

TITLE III: ADMINISTRATION

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CHAPTER 30: TOWN COUNCIL

Editor's note:

Throughout this code of ordinances the terms "Board of Trustees" and "Town Board," where they appear, shall be interpreted to mean "Town Council."

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§ 30.01 DESIGNATION OF LEGISLATIVE BODY AND TOWN EXECUTIVE.

The Town Council elected under this chapter is the town legislative body. The President of the Town Council selected under § 30.06 of this chapter is the town executive.
(IC 36-5-2-2)

§ 30.02 TERMS OF MEMBERS.

(A) The term of office of the Council members representing Wards 1, 3, and 5, as determined by lot by the Clerk-Treasurer shall, upon election 1983, serve for a term of three years beginning January 1, 1984.

(B) The term of office of the Council members representing Wards 2, 4, 6, and 7, as determined by lot by the Clerk-Treasurer shall, upon election in 1983, serve for a term of four years beginning January 1, 1984.

(C) Thereafter, the successors to Council members elected under division (A), thereof shall be elected to terms of four years in 1986 and successors to Council members elected under division (B) hereof shall be elected to terms of four years in 1987.
(Ord. 353, passed 12-8-82)

§ 30.03 DISTRICTS.

(A) The Town Council may, by ordinance, divide the town into districts for the purpose of conducting elections of town officers.

(B) A district must comply with the following standards:

(1) The district must be composed of contiguous territory, except for territory that is not contiguous to any other part of the town;

(2) The district must be reasonably compact;

(3) The district must contain, as nearly as is possible, equal population;

(4) The district may not cross a census block boundary except when following a precinct boundary line or unless the ordinance specifies that the census block has no population and is not likely ever to have population; and

(5) The district may not cross precinct lines, except as provided in division (C) below.

(C) The boundary of a district established under division (A) may cross a precinct boundary line if the district would not otherwise contain, as nearly as is possible, equal population.

(D) The town is redistricted into seven district wards, as set forth on the map attached to Ordinance 1168 as Exhibit "A," incorporated herein by reference.

(1) District Ward Number One. See Exhibit "B", attached to Ordinance 1168.

(2) District Ward Number Two. See Exhibit "B", attached to Ordinance 1168.

(3) District Ward Number Three. See Exhibit "B", attached to Ordinance 1168.

(4) District Ward Number Four. See Exhibit "B", attached to Ordinance 1168.

(5) District Ward Number Five. See Exhibit "B", attached to Ordinance 1168.

(6) District Ward Number Six. See Exhibit "B", attached to Ordinance 1168.

(7) District Ward Number Seven. See Exhibit "B", attached to Ordinance 1168.

(E) If any territory in the town is included in more than one of the districts established under this section, the territory is included in the district that is one of the districts in which the territory is described in the ordinance adopted under this section, is contiguous to that territory, and contains the least population of all districts contiguous to that territory.

(F) The ordinance may be appealed in the manner prescribed by IC 34-13-6.

(G) The division permitted by division (A) shall be made:

(1) During the second year after a year in which a federal decennial census is conducted, subject to IC 3-11-1.5-32; and

(2) When required to assign annexed territory to a municipal legislative body district.

The division may also be made in any other year.

(H) A copy of the ordinance establishing districts under this section must be filed with the County Circuit Court Clerk not later than 30 days after the ordinance is adopted.

(IC 36-5-2-4.1(a) - (g), (j)) (Am. Ord. 810, passed 11-8-01; Am. Ord. 834, passed 10-8-02; Am. Ord. 1168, passed 12-18-12)

§ 30.04 ELECTION.

The Town Council shall have seven members who shall serve terms as set forth in § 30.02. All voters shall vote for each Council member. One Council member shall be elected from each ward and shall be a resident of the ward from which he is elected. A Council member creates a vacancy when he removes his residence from the ward from which he was elected.

('82 Code, § 2-201)

§ 30.05 RESIDENCY.

(A) A member of the Town Council who is elected by the voters of a district forfeits his office if he ceases to be a resident of the district.

(B) An at large member of the Town Council forfeits his office if he ceases to be a resident of the town.

(IC 36-5-2-6)

§ 30.06 PRESIDENT OF COUNCIL.

One member of the Town Council shall be elected president by majority vote at the beginning of the first Council meeting of each and every year. A Council member may serve multiple terms as president and the terms may be consecutive.

('82 Code, § 2-203)

§ 30.061 VICE-PRESIDENT OF TOWN COUNCIL.

One member of the Town Council shall be elected Vice-President by majority vote at the beginning of the first Town Council meeting of each and every year, provided, however, that one member of the Town Council may be elected Vice-President of the Town Council for the remainder of the calendar year in which this section is adopted upon election by a majority vote of the Town Council. Upon election, the Vice-President shall serve in such position for the calendar year of election. A Council member may serve multiple terms as Vice-President, and the terms may be consecutive.

(Ord. 506, passed 3-25-90)

§ 30.07 CLERK.

(A) The Town Clerk-Treasurer is the clerk of the Town Council.

(B) The Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.

(IC 36-5-2-8)

§ 30.08 POWERS AND DUTIES.

The Town 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; and

(C) Adopt and use a common seal.

(IC 36-5-2-9)

§ 30.09 VACANCIES.

If a vacancy occurs in an elective office of the town, the vacancy shall be filled for the unexpired term in the manner set forth in IC 3-13-9-1 et seq., as the same as now exists or as it may be amended hereafter from time to time.

('82 Code, § 2-202)

§ 30.10 COMPENSATION.

The salaries of the members of the Town Council shall be set by ordinance, from time to time, to be paid in equal monthly installments.

('82 Code, § 2-303)

§ 30.11 ADMINISTRATIVE ASSISTANT.

(A) There is created the position of Administrative Assistant to the Town Council.

(B) The duties and responsibilities of the Administrative Assistant to the Town Council shall include, but not necessarily be limited to the following, namely:

- (1) All administrative duties of the business of the town government, as directed by the Town Council;
- (2) Act as the designated Town Americans with Disabilities Act (ADA) Coordinator, and be responsible to monitor and oversee all town activities for compliance with ADA requirements, establishment of policy, and oversight of ADA policy enforcement;
- (3) Act as the Town Council liaison to the residents of the town as well as the business community of the town in all respects;
- (4) Act to coordinate the activities of town government, as directed by the Council, with all entities or persons affected by or reliant upon all aspects of town government;
- (5) Act as liaison between Council members, as well as the primary contact person for town business involving the Town Attorney, engineers, developers, business interests, insurance providers, and all other governmental and private sector interests and representatives; further, to coordinate activities between all interested groups or entities in order to enhance the economic growth and development of the town;
- (6) Review, research, and analyze the financial conditions and requirements of the town, including, but not limited to research and review of available grant monies, and undertake all analysis, review, and procedures necessary to apply for available grants and monies;
- (7) Establish and maintain records and files in a systemic manner for all ongoing projects, developments, and activities of the town government; further, to provide regular, periodic status reports for all such ongoing projects, developments, and active grant

applications;

(8) Review, research, and establish a citizen complaint system, including, but not limited to, the creation of the system, establishment of monitoring procedures, as well as preparing and providing ongoing reports concerning the same to and between department heads and the Town Council;

(9) Oversee and monitor the activities of the Planning and Building Department, including, but not limited to, oversight and monitoring of permit procedures, application procedures to department and boards/commissions, as well as coordinate and cooperate with all necessary and required activities of the Town Building Administrator;

(10) Review and monitor town code provisions for compliance, recommended changes, and interdepartmental awareness;

(11) Coordinate and act as liaison in all communications and contract responsibilities between the town and all insurance providers; further, coordinate and act as liaison with the town insurance providers, including acting as liaison between town employees and the town insurance provider; further, to provide regular periodic reports concerning insurance matters to the Town Council;

(12) Coordinate all communications between the departments of the town and the Town Council, and provide a regular periodic reporting system for the same;

(13) Review, research, and prepare all such data, statistical and/or historical information reports to the Town Council, as directed;

(14) Oversee and supervise the clerical staff and employees of the Town Council, as well as in the Planning and Building Department and Unsafe Building Department;

(15) Provide fiscal analysis of the financial condition of the town, as well as preparation of recommendations and estimates for a budgetary expenditures to assist the Council in preparing the annual proposed budget for each fiscal year, as directed by the Council.

(C) The Administrative Assistant to the Town Council shall serve at the pleasure of the Council. This position shall be eliminated upon the hiring of a Town Manager by the Town Council. (Ord. 389, passed 6-27-84; Am. Ord. 593, passed 10-5-93)

§ 30.12 REPLACEMENT OF MEMBERS DUE TO ABSENTEEISM.

(A) The position of a board or commission member shall be forfeited upon the occurrence of the following:

(1) Unexcused absence from two consecutive, regularly scheduled work sessions or official meetings; or

(2) Unexcused absence during one calendar year, January 1 through December 31, of a total of four regularly scheduled work sessions or official meetings.

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(B) Absences shall be excused upon written request of the board or commission for the following reasons:

- (1) Personal or family illness;
- (2) Duties of employment; or
- (3) Death in the immediate family.

(C) Upon the occurrence of unexcused absences as set forth in divisions (A) and (B) above, the presiding officer of the respective board or commission shall file a written report of those absences with the Town Council. Upon receipt of that report, the Town Council shall set the matter for hearing at a regular meeting, give the board or commission member notice of same, and at that hearing it shall be determined whether the position should be vacated and a replacement member appointed for the remainder of the affected term.
(Ord. 453, passed 3-9-88)

TOWN COUNCIL MEETINGS; PROCEDURES

§ 30.15 DATE, TIME, AND PLACE OF MEETINGS.

(A) The Town Council shall hold a Public Work Study Meeting and a Public Meeting, immediately following said Public Work Study Meeting, of the first Tuesday of every month starting at 7:00 p.m., and a Public Meeting on the third Tuesday of the month starting at 8:00 p.m.

(B) The chairman shall call special meetings of the Town Council whenever, in his opinion, the public business may require it, or at the express written request of any three members of the Council. Whenever a special meeting shall be called, a notice in writing shall be served upon each member of the Town Council, either in person or by notice left at his place of residence, stating the date, the hour of the meeting, and the purpose for which such meeting is called, and no business shall be transacted at the meeting except such as is stated in the notice.

(C) All meetings of the Town Council shall be held at the town hall, unless a different location is ordered by the Town Council prior to the date of such meeting, or in the event of a special meeting, at the time of the notice of such meeting.
('82 Code, § 2-301) (Am. Ord. 327, passed 3-10-82; Am. Ord. 548, passed 2-4-92; Am. Ord. 554, passed 6-23-92; Am. Ord. 594, passed 11-2-93; Am. Ord. 645, passed 3-21-95; Am. Ord. 669, passed 1-19-96; Am. Ord. 884, passed 1-6-04; Am. Ord. 889, passed 2-3-04)

§ 30.16 SUBMISSION OF REPORTS BEFORE MEETING.

Except for emergencies, all reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Town Council shall, at least five working days prior to each Council meeting, be delivered to the Clerk-Treasurer, whereupon the Clerk-Treasurer shall immediately arrange a list of such matters according to the order of business and furnish each member of the Town Council and the Town Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.

('82 Code, § 2-302(1))

§ 30.17 PRESIDENT OF TOWN COUNCIL.

(A) The presiding officer of the Town Council shall be the President, and in his absence, the Vice-President. The President, or in his absence, the Vice-President, shall preserve strict order and decorum at all regular and special meetings of the Town Council. The President, or in his absence, the Vice-President, shall state every question coming before the Town Council, announce the decision of the Town Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Town Council, in which event, a majority vote of the Town Council shall govern and conclusively determine such question of order. The President, or in his absence, the Vice-President, shall vote on all questions, his name being called last. The President, or in his absence, the Vice-President, shall sign all ordinances and resolutions then adopted by the Town Council during his presence.

(B) The President of the Town Council shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Town Council to order. In the absence of the President of the Town Council, the Vice-President shall call the Town Council to order. Upon the arrival of the President, the Vice-President shall immediately relinquish the chair upon the conclusion of the business immediately before the Town Council. In the absence of both the President and Vice-President of the Town Council, the Clerk-Treasurer, or some other member of the Town Council, shall call the Town Council to order, whereupon a temporary presiding officer shall be elected by the members of the Town Council present. Upon the arrival of the Vice-President of the Town Council while the President remains absent, the temporary presiding officer shall immediately relinquish the chair to the Vice-President upon the conclusion of the business immediately before the Town Council.
(Ord. 506, passed 3-25-90)

§ 30.18 ROLL CALL.

Before proceeding with the business of the Town Council, the

Clerk-Treasurer or his substitute shall call the roll of the members,
and the names of those present shall be entered in the minutes.

('82 Code, § 2-302(4))

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§ 30.19 QUORUM.

A majority of all the members elected to the Town Council shall constitute a quorum at any regular or special meeting of the Town Council. In the absence of a quorum, the presiding officer shall, at the insistence of any three members present, compel the attendance of absent members.

('82 Code, § 2-302(5))

§ 30.20 ORDER OF BUSINESS.

(A) Meetings of the Town Council shall be open to the public, except as provided by the provisions of applicable law regulating the same. Promptly at the hour set by law on the day of each regular meeting, the members of the Town Council, the Clerk-Treasurer, the Town Attorney, and the chairperson of the Council shall take their regular stations in the meeting room, and the business of the Town Council shall be taken up for consideration in the following order:

(1) Roll call;

(2) Pledge of allegiance;

(3) Public comment, on Agenda Items, in the amount of time deemed appropriate by the presiding officer;

(4) Public hearings on special town business, if any;

(5) Consent agenda; in the event that the Council determines that any items on the consent agenda are not to be included, such items shall be removed;

(6) Items are not considered in the consent agenda.

(B) Thereafter, the following business of the Town Council shall be taken up for consideration in the following order:

(1) Sewer utility:

(a) Introduction and consideration of resolutions and ordinances, public comment on ordinance or resolution in question only may be permitted;

(b) Old or unfinished business;

(c) New business;

(d) Written communications and information;

(e) Reports of committees or departments.

(2) Town:

(a) Introduction and consideration of resolutions and

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ordinances; public comment on ordinance or resolution in question only may be permitted;

- (b) Old or unfinished business;
- (c) New business;
- (d) Reports of standing committees;
- (e) Reports of special committees;
- (f) Written communications and information;
- (g) Adjournment.

('82 Code, § 2-302(6)) (Am. Ord. 313, passed 6-10-81; Am. Ord. 594, passed 11-2-93; Am. Ord. 642, passed 3-7-95; Am. Ord. 698, passed 2-25-97; Am. Ord. 724, passed 8-11-98)

§ 30.21 READING OF MINUTES.

Unless a reading of the minutes of a Town Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk-Treasurer has previously furnished each member with a synopsis thereof.

('82 Code, § 2-302(7))

§ 30.22 RULES OF DEBATE.

(A) The President of the Council or such other member of the Council as may be presiding may move, second, and debate only when he relinquishes his position as presiding officer of the meeting; however, nothing herein shall prohibit him from voting. Likewise, nothing shall prohibit him from making such comment as may be necessary. The President is subject to the same limitations as by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of his acting as the presiding officer.

(B) Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(C) A member, once recognized, shall not be interrupted when speaking, unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(D) All votes of Council members may be by a voice vote unless

a roll call vote is requested by any Council member, or the presiding officer determines that a roll call vote is necessary.

(E) In the event of a tie vote from the Council, the Clerk-Treasurer shall cast the deciding vote by roll call vote.

(F) The Clerk-Treasurer shall enter in the minutes a synopsis of the discussion on any question regularly coming before the Town Council.

('82 Code, § 2-302(8) (Am. Ord. 724, passed 8-11-98)

§ 30.23 ADDRESSING TOWN COUNCIL.

(A) Any person desiring to address the Town Council shall first secure the permission of the presiding officer to do so; however, under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the Town Council without securing such prior permission:

(1) Interested parties or their authorized representatives may address the Town Council by written communications in regard to matters then under discussion.

(2) Town taxpayers or residents of the town, or their authorized legal representatives, may address the Town Council by oral communications on any matter concerning the town's business or any matter over which the Town Council has control and which is on the agenda; provided, that preference shall be given to those persons who have notified the Clerk-Treasurer in advance of their desire to speak in order that the same may appear on the agenda of the Town Council.

(3) Interested persons or their authorized representatives may address the Town Council by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings, or protests, appeals, and petitions, or similar matters, in regard to matters then under consideration by the Council.

(4) All communications and comments shall be read or heard at the appropriate time pursuant to § 30.20 hereof.

('82 Code, § 2-302(9))

(B) Each person addressing the Town Council shall step up, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Town Council, shall limit his address to three minutes. All remarks shall be addressed to the Town Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked a Council member except through the presiding officer.

('82 Code, § 2-302(11)) (Am. Ord. 313, passed 6-10-81)

§ 30.24 VOTING OF COUNCIL.

(A) Each Council member shall be required to vote in public by
a

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roll call vote indicating his vote by either a yes or no on any subject, motion, resolution, ordinance, or other matter requiring a vote, and no member shall abstain from voting unless he is personally involved in the issue at hand. If a Council member feels that he might have a conflict of interest which would effectively challenge or negate

his vote, he should announce the fact and the reason for the possible conflict. If a majority of the remaining Council decides, upon such disclosure, that there is no conflict, the member shall be required to vote. In the event of a tie vote by the remaining members on the question of conflict of interest, the Clerk-Treasurer shall break the tie.

(B) All votes of the Council members may be by a voice vote unless a roll call vote is requested by any member of the Council, or the presiding officer determines that a roll call vote is necessary.

(C) Discussion and voting on any issue at a regular or special meeting shall be in public and in strict compliance with the Indiana Anti-Secrecy Laws so as to avoid any attempt (or what might appear to be an attempt) to withhold or otherwise conduct private or secret meetings.

('82 Code, § 2-302(12) (Am. Ord. 724, passed 8-11-98)

§ 30.25 DECORUM.

(A) While the Town Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Town Council nor disturb any member while speaking or refuse to obey the orders of the Town Council or its presiding officer, except as otherwise here provided.

(B) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Town Council shall be forthwith, by the presiding officer, barred from further audience before the Town Council, unless permission to continue be granted by a majority vote of the Council.

('82 Code, § 2-302(13))

§ 30.26 SERGEANT-AT-ARMS.

The Chief of Police or such member of the Police Department as he may designate, shall be Sergeant-at-Arms of the Town Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Town Council meetings. Upon instructions of the presiding officer, it shall be the duty of the Sergeant-at-Arms to place any person who violates the order and decorum of the meeting under arrest and to eject him from the meeting place.

('82 Code, § 2-302(14)) (Am. Ord. 327, passed 3-10-82)

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§ 30.27 PROTESTING ACTIONS OF COUNCIL.

Any member of the Town Council shall have the right to have the reasons for his dissent from, or protest against, any action of the Town Council, entered on the minutes. He may, if he shall so desire, deliver to the Clerk-Treasurer, in triplicate, a typewritten list of those reasons within 48 hours after adjournment of the meeting which shall become a part of the Council's minutes of the meeting as a supplement thereto.

('82 Code, § 2-302(15))

§ 30.28 MOTION TO ADJOURN.

A motion to adjourn shall always be in order and decided without debate.

('82 Code, § 2-302(16))

§ 30.29 COMMITTEES AND SPECIAL COMMITTEES.

(A) Standing Committees of the Town Council are hereby established as follows for the purposes specified, namely:

(1) Public Works Committee (This Committee consolidates the liaison appointments to the Police Commission, Public Works, and Public Safety);

(2) Park Committee (This Committee consolidates the liaison to the Parks Department, Historical Association, and Summerfest Committee);

(3) Redevelopment Committee (This Committee consolidates the liaison appointments to the Redevelopment Commission, Stormwater Management Board, Ecosystem Restoration, and 133rd Ave. project);

(4) Planning Committee (This Committee consolidates the liaison appointments to the Plan Commission, BZA, and Unsafe Building Hearing Authority);

(5) Council Affairs (This Committee consolidates the liaison appointments to the Budget and Finance Committee, Personnel Policy and Employee Benefits, and Chamber of Commerce); and

(6) Parks Citizen Advisory Committee (This Committee will advise the Town Council Parks Committee regarding the function of the Parks Department and specific activities).

(B) Town Council Committees shall be comprised of no more than three Town Council members approved by the Town Council at the first public meeting of the Town Council in January of each year, or as soon

thereafter as is practical. The Town Council Committees are required to maintain records of committee meetings and meet at least one time each quarter with a corresponding report to be provided to the entire Town Council of such meeting and proceedings thereafter. The purpose of the regular quarterly meetings is to assure continuity, recordkeeping, and reporting of events and activities to the entire Town Council.

(C) The Town Council President and/or Town Council can create special committees deemed appropriate to special and unique situations at hand that need specific attention by the Council. Examples may include but are not limited to solid waste/recycling, economic development, tourism, or lake enhancement. These special committees are on a yearly basis, or less than one year depending on when created. They meet and report just as standing committees; however, unless renewed at the first Council meeting of any given year, the special committee is eliminated. ('82 Code, § 2-302(17) (Am. Ord. 698, passed 2-25-97; Am. Ord. 1151, passed 1-17-12)

§ 30.30 PUBLIC MEETING RECORDATION AND DOCUMENTATION POLICY FOR BOARDS AND COMMISSIONS.

(A) For all public meetings held by all boards and commissions in the town, including the Town Council, in addition to standard staff or recording secretary-kept public meeting minutes, each public meeting, including work- study sessions, shall be digitally audio-recorded. Further, the digital audio-recording kept by the boards and commissions of public meetings held shall contain the full and entire public meeting conducted by such board or commission, without interruption or stoppage of the digital audio-recording, with said digital audio-recording made to be provided at the conclusion of such public meeting to the Town Clerk-Treasurer for recordkeeping and preservation purposes. Each such digital audio-recording of a public meeting of boards and commissions in the town shall be delivered to the Town Clerk-Treasurer within three business days of the public meeting held in acceptable format. Further, the Town Clerk-Treasurer shall maintain the digital audio-recording of public meetings of town boards and commissions for a period not less than one year from the date of such digital audio-recorded public meeting. The recording secretary for each board or commission shall be the responsible town representative to deliver the digital audio-recording of a public meeting of a town board or commission to the Town Clerk-Treasurer and shall be held to strict compliance with the requirements hereby as part of the recording secretary position responsibilities.

(B) In addition to the public meeting recordation policy established above, the Town Council hereby requires each town board and commission to provide a copy of the written public meeting minutes

prepared related to a public meeting held to the Town Clerk-Treasurer within three business days of completion of the draft public meeting minutes prepared. Such public meeting minutes are required to be prepared for all town board and commission public meetings, including work-study sessions, and are to be transmitted to the Town Clerk-Treasurer in the time period established herein. The recording secretary of the town board or commission holding such public meeting and responsible designated town administrative staff member assigned to or involved with the particular town board or commission holding the public meeting shall be responsible for transmittal of the draft public meeting minutes to the Town Clerk-Treasurer. Further, upon approval of public meeting minutes by a town board or commission, the same policy of transmittal of the approved public meeting Minutes to the Town Clerk-Treasurer shall apply, including the time period for transmittal and responsible person or persons accountable for same. The Town Clerk-Treasurer is directed to thereafter copy the members of the Town Council on the draft or approved public meeting minutes of the town board or commission, as the case may be, upon receipt of same.

(Ord. 1118, passed 1-4-11)

PASSAGE OF ORDINANCES

§ 30.40 ORDINANCES, RESOLUTIONS, MOTIONS, AND CONTRACTS.

(A) All ordinances and resolutions shall be prepared as directed by the Council, or as directed by the Council president.

(B) All other ordinances, resolutions, and contract documents shall, before presented to the Town Council for passage, adoption, or signing, have been approved as to form and legality by the Town Attorney or his authorized representative.

(C) Introduction of ordinances for passage and approval:

(1) All ordinances, resolutions, and other matters or subjects requiring action and consideration by the Town Council must be introduced during a public meeting of the Town Council.

(2) No ordinance shall be put on its final passage on the same day on which it was introduced, unless at least five of the members of the Town Council are present at the meeting on that day, and at least five members vote in favor of the passage of the ordinance during each reading thereof.

(3) All ordinances shall have two separate readings, but the second and final reading shall never be held on the same day as the first reading, except as provided in this section of the code. Each ordinance shall be read the first time without the necessity of any

motion therefore. Any such ordinance shall only be passed to a second and final reading upon motion properly made, seconded, and carried by a majority vote. All ordinances may be read by title only, unless a reading in the entirety is requested by a Council member, or it deemed appropriate by the presiding officer.

(4) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and this code shall not be amended or repealed unless the ordinance contains the number of the chapter and section amended or repealed.

(5) Unless immediate consideration be moved, all resolutions shall be referred to the Council by the presiding officer, provided that any resolution providing for the appropriation of money shall designate the particular fund from which the appropriation is to be made. No resolution shall be granted immediate consideration unless the votes of the number of members required for the affirmative of such resolution shall be cast in favor of immediate consideration. An objection voiced of any one member shall require a roll call upon the motion for immediate consideration. If no objection is voiced, the Clerk-Treasurer shall record a unanimous consent to the motion for immediate consideration and the presiding officer shall proceed to state the principal question.

('82 Code, § 2-302(18)) (Am. Ord. 643, passed 3-7-95; Am. Ord. 724, passed 8-11-98)

§ 30.41 PUBLICATION.

(A) An ordinance, order, or resolution passed by the Town Council is considered adopted when it is signed by the President of the Town Council. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect.

(B) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1 unless:

(1) It is published under division (C); or

(2) It declares an emergency requiring its immediate effectiveness and is posted in one public place in each district in the town.

(C) Except as provided in division (E), if a town publishes any of its ordinances in book or pamphlet form, no other publication is required. If an ordinance prescribing a penalty or forfeiture for a violation is published under this division, it takes effect two weeks after the publication of the book or pamphlet. Publication under

this division, if authorized by the legislative body, constitutes presumptive evidence:

- (1) Of the ordinances in the book or pamphlet;
- (2) Of the date of adoption of the ordinances; and
- (3) That the ordinances have been properly signed, attested, recorded, and approved.

(D) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(E) An ordinance increasing a building permit fee on new development must:

- (1) Be published:
 - (a) One time in accordance with IC 5-3-1;
 - (b) Not later than 30 days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
- (2) Delay the implementation of the fee increase for 90 days after the date the ordinance is published under division (1). (IC 36-5-2-10)

§ 30.42 RECORDING ORDINANCES.

All ordinances passed by the Town Council shall be recorded by the Town Clerk-Treasurer in a book of ordinances. The original shall be filed in the Clerk-Treasurer's office, and due proof of publication of all ordinances requiring publication, by the affidavit of the printer or publisher, shall be procured by the Clerk-Treasurer and attached thereto, or written and attested thereto, or written and attested upon the fact of such ordinances.
('82 Code, § 1-107)

CHAPTER 31: OFFICERS AND EMPLOYEES

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Cross-reference:

Social Security fund, see § 32.34

GENERAL PROVISIONS

§ 31.01 COMPENSATION.

(A) The Town Council shall, by ordinance, fix the compensation of its own members, the Town Clerk-Treasurer, and the Town Marshal. The Town Council shall provide reasonable compensation for other town officers and employees. ('82 Code, § 3-100)

(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 previous year.

(C) (1) The Town Council may provide that town officers and employees receive additional compensation for services that:

(a) Are performed for the town;

(b) Are not governmental in nature; and

(c) Are connected with the operation of a municipally owned utility or function.

(2) Subject to the approval of the Town Council, the administrative agency operating the utility or function shall fix the amount of the additional compensation, which shall be paid from the revenues of the utility or function.

(D) As used in this section, "COMPENSATION" means the total of all money paid to an elected officer for performing duties as a town officer, regardless of the source of funds from which money is paid.

(E) Any appointed member of any Board or Commission of the town except any member of the Town Council, may elect to waive receipt of payment of compensation for services as that appointed Board or Commission member. This waiver, if so made, shall be on a form for such purposes and in a written submission to the Town Clerk-

Treasurer.
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Upon receipt of such a written waiver, the Town Clerk-Treasurer shall report the same to the Council.

(IC 36-5-3-2) (Ord. 748, passed 5-11-99)

§ 31.02 ADVANCE OF VACATION PAY.

One to three days before the vacation leave period of a town officer or employee begins, the town may pay him or her the amount of compensation he or she will earn while he or she is on vacation leave.

(IC 36-5-4-7)

§ 31.03 DELIVERY OF RECORDS TO SUCCESSOR.

Each town officer shall deliver town records and property in his custody to his successor in office when that successor qualifies.

(IC 36-5-4-10)

§ 31.04 REVOCATION OF LICENSES.

The President of the Town Council may revoke or suspend any license issued by the town if the person holding the license has violated the terms and conditions of the license or of the law under which it was issued.

(IC 36-5-4-11)

§ 31.05 PERSONNEL POLICY ADOPTED BY REFERENCE.

