaining materials, supplies, equipment or contractual services for all town departments and divisions, municipally-operated utility, or any board, commissioner, officer or person otherwise empowered by law to make purchase of materials, equipment, goods, supplies and

property of whatever description for the town. Any department or division shall requisition the materials, supplies, equipment or services from the purchasing agent who shall, upon determining that appropriations are available for those purposes, acquire the items requisitioned in accordance with public purchase law. All contracts of purchase shall be made in the name of the town department or division and be subject to the approval of the department or division;

(3) Establish purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the town;

(4) Prepare specifications and notice to bidders and see that the required notices are published, where bidding and publication of notices are required by law;

(5) Cooperate and consult with the Clerk-Treasurer for the purpose of ensuring that adequate funds are available prior to making necessary purchases and acquisitions, to assure they are within the limits of the budget appropriations of the department or division in need of the material; and

(6) Act as the agent of the town to sell or exchange any personal property ordered to be sold by the Town Council in accordance with procedures prescribed by law.

(Ord. 1998-11-10, passed - -)

**§ 35.02 DELEGATION.**

The purchasing agent may designate in writing that an employee of the town is a purchasing agent.

(Ord. 1998-11-10, passed - -)

**§ 35.03 RESTRICTIONS ON PURCHASES.**

(A) Purchases shall be made in accordance with the restrictions on purchases as stated in I.C. 5-22 regarding purchases from the Department of Corrections and purchases of [text illegible].

(B) Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the town determines that:

(1) The supplies are not manufactured in the United States in reasonably available quantities;

(2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(3) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(4) The purchase of supplies manufactured in the United States is not in the public interest.  
(Ord. 1998-11-10, passed - -)

**§ 35.04 IMPROPER PURCHASES.**

Any purchase made in violation of this section or the purchasing procedures established by the purchasing agent shall be null and void.  
(Ord. 1998-11-10, passed - -)

**§ 35.05 EMERGENCY PURCHASES.**

Upon declaration of any emergency, the purchasing agent or designee, as defined in I.C. 5-22, may purchase repairs and purchase or lease materials without giving notice, receiving bids or obtaining Council approval, so long as the procedures outlined in I.C. 5-22 are followed.  
(Ord. 1998-11-10, passed - -)

**§ 35.06 SMALL PURCHASES.**

(A) Subject to the limitations contained in I.C. 5-22, if the purchasing agent expects a purchase to be less than \$25,000, the purchasing agent may make the purchase under the small purchase policy established by the town.

(B) If the purchasing agent expects a purchase to be at least \$25,000 and not more than \$75,000:

(1) The purchasing agent may purchase supplies by inviting bids from at least 3 persons known to deal in the lines or classes of supplies to be purchased;

(2) The purchasing agent shall mail an invitation to quote to the persons at least 7 days before the time fixed for receiving quotes;

(3) If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies required;

(4) The purchasing agent may reject all quotes; and

(5) If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies under I.C. 5-22-10-10.  
(Ord. 1998-11-10, passed - -)

***FEES***

**§ 35.15 FEE SCHEDULE FOR LICENSES, PERMITS.**

Fees for licenses and permits are as follows:

<i>Activity</i>	<i>Fee</i>
Carnival	\$100 per day
Circus	\$100 per day

<i>Activity</i>	<i>Fee</i>
Dog license	Set by Township Councilmember
Door-to-door salesperson	\$2 per day
Itinerant merchant	\$2 per day
Parades	no fee
Peddlers	\$2 per day
Solicitors	\$2 per day
Special sales	\$10 per day

(1983 Code, § 4-6) (Am. Ord. 09-01-99, passed 9-14-1999)

**§ 35.16 MISCELLANEOUS FEES.**

<i>Activity</i>	<i>Fee</i>
Traffic accident report	\$5
Filling a swimming pool, any size	\$25

(1983 Code, § 4-37) (Ord. passed 6-8-1987)

