

TITLE III: ADMINISTRATION

Chapter

- 30. TOWN GOVERNMENT
APPENDIX: FORM FOR ORDINANCES**
- 31. TOWN OFFICIALS**
- 32. BOARDS, COMMISSIONS, AND DEPARTMENTS**
- 33. FUNDS AND TAXES**
- 34. TOWN POLICIES**

CHAPTER 30: TOWN GOVERNMENT

Section

- 30.01 Five member Council
- 30.02 Legislative wards
- 30.03 President of the Council
- 30.04 Quorum and votes to pass
- 30.05 Powers of the Town Council
- 30.06 Regular and special meetings
- 30.07 Rules governing the Town Council
- 30.08 Ordinances which amend the town code
- 30.09 Parliamentary procedure
- 30.10 Recording and publishing ordinances
- 30.11 Compensation of Town Council
- 30.12 Primary elections

Appendix: Form for Ordinances

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*
- General Town Council provisions, see I.C. 36-5-2-2*
- Legislative districts, see I.C. 36-5-2-5*
- Selection of the President, see I.C. 36-5-2-7*
- Term of office for Council members, see I.C. 36-5-2-3*
- Town Executive, see I.C. 36-5-2-2*

§ 30.01 FIVE MEMBER COUNCIL.

(A) The Town Council is the town legislative body. The Council consists of five members whose terms of office are four years, beginning at 12:00 p.m. on January 1 after election and continuing until successors are elected and qualified.

(B) The Council members shall be elected at large by the voters of the whole town.
(`86 Code, § 3-1)

§ 30.02 LEGISLATIVE WARDS.

(A) The town is divided into three precincts.

(B) Each precinct shall be designated as a ward.

(C) Ward 1 shall consist of all the geographical area of the town that is located north of the center line of Waterford Street.

(D) Ward 2 shall consist of all the geographical area of the town that is located south of the center line of Waterford Street and east of the centerline of Elkhart Street.

(E) Ward 3 shall consist of all the geographical area of the town that is located south of the center line of Waterford Street and west of the centerline of Elkhart Street.

(Ord. 2012-7, passed 11-13-12)

§ 30.03 PRESIDENT OF THE COUNCIL.

(A) The Town Council shall select, at its first annual meeting, one 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.

(`86 Code, § 3-3)

§ 30.04 QUORUM AND VOTES TO PASS.

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

(B) Passage of ordinances, orders or resolutions shall be governed by applicable state statutes.

(`86 Code, § 3-4)

§ 30.05 POWERS OF THE TOWN COUNCIL.

The Council may:

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

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

(C) Adopt and use a common seal; and

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

§ 30.06 REGULAR AND SPECIAL MEETINGS.

(A) The Town Council shall hold its regular meetings on the first Tuesday of each month at 6:30 p.m. or at the hours as the Council may direct and determine from time to time.

(B) Special meetings of the Town Council shall be held when called by the Town Executive, pursuant to I.C. 36-4-6-7, or when called under the rules of the legislative body.
(` 86 Code, § 3-6)

§ 30.07 RULES GOVERNING THE TOWN COUNCIL.

(A) The following format shall be followed for all regular meetings of the Town Council:

(1) Call meeting to order;

(2) Approval of minutes of last meeting;

(3) Questions or requests from the audience;

(4) Placement of additional items on agenda;

(5) Reports, given by Town Attorney; Fire Department; Maintenance; Police Department; Recreation Committee; and Town Manager;

(6) Business items;

- (7) Approval of claims;
- (8) Adjournment; and
- (9) Next meeting date.

(B) All petitions addressed to the Council shall be in writing and filed by the Clerk-Treasurer, unless withdrawn by consent of the Council.

(` 86 Code, § 3-7)

Statutory reference:

Different types of votes, see I.C. 36-5-2-9.4 through 36-5-2-9.8

Home Rule powers of municipalities, see I.C. 36-1-3-1 through 36-1-3-9

Open Door Law or "Sunshine Law," see I.C. 5-14-1.5-1 through 1-14-1.5-7

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

Quorum of the Council, see I.C. 36-5-2-9.2

§ 30.08 ORDINANCES WHICH AMEND THE TOWN CODE.

All ordinances which are of a general and permanent nature, and which would amend the town code, shall be in the form set out in the appendix to this chapter.