(A) The personnel policy for town employees is hereby adopted by reference as if set out in its entirety. (Ord. 667, passed 12-26-95; Am. Ord. 668, passed 1-16-96; Am. Ord. 773, passed 6-27-00; Am. Ord. 794, passed 6-26-01; Am. Ord. 830, passed 9-10-02; Am. Ord. 841, passed 11-26-02; Am. Ord. 847, passed 2-11-03; Am. Ord. 849, passed 2-17-03; Am. Ord. 893, passed 4-6-04; Am. Ord. 1065, passed 10-20-09; Am. Ord. 1090, passed 6-1-10; Am. Ord. 1097, passed 8-3-10; Am. Ord. 1160, passed 6-19-12; Am. Ord. 1200, passed 5-20-14; Am. Ord. 1202, passed 5-20-14)

(B) Department of Emergency Medical Services Rules and Regulations. The EMS rules and regulations, adopted as an amendment to the Town of Cedar Lake Personnel Policy Manual, are hereby adopted by reference as if set out in their entirety. (Ord. 844, passed 1-28-03; Am. Ord. 867, passed 9-23-03; Am. Ord. 879, passed 12-23-03; Am. Ord. 1210, passed 10-7-14)

§ 31.06 GROUP HEALTH INSURANCE COVERAGE FOR RETIRED EMPLOYEES AND RETIRED PUBLIC SAFETY EMPLOYEES.

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

"EMPLOYEE." An elected or appointed officer or official, or a full-time town employee.

"GROUP HEALTH INSURANCE." The type of health insurance authorized, provided and made available for the benefit of retired employees and retired public safety employees of the town.

"PUBLIC SAFETY EMPLOYEE." A full-time police officer.

"RETIRED EMPLOYEE." A former employee who meets the requirements established by the town for participation in a group health insurance plan for retired employees and retired public safety employees.

"RETIREMENT DATE." The date that the town employee has chosen to receive retirement benefits from the Employees' Retirement Fund.

(B) There is hereby authorized the entry into a program and policy of group health insurance which shall be made available to retired employees and retired public safety employees of the town, as defined herein and as further defined by provisions of IC 5-10-8 et seq., as amended from time to time. Each eligible participating retired employee and eligible participating retired public safety employee shall be permitted to participate in and be covered by such group health insurance plan and policy as is provided for and entered into by the town for such retired employees and retired public safety employees. Each participating eligible retired employee and eligible retired public safety employee shall be required to pay the entire premium cost for such group health insurance coverage. Each participating eligible retired public safety employee shall further be required to comply with the provisions of IC 5-10-8 et seq., as amended from time to time, providing for such coverage availability for such retired public safety employees. Each participating eligible retired employee shall be required, likewise, to comply with the terms and provisions of IC 5-10-8 et seq., as amended from time to time, for participating in such coverage.

(C) (1) The eligibility of a retired public safety employee for group health insurance hereunder shall end on the earlier of the following, namely:

(a) When the retired public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395, et seq.;

(b) When the town terminates the health insurance program for active public safety employees.

(2) A retired public safety employee of the town who is eligible and participating in the group health insurance coverage provided for and authorized by this section, as amended from time to time, shall conform to and comply with all of the statutory requirements of IC 5-10-8 et seq., as amended from time to time.

(D) A retired employee's eligibility to continue the coverage under the Group Health Insurance program provided for and authorized herein ends when the Retired Employee becomes eligible for medicare coverage as prescribed by 42 U.S.C. 1395 et seq., as amended from time to time, or when the town terminates and ends the group health insurance program for all employees. A retired employee of the town who is eligible and participating in the group health insurance coverage provided for and authorized by this section, as amended from time to time, shall conform to and comply with all of the statutory requirements of IC 5-10-8 et seq., as amended from time to time.

(E) All participating retired employees and retired public safety employees shall additionally be required to comply with and conform to the terms and provisions of the group health insurance plan and program provided for by the town for such employees. Such compliance shall be considered a condition of eligibility.

(F) In the event of any conflict in the provisions of this section, as amended from time to time, the provisions of IC 5-10-8 et seq., as amended from time to time, shall supersede and be dispositive of any issues in dispute.

(Ord. 722, passed 6-23-98)

§ 31.07 HOLIDAYS.

(A) Holidays to be observed with pay are: New Year's Day, Presidents' Day (as observed nationally), Good Friday, Town of Cedar Lake Primary Election Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Town of Cedar Lake Election Day,

Thanksgiving Day, Friday after Thanksgiving, Christmas Eve from 12:00 noon, and Christmas Day. When any such holiday falls on a Saturday the previous Friday shall be considered the holiday, and on Sunday, the Monday next following shall be considered such holiday. To receive holiday pay, employees must work the last scheduled departmental work day preceding and the first departmental scheduled work day following the holiday, unless the employee has previously scheduled a vacation or compensatory day for the day before or after a holiday. Holiday pay shall be limited to the regular scheduled hours of the normal work day for the un-worked holiday and shall be counted as time worked for the purpose of computing weekly overtime pay. Whenever it is necessary for an employee to work on a holiday, he shall be entitled to compensatory time off at a time approved by the Department Head. If compensatory time off is not practical, the employee shall be compensated by straight time payment for the holiday in addition to regular payment for hours worked. The Town Hall and Clerk-Treasurer's office shall be closed on the above listed holidays.

(B) That full-time members and full-time civilian employee of the Police Department are required to work on the holidays designated above, when scheduled, to conduct police business and affairs for the welfare and ,safety of the residents of the Town. All full-time members and full-time civilian employees are hereby granted personal days for each of the specific holidays designated above. The personal days shall be taken at a time and date approved by the Chief of Police, or his designate. In no event shall there be compensation given in lieu of the personal day. Each personal day shall be taken only when permitted by the Chief of Police. In the event the personal day is not taken and exercised during the calendar year as required herein, the right to the personal day by the full-time member or full-time civilian employee shall lapse.

(Ord. 733, passed 10-22-98; Am. Ord. 838, passed 11-26-03)

§ 31.08 OVERTIME COMPUTATION.

Overtime and comp time will be calculated pursuant to applicable law.

(Ord. 733, passed 10-20-98)

§ 31.09 PRE-TAX PREMIUM PLAN.

(A) The Town Council establishes a pre-tax premium plan for the voluntary participation of all eligible employees of the town. The plan is required to be established in conformance with the requirements of Section 125 of the Internal Revenue code, as amended from time to time.

(B) The Clerk-Treasurer is authorized to execute for the town individual participation agreements with each employee requesting the

same, and to act as the administrator of the plan representing the town. The Council President is authorized to execute such agreements and contracts as are necessary to implement the program, and the Clerk-Treasurer shall attest to the execution of the same by the Council President.

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(C) The town pre-tax plan is established, provided that there is little or no cost to the town for the plan except for minor incidental administrative expenses regarding the same.
(Ord. 734, passed 10-20-98)

§ 31.10 TRAVEL POLICY.

(A) A Travel Policy for the town is hereby established. The policy shall hereafter be referred to as the "Town Travel Policy".

(B) The following policy shall be used in providing or reimbursing Town Council Members, the Clerk-Treasurer, Members of Commissions and Boards, Appointed Officials and/or town employees for travel accommodations when such travel has been authorized and budgeted. Such persons shall hereafter be referred to as Town Official(s).

(1) Registration fees. The cost of registration or similar fees for conferences, seminars and other similar meetings or functions related to town affairs will be provided for or reimbursed. Arrangements for these affairs should be made by a designated person using the town credit card, or by billing the individual directly. All reimbursements must be documented by original detailed receipts.

(2) Transportation.

(a) Travel by commercial airlines, rail service, bus, or similar common carrier mode will be provided for at the prevailing "coach" or "tourist" rate when authorized and supported by original receipts.

(b) Taxi fare and/or the cost of other local (public) conveyance will be provided for or reimbursed when supported by original receipts.

(c) Parking fees and tolls will be reimbursed when supported by original receipts.

(d) When a personal automobile is used in lieu of common carrier transportation for travel distances over 300 one-way miles, as authorized by the employee's immediate supervisor, the first 600 miles will be reimbursed at one-half the maximum IRS rate. Town vehicles for transportation shall be used whenever necessary and practical.

(e) The use of personal automobiles for Town Travel is permitted and will be reimbursed at the maximum IRS rate, provided the travel has been authorized by the employee's immediate supervisor and that the proper mileage claims have been submitted.

(3) Lodging.

(a) Lodging shall be provided for or reimbursed when supported by original receipts in the following manner:

1. Single occupancy will be provided at the actual cost.

2. Double occupancy will be provided at actual cost when both parties are eligible for reimbursement.

3. Double occupancy will be provided at the single occupancy rate when only one party is eligible for reimbursement, unless room is a one rate charge.

(b) Reimbursement for lodging costs shall include room costs, associated local taxes and necessary, business-related telephone charges. Any other charges made to the room are the responsibility of the Town Official.

(c) Room service will not be reimbursable.

(4) Meals.

(a) Meals will be reimbursed when supported by original receipts up to \$100 per day, including gratuities. Such gratuities should be reasonable and should not exceed 20%.

(b) When separate checks are not available, a Town Official may claim reimbursement for other Town Officials up to the maximum amount provided for in division (B)(4)(a) multiplied by the number of Town Officials, provided that each Town Official is identified by name and that an original receipt is provided. Payment for meals for any individual will not be made to more than one individual.

(c) Guests meals are allowable, provided that the guest is present for Town business affairs or as permitted by the Town Council. The guest meal cost shall be included in the total daily expenditure for meals as provided in division (B)(4)(a).

(d) No reimbursement will be made for meals when already provided for in the registration fee.
(Ord. 774, passed 7-25-00)

§ 31.11 DEFERRED COMPENSATION PLAN PROGRAM.

(A) The Town Council hereby adopts the Deferred Compensation Plan Program presently administered in conformance with the requirements of Section 457 of the Internal Revenue Service Code by Variable Annuity Life Insurance Company (VALIC), and its attendant investment options, and hereby establishes the additional Town of Cedar Lake Deferred Compensation Plan administered by VALIC and the voluntary participation and selection of participation by all eligible employees of the town.

(B) The Clerk-Treasurer is authorized to execute for the town, individual participation agreements with each employee requesting the

same, and to act as the "Administrator" of the Deferred Compensation Plan with VALIC representing the town. The Town Council President is 2002 S-17

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authorized to execute such agreements and contracts as are necessary to implement the additional Deferred Compensation Plan Program with VALIC, and the Clerk-Treasurer shall attest to the execution of the same by the Town Council President.

(C) Additional Deferred Compensation Plan.

(1) The Town Council hereby adopts the additional Deferred Compensation Plan Program presently administered in conformance with the requirements of Section 457 of the Internal Revenue Service Code by ICMA-RC and its attendant investment options, and hereby establishes the additional Town of Cedar Lake, Lake County, Indiana Deferred Compensation Plan in the form of the ICMA -Retirement Compensation Plan and Trust for the voluntary participation and selection of participation by all eligible employees of the town.

(2) The Town Council hereby authorizes its Town Council President and Clerk-Treasurer to execute the Declaration of Trust of the Vantage Trust Company, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the town, if the assets of the plan are to be invested in the Vantage Trust Company.

(3) The Town Council resolves that the assets of the Plan shall be held in trust, with the town serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

(4) The Plan will be required to permit loans and to allow a Sidecar IRA program.

(5) The Clerk-Treasurer is hereby named the Coordinator for this program and for the town's individual participation agreements with each employee requesting the same, and to act as the administrator of the Deferred Compensation Plan with ICMA-RC. The Clerk-Treasurer is hereby authorized to receive necessary reports, notices etc. from the ICMA Retirement Corporation or the Vantage Trust Company; shall cast, on behalf of the town, any required votes under the Vantage Trust Company; administrative duties to carry out the Plan may be assigned to appropriate departments and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

(6) The town's additional Section 457 Deferred Compensation Plan administered by ICMA-RC is hereby established, provided that there is no cost to the town for the program except

incidental expenses of collecting and disbursing the deferrals of the eligible participating employees, and other minor administrative matters regarding the same, and provided that ICMA-RC agrees to hold harmless and indemnify the town, as well as its appointed and elected officers, officials, Town Council members, and participating employees, for any loss resulting from the failure of ICMA-RC, or its agents, to perform its duties and services pursuant to the ICMA-RC Deferred Compensation Plan Program.

(Ord. 807, passed 10-9-01; Am. Ord. 817, passed 2-5-02; Am. Ord. 820, passed 2-26-02; Am. Ord. 988, passed 3-6-07)

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§ 31.12 HEALTH INSURANCE PLAN; HEALTH SAVINGS ACCOUNT.

(A) There is established a fully-funded health insurance plan for regular full-time employees of the Town of Cedar Lake.

(B) There is established a health savings account (HSA) with a high deductible health plan (HDHP) for regular full-time employees of the Town of Cedar Lake as described in the IRS Code and further advised and instituted by the agent of record.

(C) The Clerk-Treasurer is directed and authorized to implement the health savings account (HSA) as advised and instituted by the agent of record.

(D) The town will contribute an initial sum of money for each regular full-time employee participating in the health savings account (HSA) as an encouragement to participate, and as an overall cost-saving measure to the town and its taxpayers.

(1) The contribution defined for year 2012 shall be as follows: \$1,500 for each employee currently participating in the health savings account.

(2) For year 2013 and beyond, unless amended otherwise, the town's contribution will revert back to the following:

(a) Five hundred dollars for one employee only.

(b) Seven hundred fifty dollars for one employee and spouse, or one employee and child/children.

(c) One thousand dollars for one employee and his/her family consisting of spouse and one or more children.

(3) The Town Council, as deemed necessary, may determine further contribution for existing participants of the health savings account as an incentive to continue participation in the plan.

(E) (1) A regular full-time employee who selects coverage under the town dental plan only will have the following contribution towards the premium deducted from his or her compensation as follows:

(a) One dollar monthly for one employee only.

(b) Two dollar monthly for one employee and spouse, or one employee and child/children.

(c) Three dollar monthly for one employee and his or her family consisting of spouse and one or more children.

(2) The monthly amount will be divided appropriately in order for the contribution to be deducted from 24 pay periods. For example: an employee contributing \$1 monthly will have \$.50 deducted from his or her bi-weekly pay for a total of 24 pay periods. (Ord. 1035, passed 7-29-08; Am. Ord. 1152, passed 3-20-12)

§ 31.13 NEPOTISM POLICY; CONTRACTING WITH A UNIT BY A RELATIVE POLICY.

(A) The Town Council now finds that it is required, necessary, and appropriate to adopt a policy of conduct with regard to nepotism in employment with the town, as well as in contracting with the town, in order to continue to provide local government services to the residents of the town, as well as to comply with the new laws effective July 1, 2012, specified and set forth in the provisions of IC 36-1-20.2 and IC 36-1-21, respectively.

(B) The provisions of this section shall become effective for the town July 1, 2012, and whereby the town shall establish hereby a nepotism policy and a contracting with a unit policy, that complies with the minimum requirements of IC 36-1-20.2 (hereinafter nepotism policy), as well as IC 36-1-21 (hereinafter contracting with a unit by a relative policy). The Town Council further decrees hereby that implementation of each of the nepotism policy and contracting with a unit by a relative policy will become effective and whereby implementation will commence instanter on July 1, 2012.

(C) The nepotism policy of the town is hereby established effective July 1, 2012, by adoption of the minimum requirement provisions of IC 36-1-20.1 as the same currently exists, may be supplemented or amended thereto in the future, and as same exists hereafter. The current minimum requirement provisions of IC 36-1-20.2, and as such are supplemented or amended thereafter and as same is law in the state hereafter from time to time, are made a part hereof and incorporated herein as though fully set forth and incorporated herein. Further, a copy of the provisions of IC 36-1-20.2, entitled nepotism, in effect July 1, 2012 is attached hereto.

(D) The contracting with a unit by a relative policy of the town is hereby established effective July 1, 2012, by adoption of the minimum requirement provisions of IC 36-1-21, as the same currently exists, may be supplemented or amended thereto in the future, and as same exists hereafter. The current minimum requirement provisions of IC 36-1-21, and as such are supplemented or amended thereafter and as same is law in the state hereafter from time to time, are made a part hereof and incorporated herein as though fully set forth and incorporated herein. Further, a copy of the provisions of IC 36-1-21, entitled contracting with a unit by a relative policy, in effect July 1, 2012, is attached hereto.

(E) The Town Council hereby acknowledges and concurs that each of the provisions of IC 36-2-20.1 and IC 36-1-21 specifically permit a unit of local government such as the town to adopt requirements that are more stringent or detailed and that the Town Council hereby finds that more details are necessary and appropriate.

(F) The Town Council further finds and declares that a single member of the Town Council, as legislative body, shall not act for the Town Council to make or issue work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the entire Town Council, and therefore, without the authority by the majority, the individual Town Council member will not be in the direct line of supervision (please note the provisions of IC 36-4-6-11 and IC 36-5-2-9.4).

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

(H) All elected and appointed officials and employees of the town are directed and required to cooperate fully in the implementation of the policies established in this section, and in demonstrating compliance with these same policies. The policies established hereby shall be incorporated by reference in the town personnel policy manual, as the same is amended from time to time, as well as in the town Ethics Regulations Policy ordinance, as same is amended from time to time.

(I) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the nepotism policy is a violation of this section, as same may be amended from time to time, and may result in the discipline, including termination, of an employee or transfer from the direct line of supervision or other curative action. Any elected or appointed official of the town who fails to abide by or cooperate with the implementation, compliance and/or mandated certification submission of either the nepotism policy or the contracting with a unit by a relative policy may be subject to sanctions, penalties or legal procedures and actions in conformance with applicable law.

(J) (1) The policies established and adopted by this section are hereby directed to be implemented by any of the following namely:

(a) Posting a copy of this section in its entirety in

at least one of the locations in the town that posts employer posters or other notices to its employees;

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(b) Providing a copy of this section to each of its employees and elected and appointed officials, requesting from each distributee an acknowledgment of receipt of same and filing/depositing of the acknowledgment in the personnel employment file of each said employee, or elected and appointed official;

(c) Providing or posting a notice of the adoption of this section in any other manner deemed appropriate;

(d) By any other action or actions that would communicate the policies established by this section to the town employees and elected and appointed officials.

(2) Upon any of the aforesaid actions being made, the policies established hereby are deemed implemented by the town. The Town Administrator and Clerk-Treasurer are additionally directed to report the implementation actions to the Town Council in its regular public meeting in July, 2012, for the public record and report to the Town Council of such.

(K) A copy of the provisions of IC 36-1-20.2 and IC 36-1-21, effective July 1, 2012, are annexed hereto, incorporated herein and made a part hereof.

(L) Two copies of IC 36-1-20.2 and IC 36-1-21, as supplemented or amended, are on file in the office of the Clerk-Treasurer for inspection as may be required and requested by the provisions of IC 36-1-5-4.

(Ord. 1160, passed 6-19-12)

TOWN MANAGER

§ 31.20 ESTABLISHED.

There is established the position of Town Manager, which person shall be employed to serve at the pleasure of the Town Council or if the Town Council shall so elect, by a 2/3 vote of the so elected members of the Council. The Town Manager shall serve for a definite tenure not to exceed the longest remaining term in office of a member of the Council. In such latter case the person so employed shall be dismissed for any reason by majority vote.

(Ord. 335, passed 5-26-82)

§ 31.21 ADMINISTRATIVE DUTIES.

The Town Manager, under the direction of the Town Council shall be responsible for the administrative duties of the Town Council as hereinafter specified:

(A) Shall attend the meetings of the Town Council and recommend actions he considers advisable;

(B) Shall hire town employees according to the pay schedules and standards fixed by the legislative body or by statute, subject to the approval of the Town Council:

(C) Shall suspend or transfer town employees, if necessary for the welfare of the town, and shall discharge or remove town employees if necessary for the welfare of the town subject to the approval of the Town Council;

(D) May delegate any of his powers to an employee responsible to him, with the approval of the Town Council;

(E) Shall, where not in conflict with the Metropolitan Police Department or areas reserved to the Town Attorney, administer and enforce all ordinances, orders, and resolutions of the Town Council;

(F) Shall see that all statutes that are required to be administered by the Town Council or a town officer subject to the control of the Town Council are faithfully administered;

(G) Shall prepare budget estimates and submit them to the Town Council when required;

(H) Shall subject to authorization by the Town Council, execute contracts on behalf of the town for materials, supplies, services, or improvements, after the completion of the appropriations, notice, and competitive bidding required by statute; and

(I) May receive service of summons on behalf of the town, and such other duties as the Town Council may determine from time to time, by ordinance.

(Ord. 335, passed 5-26-82; Am. Ord. 396, passed 9-26-84; Am Ord. 468, passed 12-28-88)

§ 31.22 COMPENSATION.

The compensation for the Town Manager shall be set by the Town Council.

(Ord. 335, passed 5-26-82)

CLERK AND TREASURER

§ 31.40 SERVICE AS CLERK AND FISCAL OFFICER.

The Clerk-Treasurer elected under this chapter is both the town clerk and the town fiscal officer.

(IC 36-5-6-2)

Cross-reference:

Authority to use electronic fund management methods, see § 32.28

Authority to accept various payment methods, see § 32.29

§ 31.41 TERM.

The term of office of the Clerk-Treasurer is four years, beginning at noon on January 1 after his election and continuing until his successor is elected and qualified.

(IC 36-5-6-3(b))

§ 31.42 ELECTION.

The Clerk-Treasurer shall be elected by the voters of the whole town.

(IC 36-5-6-4)

§ 31.43 OATHS; DEPOSITIONS; ACKNOWLEDGMENTS.

The Clerk-Treasurer may administer oaths, take depositions, and take acknowledgments of instruments required by statute to be acknowledged.

(IC 36-5-6-5)

§ 31.44 POWERS AND DUTIES.

The Clerk-Treasurer shall:

(A) Receive and care for all town monies, and pay them out only on order of the Town Council;

(B) Keep accounts showing when and from what sources he has received town monies, and when and to whom he has paid out town monies;

(C) Prescribe payroll and account forms for all town offices;

(D) Prescribe the manner in which creditors, officers, and employees shall be paid;

(E) Manage the finances and accounts of the town and make investments of town money;

(F) Prepare for the legislative body the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate;

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

(H) Issue all licenses authorized by statute and collect the fees fixed by ordinance;

(I) Serve as clerk of the Town Council by attending its meetings and recording its proceedings;

(J) Administer oaths, take depositions, and take acknowledgment of instruments that are required by statute to be acknowledged, without charging a fee;

(K) Serve as clerk of the town court under IC 33-35-3-2, if the judge of the court does not serve as clerk of the court or appoint a clerk of the court under IC 33-35-3-1.

(1) Perform all other duties prescribed by law.
(IC 36-5-6-6)

Cross-reference:

Authority to use electronic fund management methods, see § 32.28

Authority to accept various payment methods, see § 32.29

§ 31.45 DEPUTY CLERK-TREASURER.

(A) The position of Deputy Clerk-Treasurer is hereby established in the office of the Clerk-Treasurer.

(B) The duties of the Deputy Clerk-Treasurer shall be determined by the Clerk-Treasurer. This position will involve being an assistant to the Clerk-Treasurer and acting in the Clerk-Treasurer's behalf if the occasion would arise.

(C) This position is necessary for the effective operation of the office of the Clerk-Treasurer, and to insure accordant operation with all departments and the Town Council.

(D) This section, after its passage by the Town Council, shall be retroactive to January 1, 1989.

(Ord 473, passed 3-8-89)

§ 31.46 EMPLOYEES.

The positions of deputy clerk, accounts payable clerk, and bookkeeper are created within the Clerk-Treasurer's office. The duties of each such position shall be determined by the Clerk-Treasurer. The Clerk-Treasurer shall appoint such individuals as are necessary to fulfill the duties of such positions and they may be discharged by the Clerk-Treasurer at any time.

('82 Code, § 2-402)

§ 31.47 REQUIREMENTS.

The Clerk-Treasurer shall be a resident of the town and elected at large for a term of four years concurrent with the term of the Town Council.

('82 Code, § 2-401)

§ 31.48 RESPONSIBILITY FOR THE SEWER UTILITY BILLING DEPARTMENT.

(A) All responsibility for the Sewer Utility Billing Department, and its employees and operations, is hereby transferred immediately to the Clerk-Treasurer of the town. The Clerk-Treasurer shall have all authority concerning the oversight and management of the Sewer Utility Billing Department, and shall further be authorized and permitted to have full and complete control and authority over the employees and operations of the Department.

(B) Unless an ordinance of the town provides otherwise, the Clerk-Treasurer shall be authorized with the following regarding the Sewer Utility Billing Department, and its employees and operations, namely:

(1) Hire employees according to the pay schedules and standards fixed by town ordinance, or by statute;

(2) Suspend, discharge, remove or transfer employees, if necessary, pursuant to the standards fixed by town ordinance or by statute, for the welfare of the town;

(3) Delegate any of her powers and authorities to an employee responsible to her;

(4) Administer and enforce all ordinances, directives, and resolutions of the Town Council;

(5) Ensure that all statutes and ordinance provisions that are required to be administered by the Town Council, or any duly designated town official under the control and authority of the Town Council, are faithfully and fully administered.

(C) All existing ordinances, or parts thereof, in conflict with the provisions of this section, are hereby deemed null, void, and of no legal effect, and are specifically repealed.
(Ord. 513, passed 6-13-90)

§ 31.49 INVESTMENT OF TOWN FUNDS.

(A) The Clerk-Treasurer is hereby authorized to invest and reinvest any money, including money raised by bonds issued for future specific purposes, sinking funds, depreciation reserve funds, and gifts, bequests or endowments, which are under the control of any department, board, commission or utility of the town, in bills, certificates of indebtedness, notes and bonds of the United States of America, or such other bonds, debentures or obligations as are described and set forth in the Acts of 1945, Chapter 9, Section 1, as amended from time to time, subject to all of the provisions of said Act, as amended from time to time.

(B) The Clerk-Treasurer is authorized to invest such excess funds in certificates of deposit issued by state banks, trust companies, mutual savings banks or national banks having their principal offices within the county, or with such excess funds to enter into repurchase or resale agreements involving the purchase and guaranteed resale of any interest-bearing obligations issued, or fully insured or guaranteed by the United States or any United States government agency, in which agreement the amount of money must be fully collateralized by interest-bearing obligations as determined by the current market value as computed on the day the agreement is effective, or with such excess funds to invest in interest-bearing accounts of duly designated depositories, as provided for by law, all subject to and in conformity with all of the provisions of the Acts of 1945, Chapter 9, Section 2, as amended from time to time.

(C) Interest received from the investment of a specific named fund shall be credited to that fund, and interest from the investment of other moneys shall be credited to the general fund of the town.

(D) In any and all such investments, generally, all laws of the state applicable to the making of such investments, the use of the funds derived therefrom, the methods of investing, the authorized depositories for investments, or in general, any and all matters pertaining thereto, shall be strictly adhered to by the Clerk-Treasurer.

(Ord. 283, passed 3-12-80)

§ 31.50 DISBURSEMENTS.

(A) The Clerk-Treasurer is authorized and directed to make payments of claims in advance of the Town Council approval for the following types of expenses providing that the Town Council confirms the disbursements and payment of claims at the next public meeting at which confirming payments are considered, namely:

- (1) Property or services purchased or lease from:
 - (a) The United States government; or
 - (b) An agency or a political subdivision of the United States government.
- (2) License fees or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) Federal Grant Programs if:

(a) Advance funding is not prohibited; and

(b) The contracting party provides sufficient security for the amount advanced.

(6) Grants of state funds authorized by statute;

(7) Maintenance agreements or service agreements;

(8) Lease agreements or rental agreements;

(9) Principal and interest payments on bonds;

(10) Payroll;

(11) State, federal, and county taxes;

(12) Expenses that must be paid because of emergency circumstances;

(13) Non-taxable funds temporarily or tentatively held for payment to a specific purpose or person in the manner and at the times required by the terms of receipt of the funds;

(14) Products or services the bid for which has been accepted by the Town Council, the acceptance of the products or services has been approved by the Town Manager, or his or her delegate;

(15) Normal, routine business matters, such as mailing of utility bills, reimbursement to employees, refunds to customers, advance registrations, purchases made under the town that could incur a penalty or late charge if not paid by the vendor's designated due date, and the like; and

(16) In the event that the Town Council is unable to meet for a period of time exceeding 14 days, an interim docket will be prepared and disseminated among the Council members. If there is no objection by the majority of Council members, the vouchers on the interim docket will be paid and confirmed at the next regular Town Council meeting.

(B) Nothing herein is intended to relieve the Clerk-Treasurer or the Town Council of the lawful responsibilities and obligations generally required with respect to invoices, approval of invoices, or disbursement of funds in accordance with the laws of the state, as amended, in the rules and regulations of the supervising agencies thereof.

(Ord. 561, passed 9-15-92; Am. Ord. 791, passed 5-8-01; Am. Ord. 1171, passed 3-19-13)

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§ 31.51 ORDINANCE VIOLATIONS BUREAU.

(A) The Office of the Clerk-Treasurer shall constitute and be established as an Ordinance Violations Bureau for the acceptance of written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than \$250 in ordinance violation cases. When a defendant admits an ordinance violation in lieu of the initiation of court proceedings against him or her and pays the fine in accordance with this section, the Ordinance Violations Bureau shall retain the entire amount of any fine paid without deducting any amount for payment of court costs. Further, the Ordinance Violations Bureau Clerk, or her designee, shall make an accounting of the fines paid and shall pay the same to the Municipal Corporation in accordance with applicable law, as amended from time to time.

(B) The Clerk-Treasurer shall be designated and act as the administrator of the Ordinance Violations Bureau created herein.

