

TITLE III: ADMINISTRATION

Chapter

- 30. TOWN COUNCIL**
- 31. TOWN OFFICIALS**
- 32. TOWN ORGANIZATIONS**
- 33. FINANCES**
- 34. TOWN POLICIES**
- 35. ORDINANCE VIOLATIONS BUREAU**
- 36. TORT CLAIMS**

CHAPTER 30: TOWN COUNCIL

Section

- 30.01 Designation of town legislative body and town executive
- 30.02 Terms of Council Members
- 30.03 Election of Council Members
- 30.04 Residence requirement of Council Members
- 30.05 Filling vacancies on Council
- 30.06 Election of President of Council; term of office
- 30.07 Clerk-Treasurer; tie-breaking vote authorized
- 30.08 Powers and duties of Town Council
- 30.09 Quorum
- 30.10 Requirements defined; majority vote; two-thirds vote
- 30.11 Majority vote; when required
- 30.12 Two-thirds vote; when required
- 30.13 Publication and notice of ordinances prescribing penalties; exceptions
- 30.14 Record of ordinance

§ 30.01 DESIGNATION OF TOWN LEGISLATIVE BODY AND TOWN EXECUTIVE.

The elected Town Council is the town legislative body. The President of the Town Council, selected under § 30.06, is the town executive.
(1981 Code, § 2.101)

§ 30.02 TERMS OF COUNCIL MEMBERS.

The term of office of a Council Member is four years, beginning at 12:00 p.m. on January 1 after his or her election and continuing until his or her successor is elected and qualified.
(1981 Code, § 2.102)

§ 30.03 ELECTION OF COUNCIL MEMBERS.

The Council Members shall be elected at large by the voters of the whole town.
(1981 Code, § 2.104)

§ 30.04 RESIDENCE REQUIREMENT OF COUNCIL MEMBERS.

A member of the Town Council forfeits his or her office if he or she ceases to be a resident of the town.
(1981 Code, § 2.105)

§ 30.05 FILLING VACANCIES ON COUNCIL.

Vacancies on the Town Council shall be filled as follows.

(A) Those vacancies concerning which the person who last held the vacated office was elected to that office as a candidate of a political party under the provisions of I.C. Title 3 shall be filled for the unexpired term by caucus as provided in I.C. 3-13-11.

(B) All vacancies in office not covered under I.C. 3-13-11 shall be filled by the Town Council at a special meeting called for that purpose. The Town Clerk-Treasurer shall give each Council Member at least five-days' notice of the meeting, in writing.
(1981 Code, § 2.106)

§ 30.06 ELECTION OF PRESIDENT OF COUNCIL; TERM OF OFFICE.

The Town Council shall select one of its Council Members to be its President for a definite term, which may not exceed his or her term of office as a Council Member.
(1981 Code, § 2.107)

§ 30.07 CLERK-TREASURER; TIE-BREAKING VOTE AUTHORIZED.

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

(B) Whenever the Town Council has an even number of Council Members for any reason, the Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.
(1981 Code, § 2.108)

§ 30.08 POWERS AND DUTIES OF TOWN COUNCIL.

The Town Council may:

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

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

(C) Adopt and use a common seal.

(1981 Code, § 2.109)

§ 30.09 QUORUM.

A majority of all the elected Council Members constitutes a quorum.

(1981 Code, § 2.110)

§ 30.10 REQUIREMENTS DEFINED; MAJORITY VOTE; TWO-THIRDS VOTE.

(A) A requirement that an ordinance, resolution, or other action of the Town Council be passed by a majority vote means at least a majority vote of all the elected Council Members.

(B) A requirement that an ordinance, resolution, or other action of the Town Council be passed by a two-thirds vote means at least a two-thirds vote of all the elected Council Members.

(1981 Code, § 2.111)

§ 30.11 MAJORITY VOTE; WHEN REQUIRED.

A majority vote of the Town Council is required to pass an ordinance, unless a greater vote is required by statute.

(1981 Code, § 2.112)

§ 30.12 TWO-THIRDS VOTE; WHEN REQUIRED.

A two-thirds vote, with unanimous consent of the Council Members present, is required to pass an ordinance of the Town Council on the same day or at the same meeting at which it is introduced.

(1981 Code, § 2.113)

§ 30.13 PUBLICATION AND NOTICE OF ORDINANCES PRESCRIBING PENALTIES; EXCEPTIONS.