(` 86 Code, § 3-8)

§ 30.09 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*.

(` 86 Code, § 3-9)

§ 30.10 RECORDING AND PUBLISHING 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.

(` 86 Code, § 3-10)

§ 30.11 COMPENSATION OF TOWN COUNCIL.

(A) The Town Council shall, by ordinance, fix the compensation of its own members.

(B) The compensation of an elected town officer may not be changed in the year below the amount fixed for the year.

(`86 Code, § 3-11)

§ 30.12 PRIMARY ELECTIONS.

(A) As provided by I.C. 3-8-5-2(a) and (c), candidates for town offices shall be nominated by the use of primary elections beginning calendar year 2003 and continuing thereafter until this section is repealed or modified.

(B) These primary elections shall be governed by all relevant provisions of Indiana law including, but not limited to, the provisions of I.C. 3-8-5-2(e).

(Ord. 2002-13, passed 10-1-02)

APPENDIX: FORM FOR ORDINANCES

Ord. No. ___

(Include the last two digits of the calendar year followed by a dash and the chronological number of the Ordinance: Ex. 95-1)

(Short Title)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WAKARUSA, INDIANA, AMENDING TITLE ___, CHAPTER ___, SECTION(S) ___, OF THE WAKARUSA TOWN CODE BY THE INCLUSION/DELETION OF SECTION(S), ENTITLED _____.

Whereas, (background statements setting forth the purpose or background of the Ordinance where appropriate)

Whereas,

Whereas,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAKARUSA, ELKHART COUNTY, INDIANA, AS FOLLOWS:

Section I. Title ___, Chapter ___, Section(s) ___, of the Wakarusa Town Code, is/are hereby amended to read as follows: (set forth specific amendatory language)

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section III. This Ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Wakarusa, Indiana, this ___ day of ___, 20___.

By: _____
President

Member

Member

Attest:

(Name), Clerk-Treasurer Member
(`86 Code, § 3-8)

CHAPTER 31: TOWN OFFICIALS

Section

- 31.01 Town Clerk-Treasurer
- 31.02 Town Marshal
- 31.03 Town appointments
- 31.04 Compensation and salary
- 31.05 Official surety bonds
- 31.06 Vacations
- 31.07 Hours
- 31.08 Use of town equipment and purchasing of tools
- 31.09 Holidays
- 31.10 Health insurance
- 31.11 Mileage
- 31.12 Leave
- 31.13 Conventions and workshops
- 31.14 Retirement benefits
- 31.15 Funeral/bereavement time
- 31.16 Jury time
- 31.17 Military time

Cross-reference:

Conflict of interest and nepotism, see § 34.02

§ 31.01 TOWN CLERK-TREASURER.

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

(2) The Town Clerk-Treasurer shall be elected by the voters of the whole town.
(`86 Code, § 2-1)

(B) (1) The Town Clerk-Treasurer may administer oaths, take depositions, and take acknowledgments of instruments as required by law.

(2) The Town Clerk-Treasurer is the Clerk of the Town Council and whenever the Town 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.

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

(a) Receive and care for all town monies, and pay them out upon order of the Town Council;

(b) Keep accounts of all town monies;

(c) File monthly reports with the Town Council showing all receipts and disbursements of the Town Treasury for the preceding month;

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

(e) Collect fines resulting from ordinance violations;

(f) Issue all licenses; and

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

(4) The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer, pursuant to I.C. 36-5-6-2.

(` 86 Code, § 2-2)

(C) The compensation for the services of the person holding the office of Clerk-Treasurer shall be fixed by the Town Council. (` 86 Code, § 2-3)

(D) (1) The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Town Council.

(2) Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.
(` 86 Code, § 2-4)

(E) (1) The Town Clerk-Treasurer is authorized to pay all expenses incurred for the day to day operation and conduct of the affairs of the town including, but not limited to, the payment of such things as rent, utilities, purchase of office supplies, and other similar expenditures which are incurred on a regular basis, the usual frequency of which is monthly, without first having had the approval by the Town Council for the payment of the same.

(2) This procedure shall continue for each month from and after January 1 through December or until further resolution addressing this situation has been passed by the Town Council.

