

TITLE III: ADMINISTRATION

Chapter

- 30. GENERAL PROVISIONS**
- 31. CITY GOVERNMENT**
- 32. ORGANIZATIONS**
- 33. CITY POLICIES**
- 34. FINANCE AND REVENUE**

CHAPTER 30: GENERAL PROVISIONS

Section

- 30.01 Retention of police officers' service revolvers
- 30.02 Supervision of police force by Mayor
- 30.03 Firefighter's certificates for tax exemptions
- 30.04 Prescribing the method of designating ordinances
- 30.05 Trial and removal of officers
- 30.06 Custody of City Hall
- 30.07 Enforcement of judgments
- 30.08 Witness subpoenas

§ 30.01 RETENTION OF POLICE OFFICERS' SERVICE REVOLVERS.

Any police officer who retires from the city police force after 20 years of service shall be allowed to retain his or her service revolver as a token of the city's appreciation for said officer's faithful service. (Ord. 650, passed 7-11-1988)

§ 30.02 SUPERVISION OF POLICE FORCE BY MAYOR.

(A) The control, supervision, and direction of the police force of said city and of each member thereof, shall be in the hands of the Mayor of said city.

(B) The police force of said city shall consist of the Marshal, so far as it relates to his or her police duties, the night police officers, and any deputies or additional police officers that may hereafter be appointed.

(C) The above mentioned members of the police force shall follow the directions and obey the order of the Mayor in reference to their respective police duties, report to him or her from time to time as to matters pertaining to their police duties, and carry out his or her instructions in reference to their performance.

(D) The City Council reserves the right of appointment and discharge of the police force who hold position by appointment. (Ord. passed 9-12-1902)

§ 30.03 FIREFIGHTER'S CERTIFICATES FOR TAX EXEMPTIONS.

(A) (1) All firefighter's certificates for tax exemption shall be paid by the City Clerk-Treasurer upon orders issued by the City Clerk-Treasurer and countersigned by the Mayor as other monies are paid out.

(2) The Secretary of the Volunteer Fire Company shall, at proper times, submit to the City Council a certified list of those who are entitled to such exemption, which shall be allowed by the City Council and ordered paid.

(B) The City Clerk-Treasurer, before placing money in New York or elsewhere for the payment of matured bonds or interest coupons, shall first secure from the Clerk-Treasurer an order therefor which the Mayor shall countersign both without further action by the Council; and when the redeemed bonds are received by him or her, the City Clerk-Treasurer shall deliver them to the Clerk-Treasurer with his or her first monthly report.

(C) (1) All persons, before collecting money on matured city bonds or coupons, shall first procure an order for the same from the Clerk-Treasurer, to be issued by the Clerk-Treasurer and countersigned by the Mayor, without further action of the Council, and if for street improvement bonds or coupons, he or she shall first procure from the City Clerk-Treasurer a statement that the money for such payment is in the Treasury for that purpose, upon which the Clerk-Treasurer shall issue an order for the payment of the same, to which order the Clerk-Treasurer shall attach such bonds or coupons, upon surrender of all of which payment shall be made by the Clerk-Treasurer.

(2) The Clerk-Treasurer shall write upon all such orders the number and character of such bonds and coupons in payment of which they are written.

(D) The City Clerk-Treasurer shall write or stamp upon the face of all orders, bonds, or coupons paid by him or her a statement of the fact of payment with the date, and his or her name shall be signed thereto by writing or stamping the same.

(Ord. passed 3-24-1899)

§ 30.04 PRESCRIBING THE METHOD OF DESIGNATING ORDINANCES.

(A) All ordinances of said city hereafter passed shall be designated by proper title and date of passage and the numbering of such ordinances shall be omitted.

(B) All ordinances of said city hereafter printed in any ordinance book published by order of this Council shall be designated as provided by division (A) above and the numbers of such ordinance omitted.

(Ord. passed 12-27-1898)

§ 30.05 TRIAL AND REMOVAL OF OFFICERS.

(A) Any member of the City Council, or any officer of the city, aforesaid, whether elected or appointed, may be removed from office by a two-thirds vote of the City Council for any of the following causes:

(1) For taking a bribe, for failing to account for, or misappropriating any money coming into his or her hands by virtue of his or her office;

(2) For twice appearing in public in a state of intoxication;

(3) For grossly immoral conduct;

(4) For habitual neglect of duty; or

(5) For failing, when a member of any board or commission, to act or cooperate with such board or commission.

(B) Charges may be preferred by any member of the City Council, the City Attorney, or the City Clerk-Treasurer. Such charges shall be in writing, signed by the person preferring the same, and shall be filed with the City Clerk-Treasurer, who shall lay the same before the Council at its next regular meeting.

(C) Such charges shall be referred to a committee of three members of the Council, appointed by the Council, who shall investigate the same, and at the next regular meeting of the Council, report in writing thereon, stating if, in its opinion, there be good grounds for the accusations contained therein.

(D) If said committee reports that said charges are well founded or that good grounds exist therefor, said charges shall be referred to the City Attorney, who shall draw up the same in due form, and submit the same to the Council at its next regular meeting. But if said committee reports that sufficient grounds do not exist for said charges, then no further steps shall be taken, unless the Council refuses to accept said report and order said charges referred to the City Attorney to be prepared in due form for re-submission to the Council as aforesaid.

(E) When the formal charges, as drafted by the City Attorney, are presented to the Council, they shall be marked filed by the Clerk-Treasurer, and the Mayor shall issue summons to the City Marshal requiring the accused to appear before said Council at a time and place mentioned in said summons, to answer said charges; not more than ten, nor less than five days from date of service of summons, which summons said Marshal shall serve on the accused in the same manner as summons is served in civil cases.

(F) At the time set for trial, the Council, if not in regular session, shall be called together in special session, and act as a trial court in the trial of the accused. Evidence shall be taken, and the attendance of witnesses enforced by subpoena or attachment, and all proceedings should be the same as in actions or suits at law, so far as applicable. The accused shall be required to answer such charges, and shall have the right to call witnesses, introduce evidence, and be heard in person or by counsel.

(G) At the close of the evidence and argument, a vote viva voce shall be taken on each separate charge, and if two-thirds of the whole number of Council members elected shall vote that the accused is guilty of any one of the charges, he or she shall be deemed removed from office and sentence of removal shall be at once pronounced by the presiding officer of the Council.

(H) When a charge is preferred against a member of the Council, he or she shall have no vote in any of the proceedings instituted against him or her. If the Mayor shall be the person accused, the Council shall appoint the President Pro Tem to preside over its proceedings until such charge is determined, but such charge shall not prevent the Mayor from performing all other duties, pertaining to his or her office, except to preside over the Council during his or her trial.

(I) During such trial, the Council may adjourn from day to day, or from one day over to another until the same is completed.

(Ord. passed 12-9-1898)

§ 30.06 CUSTODY OF CITY HALL.

The City Marshal shall be custodian of the City Building. It shall be his or her duty to report to the City Council any needed repairs, to keep it clean and to heat it, to purchase coal for the fires, to open the Hall at 10:00 a.m. each day that the Mayor may hold daily court as required by statute and for meetings of the City Council. He or she shall also open it at such other times as the Mayor may hold court, if he or she be required to serve the papers and act as ministerial officer. He or she may also open the Hall for the use of Justices of the Peace for the trial of causes where the papers are served by the Marshal at such times, as it is not in use by the Mayor, the City Council or for other legitimate purpose; provided, however, that no Justice of the Peace may occupy it as permanent office. The Mayor shall hold keys to all parts of the City Building, except the Jail and be entitled to free access at any time.

(Ord. passed 2-26-1897)

§ 30.07 ENFORCEMENT OF JUDGMENTS.

(A) In any prosecution before the Mayor of said city for the violation of any ordinance of said city, wherein any fine and cost shall be adjudged against any person, it shall be a part of the judgment of said court that such person shall stand committed until such fine and costs are paid or replevied.

(B) Whenever any person shall be convicted of violating any ordinance of said city and shall fail or refuse to pay or replevy the fine and cost that shall be adjudged against him or her, such person may be committed for any period not exceeding 30 days to the City Prison, and if there be no such Prison to the County Prison or the custody of the Marshal, and such person, unless a female, may be adjudged and required to pay the same by manual labor on the streets or other public works of said city under the control of the Street Commissioner or Marshal of said city; for such labor, such person shall be allowed on such judgment and cost \$0.75 per day; it shall be the duty of such Street Commissioner or Marshal to work persons not less than six, nor more than ten hours per day according to the season, and each evening to return him or her to the custody of the proper person as hereinbefore provided and upon full payment as aforesaid of such judgment and cost such defendant shall be fully discharged; and such Street Commissioner or Marshals is hereby authorized and required to perform all the duties herein prescribed and to use all proper means thereto.

(Ord. passed 5-8-1876)

§ 30.08 WITNESS SUBPOENAS.

The City Attorney, whenever he or she shall receive information of the violation of any ordinance of said city or the commission of any misdemeanor within the bounds of said city, shall cause process to be issued by the Mayor of said city to the Marshal thereof, or other proper officer, directing him or her to subpoena the persons therein named, likely to be acquainted with such violation or misdemeanor, and shall examine any such person so subpoenaed before such Mayor touching such offense, and if the facts thus elicited are sufficient to establish a reasonable presumption of guilt against the party charged, the Mayor shall cause so much of said testimony as amounts to a charge of such violation or misdemeanor to be reduced to writings and subscribed and sworn to by such witness, whereupon said Mayor shall issue process for the apprehension of the accused as in other cases.

(Ord. passed 9-7-1876)

CHAPTER 31: CITY GOVERNMENT

Section

General Provisions

- 31.01 Councilmanic Districts
- 31.02 Rules and regulations of the city government

City Council

- 31.15 Five-member City Council
- 31.16 At-large candidates

Officers and Employees

- 31.30 Office of City Judge
- 31.31 City Clerk-Treasurer
- 31.32 Public Health Officer/City Marshal

- 31.99 Penalty

GENERAL PROVISIONS

§ 31.01 COUNCILMANIC DISTRICTS.

The four Councilmanic voting districts within the city modified, effective January 1, 2012, shall reflect the tract and block descriptions attached herein as Exhibits 1, 2, 3, and 4 as well as the “City of North Vernon Redistricting Map”, attached to the ordinance codified herein as Exhibit 5. (Ord. 925, passed 12-10-2012)

§ 31.02 RULES AND REGULATIONS OF THE CITY GOVERNMENT.

The following rules shall govern the conduct and procedure of the City Council.

(A) *Rule One.* From and after November 24, 2014, the City Council shall conduct its regular meetings on the second and fourth Mondays of each month at 6:00 p.m. at the Carnegie Government Center located at 143 East Walnut Street, North Vernon, Indiana, 47265.

(B) *Rule Two.*

(1) Special meetings of the City Council may be held upon call made by the Mayor or presiding officer, or by any three members of the City Council. In every case of a call for a special meeting, it shall be the duty of the person authorizing the same to duly notify the City Clerk-Treasurer thereof, and it shall be the duty of that officer to cause notice of such meeting to be immediately served upon each member, either in person or by notice left at his or her place of residence.