(C) The following exhibit is a schedule of ordinances and town code provisions of the town which shall be subject to the jurisdiction of the Ordinance Violations Bureau, and the initial violation within a calendar year of said ordinances and town code provisions shall be subject to a civil penalty as set forth, which schedule, including the designated ordinances and town code provisions, with applicable penalties, is set forth in Exhibit "A" attached hereto and incorporated herein by reference.

(D) Any person or entity cited for violation(s) of any of the above-referenced ordinances or town code provisions who have not been cited for violation(s) of the same ordinance or town code provisions within the calendar year shall be entitled to take appropriate corrective measures to comply with the applicable ordinance or town code provisions within seven days from the date of issuance of the citation of violation. Further, the person or entity cited shall be required to contact the town to schedule an inspection of the corrections of the cited violation(s) within the same seven days period from the date of issuance of the citation of violation(s). In the event that appropriate corrective measures have been taken within seven days from the date of issuance of the citation, and an inspection requested and made within the same seven day period results in verification of full and complete compliance by the duly designated town representative, then the citation issued will be voided and all further proceedings terminated. In the event that the person or entity cited for ordinance or town code violation(s) within the calendar year does not take corrective measures within the required seven day time period, or takes corrective measures within the required seven day time period but does not notify and schedule an inspection by the duly designated town representative within the required seven day time period to verify

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full and complete compliance, then the person or entity cited shall have 14 days from the date of issuance of the citation to appear at the Ordinance Violations Bureau to pay the applicable fine(s) for the citation(s) issued.

(E) Any person or entity cited for violation(s) of any of the above-referenced ordinances or town code provisions who has been cited for like violations of the same ordinance or town code provisions within the same calendar year shall not be entitled and permitted to pay a fine at the Ordinance Violations Bureau. Such repetitive violation(s) shall be filed by the administrator of the Ordinance Violations Bureau, or duly designated representative, with the Clerk of the court having jurisdiction over such ordinance or town code violations, and the violation will be processed through the judicial system of Lake County for trial on the merits.

(F) Any person or entity cited for violation(s) of any of the above-referenced ordinances or town code provisions entitled under the provisions of this section to pay fines for cited violation(s) to the Ordinance Violations Bureau shall do so within 14 days from the date of issuance of the citation of violation.

(G) Any person or entity paying a fine at the Ordinance Violations Bureau under the provisions of this section shall sign a waiver of the right to trial and admission of the ordinance or town code violation for which the citation was issued.

(H) Any person or entity who intends or seeks to contest an ordinance or town code violation within the jurisdiction of the Ordinance Violations Bureau shall sign a written denial of the violation, and thereafter, the cited violation shall be filed by the administrator of the Ordinance Violations Bureau, or duly designated representatives, with the Clerk of the court having jurisdiction over such ordinance or town code violations, and the matter shall be set for trial.

(I) In the event that a citation for an ordinance or town code violation has not been paid at the Ordinance Violations Bureau within 14 days of issuance, the cited ordinance or town code violation(s) shall be filed with the Clerk of the court having jurisdiction over such violations, and the matter shall be set for trial.

(J) Nothing herein shall be construed as limiting the rights of the town, or its duly designated officers, officials, representatives, employees, or attorneys, to maintain an action in a court of proper jurisdiction to enjoin or abate any ordinance or town code violation, and to recover in the same proceedings any penalties, fine, costs or damages provided for such ordinance or town code violation.

(Ord. 620, passed 11-15-94; Am. Ord. 726, passed 8-11-98; Am. Ord.

899, passed 7-6-04; Am. Ord. 972, passed 9-19-06)

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OTHER OFFICIALS

§ 31.60 TOWN CUSTODIAN.

The position of Town Custodian is hereby created, and shall be subject to the control of the Town Council.

('82 Code, § 3-300)

§ 31.61 TOWN INSPECTOR.

(A) There is created the position of Town Inspector.

(B) The duties of the Town Inspector shall be to inspect those projects and matters within the town as directed by the Town Council or the town sewer utility.

('82 Code, § 3-310)

§ 31.62 STREET COMMISSIONER.

For provisions regarding the Street Commissioner see § 34.46.

§ 31.63 UNSAFE BUILDING ADMINISTRATOR.

For provisions regarding the Unsafe Building Administrator see § 34.57.

§ 31.64 DIRECTOR OF CIVIL DEFENSE.

For provisions regarding the Director of Civil Defense see § 96.02.

§ 31.65 SUPERINTENDENT OF STREETS AND SEWERS.

(A) There is created the position of Superintendent of Streets and Sewers for the town.

(B) The person employed therein shall be dismissed for cause only.

(C) The duties of the position shall be in supervision and overseeing of the streets and sewers under the jurisdiction of the town, and as may, from time to time, be described by the Town Council as its delegate.

(Ord. 337, passed 5-26-82)

§ 31.66 DIRECTOR OF UNSAFE BUILDING DEPARTMENT.

For provisions regarding the Director of the Unsafe Building Department, see § 34.58.

CODE OF ETHICS

§ 31.80 PURPOSE.

The purpose of this subchapter is to establish ethical and legal standards of conduct for all public officials and employees of the town and to require disclosures by all public officials of private, financial, or other interests in matters that may affect the town; and it is the policy of the town that in all cases its elected and appointed officials and employees perform their duties for the benefit of the citizens of the town and that they shall conduct the government of the town with loyalty, integrity, and impartiality, without allowing prejudice, favoritism, or the opportunity of personal gain to influence their decisions or actions or to interfere with serving the public interest.

(Ord. 896, passed 8-17-04)

§ 31.81 APPLICABILITY.

The provisions of this subchapter shall apply to all elected officials of the town; all members of all Commissions, and boards established by state statute or local ordinance, resolution or motion; individuals appointed by the President and/or Town Council; the Town Manager; the Town Attorney; and, to the extent possible all town hired Independent Contractors (collectively referred as "official"); and all Department and Division Heads, and all other employees of the town (collectively referred "employee"). The section is in addition to the rules and requirements as set forth in the town code, the town personnel policy manual, the police department policies and procedures, and all applicable federal, state, and local laws. Further, the written acceptance of this subchapter shall be a condition for initial and continuing service for the town by an official or employee.

(Ord. 896, passed 8-17-04)

§ 31.82 PROHIBITED CONDUCT.

(A) Impartiality and non-discrimination. No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the town policy to grant or make available to the public at large without prior Town Council or Town Manager approval. No official or employee shall discriminate against any person in violation of federal, state, or local law, or the ordinances of the town.

(B) Appointment and employment. No official shall appoint an individual to any position within the town when the official would be considered a principal or officer of a for-profit organization where the individual being considered for appointment is a member of the same organization.

(C) Confidential information. No official or employee shall use or permit the use off any confidential information regarding municipal affairs to advance the financial or personal interest off said official

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or employee or any other person or entity, unless and until such information is available to the public.

(D) Electoral activities. No official, employee, or others who are engaged in any activities to gain public office or to assist another person or group to gain public office shall violate any provisions of any and all local, state, and federal laws. No official or employee shall instruct or induce other officials or employees to engage in conduct prohibited by the town, including the use of other employees or town assets for any activity related to the political campaign of said official or employee, or for any purpose other than authorized town business.

(E) Use of public property. No official or employee shall use, or induce, order, or allow other persons to use. Town funds or property for a purpose which is for private benefit unless the property is available to the general public on equal terms or unless the use is in accordance with other town municipal policies or ordinances.

(F) Assistance. No official or employee shall assist any person in any transaction with the town when such assistance is or would be reasonably appear to be improperly enhanced by the position of the official or employee unless said assistance is provided in the course of official town duties.

(G) Acceptance of gifts. No official or employee shall directly or indirectly solicit, accept or receive any gift or consideration whether in the form of money, service, loan, travel, entertainment, or promise which was intended to influence the official or employee to act other than impartially in the performance of their official duties or was intended as a reward for any such action. Further, an official or employee has an affirmative duty to report any attempts by citizens to give the official or employee unauthorized gifts or bribes. The following shall not constitute gifts or consideration for purposes of this section:

(1) A gift of nominal value, so long as such gift is not solicited and does not present a conflict in interest in fact or appearance. Nominal value shall mean having a value not exceeding \$100 from one person or entity in the aggregate during a 12-month calendar period. Any official or employee who receives a gift in excess of \$100 shall make written disclosure of said gift to the Ethics Officer;

(2) Trade discounts offered to town employees;

(3) Trade discounts offered to the general public;

(4) Food consumed at public, professional or community

receptions;

(5) Acceptance of a professional or public award, reflecting positive performance or community service; and

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(6) Campaign contributions reported in full compliance with any applicable federal, state, and local statutes and ordinances.

(H) Financial or personal interest conflicts. Unless a disclosure statement is completed and filed within five days of the conflict arising, no official or employee shall engage in the following:

(1) No official or employee shall represent any individual petitioner other than the town or himself/herself before the Town Council, any Commission, any board, or any committee of the town. An official or employee may represent an entity before the town, its Boards and Commissions, if the official or employee is an owner of at least 50% of that entity, or represents at least 50% of the property or business that is the subject of a petition.

(2) No official or employee shall participate or represent another person or entity in the procurement of any contract or purchase by the town if such contract or purchase involves the official or employee, a member of said official or employee's family, or other entity in which the official or employee has a financial interest.

(3) No official or employee, either on that person's behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with the Town Council, as well as any board, commission, committee or other town public body unless that official or employee makes full public disclosure of the nature and extent of such interest, and if required, disqualifies himself or herself from participating in and acting upon the business or transaction.

(4) No official, in his or her public capacity, shall vote on any issue/matter or participate in any discussion if the matter has a potential financial benefit to the official, his or her immediate family members or their business. In the event that an official is required to abstain from voting on a particular issue, the official or employee shall announce the abstention and the reason for the abstention, or that a filed disclosure form provides the reason for the abstention, prior to discussion and voting on the particular issue. In the event that the abstention from voting would result in a lack of a quorum for the public body to officially act, then the affected official may vote after full disclosure of the conflict.

(I) No official shall conduct a meeting in violation of the Indiana Open Door Law, as amended from time to time, or violate the provisions of the Indiana Public Records Access Law, as amended from time to time.

(Ord. 896, passed 8-17-04; Am. Ord. 974, passed 10-3-06)

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§ 31.83 FINANCIAL/PERSONAL INTEREST DISCLOSURE.

All town elected officials and all candidates for elected town offices shall meet all requirements regarding disclosure of financial interests including, but not limited to, filing of approved disclosure forms. Copies of all approved forms shall be filed with the Town Clerk-Treasurer. Additionally, all town elected officials and all candidates for elected town offices shall comply fully with Indiana statutes with respect to conflict of interest and disclosure of conflicts pursuant to state law and other statutory sections applicable to the specific public body.

(Ord. 896, passed 8-17-04)

§ 31.84 ETHICS OFFICER AND COMMITTEE.

(A) The Town Manager shall be Ethics Officer, except when the Town Manager is the subject of alleged non-compliance. If the event the Town Manager is the subject of the alleged noncompliance, then the Town Council President shall be the Ethics Officer. The duties and responsibilities of the Ethics Officer shall be as set forth herein and any other duties and responsibilities given by the Town Council. The Ethics Officer shall serve with or without additional compensation, as determined from time to time by the Town Council, and shall be reimbursed for all reasonable costs and expenses incurred in the furtherance of the Ethics Officer's duties and responsibilities.

(B) The Ethics Committee shall consist of five residents, who are registered to vote, of the town, whose nominations shall be made as follows:

(1) The Board of Trustees of the Hanover Community School Corporation shall nominate one member for an initial term of one year;

(2) The Board of Trustees of the Crown Point Community School Corporation shall nominate one member for an initial term of two years;

(3) The Board of Directors of the Cedar Lake Chamber of Commerce shall nominate one member for an initial term of one years; and

(4) The Cedar Lake Town Council shall nominate two members for an initial term of two years.

(C) Thereafter, all nominating bodies shall make appointments for a period of two years. No Ethics Committee member may serve more than three two-year terms. The Cedar Lake Town Council shall confirm and ratify the nominations made to the Ethics Committee. No Ethics

Committee member may be an elected or appointed town official or an employee.
(Ord. 896, passed 8-17-04)

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§ 31.85 PROCEDURE.

(A) Ethics Officer Review. In the event that anyone has reason to believe that there has been non-compliance with this subchapter, said person shall give written notarized notice thereof to the Clerk-Treasurer in a sealed envelope and the Clerk-Treasurer shall forward the envelope to the Ethics Officer. In the event that the subject of the non-compliance is the Town Manager, then the person submitting the notice shall address the envelope to the Town Council President. The Ethics Officer shall gather any and all available information on the complaint and provide the same to the Ethics Committee.

(B) Ethics Committee Review.

(1) The Ethics Officer shall inform the official or employee of the non-compliance complaint made and afford the official or employee an opportunity to explain in writing concerning the alleged non-compliance, which shall be forwarded to the Ethics Committee for review.

(2) When required, the Ethics Officer shall notify and convene the Ethics Committee to review any complaint and response thereto. The Ethics Committee may conduct investigations into the alleged non-compliance as the Ethics Committee deems appropriate.

(3) In the event that the Ethics Committee determines that an official or employee has violated this subchapter, the Ethics Committee shall:

(a) As to an official, consider the matter for appropriate discipline and/or corrective action, including, but not limited to removal subject to Indiana Statutes;

(b) As to an employee, refer the matter to the Town Manager or appropriate board or commission for notice, bearing and decision in accordance with the Town Personnel Policy Manual and applicable Indiana Statutes; and

(c) As to an official, employee or other person, take any other action as maybe required by the particular circumstances of the noncompliance, including but not limited to fines, penalties, removal from the position, public reprimands, or forwarding a complaint to the appropriate state or local agency for appropriate action on said violation.

(4) After determination of a violation or no violation, the Ethics Officer shall report the findings of the Ethics Committee to the Town Council and file such report in a file designated for such purposes.

(Ord. 896, passed 8-17-04)

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§ 31.86 GENERAL PROVISIONS.

(A) This subchapter shall be construed broadly, and in no way limits or minimizes the other affirmative duties required of officials or public bodies pursuant to Indiana Statutes.

(B) All officials and employees shall receive a copy of this subchapter from the Office of the Clerk-Treasurer within 15 days of its adoption or any amendments adopted thereto. Any candidate for public office or any individual being considered for appointment shall be given a copy of this subchapter and any amendments thereto.

(C) In the event that the terms of this subchapter or any amendments thereto are in conflict with any federal, state, or local law, regulation, or ruling, such law, regulation or ruling shall supersede the terms of this subchapter, as amended from time to time.

(D) This subchapter shall not prohibit an official or employee from being reimbursed for expenses, receiving money as a campaign contribution, participating in collective bargaining, or being paid for a service as an official or employee as provided for by ordinance or Indiana Statutes.

(E) The Town Council shall review this subchapter and make reasonable and necessary amendments thereto at least once every four years, or as frequently as needed.

(Ord. 896, passed 8-17-04)

CHAPTER 32: FINANCE AND REVENUE

Section

Budget

- 32.01 Preparation of budget estimates
- 32.02 Tax rate; annual appropriations
- 32.03 Revising appropriations

Financial Administration

- 32.20 Issue and sale of bonds
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- 32.30 General fund
- 32.31 Motor vehicle highway fund
- 32.32 Cumulative capital improvement fund
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- 32.41 Sewer utility fund
- 32.42 Revenue sharing fund
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- 32.45 Unsafe building fund
- 32.46 Cumulative park and recreation building fund
- 32.47 Special nonreverting gift, donation, and subsidy fund
- 32.48 Park and Recreation Department special nonreverting operating fund
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- 32.50 Vehicle inspection fee assessment
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- 32.52 Special nonreverting gift, donation and subsidies fund

for the general fund

- 32.53 Petty cash funds for departments
- 32.54 Cumulative Capital Development (CCD) Fund
- 32.55 Tourism-Related Economic Development Fund
- 32.56 Special Nonreverting Park Operating Fund
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- 32.58 Sewage Works Bond Anticipation Note Account/Fund
- 32.59 Stormwater Drainage Utility Fund
- 32.60 Sewer Construction Fund
- 32.61 Town Hall Remodeling Fund
- 32.62 Casino Gaming Revenue Fund
- 32.63 Special Emergency Medical Services Non-Reverting
Equipment Fund
- 32.64 Wastewater Treatment Plant (WWTP) and Sewage Works
Capital Improvement Special Fund
- 32.65 Asset Forfeiture Account; Investigative Fund
- 32.66 Metropolitan Police Grant Fund
- 32.67 Garbage/Solid Waste Disposal Fund
- 32.68 Non-Reverting Abandoned Vehicle Fund
- 32.69 Net Wage Clearing Fund
- 32.70 Special Town Professional Planning/Consulting Services
Non-Reverting Fund
- 32.71 Major Moves Construction Fund
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- 32.73 Special Non-Reverting Employee Health Insurance Fund
- 32.74 Special Monastery Woods Clubhouse Non-Reverting Fund
- 32.75 Special Asset Seizure Non-Reverting Fund
- 32.76 Police Department Drug Abuse Resistance Education
(D.A.R.E.) Program Special Revenue Non-Reverting Fund
- 32.77 Police Department Equipment Special Revenue Non-Reverting
Fund
- 32.78 County Economic Development Income Tax (CEDIT) Special
Revenue Non-Reverting Fund
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- 32.79A Cedar Lake Ecosystem Restoration Project Special Revenue
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Cross-reference:

Stormwater Fund, see § 53.08

BUDGET

§ 32.01 PREPARATION OF BUDGET ESTIMATES.

Before the publication of notice of budget estimates required by IC 6-1.1-17-3, the town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner:

(A) Each department head shall prepare for his department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he anticipates.

(B) The Clerk-Treasurer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(C) The Town Manager shall meet with the department heads and the Clerk-Treasurer to review and revise their various estimates.

(D) After the Town Manager's review and revision, the Clerk-Treasurer shall prepare for the President of the Town Council a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

(IC 36-5-3-3) (Ord. 404, passed 4-17-85)

§ 32.02 TAX RATE; ANNUAL APPROPRIATIONS.

The Clerk-Treasurer shall present the report of budget estimates to the Town Council under IC 6-1.1-17-1 through 6-1.1-17-19. After

reviewing the report, the Town Council shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other town purposes during the ensuing budget year. The Town Council, in the appropriation ordinance, may change any estimated item from the figure submitted in the report of the Clerk-Treasurer. The Town Council shall promptly act on the appropriation ordinance. (IC 36-5-3-4)

§ 32.03 REVISING APPROPRIATIONS.

After the passage of the appropriation ordinance, the Town Council may make further or additional appropriations by ordinance, unless their result is to increase the tax levy set under IC 6-1.1-17-1 through 6-1.1-17-19. The Town Council may, by ordinance, decrease any appropriation set by ordinance. (IC 36-5-3-5)

FINANCIAL ADMINISTRATION

§ 32.20 ISSUE AND SALE OF BONDS.

(A) Pursuant to IC 5-11-1-4(c), the Town Council may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(B) Bonds issued under this section are payable in the amounts and at the times determined by the Town Council.

(C) Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the following:

(1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.

(2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.

(3) The right of taxpayers to appear and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(a) Taxpayers and voters to remonstrate against the

issuance of bonds in the case of a proposed bond issue described by
IC 6-1.1-20-3.1(a); or

(b) Voters to vote on the issuance of bonds in the case of a proposed bond issued described by IC 6-1.1-20-3.5(a).

(6) The sale of bonds at public sale for not less than their par value.

(IC 36-5-2-11(a) - (c))

§ 32.21 APPROPRIATION REQUIRED FOR DISBURSEMENTS.

Unless a statute provides otherwise, town monies may be disbursed only after an appropriation made by ordinance of the Town Council and recorded in a book kept for that purpose by the Town Council. Each appropriation must be made from the fund against which the expenses arose.

§ 32.22 ISSUE OF WARRANTS.

(A) The Town Council or any other board of the town may order the issuance of warrants for payment of money by the town only at a meeting of the Town Council or such other board.

(B) A town officer who violates this section forfeits his or her office.

(IC 36-5-4-3)

§ 32.23 APPROVAL OF CLAIMS.

(A) The Town Council or any other board of the town may allow a claim:

(1) Only at a meeting of the Town Council or such other board; and

(2) Only if the claim was filed in the manner prescribed by IC 5-11-10-2 at least five days before the meeting.

(B) A town officer who violates this section forfeits his or her office.

(IC 36-5-4-4)

(C) As used in this section, "CLAIM" means a bill or an invoice submitted for goods or services.

(D) Except as provided in IC 36-5-4-12, a warrant for payment of a claim against the town may be issued only if the claim is:

(1) Supported by a fully itemized invoice or bill under IC 5-11-10-1.6;

(2) Filed with the Clerk-Treasurer;

(3) Certified by the Clerk-Treasurer before payment that each invoice is true and correct; and

(4) Allowed by the Town Council or by the board of the town having jurisdiction over allowance of the payment of the claim.

(E) The certification by the fiscal officer under subsection (3) must be on a form prescribed by the State Board of Accounts. (IC 36-5-4-6)

§ 32.24 FEE FOR CHECKS DRAWN UPON INSUFFICIENT FUNDS.

(A) The Clerk-Treasurer is authorized and directed to charge back to any maker of a check, note, draft, or other instrument drawn in favor of the town upon any account containing insufficient funds to cover the check, note, draft, or instrument, the sum of \$27.50.

(B) A notice of this charge shall be conspicuously posted in the Town Clerk-Treasurer and Administrative Offices so as to inform and advise the public of the charge. (Ord. 1197, passed 5-20-14)

§ 32.25 FEE FOR USE OF PARK AND RECREATION FACILITIES AND STRUCTURES.

There is hereby established a facility fee schedule for the use of park and recreation facilities and structures located on town property. The specimen form of facility permit to be utilized by citizens or persons seeking to use park recreation facilities and structures located on town property is attached to Ordinance 1195, passed 4-1-14, and is required and authorized to be utilized hereafter, in same or similar form and content, for the rental purposes upon permit application therefor.

Shelter	Location	Charge	With tax	Total	Electric
Lions Den	Behind the town complex, overlooking the lake.	\$20	\$1.40	\$21.40	Yes
Gazebo	Not to be rented when Lions Den is occupied. Can rent alone. Must be rented with Lions Den for weddings.	\$25	\$1.75	\$26.75 \$48.15 for both	No

Shelter	Location	Charge	With tax	Total	Electric
Cardinals Roost	On the northeast side of the museum, near the bandstand (grill).	\$20	\$1.40	\$21.40	Yes
Bandstand	Depending on application may need Council approval due to crowds and noise.	\$25	\$1.75	\$26.75	Yes
Eagles Nest	East of the complex, near the basketball court and playground.	\$15	\$1.05	\$16.05	No
Clubhouse	Must have application filled out and date reserved on town calendar.	\$75	\$5.25	\$80.25	Yes
Community Center	Must have application filled out and date reserved on town calendar.	\$20	\$1.40	\$21.40	Yes
Farmer's Market Rental Space					
Boardwalk	Must have vendor's application filled out and all rules and regulations signed.	\$15/ per day	\$1.05	\$16.05	No
Payment due at time of rental. Make sure there are no conflicting rentals on that date. Check the Outlook Calendar.					

(A) Prior to the usage of the gazebo facility located on the town lakefront property by any person, persons, or entity, except as hereafter provided, an application form shall be completed and submitted to the town on the form and in the manner required by the town. The required application shall be maintained in the records of the Clerk-Treasurer.

(B) All fees collected for the usage of the gazebo facility located on the town lakefront property shall be deposited into the Town General Fund for usage consistent therewith, as permitted by applicable law. The execution and delivery of an indemnification agreement in the form and with the provisions contained in this section shall be a further condition of use of the gazebo facility.

(C) The Cedar Lake Summerfest, Inc., is exempted from this requirement established herein to make application for usage of the gazebo facility located on the town lakefront property, as well as from the requirement to pay any required fee, but only during the established period of time in which Cedar Lake Summerfest, Inc. is permitted the use of the town grounds by the Town Council in July of each year for the annual Summerfest activity.

(D) Indemnification agreement form.

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

RELEASE, WAIVER, AND
INDEMNIFICATION AGREEMENT

FOR AND IN CONSIDERATION of being permitted to utilize the gazebo facility located on the Cedar Lake Town Grounds, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Undersigned, and all Personal Representatives, Heirs, Successors and Assigns, hereby INDEMNIFY, RELEASE, and FOREVER DISCHARGE THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, and its Agents, Employees, Representatives, Officials Elected and Appointed Officials, Attorneys, Successors and Assigns, hereafter "TOWN", from any all claims, demands, damages, actions, causes of action, or suits of whatever nature or kind, whether known or unknown, present and future, which arises or may arise out of utilization of the gazebo facility located on the Cedar Lake Town Grounds. The Undersigned, for the same consideration, the receipt and sufficiency of which is also hereby acknowledged, hereby additionally waive any and all claims, demands, damages, actions, causes of action, or suits of whatever nature or kind, whether known or unknown, present or future, which arise, or may arise, out of the utilization of the gazebo facility on the Cedar Lake Town Grounds.

The Undersigned execute and deliver this RELEASE, WAIVER and INDEMNIFICATION AGREEMENT, with full understanding of its terms, and agree to be bound and obligated by the same.

IN WITNESS WHEREOF, the Undersigned have executed this Release, Waiver and Indemnification Agreement on this ___ day of _____, 19 .

(written name)

(written name)

(printed name)

(printed name)

STATE OF INDIANA)

) SS:

COUNTY OF LAKE)

Before me, a Notary Public, in and for said County and State, personally appeared, who acknowledged or subscribed signature this day of _____, 19__.

Notary Public

A Resident of

County,

My Commission Expires:

State of

Printed Signature

(Ord. 575, passed 5-18-93; Am. Ord. 1157, passed 5-22-12; Am. Ord. 1195, passed 4-1-14)

§ 32.26 TOWN AMBULANCE FEES FOR EMERGENCY MEDICAL SERVICES.

(A) For the use of and the emergency medical services rendered and provided by the town, either directly, or through contractual agreement with the Volunteer Fire Department Inc. entity, fees and charges shall be collected from persons benefitting and receiving the emergency medical services, which fees and charges shall be payable as hereinafter provided, and in an amount determinable as follows:

SERVICE	RATE	
	Resident*	Non-resident**
Basic Life Support (BLS) - Transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the state. The ambulance must be staffed by an individual who is qualified in accordance with applicable state and local laws in an emergency medical technician-basis (EMT-basic)	\$350	\$425
Advanced Life Support, Level 1 (ALS1) - Transportation by ground ambulance vehicle and the provisions of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention.	\$575	\$650

SERVICE	RATE	
	Resident*	Non-resident**
Advanced Life Support, Level 2 (ALS2) - Transportation by ground ambulance vehicle and the provisions of medically necessary supplies and services including (1) at least three separate administration of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provisions of at least one of the ALS2 procedures listed below: 1. Manual defibrillation/ 2. Endotracheal intubation; 3. Central venous line; 4. Cardiac pacing; 5. Chest decompression; 6. Surgical airway; or 7. Intrasosseous line.	\$675	\$750
Mileage - Total miles traveled by the town ambulance with a patient/injured person physically on board the ambulance whenever transport to the hospital is made.	\$14 per mile	\$17 per mile
Treatment/no transport - This charge shall be applied when the patient calls, or the family calls on behalf of the patient. The patient will not be charged for refusal when they are not the individual who called for the ambulance (i.e. motor vehicle accident). The patient may be charged if they want to be checked by the paramedic or EMT (i.e., the patient wants a minor child checked after a motor vehicle accident).	\$100	\$150
Check return fee	\$20	
Medical records request - first 1 - 5 pages	\$5	
Medical records request - each additional page	\$1	

Subpoena request - base fee	\$10
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(B) All billings not paid within 180 days of the billing shall accrue interest at the rate of 1% per month on the unpaid balance, which shall be known as a late fee. In the event that the town is required to file a lawsuit to collect unpaid billings, the town is authorized to collect court costs and attorney fees, in addition to all other fees stated herein.

(Ord. 609, passed 4-5-94; Am. Ord. 735, passed 12-8-98; Am. Ord. 882, passed 12-23-03; Am. Ord. 943, passed 2-7-06; Am. Ord. 1170, passed 3-19-13)

§ 32.27 BAD DEBT POLICY.

(A) In the event that accounts receivable under this subchapter, as amended from time to time, are not paid within the time fixed by the town or a town agency or department, the same shall be deemed delinquent. A penalty of 10% of the amount of the account receivable shall attach as delinquent fees.

(B) As used herein, the term "FINAL ACCOUNT" shall have the following meaning: A delinquent account receivable for which the town or town agency or department has reasonably and diligently attempted collection, but in which such collection remains unsuccessful.

(C) The town or town agency or department shall prepare a semi-annual schedule of final accounts. The semi-annual schedule shall consist of the following:

(1) All final accounts which are at least 120 days delinquent; and

(2) Which the town or town agency or department has determined to be uncollectible.

(D) The town or town agency or department shall generate a statement setting forth the efforts that have been made to collect final accounts and a statement that such efforts have been unsuccessful.

(E) The town or town agency or department shall produce a statement, including the reasons therefor, that the town or town agency or department believes it is economically not feasible to pursue collection measures for the specified final account.