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

(B) An ordinance prescribing a penalty must, before it takes effect, be published in the manner prescribed by I.C. 5-3-1, unless:

(1) It is published under I.C. 36-1-5; or

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

(1981 Code, § 2.114)

§ 30.14 RECORD OF ORDINANCE.

(A) Within a reasonable time after an ordinance of the Town Council is adopted, the Clerk-Treasurer shall record it in a book kept for that purpose. The record must include:

(1) The signature of the President of the Town Council;

(2) The attestation of the Clerk-Treasurer; and

(3) The date of each recorded item.

(B) The record, or a certified copy of it, constitutes presumptive evidence of the adoption of the ordinance.

(1981 Code, § 2.115)

CHAPTER 31: TOWN OFFICIALS

Section

General Provisions

31.01 Utility Clerk

Town Clerk-Treasurer

- 31.15 Serves as town clerk and fiscal officer
- 31.16 Term of office
- 31.17 Election
- 31.18 Vacancy in office
- 31.19 Administration of oaths; depositions; acknowledgments
- 31.20 Powers and duties
- 31.21 Deputies and employees

Town Marshal and Deputy Marshals

- 31.35 Appointment; compensation
- 31.36 Removal from office; discipline; procedure
- 31.37 Powers and duties
- 31.38 Deputy Marshals

GENERAL PROVISIONS

§ 31.01 UTILITY CLERK.

(A) The Town Council hereby creates the position of Utility Clerk, the position to be a part-time position that will work 25 hours per month, and be responsible for assisting in matters related to the billing and collection of utility bills for the town's utility customers.

(B) The Clerk-Treasurer shall appoint the position of Utility Clerk, pursuant to I.C. 36-5-6-7, provided that the Clerk-Treasurer may not elect to appoint himself or herself to the position to perform the additional work required of the Utility Clerk without the approval of the Town Council.

(C) In the event that the Town Council determines that this part-time position is no longer needed for utility billing, the Town Council may elect to eliminate this position by subsequent ordinance or action of the Town Council.

(D) The compensation for the part-time position of Utility Clerk for any year subsequent to 2005, provided that the position has not been eliminated, shall be as determined by the Town Council by appropriate future salary ordinance.

(E) This section shall be in full force and effect from the date of its passage and publication, as provided by law.

(Ord. 3-2005, passed 5-4-2005)

TOWN CLERK-TREASURER

§ 31.15 SERVES AS TOWN CLERK AND FISCAL OFFICER.

The Clerk-Treasurer, elected as provided by law, is both the town clerk and the town fiscal officer. (1981 Code, § 2.401)

§ 31.16 TERM OF OFFICE.

The term of office of the Clerk-Treasurer is four years, beginning at 12:00 p.m. on January 1 after his or her election and continuing until his or her successor is elected and qualified. (1981 Code, § 2.402)

§ 31.17 ELECTION.

The Clerk-Treasurer shall be elected by the voters of the whole town. (1981 Code, § 2.403)

§ 31.18 VACANCY IN OFFICE.

A vacancy in the Office of Clerk-Treasurer shall be filled in the same manner as a vacancy on the Town Council. (1981 Code, § 2.404)

31.20 POWERS AND DUTIES.

The Clerk-Treasurer shall:

- (A) Receive and care for all monies, and pay them out only on order of the Council; except to pay out town funds to meet obligations of the town with respect to the following types of claims which disbursements are hereby pre-approved for lawful town purposes.
 - (1) Property or services purchased or leased from:
 - (a) The U.S government; or
 - (b) An agency or a political subdivision of the United States government.
 - (2) License fees or permit fees;
 - (3) Insurance premiums;
 - (4) Utility payments or utility connection charges;
 - (5) Federal grant programs;
 - (6) Grants of state funds authorized by statute;
 - (7) Maintenance agreements or service agreements;
 - (8) Lease agreements or rental agreements;
 - (9) Principal and interest payments on bonds;
 - (10) Payroll
 - (11) State, federal, or county taxes;
 - (12) Travel related expenses which are authorized by town travel policy;
 - (13) Payment to local vendors for gas or diesel fuel used by employees for town vehicles; provided that each disbursement made under the authority of this division is supported by a fully itemized claim and the Town Council reviews and allows the claim at the next regular or special meeting following the payment of said claim.

§ 31.19 ADMINISTRATION OF OATHS; DEPOSITIONS; ACKNOWLEDGMENTS.