(2) At special meetings of the City Council, only such ordinances or resolutions shall be considered or acted upon, or such communications received, as are specifically stated in the call for said special meeting.

(C) *Rule Three.*

(1) The Mayor of the city shall preside at all meetings of the City Council; and while so presiding, he or she shall have a casting vote in the case of a tie, but not otherwise.

(2) In the Mayor's absence, for any cause, the City Council shall choose a presiding officer Pro Tem from its members.

(3) It shall be the duty of the presiding officer to sign all ordinances, orders, or resolutions passed by the Council before they are presented to the Mayor.

(4) The presiding officer shall preserve order and decorum at all Council meetings.

(D) *Rule Four.* The City Clerk-Treasurer shall be the Clerk-Treasurer of the City Council. It shall be his or her duty, as such Clerk-Treasurer of the City Council, to keep the files and papers thereof, to make and keep an accurate minute and journal of the proceedings, and to enter the ayes and nays on the passage of every ordinance and resolution.

(E) *Rule Five.*

(1) *Robert's Rules of Order* shall be authority on all questions of parliamentary law and procedure not specifically covered by these rules.

(2) A quorum shall consist of a majority of all members elected, but no ordinance, order, or resolution shall be passed which shall not receive the votes of the majority of all members constituting the City Council.

(3) No one not a member shall be permitted to address the City Council except by permission of the presiding officer or by a majority vote of the Council; provided, however, that any officer of the city or his or her authorized deputy may, when called upon by the presiding officer, make a report or give desired information.

(4) The presiding officer shall decide whether any question is carried by an affirmative or negative vote; but if he or she be in doubt, and the ayes and nays or a division be called for, the Council shall decide.

(5) The presiding officer may appoint citizen's committees for any special purpose, either on his or her own motion, or on motion of the majority of the Council.

(6) All reports from committees so appointed shall be in writing and signed by a majority of the members thereof.

(F) *Rule Six.*

(1) All ordinances shall be read two times before they may be put to a vote upon passage, unless these rules shall be suspended, but no ordinance shall be put upon its passage without having been read in its entirety at least once by the Clerk-Treasurer, nor shall any ordinance be passed upon the same day as it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all the members elect of the City Council.

(2) All ordinances shall be read in full when introduced and may thereafter be referred to a committee by the presiding officer, or held over until a future meeting, unless the City Council shall vote to take up consideration of such ordinance by suspending the rules, or otherwise dispose of said ordinance.

(3) All votes upon the passage of ordinances, resolutions, and upon motions to suspend the rules shall be by ayes and nays, unless a roll call vote be requested.

(4) All resolutions presented for any action by the Council shall be read by the Clerk-Treasurer and immediately thereafter acted upon by the Council.

(G) *Rule Seven.* These rules may be amended or annulled by a majority vote of the members of the City Council. All proposed amendments to the rules shall be referred to a Committee appointed by the presiding officer and said committee shall have the right to report at any time, and may, at any time, report any changes in the rules.

(Ord. 457, passed 1-28-1975; Ord. 758, passed 9-9-1996)

*CITY COUNCIL***§ 31.15 FIVE-MEMBER CITY COUNCIL.**

The city shall be governed by the provisions of I.C. 36-4-6-5 with regard to the retention of a five-member legislative body rather than by the provisions of I.C. 36-4-6-4.
(Ord. 576, passed 8-23-1982)

§ 31.16 AT-LARGE CANDIDATES.

The status quo shall be maintained and henceforth, the election process shall permit each voter of the city to vote for one candidate at-large and one candidate from each of its four Council districts.
(Ord. 680, passed 7-8-1991)

*OFFICERS AND EMPLOYEES***§ 31.30 OFFICE OF CITY JUDGE.**

(A) There is hereby created the office of City Judge.

(B) The office of City Judge hereby created shall first be filled by a person elected to that office at the election of city officials to be held in November 1975, in accordance with the provisions of law now or hereafter in effect, for the term provided by law, and said Judge shall exercise the powers and duties of such office as provided by law.
(Ord. 459, passed 2-25-1975)

§ 31.31 CITY CLERK-TREASURER.

It shall be the duty of the Clerk-Treasurer of the city to keep and maintain his or her office in the City Hall (building) and not elsewhere. The books and records of said city shall be kept at all times in said City Building; such quarters as may be provided by the City Council.
(Ord. 65, passed 10-13-1933)

§ 31.32 PUBLIC HEALTH OFFICER/CITY MARSHAL.

(A) It shall be unlawful, and it shall be a nuisance for any person, persons, company, or corporation to erect, construct, cause, permit, keep, or maintain within the limits of the said city anything whatsoever

which is injurious to health or indecent or offensive to the senses or an obstruction to the free use of property, and any person or persons maintaining any nuisance as above set forth is declared to be the author or maintainer of a nuisance.

(B) It shall be unlawful for any person or persons, company, or corporation to throw or deposit, or suffer to be thrown or deposited, or suffer or permit any child, servant, member of the family, or any other person under his, her, or its control, to throw or deposit any manure, rubbish, slops, putrid/unsound animal or vegetable matter, or any filthy, noisome, or unwholesome liquid or slops or any liquid or slops or substances that are liable to become unwholesome in or into or upon any street, lane, alley, sidewalk gutter, crossing lot, cellar, premises, or commons; and it shall also be unlawful for any rank weeds to be allowed to grow on any ground within the corporation of said city. And it shall be unlawful and it shall be a nuisance for any overflowing vault or non-fly-proof privy to exist.

(C) (1) All kitchens shall be provided with garbage receptacles, and said receptacles shall be made of galvanized iron, shall be tightly covered and emptied frequently to prevent fermentation and bad odors; and garbage receptacles and vaults shall be emptied, cleaned, and disinfected and weeds shall be cut and hauled away at any time upon the written order of the Health Officer; said officer to fix a reasonable time limit of not less than five days in his or her order when said garbage receptacles or vaults shall be emptied, cleaned, and disinfected and when weeds shall be cut and hauled away; and if any owner or lessee being duly ordered, as herein provided, shall fail or refuse to obey said order it shall be the duty of the City Marshal upon written notice from the Health Officer to cause the garbage receptacles or vaults to be cleaned, emptied, and disinfected, or the weeds to be cut and hauled away, and said Marshal shall keep an accurate account of the expense thereof which shall be paid from the City Treasury on the sworn voucher of the Marshal, and said expenses shall be a lien on the property and collected by law and turned into the City Treasury.

(2) It shall be unlawful to fill up old privy vaults and sinks without first emptying the same.

(D) The Secretary of the City Board of Health, who is also City Health Officer and the city police, shall have full power and authority to enter into or upon any street, lot, alley, lane, premises, or ground, for the purpose of making a sanitary survey of the same, and if a nuisance or any unsanitary conditions are found, it shall be the duty of the City Health Officer, when informed of the existence of the same, to immediately notify the person or persons so offending, in writing, fixing a time limit to abate the nuisance within the time specified, it shall be the duty of the City Marshal, upon notice of the Health Officer, to cause the same to be abated, keeping an accurate account of the expenses thereof, which shall be paid from the City Treasury upon the sworn vouchee of the City Marshal, and said expense shall be a lien on the property, and collected as taxes are collected and turned into the City Treasury.

(E) The City Health Officer and city police shall be diligent in enforcing this section and in doing what is reasonable and necessary for the protection and preservation of the public health. They shall inform themselves of the state health laws and the rules of the State Board of Health and be active in enforcing the same. The vital statistics shall be carefully collected duly recorded and reported to the State Board of Health by the City Health Officer; and he or she shall make monthly report to the Mayor and City Council of all health work done with such recommendations as may seem proper to him or her.

(F) If at any time the work of prevention of the spread of infectious or contagious diseases is more than can be reasonably expected of the City Health Officer, he or she may, with the consent of the Mayor, employ out or more intelligent people to act as assistants to establish quarantine and conduct disinfections. All houses wherein infectious and contagious diseases may exist or have existed, shall at the proper time, be thoroughly disinfected with formaldehyde by the Health Officer or his or her deputy at the expense of the city. A complete record of all disinfections all vaccinations; and all other health work done shall be kept by the City Health Officer in the minute book of the City Board of Health.

(G) It shall be unlawful for any person or persons, company or corporation to keep or offer for sale any toy pistols for the explosion of percussion, caps, or any instrument for the use of explosives, torpedo canes, or explosives of any kind; or any cannon crackers, fire crackers, or fireworks of any kind, without the written consent of the City Health Officer and Mayor setting forth specifically the explosives, instruments for explosives and fireworks to be kept or offered for sale.

(Ord. passed 1-27-1911) Penalty, see § 31.99

§ 31.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person or persons violating any of the provisions of § 31.32, upon conviction thereof, shall be fined for each offense in any sum not less than \$25 and not more than \$50.

(Ord. passed 1-27-1911)

CHAPTER 32: ORGANIZATIONS

Section

- 32.01 Redevelopment Authority
- 32.02 Board of Aviation Commissioners
- 32.03 Ordinance Violations Bureau
- 32.04 Department of Parks and Recreation
- 32.05 Utility Service Board
- 32.06 Wastewater Board
- 32.07 Water Board
- 32.08 Police Reserve Department
- 32.09 Economic Development Commission
- 32.10 Area Planning Department
- 32.11 Volunteer Fire Department
- 32.12 Standing committees of the Council
- 32.13 Board of School Trustees

§ 32.01 REDEVELOPMENT AUTHORITY.

(A) The City Council, now deems it to be in the best interest of the city and its citizens to afford a maximum opportunity for rehabilitation, redevelopment, or economic development of areas within the city by establishing a redevelopment authority.

(B) The Council hereby establishes the “North Vernon Redevelopment Authority”.
(Ord. 930, passed 5-29-2013)

§ 32.02 BOARD OF AVIATION COMMISSIONERS.

The Board of Aviation Commissioners shall now consist of five members, each to serve staggered four-year terms; that three such members shall be Mayoral appointments and two by Council appointment; and that neither political party shall enjoy a majority of greater than three or two thereon.
(Ord. 884, passed 5-12-2008)

§ 32.03 ORDINANCE VIOLATIONS BUREAU.

(A) *Bureau established.* The city hereby establishes a Municipal Ordinance Violations Bureau as authorized under the laws of the state pursuant to I.C. 33-36-3-1.

(B) *Bureau Clerk.* The city hereby establishes the position of Ordinance Violations Bureau Clerk to serve as administrator of the Bureau, as authorized under the laws of the state pursuant to I.C. 33-36-2-2. The Clerk-Treasurer is hereby appointed as the Ordinance Violations Bureau Clerk for the city.

(C) *Bureau Clerk duties.* The city hereby establishes the duties of the Ordinance Violations Bureau Clerk, as authorized under the laws of the state pursuant to I.C. 33-36-2-3. The Bureau Clerk may accept: written appearances; waivers of trial; admission of violations; and payment of civil penalties up to a specific dollar amount set fourth in an ordinance adopted by the legislative body, but not more than \$250, in ordinance violation cases, subject to the schedule prescribed under I.C. 33-36-3 by the legislative body.