(F) The semi-annual schedule described in division (C) hereinabove of this section, the statement described in division (D) hereinabove of this section, and the statement described in

division (E) hereinabove of this section, shall be submitted to the Town Council, which by resolution may declare said accounts listed as uncollectible and may authorize the town or town agency or department to cease further collection procedures and expense the amounts outstanding on the accounts as bad debts.

(G) The town or the town agency or department may attempt to recover the amount of the bad debt in a civil action against the debtor.

(Ord. 785, passed 1-23-01; Am. Ord. 1088, passed 5-6-10)

§ 32.28 ELECTRONIC FUND MANAGEMENT METHODS.

(A) Pursuant to the provisions of IC 5-13-5-5, as amended, the Town Council, as fiscal body of the town, a municipal corporation and political subdivision in the state, hereby authorizes the Town Clerk-Treasurer, as fiscal officer of the town, to administer and manage town funds in the following types of transactions and activities by electronic means, namely:

(1) Receipt and disbursement of town monies as deemed appropriate through secure online banking methods;

(2) Transfer of funds for timely payment of debt service obligations;

(3) Payment of necessary closing costs and related expenses associated with bond proceeds and/or property acquisition through wire transfer, and to receive funds by such means from financial institutions;

(4) Transfer of funds for the purchase and redemption of investments, as permitted by applicable law;

(5) Transfer of appropriate funds collected from the Wastewater Utility to the Storm Water Utility, the Water Utility, and the Garbage Contract Fund in order to ensure that cash flow is consistent with the posting of utility accounts and receipts;

(6) Payment of applicable utility receipts tax and sales tax to the state as required by applicable law;

(7) Payment deductions from employees' compensation and benefits to the appropriate entities by electronic funds as such technology becomes available for:

(a) complying with all federal, state, and local income tax obligations;

- (b) child support and wage garnishments;
 - (c) payments due to the Public Employees' Retirement Fund (PERF);
 - (d) payment on behalf of participants of 125 Plans (AFLAC) and the 457 Plans (VALIC, Nationwide, AUL, IMMA), worker's compensation premiums, group health premiums, and any other obligation concerning employee pay and benefits as deemed appropriate by the Clerk-Treasurer; and
- (8) Payment by the Clerk-Treasurer of any fees that may be associated with the services as described herein.

(B) The Town Clerk-Treasurer, as fiscal officer, pursuant to the requirements of IC 5-13-5-5(b)(2), as amended, shall maintain proper and adequate documentation of the authorized transactions conducted by electronic funds transfer or methods in conformance with the rules, regulations, and requirements of the state Board of Accounts, as amended from time to time, so that such transactions may be audited as provided by applicable law.
(Ord. 1087, passed 5-6-10)

§ 32.29 PAYMENT METHODS PERMITTED BY APPLICABLE PROVISIONS OF IC 36-1-8-11 FOR CUSTOMER UTILITY PAYMENTS OWED THE TOWN.

(A) Pursuant to the provisions of IC 36-1-8-11, as amended, the Town Council, as fiscal body of the town, a municipal corporation and political subdivision in the state, hereby authorizes the Town Clerk-Treasurer, as fiscal officer of the Town, to establish procedures and protocols compliant with the requirements of the state Board of Accounts to accept and/or collect payments made to the town and its municipally-owned utilities by means of the following methods, namely:

- (1) Cash;
- (2) Check;
- (3) Bank drafts;
- (4) Money orders;
- (5) Bank cards or credit cards;
- (6) Debit card; and
- (7) Electronic funds transfers or direct deposit.

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(B) Consistent with the provisions of IC 36-1-8-11, in the event that there is a charge to the town or town municipally-owned utilities for the use of a financial instrument, as set forth above, the Town Clerk-Treasurer is hereby authorized and directed to collect a sum equal to the amount of the charge from the resident or utility customer using the financial instrument authorized. All procedures for a particular or specific type of payment authorized herein is required to be uniformly applied to all payments of the same type.

(C) The Town Clerk-Treasurer, as fiscal officer, shall maintain proper and adequate documentation of the payment collection under the financial instruments authorized hereinabove in conformance with the rules, regulations, and requirements of the state Board of Accounts, as amended from time to time, so that such transactions may be audited as provided by applicable law.

(Ord. 1092, passed 7-6-10; Am. Ord. 1126, passed 4-5-11)

§ 32.29A IRREGULAR VARIANCES, LOSSES AND SHORTAGES; THEFTS.

(A) Purpose. This policy is intended to comply with the provisions of IC 5-11-1-27, and State Examiner Directive 2015-6 issued November 18, 2015, each as currently in effect, or amended hereafter from time to time.

(B) Materiality threshold.

(1) (a) The materiality thresholds for the town shall be as follows:

1. Governmental activities and sewer utility - \$3,000.
2. Water utility - \$ 1,000.
3. Storm water utility - \$500.

(b) If the irregular variance, loss or shortage is not cash or a cash-equivalent, the value of the item at the time of the variance, loss or shortage shall be used to determine whether the materiality threshold has been met.

(2) All irregular variances, losses or shortages exceeding the above thresholds shall be reported upon completion of the bank reconciliations or within 30 days of the monthly accounting period closing, whichever occurs first, to the State of Indiana Board of Accounts. In addition, irregular variances, losses or shortages which occur more often than four times in a month and which in the aggregate total the amounts indicated above shall be reported immediately to the State of Indiana Board of Accounts.

(3) Any theft of public funds or assets of any value upon discovery, shall be immediately reported to the State of Indiana Board of Accounts and the Office of the Lake County Prosecuting Attorney.

(C) Knowledge of misappropriation. A public officer who has knowledge of or reasonable cause to believe that there has been a misappropriation and/or theft of public funds or assets of the public office shall immediately send written notice of the misappropriation and/or theft to the State of Indiana Board of Accounts and the Office of the Lake County Prosecuting Attorney.

(D) Maintenance of documentation. The town shall maintain records and documentation concerning irregular variances, losses, shortages and thefts in accordance with generally-accepted accounting principles and the required minimum internal control standards established as required by the State of Indiana Board of Accounts.

(E) Resolution of incidents not meeting the materiality threshold. The town shall immediately, upon discovery, investigate all irregular variances, losses, or shortages regardless of whether such meet the materiality threshold established by this town policy. Upon conclusion of each such investigation, the town shall:

(1) Implement procedures designed to prevent the recurrence of such incidents; and

(2) Take appropriate disciplinary action against the employee(s)/town official(s) responsible for the incident.
(Ord. 1234A, passed 6-7-16)

FUNDS

§ 32.30 GENERAL FUND.

There is created a general fund into which all moneys received by the town, and not required to be deposited in a specific fund, shall be required to be deposited.
('82 Code, § 2-100)

Cross-reference:

Special non-reverting fund for receipt of gifts, donations and subsidies, see § 32.52

§ 32.31 MOTOR VEHICLE HIGHWAY FUND.

There is created a motor vehicle highway fund into which all funds received from the state motor vehicle highway distribution shall be deposited.

('82 Code, § 2-101)

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§ 32.32 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) In accordance with the provisions of IC 6-7-1-31.1, the Town Council, fiscal body of the town, hereby establishes a cumulative capital Improvement Fund for the town, which is a special fund to be known as the Cumulative Capital Improvement Fund. The monies to be deposited into the town Cumulative Capital Improvement Fund shall be from the sources identified within the statute. All monies deposited into the town Cumulative Capital Improvement Fund shall be used only as set forth hereinafter and shall not revert to the town general fund.

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(B) The funds or monies deposited into the town Cumulative Capital Improvement Fund may only be used as follows, namely:

- (1) To purchase land, easements, or rights-of-way;
- (2) To purchase buildings;
- (3) To construct or improve town-owned property;
- (4) To design, develop, purchase, lease, upgrade, maintain, or repair:
 - (a) Computer hardware;
 - (b) Computer software;
 - (c) Wiring and computer networks; and
 - (d) Communications access systems used to connect with computer networks or electronic gateways;
- (5) To pay for the services of full-time or part-time computer maintenance employees;
- (6) To conduct nonrecurring in-service technology training of unit employees;
- (7) To undertake Internet application development;
- (8) To retire general obligation bonds issued by the town for one of the purposes stated in subdivision (1), (2), (3), (4), (5), or (6); or
- (9) For any other governmental purpose for which money is appropriated by the fiscal body of the town.

(C) The money in the town's Cumulative Capital Improvement Fund does not revert to its general fund. The town may at any time, by ordinance or resolution, transfer to its general fund or an authority established under IC 36-7-23 money derived under this section that has been deposited in the town's Cumulative Capital Improvement Fund. Further, the funds or monies in the town Cumulative Capital Improvement Fund may be used for the following additional purposes pursuant to the provisions of IC 36-9-16-2, namely:

- (1) To purchase, construct, equip, and maintain buildings for public purposes.

(2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.

(3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.

(4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.

(5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.

(6) To purchase body armor, as defined in IC 35-47-5-13(a) for active members of the Police Department under the provisions of the following Indiana Code sections, namely:

- (a) IC 36-5-7-7;
- (b) IC 36-8-4-4.5;
- (c) IC 36-8-9-9; and
- (d) IC 36-8-10-4.5.

(D) The Town Council, as fiscal body of the town, may at any time, by ordinance or resolution, transfer funds held or deposited in the town Cumulative Capital Improvement Fund to its town general fund, or to an authority established under the provisions of IC 36-7-23, which funds have been deposited into said town Cumulative Capital Improvement Fund in conformance with applicable law.

(Ord. 394, passed 8-22-84; Am. Ord. 1095, passed 8-17-10)

§ 32.33 INDIANA GROSS INCOME TAX FUND.

There is created an Indiana gross income tax fund, into which shall be deposited all payroll deductions for Indiana gross income tax purposes from employee's wages.

('82 Code, § 2-103)

§ 32.34 SOCIAL SECURITY FUND.

There is created a Social Security fund into which shall be deposited all funds received from the contributions withheld from

employee's wages and into which shall also be deposited the town's share for Social Security.

('82 Code, § 2-104)

Cross-reference:

Officers and employees, see Ch. 31

§ 32.35 PETTY CASH FUND.

(A) The Clerk-Treasurer may establish a petty cash fund in the amount of \$100. This fund is to be used for the purpose of paying small or emergency items of operating expense.

(B) A receipt shall be taken for each and every expenditure made from this fund and periodically a voucher shall be filed by the Clerk-Treasurer to reimburse this fund for expenditures made, but no reimbursement shall be made unless there be attached to the voucher all original receipts totaling the cash expended.

(C) The entire amount remaining in the petty cash fund shall be returned to the fund from which it was advanced at the time that the term of office of the Clerk-Treasurer ends, or at such time as the petty cash fund is no longer needed.

('82 Code, § 2-105)

§ 32.36 RECREATION FUND.

(A) There is created a fund in the town, entitled the park and recreation fund into which shall be deposited all funds transferred from the playground and recreation fund and into which shall be deposited hereafter all funds collected pursuant to tax levies authorized by law subsequent to the date hereof.

(B) The park and recreation fund shall be a continuing fund, and any balance remaining therein at the end of any calendar year shall not revert to the general fund of the town, and shall continue to be subject to expenditure for any purposes properly authorized by law.

('82 Code, § 2-106)

Cross-reference:

Parks and recreation, see Ch. 99

§ 32.37 POLICE PENSION FUND.

There is created a metropolitan police pension fund into which all moneys required to be deposited in such fund shall be deposited. ('82 Code, § 2-107)

Cross-reference:

Metropolitan Police Department funeral benefits, see § 33.02
Sale of abandoned bicycles, see § 73.07

§ 32.38 CIVIL DEFENSE FUND.

There is created a civil defense fund into which all moneys required to be deposited in such fund shall be deposited. ('82 Code, § 2-108)

Cross-reference:

Civil defense, see §§ 96.01 through 96.08

§ 32.39 SEWER TAP-ON FEE FUND.

There is created a sewer tap-on fee fund into which all moneys required to be deposited in such fund shall be deposited. ('82 Code, § 2-109)

Cross-reference:

Sewers and sewage disposal, see Ch. 51

§ 32.40 CRIME CONTROL FUND.

There is created a Metropolitan Police Department Crime Control Fund into which all moneys required to be deposited in such fund shall be deposited. ('82 Code, § 2-110)

Cross-reference:

Metropolitan Police Department, see Ch. 33

§ 32.41 SEWER UTILITY FUND.

There is created a sewer utility fund into which all monies required to be deposited in such fund shall be deposited.

('82 Code, § 2-111)

Cross-reference:

Sewers and sewage disposal, see Ch. 51

§ 32.42 REVENUE SHARING FUND.

There is created a revenue sharing trust fund into which all moneys required to be deposited in such fund shall be deposited.

('82 Code, § 2-112)

§ 32.43 ROAD AND STREET FUND.

There is created a local road and street fund into which all moneys required to be deposited in such fund shall be deposited.

('82 Code, § 2-113)

§ 32.44 STREET CUT DEPOSIT FUND.

(A) There is created a street cut deposit fund into which all moneys required to be deposited in such fund shall be deposited.

(B) All moneys collected by the town and placed in the street cut deposit fund shall be transferred from the street cut deposit fund into the motor vehicle fund for use by the town as directed by the Board of Trustees.

('82 Code, § 2-114)

(C) All funds currently held in the street cut deposit fund shall be transferred to the motor vehicle fund, and requirements of law necessary to transfer the same shall be undertaken by the Clerk-Treasurer. (Ord. 508, passed 5-9-90)

Cross-reference:

Motor vehicle highway fund, see § 32.31

§ 32.45 UNSAFE BUILDING FUND.

(A) There is created an unsafe building fund, which shall be a part of the operating budget of the Unsafe Building Department of the town.

(B) Any balance remaining in the unsafe building fund remaining at the end of any fiscal year shall be carried over in the fund for the following year and shall not revert to the general fund. The unsafe building fund shall be known as a nonreverting fund.

('82 Code, § 2-115)

Cross-reference:

Unsafe building fund, see § 150.53

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§ 32.46 CUMULATIVE PARK AND RECREATION BUILDING FUND.

(A) For the purpose of this section "PARK AND RECREATION BUILDING" shall mean the building, remodeling and repairing of park and recreation facilities, and shall further include the purchase of land for park and recreation purposes. Such term shall not include salaries for any public officials or employees except those which are directly chargeable to such improvement.

(B) In accordance with the requirements of the applicable provisions of state statutes, as the same exist now or are hereafter amended, there is created a special fund to be known as the cumulative park and recreation building fund, and into which all tax levies levied and collected for such purposes shall be deposited. The fund shall be a cumulative fund and all the moneys deposited into the fund shall be appropriated and used solely for the improvements as defined in division (A) above, and none of such money shall revert to the general fund or be used for any purposes other than park and recreation purposes.

(Ord. 309, passed 5-21-81)

Cross-reference:

Parks and recreation, see Ch. 99

§ 32.47 SPECIAL NONREVERTING GIFT, DONATION, AND SUBSIDY FUND.

(A) There is created a special nonreverting gift, donation, and subsidy fund.

(B) All gifts, donations, or subsidies to the Park and Recreation Department shall be deposited by the Clerk-Treasurer in the special fund and shall be available for expenditure by the Board for the purposes specified by the grantor of the funds and only upon approved claims allowed and signed by the President and Secretary of the Town Council.

(Ord. 391, passed 6-6-84)

Cross-reference:

Parks and recreation, see Ch. 99

§ 32.48 PARK AND RECREATION DEPARTMENT SPECIAL NONREVERTING OPERATING FUND.

(A) There is created a Park and Recreation Department special nonreverting operating fund.

(B) The Clerk-Treasurer shall deposit fees from the swimming pool or other major facilities requiring major expenditures for management and maintenance into the fund.

(C) Expenditures from the fund may be made by appropriation by

the Park and Recreation Board and upon approved claims allowed and signed by the President and Secretary of the Town Council, or by
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transfer into the fund as directed by the Town Council.
(Ord. 393, passed 6-6-84)

Cross-reference:

Parks and recreation, see Ch. 99

§ 32.49 CEDAR LAKE ECONOMIC DEVELOPMENT COMMISSION NONREVERTING FUND.

(A) There is created a fund to be designated, "Cedar Lake Economic Development Commission nonreverting fund."

(B) The Clerk-Treasurer shall deposit application fees and other miscellaneous income of the Cedar Lake Economic Development Commission into this fund and these funds shall not revert to the general fund of the town at the close of its fiscal year.

(C) Expenditures, as permitted by law, shall be made by appropriation of the Commission and upon approved claims to be submitted to the Town Council for review, approval, and authorization for payment by warrant.
(Ord. 425, passed 3-26-86)

§ 32.50 VEHICLE INSPECTION FEE ASSESSMENT.

(A) Fee. A vehicle inspection fee shall be assessed in the amount of \$5 for each certificate of title application vehicle inspection performed by an officer of the Police Department as defined in IC 9-13-2-127 for persons who are not residents of the town.

(B) Collection procedure. The following procedure shall be followed with respect to each vehicle inspection fee collected:

(1) A receipt for each inspection fee received shall be issued by the Police Department on a form prescribed by the State Board of Accounts.

(2) Receipts shall be remitted to the Clerk-Treasurer at least once every seven days.

(3) The Clerk-Treasurer shall establish a fund separate and apart from the general fund to hold, invest and disburse said fee receipts which fund shall be designated as the vehicle inspection fund.

(C) Designated expenditures. Expenditures from the vehicle inspection fund as established by this section shall be appropriated by the Town Council only for law enforcement purposes such as the following:

(1) Police Department vehicle repairs and replacement.

(2) Police Department radio equipment repairs and
replacement.
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(3) Police Department officer and designated Police Department employees education and training.

(D) Claims. All expenditures from this designated fund shall be appropriated and processed in the same manner as all other claims against the town.

(Ord. 484, passed 7-12-89)

§ 32.51 NONREVERTING GIFT, DONATION AND SUBSIDY AMBULANCE FUND.

(A) There is hereby created a fund to be entitled nonreverting gift, donation and subsidy ambulance fund.

(B) The separate fund of money shall be for gifts or grants of money for such purposes as are specified by the grantor of such funds.

(C) All gifts, donations or subsidies to the Cedar Lake Ambulance Department shall be deposited by the Clerk-Treasurer in the special fund and shall be available for expenditure by the Ambulance Board for the purposes specified by the grantor of the funds and only upon approved claims allowed and signed by the President and Secretary of the Ambulance Board.

(Ord. 490, passed 10-10-89)

§ 32.52 SPECIAL NONREVERTING GIFT, DONATIONS AND SUBSIDIES FUND FOR THE GENERAL FUND.

(A) There is hereby created a fund to be entitled special nonreverting gift, donation and subsidy general fund.

(B) All gifts, donations or subsidies to the town nonreverting gift\donation fund shall be deposited by the Clerk-Treasurer in said special fund and shall be available for expenditure by the Town Council for the purposes specified by the grantor of said funds and only upon approved claims allowed and signed by the President of the Council.

(Ord. 526, passed 2-27-91)

Cross-reference:

General Fund, see § 32.30

§ 32.53 PETTY CASH FUNDS FOR DEPARTMENTS.

(A) The Clerk-Treasurer is hereby authorized to establish petty cash funds for the following departments in the following amounts:

Public Works MVH	\$ 75
Public Works Sewer	75
General Police	125

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Ambulance

75

Parks and
Recreation Department \$75
(To be used for the express purpose of paying small
or emergency items of operating expense for this
Department)

(B) A receipt shall be taken and issued for each and every expenditure made from the petty cash funds established for each of the departments herein. Periodically, a voucher shall be filed by the head of each department to reimburse the petty cash fund of that department for expenditures made, but no reimbursement shall be made unless there be attached to the voucher all original receipts totaling the cash expended.

(C) The entire amount remaining in the petty cash fund of each department shall be returned to the fund from which it was advanced at the time that the head of the department for which the petty cash fund was created would leave that department, or at such time as the petty cash fund for that department is no longer determined to be needed. The Clerk-Treasurer of the town shall further be required to provide an accounting to the Town Council at the end of each calendar year, and shall conform to all accounting requirements prescribed by the State of Indiana Board of Accounts.

(Ord. 534, passed 6-26-91; Am. Ord. 585, passed 8-17-93)

§ 32.54 CUMULATIVE CAPITAL DEVELOPMENT (CCD) FUND.

(A) There is established a Cumulative Capital Development Fund for the town.

(B) An ad valorem property tax levy will be imposed whereby the revenues from the levy will be retained in the Cumulative Capital Development Fund for the purposes set forth hereinafter.

(C) The maximum rate of levy under division (B) will not exceed the following in the fiscal years indicated:

- (1) \$.12 per \$100 assessed valuation for 2008.
- (2) \$.12 per \$100 assessed valuation for 2009.
- (3) \$.12 per \$100 assessed valuation for 2010.

(D) The funds accumulated in the Cumulative Capital Development Fund will be used for those purposes established and permitted under the described applicable state statutes, namely:

IC 36-9-16-3 for Cumulative Capital Improvement Fund;
IC 36-8-14 for Cumulative Building and Equipment;
IC 36-9-16-2 for Cumulative Building Fund;

IC 36-9-16.5 for Cumulative Street Fund;
IC 36-9-17 for Cumulative Improvement Fund;
IC 36-9-26 for Cumulative Building and Sinking Fund (for
Sanitary System or Storm Sewers);

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IC 36-9-27-98/103 et seq. for Cumulative Drainage Fund, and
IC 36-10-3-21 for Cumulative Building Fund for Park Boards.

(E) Notwithstanding the provisions and purposes specified in division (D) above, funds accumulated in the 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 for such immediate emergency purposes.

(Ord. 555, passed 6-25-92; Am. Ord. 657, passed 7-31-95; Am. Ord. 701, passed 7-8-97; Am. Ord. 1012, passed 7-17-07)

§ 32.55 TOURISM-RELATED ECONOMIC DEVELOPMENT FUND.

(A) There is hereby created and established a Tourism-Related Economic Development Fund within the economic development budget of the town.

(B) The hotel/motel tax monies received by the town shall be deposited into the Tourism-Related Economic Development Fund.

(C) The hotel/motel tax monies received by the town and deposited into the Tourism-Related Economic Development Fund shall be used for any purpose which increases the impact of visitors' dollars to the residents of the town, including, but not limited to, improved signage, historic attraction development, festival promotion, park and recreation investment, and the like.

(Ord. 580, passed 6-1-93)

§ 32.56 SPECIAL NON-REVERTING PARK OPERATING FUND.

(A) There is hereby established within the budget of the Town Park and Recreation Department a Special Non-Reverting Park Activities Operating Fund pursuant to the provisions of IC 36-10-3-22, as amended from time to time.

(B) All park and recreation facilities and programs operated and conducted by the Town Parks and Recreation Department shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the Parks and Recreation Board may cause a reasonable fee to be charged.

(C) In the event that fees are charged for certain activities or use of facilities by the Town Parks and Recreation Board, the fees collected shall be deposited into the Special Non-Reverting Park Activities Fund. Expenditures for the activities for which such fees are charged may be paid, upon approval of claims in the manner

required by applicable law and by the requirements of the State Board of Accounts, from the Special Non-Reverting Park Activities Fund, and no other.

(Ord. 584, passed 8-17-93)

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§ 32.57 SOLID WASTE DISPOSAL/RECYCLING OPERATING FUND.

(A) There is hereby established within the budget and general fund of the town a Solid Waste Disposal/Recycling Operating Fund.

(B) The Fund shall be funded solely by any grant monies received by the town from the Lake County Solid Waste Management District pursuant to any applicable statutory and contractual authority, as the same may be amended from time to time.

(C) The funds within the established Fund may be utilized for any and all recycling programs and activities, and all such related expenditures intended or designated to act to reduce the amount of volume of solid waste being deposited into landfills.
(Ord. 623, passed 7-26-94)

§ 32.58 SEWAGE WORKS BOND ANTICIPATION NOTE ACCOUNT/FUND.

(A) There is hereby established for the Sanitary Sewer Utility a Sewage Works Bond Anticipation Note Account/Fund.

(B) The proceeds received by the town as a result of the closing of the financing transaction pursuant to the Bond Anticipation Note Purchase Agreement shall be deposited into the Fund.

(C) The funds within the established Fund may be utilized for the purposes permitted and authorized by the provisions of Ordinance 625, as amended from time to time, and all applicable statutory authority, as amended from time to time.
(Ord. 628, passed 9-23-94)

§ 32.59 STORMWATER-DRAINAGE UTILITY FUND.

There is hereby created a Stormwater-Drainage Utility Fund into which all monies required to be deposited in such fund shall be deposited.

(Ord. 654, passed 5-30-95)

§ 32.60 SEWER CONSTRUCTION FUND.

There is hereby created a Sewer Construction Fund into which all monies required to be deposited in such fund shall be deposited.

(Ord. 661, passed 9-26-95)

§ 32.61 TOWN HALL REMODELING CONSTRUCTION FUND.

(A) There is hereby established within the budget and General Fund of the town a Town Hall Remodeling Construction Fund.

(B) The Town Hall Remodeling Construction Fund for the town shall be funded by the monies received by the town from Cedar Lake Town Hall Building Corporation, and particularly, from the transaction between the town and the Cedar Lake Town Hall Building Corporation and funds available from the First Mortgage Bonds issued by the Cedar Lake Town Building Corporation.

(C) The funds to be deposited in the Town Hall Remodeling Construction Fund may be utilized for any and all purposes related to the remodeling activities for the Cedar Lake Town Hall currently under contract with the Jack Beck Corporation, as well as any and all such related expenditures as deemed appropriate by the Town Council. (Ord. 666, passed 12-26-95)

§ 32.62 CASINO GAMING REVENUE FUND.

(A) There is established a Casino Gaming Revenue Fund for the town.

(B) All casino gaming revenues received by the town shall be deposited into the Casino Gaming Revenue Fund.

(C) The Casino Gaming Revenue Fund shall be perpetual until terminated by subsequent ordinance. Upon termination of the Casino Gaming Revenue Fund, all balances left therein shall be deposited into the General Fund of the town.

(D) The money deposited into the Casino Gaming Revenue Fund shall be spent only upon roads, streets, infrastructure improvements located within the corporate boundaries of the town, and any and all items per the agreement, for the use of the funds, between the town and the Town Council.

(Ord. 702, passed 7-8-97)

§ 32.63 SPECIAL EMERGENCY MEDICAL SERVICES NON-REVERTING EQUIPMENT FUND.

(A) There is hereby established within the budget and general fund of the town a Special Emergency Medical Services Department Non-Reverting Equipment Fund pursuant to the provisions of IC 36-1-3-1 et seq., as amended from time to time.

(B) The established Special Emergency Medical Services Non-Reverting Equipment Fund shall be funded from the collections made of billings issued by the town for emergency medical services rendered by the Cedar Lake Volunteer Fire Department, Inc. entity through its contract for the provision of such emergency medical services with the town. The amount to be deposited into the Special Emergency Medical

Services Non-Reverting Equipment Fund from the collections made of billings issued by the town for emergency medical services provided under contract by the Cedar Lake Volunteer Fire Department, Inc. entity will be 12% of the amount collected each calendar year. All billings collected by the town for emergency medical services rendered by the Cedar Lake Volunteer Fire Department, Inc. entity under its contract for provision of such services with the town at 12% of the amounts collected in each calendar year shall continue to be deposited, accounted for, and utilized in the same manner as before establishment and adoption of the section, as amended.

(C) The funds deposited into the Special Emergency Medical Services Department Non-Reverting Equipment Fund shall be reviewed annually by the Town Council. The funds collected and deposited into the Special Emergency Medical Services Department Non-Reverting Equipment Fund shall be utilized solely for equipment purchases by the Emergency Medical Services Department, after review and approval by the Town Council. The funds are to be used for capital purchases of equipment, and not for operation and maintenance expenditures.

(D) The established Special Emergency Medical Services Department Non-Reverting Equipment Fund shall continue as a non-reverting fund until or unless amended or repealed by a subsequent ordinance of the town. The fund balance in the Special Emergency Medical Services Department Non-Reverting Equipment Fund shall be non-reverting at each calendar year end. In the event the fund is terminated by repeal or amendatory ordinance, the funds contained therein at the time of termination of the fund by repealer ordinance shall be deposited into the general fund of the town.

(Ord. 717, passed 5-12-98; Am. Ord. 836, passed 11-26-02; Am. Ord. 1145, passed 12-20-11)

§ 32.64 WASTEWATER TREATMENT PLANT (WWTP) AND SEWAGE WORKS
CAPITAL IMPROVEMENT SPECIAL FUND.

There is hereby established a Cedar Lake Wastewater Treatment Plant (WWTP) and Sewage Works Capital Improvement Special Fund. This fund is established for the specific purpose of segregation and payment of that portion of the monthly rates collected from the owners of property served by the sewage works of the town as well as all users and rate payers of the town sanitary sewer collection system, in the amounts identified by the town financial consultants, London Witte Group, for utilization and payment of the expenses of capital improvements in the sewage works required to be constructed and completed in conformance with agreements entered into by and between the Towns of Cedar Lake and Lowell, or by and between the town with IDEM through agreed order or other administrative proceedings. The Clerk-Treasurer is directed to deposit on at least a monthly basis

those funds from the rates and charges collected from the owners of property served by the sewage works of the town as well as users and rate payers of the town sanitary sewer collection system, as identified by the town financial consultants, for the specific purposes set forth herein. The Clerk-Treasurer is further directed and authorized to manage and account for the funds in the same manner as all of the funds of the town sewer utility, including accounting and investment, all in conformance with the applicable provisions of the State Board of Accounts. The Clerk-Treasurer is further directed to provide a monthly report to the Town Council of the deposits made of funds collected and paid into the Wastewater Treatment Plant (WWTP) and Sewage Works Capital Improvement Special Fund. (Ord. 762, passed 1-25-00; Am. Ord. 793, passed 5-22-01; Am. Ord. 1149, passed 2-21-12)

§ 32.65 ASSET FORFEITURE ACCOUNT; INVESTIGATIVE FUND.