The Clerk-Treasurer may administer oaths, take depositions, and take acknowledgments of instruments required by statute to be acknowledged.
(1981 Code, § 2.405)

§ 31.20 POWERS AND DUTIES.

The Clerk-Treasurer shall:

- (A) Receive and care for all town monies, and pay them out only on order of the Town Council;
 - (B) Keep accounts showing when and from what sources he or she has received town monies and when and to whom he or she has paid out town monies;
 - (C) File each month with the Town Council a statement showing the receipts and disbursements of the town treasury for the preceding month and the balance remaining in each town fund;
 - (D) Keep his or her records open for inspection by the Town Council, or a person appointed by the Town Council for that purpose;
 - (E) Maintain custody of the town seal and the records of the Town Council;
 - (F) Issue all licenses authorized by statute;
 - (G) Serve as clerk of the Town Council by attending its meetings and recording its proceedings; and
 - (H) Perform all other duties prescribed by law.
- (1981 Code, § 2.406)

§ 31.21 DEPUTIES AND EMPLOYEES.

The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Town Council. The Clerk-Treasurer's deputies and employees serve at his or her pleasure.
(1981 Code, § 2.407)

TOWN MARSHAL AND DEPUTY MARSHALS**§ 31.35 APPOINTMENT; COMPENSATION.**

The Town Council shall appoint a Town Marshal and fix his or her compensation.
(1981 Code, § 2.501)

§ 31.36 REMOVAL FROM OFFICE; DISCIPLINE; PROCEDURE.

The Marshal serves at the pleasure of the Town Council. However, before terminating or suspending a Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9, the Town Council must conduct the disciplinary removal and appeals procedure prescribed by I.C. 36-8 for city fire and police departments.
(1981 Code, § 2.502)

§ 31.37 POWERS AND DUTIES.

(A) The Marshal is the chief police officer of the town and has the powers of other law enforcement officers in executing the orders of the Town Council and enforcing laws.

(B) The Marshal or his or her Deputy Marshal:

(1) Shall serve all process directed to him or her by the Town Council;

(2) Shall arrest without process all persons who commit an offense in his or her view, take them before a court having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;

(3) Shall suppress breaches of the peace;

(4) May, if necessary, call the power of the town to his or her aid;

(5) May execute search warrants and arrest warrants; and

(6) May pursue and jail persons who commit an offense.

(1981 Code, § 2.503)

§ 31.38 DEPUTY MARSHALS.

(A) The Town Council may appoint, or may by ordinance authorize the Marshal to appoint, Deputy Marshals. Deputy Marshals have the powers and liabilities of the Marshal in executing the orders of the Town Council or enforcing laws.

(B) The Town Council shall fix the amount of bond, compensation, and term of service of Deputy Marshals. The Marshal may dismiss a Deputy Marshal at any time. However, a Deputy Marshal who has been employed by the town for more than six months, after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9, may be dismissed only if the procedure prescribed by § 31.36 is followed.

(1981 Code, § 2.504)

CHAPTER 32: TOWN ORGANIZATIONS

Section

Plan Commission

32.01 Members; terms

PLAN COMMISSION

§ 32.01 MEMBERS; TERMS.

(A) There is hereby established a Town Plan Commission under the authority provided in Chapter 174 of the Acts of the Indiana General Assembly, 1947, as amended.

(B) The membership of the Town Plan Commission shall be composed of three persons in the town government to be appointed by the Town Council, and whose terms shall be coextensive with their office to which elected or appointed; and four citizen members residing within the corporate limits of the town to be appointed by the President of the Town Council.

(1) The initial terms and political affiliations of the citizen members shall be as follows:

(a) Two for a term of three years, each of whom shall be from a different political party;
and

(b) Two for a term of four years, each of whom shall be from a different political party.

(2) The initial terms of the citizen members shall expire on January 1 of the third or fourth year, respectively, following their appointment. Thereafter, each new citizen member appointment shall be for a term of four years.