(`86 Code, § 2-5) (Res. 88-1, passed 1-5-88)

Statutory reference:

Administering oaths and related powers of the Clerk-Treasurer, see I.C. 36-5-6-5

Clerk-Treasurer's role to the Town Council, see I.C. 36-5-2-8

Clerk-Treasurer's term of office, see I.C. 36-5-6-3

Election of the Clerk-Treasurer, see I.C. 36-5-6-4

Powers and duties of the Town Clerk-Treasurer, see I.C. 36-5-6-6

§ 31.02 TOWN MARSHAL.

(A) (1) The Town Council shall appoint a Town Marshal and shall fix his or her compensation.

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

(`86 Code, § 2-7)

(B) The Town Marshal is the chief police officer and has the powers of other law enforcement officers as set forth in I.C. 36-5-7-4, as it may be amended from time to time. (`86 Code, § 2-8)

(C) The Town Council may authorize the appointment of deputy marshals, pursuant to I.C. 36-5-7-6, as it may be amended from time to time. (`86 Code, § 2-9)

(D) (1) The town authorizes the establishment of the Police Reserves.

(2) The Police Reserves shall be governed by applicable state law.

(`86 Code, § 2-10)

Statutory reference:

Authorization for the Clerk-Treasurer to appoint deputies and employees, see I.C. 36-5-6-7

Authorization for the Town Council to appoint a Town Marshal, see I.C. 36-5-7-2

Compensation for the Town Clerk-Treasurer, see I.C. 36-5-3-2

Compensation for the Town Marshal, see I.C. 36-5-3-2

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

§ 31.03 TOWN APPOINTMENTS.

(A) The Town Council may employ the appropriate persons to effectively carry out the needs and services of the town.

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

- (1) Civil Defense Director;
- (2) Maintenance Supervisor;
- (3) Sewer and Water Department Superintendent;
- (4) Street Department Superintendent;
- (5) Town Attorney;
- (6) Town Manager;
- (7) Town Marshal;
- (8) Volunteer Fire Chief; and
- (9) Other officers and employees deemed necessary.

(C) Duties shall be set forth for each position by the Town Council and applicable state law.
(`86 Code, § 2-25)

§ 31.04 COMPENSATION AND SALARY.

The Town Council shall fix the compensation of all town employees and officers by appropriate ordinances. The Town Council shall also establish the number of officers, deputies, and other town employees described and classify positions and services, adopt schedules of compensation, and maintain schedules of compensation. The Town Council may prescribe certain terms and conditions related to the compensation of town employees in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended or revised.

(`86 Code, § 2-26) (Ord. 97-9, passed 12-2-97)

§ 31.05 OFFICIAL SURETY BONDS.

Individual official surety bonds required by I.C. 5-4-1-18, as it may be amended from time to time, 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.

(` 86 Code, § 2-27)

Statutory reference:

Duties and authorization to appoint a Town Manager, see I.C. 36-5-5-1 through 36-5-5-8

Salaries or compensation for employees and officers, see I.C. 36-1-4-15

§ 31.06 VACATIONS

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

VACATION WEEK. Five regularly scheduled work days.

VACATION YEAR. The period commencing January 1 through December 31 during a period of an individual's employment by the town.

(B) (1) Each employee of the town shall be entitled to vacation time based upon the following schedule:

<i>Years of Service Completed</i>	<i>Weeks of Vacation Time</i>
1	1
2	2
6	3
15	4
25	5

(2) If an employee shall commence employment on a date other than January 1, then his or her first year's vacation time shall include a pro rata share of one vacation week based upon the portion of the vacation year which the period of time from the date of commencement of the employee's employment to the end of the year shall bear to 12 months. (Ord. 97-9, passed 12-2-97)

(C) Each employee shall notify the Town Manager of the dates of the planned vacation time for each year in a sufficient amount of time to enable the Town Manager to compensate for the vacation in the town work schedule, if necessary.

(D) Each employee shall obtain the approval of his or her manager and the Town Manager before scheduling any vacation time. Requests shall be made in writing, and if the request is not acceptable to either the employee's manager or the Town Manager, the request must be denied within ten days after the request has been made.

(E) Accrued vacation time shall be used by the employee in the year following the year the vacation time accrues. Any vacation time not used within the vacation year following accrual thereof shall be forfeited.