(A) Pursuant to IC 34-4-30.1-1 et seq., an Asset Forfeiture Account (fund) is hereby created by the town, which shall be a separate account (fund) for receipt of asset forfeiture proceeds received by and on behalf of the Metropolitan Police Department.

(B) The funds of the Asset Forfeiture Account (fund) shall be accounted for and/or audited by the Clerk-Treasurer of the town. Further, these funds shall not be commingled with any other Police Department funds. Further, these funds shall be accounted for in accordance with the applicable procedures of the state Board of Accounts, as amended from time to time.

(C) The funds of the Asset Forfeiture Account (fund) shall only be utilized for the reimbursement or repayment for "law enforcement costs" for the Police Department, which are described as follows:

(1) Expenses incurred by the Police Department upon an asset seizure wherein asset forfeiture proceeds become available for the criminal investigation associated with the seizure.

(2) Repayment of the "Investigative Fund" of the Police Department upon an asset seizure to the extent that the Police Department can specifically identify any part of the money as having been expended from the fund.

(D) There is hereby established an "Investigative Fund" for and on behalf of the Police Department, which fund shall be utilized to further criminal investigations of any nature or type or in which the Police Department, by and through its Chief of Police, feels compelled to investigate, and which Investigative Fund shall further be utilized to further the ends of the Detective Bureau or Department within the Police Department, including educating detectives and police officers

in new investigative techniques and to further their criminal investigative education. Such "Investigative Funds" shall additionally be utilized to purchase or acquire equipment to assist in criminal investigation activities of the Police Department. (Ord. 766, passed 3-28-00; Am. Ord. 862, passed 7-8-03)

§ 32.66 METROPOLITAN POLICE GRANT FUND.

There is hereby created a County/State/Federal Police Grant Fund (SDDF) into which all monies required to be deposited in such fund shall be deposited. (Ord. 814, passed 1-8-02)

§ 32.67 GARBAGE/SOLID WASTE DISPOSAL FUND.

(A) There is hereby established a Garbage/Solid Waste Disposal Fund for the purposes of deposit of the fees collected as set forth in § 97.12 of this code. All fees collected from the owners of lots, parcels of real property, or buildings upon which are located dwelling units served, and from which sanitary garbage, refuse and recyclable collection and disposal is made shall be deposited into this Garbage/Solid Waste Disposal Fund established for such purpose.

(B) The funds collected into this fund may be used for all purposes related to the providing of sanitary garbage, refuse and recyclable collection and disposal services, including payment of contracts to providers of service, administrative costs, salaries, and all other similar costs and expenses incidental to the providing of such sanitary garbage, refuse and recyclable collection and disposal service.

(C) This fund is further authorized and directed to be established by the Clerk-Treasurer of the town in conformance with applicable state law, as amended from time to time, as well as applicable rules and regulations of the Board of Accounts of the state, as amended from time to time. (Ord. 823, passed 5-9-02)

Cross-reference:

Garbage/solid waste collection fees, see § 97.12

§ 32.68 NON-REVERTING ABANDONED VEHICLE FUND.

(A) There is hereby established for the town, subject to the approval of the State of Indiana Department of Local Government Finance, a Non-Reverting Abandoned Vehicle Fund. Any and all monies received from the disposal or sale of abandoned vehicles described in § 95.04 shall be deposited into the Non-Reverting Abandoned Vehicle Fund.

(B) Upon the establishment of the Non-Reverting Abandoned Vehicle Fund provided for herein, the Non-Reverting Abandoned Vehicle Fund may be used for the following purposes:

(1) To pay for the costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle;

(2) To pay for the costs of administering Chapter 95 of this code; and

(3) Any and all other purposes permitted under applicable law, as amended from time to time, as authorized and permitted by the Town Council.

(Ord. 857, passed 3-25-03)

§ 32.69 NET WAGE CLEARING FUND.

(A) There is hereby created a Net Wage Clearing Account into which only net wages will be deposited.

(B) Those employees taking the option of direct deposit will receive their net pay from this account.

(Ord. 877, passed 11-25-03)

§ 32.70 SPECIAL TOWN PROFESSIONAL PLANNING/CONSULTING SERVICES
NON-REVERTING FUND.

(A) There is hereby established a Special Town Professional Planning/Consulting Services Non-Reverting Fund for purposes of paying a selected and retained qualified professional planning consultant and/or consulting firm to provide the needed evaluation, drafting, preparation, recommendation and implementation of professional consulting services for adoption of a current and updated replacement Comprehensive Master Plan for the town, as well as all related planning and zoning regulations legislation consistent with the applicable provisions of the Indiana Code, all pursuant to the provisions of IC 36-1-3-1 et seq., as amended from time to time.

(B) The fund shall be funded from donation contributions paid to the town for the specific purposes set forth hereinabove, as amended from time to time.

(C) The funds deposited in the fund established hereby shall be reviewed on an annual basis by the Town Council. Funds collected and deposited into the Special Town Professional Planning/Consulting Services Non-Reverting Fund established hereby shall be utilized solely for the payment of selected and qualified professional planning

consultant(s) and/or consulting firm(s) for the needed evaluation, drafting, preparation, recommendation and implementation adoption of a current and updated replacement Comprehensive Master Plan for the town, as well as all related planning and zoning regulations legislation consistent with the applicable provisions of the Indiana Code. Said funds are to be used as indicated, and only as authorized and approved by the Town Council.

(D) The fund established hereby shall continue as a non-reverting fund until or unless amended or repealed by subsequent ordinance of the town. The fund balance shall be non-reverting at each calendar year end. In the event that the fund is terminated by repeal or amendatory ordinance, the funds contained therein at the time of termination of the fund by repeal or amendatory ordinance shall be deposited into the general fund of the town.
(Ord. 960, passed 8-1-06)

§ 32.71 MAJOR MOVES CONSTRUCTION FUND.

(A) There is hereby established the Town of Cedar Lake Major Moves Construction Fund, which shall be a special revenue fund under the rules, regulations and requirements of applicable Indiana law, including the Indiana Code, as amended from time to time, as well as the administrative rules and requirements of the Indiana State Board of Accounts.

(B) All monies and funds received by the town from the Major Moves Construction Fund distribution from the Auditor of lake County shall be deposited into the fund.

(C) The monies deposited into the fund shall be utilized and expended only for the purposes set forth in IC 8-14-16-5, as the same exists presently, or as amended from time to time thereafter.

(D) The Clerk-Treasurer is authorized and directed to take all appropriate and required steps to establish the fund in conformance and compliance with all applicable law, as amended from time to time.
(Ord. 975, passed 10-3-06)

§ 32.72 RAINY DAY FUND.

(A) Creation of Rainy Day Fund. There is hereby established a Rainy Day Fund to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the town whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains.

(B) Purposes of the fund. The funds on deposit in the Rainy Day Fund may be used for the operation of the town and its various

departments, when the town does not have sufficient levies or funds to pay such costs, including, but not limited to, salaries and wages, costs of services, supplies, equipment, capital improvements, repairs and similar expenditures.

(C) Transfer to fund. After the last day of the town's fiscal year, the Clerk-Treasurer shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed 10% of the town's annual budget for that fiscal year.

(D) Appropriations. The Town Council may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund.

(Ord. 982, passed 11-21-06)

§ 32.73 SPECIAL NON-REVERTING EMPLOYEE HEALTH INSURANCE FUND.

(A) There is hereby established a special non-reverting fund for the partially self-funded employee health insurance plan and it shall be designated and known as the Special Non-Reverting Employee Health Insurance Fund.

(B) The Clerk-Treasurer shall transfer on a monthly basis equal to one-twelfth of the maximum plan exposure minus the employee contribution from the appropriate department budgets to the fund.

(C) The Clerk-Treasurer is further directed and authorized to transfer the employee contribution for health insurance coverage to the Fund in order for said contributions to supplement the cost of the employee health insurance plan. The transfer of such funds shall be made on a monthly basis.

(D) Upon completion of the transfers to the fund, the Clerk-Treasurer is authorized to make payment, without any further appropriation, of the maximum claim level plus any administrative costs, to the third-party administrator for the purpose of administering this plan.

(Ord. 989, passed 3-6-07)

§ 32.74 SPECIAL MONASTERY WOODS CLUBHOUSE NON-REVERTING FUND.

(A) There is established for the Town of Cedar Lake a Special Monastery Woods Clubhouse Non-Reverting Fund for the Town Department of Parks and Recreation for the purpose of collection and deposit of all miscellaneous revenues generated by the Monastery Woods Clubhouse Park

facility and Park parcel upon which it is located in order that such collected funds will be used for the operation, maintenance and upkeep fo the Monastery Woods Clubhouse facility and the Park and Recreation Department activities conducted at such facility and parcel for the benefit of the residents of the Town of Cedar Lake, all pursuant to the provisions of IC 36-1-3-1 et seq., as amended from time to time.

(B) The established Special Monastery Woods Clubhouse Non-Reverting Fund shall be funded from all income generated by the Monastery Woods Clubhouse Facility, including , but not limited to, residential apartment lease payments, facility rental fees, Park and Recreation Department activities fees, for activities on the Park parcel upon which the facility is located, donations related expressly to the Monastery Woods Clubhouse facility only, and any and all similar types of revenue.

(C) The funds deposited into the Special Monastery Woods Clubhouse Non-Reverting Fund established hereby shall be reviewed on an annual basis by the Town Council with the Town Board of Parks and Recreation. All miscellaneous revenue and income, together with all expenses, shall be provided in a report to the Town Council. Revenue in the fund established hereby shall be used exclusively for the operation, maintenance and upkeep of the Monastery Woods Clubhouse facility and Park parcel upon which same is located, as well as activities conducted and overseen by the Department of Parks and Recreation at the Monastery Woods Clubhouse facility upon which it is located, and no other, without the express approval and authorization of the Town Council.

(D) The established Special Monastery Woods Clubhouse Non-Reverting Fund established hereby shall continue as a special non-reverting fund until or unless amended or repealed by subsequent ordinance of the Town Council. The fund balance in the Special Monastery Woods Clubhouse Non-Reverting Fund established hereby shall be non-reverting in each calendar year end. In the event that the Special Monastery Woods Clubhouse Non-Reverting Fund is terminated by repeal or amendatory ordinance, the funds contained therein at the time of termination of the Fund by repeal or amendatory ordinance shall be deposited into the general fund of the town.

(Ord. 1027A, passed 12-18-07)

§ 32.75 SPECIAL ASSET SEIZURE NON-REVERTING FUND.

(A) A Special Asset Seizure Non-Reverting Fund (SASNR Fund) is hereby established.

(B) The Clerk-Treasurer shall be authorized to deposit seized monies into the Special Asset Seizure Non-Reverting Fund (SASNR Fund).

(C) The Chief of Police shall have the discretion not to deposit monies into the Fund if there exists a valid reason for them to remain in the evidentiary room, such as a chain of custody situation.

(D) The monies shall remain in the Special Asset Seizure Non-Reverting Fund (SASNR Fund) until an order is received from a court with jurisdiction over the funds as to what party holds an ownership interest in the monies.

(Ord. 1066, passed 10-20-09)

§ 32.76 POLICE DEPARTMENT DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM SPECIAL REVENUE NON-REVERTING FUND.

(A) There is hereby established the town Police Department Drug Abuse Resistance Education (D.A.R.E.) Program Special Revenue Non-reverting Fund," which shall be a special revenue non-reverting fund under the rules, regulations, and requirements of applicable state law, including the Indiana Code, as amended from time to time, as well as the administrative rules and requirements of the state Board of Accounts.

(B) Any monies collected as donations and contributions, event participation and/or registration fees, grants, or any other specifically designated funds collected for the town Police Department D.A.R.E. Program which are not otherwise specifically deposited pursuant to any other town ordinances or state law, as well as specific designated appropriations from other town funds, shall be deposited into the town Police Department Drug Abuse Resistance Education (D.A.R.E.) Program Special Revenue Non-reverting Fund.

(C) The monies deposited into the town Police Department Drug Abuse Resistance Education (D.A.R.E.) Program Special Revenue Non-reverting Fund shall be utilized and expended only in connection with the planning, coordination, preparation, and implementation of any and all activities related to the Town Police Department D.A.R.E. Program designated and identified specifically for such purposes, and all activities related thereto, but no other.

(D) The Clerk-Treasurer of the town is hereby authorized and directed to take all appropriate and required steps to establish the town Police Department Drug Abuse Resistance Education (D.A.R.E.) Program Special Revenue Non-reverting Fund in conformance and compliance with all applicable law, as amended from time to time.

(Ord. 1114, passed 12-21-10)

§ 32.77 POLICE DEPARTMENT EQUIPMENT SPECIAL REVENUE NON-REVERTING FUND.

(A) There is hereby established the Town Police Department Equipment Special Revenue Non-reverting Fund, which shall be a special revenue non-reverting fund under the rules, regulations and requirements of applicable Indiana Law, including the Indiana Code, as amended from time to time, as well as the administrative rules and requirements of the Indiana State Board of Accounts.

(B) Any monies collected such as donations, gifts, contributions, grants, or any other specifically designated funds collected by the Town Police Department for equipment for the Police Department and its personnel which are not otherwise specifically deposited pursuant to any other town ordinances or applicable state law, as well as specific designated appropriations from other town funds, shall be deposited into the Town Police Department Equipment Special Revenue Non-reverting Fund.

(C) The monies deposited into the Town Police Department Equipment Special Revenue Non-reverting Fund shall be utilized and expended only in connection with the purchase for use by the Police Department, of law enforcement equipment for the Police Department, provided that such equipment is purchased in conformance with the requirements of applicable public purchasing laws, as well as for purposes of law enforcement education, training and professional improvement and enhancement.

(D) The Clerk-Treasurer of the town is hereby authorized and directed to take all appropriate and required steps to establish the Town Police Department Equipment Special Revenue Non-reverting Fund in conformance and compliance with all applicable law, as amended from time to time.

(Ord. 1127, passed 4-5-11; Am. Ord. 1219, passed 6-16-15)

§ 32.78 COUNTY ECONOMIC DEVELOPMENT INCOME TAX (CEDIT) SPECIAL REVENUE NON-REVERTING FUND.

(A) The Town Council hereby establishes the Town County Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund (hereinafter the "Fund"), for the deposit, distribution and utilization of the county economic development income tax imposed, collected and distributed to the town by the Auditor of Lake County, Indiana, pursuant to the provisions of I.C. 6-3.5-7-1, et seq., as amended, which Fund shall be a special revenue non-reverting fund.

(B) The Town Clerk-Treasurer, upon receipt of distribution of the County Public Economic Development Income Tax (CEDIT) Funds distributed to the town pursuant to the applicable provisions of I.C. 6-3.5-7-1, et

seq., shall deposit said funds into the Town County Economic Development (CEDIT) Income Tax Special Revenue Non-Reverting Fund established hereby for use for economic development in the town pursuant to the provisions of IC 6-3.5-7-1 et seq., as amended. Further, the funds deposited into the Town County Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund shall be appropriated and utilized for the economic development purposes permitted, as set forth in I.C. 6-3.5-7-13.1(b), as amended from time to time.

(C) Deposits and funds in the Town County Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund shall not revert to the General Fund at the end of each calendar year, but shall remain in the Town Council Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund, as permitted by applicable law.

(D) The Town Clerk-Treasurer is directed and authorized to take all necessary and appropriate actions to establish and account for the funds collected from the County Economic Development Income Tax (CEDIT) distributed to the town by the Lake County Auditor for the purposes and uses of economic development in the town pursuant to the provisions of I.C. 6-3.5-7-13.1(b), all in conformance with applicable law.

(Ord. 1187, passed 1-21-14)

Editor's note:

I.C. 6-3.5-7 repealed (eff. 1-1-17), pursuant to P.L. 243-2015, § 8.

§ 32.79 ADJUSTED GROSS INCOME TAX SPECIAL REVENUE NON-REVERTING FUND.

(A) The Town Council hereby establishes the Town Adjusted Gross Income Tax Special Revenue Non-Reverting Fund (hereinafter the "Fund"), for the deposit, distribution and utilization of the public safety county adjusted gross income tax imposed, collected and distributed to the town pursuant to the provisions of I.C. 6-3.5-1.1-25, which Fund shall be a special revenue non-reverting fund.

(B) The Town Clerk-Treasurer, upon receipt of distribution of the Lake County public safety county adjusted gross income tax funds distributed to the town pursuant to the applicable provisions of I.C. 6-3.5-1.1-25, shall deposit the funds into the Town Adjusted Gross Income Tax Special Revenue Non-Reverting Fund established hereby for the purpose of continuing to carry out or provide at least one public safety purpose pursuant to the provisions of the I.C. 6-3.5-1.1-25(a). Further, the funds deposited into the Town Adjusted Gross Income Tax Special Revenue Non-Reverting Fund shall be appropriated and utilized for the public safety purposes permitted, as set forth

in I.C. 6-3.5-1.1-25(a), as amended from time to time.

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(C) Deposits and funds in the Town Adjusted Gross Income Tax Fund Special Revenue Non-Reverting Fund shall not revert to the General Fund at the end of each calendar year, but shall remain in the Town Adjusted Gross Income Tax Special Revenue Non-Reverting Fund, as permitted by applicable law.

(D) The Town Clerk-Treasurer is directed and authorized to take all necessary and appropriate actions to establish and account for the funds collected from the public safety county adjusted gross income tax distributed to the town by the lake County Auditor for the purposes and uses of carrying out or providing at least one public safety purpose pursuant to the provisions of I.C. 6-3.5-1.1-25(a), all in conformance with applicable law.

(Ord. 1192, passed 1-21-14)

§ 32.79A CEDAR LAKE ECOSYSTEM RESTORATION PROJECT SPECIAL REVENUE
NON-REVERTING FUND.

(A) There is hereby established the Cedar Lake Ecosystem Restoration Project Special Revenue Non-reverting Fund, which shall be a special revenue non-reverting fund under the rules, regulations and requirements of applicable Indiana law, including the Indiana Code, as amended from time to time, as well as the administrative rules and requirements of the Indiana State Board of Accounts.

(B) All monies collected as donations and contributions, grants, or any other specifically designated funds for the Cedar Lake Ecosystem Restoration Project which are not otherwise specifically deposited pursuant to any other town ordinances or state law, as amended from time to time, as well as specific designated appropriations from other town funds, shall be deposited into the established Cedar Lake Ecosystem Restoration Project Special Revenue Non-reverting Fund.

(C) Semi-annually, after the property tax distribution to the town from Lake County, Indiana, government offices and officials, the Clerk-Treasurer shall provide and deliver to the Town Council a written report of the amount of CEDIT Local Option Income Tax (LOIT) paid and distributed to the town for direction and authorization of the Town Council for transfer of a designated percentage of said CEDIT into the Cedar Lake Ecosystem Restoration Project Special Revenue Non-reverting Fund. The report of the Clerk-Treasurer semi-annually shall include the beginning balance of said CEDIT LOIT for the previous six months, amount(s) distributed to the town, receipted and deposited into the Cedar Lake County Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund, and any expenditures in order to provide a current CEDIT fund balance. Further, the Clerk-Treasurer shall include in the semi-annual report the calculation of 10%, 15%, and 20%, respectively, of the net amount of CEDIT collected in the preceding

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semi-annual, or six month period for Town Council consideration, review, and transfer directions related to funding the Cedar Lake Ecosystem Restoration Project Special Revenue Non-reverting Fund, for the purpose of such fund.

(D) All monies deposited into the Cedar Lake Ecosystem Restoration Project Special Revenue Non-reverting Fund shall be utilized and expended only under express direction and authority of the Cedar Lake Town Council, as deemed appropriate by the Town Council, for use for the town local sponsor non-federal share payment for the Cedar Lake Ecosystem Restoration Project, or as the Town Council may deem otherwise appropriate for Cedar Lake community benefit as CEDIT Local Option Income Tax Funds may be utilized.

(E) The Town Council retains the authority, as it deems appropriate, to return transfer any or all of the CEDIT Local Option Income Tax Funds transferred into the Cedar Lake Ecosystem Restoration Project Special Revenue Non-reverting Fund, to the original Cedar Lake County Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund from which such transfer was made for the uses and purposes of said Cedar Lake County Economic Development Income Tax (CEDIT) Special Revenue Non-Reverting Fund. (Ord. 1216, passed 2-17-15)

§ 32.79B LOCAL OPTION INCOME TAX (LOIT) Y2016 SPECIAL DISTRIBUTION FUND.

(A) The Town Council hereby establishes a Local Option Income Tax (LOIT) Y2016 Special Distribution Fund, as a special revenue non-reverting fund pursuant to the applicable rules and regulations of the State of Indiana Board of Accounts, if necessary and applicable, for deposit of a one-time Y2016 LOIT Special Distribution amount received, or to be received, by the Town of Cedar Lake, consistent with recently promulgated SEA 67 in the last session just concluded of the Indiana General Assembly. The Town Clerk-Treasurer is hereby authorized and directed to establish the account required to be established as set forth herein, consistent with the requirements for such established by the Indiana State Board of Accounts, including the establishment of a Y2016 LOIT Special Distribution Fund for deposit of the aforesaid LOIT Y2016 Special Distribution.

(B) The one-time LOIT Y2016 Special Distribution received by the town shall be deposited into said established Fund, with at least 75% of said receipted Special Distribution funds to be deposited in the newly established LOIT Y2016 Special Distribution Fund, with the balance of said one-time LOIT Y2016 Special Distribution, if any, to be available for use by the town for any purpose deemed appropriate. The 75% or greater portion of said one-time LOIT Y2016 Special Distribution received shall be used exclusively for infrastructure as specified by

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the provisions of IC 6-3.6-9-17(h)(1)(a), as amended from time to time, and the balance, if any, may be used for any purpose deemed appropriate by the town.

(Ord. 1241, passed 5-17-16)

FIXED ASSET CAPITALIZATION POLICY

§ 32.80 DEFINITIONS.

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

"CAPITAL OUTLAYS." Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures, or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the town's general fixed assets.

"ENTERPRISE FUNDS."

(1) Those funds used to account for operations:

(a) That are financed and operated in a manner similar to private business enterprise, where the intent of the Town Council is

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that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or

(b) Where the Town Council has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, and other purposes.

(2) The enterprise funds of the town shall include the municipally owned sewage and stormwater utilities. Operation of the utilities shall require enterprise fund accounting and reporting.

"FIXED ASSETS." Tangible assets of a durable nature employed in the operating activities of the town and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment, or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated in classes according to the physical characteristics of the items (that is, land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).

"HISTORICAL COST." The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the historical cost attribute.

"TANGIBLE ASSETS." Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.
(Ord. 692, passed 12-10-96)

§ 32.81 SPECIFIC CAPITALIZATION PROVISIONS.

The capitalization policy provisions set forth in this subchapter shall apply for each form or type of specific assets identified in the following sections.
(Ord. 692, passed 12-10-96)

§ 32.82 LAND.

(A) The town will capitalize all land purchases, regardless of cost. Exceptions to land capitalization are land purchased outright, as easements, or right-of-way for infrastructure. Examples of infrastructure include roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

(B) Original cost of land will include the full value given to

the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying, and costs for preparing the land for its intended

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purpose (including contractors and/or town workers (salary and benefits) such as demolishing building, excavating, clean up, and/or inspection.

(C) A department will record donated land at fair market value on the date of transfer plus any associated costs.

(D) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(Ord. 692, passed 12-10-96)

§ 32.83 MACHINERY AND EQUIPMENT.

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

"MACHINERY AND EQUIPMENT." An apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.

(B) The town will capitalize and tag items with an individual value equal to or greater than \$5,000. Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

(C) Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or set up, including contractors and/or town employees (salary and benefits), which makes such equipment operable for its intended use and purpose will be capitalized.

(D) Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all the following conditions:

(1) Total costs exceed \$5,000;

(2) The useful life is extended two or more years; and

(3) The total cost will be greater than the current book value and less than the fair market value.

(E) Examples include:

(1) A work truck being equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered one unit.

(2) If police cars are constantly changing light bars or

radios to other vehicles, the town will capitalize each piece of equipment separately, if it meets the required dollar amount.

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(F) A department's computer (CPU, monitor, keyboard, and printer) is considered one unit.

(G) A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs.

(H) Purchases made using federal or state funding will follow the source funding policies and above procedures.
(Ord. 692, passed 12-10-96; Am. Ord. 845, passed 1-28-03)

§ 32.84 BUILDINGS.

(A) A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating, cooling, lighting, or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

(B) A department's new building will be capitalized only if it meets the following conditions:

- (1) The total cost exceeds \$5,000; and
- (2) The useful life is greater than two years.

(C) A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

- (1) The total cost exceeds \$5,000;
- (2) The useful life is extended two or more years; and
- (3) The total cost will be greater than the current book value and less than the fair market value.

(D) Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs if material, and any costs directly attributable to the construction of a building.

(E) A department will record donated buildings at fair market value on the date of transfer with any associated costs.

(F) Purchases made using federal or state funding will follow the source funding policies and above procedures.
(Ord. 692, passed 12-10-96)

§ 32.85 IMPROVEMENTS OTHER THAN BUILDINGS.

(A) (1) Definition. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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"IMPROVEMENTS OTHER THAN BUILDINGS." Improvements to land for better enjoyment, attached or not easily removed, and which will have a life expectancy of greater than two years.

(2) Examples. Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planters, underground sprinkler systems, and other similar items. Improvements do not include road, streets, or assets that are of value only to the public. For example, 133rd Avenue is a public street with greatest value to the public. Roads or drives upon town-owned land that provide support to town facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon the town-owned land for use by the public and for the support of town facility are capital assets.

(B) The Town will capitalize new improvements, other than building, only if it meets the following conditions:

- (1) The total cost exceeds \$5,000.00; and
- (2) The useful life is greater than two years.

(C) A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

- (1) The total cost exceeds \$5,000;
- (2) The asset's useful life is extended two or more years;

and

(3) The total cost will be greater than the current book value and less than the fair market value.

(D) A department's donated improvements other than buildings will be recorded at fair market value on the date of transfer with any associated costs.

(E) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(F) A department's new building will be capitalized only if it meets the following conditions:

- (1) The total cost exceeds \$5,000; and
- (2) The useful life is greater than two years.

(G) A department improving or renovating an existing building

will capitalize the cost only if the result meets all of the following conditions:

- (1) The total cost exceeds \$5,000;

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(2) The useful life is extended two or more years; and

(3) The total cost will be greater than the current book value and less than the fair market value.

(H) Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs if material, any costs directly attributable to the construction of a building.

(Ord. 692, passed 12-10-96)

§ 32.86 RECORDING AND ACCOUNTING.

(A) The town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the chart of accounts of the cities and towns accounting manual. The cost of the property, plant, and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the town and its departments, the valuation of assets shall be based on historical costs, or where the historical cost is indeterminable, by estimation for those assets in existence.

(B) The town's municipally owned utilities shall record acquisition of fixed assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements, including but not necessarily limited to the following:

- (1) Assets acquired for a lump-sum purchase price.
- (2) Purchase on deferred payment contract.
- (3) Acquisition under capital lease.
- (4) Acquisition by exchange of non-monetary assets.
- (5) Acquisition by issuance of securities.
- (6) Acquisition by self-construction.
- (7) Acquisition by donation or discovery.

(C) Some of these arrangements present special problems relating to the cost to be recorded. For example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Reference to an intermediate

accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical cost.

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(D) For the purposes of this subchapter, as amended from time to time, an asset register (prescribed Form 211) shall be maintained by the Town Clerk-Treasurer to provide a detail record of the capital assets of the town.

(Ord. 692, passed 12-10-96)

§ 32.87 SAFEGUARDING OF ASSETS.

(A) The accounting controls set forth in this section are hereby authorized to be designed, implemented, and followed by all departments, officials, employees, and agents of the town to provide reasonable assurances that town assets are safeguarded for the benefit of the town and its residents.

(B) Capital expenditures made by the town and its various departments and utilities shall be in accordance with management's authorization, as documented in the minutes.

(C) Transactions of the utilities shall be recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles.

(D) Adequate detail records shall be maintained to assure accountability for town and utility owned assets.

(E) Access to assets shall be permitted in accordance with management's authorization.

(F) The recorded accountability for assets shall be compared with the existing assets at least every two years, and appropriate action shall be taken with respect to any differences.

(Ord. 692, passed 12-10-96)

PURCHASING

§ 32.90 PURCHASING AGENT.

The Council appoints and designates the Clerk-Treasurer as its Purchasing Agent.

(Ord. 729, passed 9-22-98)

§ 32.91 PURCHASES IN EXCESS OF \$75,000.

All purchases of supplies, materials, and equipment in excess of \$75,000 must be awarded through the competitive bid process as outlined in IC 5-22-7.

(Ord. 729, passed 9-22-98)

§ 32.92 PURCHASES IN EXCESS OF \$25,000 BUT LESS THAN \$75,000.