(1981 Code, § 2.601) (Ord. 1, 1977, passed 2-14-1977)

CHAPTER 33: FINANCES

Section

General Provisions

- 33.01 Issuance and sale of bonds authorized
- 33.02 Preparation of annual budget estimates
- 33.03 Preparation and approval of ordinance fixing tax rate and making annual appropriations
- 33.04 Increase or decrease of appropriations after approval of ordinance
- 33.05 Disbursement of funds
- 33.06 Issuance of warrants
- 33.07 Allowance of claims
- 33.08 Warrants for payment of claims
- 33.09 Compensation of Council Members and other town officers and employees
- 33.10 Payment of compensation to officer or employee prior to vacation leave

Purchasing

- 33.25 Purchasing agency designated
- 33.26 Agency powers and duties
- 33.27 Purchasing agents
- 33.28 Effective date

Credit Cards and Accounts

- 33.40 Title
- 33.41 Purposes
- 33.42 Designation of individuals who may apply for and use credit
- 33.43 Application procedure
- 33.44 Use of existing accounts
- 33.45 Possession of credit cards
- 33.46 Use of the credit card account
- 33.47 Payment of annual fees
- 33.48 Effective date

Cumulative Capital Development Fund

- 33.60 Title
- 33.61 Purpose
- 33.62 Authority
- 33.63 Revenue
- 33.64 Expenditures
- 33.65 Effective date

GENERAL PROVISIONS**§ 33.01 ISSUANCE AND SALE OF BONDS AUTHORIZED.**

(A) The Town Council may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, bonds may not be issued to procure money to pay current expenses.

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

(C) Bonds issued under this section are subject to the provisions of I.C. 5-1 relating to the filing of a petition requesting the issuance of bonds and giving notice of the petition, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the State Board of Tax Commissioners, the right of taxpayers to remonstrate against the issuance of bonds, and the sale of bonds at public sale for not less than their par value.

(1981 Code, § 2.116)

§ 33.02 PREPARATION OF ANNUAL BUDGET ESTIMATES.

(A) *Generally.* Before the publication of notice of budget estimates required by I.C. 6-1.1-17-3, the town shall formulate a budget estimate for the ensuing budget year in the following manner, unless provided otherwise by ordinance.

(B) *Specifically.*

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

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

(3) The President of the Town Council shall meet with the department heads and the Clerk-Treasurer to review and revise their various estimates.

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

(1981 Code, § 2.202)

§ 33.03 PREPARATION AND APPROVAL OF ORDINANCE FIXING TAX RATE AND MAKING ANNUAL APPROPRIATIONS.

The Town Clerk-Treasurer shall present the report of budget estimates to the Town Council under I.C. 6-1.1-17. After reviewing the report, the Town Council shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other town purposes during the ensuing budget year. The Town Council, in the appropriation ordinance, may change any estimated item from the figures submitted in the report of the Clerk-Treasurer. The Town Council shall promptly act on the appropriation ordinance.

(1981 Code, § 2.203)

§ 33.04 INCREASE OR DECREASE OF APPROPRIATIONS AFTER APPROVAL OF ORDINANCE.

After the passage of the appropriation ordinance, the Town Council may make further or additional appropriations by ordinance, unless their result is to increase the tax levy set under I.C. 6-1.1-17. The Town Council may, by ordinance, decrease any appropriation set by ordinance.

(1981 Code, § 2.204)

§ 33.05 DISBURSEMENT OF FUNDS.

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

(1981 Code, § 2.301)

§ 33.06 ISSUANCE OF WARRANTS.

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

(B) A town officer who violates this section forfeits his or her office.
(1981 Code, § 2.302)

§ 33.07 ALLOWANCE OF CLAIMS.

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

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

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

(B) A town officer who violates this section forfeits his or her office.
(1981 Code, § 2.303)

§ 33.08 WARRANTS FOR PAYMENT OF CLAIMS.

A warrant for payment of a claim against the town may be issued only if the claim is:

(A) Itemized and certified per I.C. 5-11-10-1;

(B) Filed with the Town Clerk-Treasurer; and

(C) Allowed by the Town Council, or by the board of the town having jurisdiction over allowance of the claim.
(1981 Code, § 2.304)

§ 33.09 COMPENSATION OF COUNCIL MEMBERS AND OTHER TOWN OFFICERS AND EMPLOYEES.

(A) The Town Council shall, by special ordinance, fix the compensation of its own Council Members, the Town Clerk-Treasurer, and the Town Marshal. The Town Council shall provide reasonable compensation for other town officers and employees.

33.09 COMPENSATION OF COUNCIL MEMBERS AND OTHER TOWN OFFICERS AND EMPLOYEES.

(A) The Town Council shall, by special ordinance, fix the compensation of its own Council Members, the Town Clerk-Treasurer, and the Town Marshal. The Town Council shall provide reasonable compensation for other town officers and employees.