(` 86 Code, § 2-28) (Ord. 94-3, passed 5-3-94)

Statutory reference:

Payment of compensation procedures prior to a vacation leave, see I.C. 36-5-4-7

§ 31.07 HOURS.

When an employee has worked overtime, he or she shall be compensated with compensatory time off. Compensatory time shall be at the rate of one and one-half of the time off for every hour of overtime according to the Fair Labor Standards Act. To avoid the substantial accumulation of compensatory time or the inappropriate taking of the same, inconsistent with the needs of the town, all compensatory time must be approved by the employee's immediate department head and must be taken within a 90-day period. It will be the department head's responsibility to keep up to date an accurate record of all compensatory time.

(` 86 Code, § 2-29) (Ord. 97-9, passed 12-2-97)

§ 31.08 USE OF TOWN EQUIPMENT AND PURCHASING OF TOOLS.

(A) Use of town equipment by employees will be at the discretion of the Town Manager.

(B) Other than maintenance of utilities' parts inventories, permission from the Town Clerk-Treasurer or Town Manager is necessary.

(` 86 Code, § 2-30) (Res. 88-4, passed 6-7-88)

§ 31.09 HOLIDAYS.

(A) The following holidays are designated by the town:

- (1) New Year's Day;
- (2) Labor Day;
- (3) Good Friday;
- (4) Thanksgiving Day;
- (5) Day after Thanksgiving;
- (6) Memorial Day;
- (7) Christmas Eve;
- (8) Independence Day; and
- (9) Christmas Day.

(B) Holidays falling on a weekday, Monday through Friday, are deemed paid holidays. If a holiday falls on a weekend, Saturday or Sunday, the day will not be paid.

(`86 Code, § 2-31) (Ord. 97-9, passed 12-2-97; Am. Ord. 2005-3, passed 8-2-05)

§ 31.10 HEALTH INSURANCE.

(A) (1) All employees working in regular full-time positions shall be permitted to participate in any group insurance plan provided by the town. In order to be eligible for group insurance coverage, an employee must meet the following criteria:

- (a) Work 40 hours a week in a regular full-time position;
- (b) Complete an application for insurance within 30 days of employment;

(c) Upon receipt of an individual approval from the insurance company upon application made after 30 days of employment; or

(d) As a result of a “qualifying event” identified in the Consolidated Omnibus Reconciliation Act (COBRA).

(2) Group insurance coverage shall be subject to the terms and conditions set forth therein. The Town Council reserves the right unilaterally to discontinue all involvement in group insurance; cease involvement in any particular type of coverage; or change insurance carriers at any time. In the event that the town takes this action, the town shall not be liable to any employee or former employee for loss of benefits, coverage or increased cost of coverage. (Ord. 97-9, passed 12-2-97)

(B) Each employee of the town shall be entitled to certain general insurance benefits, including workers compensation, unemployment insurance, and liability protection as described more fully in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended by appropriate action of the Town Council. (Ord. 97-10, passed 12-2-97)
(`86 Code, § 2-32)

§ 31.11 MILEAGE.

(A) Any town employees who use personal cars for official town business may be paid for business mileage which is properly documented and approved.

(B) All business mileage shall be tendered in writing to the Clerk-Treasurer by listing the dates, odometer readings, and purpose of the travel.

(C) Payment of the mileage shall only be after approval by the Town Council.
(`86 Code, § 2-33)

§ 31.12 LEAVE.

(A) Sixty days of salary continuation during a calendar year will be allowed following the date of illness or injury if, as determined by the sole discretion of the Town Council, the illness or injury was not attributable to the performance of the employee's job. If, as determined by the sole discretion of the Town Council, the illness or injury was attributable to the performance of the employee's job, then up to 365 days of salary continuation, which salary continuation shall be calculated by paying to the employee the difference between his or her gross salary and any payments received by the employee pursuant to any workman's compensation or other similar insurance maintained by the town, will be allowed from the date of the illness or injury.

(B) After being employed by the town for at least 180 days, each employee of the town shall be entitled to six days of paid sick leave on January 1 of each year. Sick days shall not accrue from year to year. Paid sick leave shall be taken in no less than one-half day increments with the employee compensated at his or her regular compensation rate. Paid sick leave shall be further subject to the terms

and conditions set forth in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended by appropriate action of the Town Council.