(A) When the Purchasing Agent makes a written determination that the use of competitive sealed bidding is either not practicable

or not advantageous to the town, the Purchasing Agent may award a contract using the procedures provided in IC 5-22-9, as amended from time to time, instead of the competitive sealed bidding procedure set forth in IC 5-22-7.

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(B) The Purchasing Agent may purchase supplies under this section by inviting quotes from at least three persons known to deal in lines or classes of supplies to be purchased. The Purchasing Agent shall mail an invitation for a quote from the persons referenced above at least seven days before the time fixed for receiving quotes. If the Purchasing Agent receives a satisfactory quote, the Purchasing Agent shall award a contract to the lowest responsible and responsive bidder for each line of class of supplies required. Nothing in this section precludes the Purchasing Agent from rejecting all quotes submitted. In the event that the Purchasing Agent does not receive a quote from a responsible and responsive bidder, the Purchasing Agent may purchase the supplies under IC 5-22-10-10, as amended from time to time. (Ord. 729, passed 9-22-98)

§ 32.93 PURCHASES LESS THAN \$25,000.

A purchasing Agent may purchase supplies under this section by inviting quotes from at least two quote persons known to deal in the lines or classes of supplies to be purchased. The Purchasing Agent shall mail an invitation for quotes to persons described above at least seven days before the time fixed for receiving the quotes. If the Purchasing Agent receives a satisfactory quote, the Purchasing Agent shall award a contract to the lowest responsible and responsive bidder for each line of class of supplies required. Nothing in this section precludes the Purchasing Agent from rejecting all quotes. If the Purchasing Agent does not receive a quote from a responsible and responsive bidder, the Purchasing Agent may purchase the similar supplies under IC 5-22-10-10, as amended from time to time. (Ord. 729, passed 9-22-98)

§ 32.94 SPECIAL PURCHASES.

The Purchasing Agent may make a special purchase, as prescribed in IC 5-22-10, as amended from time to time.

(A) The Purchasing Agent must keep a record on file in the Clerk-Treasurer's Office of all special purchases. The contract file for a special purchase must contain a written determination of the basis for:

- (1) The special purchase; and
- (2) The selection of the contractor.

(B) The purchasing agency shall maintain a record listing all contracts made under this section for a minimum of five years. These contract records for a special purchase are subject to annual audit by the State Board of Accounts. The record must contain the following information:

- (1) Each contractor's name;
- (2) The amount and type of each contract; and

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(3) A description of the supplies purchased under each contract.

(Ord. 729, passed 9-22-98)

§ 32.95 PROTECTION OF OFFERS; AND STATUS OF DOCUMENTS AS PUBLIC RECORDS.

(A) The Clerk-Treasurer's Office shall be the repository for all requests for proposals and bids.

(B) Protection of Offers Prior to Opening. The Purchasing Agent shall retain all offers received prior to the date and time at which offers will be opened. The Purchasing Agent shall prevent disclosure of the contents prior to the opening of the offers.

(C) Unobstructed Evaluation of Offer. After the offers have been opened, the Purchasing Agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(D) Public Records, Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(E) Register of Proposals. The Purchasing Agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

Copying fees may apply.

(Ord. 729, passed 9-22-98)

§ 32.96 DISCUSSIONS WITH OFFERORS.

The Purchasing Agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(Ord. 729, passed 9-22-98)

§ 32.97 EVIDENCE OF FINANCIAL RESPONSIBILITY.

(A) The Purchasing Agent may not require evidence of financial responsibility when the estimated cost for a purchase is less than \$25,000.

(B) The solicitation may include a requirement that an offeror provide evidence of financial responsibility. The purchasing Agent and the Town Manager will determine whether evidence is necessary.

If

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evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required it may not exceed 10% of the estimated cost of the purchase.

(Ord. 729, passed 9-22-98)

§ 32.98 MODIFICATION AND TERMINATION OF CONTRACTS.

(A) The Purchasing Agent may include provisions to permit price adjustments in a purchase contract. Inclusions of said provisions must conform to the rules set forth in IC 5-22-20-1 as amended from time to time. Adjustments in price under provisions established by IC 5-22-20-1 must be computed in one of the following ways:

(1) Price adjustment must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance, or as soon after the beginning of performance as practicable;

(2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(3) Price adjustments must be computed by costs attributable to the events or situations under such classes with adjustments of profit or fee, all as specified in the contract or subsequently agreed upon;

(4) Price adjustments must be computed in such a manner as the contracting parties may mutually agree upon; or

(5) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination the governmental body of the costs attributed to the events or situation under such clauses with adjustments for profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) The purchasing Agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) The Purchasing Agent may include in the purchase contract provisions dealing with the unilateral right of the town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) The Purchasing Agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(Ord. 729, passed 9-22-98)

§ 32.99 ELECTRONIC REVERSE AUCTION PROCEDURES.

(A) Use of third party to conduct reverse auctions.

(1) The Purchasing Agent is hereby authorized to use a third party to conduct reverse auctions on behalf of the town for the purchase of supplies. The third party that will conduct the reverse auction must have prior experience in conducting reverse auctions on behalf of local governments.

(2) The Purchasing Agent shall obtain a copy of the procedures established by the third party to conduct the reverse auction on behalf of the town and present those procedures to the Town Council for adoption and inclusion in its applicable procedures prior to participating in any reverse auction conducted by the third party.

(B) Transmission of notices, solicitations and specifications.

(1) Notices. The Purchasing Agent shall give notice of a reverse auction by:

(a) Publishing notice of the invitation to bid two times, at least one week apart, with the second publication at least seven days before the commencement of the reverse auction in accordance with IC 5-22-7-5, 5-22-18 et seq., and 5-3-1 et seq., all as amended from time to time;

(b) Posting the invitation on the town's website; and

(c) If a third party is conducting the reverse auction on behalf of the Purchasing Agent, by posting, or permitting to have posted, the invitation on the third party's website.

(Note: Posting an invitation to bid on any website requires compliance with IC 5-22-3-4.)

(Note: The Purchasing Agent may also give notice of a reverse auction by electronic mail and/or facsimile transmission.)

(2) Solicitation and Specifications. The Purchasing Agent shall transmit solicitations and specifications:

(a) In accordance with the invitation to bid, identifying a designated location where, during regular business hours, the invitation to bid may be inspected and copied or copies may be obtained; and

(b) By making them available on the town's website or providing information on the website identifying a designated

location where, during regular business hours, the invitation to bid may be inspected and copied or copies may be obtained; and

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(c) If a third party is conducting the reverse auction on behalf of the Purchasing Agency, by making them available on the third party's website.

(Note: Posting an invitation to bid on a website requires compliance with IC 5-22-3-4, as amended from time to time.)

(C) Pre-qualification of bidders.

(1) All bidders desiring to participate in a reverse auction must be pre-qualified by submitting materials to ensure that they meet the specifications identified by the buyer as to the types of supplies to be offered for purchase no later than 24 hours before the time of the commencement of the reverse auction, as provided in the invitation to bid.

(2) The pre-qualification process shall be used to determine whether the bidder is responsible and responsive, as provided in IC 5-22-7.5 et seq., as amended from time to time, whether any bidding or purchasing preferences exist, and whether the bidder has submitted evidence of financial responsibility, as required by the Purchasing Agent. In order to assist the Purchasing Agent in pre-qualifying bidders, the bidder must submit, in accordance with the invitation to bid, all documentation and other information relating to the supplies being offered for purchase, except for price, and any other information that may assist the Purchasing Agent in making its determination. Such documentation shall include evidence of financial responsibility or a certified check, as specified in the bid.

(3) In determining whether a bidder is responsible, the Purchasing Agent may consider the following factors:

(a) The ability and capacity of the bidder to provide the supplies;

(b) The integrity, character and reputation of the bidder; and

(c) The competency and experience of the bidder.

(4) In determining whether a bidder is responsive, the

Purchasing Agent may consider the following factors:

(a) Whether the bidder has submitted information demonstrating that his, her or its offer for supplies conforms to the specifications in all material respects.

(b) Whether the bidder has submitted documentation that complies specifically with the solicitation and instructions to bidders.

(c) Whether the bidder has complied with all applicable statutes, ordinances, resolutions and/or rules pertaining to the award of a public contract.

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(5) The determination that a bidder is not responsive or not responsible must be made in writing.

(6) Pre-qualification of bidders must be done by the Purchasing Agent or an authorized representative of the Purchasing Agent in the presence of one or more witnesses and must be completed no later than 24 hours prior to the commencement of the reverse auction bidding period.

(7) The Purchasing Agent shall notify any bidder determined to be not pre-qualified in writing, by facsimile or electronic mail (as requested by the bidder) and shall exclude the bidder so notified from participation in the reverse auction.

(8) The Purchasing Agent's determination that a bidder is not pre-qualified is limited to the reverse auction for which the request for pre-qualification was received.

(D) Contents of invitation to bid. The invitation to bid must include all of the following:

(1) A purchase description;

(2) A statement that the bids will be accepted by means of a reverse auction;

(3) A description of all contractual terms and conditions that apply to the purchase, including the requirement of a non-collusion affirmation by the successful bidder;

(4) The criteria that will be used by the Purchasing Agent to pre-qualify bidders to determine whether a bidder is responsive and responsible;

(5) The information and other documentation required to be submitted for pre-qualification, including a certified check of other evidence of financial responsibility;

(6) The location and manner in which bidders must submit information for pre-qualification, the deadline for submission of such information, and the deadline by which the Town Council will determine whether a bidder is pre-qualified;

(7) The location, including any websites, at which the invitation to bid may be inspected and copied or copies obtained, including, if a third party is conducting the reverse auction on behalf of the town, the procedures to be used by the third party to conduct the reverse auction;

(8) A statement as to whether a third party is conducting the reverse auction on behalf of the town;

(9) A statement indicating that offers submitted by pre-qualified bidders will only be received through the town's secure website or, if a third party is conducting the reverse auction on behalf of the town, through the third party's secure website;

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(10) The date and time at which the reverse auction bidding period will begin and the approximate length of time for which the reverse auction will be conducted, allowing for automatic extensions based upon resulting competitive activity;

(11) The deadline by which pre-qualified bidders must submit an initial price to a secure website for the purposes of establishing a bidder's participation and initial ranking at the commencement of the reverse auction bidding period;

(12) A statement explaining that the bidding period during which the reverse auction is conducted may be extended based upon competitive activity, at pre-determined periods determined by the Purchasing Agency;

(13) A statement identifying the circumstances under which the reverse auction may be postponed, paused, rescheduled or canceled;

(14) The place and approximate time at which, following the close of the bidding period, offers will be reviewed publicly by an authorized representative of the Purchasing Agent in the presence of one or more witnesses;

(15) A statement that the third party conducting the

reverse auction on behalf of the town will collect a service charge from the successful bidder for its participation in the reverse auction;

(16) The name, address and telephone number of a representative of the Purchasing Agent who can provide additional information related to the reverse auction;

(17) If a third party is conducting the reverse auction on behalf of the town, the name, address and telephone number of a representative of the third party who can provide additional information related to the reverse auction, including the mandatory training required of all pre-qualified bidders as a condition of participating in the reverse auction; and

(18) The conditions under which the invitation to bid may be canceled or postponed in accordance with IC 5-22-18-1, as amended from time to time.

(E) Receiving offers.

(1) The Purchasing Agent shall receive offers only from bidders who have been pre-qualified, in accordance with an invitation to bid.

(2) If a third party conducts the reverse auction on behalf of the town, all pre-qualified bidders must receive training provided by the third party in order to participate in the reverse auction.

(3) Prior to receiving electronic offers, the Purchasing Agent must find that:

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(a) The invitation to bid for the reverse auction indicates the procedure for transmitting the electronic offer; and

(b) The electronic system on which the offer is received has a security feature that protects the content of an electronic offer with the same degree of protection as the content of an offer that is not transmitted by electronic means.

(4) In accordance with the invitation to bid, offers submitted by pre-qualified bidders will only be received:

(a) Through the town's secure website; or

(b) If a third party is conducting the reverse

auction on behalf of the town, through the third party's secure website.

(F) Reverse auction bidding period.

(1) For each reverse auction, the Purchasing Agent must establish an initial bidding period during which bidders may submit prices for which the supplies being offered may be purchased. The initial bidding period shall not be less than one hour. The Purchasing Agent may automatically extend the reverse auction bidding period for additional pre-determined periods based upon competitive activity.

(2) During the bidding period for the reverse auction, information available for public display is limited to the ranking, price and name of bidders of each price bid relative to all other prices bid.

(3) The dollar amounts of the prices bid by bidders shall not be disclosed to the bidders until the close of the bidding period.

(4) All information received, obtained or retained during a reverse auction remains confidential and may not be disclosed until after the close of the reverse auction bidding period.

(G) Opening offers.

(1) In accordance with IC 5-22-7-5, as amended from time to time, offers will be deemed to be opened when a computer generated record of the information contained in all bids received from pre-qualified responsive and responsible bidders is reviewed publicly at the close of the bidding period for the reverse auction in the presence of one or more witnesses at the time and place designated in the invitation for bids by the Purchasing Agent (or his or her authorized representative).

(2) The Purchasing Agent, and any of his or her agents or employees, are prohibited from displaying for public viewing the amount of each initial bid price until the close of the initial bidding period for the reverse auction. The Purchasing Agent is required to protect the identity of a bidder and the prices which have been submitted by each bidder until the initial bid has been placed until the reverse auction begins, at which time bids will be deemed opened.

(H) Contract award.

(1) In accordance with IC 5-22-7-8, as amended from time to time, the Purchasing Agent must award a contract for the purchase of supplies with reasonable promptness by written notice to the lowest responsible and responsive bidder.

(2) If the contract is not awarded to the lowest bidder, the Purchasing Agent must indicate the reasons for the award in writing.

(I) Purchase orders and payments.

(1) A fully executed purchase order must be filed with the Town Clerk-Treasurer within 30 days after the award of the contract for a purchase of supplies through a reverse auction in accordance with IC 5-22-18-5, as amended from time to time.

(2) Payments for supplies purchased in a reverse auction shall be made only after receiving properly submitted claims in accordance with IC 5-11-10 et seq. and 36-5-4 et seq., both as amended from time to time.

(J) Documentation. The Purchasing Agent shall be required to maintain adequate documentation regarding its reverse auctions so that the transactions may be audited as provided by applicable law. The Purchasing Agent shall maintain an indexed file of specifications prepared by or under the authority of the Purchasing Agent for each reverse auction in which the town participates.

(Ord. 936, passed 9-20-05)

CHAPTER 33: METROPOLITAN POLICE DEPARTMENT

Section

General Provisions

- 33.01 Positions created
- 33.02 Funeral benefits
- 33.03 Retirement weapon special benefit compensation

Board of Metropolitan Police Commissioners

- 33.10 Board of Metropolitan Police Commissioners established; qualifications
- 33.11 Appointment to Board; terms
- 33.12 Oath required
- 33.13 Bond required
- 33.14 Powers and duties

Reserve Police Officer Program

- 33.20 Establishment
- 33.21 Purpose
- 33.22 Number of positions established
- 33.23 Appointment procedures
- 33.24 Training requirements
- 33.25 Uniforms
- 33.26 Insurance
- 33.27 Appointment and discharge
- 33.28 Work schedule
- 33.29 Authority
- 33.30 Compensation
- 33.31 Court reimbursement policy

Cross-reference:

Crime control fund, see § 32.40

GENERAL PROVISIONS

§ 33.01 POSITIONS CREATED.

The Metropolitan Police Department shall be composed of such positions as may from time to time be proposed by the Metropolitan Police Commissioners and approved by the Town Board of Trustees. ('82 Code, § 24-300)

§ 33.02 FUNERAL BENEFITS.

The funeral benefits to be paid from the Metropolitan Police Department Pension Fund to the heirs or estate of any active or retired

members of the Metropolitan Police Department shall be in accordance with I.C. 36-8-6 et seq., as amended from time to time. ('82 Code, § 24-400) (Am. Ord. 805, passed 8-28-01)

Cross-reference:

Police pension fund, see § 32.37

§ 33.03 RETIREMENT WEAPON SPECIAL BENEFIT COMPENSATION.

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

"QUALIFYING." Such law enforcement personnel or police officers who have completed the requisite number of years for retirement entitlement under the applicable Indiana statutes for sworn law enforcement personnel for police office retirement eligibility.

(B) There is hereby established a Police Officer Retirement Weapon Special Benefit Compensation for qualifying sworn law enforcement personnel (i.e., police officers) from the Town Metropolitan Police Department whereby such qualifying sworn law enforcement personnel or police officers will, upon retirement, be entitled to retain and be provided the regular duty service handgun of such law enforcement personnel then retiring.

(C) In order to be provided to maintain and keep the regular duty service handgun, the Chief of Police, at the time of such retirement, shall report such to the Town Board of Metropolitan Police Commissioners, which shall, upon such review and assessment, in its discretion, act in a public meeting to authorize and approve the special benefit for a qualifying retiring sworn law enforcement personnel or police officer to retain and keep such duty service handgun. Upon such public meeting action by the Town Board of Metropolitan Police Commissioners, the Town Council and Clerk-Treasurer shall be notified immediately, and the records of the town shall be documented for such compensation being provided and transfer being made of the property of the town. The special benefit compensation provided hereby shall only be made in conformance with the public meeting action of the Town Board of Metropolitan Police Commissioners, upon documentation for such as set forth. The special benefit compensation provided hereby shall be in addition to all other rights of compensation to which a qualifying retiring sworn law enforcement personnel or police officer is entitled at the time of such retirement.

(Ord. 1155, passed 4-17-12)

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BOARD OF METROPOLITAN POLICE COMMISSIONERS

§ 33.10 BOARD OF METROPOLITAN POLICE COMMISSIONERS ESTABLISHED;
QUALIFICATIONS.

(A) There is created and established in the town, a Board of Metropolitan Police Commissioners consisting of three members who shall be appointed by the Town Council.

(B) The Commissioners appointed to the Board of Metropolitan Police Commissioners shall be of good moral character, and legal residents of the town. No more than two of the Commissioners appointed to the Board of Metropolitan Police Commissioners shall be of the same political party.

('82 Code, § 24-200) (Am. Ord. 790, passed 4-30-01; Am. Ord. 1217, passed 2-17-15)

§ 33.11 APPOINTMENT TO BOARD; TERMS.

The existing three Commissioners shall be appointed, effective January 1, with their terms to commence on January 1, 2015, with one to serve until and including December 31, 2015, and one to serve until and including December 31, 2016, and one to serve until and including December 31, 2017. Thereafter, as each term expires, each year, the appropriate member appointment to the Board of Metropolitan Police Commissioners shall be made for a term of three years, commencing on January 1 of that year.

('82 Code, § 24-201) (Am. Ord. 790, passed 4-30-01; Am. Ord. 1217, passed 2-17-15)

§ 33.12 OATH REQUIRED.

Each such Commissioner appointed under the terms hereof, shall, before entering upon their respective duties, take and subscribe an oath of office before the County Clerk of the Circuit or Superior Courts, and shall also take and subscribe before such Clerk the further oath or affirmation that, in any and every appointment or removal to be made by them, to or from the police force created and to be organized by them under the applicable provisions of law, they shall in no case and under no pretext appoint or remove any policemen, police officer, or other person because of any political affiliation of such person, or for any cause or reason other than that of fitness or unfitness of such person, which oath and affirmation shall be recorded and placed among the records of the court.

('82 Code, § 24-202)

§ 33.13 BOND REQUIRED.

The Commissioners shall each give bonds in the penal sum of

\$5,000, payable to the state, conditioned upon the faithful and honest

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discharge of their duties, which bond shall be approved by the Town Council.

('82 Code, § 24-203)

§ 33.14 POWERS AND DUTIES.

The Commissioners shall have and exercise all powers, duties, and responsibilities granted by the applicable laws of the state or by the ordinances of the town.

('82 Code, § 24-204)

RESERVE POLICE OFFICER PROGRAM

§ 33.20 ESTABLISHMENT.

There is hereby established for the town a Reserve Police Officer Program pursuant to and consistent with the provisions of IC 36-8-3-20, as amended from time to time.

(Ord. 644, passed 2-21-95)

§ 33.21 PURPOSE.

The Police Reserve Program is specifically established in order to assist and augment the regular sworn police personnel in the performance of the duties and responsibilities of the Police Department. The program is established as a result of the ever-increasing demand placed upon the Police Department for the wide range of services requested in the town, and in order to aid the Department in continuing to provide the best protective services to the residents of the town. The Reserve Police Officer Unit shall supplement the full-time sworn police officers in the fulfillment of the duties of the Department and will act to assist the Police Department in serving the residents of the town and promoting the public health, safety, comfort, morals, convenience, and general well-being and welfare.

(Ord. 644, passed 2-21-95)

§ 33.22 NUMBER OF POSITIONS ESTABLISHED.

The number of positions established in the Reserve Police Officer Program for the Police Department is not more than 15.

(Ord. 644, passed 2-21-95; Am. Ord. 1084, passed 3-2-10)

§ 33.23 APPOINTMENT PROCEDURES.

Reserve Police Officers shall be appointed by the Board of Metropolitan Police Commissioners, consistent with the provisions of IC 36-8-9-4, as amended from time to time, subject to the approval of the Town Council, and in accordance with all state and Police Department Regulations. Any Reserve Police Officers so appointed shall govern themselves by the rules, regulations, and operating procedures adopted

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by the Police Department and Board of Metropolitan Police Commissioners. Additionally, all Reserve Police Officers shall be selected and appointed as prescribed by, and consistent with, the rules and regulations of the Department for the hiring of full-time sworn police personnel, namely:

- (A) Be a minimum of 21 years of age.
- (B) Be a citizen of the United States.
- (C) Have no felony convictions.
- (D) Possess a valid Indiana driver's license.
- (E) Be a high school graduate, or possess a G.E.D. Certificate.
- (F) Complete a department-supplied application with all necessary signatures and supporting materials.
- (G) Successfully complete the following selection procedures:
 - (1) Attend a Department orientation program.
 - (2) The Departments Physical Agilities Test (Pass/Fail).
 - (3) The Departments Functional Capacity Evaluation.
 - (4) The Department's Written Examination (70%).
 - (5) Oral assessment.
 - (6) Background investigation (Pass/Fail).
 - (7) Oral interview.
 - (8) Successful passage of a General Sports Physical Exam.
- (H) All of the preceding procedures are found in Section III, Number 2 of the Rules and Regulations of the Police Department. (Ord. 644, passed 2-21-95)

§ 33.24 TRAINING REQUIREMENTS.

- (A) Reserve Police Officer candidates must successfully complete the following training requirements, namely:
 - (1) Pre-basic academy course, as prescribed and certified by the Indiana Law Enforcement Training Board.
 - (2) The Field Training and Evaluation Program as prescribed by the Department.
 - (3) Sixteen hours of annual training.

(B) All necessary and required training expenses shall be paid by the Police Department through its membership in the Northwest Indiana Law Enforcement Training Academy. The successful completion of the described training requirements are a condition precedent to being permitted to engage in Reserve Police Officer duties and responsibilities as described herein.

(Ord. 644, passed 2-21-95)

§ 33.25 UNIFORMS.

Necessary uniforms and equipment shall be provided by the Department to the Reserve Police Officer. All uniforms shall conform to the necessary and required Department standards. Reserve Police Officers shall be provided with the proper Police Department Insignia and Badge, which, however, shall remain the property of the Police Department.

(Ord. 644, passed 2-21-95)

§ 33.26 INSURANCE.

The personnel of the Police Reserve Officer Program shall be covered under the liability insurance of the town, and will further be provided Workmen's Compensation coverage.

(Ord. 644, passed 2-21-95)

§ 33.27 APPOINTMENT AND DISCHARGE.

Appointments of Reserve Police Officers are made consistent with and pursuant to the provisions of this subchapter as hereinabove described, upon the recommendation of the Chief of Police to the Board of Metropolitan Police Commissioners. All Reserve Police Officers shall serve a probationary period to be determined by the Chief of Police, with the recommendation of the Department's Training Officer. Reserve Police Officers may be discharged at any time, for any cause, by the Chief of Police. All Police Department insignia, identification, and property is required to be returned by the Reserve Police Officer to the Department immediately upon discharge.

(Ord. 644, passed 2-21-95)

§ 33.28 WORK SCHEDULE.

Reserve Police Officers shall be required to volunteer a minimum of 16 hours of service a month. Since the purpose of the Reserve Police Officer Program is to supplement and assist the regular sworn police personnel of the Department, this schedule of 16 hours is to be considered a minimum. It is understood that working a minimum of two shifts a month, or a minimum of 16 hours per month, will serve the needs of the Department in providing police protection to the residents

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of the town, and not place any undue strain upon the Reserve Police Officers.

(Ord. 644, passed 2-21-95)

§ 33.29 AUTHORITY.

Reserve Police Officers, upon completion of their initial training, may be granted full authority to act in the capacity of a sworn Police Officer for the town. The authority granted to and provided a Reserve Police Officer may be granted by and limited as necessary by the Chief of Police, as permitted by applicable state law. Reserve Police Officers shall not be permitted to engage in off-duty security work until completion of all required departmental training, and thereafter, may be eligible for such off-duty employment at the discretion of the Chief of Police.

(Ord. 644, passed 2-21-95)

§ 33.30 COMPENSATION.

Reserve Police Officers shall not be compensated for their volunteer service to the Police Department including, but not limited to, any pension program provided for the regular members of the Department, or any other form of compensation, except as stated herein.

(Ord. 644, passed 2-21-95)

§ 33.31 COURT REIMBURSEMENT POLICY.

(A) There is established a court reimbursement policy for the reserve officers of the Cedar Lake Metropolitan Police Department.

(B) A reserve officer shall be reimbursed the sum of \$20 from the appropriate miscellaneous services line item within the Police Department general budget when the reserve officer submits all of the following to the Chief of Police:

(1) A completed W-9; and

(2) Documentation from the court that such appearance was made by a reserve officer on behalf of the Cedar Lake Metropolitan Police Department.

(C) Upon receiving the proper documentation, the Chief of Police shall submit to the Clerk-Treasurer a form of reimbursement with the documents attached. The Clerk-Treasurer shall then prepare the appropriate claim for appearance on the docket, and after approval by the Town Council, issue a warrant payable to the reserve officer.

(Ord. 1055, passed 7-7-09)

CHAPTER 34: DEPARTMENTS, BOARDS, AND COMMISSIONS

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- 34.01 Appointments of members
- 34.02 Appointment policy

Board of Metropolitan Police Commissioners

- 34.05 Board of Metropolitan Police Commissioners

Board of Zoning Appeals

- 34.10 Employees

Building Department

- 34.15 Established
- 34.16 Bond and oath
- 34.17 Duties

Emergency Management Agency

- 34.25 Emergency Management Agency

Department of Parks and Recreation

- 34.30 Department of Parks and Recreation

Plan Commission

- 34.35 Established
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- 34.37 Zoning Administrator/Inspector

Street Department

- 34.45 Established
- 34.46 Street Commissioner; powers
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Unsafe Building Department

- 34.55 Established
- 34.56 Members
- 34.57 Unsafe Building Administrator; duties
- 34.58 Director of Unsafe Building Department
- 34.59 Determination of average processing expense

Cedar Lake Economic Development Commission

34.65 Established

Advisory Storm Drainage Board

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34.86 Membership; appointment
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34.88 Officers; meetings
34.89 Compensation
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Advisory Recycling Committee

34.95 Establishment
34.96 Membership; appointment
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34.98 Officers; meetings
34.99 Compensation
34.100 Vacancies
34.101 Establishment of Recycling Fund

Town Promotion and Festival Committee

34.105 Establishment
34.106 Membership
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Department of Stormwater Management

34.115 Establishment
34.116 Appointment; term of office; compensation; vacancies;
and removal
34.117 Powers and duties of the Board
34.118 Financing
34.119 Accounting
34.120 Means of financing
34.121 Prerequisites to acquisition, construction, repair,
extension, or improvement of stormwater system

Section

Department of Stormwater Management (Cont'd)

- 34.122 Hearing and appeal
- 34.123 Acquisition of stormwater systems
- 34.124 Joint improvements or repairs to stormwater system and sanitary sewer system
- 34.125 How property to be held
- 34.126 Interim schedule of rates and charges

Redevelopment Commission

- 34.140 Redevelopment Commission established
- 34.141 Commission meetings
- 34.142 Removal from office
- 34.143 Duties
- 34.144 Powers
- 34.145 Duties under state law
- 34.146 Executive report

Youth Council

- 34.150 Establishment

Department of Waterworks

- 34.160 Establishment

Cross-reference:

Public meetings to be audio-recorded, see § 30.30

GENERAL PROVISIONS

§ 34.01 APPOINTMENTS OF MEMBERS.

(A) All appointments of members required to be made to the boards and commissions of the town shall be made by majority vote and approval of the Town Council at a public meeting of the Town Council, whenever a vacancy on any board or commission occurs. All appointments of members to the boards and commissions of the town shall be made in this manner unless provisions of the Indiana Code, as amended from time to time, specifically provide otherwise.

(B) All existing ordinances, or parts thereof, or sections of this code of ordinances in conflict with the provisions of this section, are hereby deemed null, void, and of no legal effect, and are specifically repealed.
(Ord. 505, passed 4-25-90)

§ 34.02 APPOINTMENT POLICY.