(D) *Schedule of violations and fines; designation.* The city shall designate, by ordinance or code, a schedule of ordinance and code provisions of the city that are subject to admission of violation before the Violations Clerk and the amount of civil penalty to be assessed to a violator who elects to admit a violation under this I.C. 33-36-3. Civil penalties shall be paid to, receipted by, and accounted for by the clerk under procedures provided for by the State Board of Accounts. Payment of civil penalties under this section may be made in person, by mail, or to an agent or agents designated by the City Council.

(E) *Procedures.*

(1) *Right to trial.* A person charged with an ordinance or code violation is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the Violations Clerk. Upon an admission, the Clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established under section I.C. 33-36-3-1.

(2) *Exercising the right to trial.* If a person charged with a violation wants to exercise the right to trial, the person shall appear before the Violations Clerk and deny the violation or enter a written denial with the clerk.

(3) *Failure to appear or satisfy penalty; report; prosecution.* If a person denies an ordinance or code violation, or fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to deny or admit the violation under this section, the Clerk shall report this fact to the official having the responsibility to prosecute ordinance violations cases for the city. Proceedings in court against the person shall then be initiated for the alleged ordinance violation.

(4) *Fees.* An ordinance violation admitted to under I.C. 33-36-3 does not constitute a judgment for the purposes of I.C. 33-37. An ordinance violation costs fee may not be collected from the defendant under I.C. 33-37-4. An ordinance violation processed under this chapter may not be considered for the

purposes of I.C. 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.

(5) *Disposition and accounting.* All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for and paid to the municipal corporation as provided by law. Proceeds shall be placed into the General Fund of the city, unless otherwise designated within the specific ordinance subject to this section.

(Ord. 871, passed 8-27-2007)

§ 32.04 DEPARTMENT OF PARKS AND RECREATION.

(A) A Recreation Board for the city is hereby authorized and created pursuant to I.C. 36-10-5-1 et seq.

(B) A Recreation Board for the control and management of the public parks of the city is hereby authorized and created pursuant to I.C. 36-10-5-1 et seq.

(C) Said Recreation Board shall consist of five members, all of whom must be resident freeholders of the city. The City Council shall appoint the members of the Board. The members shall be appointed on the basis of their interest in and acknowledge of the social and educational value of recreation. The City Council shall appoint one member per legislative district to the Recreation Board.

(D) No members may serve on the municipal legislative body.

(E) Initial appointments to the Board are as follows:

- (1) One member for a term of one year;
- (2) One member for a term of two years;
- (3) One member for a term of three years; and
- (4) Two members for terms of four years.

(F) As a term expires, each new appointment is for a term of four years. All terms expire on January 1, but a member continues in office until his or her successor is appointed.

(G) If a vacancy occurs on the Board, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

(H) The members of said Board shall not receive any compensation for their services rendered in performing their duties on said Board. There exists no limitation on the number of terms a member may serve on the Recreation Board.

(I) All members of said Board serve at the sole discretion of the City Council and may be removed from their respective positions on the Board at any time at the discretion of the City Council. (Ord. 833, passed 2-9-2004; Ord. 579, passed 9-27-2004)

§ 32.05 UTILITY SERVICE BOARD.

(A) *Definitions.* For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

BOARD. The North Vernon Utility Service Board.

CITY. The City of North Vernon, Indiana.

CITY COUNCIL. The City Council of the City of North Vernon, Indiana.

UTILITY AND UTILITIES. The North Vernon Municipal Utilities including all water, wastewater, and stormwater facilities.

(B) *Creation of the Utility Service Board.* There is hereby created the City Utility Service Board, in accordance with I.C. 8-1.5-3-3 and related sections now or hereafter in force, and all operations of the city municipal utilities are hereby transferred to the control of said Board as of May 1, 2000.

(C) *Membership of Board.*

(1) *Members.* The Board shall consist of five members who are customers of utilities and residents of the city, and are to be appointed as follows:

(a) Three members to be appointed by the Mayor of the city; and

(b) Two members to be appointed by the City Council; provided however, that no more than three members may be of the same political party.

(2) *Term.* The terms of the members may not exceed four years and the initial terms shall be staggered as follows.

(a) Two members, one appointed by the Mayor, and one appointed by the City Council, shall be appointed for four-year terms ending December 31, 2004.

(b) One member shall be appointed by the City Council, for a three-year term ending December 31, 2003.

(c) One member shall be appointed by the Mayor, for a two-year term ending December 31, 2002.

(d) One member shall be appointed by the Mayor, for a one-year term ending December 31, 2001.

(3) *Meetings.* The Board shall meet a minimum of one time per month, with said meetings to be scheduled so as not conflict with the dates and times of the City Council meetings. The Board may call additional meetings to conduct its business as it sees fit.

(4) *Vacancies.* Vacancies on the Board are to be filled by appointment within 30 days of the occurrence by the entity that appointed the member creating the vacancy.

(5) *Chairman and Secretary.* The Board shall select from its members a Chairperson who shall not be considered the head of a department for purposes of I.C. 36-4-9-2. The Board shall appoint a Secretary who shall be responsible to take minutes of all of the meetings of the Board and fulfill all other duties and responsibilities as assigned by the Board. The Secretary need not be a member of the Board and serves at the pleasure of the Board.

(6) *Compensation.* Each member shall be entitled to receive such salary and reasonable expenses as the City Council may determine; provided, however that no member shall receive a greater compensation than the highest paid official of the city. The current compensation payable shall be the sum of \$65 per member per meeting contingent upon meeting attendance.

(7) *Removal.* Members serve at the discretion of the appointing authority and may be removed at any time for any reason deemed sufficient by or at the discretion of the appointing authority. Board members appointed by the City Council may be removed by a majority vote taken at a public meeting of the City Council. Board members appointed by the Mayor may be removed by written notice given to them by the Mayor.

(D) *Powers.* The Board has general management and supervisory responsibility for the city municipal utilities, with responsibility for the detailed supervision of each utility to be vested in its Utility Manager, who is responsible to the Board for the day to day business and technical operation of the utility.

(1) The Board shall establish and implement personnel policies and practices including the hiring, termination, and management of utility personnel and Utility Board members including:

(a) Fixing the number and compensation of employees;

(b) Adopting rules governing the appointment of employees including making proper classifications and rules to:

1. Determine the eligibility of applicants;

2. Determine the competitive examination of relative fitness of applicants for positions;
3. Establish eligible lists according to the ratings secured;
4. Provide for the appointment of those having the highest ratings; and
5. Provide for the promotion of employees.

(c) Appointing a Utility Manager for the city municipal utilities, who is responsible to the Board for the business of and technical operation of the utility. The Board shall make the appointment on the basis of fitness to manage the particular utility to which he or she or she is assigned, taking into account his or her executive ability and his or her knowledge of the utility industry;

(d) Hiring and/or retaining attorneys when required for the operation of the utility;

(e) Hiring professional or expert personnel when required for the operation of the utility;

(f) Establishing and implementing budgets for the operation, maintenance, management, expansion, upgrade, and the like of the utilities and submitting a budget by October 31 of each year of its financial needs for the next year in the detail required by the City Council; which budget is subject to approval by the City Council. Any expenditures in excess of the approved budget must be approved by the City Council;

(g) Recommending to the City Council reasonable and just rates and charges for services to the parents of the utilities on at least a biannual basis;

(h) Appropriating, leasing, renting, purchasing, and holding all real and personal property of the utility;

(i) Entering upon lands for the purpose of surveying or examining the land to determine the location of any plant or appurtenances;

(j) Awarding contracts for:

1. The purchase of capital equipment;
2. The construction of capital improvements; or

3. Other property or purposes that are necessary for the full and efficient construction, management, operation, and maintenance of each utility.

(k) Adopting rules for the safe, economical, and efficient management, operation, maintenance, and protection of each utility;

(l) Depositing at least weekly with the Clerk-Treasurer all money collected from each utility to be kept in a separate fund subject to the order of the Board;

(m) Making monthly reports to the Clerk-Treasurer of the receipts and disbursements on money belonging to each utility and an annual report of the condition of the utility;

(n) Adopting and implementing rules and regulations governing the construction, operation, maintenance, and services for water, wastewater, and stormwater utilities;

(o) Establishing and implementing rules and procedures for the conduction of Utility Board business and meetings subject to the laws of the state; and

(p) Establishing and implementing administrative policies for the effective and efficient operation, maintenance and management of the city's utilities.

(2) The Board may:

(a) Purchase by contract any commodity or service for the purpose of furnishing the commodity or service to the customers of the city municipal utilities or to the city itself;

(b) Discontinue water service by the water utility to a water consumer or any property upon failure by the water consumer or property owner to pay charges legally due for water or wastewater service, however, the water service may not be discontinued for nonpayment of charges until the charges have been due and unpaid for at least 30 days; and

(c) 1. Before water service is discontinued under division (E)(2)(b) above, the Board must give written notice to the water consumer or property owner of its intention to discontinue water service if the unpaid charges are not paid before a date specified in the notice.

2. The notice must be mailed not less than ten days before water service is to be discontinued and addressed to the water consumer or the property owner at his or her last known address.

(Ord. 802, passed 3-27-2000)

Cross-reference:

Water, see Ch. 51

§ 32.06 WASTEWATER BOARD.

(A) The official name and designation of the body which has supervisory authority over the operation and management of the city's wastewater collection and treatment facilities is the city Wastewater Board.

(B) All references in prior enactments of the city, contracts, and policies and procedures to the "Sewer Board" shall be deemed to refer to the renamed "Wastewater Board".

(C) The City Council shall continue to function as the city's Wastewater Board.

(D) This change of name shall have no effect on the legality or enforceability of prior acts undertaken by the "Sewer Board".

(Ord. 782, passed 1-21-1998)

§ 32.07 WATER BOARD.

(A) The Water Board is hereby authorized to grant variances from the current specifications concerning the installation of water meters; maintenance and repair of pipes; connections; and plumbing connected to the water mains of the water utility of the city, where good cause exists.

(B) It is the intent of the City Council that such variations be permitted only in unique or unusual circumstances, but should not be permitted as a matter of course.

(C) The Water Board is hereby directed to ensure that proper provision is made for the future maintenance, installation, and repair of any and all such water connections and/or installations which may be granted a variance.

(D) Any and all variations from the current specifications enforced by the city concerning the matters covered by this section shall be reduced to writing in the form of a written agreement and executed by all parties concerned.

(E) No individual employee or Water Board member shall have the right to vary said specifications without a full vote of the Water Board.

(F) The Water Board shall consider the best interests of the current and future residents of the city, the best interests of the property owners involved, the need for orderly and responsible development in the city, and the provision of adequate housing in the city, as well as the financial commitment and responsibility of any person or organization applying for said variances in making any decision with regard to the issuance of a written variance.

(Ord. 732, passed 7-10-1995)

§ 32.08 POLICE RESERVE DEPARTMENT.

(A) There is hereby established a Police Reserve Department for the city pursuant to the provisions of I.C. 19-1-17.5-1.