(` 86 Code, § 2-34) (Ord. 97-9, passed 12-2-97)

Statutory reference:

State established mileage reimbursement rate, see I.C. 36-2-7-7

§ 31.13 CONVENTIONS AND WORKSHOPS.

(A) Attendance should be encouraged when appropriate to the employees' responsibility.

(B) Cost of lodging, meals, and travel should be provided in accordance with State Board of Accounts regulations.

(` 86 Code, § 2-35) (Res. 88-4, passed 6-7-88)

§ 31.14 RETIREMENT BENEFITS.

Each employee of the town shall be entitled to certain retirement benefits, including Social Security and deferred compensation, as described more fully in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended by appropriate action of the Town Council.

(` 86 Code, § 2-35A) (Ord. 97-10, passed 12-2-97)

§ 31.15 FUNERAL/BEREAVEMENT TIME.

Each employee of the town shall be entitled to a reasonable amount of funeral/bereavement time not to exceed five consecutive working days, without loss of pay when a death occurs in an employee's immediate family. The funeral/bereavement time shall be further subject to the terms and conditions set forth in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended by appropriate action of the Town Council.

(` 86 Code, § 2-35B) (Ord. 97-11, passed 12-2-97)

§ 31.16 JURY TIME.

Each employee of the town shall be entitled to paid time off when called to serve on a jury. Jury time shall be further subject to the terms and conditions set forth in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended by appropriate action of the Town Council.

(` 86 Code, § 2-35C) (Ord. 97-11, passed 12-2-97)

§ 31.17 MILITARY TIME.

Each employee of the town shall be entitled to a paid leave of absence for National Guard duties as specified by state statutes. Military time shall be further subject to the terms and conditions set forth in the town's *Policies and Procedures Manual/Employee Handbook*, as it may from time to time be amended by appropriate action of the Town Council.

(`86 Code, § 2-35D) (Ord. 97-11, passed 12-2-97)

CHAPTER 32: BOARDS, COMMISSIONS, AND DEPARTMENTS

Section

- 32.01 Boards and commissions
- 32.02 Departments of the town established
- 32.03 Fire Department
- 32.04 Town Plan Commission
- 32.05 Wakarusa Redevelopment Commission

§ 32.01 BOARDS AND COMMISSIONS.

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

(B) The following boards, committees and commissions are established:

- (1) Committee for Recreation Programs;
- (2) Economic Development Commission;
- (3) Land Use Planning;
- (4) Police; and
- (5) Recreation Committee.

(`86 Code, § 2-36)

§ 32.02 DEPARTMENTS OF THE TOWN ESTABLISHED.

(A) The town shall establish the departments that are 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) Marshal's Department;
- (2) Maintenance Department;
- (3) Sewer and Water Department;
- (4) Street Department; and
- (5) Volunteer Fire Department.

(C) The departments established by this section shall perform the administrative functions assigned to them by statute and ordinance.
(`86 Code, § 2-37)

§ 32.03 FIRE DEPARTMENT.

(A) The Chief of the Fire Department may designate the appropriate number of assistant inspectors from the members of the Town Fire Department as he or she shall from time to time deem necessary.
(`86 Code, § 2-12)

(B) (1) It shall be the duty of the officers of the Bureau of Fire Prevention to enforce all laws and ordinances of the state and town, covering the following:

- (a) The prevention of fires;
- (b) The storage and use of explosives and flammables;
- (c) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- (d) The maintenance and regulation of fire escapes;
- (e) The means and adequacy of exits in case of fire, from factories, schools, lodging houses, churches and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and
- (f) The investigation of the cause, origin, and circumstances of fires.

(2) The Department shall have the other powers and perform the other duties as are set forth in other divisions of this section and as may be conferred and imposed from time to time by law. (⁸⁶ Code, § 2-13)

(C) The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the town, and shall determine whether the fire is the result of carelessness or design. (⁸⁶ Code, § 2-14)

(D) Before licenses may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly flammable materials and rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite or explosives of any kind, including fireworks, fire crackers, or signaling explosives, the Bureau shall inspect and approve the receptacles, vehicles, buildings or storage places to be used for any related purpose. (⁸⁶ Code, § 2-15)

(E) (1) It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by the Bureau of Fire Prevention as often as may be necessary, but not less than twice a year in outlying districts and four times a year in the closely built portions of the town, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the town affecting the fire hazard.