(A) There is hereby established, in addition to all specific appointment requirements set forth in either the Indiana Code or by enabling ordinances of the town, a general Boards and Commissions Appointment Policy. Such policy is set forth in division (D) below.

(B) The Boards and Commissions Appointment Policy requirements are supplemental to the legal requirements for appointment to various boards and commissions, as set forth in the individual appointment statutes governing the same, or the individual enabling ordinances of the town establishing the same. Where there is conflict between the supplemental regulations established hereby and state law or local enabling ordinances, the state law or enabling ordinance provisions shall prevail and supercede these Boards and Commissions Appointment Policy requirements. In the event that any of the adopted Boards and Commissions Appointment Policy requirements herein are contrary to any provision of applicable state law or local enabling ordinance establishing such board or commission and providing for appointment thereto, then such requirement of the newly adopted Boards and Commissions Appointment Policy established hereby shall be deemed null, void and of no legal effect.

(C) The Boards and Commissions Appointment Policy established hereby shall be provided to all applicants seeking consideration for appointment to any board or commission in the town at the time of submission of such application, which policy receipt shall be acknowledged by a duly executed receipt instrument for the same which shall be maintained in the records of the town pertaining to the appointment application procedure.

(D) Appointment Policy Requirements. The Town Council believes that it is good public policy to provide minimum requirements for candidates to position openings on all boards and commissions of the town. These policy requirements are guides for all appointed positions by the Town Council and the Town Council President.

(1) Each candidate must file a complete application with the Town Clerk-Treasurer prior to the announced deadline.

(2) Each candidate must be available for interviews.

(3) Each candidate must reside within the municipal corporate boundaries of the town unless other statutory provisions provide otherwise. Residency must be validated by the candidate in the form of driver's license, voter registration record, or other acceptable means.

(4) The voting records of the candidate will be checked at the Lake County Voter Registration Board. A letter from the precinct chairman where the candidate resides may be necessary if the voter records cannot determine party affiliation, if party affiliation is a necessary requirement for board/commission position.

(5) All candidates appointed are expected to attend all regular and special meetings of the commission or board to which they are appointed. Attendance records will be kept and reviewed from time to time. Continued and regular service to the commission or board will be a significant consideration for reappointment purposes.

(6) Appointed candidates are expected to dress and act appropriately in all public meeting venues. As an appointed citizen, the candidate represents the town in all his or her actions and dealings with the public being served.

(7) All questions concerning duties, expectations, regulations, laws and the like are to be directed to one of the following people:

- (a) The commission or board president being served;
- (b) The Town Council President; or
- (c) The Town Manager.

All of these individuals seek to assist informed, responsible and upstanding appointees to represent the town and its residents. (Ord. 843, passed 1-14-03)

BOARD OF METROPOLITAN POLICE COMMISSIONERS

§ 34.05 BOARD OF METROPOLITAN POLICE COMMISSIONERS.

For provisions regarding the Board of Metropolitan Police Commissioners see §§ 33.10 through 33.14.

BOARD OF ZONING APPEALS

§ 34.10 EMPLOYEES.

The positions of Board of Zoning Appeals secretary is created within the Board of Zoning Appeals of the town. The duties of this position shall be determined by the Board of Zoning Appeals, where applicable. The Board of Zoning Appeals, where applicable, shall appoint an individual as is necessary to fulfill the duties of such position and such person may be discharged by the Board of Zoning Appeals, where applicable, at any time. The compensation to be paid for fulfilling the duties of such positions shall be set by ordinance, from time to time. ('82 Code, § 3-901)

BUILDING DEPARTMENT

§ 34.15 ESTABLISHED.

(A) There is created the Building Department of the town, whose responsibilities shall include the administration and enforcement of the provisions of this section, or any amendment thereto. The Building Department shall include the Building Inspector, Plumbing Inspector, Electrical Inspector, and such other employees as may from time to time be hired by the town for such Department.

(B) The Building Inspector shall be designated as the Administrator of the Building Department for the purpose of directing and coordinating activities of the Department. The persons to fill the offices created herein shall be appointed by the Town Council, subject to removal at their pleasure.

(C) In all matters relating to the duties of his office, as hereinafter set out, the Building Inspector shall be under the supervision, direction, and control of the Town Council, unless herein otherwise expressly provided. All other inspectors or employees of the Department shall be under the supervision, direction, and control of the Building Inspector.
('82 Code, § 3-500)

Cross-reference:

Building regulations, see Ch. 150

§ 34.16 BOND AND OATH.

Before any inspector shall enter upon his duties, he shall take and subscribe an oath of office upon the back of his certificate of appointment and file a bond in the sum of \$10,000 payable to the town, to be approved by the Town Council, conditioned upon the faithful performance of his duties, premium upon the bond to be paid by the town. The certificate of appointment, along with the oath of office and bond, shall be filed with the Town Council.
('82 Code, § 3-501)

§ 34.17 DUTIES.

(A) (1) It shall be the duty of the Building Inspector to approve all building permits in accordance with the provisions of Chapter 150 and to have charge of, and enforce all ordinances now in force or which may hereafter be established, pertaining to the erection, construction, alteration, repair, or removal of buildings or other structures, and to perform such other duties as may be imposed upon him, or the Department, by law or the Town Council.

(2) The Building Inspector shall keep a careful record in a book prepared for that purpose, of all permits approved by him for the erection of or repair of any building or other structure, and he shall keep a record of all other transactions in his office pertaining to the erection or repair of any building or structure in the town. He shall examine all buildings in the course of erection, as required by law. The Builder, whether a contractor or owner, shall be responsible for notifying the Building Inspector in writing when the building is ready for inspection. In each case, construction or occupancy shall not proceed until an inspection is termed satisfactory by the Building Inspector by means of an inspection card left near the main entrance to the building.

(3) The Building Inspector shall examine all alterations or repairs throughout the town as often as practicable and see that all ordinances in relation thereto are complied with. He may examine all public school buildings, public halls, churches, theaters, business houses, and all buildings used for manufacturing or commercial purposes, each year for the purpose of determining the safety of such buildings, the facilities for egress in case of fire, the overloading of floors, and where defects are found shall apply such remedies as he may be empowered to use in the performance of his duty.

(4) The Building Inspector, or his duly authorized representatives, shall have the right to enter any building, structure, or premise in the town at reasonable times, in connection with the performance of duties as herein set forth, upon presentation of proper credentials.

(B) The Building Inspector, or his duly authorized representatives, will have full power to inspect all buildings in the course of erection, or after completion, and the Building Inspector shall notify the owners thereof in writing of any defects and require them to remedy or correct the same in such manner as to make them safe and in compliance with Chapter 150. It shall be unlawful for any person, upon receiving notice from the Building Inspector, to refuse to comply with his orders with reference to correcting any defects in buildings or other structures already completed, and each day's refusal to comply with such order or notice shall be deemed a separate offense.

(C) The Plumbing Inspector shall have jurisdiction and control over all plumbing and drainage work done, or to be done, in the town and the Electrical Inspector shall have jurisdiction and control over all heating, ventilating, air-conditioning, and electrical work done, or to be done, in the town. In the carrying out of their duties within the Department, they shall be under the supervision, direction, and control of the Building Inspector and shall require information and perform their duties in the same manner as the Building Inspector is required to do by Chapter 150, any amendments thereto, or any other applicable laws.

('82 Code, § 3-502) Penalty, see § 10.99

EMERGENCY MANAGEMENT AGENCY

§ 34.25 EMERGENCY MANAGEMENT AGENCY.

For provisions regarding the Emergency Management Agency, see § 96.01.

Cross-reference:

Fees for emergency medical services, see § 32.26

DEPARTMENT OF PARKS AND RECREATION

§ 34.30 DEPARTMENT OF PARKS AND RECREATION.

For provisions regarding the Department of Parks and Recreation, see §§ 99.01 et seq.

PLAN COMMISSION

§ 34.35 ESTABLISHED.

There is created a Plan Commission for the town to be entitled the Town Plan Commission. The Plan Commission shall consist of seven

members. The Town Council shall appoint three persons from the Council to serve as members. The president of the Town Council shall appoint four citizen members. The powers and duties of the Plan Commission shall be as defined in the laws of the state. The Town Council must approve and pass any and all ordinances designed to establish master plans, zoning ordinances, and subdivision control ordinances. All rules and administrative regulations established by the Town Plan Commission must be in writing and approved by the Town Council before taking effect.

('82 Code, § 3-400)

§ 34.36 PLANNING CONSULTANT.

(A) There is created the position of Town Planning Consultant.

(B) The duties of the Planning Consultant shall be to comply with and implement the terms of the planning assistance grant entered into between the state Planning Services Agency and the town.

('82 Code, § 3-408)

§ 34.37 ZONING ADMINISTRATOR/INSPECTOR.

(A) There is hereby created the position of Zoning Administrator/Inspector for the town.

(B) It shall be the duty of the Zoning Administrator/Inspector to review all building permits for compliance with the town zoning code provisions, review and make recommendations on all subdivision applications for compliance with the subdivision code to the Plan Commission, act as the Secretary of the Plan Commission, enforce all provisions of Chapter 155 (Floodplain Management Regulations), enforce all provisions of Chapter 152 (Mobile Homes and Parks), and to perform such other duties as may be required or delegated by the Director of the Department of Planning, Zoning and Building, Town Manager, or jurisdictional entity for whom such services and responsibilities are provided.

(C) The Zoning Administrator/Inspector, or his duly authorized representative, shall have the right to enter any building, structure, or premise within the town municipal boundary, at reasonable times, in connection with the performance of his duties as herein set forth, upon presentation of proper credentials.

(D) The Zoning Administrator/Inspector shall be appointed or hired in conformance with the then applicable procedures of the town, and such employee shall be subject to the applicable rules, regulations, policies and procedures of the town for such position. In all matters relating to the duties and responsibilities of the job position of employment, the Zoning Administrator/Inspector shall be under the

supervision, direction, and management responsibility of the immediate supervisor, namely, the Director of the Department of Planning, Zoning and Building, unless otherwise expressly directed and notified.

(Ord. 871, passed 9-23-03; Am. Ord. 980, passed 11-21-06)

STREET DEPARTMENT

§ 34.45 ESTABLISHED.

There is created a Street Department for the town to be entitled the Town Street Department.

('82 Code, § 3-600)

§ 34.46 STREET COMMISSIONER; POWERS.

There is created the office of the Town Street Commissioner, who shall be the head of the Street Department. The amount of compensation of the Town Street Commissioner shall be set by the Town Council. The Town Council shall authorize the Street Commissioner to hire employees as they are needed. The hiring of specific employees shall be subject to the approval of the Town Council, except the Street Commissioner may, with the approval of the chairman of the Street Department Committee of the Town Council, hire part-time workers to meet occasional needs without the approval of the Council. The Town Council shall adopt rules and regulations for the conduct of the office of Street Commissioner as they are needed.

('82 Code, § 3-601)

§ 34.47 STREET DEPARTMENT EMPLOYEE.

The positions of Street Department employee and part-time Street Department employee are created within the Street Department of the town. The duties of each such position shall be determined jointly by the Town Street Commissioner and the chairman of the Street Department Committee of the Town Council. The Council shall appoint such individuals as are necessary to fulfill the duties of Street Department employees. The Town Street Commissioner and the chairman of the Street Department Committee of the Council, shall jointly appoint such individuals as are necessary to fulfill the duties of part-time Street Department employee. The individuals appointed to fill the positions created herein may be discharged at any time by the authority that has appointed them to fill the position they occupy.

('82 Code, § 3-602)

UNSAFE BUILDING DEPARTMENT

§ 34.55 ESTABLISHED.

There is created a department in the town, which shall be known and referred to as the Unsafe Building Department.
('82 Code, § 3-700)

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§ 34.56 MEMBERS.

The Unsafe Building Department shall be comprised of three members, to wit: One member of the Plan Commission and two members of the Town Council. Each member shall be appointed by the Town Council. The term of the Plan Commission appointee shall be for the period such person continues to serve on the Plan Commission. The term of the Town Council appointees shall be for a period of one year, provided; however, that the Town Council appointee or appointees may be appointed to successive terms. The terms of the Town Council appointees shall commence upon appointment for the balance of the calendar year 1993, upon passage of this section, and shall be on a calendar year basis thereafter commencing in 1994. ('82 Code, § 3-701) (Am. Ord. 344, passed 7-28-82; Am. Ord. 494, passed 10-11-89; Am. Ord. 578, passed 5-18-93)

Cross-reference:

Unsafe Building Department to also serve as Sanitary Board of Appeals, see § 51.01

§ 34.57 UNSAFE BUILDING ADMINISTRATOR; DUTIES.

(A) There is created the office of Unsafe Building Administrator, which shall serve as the chief administrative officer of the Unsafe Building Department. The Building Inspector shall serve as the Unsafe Building Administrator. ('82 Code, § 3-702)

(B) It shall be the duty of the Unsafe Building Department, as well as the Unsafe Building Administrator, to implement, administer, and enforce all procedures and powers as set out in §§ 150.35 through 150.54. ('82 Code, § 3-703)

§ 34.58 DIRECTOR OF UNSAFE BUILDING DEPARTMENT.

(A) The Director of the Unsafe Building Department shall be appointed by the Town Council.

(B) The Director shall serve for a term of four years. (Ord. 390, passed 5-23-84)

§ 34.59 DETERMINATION OF AVERAGE PROCESSING EXPENSE.

Unsafe Building Department Determination of Average Processing Expense pursuant to I.C. 36-7-9-12(2)			
Activity	Hours	Cost/Hour	Cost of Activity
Initial inspection/documentation	1	\$55	\$55

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Unsafe Building Department Determination of Average Processing Expense pursuant to I.C. 36-7-9-12(2)			
Organize photographs	0.5	\$35	\$18
Conduct property owner research	1	\$55	\$55
Prepare initial findings	1.5	\$55	\$83
Prepare notice	0.5	\$35	\$18
Meeting preparation	1	\$55	\$55
Conduct initial meeting	1	\$90	\$90
Initial mailing and posting	0.5	\$90	\$45
Public hearing preparation	1	\$90	\$90
Attorney review of legals and meeting preparation	2	\$100	\$200
Attorney at public meeting and hearing	2	\$100	\$200
Prepare scope of demolition work	1	\$55	\$55
Advertisements	0.5	\$30	\$15
Total average processing expense			\$978

(Ord. 1177, passed 8-20-13)

CEDAR LAKE ECONOMIC DEVELOPMENT COMMISSION

§ 34.65 ESTABLISHED.

For provisions governing the Cedar Lake Economic Development Commission, see § 32.49.

Statutory reference:

Economic Development Commissions, see IC 36-7-12

ADVISORY STORM DRAINAGE BOARD

§ 34.85 ESTABLISHMENT.

There is hereby established and created an Advisory Storm Drainage Board.

(Ord. 525, passed 1-23-91)

§ 34.86 MEMBERSHIP; APPOINTMENT.

(A) The Advisory Storm Drainage Board shall consist of seven members, one from each ward in the town. Each member of the Town Council shall recommend the appointment of a member to the Advisory Storm Drainage Board from the residents of the ward of that Town Council Member. The recommendations of each Town Council Member for the Advisory Storm Drainage Board will be approved by the Town Council.

(B) Initial appointments to the Advisory Storm Drainage Board shall be until December 31, 1992. Thereafter, appointments to the Advisory Storm Drainage Board shall be for a calendar-year period, commencing from the appointment of the members until no later than December 31 of each calendar year.

(C) Members of the Advisory Storm Drainage Board serve for the purpose of advising the Town Council, and members may be removed at any time, for any reason, with or without cause. The Town Council may assign and designate responsibilities to the Advisory Storm Drainage Board regarding any storm drainage matters.

(Ord. 525, passed 1-23-91; Am. Ord. 544, passed 12-23-91; Am. Ord. 551, passed 4-21-92)

§ 34.87 DUTIES AND FUNCTIONS.

The Advisory Storm Drainage Board shall serve and provide such advisory duties regarding storm drainage matters as designated by the Town Council from time to time. The Advisory Storm Drainage Board shall additionally act to investigate, review and examine storm drainage conditions in the Town Council for solutions to identified conditions, including but not limited to, construction, maintenance, and the like. The Advisory Storm Drainage Board shall further be responsible for current planning, as well as short-term and long-term planning for storm drainage for the town.

(Ord. 525, passed 1-23-91)

§ 34.88 OFFICERS; MEETINGS.

(A) The Advisory Storm Drainage Board may elect one of its members as chairman, one of its members as vice-chairman, and one of its members as secretary.

(B) The Advisory Storm Drainage Board shall conduct a regularly scheduled public meeting one time each month on a day and at a time determined by the Board. The secretary of the Board shall be responsible for taking and keeping minutes of all meetings. Notice of

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all meetings of the Advisory Storm Drainage Board shall be given and made in conformance with the requirements of the applicable provisions of the Indiana Code, as amended from time to time. (Ord. 525, passed 1-23-91)

§ 34.89 COMPENSATION.

Members of the Advisory Storm Drainage Board shall be compensated as set forth in the provisions of the Salary Ordinance of the town, as amended from time to time. (Ord. 525, passed 1-23-91)

§ 34.90 VACANCIES.

(A) In the event that a vacancy occurs on the Storm Drainage Advisory Board, that vacancy shall be filled in the same manner that annual appointments are made, with the Council Member of the unrepresented ward making a recommendation to the Town Council for approval of appointment. The vacancy shall be filled within 60 days from the date the vacancy was created, and shall be for the remainder of the term to be served.

(B) In the event the Council Member of the unrepresented ward fails to make a recommendation for the appointment of a replacement member, or if the recommendation for the appointment of a replacement is not approved by the Town Council, then the Town Council shall act to appoint a replacement member for the remainder of the term to be served. (Ord. 525, passed 1-23-91)

ADVISORY RECYCLING COMMITTEE

§ 34.95 ESTABLISHMENT.

There is hereby established and created an Advisory Recycling Committee. (Ord. 531, passed 4-24-91)

§ 34.96 MEMBERSHIP; APPOINTMENT.

(A) The Advisory Recycling Committee shall consist of no less than three members, and no more than five members. The Town Council shall appoint the members of the Advisory Recycling Committee.

(B) Initial appointments to the Advisory Recycling Committee shall be until December 31, 1991. Thereafter, appointments to the Advisory Recycling Committee shall be for a one-year period, commencing from the appointment of the members until no later than December 31 of each calendar year.

(C) Members of the Advisory Recycling Committee serve for the purpose of advising the Town Council, and members may be removed at any

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time, for any reason, with or without cause. The Town Council may assign and designate responsibilities to the Advisory Recycling Committee regarding any recycling or related environmental protection and preservation matters.

(Ord. 531, passed 4-24-91)

§ 34.97 DUTIES AND FUNCTIONS.

The Advisory Recycling Committee shall serve and provide such advisory duties regarding recycling or any related environmental protection and preservation matters as designated by the Town Council from time to time. The Advisory Recycling Committee shall additionally act to investigate, review and make recommendations regarding recycling programs and all related environmental protection and preservation programs. The Advisory Recycling Committee shall further be responsible for current planning as well as short-term and long-term planning for recycling programs and all related environmental protection and preservation programs.

(Ord. 531, passed 4-24-91)

§ 34.98 OFFICERS; MEETINGS.

(A) The Advisory Recycling Committee may elect one of its members as chairman, one of its members as vice-chairman, and one of its members as secretary.

(B) The Advisory Recycling Committee may conduct a regularly scheduled public meeting one time each month on a day and at a time determined by the Committee. The secretary of the Committee shall be responsible for taking and keeping minutes of all meetings. Notice of all meetings of the Advisory Recycling Committee shall be given and made in conformance with the requirements of the applicable provisions of the Indiana Code, as amended from time to time.

(Ord. 531, passed 4-24-91)

§ 34.99 COMPENSATION.

Members of the Advisory Recycling Committee may be compensated as set forth in the provisions of the Salary Ordinance of the town, as amended from time to time.

(Ord. 531, passed 4-24-91)

§ 34.100 VACANCIES.

In the event that a vacancy occurs on the Advisory Recycling Committee, that vacancy shall be filled in the same manner that annual appointments are made. The vacancy shall be filled within 60 days from the date the vacancy was created, and shall be for the remainder of the term to be served.

(Ord. 531, passed 4-24-91)

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§ 34.101 ESTABLISHMENT OF RECYCLING FUND.

(A) There is hereby created within the General Fund Budget a separate line item budget and fund for the express purpose of the activities to be engaged in by the town, through its Advisory Recycling Committee. This fund shall be known as the Recycling Fund.

(B) All gifts, donations, payments, contributions or subsidies derived or generated for the purposes of the functions carried on by the town in its activities to participate in the protection and preservation of the environment, and particularly, in its Recycling and related environmental protection and preservation programs and activities shall be deposited by the Town Clerk-Treasurer in the Recycling Fund and shall be available for expenditure by the Town Council only for recycling activities or related environmental protection and preservation matters.

(Ord. 531, passed 4-24-91)

PROMOTION AND FESTIVAL COMMITTEE

§ 34.105 ESTABLISHMENT.

There is hereby established and created a Promotion and Festival Committee.

(Ord. 533, passed 5-8-91)

§ 34.106 MEMBERSHIP.

(A) The Promotion and Festival Committee shall consist of at least three members. The Town Council shall appoint the members of the Promotion and Festival Committee. The Town Council may appoint as many members in excess of three as it deems proper and appropriate for the purposes of the Committee.

(B) Initial appointments to the Promotion and Festival Committee shall be until December 31, 1991. Thereafter, appointments to the Promotion and Festival Committee shall be for a one-year period, commencing from the appointment of the members until no later than December 31 of each calendar year.

(C) Members of the Promotion and Festival Committee serve for the purpose of advising the Town Council, and undertaking the activities necessary to promote the town, conduct and carry on designated festivals, promotion days, recognition days and events, and the like. Members of the Promotion and Festival Committee may be removed at any time, for any reason, with or without cause. The Town Council may assign and designate responsibilities to the Promotion and Festival Committee regarding any related town promotion matters. It is expressly recognized and acknowledged that the members of the Promotion and Festival Committee are volunteers who are providing

their time, energies, and services to the town for the benefit of all residents of

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the town. There shall be no compensation to the members of the Committee for their services rendered to the town for the purposes stated herein.

(Ord. 533, passed 5-8-91)

§ 34.107 DUTIES AND FUNCTIONS.

The Promotion and Festival Committee shall serve and provide such duties regarding the promotion of the town, engagement in the activities necessary to carry on festivals (i.e. Summerfest, Home Town Fest, etc.), as well as promotional activities, recognition days, and the like, or any other related town promotion matters as designated by

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the Town Council from time to time. The Promotion and Festival Committee shall additionally act to advise the Town Council as to all related town promotional activities and matters.
(Ord. 533, passed 5-8-91)

§ 34.108 OFFICERS; MEETINGS.

(A) The Promotion and Festival Committee may elect one of its members as chairman, one of its members as vice-chairman, and one of its members as secretary.

(B) The Promotion and Festival Committee may conduct a regularly scheduled public meeting one time each month on a day and at a time determined by the Committee. The secretary of the Committee shall be responsible for taking and keeping minutes of all meetings. Notice of all meetings of the Promotion and Festival Committee shall be given and made in conformance with the requirements of the applicable provisions of the Indiana Code, as amended from time to time.
(Ord. 533, passed 5-8-91)

§ 34.109 COMPENSATION.

Members of the Promotion and Festival Committee shall not be compensated, as these members are expressly acknowledged to be volunteers providing their time, energies and services to the town for the promotion of the town, and for the benefit of all the residents of the town.
(Ord. 533, passed 5-8-91)

DEPARTMENT OF STORMWATER MANAGEMENT

§ 34.115 ESTABLISHMENT.

There is hereby established, pursuant to the provisions of IC 8-1.5-5 et seq., as amended from time to time, a Department of Stormwater Management for the town. The Department of Stormwater Management shall be controlled by a board of directors, known as the Board of Stormwater Management (hereinafter "Board").
(Ord. 560, passed 9-1-92)

§ 34.116 APPOINTMENT; TERM OF OFFICE; COMPENSATION; VACANCIES; AND REMOVAL.

(A) The Board shall consist of three directors, to be appointed by the town Council, no more than two of whom may be of the same political party.

(B) The terms of the individual directors shall be staggered as follows:

- (1) A term of one year followed by a two-year term;
- (2) A term of two years followed by a two-year term;
- (3) A term of three years followed by a two-year term.

(C) The members of the Board shall be compensated for their services as set forth annually in the salary ordinance for the town, as amended from time to time.

(D) In the event a vacancy occurs on the Board, that vacancy shall be filled by the town Council within 60 days from the date the vacancy occurred, or as soon thereafter as possible. The town Council shall appoint one of its own members to fill the vacancy during any interim period of time.

(E) The town Council may, by simple majority vote, remove a director at any time when, in the judgment of the town Council, it is for the best interest of the Department of Stormwater Management. (Ord. 560, passed 9-1-92)

§ 34.117 POWERS AND DUTIES OF THE BOARD.

(A) The Board shall have exclusive jurisdiction over the collection and disposal of stormwater within the town, and any district created and established herein.

(B) The Board shall have the powers and duties prescribed by IC 8-1.5-3-4(a), as amended from time to time, which include but are not necessarily limited to the following:

(1) General supervisory powers over the Department of Stormwater Management;

(2) Establish the number of employees and compensation of employees of the Department;

(3) Adopt rules regarding employees of the Department;

(4) Appoint a Superintendent for the Department, if appropriate;

(5) Retain and hire attorneys for the business of the Department, if appropriate;

(6) Retain and hire professionals, experts or consultants, including engineers, for the Department, if appropriate;

(7) Submit annual budgets to the town Council for the Department;

(8) Appropriate, lease, rent, purchase, and hold all real and personal property of the Department;

(9) Enter upon lands for the purpose of surveying or examining the land to determine the use of said lands for the

purposes of the Department;

(10) Award contracts for:

(a) Purchase of capital equipment;

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(b) Construction of capital improvements; or

(c) Other property or purposes that are deemed necessary for the full and efficient operation, construction and management of the Department;

(11) Adopt rules for the safe, economical and efficient management and protection of the Department;

(12) Deposit at least weekly with the town Clerk-Treasurer all money collected, to be kept in a separate fund subject to the orders and directions of the Board;

(13) Make monthly reports to the town Council and town Clerk-Treasurer of the receipts and disbursements of money belonging to the Department, as well as an annual report of the condition of the Department.

(C) In addition to the above described powers and duties, the Board may also undertake any of the following:

(1) Hold hearings following public notice;

(2) Make findings and determinations;

(3) Install, maintain, and operate a stormwater collection and disposal system;

(4) Make all necessary or desirable improvements of the grounds and premises under its control; and

(5) Issue and sell bonds of the stormwater drainage district in the name of the town for the acquisition, construction, alteration, addition, or extension of the stormwater collection and disposal system or for the refunding of any bonds issued by the Board.

(D) The Board may elect one of its members as chairman, one of its members as vice-chairman, and one of its members as secretary. The Board shall have a regularly scheduled meeting once a month on a day and at a time determined by the members of the Board. The secretary of the Board shall be responsible for the keeping of minutes of all meetings. Notice of meetings of the Board shall be given to the public pursuant to the applicable provisions of law. (Ord. 560, passed 9-1-92)

§ 34.118 FINANCING.

(A) The acquisition, construction, installation, operation, and maintenance of facilities and land for stormwater drainage systems

may be financed through:

(1) Proceeds of special taxing district bonds of the
stormwater district;
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- (2) The assumption of liability incurred to construct the stormwater system being acquired;
- (3) Service rates;
- (4) Revenue bonds; or
- (5) Any other available funds.

(B) The Board, after approval by the town Council, may assess and collect a user's fee from all of the owners of property within the stormwater drainage district for the operation and maintenance of the stormwater system.

(Ord. 560, passed 9-1-92)

§ 34.119 ACCOUNTING.

(A) The Board may fix and set aside:

- (1) Revenues of the Department necessary for reasonable and proper operation and maintenance;
- (2) Revenues for a proper and adequate depreciation account; and
- (3) Revenues to be applied to the payment of the principal and interest of the authorized bonds.

(B) The Board shall consider the cost of the operation and maintenance of the Department when establishing and fixing the revenues required for operation and maintenance.

(C) In the event a surplus is accumulated in the operating and maintenance account, the Board may transfer any excess over that surplus to:

- (1) The depreciation account, to be used for any improvements, extensions, or additions to the stormwater system; or
- (2) The bond and interest redemption account.

(D) The revenues set aside to the depreciation account shall be expended for:

- (1) The repair of the stormwater system;
- (2) New acquisition, construction, extensions, or additions to the property of the stormwater system; or
- (3) Transfer to the bond and interest redemption account

to prevent a default.

(E) The revenues set aside for the payment of the principal and interest of the authorized bonds shall be deposited and credited to a

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special account identified as "the bond and interest redemption account".

(F) In determining the amount that is to be set aside for the payment of the principal and interest of the authorized bonds, the Board may provide that the amount to be set aside and paid into the bond and interest redemption account for any year or years should not exceed a fixed sum, which must be at least sufficient to provide for the payment of the interest and the principal of the bonds maturing and becoming payable in each year.

(G) In the event a surplus is created in the bond and interest redemption account, the Board may transfer any excess over the surplus to:

(1) The operation and maintenance account; or

(2) The depreciation account.