(B) The number of said Police Reserves shall be any number not in excess of 20.

(C) All members of the Police Reserve Department shall be appointed by the City Mayor.

(D) The members of the Police Reserve Department shall have all the police powers as provided for by the provisions of said I.C. 19-1-17.5-1.

(E) No member of the Police Reserve Department shall be appointed until he or she has completed the training and probationary period specified by the Board of Public Works and Safety of the city.

(F) The Board of Public Works and Safety shall prepare and approve a course of study for the Police Reserve Department and rules and regulations covering the operation and conduct of said Police Reserve Department. Said rules and regulations may, among other things, provide for rules relating to the conduct of said Police Reserves, disciplinary provisions, and all other matters affecting the operation of said Police Department.

(Ord. 666, passed 5-14-1990)

§ 32.09 ECONOMIC DEVELOPMENT COMMISSION.

(A) The “North Vernon Economic Development Commission” is hereby created to promote the financing of economic development facilities on behalf of the city.

(B) The City Economic Development Commission shall be organized pursuant to I.C. 5-28 and I.C. 36-7.6-2, and shall be composed of three members.

(C) The City Economic Development Commission shall be embodied with the powers, duties, and obligations specified in I.C. 5-28 and I.C. 36-7.6-2, and the Commissioners thereof shall conduct themselves accordingly.

(Ord. 495, passed 2-14-1978)

§ 32.10 AREA PLANNING DEPARTMENT.

(A) The city, by its City Council, does hereby adopt the provisions of Ch. 138, Acts of 1957, as amended by Chs. 29 and 308, Acts of 1959, State General Assembly.

(B) On January 1, 1966, it is hereby fixed for the establishment of an Area Planning Department, pursuant to the provisions of Ch. 13, Acts of 1957, as amended by Chs. 29 and 306, Acts of 1959, General Assembly.

(Ord. 369, passed 11-9-1965)

§ 32.11 VOLUNTEER FIRE DEPARTMENT.

The following rules and regulations shall be in full force and effect, to wit.

(A) Membership in said Volunteer Fire Department shall be restricted to legal residents of said city, and said member of said Fire Department shall be at least 21 years of age and not over 65 years of age.

(B) Any member of said Volunteer Fire Department who shall fail to attend at least 70% of any and all fire calls in said city during the 12-month period beginning immediately after the passage and final adoption of this section, shall automatically cease to be a member of said Department, unless said member is able to give a good, sufficient, and bonafide excuse covering his or her absence from said fire calls.

(C) Said City Council further recommends that the Volunteer Fire Department organization take the necessary steps to more rigidly enforce its own rules and regulations relative to the operation of said Department.

(Ord. 130, passed 12-27-1937)

§ 32.12 STANDING COMMITTEES OF THE COUNCIL.

(A) (1) The standing committees of the City Council shall be appointed by the City Council at a stated meeting of the Council in the month of May of each year. Each of said committees shall consist of three Council members, the first of which designated shall be the Chairperson thereof. Said committees shall be appointed for one year and during the year appointed no change in any committee shall be made, except by consent of not less than five Council members.

(2) Said Committees shall have full supervision of all matters relating to the special subjects for which they are organized, and shall be as follows, viz:

- (a) Committee on Finance;
- (b) Committee on Streets and Alleys;
- (c) Committee on Public Property;
- (d) Committee on Corporations;
- (e) Committee on Public Safety; and
- (f) Committee on Building and Claims.

(B) (1) The following shall constitute the standing committees of the City Council and that the same shall be in full force and effect on and after the passage of this section. There shall be six standing

committees, to-wit: Finance; Streets and Alleys; Public Property; Corporation; Public Safety; and Buildings and Claims. Three members of the Council, one from each ward, shall constitute each committee herewith designated.

(2) The duties of said committees shall be as follows, to-wit.

(a) The Committee on Finance shall have charge of the raising of all revenues, the collection of all monies due the city from any source, and of the sale of bonds. It shall report ordinances for annual tax levies fixing rates for the use of water and lights, licenses, the sale of bonds, or other purposes it deems necessary. Also, all other matters properly belonging to such Committee.

(b) The Committee on Streets and Alleys shall have supervision of all matters relating to streets and alleys including construction of grading and paving of streets and alleys and of sidewalks and gutters of erection of telephone, telegraph, and electric light poles and wires. The Committee on Corporation shall have charge of all matters relating to railroads, street car lines, telegraph, and telephone lines, and of promotion and encouragement of factories and other industries stipulated in resolution passed November 1897 and all other similar interests.

(c) The Committee on Public Property shall have charge over all the city property including City Hall, water and light plants, cemeteries, parks, and public grounds; shall have supervision of all resolutions and ordinances relating to water and electric light plants, use, and construction of same; of tapping mains and extension of electric light and water mains; and shall have supervision over platting and laying out of cemeteries, regulating the sale of lots by the Clerk-Treasurer, and to keep in repair all necessary improvements ordered by the City Council.

(d) The Committee on Public Safety shall have supervision of all matters relating to apparatus for extinguishing fires, of fire plugs, and of rooms for storing engines, hose, and other property used by the fire company; shall have supervision over fire alarms; and of its construction and maintenance and shall have charge of police regulations.

(e) The Committee on Building and Claims shall have supervision of all claims other than bills and accounts, shall recommend the granting or refusal of building or removal permits, and watch the construction of new buildings to see that ordinances for fire protection are not violated.

(3) Previous to the time of opening the Council at each meeting, the City Clerk-Treasurer shall distribute to the Chairperson of each committee the bills and accounts properly belonging to such committees and it shall be the duty of all committees, if possible to immediately report them.
(Ord. passed 5-13-1898)

§ 32.13 BOARD OF SCHOOL TRUSTEES.

(A) The City Council may, at any time, require the Secretary of the Board of School Trustees of said city to make to said City Council a full report of all the proceedings of said Board at any meeting

or meetings of said Board or of all meetings of said Board which may have been held within three years previous to the time said City Council may require such report. Such report shall be made under oath by such Secretary.

(B) The City Council may, at any time, require the Treasurer of the Board of School Trustees of said city to make an itemized report of all expenditures made by said Board of School Trustees within three years previous to the time said City Council may require such report, or for a shorter time as the said City Council may require. Such report shall show every item for which money has been expended by said Board of School Trustees during the period (not more than three years) for which such report may be required and the price paid for each item, and of whom purchased. Such report shall be certified to be correct, under oath, by such Treasurer of said Board of School Trustees being submitted by him or her at said City Council. In like manner, said City Council may require a statement of all money received by such Treasurer.

(C) The City Council may allow whatever compensation it may think just for the labor of any Secretary or Treasurer of the School Board which may be at any time required under divisions (A) or (B) above.

(D) When any school officer, as provided by the divisions (A) or (B) above, may be required to report to the City Council, the City Clerk-Treasurer shall, at once notify, by written notice, such officer of the Board of School Trustees that he or she is required to at once make such report and such Clerk-Treasurer shall report to the City Council at its next stated meeting that such notice has been served by him or her as by this section required.

(E) If any officer of the Board of School Trustees of said city shall fail, refuse, or neglect to comply with the requirements of divisions (A) or (B) above within six days after the date of the notice required by the preceding section, he or she shall be deemed guilty of a violation of the provisions hereof.

(F) Any Secretary of any Board of School Trustees, upon going out of office, shall deliver to his or her successor full and complete reports of all proceedings had by the Board of School Trustees, during the preceding three years. And any Treasurer of any Board of School Trustees, of said city shall upon going out of office deliver to his or her successor, a full and complete itemized account of all monies received or paid out by him or her or his or her predecessor in office during the preceding three years. (Ord. passed 7-20-1876) Penalty, see § 32.99

§ 32.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) For each day after the expiration of said six days that he or she fail, refuse, or neglect to make such report as provided in § 32.12(A) or (B), he or she shall be liable to a penalty of \$10 per day. Such penalty shall be collected by civil action instituted by any citizen or city officer, before the Mayor of said city, in the corporate name of the city.

(2) Pursuant to § 32.12(G), such account being sufficient to enable such successor to make any report required by § 32.12(B). Any Secretary or Treasurer failing to comply with the provisions of § 32.12 shall, on conviction, be fined not less than \$50, nor more than \$100.

(3) If any member or officer of the Board of School Trustees of said city shall fail neglect or refuse to turn over to his or her successor any and all books, papers, monies, or other property in his or her possession belonging to the public schools, or to such successor as such successor, whenever such successor in office has been duly elected and qualified and has made demand for such books, papers, or other property, or if any citizen shall fail, neglect, or refuse to turn over any school property, on demand of a School Trustee, he or she shall, for each day he or she shall so fail, neglect, or refuse, be liable to a penalty of \$5 per day, which shall be collected in the same manner as provided for the collection of penalty in division (B)(1) above, provided that sickness may be sufficient excuse for a reasonable delay. (Ord. passed 7-20-1876)

CHAPTER 33: CITY POLICIES

Section

General Provisions

- 33.01 Nepotism
- 33.02 Equal employment
- 33.03 Alcohol and Drug Services Program
- 33.04 Mileage reimbursement; expenses
- 33.05 Materiality threshold

Employee Handbook

- 33.15 City Employee Handbook adopted by reference

GENERAL PROVISIONS

§ 33.01 NEPOTISM.

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

APPOINTED DEPARTMENT DIRECTORS. Includes the person of highest rank in each of the following city departments under the jurisdiction of Mayor and City Council for the purposes of employment and contractual policy: Police; Fire; Street and Sanitation; Airport; Park; Water; Wastewater and StormWater.

DIRECT LINE OF SUPERVISION. An elected or appointed official or employee who is in a position to effect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, or performance evaluations; the term does not include responsibilities of the Mayor, Clerk-Treasurer, or City Council to make decisions regarding salary ordinances, budgets, or personnel policies of the city.

ELECTED OFFICIAL. The executive (Mayor), fiscal body (Clerk-Treasurer), or a member of the legislative body (City Council).

EMPLOYED. An individual employed by the city on a full-time, part-time, temporary, intermittent, or hourly basis, excluding individuals who hold only an elected office, while including one who is a party to an employment contract with the city.

MEMBER OF THE FIRE DEPARTMENT. The Fire Chief, firefighter, or driver appointed to the Department.

MEMBER OF THE POLICE DEPARTMENT. The Police Chief or a police officer appointed to the Department.

NEPOTISM. Favoritism granted to relatives without regard to merit, however, certain practices herein are prohibited notwithstanding merits of persons involved, and the term **NEPOTISM** also refers to acts prohibited hereafter.

RELATIVE. A spouse; parent or stepparent; child or stepchild; niece or nephew (by blood or marriage); aunt or uncle; daughter-in-law or son-in-law; relatives by adoption are treated as biological relatives; “brother” and “sister” include siblings by the half-blood.

(B) *Provisions.*

(1) Effective July 1, 2012, relatives may not be employed by the city in positions that result in one relative being in the direct line of supervision of the other relative whether said relative be an elected official or an appointed department director of the city.