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the year 1980.
(1981 code 2.201)

(C) Town employees shall receive the following days off with pay:

- (1) New Years Day
- (2) Good Friday
- (3) Memorial Day
- (4) July 4th
- (5) Labor Day
- (6) Veterans Day
- (7) Thanksgiving Day
- (8) The day after Thanksgiving
- (9) Christmas Day
- (10) The day after Christmas
- (11) ½ day New Years Eve

(D) Town employees shall also receive:

- (1) 1 week paid vacation after one year of service.
- (2) 2 weeks paid vacation after two years of service.
- (3) 3 weeks paid vacation after five years of service.
- (4) 6 personal days with pay per calendar year.
- (5) 6 sick days off with pay per calendar year.
can only accumulate 12 days to carry over to next calendar year.

§ 33.11 DRUG FREE WORKPLACE.

Section 1: overview

WHEREAS, the Town of Milton, Indiana makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the Town and its employees. Since the Town of Milton, Indiana values each employee, the Town offers employees assistance in dealing with alcohol and drug abuse problems.

Section 2: Policy

WHEREAS, the Town of Milton, Indiana requires all employees to report to work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This ordinance and related procedures may be modified by the Town at any time to comply with any applicable federal, state, or local laws or to better serve the needs of the Town.

Section 3: Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120) and the Code of Federal Regulations (21 C.F.R. 1308.11-1608.15) and prescription controlled substances which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this ordinance.

This ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on Town premises (including vehicles used for Town business). These include but are not limited to marijuana, cocaine, crack, PCP, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

Section 4: alcohol

The use of alcohol on the job or on Town premises is prohibited. The use of alcohol in vehicles used for Town business is strictly prohibited.

Alcohol possession applies to all open or sealed alcoholic beverage containers. Such containers are not allowed on the job, on Town premises, or in any vehicle used for Town business.

Section 5: reporting Violations

Employees must as a condition of their employment, abide by the terms of this Ordinance and report any conviction to the Town under a criminal drug statute for violations occurring on or off Town premises. Report of a conviction must be made to the Town within five (5) business days after the conviction. The Town will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988).

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the Town will consider the circumstances of each incident, including but not limited to any adverse effect the employees actions may have on its customers, other employees, the public, or the Town's reputation and image.

Any questions regarding the reporting of violations should be directed to the Clerk-Treasurer.

Section 6: Testing

The Town of Milton, Indiana may ask employees to submit to random alcohol or drug tests unless State or Federal law prohibits such testing.

Alcohol or drug testing may be required in the following circumstances:

1. When unsatisfactory job performance or other employee behavior is reasonable indicative of substance abuse.
2. During or after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the Town.
3. When involved in any accident involving Town equipment or on town premises.
4. As a condition of being hired by the Town of Milton.

5. When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the Town. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is a part of the pre-employment physical. The method of testing will be determined by the Town. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer.

Section 8. This Ordinance shall be in full force and effect from and after its passage and adoption, and proper publication required by law. If applicable, whichever is later.

PASSED AND ADOPTED by the Town Council of Milton, Indiana this 10th day of Sept, 2013.

TOWN COUNCIL OF THE TOWN OF MILTON, INDIANA

IN FAVOR:

NOT IN FAVOR:

Ganette Handley
Thomson

Hugh B. B...

Agnes Fisher

Day M. D. ...

ATTEST:

Terry Craig

Clerk-Treasurer

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the year 1980.
(1981 Code, § 2.201)

§ 33.10 PAYMENT OF COMPENSATION TO OFFICER OR EMPLOYEE PRIOR TO VACATION LEAVE.

One to three days before the vacation leave period of a town officer or employee begins, the town may pay him or her the amount of compensation he or she will earn while he or she is on vacation leave.
(1981 Code, § 2.305)

PURCHASING

§ 33.25 PURCHASING AGENCY DESIGNATED.

The Town Council is designated as the purchasing agency for the town.
(Ord. 4-2005, passed 8-3-2005)

§ 33.26 AGENCY POWERS AND DUTIES.

The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law, or supplemented from time to time by ordinances adopted by the Town Council and policies adopted by the purchasing agency.
(Ord. 4-2005, passed 8-3-2005)

§ 33.27 PURCHASING AGENTS.