(Ord. 560, passed 9-1-92)

§ 34.120 MEANS OF FINANCING.

(A) Taxing district.

(1) This subchapter creates a special taxing district, including all territory within the municipal corporate boundaries of the town, for the purpose of providing for the collection and disposal of stormwater of the district in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for purposes of stormwater collection and disposal.

(2) Any area added to the district hereunder is considered to have received a special benefit from the stormwater collection and disposal facilities of the district equal to or greater than the special taxes imposed on the area by this subchapter or any other authority or legislative act in order to pay all or part of the costs of such facilities.

(B) Municipal assessment.

(1) The reasonable cost and value of any service rendered to the town by the stormwater system by furnishing stormwater collection and disposal shall be:

(a) Charged against the town; and

(b) Paid for in monthly installments as the service accrues out of the:

1. Current revenues of the town, collected or

in process of collection; and

2. Tax levy of the town made by it to raise money to meet its necessary current expenses.

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(2) Compensation for the service provided to the town shall, in the manner prescribed herein, be treated as revenues of the system and paid into the funds created under this subchapter.

(C) Bonding.

(1) The Board shall have the power to issue and sell bonds of the district in the name of the town for the acquisition, construction, alteration, addition, or extension of the stormwater collection and disposal system or for the refunding of any bonds issued by the town.

(2) The bonds of the district are:

(a) A valid claim of the holders only against the bond and interest redemption account and the revenues of the stormwater system;

(b) Exempt from taxation in the state as provided IC 6-8-5, as amended from time to time;

(c) Bonds which may be issued either as registered bonds or as coupon bonds payable to the bearer;

(d) Except as provided in this subchapter or IC 5-1-3, as amended from time to time, bonds which are to be in accordance with IC 5-1-11, as amended from time to time. The registration of bonds does not affect negotiability.

(3) All monies received from bonds issued under this subchapter shall be applied solely to the acquisition, construction, repair, and maintenance of the stormwater system, the cost of the issuance of the bonds, and the creation of any reserve for the bonds.

(4) Any holder of the bonds may bring a civil action to compel performance of all duties required by this subchapter of the Board issuing the bonds or of any officer of the Board, including the following:

(a) Making and collecting reasonable and sufficient user fees lawfully established for service rendered by the stormwater system.

(b) Segregating the income and revenues of the Department.

(c) Applying the respective funds created under this subchapter.

(5) In the event there is any default in the payment of

the principal or interest of any of the bonds, a court of competent jurisdiction may:

(a) Appoint an administrator or receiver to administer

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the stormwater system on behalf of the town and the bondholders, with power to:

1. Charge and collect user fees lawfully established sufficient to provide for the payment of the operating expenses and also to pay any bonds or obligations outstanding against the stormwater system; and

2. Apply the income and revenues in conformity with the provisions of this subchapter.

(b) Declare the whole amount of the bonds due and payable and direct the sale of the stormwater system.

(D) Taxing district bonds.

(1) In order to procure money to pay for the required property and the acquisition, erection, and construction of the proposed work, and in anticipation of the collection of the special benefit tax, the Board may issue, in the name of the town, special taxing district bonds of the stormwater district. The bonds may not exceed the total estimated cost of the work and property to be acquired as provided for in the resolution, including:

(a) All expenses necessarily incurred for supervision and inspection during the period of construction; and

(b) Expenses actually incurred preliminary to the acquiring of the necessary property, and the construction of the work, including the cost of records, engineering expenses, publication of notices, salaries and other expenses incurred, before and in connection with the acquiring of the property, the letting of the contract, and the sale of bonds.

(2) After adopting a resolution authorizing the bands, the Board shall certify a copy of the resolution to the Clerk-Treasurer, who shall then prepare the bonds. The Town Council, by its designated representative, shall execute the bonds, and the Clerk-Treasurer shall attest the bonds.

(3) The Board may not issue bonds of the stormwater district, payable by a special benefit property tax, when the total of the outstanding bonds of the district that are payable from a special benefit property tax, including the bonds already issued and to be issued, exceeds 8% of the total assessed valuation, after deducting all exemptions, of the property within the district. For purposes of this section, bonds are not considered to be outstanding bonds if the payment has been provided for by an irrevocable deposit in escrow of government obligations sufficient to pay the bonds when due or called for redemption.

(4) The bonds are not a corporate obligation or indebtedness of the town but are an indebtedness of the stormwater district. The bonds and interest are payable:

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(a) Out of a special benefit tax levied upon all of the property of the stormwater district; or

(b) By any other means including revenues, cash on hand, and cash in depreciation or reserve accounts.

(5) The bonds must recite the terms upon their face, together with the purpose for which they are issued.

(6) In order to raise the necessary revenues to pay for the bonds issued and the interest on the bonds, the Board:

(a) After approval by the town Council, shall levy a special benefit tax upon all the property of the stormwater district in the amount necessary to meet and pay the principal of the bonds as they severally mature, together with all accruing interest; and

(b) Shall certify the tax levied each year to the fiscal officers of the town and of the county, at the same time the levy of the town is certified.

(7) The tax levied and certified shall be estimated and entered upon the tax duplicate and shall be collected and enforced in the same manner as state and county taxes are estimated, entered and enforced.

(8) In fixing the amount of the necessary levy, the Board:

(a) Shall consider the amount of the revenues derived by the Board from the operation of the stormwater system under its jurisdiction above the amount of revenues required to pay the cost of operation and maintenance of the stormwater system; and

(b) May, in lieu of making the levy as described in this section, set aside by resolution a specific amount of the surplus revenues to be collected before maturity of the principal and interest of the bonds payable in the following calendar year.

(9) The special tax collected shall be deposited in the bond and interest redemption account.

(10) The Board may not issue any bonds authorized by this subchapter until it has secured the approval for the issuance of the bonds from the Town Council.

(11) IC 6-1.1-20, as amended from time to time, applies to the issuance of bonds under this subchapter which are or may be payable from the special benefit property tax.

(12) Revenues received by the Department may be used to pay

for bonds issued to acquire, construct, install, operate, and maintain facilities and land for stormwater collection and disposal systems.

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(13) In the event there are bonds outstanding for which user fees were pledged, the Board may not rescind user fees or reduce them below a rate that would produce 125% of the highest annual debt service on the bonds issued under this subchapter to their final maturity, based on an average of the immediately preceding three years of user fee collections. In the event the user fees have been levied for the preceding three years, the Board may not reduce user fees below a rate that would produce 125% of the highest debt service, based upon a study by a qualified public accountant or financial adviser.

(14) With respect to bonds for which a pledge has been made under division (D)(11) of this section, the Indiana General Assembly covenants with the holders of these bonds that:

(a) This statutory provision will not be repealed or amended in a manner that will adversely affect the imposition or collection of the user fees under this subchapter; and

(b) This statutory provision will not be amended in a manner that will change the purpose for which revenues from the user fees imposed under this subchapter may be used, as long as those bonds are outstanding.

(Ord. 560, passed 9-1-92)

§ 34.121 PREREQUISITES TO ACQUISITION, CONSTRUCTION, REPAIR, EXTENSION, OR IMPROVEMENT OF STORMWATER SYSTEM.

(A) The Board may investigate and make the following findings:

(1) The stormwater system is insufficient to furnish the necessary collection and disposal of stormwater to properly protect the public health and welfare and safeguard the property within the district; and

(2) It is necessary to acquire, construct, rebuild, repair, extend, and improve the stormwater system and equipment; to acquire lands; or to construct, erect, or acquire other systems and other structures and equipment appurtenant to them;

(B) Upon making findings set forth in division (A) of this section, the Board shall prepare maps, plans, specifications, and drawings with full details and descriptions for the proposed work, together with an estimate of the cost. The Board shall also prepare a description of all property rights necessary to be acquired in connection with the proposed work and the manner in which the rights are to be acquired, whether by purchase or appropriation, along with a description of any other property that may be injuriously affected, together with the estimated cost.

(C) Upon completion of the aforesaid requirements, the Board shall then adopt a resolution approving the project by:

(1) Declaring that the project is necessary for the protection of the public health and welfare of the inhabitants and

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residents of the stormwater district and for the safeguarding of the property within the district;

(2) Declaring that the project is of public utility and benefit;

(3) Appropriating the property described in the resolution;

(4) Stating the maximum proposed cost of any land to be purchased; and

(5) Adopting plans, maps, specifications, drawings, details, descriptions, and estimates.

(D) In the event a resolution as described above is adopted, the Board shall publish a notice in accordance with IC 5-3-1, as amended from time to time, of the adoption of the resolution and of the fact that plans, specifications, and estimates have been prepared and can be inspected. The notice must also name a date, not less than ten days after the date of the last publication, when the Board will receive or hear remonstrances from the persons interested in or affected by the resolution, and when it will determine the public utility and benefit of the project. Notice shall be mailed to the owners of all property appropriated by the resolution. In the event a landowner is a nonresident and the landowner's place of residence is known, a notice shall be mailed to the nonresident owner. In the event the nonresident owner's residence is unknown to the Board, then the owner is considered notified of the pendency of the proceedings by the publication of notice.

(E) Separate descriptions of each piece or parcel of land are not required in the resolution and notice, but it is a sufficient description of the property purchased or to be purchased, or to be appropriated or damaged, to give a description of the entire tract, whether it is one or more lots or parcels, and whether it is owned by one or more persons.

(F) All persons affected by the proceedings, including all taxpayers in the stormwater district, are considered to be notified of the proceedings and all subsequent acts, hearings, adjournments, and orders of the Board by the original publication of notice.

(G) The Board may, before adoption of the resolution, obtain from the owners of the property an option for its purchase, or may enter into a contract or agreement for its purchase after an appraisal by two qualified land appraisers. An option or contract is subject to the final action of the Board confirming, modifying, or rescinding the resolution.

(Ord. 560, passed 9-1-92)

§ 34.122 HEARING AND APPEAL.

(A) At the time fixed for the hearing, or before the hearing, the following persons may file a written remonstrance with the Board:

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(1) The owner of real property, rights-of-way, or other property to be appropriated under the resolution;

(2) A person injuriously affected by the appropriation.

(3) A person owning real or personal property within the stormwater district.

(B) At the time of the hearing, the Board shall:

(1) Hear all persons interested in the proceedings;

(2) Hear all the remonstrances that have been filed; and

(3) Take action to confirm, modify, or reject the resolution.

(C) Any person who has remonstrated in writing and is aggrieved by the decision of the Board may, within 30 days, take an appeal to the circuit or superior courts of the county in which the stormwater district is located.

(D) A remonstrator desiring to appeal the action of the Board shall, within 30 days after the final action of the Board, file in the office of the clerk of the circuit or superior courts, a copy of the order of the Board, and the remonstrance, together with a bond conditioned to pay the costs of the appeal, should the appeal be determined against the remonstrator.

(E) A court may hear the appeal only if the issue is whether the Board acted arbitrarily or capriciously in adopting the resolution.

(F) The cause shall be tried by the court without a jury.

(G) All remonstrances upon which appeals are taken may be consolidated and heard as one claim for relief by the court.
(Ord. 560, passed 9-1-92)

§ 34.123 ACQUISITION OF STORMWATER SYSTEMS.

(A) In the event the Board acquires a stormwater system and assumes the liability incurred by the seller to construct the stormwater system, the principal and interest on the liability so assumed shall be paid from the bond and interest redemption account in the same manner as bonds of the district would be paid, and the Board shall set aside sufficient revenues to comply with the requirements of the instrument creating the liability.

(B) The town, in acquiring a stormwater system, may not assume

any liability for the payment of a secured debt or charge other than the obligation to apply the revenues in the manner prescribed in this subchapter. The Board may issue bonds in exchange for, or satisfaction of, the liability assumed in the acquisition of a stormwater system. The bonds so issued may not be issued thereof in exchange for, or

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satisfaction of, the liability. Notwithstanding other provisions and terms of this subchapter, bonds issued in exchange for, or in satisfaction of, the liability need not be sold in accordance with IC 5-1-11, as amended from time to time. However, the interest rate on such bonds may not exceed the average yield on municipal revenue bonds of comparable credit rating and maturity as of the end of the week immediately preceding the issuance of the bonds.

(C) In the event the Board acquires a stormwater system and pays for it and for extensions and betterments authorized at the time of acquisition, it may provide for the combined costs in one issue of bonds. The Board shall issue and secure the bonds in the manner provided in this subchapter to provide funds for the original construction of a stormwater system.
(Ord. 560, passed 9-1-92)

§ 34.124 JOINT IMPROVEMENTS OR REPAIRS TO STORMWATER SYSTEM AND SANITARY SEWER SYSTEM.

(A) Whenever work on a stormwater system that is combined with a sanitary sewer system necessitates the repair or replacement of all or part of a sanitary sewer system, the entity that owns or maintains the sanitary sewer system shall assume a proportionate share of the cost of repairing or replacing the sanitary sewer system.

(B) The Board and the entity that owns or manages the sanitary sewer system shall negotiate the division of the costs described in division (A) above.

(C) In the event the parties cannot agree to a division of the costs, they shall petition the circuit or superior courts of the county where the majority of the systems are located to divide the costs. The court shall hold a hearing on the division of costs within 60 days after receiving the petition. The court shall publish notice of the hearing in accordance with IC 5-3-1, as amended from time to time. The decision of the court shall be binding on both parties.
(Ord. 560, passed 9-1-92)

§ 34.125 HOW PROPERTY TO BE HELD.

All real property, rights-of-way, or other property acquired by purchase or appropriation shall be taken and held in the name of the town.
(Ord. 560, passed 9-1-92)

§ 34.126 INTERIM SCHEDULE OF RATES AND CHARGES.

(A) For the services rendered by the Department of Stormwater Management, interim rates, charges and fees shall be collected from

the owners of each and every lot or parcel of real estate with buildings or other structures located thereon, that are within the Town of Cedar Lake Jurisdictional Corporate Municipal limits, which interim rates, charges and fees shall be payable as hereinafter provided and shall be an amount determinable as follows:

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(1) If the lot or parcel of real estate above is a customer of the Town Sanitary Sewer Utility, the interim Stormwater Management rate shall be 10% of the monthly Sanitary Sewer Utility user charge.

(2) If the lot or parcel of real estate above is not a customer of the Town Sanitary Sewer Utility, the interim Stormwater Management rate shall be as follows:

<u>User Classifications</u>	<u>Monthly Stormwater Rate</u>
Residences, apartments and other dwelling quarters, mobile home courts	\$3.00 per dwelling unit
Professional offices, governmental offices, banks, utilities employees each employee over 2	3.20 for the first 2 employees & \$1 for each employee over 2
Nursing home available for occupancy	1 per patient bed
Churches & other religious bodies. Also lodges & veterans organizations without eating and/or drinking facilities.	3.20 per establishment
Shop in residence shop	6.30 per residence &
Motels, rooming houses, church camps & similar establishments	1.00 per room available for and not less than \$.34 per bed
Retail establishments under 50,000 square feet total space, drive-in establishments, restaurants and organizations with eating and/or drinking facilities and gasoline service stations	3.20 for the first 2
Retail establishments in excess of 50,000 square feet total space, and theaters, bowling centers, washeterias, car wash facilities, hospitals, hotels, monasteries, religious retreats, taverns, golf courses and resorts	3.20 for the first 2 employees and \$1 for all employees and \$12 for each additional employee industrial uses, schools, bulk and a total of not less than \$12

(C) The minimum monthly charge for any service shall in no event be less than \$3 or 50% of the largest billing in the preceding

11 months, whichever is the largest, and such rates shall be charge each month, even though the property is not used or occupied year round.

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(D) The interim rates, charges and fees established by this section, as emended from time to time, shall be billed and collected by the town monthly. The billing shall be issued by the town on or about the first day of each month. The interim rates, charges and fees billed shall be paid by no later than the 20th day of each month. In the event the billing is not paid on or before the 20th day of each month, then a 30% penalty shall be imposed. For purposes of computing time, and particularly for the assessment of the 30% penalty, the 20th day of each month is the last day on which payment of billing without imposition of the 30% penalty may be made. After the 20th day of each month, except as provided hereafter, the 30% penalty to the billing shall be assessed and collected. In the event that the 20th day of the month is a Saturday, a Sunday, a legal holiday as defined in the Town Code, or a day in which the business office of the sewer utility is closed, the next day shall be the last day on which payment of the monthly billing may be made, and the day after such day is the time when imposition of the 30% penalty shall be imposed.

(Ord. 646, passed 3-21-95; Am. Ord. 653, passed 8-15-95; Am. Ord. 672A, passed 5-28-97)

REDEVELOPMENT COMMISSION

§ 34.140 REDEVELOPMENT COMMISSION ESTABLISHED.

(A) The Council establishes the Department of Redevelopment. The Department will be controlled by a board of five members, to be known as the Cedar Lake Redevelopment Commission. Three of the members shall be appointed by the Municipal Executive, the President of the Council, and two members shall be appointed by the council.

(B) The original members of the Commission appointed shall serve until the first day of January in the second year of their appointment; thereafter, each Commissioner shall serve for one year from the first day of January until a successor is appointed and qualified.

(C) In the event that a vacancy occurs, a successor shall be appointed in the same manner as the original member, and the successor shall serve for the remainder of the vacated term.

(D) Each member of the Commission, before beginning his duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of their appointment, which shall be properly filed with the Clerk-Treasurer.

(E) Each member of the Commission, before beginning his duties, shall execute a bond payable to the state, with surety to be approved by the council. The bond must be in the penal sum of at least \$15,000, and must be conditioned on the faithful performance of the

duties of his office in the accounting for all monies and property that may come into his hands, or under his control. The cost of the bond shall be paid by the Special Taxing District.

(F) A member of the commission must be at least 18 years of age, and must be a resident of the town.

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(G) In the event that a Commissioner ceases to be qualified hereunder, that member forfeits his office.

(H) Except as provided in sub-section (I), members of the Commission are not entitled to salaries, but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(I) A member of the Commission who does not otherwise hold a lucrative office as defined and set forth by Article 2, Section 9, of the Indiana Constitution may receive:

(1) A salary; or

(2) A per diem;

(3) And is entitled to reimbursement for expenses necessarily incurred in the performance of the Commissioners duties. (Ord. 738, passed 12-15-98; Am. Ord. 984, passed 1-2-07)

§ 34.141 COMMISSION MEETINGS

(A) The Commission shall hold a meeting for the purpose of organization not later than 30 days after they are appointed and, after that, each year on the first day in January that is not a Saturday, a Sunday, or a legal holiday. They shall choose one of their members as President, another as Vice-President and another as Secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(B) The Commission may appoint a Treasurer who need not be a Member of the Commission. The Commission may provide for the payment of compensation to a Treasurer who is not a Member of the Commission. Notwithstanding any other provision of this Subchapter, the Treasurer has charge over and is responsible for the administration, investment and disbursement of funds and accounts of the Commission in accordance with the requirements of this Subchapter. However, the Treasurer may not perform any duties of the physical officer or any other officer of the Town that are set forth and prescribed by IC 36-7-14-24, or by any provisions of IC 36-7-14, et. seq., that pertain to the issuance and sale of bonds, notes, or warrants of the Special Taxing District.

(C) The Commission may adopt the rules and by-laws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by applicable provision of IC 36-7-14, et. seq. In addition to the annual meeting, the Commission members may, by Resolution or in accordance with their rules and by-laws, prescribe the date and manner of notice of other regular or

special meetings.

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(D) Three members of the Commission, constitute a quorum, and the concurrence of three Commissioners is necessary to authorize any action.

(Ord. 738, passed 12-15-98)

§ 34.142 REMOVAL FROM OFFICE.

The Council may remove a Member of the Commission from office at any time for any cause deemed sufficient by the Council.

(Ord. 738, passed 12-15-98)

§ 34.143 COMMISSIONERS; PECUNIARY INTEREST IN PROPERTY AND TRANSACTIONS.

(A) A Member of the Commission shall not have a pecuniary interest in any contract, employment, purchase, or sale made under the provisions of IC 36-7-14, et. seq. However, any property required for redevelopment purposes in which a Commission member has a pecuniary interest may be acquired, but only by gift or condemnation.

(B) All transactions made in violation of this section are void.

(Ord. 738, passed 12-15-98)

§ 34.144 Duties.

(A) The Commission shall:

(1) Investigate, study, and survey blighted areas within the corporate boundaries of the town;

(2) Investigate, study, determine, and, to the extent possible, combat the causes of blighted areas;

(3) Promote the use of land in the manner that best serves the interests of the town and its residents;

(4) Cooperate with the departments and agencies of the town, and of other governmental entities, in the manner that best serves the purposes of IC 36-7-14, et. seq.;

(5) Make findings and reports on their activities hereunder, and keep those reports open to inspection by the public at the offices of the department;

(6) Select and acquire the blighted areas to be redeveloped under IC 36-7-14 et. seq.; and

(7) Re-plan and dispose of the blighted areas in the manner that best serves the social and economic interests of the

town, and its residents.
(Ord. 738, passed 12-15-98)

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§ 34.145 POWERS.

(A) The Commission may:

(1) Acquire by purchase, exchange, gift, grant, lease or, condemnation, or any combination of methods, any personal property or interest in real property needed for the redevelopment of blighted areas located within the municipal corporate boundaries of the Town;

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of blighted areas on the terms and conditions that the Commission considers best for the town, and its residents;

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the town, or to any other governmental agency, for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on;

(4) Clear real property acquired for redevelopment purposes;

(5) Repair and maintain structures acquired for redevelopment purposes;

(6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes;

(7) Survey or examine any land to determine whether it should be included within a blighted area to be acquired for redevelopment purposes and to determine the value of that land;

(8) Appear before any other department or agency of the Town of Cedar Lake, or before any other governmental agency, in respect to any matter affecting:

(a) Real property acquired or being acquired for redevelopment purposes; or

(b) Any blighted area within the jurisdiction of the Commission.

(9) Institute or defend in the name of the town any civil action;

(10) Use any legal, or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform

the duties of the Commission;

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(11) Exercise the power of eminent domain in the name of and within the municipal corporate boundaries of the town in the manner prescribed by IC 36-7-14-20, and related statutory provisions, as amended from time to time;

(12) Appoint an Executive Director, Appraisers, Real Estate Experts, Engineers, Architects, Surveyors, and Attorneys;

(13) Appoint clerks, guards, laborers, and other employees the Commission considers advisable, except that those appointments must be made in accordance with the merit system of the town if such a system exists;

(14) Prescribe the duties and regulate the compensation of employees of the Department of Redevelopment;

(15) Provide a pension and retirement system for employees of the Department of Redevelopment by using the Indiana Public Employees' Retirement Fund, or a retirement plan approved by the United States Department of Housing and Urban Development;

(16) Discharge and appoint successors to employees of the Department of Redevelopment, subject to subsection (13) herein;

(17) Rent offices for use of the Department of Redevelopment, or accept the use of offices furnished by the town;

(18) Equip the offices of the Department of Redevelopment with the necessary furniture, furnishings, equipment, records, and supplies;

(19) Expend, on behalf of the Special Taxing District, all or any part of the money of the Special Taxing District;

(20) Contract for the construction of:

(a) Local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of blighted areas or economic development within the municipal corporate boundaries of the Town of Cedar lake; or

(b) Any structure that enhances development or economic development;

(21) Contract for the construction, extension, or improvement of pedestrian skyways;

(22) Accept loans, grants, and other forms of financial assistance from the Federal Government, the State Government, a Municipal Corporation, a Special Taxing District, a Foundation, or

any other source;

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(23) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units within the District; however, financial assistance may be provided only to individuals and families whose income is at or below the Town of Cedar Lake's median income for individuals and families, respectively;

(24) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(a) Provide financial assistance for the purposes described in subsection 23 herein; or

(b) Construct, rehabilitate, or repair commercial property within the district; and

(25) Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(a) For a period to be determined by the Redevelopment Commission, which may not be less than Five years;

(b) To families whose income does not exceed 80% of the town's median income for families; and

(c) At an affordable rate.

(B) Conditions imposed by the Commission under subsection (25) herein remain in force throughout the period determined under subsection (25)(a), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(C) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(D) All powers that may be exercised under IC 36-7-14, by the Commission may also be exercised by the Commission carrying out its duties and purposes under IC 36-7-44.5.
(Ord. 738, passed 12-15-98)

§ 34.146 DUTIES UNDER STATE LAW.

All powers that may be exercised by the Commission under the provisions of IC 36-7-14 et. seq., may also be exercised by the

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Commission in carrying out its duties and purposes under IC 36-7-14.5, et. seq., as amended from time to time.

(Ord. 738, passed 12-15-98)

§ 34.147 EXECUTIVE REPORT.

(A) Within 30 days after the close of each calendar year, the Commission shall file with the Town's executive a report setting out their activities during the preceding calendar year.

(B) The report of the Commission must show the names of the then qualified and acting members, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the Commission, and the results obtained.

(C) The report of the Commission must show all the information required by division (B) of this section, plus the names of any Commissioners appointed to or removed from the office during the preceding calendar year.

(Ord. 738, passed 12-15-98)

YOUTH COUNCIL

§ 34.150 ESTABLISHMENT.

(A) A Youth Council is hereby established by the Town Council. The Youth Council shall report its monthly activities to the Town Council at its first regular monthly meeting. The Town Council shall appoint one Town Council member to serve as a liaison and advisor to the Youth Council.

(B) The Youth Council shall prepare and adopt their own constitution and bylaws and present them for review and acceptance to the Town Council no later than six months after the adoption of this section. The constitution and bylaws shall be on file at the Clerk-Treasurer's office.

(Ord. 858, passed 3-25-03)

DEPARTMENT OF WATERWORKS

§ 34.160 ESTABLISHMENT.

(A) General. The town will own and operate a waterworks, and the Council hereby adopts the provisions of IC 8-1.5-4 with passage and adoption of this section.

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(B) Board of Directors. The Town Council, pursuant to IC 8-1.5-4-2 establishes a Department of Waterworks to be known the Town of Cedar Lake Department of Waterworks (the Department). The Department shall be governed by a body to be known as the Board of Directors of the Town of Cedar Lake Department of Waterworks (the Board). The Board shall consist of three directors (the Directors) who shall be appointed by the President of the Town Council. Not more than two Directors may be of the same political party. The term of the first Director shall end of December 31, 200_; the term of the second Director shall end on December 31, 200_; and the term of the third Director shall end on December 31, 200_. Thereafter all terms will be for a period of four years. The Directors shall be compensated for their services as set forth annually in the salary ordinance of the town. In the event that a vacancy occurs on the Board, that vacancy shall be filled by a majority of the Council within 60 days from the date the vacancy occurred. Each Director shall give a bond, which shall be fixed by the Clerk-Treasurer in a form subject to approval of the Clerk-Treasurer in conformance with the rules and regulations of the State Board of Accounts. The majority of the Council may remove a Director at any time when, in the judgment of the Council, it is for the best interests of the Department.

(C) Waterworks District. The Department has jurisdiction over a special taxing district to be known as the Town of Cedar Lake Department of Waterworks Special Taxing District (the District), which consists of all territory within the municipal corporate boundaries, or territory served or to be served by the town's waterworks.

(D) Powers and duties. The Board created herein shall have all of the powers and duties prescribed by IC 8-1.5-4-4, as such exists on the date of passage and adoption of this section, and as amended hereafter.

(E) Compliance. The Department and Board shall comply with all provisions of IC 8-1-5-4, as existing, or as may be hereafter amended.

(F) Revenue bonds. The Board shall take no actions which shall impair or impede the rights of holders or revenue bonds as long as the same are outstanding. The town shall retain all its authority and right to issue waterworks revenue bonds in accordance with IC 8-1.5, notwithstanding the adoption of this section or the establishment of the Department and Board.
(Ord. 1010, passed 7-10-07)

CHAPTER 35: FIRE PREVENTION

Section

Volunteer Fire Department

- 35.01 Fire department service charge established
- 35.02 Itemization; limit on charge

VOLUNTEER FIRE DEPARTMENT

§ 35.01 FIRE DEPARTMENT SERVICE CHARGE ESTABLISHED.

For the use of the fire and fire-related emergency services rendered and provided by the Cedar Lake Volunteer Fire Department (hereafter "Fire Department"), a fire department service charge may be collected from property owners and/or residents of the town who have insurance policy coverage for such services, subject to the limitations stated hereafter. The fire department service charge shall only be permitted to be collected by the Fire Department from property owners and/or residents of the town who have been provided fire or fire-related services by the Fire Department and who have insurance policy coverage which will pay or reimburse for such fire department service charge. In the event that a property owner or resident of the town has been rendered fire or fire-related emergency services by the Fire Department but does not have insurance policy coverage for such services, then no fire department service charge shall be charged or collected by the Fire Department. (Ord. 686, passed 6-25-96)

§ 35.02 ITEMIZATION; LIMIT ON CHARGE.

In the event that the Fire Department renders fire or fire-related emergency services to a property owner or resident of the town who has insurance policy coverage for such services, the Fire Department shall be required to itemize its costs and expenses to the insured property owner and/or resident, and shall only be permitted to charge and collect a fire department service charge up to the amount of insurance policy limits for such services and no greater amount. The Fire Department shall be required to provide a copy of the itemized fire department service charge and fire report to the Town Clerk-Treasurer at the same time as submission of the itemized fire department service charge to the insured property owner and/or resident of the town, and shall further be required to report to the town its receipt of the fire department service charge when received. (Ord. 686, passed 6-25-96)