(2) While an individual who is employed by the city on the date the individual’s relative begins serving a term as an elected official with the city may remain employed and maintain his or her position, even if in direct line of supervision of the relative, the individual may not be promoted to a new position, or, in the case of a number of the Police Department or the Fire Department, promoted to a position that is not within the merit ranks if the new position would place the individual in the direct line of supervision of the individual’s relative.

(3) The city may enter into or renew a contract for the procurement of goods and services or a contract for public works with a relative or an elected official or a business entity in which a relative has an ownership interest, provided, the elected official does not violate the criminal conflict of interest statute and the elected official makes full, written disclosure and satisfies any other requirements of the public purchasing law or the public works law.

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

(5) Failure to abide by or cooperate with the implementation, compliance, and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or

appointed official of the city who fails to abide by or cooperate with the implementation, with the compliance, and with mandated certifications of either the Nepotism Policy or the Contracting by a Relative Policy may be subject to action allowed by law.

(6) Failure to abide by or cooperate with the implementation, compliance, and certifications connected with the contracting by a relative with the city is a violation and may result in the discipline, including termination of an employee or a curative action. An elected or appointed official of the city who fails to abide by or cooperate with the implementation, with the compliance, and with mandated certifications of either the Nepotism Policy or the Contracting by a Relative Policy with the city may be subject to action allowed by law.

(7) Every elected official of the city must certify in writing that he or she has not violated the foregoing provisions of I.C. 36-1-20.2 (Nepotism), relating to hiring, under penalties of perjury, and submit the certification to the Mayor of the city no later than December 31, 2012.

(8) The Mayor must, in turn, provide a statement to the State Board of Accounts on Form 100-R that a policy consistent with I.C. 36-1-20.2 (Nepotism) has been implemented.

(9) Each elected officer of the city must certify in writing that he or she has not violated the provisions of I.C. 36-1-21 (Contracting) under penalties of perjury and submit said certification to the Mayor no later than December 31, 2012.

(10) The Mayor must, in turn, provide a statement to the State Board of Accounts on Form 100-R that a policy consistent with I.C. 36-1-21 (Contracting) has been implemented.

(C) Exclusions.

(1) An individual who is a party to an employment contract with the city that is in effect on the date his or her relative begins serving a term of an elected official in the city;

(2) An individual employed by the city on July 1, 2012, unless the individual has a break in employment with the city. A termination of employment with the city, followed by immediate re-employment without loss of payroll time, shall not constitute a break nor shall an absence from the workplace on paid or unpaid leave, including sick, vacation, family medical, or worker's compensation; and

(3) Performance of duties as a volunteer firefighter or precinct officer as defined by I.C. 3-5-2-40.1.

(D) Severability.

(1) All provisions of prior ordinances or provisions of the Employee Handbook of the city or its Departments in conflict with this section are hereby repealed.

(5) In the event this section is contrary to any existing contract, collective bargaining agreement, or statutory right of any employee or contractor, such existing contract, agreement, or statutory right shall be controlling.

(3) If any court of competent jurisdiction shall enter an order finding any portion of this section invalid or unenforceable, such order shall not effect the remaining portions of the ordinance which shall remain in full force and effect.

(Ord. 920, passed 6-11-2012)

§ 33.02 EQUAL EMPLOYMENT.

(A) (1) In order to provide equal employment and advancement opportunities to all individuals, employment decisions by the city will be based on merit, qualifications, and abilities. The city does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

(2) The city will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

(3) Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their department head. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including, termination of employment.

(B) (1) It is public policy of the city to support and encourage equal education and employment opportunities and equal access to and use of public accommodations in accordance with the State Civil Rights Law, being I.C. 22-9-1.

(2) The city designates the State Civil Rights Commission as the agency appropriate to implement the purposes and objectives of the State Civil Rights Law and to enforce the provisions thereof.

(Ord. 512, passed 12-12-1978; Ord. 753, passed 7-22-1996)

§ 33.03 ALCOHOL AND DRUG SERVICES PROGRAM.

(A) The City Court is hereby authorized to participate in the Alcohol and Drug Abuse Program which has been previously established in the county, under the auspices of the County Circuit Court and the County Council.

(B) The City Court's participation in said Program is expressly conditional on the City Court Judge maintaining equal and concurrent jurisdiction over the operations of said program with the Judge of the County Circuit Court.

(C) There is hereby established a special Alcohol and Drug Abuse Program Fund within the City General Fund for the purposes of receiving program fees and court costs related to the Alcohol and Drug Abuse Program and payment of any and all expenses made necessary by the Alcohol and Drug Abuse Program Fund.

(D) The City Council hereby authorizes the City Court to adopt a schedule of fees to be assessed for alcohol and drug program services.

(E) Any client fees required by the Court may be collected by the Alcohol and Drug Abuse Program.

(F) The fee for program services may not exceed \$300.

(G) Any fee collected shall be deposited in the Alcohol and Drug Abuse Program Fund, however, 7% of all client fees, and additional costs collected under I.C. 16-13-6.1-31(b), shall be deposited with the state for expenditure by the Division of Addiction Services State Department of Mental Health for development, administration, certification, and support of alcohol and drug abuse programs in the state.

(H) The City Court may require that additional court costs of \$5 per offense may be imposed on offenders in the City Court for deposit into the Drug and Alcohol Abuse Fund.

(I) Said additional court costs shall be imposed in cases involving drug and alcohol offenses.

(J) The City Court is hereby authorized to impose an additional court cost of \$1 which shall be added as part of the costs in all cases involving violations of state law or city ordinances filed in the City Court, pursuant to I.C. 33-37-4-1 and I.C. 33-37-4-2.

(K) There shall also be established within the city a General Fund a Police Continuing Education Fund.

(L) The City Court is hereby authorized to impose an additional court cost of not less than \$3 on each and every traffic offense in the City Court.

(M) Said additional \$3 fee shall be deposited in the Police Continuing Education Fund for further disposition as may be authorized by state statutes or pursuant to regulation of the State Board of Accounts.

(Ord. 634, passed 2-23-1987)

§ 33.04 MILEAGE REIMBURSEMENT; EXPENSES.

The Clerk-Treasurer is hereby authorized and directed to pay out the total budgeted sum for each City Council member's mileage reimbursement in a single lump sum on an annual basis upon the preparation, submission, and approval of a claim therefor.

(Ord. 617, passed 12-9-1985)

§ 33.05 MATERIALITY THRESHOLD.

(A) It will be the policy of the Clerk-Treasurer to report to the state Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of cash in excess of \$500. In addition, all erroneous or irregular variances, losses, shortages, or thefts of cash which occur more than one time in a month and which the aggregate total is \$500 or more shall be reported immediately to the State Board of Accounts. Exceptions shall be made for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the city.

(B) It will be the policy of the Clerk-Treasurer to report promptly to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of \$5,000, estimated market value, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the city, and except for losses from genuine accidents.

(C) All erroneous or irregular variances, losses, shortages, or thefts shall be reported immediately to the Clerk-Treasurer. The city shall maintain records and documentation concerning erroneous or irregular variances, losses, shortages, or thefts in accordance with generally accepted accounting principles and the internal control standards provided by the Indiana State Board of Accounts.

(D) The city shall investigate all erroneous or irregular variances, losses, shortages, or thefts, regardless of whether they meet the materiality threshold established by this section. Upon conclusion of each such investigation, the city shall:

(1) Implement procedures designed to prevent the recurrent os such incidents; and

(2) Take appropriate disciplinary action against the employee responsible for the incident.

(Ord. 954, passed 5-9-2016)

EMPLOYEE HANDBOOK

§ 33.15 CITY EMPLOYEE HANDBOOK ADOPTED BY REFERENCE.

The “Employee Handbook”, submitted to the City Council on April, 11, 2011, be approved to provide direction for all employees and departments of the city, is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Ord. 910, passed 4-25-2011; Ord. passed 7-22-2013)

CHAPTER 34: FINANCE AND REVENUE

Section

General Provisions

- 34.01 Advance payments of certain claims
- 34.02 Police Department confidential funds
- 34.03 Credit card authorization
- 34.04 Filing of report of collections forms and deposits
- 34.05 Insufficient funds
- 34.06 Capital assets
- 34.07 Designation of depository financial institutions
- 34.08 Petty cash funds, prepaid postage cards, and the like
- 34.09 Charges for services provided by the Volunteer Fire Department
- 34.10 Economic Development and Tourism
- 34.11 Uniform payroll period
- 34.12 Purchasing of supplies; filing of claims

Funds

- 34.25 Expenditure funds; landfill charges
- 34.26 Railroad Days Non-Reverting Fund
- 34.27 Rotary Fund
- 34.28 Fire Chief salary/benefits non-reverting funds
- 34.29 Street and Sidewalk Renovation Fund
- 34.30 Recreational programs non-reverting funds
- 34.31 Continuing Education Fund
- 34.32 Federal Revenue Sharing Trust Fund
- 34.33 Capital Improvement Fund
- 34.34 Rainy Day Fund

Fees

- 34.45 Fees for regulation violations
- 34.46 Vehicle impoundment administrative fees
- 34.47 Fees for accident report, vehicle inspections, and the like

34.48 City Cemetery fees

34.49 Economic Development Commission fees

Appendix A: Fees for Violation of Ordinance Regulations

GENERAL PROVISIONS

§ 34.01 ADVANCE PAYMENTS OF CERTAIN CLAIMS.

(A) The Clerk-Treasurer of the city is hereby authorized to make claim payments for the following types of expenses in advance of board allowance for the following kinds of expenses:

(1) Property or services purchases or leased from the United States government, its agencies, or its political subdivisions;

(2) License or permit fees;

(3) Insurance premiums;

(4) Utility payments or utility connection charges;

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;

(6) Grants of state funds authorized by statute;

(7) Maintenance or service agreements;

(8) Leases or rental agreements;

(9) Bond or coupon payments;

(10) Payroll;

(11) State, federal, or county taxes;

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

(13) Expenses described in an ordinance.

(B) Each payment of expenses must be fully supported by a fully itemized claim properly approved by the head of the appropriate department.

(C) The board having jurisdiction over the allowance of the claims shall review and allow the claims at its next regular or special meeting following the pre-approved payment of the expense.
(Ord. 932, passed 10-15-2013)

§ 34.02 POLICE DEPARTMENT CONFIDENTIAL FUNDS.

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

CONFIDENTIAL FUNDS. Those monies budgeted to three types of special law enforcement operations.

(a) **PURCHASE OF EVIDENCE (P/E).** This category includes the purchase of narcotics and dangerous drug evidence required to determine the existence of a crime or to establish the identity of a participant in a crime.

(b) **PURCHASE OF SERVICES (P/S).** This category includes travel or transportation of undercover officer or an informant; the lease of an apartment/business front, luxury-type automobile, aircraft, boat, or similar item(s) used to create or establish the appearance of affluence; and/or meals, within reasonable limits.

(c) **PURCHASE OF SPECIFIC INFORMATION (P/I).** This category includes the payment of monies to an informant for specific information. All other informant expenses would be classified under P/S and, charged accordingly.