(2) Whenever any inspector, as defined above, shall find in any building or upon any premises or other place combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials, weeds, litter or combustible rubbish or waste of any kind, the inspector shall provide notice of violation, and if not abated, the provisions of division (G) of this section shall apply. (⁸⁶ Code, § 2-16)

(F) All electric installations shall comply with the National Electric Code. (⁸⁶ Code, § 2-17)
Penalty, see § 10.99

§ 32.04 TOWN PLAN COMMISSION.

(A) The Town Council has directed the County Plan Commission to serve as the Town Plan Commission under the authority of Section 25 of the Planning Act of 1947 of the State General Assembly, and to prepare a comprehensive master plan.

(B) The County Plan Commission has agreed to serve as the Town Plan Commission and is in the process of preparing a comprehensive master plan for the town.

(C) The County Plan Commission has recommended that the Town Council adopt the County Zoning Ordinance, the County Subdivision Ordinance, and an interim zoning map to protect the town during the preparation of the comprehensive master plan from any building construction and new uses of land that may do irreparable harm to the character of existing neighborhoods and which may defeat the purposes of the long range comprehensive master plan.

(`86 Code, § 10-2) (Ord. 79-6, passed 7-17-79)

§ 32.05 WAKARUSA REDEVELOPMENT COMMISSION.

(A) Pursuant to I.C. § 36-7-14-3, the Town Council hereby establishes the Wakarusa Department of Redevelopment to be controlled by a board known as the Wakarusa Redevelopment Commission for the purposes set forth in I.C. § 36-7-14, I.C. § 36-7-25 and with full power and authority granted by I.C. § 36-7-14, I.C. § 36-7-25 and any other applicable law.

(B) The Wakarusa Redevelopment Commission shall consist of three members appointed by the President of the Town Council and two members appointed by the Town Council.

(C) The President of the Town Council shall also appoint to the Wakarusa Redevelopment Commission one nonvoting adviser, who is a member of a school board of a school corporation that includes all or part of the town.

(D) The nonvoting adviser shall not be considered a member of the Wakarusa Redevelopment Commission but shall be entitled to attend and participate in the proceedings of all meetings of the Wakarusa Redevelopment Commission.

(E) The Wakarusa Redevelopment Commission shall hold an organizational meeting and appoint officers as required by I.C. § 36-7-14-8 and shall otherwise operate pursuant to I.C. § 36-7-14, I.C. § 36-7-25 and any other applicable law.

(Ord. 2013-3, passed 5-7-13)

CHAPTER 33: FUNDS AND TAXES

Section

- 33.01 Cumulative Capital Improvement Fund
- 33.02 Cumulative Street Fund
- 33.03 Accident Report Account
- 33.04 Firearms Training Fund
- 33.05 Other funds established
- 33.06 Cumulative Capital Development Fund
- 33.07 Cumulative Building or Remodeling, Firefighting and Police Radio Equipment Fund
- 33.08 County Economic Development Income Tax
- 33.09 Local Law Enforcement Fund

§ 33.01 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) The Cumulative Capital Improvement Fund is established.

(B) This special Fund is established for the purpose of receiving cigarette taxes allocated to the town pursuant to applicable state law and the funds shall not revert to the General Fund.

(C) The monies shall be used solely for capital improvements, herein defined as the construction or improvement of any property owned by the town including, but not limited to, streets, thoroughfares, sewers, the retirement of general obligation bonds, and salaries of public officials and employees directly chargeable to a capital improvement.

(`86 Code, § 2-45)

§ 33.02 CUMULATIVE STREET FUND.

(A) The Cumulative Street Fund is established to provide money for the acquisition of rights-of-way for public ways and sidewalks, and the construction of sidewalks.

(B) It shall be funded and operated in accordance with I.C. 36-9-16.5-1 *et seq.*
(`86 Code, § 2-46)

Statutory reference:

Cumulative Funds and Cumulative Capital Improvement Funds, see I.C. 36-9-16-1 through 36-9-16-6

§ 33.03 ACCIDENT REPORT ACCOUNT.

(A) There is created the Accident Report Account for the Police Department.

(B) The source of funds which are to be deposited into the Account are the fees received for accident reports and information under I.C. 9-29-11-1.