(A) The purchasing agency shall act as purchasing agency for every agency, board, office, branch, bureau, commission, council, and department, provided that they are not excluded by I.C. 5-22-1. For purchases of less than \$25,000, the purchasing agency shall not be required to solicit bids. Instead, the purchasing agency may invite quotes from no less than two persons known to deal in the lines or classes of supplies being purchased. The purchasing agency is not required to provide the invitations in written form, but the invitations may be done telephonically or in writing. The purchasing agency may then award a contract to an offeror who is found by the purchasing agency to be responsive and competitive. Any member of the purchasing agency having a conflict of interest shall abstain from any vote under regarding the awarding of a contract for which they have the conflict.

(B) The purchasing agency hereby designates the Town Clerk-Treasurer and Works Manager as purchasing agents for the purchasing agency, with the purchasing agents' authority to be limited to the following:

(1) To assist the purchasing agency in the invitation of quotes and/or proposals, and to provide the purchasing agency with relevant information relative thereto;

(2) For the Town Works Manager, to make purchases, on behalf of the purchasing agency, in purchasing supplies relevant to his or her position, in an amount not to exceed a total of \$250 in any given calendar month, provided that the purchasing agent reports to the purchasing agency his or her efforts in the invitation of at least two quotes, and his or her reasoning in selecting the offer. The purchasing agent shall not be relieved of his or her responsibilities in complying with the applicable purchasing statutes, including, but not limited to, the necessity to utilize purchase orders, to submit itemized bills or invoices covering the purchase and the end use need, the filing of any necessary paperwork with the purchasing agency prior to any purchase made, and to verify that any proposed purchase was budgeted and can be funded pursuant to the Town's budget. If the item or service wasn't budgeted then the purchasing agent must approach the Town Council for approval before a transaction can be made and confirmation if funds are available. In the event there is an EMERGENCY, a special Town Council meeting needs to be called in which a quorum is required to approve. In the event a quorum is not achieved with Council members the Town Clerk may vote to achieve a quorum.

(2A) EXCEPTIONS: The following exceptions are noted to be consumable items in which they are budgeted on an annual basis, and are not a part of the monthly spending allotment allowed the Town Works Manager.

(1) Consumable items to insure that the fresh water system is maintained to meet Indiana State Board of Health requirements; this would include any outside service for testing of the Town's fresh water system.

(2) Consumable items to insure the waste water system is maintained to meet Indiana State Board of Health requirements.

(3) Consumable fluids such as fuel, oils, coolants and other liquids to maintain equipment or hardware on an as needed basis.

(3) For the Clerk-Treasurer, to make purchases, on behalf of the purchasing agency, in purchasing supplies related to his or her position, in an amount not to exceed a total of \$1,000 in any given calendar month.

month, provided that the purchasing agent reports to the purchasing agency his or her efforts in the invitation of at least two quotes, and his or her reasoning in selecting the offer. The purchasing agent shall not be relieved of his or her responsibilities in complying with the applicable purchasing statutes, including, but not limited to, the necessity to utilize purchase orders and to submit itemized bills or invoices covering the purchase, the filing of any paperwork with the purchasing agency after delivery is made, and to verify that any that any proposed purchase can be funded pursuant to the Town's budget. (Ord. 4-2005, passed 8-3-2005, amended 11-13-13)

CREDIT CARDS AND ACCOUNTS

§ 33.40 TITLE

This subchapter shall be known as the "Town of Milton Credit Ordinance."
(Ord. 2001-1, passed --)

§ 33.41 PURPOSES.

The purposes of this subchapter are to authorize individuals to obtain credit cards or credit accounts on behalf of the town and to provide for their use once obtained.

(Ord. 2001-4, passed - -)

§ 33.42 DESIGNATION OF INDIVIDUALS WHO MAY APPLY FOR AND USE CREDIT.

(A) Any person designated by motion adopted by the Town Council may apply for credit accounts or open accounts.

(B) The Town Council will designate those individual(s) who are authorized to use the credit accounts and credit cards. Only those people so designated by the Town Council will have authority to use the credit cards.

(Ord. 2001-4, passed - -)

§ 33.43 APPLICATION PROCEDURE.

(A) *Application for credit by Clerk-Treasurer.*

(1) The Clerk-Treasurer, prior to applying for credit, must inform the Council of the need for credit, the identity of the source of credit, and the terms of the credit, including interest rate and terms of repayment.