(B) *Internal procedure.* The following internal procedures shall be followed concerning confidential fund disbursement.

(1) *Advance of fund.* The supervisor must authorize all advances of funds for the purchase of information. Such authorization must specify the information to be received, the amount of expenditures, and assumed name of informant.

(2) *Informant files.* Informant files are confidential files containing of the true names, assumed names, and signature of all informants to whom payments of confidential expenditures have been made. To the extent possible, pictures and/or fingerprints of the informant payee should also be maintained.

(a) *Cash receipts.*

1. The cashier (Chief of Police shall appoint two cashiers) shall receive from the officer authorized to make a confidential payment, a receipt for cash advanced to the officer for such purposes.

2. The officer shall receive from the informant payee a receipt for cash paid to the informant.

(b) *Review and certification.* A signed receipt shall be obtained from each informant payee. The officer in charge shall sign a witness certifying the expenses and information are correct.

(C) *Informant file security and contents/documentation.*

(1) *Generally.* For each informant, a separate file should be established for accounting purposes. Informant files should be kept in a separate and secure storage facility. The facility should be locked at all times when unattended. Access to these files should be limited to those employees who have a legitimate need. An informant file should not leave the immediate area from which it is stored, except for review by the Chief of Police or his or her designee, and should be returned to the secure storage prior to the close of business hours. Sign-out logs should be kept indicating the date, informant number, time in and out, and the signature of the person reviewing the file.

(2) *Information.* Each file should contain the following documents:

(a) Informant payment record, kept on top of the file. This record provides a summary of informant payments;

(b) Informant establishment report, including complete identifying and locating data, plus any other documents connected with the informant's establishment;

(c) Current photograph and fingerprint card (or FBI/State Criminal Identification Number);

(d) Cooperating individual agreement;

(e) Receipts for purchase of information;

(f) Copies of all debriefing reports;

(g) Copies of case initiation reports bearing on the use of the informant;

(h) Copies of statements signed by the informant (unsigned copies will be placed in appropriate investigative file);

(i) Any administrative correspondence pertaining to the informant, including documentation of any representations made on his or her behalf or any other non-monetary considerations furnished; and

(j) Any deactivation report or declaration of an unsatisfactory informant.

(3) *Receipt for purchase of information.* An informant payee receipt shall identify the exact amount paid to and received by the informant payee on the date executed.

(D) *Payments to informants.*

(1) (a) Any person who is to receive payments charged against PE/PI funds should be established as an informant. This includes persons who may otherwise be categorized as sources of information or informants under the control of another agency.

(b) The amount of payment should be commensurate with the value of services and/or information provided and should be based on the following factors:

1. The level of the targeted individual, organization, or operation;
2. The amount of the actual or potential seizure;
3. The significance of the contribution made by the informant to the desired objectives.

(2) There are various circumstances in which payments to informants may be made.

(a) *Payments for information and/or active participation.* When an informant assists in developing an investigation, either through supplying information or actively participating in it, he or she may be paid for his or her service either in a lump sum or in staggered payments. Payments for information leading to a seizure, with no defendants, should be held to a minimum.

(b) *Payment for information protection.* When an informant needs protection, City Police Department may help in the expenses of relocation. These expenses may include travel for the informant movement and/or storage of household goods, and living expenses at the new location for a specific period of time (not to exceed three weeks). Payments for these expenses may be either lump sum or as they occur, and should not exceed the amounts authorized by law enforcement employees for these activities.

(c) *Payments to informants of another agency.* To use or pay another agency's informant, the informant should be established as an informant in each agency. These payments should not be a duplication of a payment from another agency, however, sharing payment is acceptable.

(3) (a) Documentation of payments to informants is critical and should be accomplished by a receipt for purchase of information. Payment should be made and witnessed by two law enforcement officers and authorized payment amounts should be established and reviewed. In unusual circumstances, a non-officer employee or an officer of another law enforcement agency may serve as witness. In all instances, the original signed receipt must be submitted to the project director for review and record keeping. The receipt has been completed no alteration is allowed.

(b) The officer shall prepare an informant payee receipt containing the following information:

1. The jurisdiction initiating the payment;
2. A description of the information/evidence;
3. The amount of payment, both in numerical and word form;
4. The date on which the payment was made;
5. The signature of the informant payee;
6. The signature of the case agent of officer making payment;
7. The signature of at least one other officer witnessing the payment; and
8. The signature of the first line supervisor authorizing and certifying the payment.

(E) *Informant management and utilization.*

- (1) All persons designated as informants should be used as such.
- (2) The following is a minimum of information reference informants.

(a) As assignment of an informant copy name/confidential informant number to protect the informant's identity;

(b) An informant book/file(s) controlled by the office head or his or her designee containing:

1. Informant's code name/confidential informant numbers;
2. Type of informant (i.e., informant/defendant/informant, restricted use/informant);
3. Informant's true name;
4. Name of establishing law enforcement officer;
5. Date the establishment is approved; and
6. Date of deactivation.

(c) Establish each informant file in accordance with division (D)(3)(a) above; and

(d) For each informant in an active status, the officer should review the informant file on a regular basis to assure it contains all relevant and current information. Where a material fact that was earlier reported on the “establishment report” is no longer correct (e.g., a change in criminal status, means of locating him or her, and the like), supplemental establishing report should be submitted with the correct entry.

(3) All informants being established should be checked in all available criminal indices. If a verified FBI number is available, request a copy of the criminal records from the FBI. Where a verified FBI number is not available, the informant should be fingerprinted with a copy sent to the FBI and appropriate state authorities for analysis. The informant may be utilized on a provisional basis while awaiting a response from the FBI.

(F) *Accounting and control procedures.* Special accounting and control procedures will or shall govern the use and handling of confidential expenditures, as described below.

(1) It is important that expenditures which conceptually should be charged to PE/PI/PS are in fact so charged. It is only in this manner that these funds can be properly managed at all levels, and accurate forecasts of projected needs be made.

(2) The officer in charge should establish guidelines authorizing officers to spend up to a predetermined limit of their total allowance on any one buy or investigation.

(3) (a) In exercising authority to approve these expenditures, the supervisor should consider:

1. The significance of the investigation;
2. The need for this expenditure to further that investigation; and
3. Anticipated expenditures in other investigations.

(b) Funds for PE/PI/PS expenditures should be advanced to the officer for a specific purpose. If they are not expended for that purpose, they should be returned to the cashier. Funds should not be used for another purpose without first returning them and repeating the authorization and advance process based on the new purpose.

(4) Funds for PE/PI/PS expenditure should be advanced to the officer on a suitable receipt form. A receipt for purchase of information or a voucher for purchase of evidence should be completed to document funds used in the purchase of evidence or funds paid or advanced to an informant.

(5) (a) For security purposes, there should be a 48-hour limit on the amount of time funds advanced for PE/PI/PS expenditure may be held outstanding. If it becomes apparent at any point within the 48-hour period that the expenditure will not materialize, then the funds should be returned to the advancing cashier as soon as possible.

(b) An extension to the 48-hour limit may be granted by the level of supervision that approved the advance. Factors to consider in granting such an extension are the amount of funds involved, the degree of security under which the funds are being held, how long an extension is required, and the significance of the expenditure.

(c) Such extensions should be limited to 48 hours. Beyond this, the funds should be returned and re-advanced, if necessary. Regardless of circumstances, within 48 hours of the advance, the fund cashier should be presented with either the unexpended funds, and executed voucher for payment for information or purchase of evidence or written notification by management personnel that an extension has been granted.

(6) Purchase of services expenditures, when not endangering the safety of the officer or informant, need to be supported by canceled tickets, receipts, lease agreements, and the like. If not available, the officer in charge, or his or her immediate subordinate, must certify that the expenditure was necessary and justify why supporting documents were not obtained.
(Ord. 900, passed 6-13-2009)

§ 34.03 CREDIT CARD AUTHORIZATION.

(A) The administration of the city is hereby authorized to secure and maintain one or more credit cards in the name of the city for use by properly authorized city representatives in carrying out the business of the city and to pay a reasonable annual fee if to do so is determined to be in the city's best interests.

(B) Charges shall only be made on the credit card to purchase items or services which are included and authorized in the budget of the city. Among the types of charges which may be authorized are those for supplies, equipment, travel, meals, reasonable gratuities under appropriate circumstances, training, and education. City credit cards shall not be used to obtain cash advances.

(C) Within 72 hours of the purchase, the person using the credit card shall provide the Clerk-Treasurer with a copy of the credit card receipt with written particulars of:

(1) The purpose of the purchase; and

(2) (a) The line item from which the purchase is to be paid; or

(b) An itemized list of all charges incurred and whether those are paid from different budget line items.

(D) The City Clerk-Treasurer shall maintain an accounting system or log which includes the names of individuals requesting usage of the cards, their position, estimated amounts to be charged, fund and account numbers to be charged, date the card is issued, and date the card is returned.

(E) The City Clerk-Treasurer shall pay or challenge the charge card invoices promptly to the end that no improper charges, interest, carrying charges, or penalties will be incurred.

(F) No credit card issued to the city shall be used for a private or other non-city purchase.

(G) Appropriate discipline shall be taken by the city against any card user who improperly uses a city credit card.

(H) Improperly documented charges or those charges shown to be unnecessary in carrying out the city's business and any finance charges resulting from the use of the card shall be the responsibility of the person making the charge and subject to collection as any other city claim.
(Ord. 855, passed 8-22-2005)

§ 34.04 FILING OF REPORT OF COLLECTIONS FORMS AND DEPOSITS.

All employees and departments of the city shall turn over all funds collected to the City Clerk-Treasurer accompanied by a properly completed "report of collections" form (Form No. 362). Collections equal to or exceeding \$100 in the aggregate shall be turned over within 24 hours of receipt. Collections totaling less than \$100 may be turned over weekly.
(Ord. 852, passed 6-13-2005)

§ 34.05 INSUFFICIENT FUNDS.

(A) The city shall collect a service charge in an amount equal to the specific fees incurred by the city upon such return from the issuer of each insufficient funds check tendered to the city.

(B) The funds generated by the service charge shall be deposited by the Clerk-Treasurer into the General Fund of the city the imposition of this service charge shall be without prejudice to any other remedy the city may have in order to collect any insufficient funds check under any current or subsequent law.
(Ord. 851, passed 12-13-2010)

§ 34.06 CAPITAL ASSETS.

The State Board of Accounts has requested the city designate those assets which shall be considered capital assets and those assets which shall be considered inventory assets. Therefor, for purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAPITAL ASSETS OF THE CITY. Those assets with a fair market value of \$5,000 or more and an expected useful life of one year or more.

INVENTORY ASSETS OF THE CITY. Assets with a fair market value of \$500 through \$4,999.99.
(Ord. 835, passed 5-24-2004)

§ 34.07 DESIGNATION OF DEPOSITORY FINANCIAL INSTITUTIONS.

(A) The following listed depositories which maintain banking facilities in the city are hereby designated as depositories into which the Clerk-Treasurer may deposit funds of the city: Central Credit Union, Dupont State Bank; First Community Bank and Trust Company; Heritage Community Bank; Home Federal Bank; Jackson County Bank; and National City Bank.