(C) The Account may be used at the discretion of the Town Marshal for any Department purpose reasonably related to the keeping of accident reports and records for the prevention of street and highway accidents. The rules for proper accounting and expenditure of monies collected and deposited into the Fund shall be those established by the State Board of Accounts.
(`86 Code, § 2-47)

§ 33.04 FIREARMS TRAINING FUND.

(A) The Firearms Training Fund is established for the Police Department.

(B) The source of funds which are to be deposited into this Fund are the application fees collected for licenses to carry handguns under I.C. 35-47-2-3.

(C) The Fund is to be used by the Police Department and used exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties. The rules for proper accounting and expenditure of monies collected and deposited into the Fund shall be those established by the State Board of Accounts.
(`86 Code, § 2-48)

§ 33.05 OTHER FUNDS ESTABLISHED.

The town has established the following other funds which include, but are not limited to: motor vehicle highway, intangible tax, local roads and streets, ABC excise tax, ABC gallonage, cigarette tax-general fund, cigarette tax-CCIF, accelerated MVH I, accelerated MVH II, and property tax replacement fund.
(`86 Code, § 2-49)

§ 33.06 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is re-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) above will not exceed that as set by Council resolution or ordinance.

(D) The funds accumulated in the Town Cumulative Capital Development Fund will be used for capital improvements as described in the following sections of the Indiana Code:

- (1) I.C. 36-8-14, Cumulative Firefighting, Building, Equipment, Police Radio Fund;
- (2) I.C. 36-9-16-2, Cumulative Building Funds;
- (3) I.C. 36-9-16-3, Cumulative Capital Improvement Fund;
- (4) I.C. 36-9-16.5, Cumulative Street Fund;
- (5) I.C. 36-9-17, General Improvement Fund;
- (6) I.C. 36-9-26, Cumulative Building Fund - Sewers;
- (7) I.C. 36-9-27-100, Cumulative Drainage Fund;
- (8) I.C. 36-10-3-21, Cumulative Building Fund - Parks; and
- (9) I.C. 36-10-4-36, Cumulative Sinking and Building Fund - Parks.

(E) Notwithstanding division (D) above, funds accumulated in the Town Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (D) above 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.

(F) The Fund takes effect upon approval of the State Board of Tax Commissioners.
(`86 Code, § 2-50) (Ord. 94-4, passed 6-7-94)

Statutory reference:

Town department to charge a fee fixed by ordinance in an amount of not less than \$3 for each written report, see I.C. 9-3-1-3

§ 33.07 CUMULATIVE BUILDING OR REMODELING, FIREFIGHTING AND POLICE RADIO EQUIPMENT FUND.

(A) There is established a Town Cumulative Building or Remodeling, Firefighting and Police Radio Equipment Fund.

(B) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in a special fund to be known as the Building or Remodeling, Firefighting and Police Radio Equipment Fund.

(C) The maximum rate of levy under division (B) will not exceed \$.10 per \$100 assessed valuation.

(D) The funds accumulated in the Building or Remodeling, Firefighting and Police Radio Equipment Fund will be used for firefighting and police purposes as described in I.C. 36-8-14.

(E) The Fund takes effect upon approval of the State Board of Tax Commissioners.
(`86 Code, § 2-51) (Ord. 96-8, passed 7-16-96)

§ 33.08 COUNTY ECONOMIC DEVELOPMENT INCOME TAX.

The Town Council adopts the revised plan, dated May 19, 1992, in the form presented to this meeting. Two copies of the revised plan, dated May 19, 1992, shall be kept on file in the office of the Clerk-Treasurer for public inspection.

(`86 Code, § 2-52) (Ord. 92-2, passed 5-19-92)

§ 33.09 LOCAL LAW ENFORCEMENT FUND.

(A) There is established a Continuing Education Fund.

(B) The purpose of the Continuing Education Fund is to receive funds directed to be deposited into The Local Law Enforcement Continuing Education Fund by I.C. 9-29-4-2, 9-29-11-1, 35-47-2-3 and 33-19-8-4 or funds received, pursuant to I.C. 33-6-3-4.

(C) All funds received by the Continuing Education Fund shall be used for the continuing education and training of law enforcement officers employed by the town or for equipment and supplies needed for law enforcement purposes.