(B) This designation shall not be affected by any mergers, acquisitions, or other name changes which may result in a change of name or form for any of the above listed depositories so long as they maintain FDIC insurance coverage for their deposits.
(Ord. 834, passed 5-24-2004)

§ 34.08 PETTY CASH FUNDS, PREPAID POSTAGE CARDS, AND THE LIKE.

(A) *Petty cash.*

(1) The following departments in the city are permitted to have a Petty Cash Fund in the following amounts.

<i>Departments</i>	<i>Amounts</i>
Board of Aviation Commissioners	\$200
City Parks and Recreation	\$100
City Pool	\$100
City Utilities Services Board - Wastewater	\$50
City Utilities Services Board - Water	\$50

(2) The Clerk-Treasurer is authorized to issue the warrants necessary to appropriate funds in favor of the individuals who head each of the above referred to departments in order to maintain the funds established by division (A)(1) above upon a claim for same approved by the appropriate board.

(3) The said department heads shall each use his or her Petty Cash Fund to pay small or emergency items of operating expenses. A proper expenditure from the Petty Cash Fund cannot be made without a receipt having been obtained for such expenditure.

(4) The said department heads shall periodically file a claim with the appropriate board attaching with it all original receipts totaling the cash claimed to have been expended so that the Petty Cash Fund may be reimbursed for these expenditures.

(5) The claim for reimbursement of the Petty Cash Fund shall be approved and made in the same manner as is required for other expenditures of the city.

(B) *Cash change funds.*

(1) Change funds in the city shall have the following amount.

<i>Departments</i>	<i>Amounts</i>
City Parks and Recreation	\$50
City Police Department	\$100
City Pool (seasonal)	\$50
City Utilities Services Board - Wastewater	\$100
City Utilities Services Board - Water	\$100

(2) The Clerk-Treasurer is authorized to issue the warrants necessary to appropriate funds in favor of the individuals who head each of the above referred to departments in order to maintain the funds established by division (B)(1) above upon a claim for same approved by the appropriate board.

(3) The said department heads shall use his or her Cash Change Fund to make change when collecting cash revenues and shall account for it in the same manner as is required for other funds of the city.

(C) *Prepaid postage cards.*

(1) The following departments in the city are permitted to have a prepaid postage card in the following amounts.

<i>Departments</i>	<i>Amounts</i>
City Parks and Recreation	\$300
City Police Department	\$300
City Utility Service Board - Wastewater	\$100

(2) The Clerk-Treasurer is authorized to issue the warrants necessary to appropriate funds in favor of the individuals who head each of the above referred to departments in order to maintain the funds established by division (C)(1) above upon a claim for same approved by the appropriate board.

(3) The said department heads shall each use his or her prepaid postage card to pay postage for city business only.

(4) The said department heads shall periodically file a claim with the appropriate Board attaching with it a record of the use of the prepaid postage cards and in order purchase additional cards as needed.

(5) The claim for prepaid postage cards shall be approved and made in the same manner as is required for other expenditures of the city.

(Ord. 825, passed 12-23-2002; Ord. 865, passed 12-11-2006)

§ 34.09 CHARGES FOR SERVICES PROVIDED BY THE VOLUNTEER FIRE DEPARTMENT.

(A) Any Volunteer Fire Department or company providing services within the city shall be entitled to charge the following for services provided within the boundaries of the city in accordance with the provisions of I.C. 36-8-12-16 in connection with responses to incidents concerning the release of substances believed to require special handling or hazardous substances only whether in conjunction with a fire call or not:

(1) For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, \$250 per response vehicle except command/control vehicle, which is \$100 per vehicle;

(2) For each hour or fraction thereof as on-scene assistance, \$150 per response unit and \$50 per command/control vehicle;

(3) For expendable materials such as absorption materials, emulsifiers, or other agents used in cleanup operations, the actual replacement cost of those materials; and

(4) For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

(B) Funds collected as a result of the imposition of the above schedule of charges shall only be used for the purposes authorized by I.C. 36-8-12-16.

(Ord. 785, passed 6-22-1998)

§ 34.10 ECONOMIC DEVELOPMENT AND TOURISM.

(A) Expenses incurred by city officials and employees in promoting the best interests of the city including, but not limited to, the following, may be paid from the General Fund as civic interest expenses: rental of meeting places; meals; decorations; memorabilia; awards; travel expenses; expenses incurred in promoting industrial, commercial, and residential development; expenses incurred in developing relationships with other units of government and/or economic development prospects; and any other expenses of a civic or governmental nature deemed by the Mayor or the City Council to be in the best interests of the city.

(B) A budget shall be submitted to the City Council by the Mayor on an annual basis for the use and expenditure of funds for civic interest purposes.

(C) The appropriation and expenditure of any and all funds from the General Fund for civic interest purposes must be approved by the City Council.
(Ord. 822, passed 12-23-2002)

§ 34.11 UNIFORM PAYROLL PERIOD.

Beginning with the calendar year 1973, all city employees shall be paid bi-weekly, which is every other week, making each employee receive 26 pay checks per year. This payroll period, starting in the calendar year 1973, would make the first paychecks due on Friday, January 12, 1973 and every two weeks thereafter.
(Ord. 436, passed 12-12-1972)

§ 34.12 PURCHASING OF SUPPLIES; FILING OF CLAIMS.

(A) (1) In making purchases of supplies for said city, and in the filing of claims against said city, the following rules shall be observed.

(2) (a) The Electrical Engineer, the Engineer of the Waterworks Powerhouse, and the Street Commissioner of said city, shall have the right to purchase supplies required in the operation and maintenance of their respective departments, during the interval between the meetings of the Council, to the amount of \$5.

(b) The purchase of supplies exceeding the sum of \$5 by either of said officers, during said interval, shall be made by the consent and under the direction of a majority of the committee having charge of the department in which said supplies are required, providing the amount of said supplies shall not exceed \$100. In the case the amount required shall exceed \$100, the same shall not be purchased until authorized by the City Council in session.

(B) (1) No claim against said city shall be allowed unless the same has been duly itemized and verified, and filed in the office of the City Clerk-Treasurer at least five days before the session of the Council at which such claim it to be allowed.

(2) It shall be the duty of the Clerk-Treasurer to enter all claims filed in his or her office against the city upon the claim docket when filed stating the name of the claimant, the amount claimed, and for what and the date of filing.

(3) It shall be the duty of the Clerk-Treasurer to keep in his or her office a sufficient claim docket in which such claims shall be entered as above required, and in which a record shall be kept showing the disposition made of each claim filed and entered therein, and said claim docket shall at all times be open to the inspection of the taxpayers of said city.

(C) (1) Claims against said city shall be made out and filed in the office of the Clerk-Treasurer, separated into classes corresponding to the departments for which the work or materials represented by such claims was furnished.

(2) The Clerk-Treasurer shall keep in his or her office a supply of blank bills with proper headings for use by persons who desire to file claims in his or her office. All claims and bills before being submitted to the Council for allowance shall be referred by the Clerk-Treasurer to the proper officer or committee and such claims or bills shall not be allowed before being properly certified as corrected by such officer or committee.

(Ord. passed 3-13-1914)

FUNDS

§ 34.25 EXPENDITURE FUNDS; LANDFILL CHARGES.

The Clerk-Treasurer is hereby authorized and directed to use funds contained in Fund No. 245 Rainy Day Fund and Fund No. 208 Riverboat Wagering Fund to pay landfill charges for the city, and he or she is further authorized and directed to take any and all other further action which may be necessary to carry out the intention of this section.

(Ord. 836, passed 6-14-2004)

§ 34.26 RAILROAD DAYS NON-REVERTING FUND.

(A) A budget shall be submitted to the City Council on an annual basis for the use and expenditure of public funds to support the Railroad Days Community Festival.

(B) There is hereby established a non-reverting fund to be known as the Railroad Days Non-Reverting Fund into which shall be deposited funds appropriated by the City Council for this purpose and funds which may be donated to the city for this purpose.

(C) The appropriation and expenditure of any and all funds from the Railroad Days Non-Reverting Fund must be approved by the City Council.
(Ord. 828, passed 1-27-2003)

§ 34.27 ROTARY FUND.

(A) There is hereby established a Rotary Fund for the purchase of fuels and lubricants to be sold to the general public in the operation of the City Airport in accordance with I.C. 8-22-2-7.

(B) All funds from the sale of fuels and lubricants sold to the general public in the operation of the City Airport shall be turned over no less frequently than once per month to the Clerk-Treasurer of the city for deposit into the Rotary Fund.

(C) Funds deposited into or appropriated to the Rotary Fund shall be used for the purchase of fuels and lubricants to be sold to the general public in the operation of the City Airport and for no other purpose.

(D) (1) At the end of each fiscal year, the Board of Aviation Commissioners of the city shall make a detailed statement to the City Council showing the amount of money received and paid over to the Clerk-Treasurer to the credit of the Rotary Fund and also showing the amount of fuels and lubricants on hand.

(2) If, at the end of the fiscal year, the accumulated Rotary Fund, plus value of fuels and lubricants on hand, exceeds the total previous appropriation to the Fund by 25% or more, the excess shall be turned over to the Aviation Fund.
(Ord. 818, passed 10-28-2002)

§ 34.28 FIRE CHIEF SALARY/BENEFITS NON-REVERTING FUNDS.

(A) The Clerk-Treasurer of the city is hereby authorized to accept donations from and to issue receipts to persons desiring to make contributions for the purpose of funding the payment of salary and benefits for a full time Fire Chief for the city not otherwise paid from the General Fund, purchasing equipment and supplies for the city department, and receiving payments of fees for hazardous materials clean-ups.

(B) An annual budget shall be submitted to the City Council for the expenditure of funds in said non-reverting fund.

(C) Funds received for hazardous materials cleanup may only be appropriated and used for hazardous materials supplies, equipment, and training.

(D) The Clerk-Treasurer of the city is hereby authorized to receive and deposit into said non-reverting fund funds as appropriated by the City Council.

(E) The Clerk-Treasurer of the city is hereby authorized to take appropriate action to use the funds in said non-reverting fund to pay a salary and provide benefits to the City's Fire Chief as directed by the City Council and to pay such other claims as may be presented and approved by the City Council.
(Ord. 812, passed 12-17-2001; Ord. 824, passed 12-23-2002)

§ 34.29 STREET AND SIDEWALK RENOVATION FUND.

(A) The Street and Sidewalk Renovation Fund shall be a non-reverting fund as permitted under state law.

(B) Said Fund shall be spent solely for making improvements on public ways.
(Ord. 703, passed 11-23-1992)

§ 34.30 RECREATIONAL PROGRAMS NON-REVERTING FUNDS.

(A) A non-reverting operating fund for recreational programs conducted by the city or the Recreational Board of the city, is hereby established and any funds deposited in it may be spent thereafter without appropriation for the operation of the City Park or programs operated by the City Recreation Board.

(B) (1) A budget shall be submitted to the City Council by the City Park Board on an annual basis for the use and expenditure of funds from the non-reverting fund for educational programs.

(2) The appropriation and expenditure of any and all funds from the Non-Reverting Fund for Recreational Programs by the City Park Board must be approved by the City Council.
(Ord. 602, passed 10-22-1984; Ord. 816, passed 9-9-2002; Ord. 821, passed 12-23-2002)

§ 34.31 CONTINUING EDUCATION FUND.

(A) There is the established a separate fund to be known as the Continuing Education Fund for Police Officers into which shall be deposited \$2.75 to be collected as a portion of court costs collected in each and every case in the City Court.

(B) Said Continuing Education Fund for Police Officers shall be a non-reverting fund.

(C) Said Fund shall be spent solely on continuing education and training for police officers employed by the City Police Department at the discretion of the Chief of Police.
(Ord. 641, passed 12-14-1987)

§ 34.32 FEDERAL REVENUE SHARING TRUST FUND.

In accordance with the provisions of Local Government Fiscal Assistance Fund, there is hereby created a special Fund to be known as the Federal Revenue Sharing Trust Fund of the city, into which shall be deposited all revenue sharing checks received from the U.S. Treasury as the city's share of the State and Local Fiscal Assistance of 1972, being 31 U.S.C. §§ 6701 through 6720 (Local Government Fiscal Assistance Fund). Said Fund shall be appropriated for "priority expenditures" as outlined in the law, and separate accounts will be kept and maintained for each entitlement period, according to the law.
(Ord. 437, passed 1-23-1973)

§ 34.33 CAPITAL IMPROVEMENT FUND.

(A) In accordance with the requirements of I.C. 36-9-16, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the city, into which the cigarette taxes allotted to the city by reason of I.C. 6-7-1-31.1, as amended, shall be deposited. Said Fund shall be a cumulative fund and all of the monies deposited into said Fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of such monies shall revert to the General Fund or be used for any purposes other than capital improvements.

(B) The term *CAPITAL IMPROVEMENTS* means the construction or improvement of any property owned by the city, including, but not limited to, streets, thoroughfares, and sewers and the retirement of general obligation bonds the city, issued, and the proceeds used for the purpose of constructing capital improvements. The term *CAPITAL IMPROVEMENT* shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.
(Ord. 365, passed 7-27-1965)

§ 34.34 RAIN DAY FUND.

(A) *Creation.* 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 city whenever the purpose of such tax levy has been fulfilled and unused and unencumbered balance remains.

(B) *Purposes.* The fund on deposit in the Rainy Day Fund may be used for the operation of the city and its various departments, including, but not limited to, cost of services, supplies, equipment, capital improvements, repairs and similar expenses.

(C) *Transfer to fund.* Transfers to the Rainy Day Fund may be made at any time during the calendar year when unused and unencumbered funds become available by the City Clerk-Treasurer, so long as the amount transferred does not exceed more than 10% of the city's total budget for the fiscal year. An exception to this limit may occur if authorized by the State Board of Accounts of the state, such as the deposit of the release of excess LOIT funds of 2016.

(D) *Appropriations.* The City Council may authorize the expenditure of funds from the Rain Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax moneys, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. Accounts maintained in the Rainy Day Fund are to be segregated as needed for appropriate use. The Rainy Day Fund is non-reverting, i.e., balances will not be transferred into other funds, such as the General Fund, Local Road and Street, or Motor Vehicle Fund, and all monies deposited in the Rain Day Fund may only be used for the purpose agreed upon by the City Council.
(Ord. 957, passed 7-11-2016)

FEES

§ 34.45 FEES FOR REGULATION VIOLATIONS.

(A) See Appendix A at the end of this chapter, made part hereof, and incorporated herein.

(B) In the event that the city prevails at the trial of a matter described in Appendix A, the city shall also be awarded attorney's fees, as well as the fees, late charges, and penalties set out herein.

(C) The governing entity for the setting of fees, late charges, and penalties for traffic and other regulations shall henceforth be the City Council or the City Public Safety Board.

(D) The Clerk-Treasurer shall be responsible for collecting all fees, late charges, and penalties set forth in this section.

(E) The fees, late charges, and penalties collected pursuant to this section shall be deposited in the General Fund and used for the purposes allowed by ordinance for that Fund.
(Ord. 876, passed 9-24-2007)

§ 34.46 VEHICLE IMPOUNDMENT ADMINISTRATIVE FEES.

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

IMPOUND.

(a) To have a vehicle removed from its current location to an impound yard. Vehicles will typically be stored with an authorized private wrecker/tow service.

(b) A vehicle must have been towed in connection with an ordinance or statute violation to be considered ***IMPOUNDED.***

INVENTORY. The process of recording the overall condition of the vehicle being impounded. This included the exterior and interior. Any personal property left with the vehicle with an apparent independent value of over \$50 will also be recorded during the inventory process.

VEHICLE. As defined by the I.C. 9-13-2-196, a device for transportation by land or air. This term does not include an electric personal assistive mobility device.

(B) *Administrative fee collection.*

(1) Whenever the City Police Department orders that a vehicle be towed and impounded from any location within the cooperate limits of the city, the designated towing service authorized to tow that vehicle shall assess against the owner of the towed vehicle an administrate fee of \$20 which shall be collected in addition to any and all other applicable towing charges.

(2) The administrative impound fee created by this section shall be included in the towing bill assessed by the authorized towing service and collected by the authorized towing service as part of the authorized towing bill.

(3) The administrative impound fee collected under this section shall be forward by the authorized towing service to the City Police Department within 30 days of collection.

(4) The City Police Department shall transfer the fee to the City Clerk-Treasure for deposit into the Impound Fee Fund.

(5) The Impound Fee Fund is hereby created as a non-reverting fund in the office of the Clerk-Treasurer.

(6) The Chief of Police may make claims against the Impound Fee Fund for the purchase of equipment deemed necessary for enforcement of traffic violations.

(Ord. 875, passed 9-24-2007)

§ 34.47 FEES FOR ACCIDENT REPORT, VEHICLE INSPECTIONS, AND THE LIKE.

(A) (1) Pursuant to I.C. 9-26-9-3, the copying fee for accident reports shall be \$10 per report.

(2) Pursuant to I.C. 9-17-2-12, the inspection fee for vehicle inspections required by I.C. 9-17-2-12 shall be \$5 per vehicle.

(3) Pursuant to I.C. 35-47-2-3, the local application fee for handgun permits will be collected as follows.

(a) The application fee for a four-year handgun license will be \$10, \$5 of which will be refunded if the license is not issued.

(b) The application fee for a lifetime handgun license for a person who does not currently possess a valid state handgun license will be \$50; \$30 will be refunded if the license is not issued.

(c) The application fee for a lifetime handgun license for a person who already holds a valid state handgun license will be \$40, \$30 of which shall be refunded if the license is not issued.

(d) The fee for a limited local criminal records check shall be \$5.

(e) Pursuant to I.C. 5-14-3-8, the copying fee for other public records shall be a rate of \$0.10 per page.

(f) The fee for photographs shall be \$5 per three by five-inch photo; \$10 per half page single photo; \$20 per full page single photo. Photographs may not be individually inspected or purchased. The entire case or accident collection must be purchased at time of request.

(g) The fee for a copy of a video home system (VHS), digital video disc (DVD), or a compact disc (CD) recording shall be \$40.

(4) All fees collected under this section shall be deposited in the Local Law Enforcement Continuing Education Fund established by I.C. 5-2-8-2.

(B) (1) All funds received by the City Police Department for law enforcement continuing education fees, vehicle inspection fees, accident reports, photographs, and gun permit applications shall be deposited into the Local Law Enforcement Continuing Education Fund established by I.C. 5-2-8-2;

(2) Copying fees not otherwise addressed herein shall be deposited into the General Fund.

(3) A budget shall be submitted to the City Council of the city by the City Police Department on an annual basis for the use and expenditure of funds from the Local Law Enforcement Continuing Education Fund.

(4) The appropriation and expenditure of any and all funds from the Local Law Enforcement Continuing Education Fund by the City Police Department must be approved by the City Council. (Ord. 810, passed 7-9-2001; Ord. 823, passed 12-23-2002; Ord. 866, passed 3-12-2007)

§ 34.48 CITY CEMETERY FEES.

From and after September 1, 2004, the City Cemetery shall collect a grave opening fee of \$50 for each grave opened. The funds generated by the grave opening fee shall be deposited by the Clerk-Treasurer into a non-reverting fund and used only for the operation, maintenance, and care of the City Cemetery. (Ord. 840, passed 8-23-2004)

§ 34.49 ECONOMIC DEVELOPMENT COMMISSION FEES.

(A) The City Council hereby finds and determines that the promotion of diversification of economic development and job opportunities in and near the city; is desirable to preserve the health, safety, and general welfare of the citizens of the city; and that it is in the public interest that the Commission and the city take such action as they lawfully may to encourage economic development, diversification of industry, and promotion of job opportunities in and near the city.

(B) The City Council of the city hereby finds and determines that it is both in the public interest and authorized by statute for the Commission to charge a fee as provided by I.C. 36-7-12-29 to be paid from the proceeds of the issue of economic development financing to cover its costs of operation in promoting such financing.

(C) Commencing with the date of adoption of this section, the City Economic Development Commission shall charge a fee to cover the costs of its operation and promotion of economic development financing pursuant to I.C. 36-7-12-29. (Ord. 563, passed 9-8-1981)

APPENDIX A: FEES FOR VIOLATION OF ORDINANCE REGULATIONS

<i>Violation</i>	<i>Fee</i>
15-minute parking 677	\$25
2-hour parking 610	\$5
Alcohol in city park	\$100
Alley obstruction (non-vehicle) 768	\$25
Bicycles on sidewalk (downtown) 372	\$25
City park closure 394/523	\$25
Door-to-door violations 804	\$250
Electrician’s license violation 779	\$100
Illegal parking (large vehicle) 317	\$25
Illegal use of R.V./motorhome 352	\$50
Illegal trash dumping 846-A/846	\$100
Improper burning 421/723	\$25
Improper Parking 464/465/471/499/520/531/637/660/719/784/791/403/404/415/ 389/217/396/416/417/425/426/438/451/456	\$25
Improper right turn 473/474	\$25
No parking (park theater) 832	\$25

North Vernon - Administration

<i>Violation</i>	<i>Fee</i>
Nuisance animals 673/764/803/449	\$25
One-way street 402/772	\$25
Parking on sidewalk 424	\$25
Sexually-oriented business 794	\$250
Solicitation of motorist 463	\$25
Speed limit 20 mph Fifth Street 646	\$25
Stop Sign Violation 378/410/413/452/466/478/484/656/638/643/644/645/687/699/ 708/659/712/713/744	\$25
Tampering with fire hydrant 440	\$25
Tampering with water line 441	\$25
Train speed (25 mph max) 504	\$25
Truck off of truck route 552/605	\$50
Unlawful street vending 810	\$35
Unlicensed taxicab 258	\$200
Vehicles off-road/city park 377	\$25
Working in city right-of-way 792	\$0

(Ord. 876, passed 9-24-2007)