(` 86 Code, § 2-53) (Ord. 93-9, passed 12-21-93)

Statutory reference:

Municipalities establish and continue a Cumulative Building or Remodeling, Firefighting and Police Radio Equipment Fund, see I.C. 36-8-14

The town receives a “fractional” amount of the certified distribution of revenues from EDIT only if it has adopted a Capital Improvement Plan, see I.C. 6-3.5-7-15

CHAPTER 34: TOWN POLICIES

Section

- 34.01 Town membership and interlocal cooperation
- 34.02 Conflict of interest and nepotism

§ 34.01 TOWN MEMBERSHIP AND INTERLOCAL COOPERATION.

(A) (1) The Town Council is authorized to budget and appropriate funds to provide membership for the town, its elected and appointed officials, and its boards, departments or agencies, in local, regional, state, national associations of a civic, education or governmental nature which have as their purpose the betterment and improvement of municipal operations.

(2) The Town Council is 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 town belongs.

(3) The Town Clerk-Treasurer may take the necessary actions to acquire membership for the town in the Chamber of Commerce and cause to be placed in the budget an appropriate sum to help defray the expense of the membership.
(`86 Code, § 2-56) (Res. 85-8, passed 8-6-85)

(B) The town is authorized, pursuant to I.C. 36-1-7-1 through 36-1-7-12, as it may be amended from time to time, to enter into joint agreements for the purchase or exchange of property and services with other communities. (`86 Code, § 2-57)

(C) The town elects to and does join the County Public Safety Communications System District, and elects to have its public safety agency served by the District. (`86 Code, § 2-58) (Ord. 86-8, passed 8-5-86)

§ 34.02 CONFLICT OF INTEREST AND NEPOTISM.

(A) The town finds that it is necessary and desirable to adopt a policy of conduct with regard to nepotism in the employment with the town and in contracting with the town, in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012, known as I.C. 36-1-20.2 and I.C. 36-1-21, respectively.

(B) On July 1, 2012, the town shall have a nepotism and a contracting with a unit policy that complies with the minimum requirements of I.C. 36-1-20.2 (hereinafter “nepotism policy”) and I.C. 36-1-21 (hereinafter “contracting with a unit by a relative policy”) and implementation will begin.

(C) The town nepotism policy is hereby established effective July 1, 2012, by adopting the minimum requirements provisions of I.C. 36-1-20.2, and including all future supplements and amendments thereto that become law from time to time, and making them a part hereof as if fully set out herein.

(D) The town contracting with a unit by a relative policy is hereby established effective July 1, 2012, by adopting the minimum requirements provision of I.C. 36-1-21, and including all future supplements and amendments thereto that become law from time to time, and making them a part hereof as if fully set out herein.

(E) The town finds that both I.C. 36-1-20.2 and I.C. 36-1-21 specifically allow a unit to adopt requirements that are “more stringent or detailed” and that more detailed requirements are necessary.

(F) The town further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, and therefore, without such authority by the majority he or she will not be in the direct line of supervision.

(G) The town finds that a single member of governing bodies with authority over employees in the town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.

(H) All elected and appointed officials and employees of the town are hereby directed to cooperate fully in the implementation of the policies created by this section and to demonstrate compliance with these same policies.

(I) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the nepotism policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the nepotism policy or the contracting with a unit by a relative policy may be subject to action allowed by law.

(J) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the contracting with a unit by a relative policy is a violation and may result in the discipline, including termination, of any employee or a curative action. An elected or appointed town

official who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the nepotism policy or the contracting with a unit by a relative policy may be subject to action allowed by law.

(K) The policies created by this section are hereby directed to be implemented by any of the following actions: (1) posting a copy of this section in its entirety in at least one of the locations in the town where it posts employer posters or other notices to its employees; (2) providing a copy of this section to its employees and elected and appointed officials; (3) providing or posting a notice of the adoption of this section; or (4) any such other action or actions that would communicate the policies established by this section to its employees and elected and appointed officials. Upon any taking of these actions, these policies are deemed implemented by the town.

(L) Two copies of I.C. 36-1-20.2 and I.C. 36-1-21, and as supplemented or amended, are on file in the office of the Town Clerk-Treasurer for public inspection as maybe required by I.C. 36-1-5-4. (Res. 2012-4, passed 6-5-12)