(2) The Council, by motion, may authorize the Clerk-Treasurer to apply for credit.

(3) The Clerk-Treasurer shall not have authority to open any charge accounts or charge card accounts unless authorized by the Council.

(B) *Application by designated individual.*

(1) Any employee or Council Member as designated by the Town Council who desires to open a credit account on behalf of the town for the transaction of town business must inform the Council of the source of the credit, the reason why credit is needed, and the interest rate and terms of repayment.

(2) The Town Council may authorize the opening of a credit account.

(3) The designated individual will not be authorized to open a credit account or charge card account unless authorized by the Council.

(Ord. 2001-4, passed - -)

§ 33.44 USE OF EXISTING ACCOUNTS.

Prior to the use of any existing credit accounts, the Council must authorize the continued use of the accounts.

(Ord. 2001-4, passed - -)

§ 33.45 POSSESSION OF CREDIT CARDS.

(A) The Council will designate an individual who will keep custody of the credit cards at all times, except when they are being used by a designated individual.

(B) The designated custodian must maintain a log as to each credit card, identifying any individual. Any individual using the credit card shall sign out the credit card on the log, noting the date and time that the credit card was in the individual's possession and the use for which the card is intended and the time when the credit card is returned.

(C) Upon the completion of the use of the card by the designated individual(s), the card must be returned to the custodian within 24 hours.

(D) The custodian must keep a record of the purpose for which the card will be used in advance, a copy of the sales slip, and the charge slip.

(E) The custodian must keep a record of each charge and the account from which the charge will be paid.

(Ord. 2001-4, passed - -)

§ 33.46 USE OF THE CREDIT CARD ACCOUNT.

(A) The charge account may be used only to purchase goods and materials which will be used by the town.

(B) The credit card may not be used unless a purchase order is issued prior to the particular transaction. The credit charge slip must contain the purchase order number.

(C) Payment for charges made upon the credit card may not be made from the statement, but must be paid from the credit card charge slip and the purchase receipt.

(Ord. 2001-4, passed - -)

§ 33.47 PAYMENT OF ANNUAL FEES.

Any annual fees required to maintain authorized charge accounts may be paid by the Clerk-Treasurer.

(Ord. 2001-4, passed - -)

§ 33.48 EFFECTIVE DATE.

This subchapter shall be effective as of its passage and publication.

(Ord. 2001-4, passed - -)

CUMULATIVE CAPITAL DEVELOPMENT FUND**§ 33.60 TITLE.**

This subchapter, and all ordinances supplementary or amendatory thereto, shall be known as the "Ordinance Establishing a Cumulative Capital Development Fund for the Civil Town of Milton."

(Ord. 1993-4, passed 8- -1993)

§ 33.61 PURPOSE.

The purpose of this subchapter is to establish a Cumulative Capital Development Fund and to establish a tax levy to fund the Fund for the construction and maintenance of public improvements and for purchase and lease of equipment.

(Ord. 1993-4, passed 8- -1993)

§ 33.62 AUTHORITY.

This subchapter is passed pursuant to the authority granted to the town by I.C. 36-9-15.5-1 *et seq.*

(Ord. 1993-4, passed 8- -1993)

§ 33.63 REVENUE.

The tax money collected under this Fund shall be deposited in a special fund to be known as the Cumulative Capital Development Fund. The money may not be expended for any purpose other than the purposes for which the tax was levied.

(Ord. 1993-4, passed 8- -1993)

§ 33.64 EXPENDITURES.

(A) Cumulative capital funds may be authorized to provide money for any purpose for which property taxes may be imposed within the town, under the authority of the purposes as set out by I.C. 36-9-15.5-2.

(B) Expenditure from the Cumulative Capital Development Fund may be made only after an appropriation is made in the manner provided by law for making of the appropriations.

(C) Money held in the Cumulative Capital Development Fund may be expended for purposes to protect the public health, welfare, and safety in an emergency situation that demands an immediate action or make contributions to an authority established under I.C. 36-7-23. Money may be spent in an emergency situation only after the President of the Town Council:

(1) Issues a declaration that the public's health, welfare, or safety is in immediate danger that requires the expenditure of money in the Fund; and

(2) Certifies in the minutes of the Town Council that the contribution is made to the authority for cumulative capital development purposes.
(Ord. 1993-4, passed 8- -1993)

§ 33.65 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its adoption and publication, as required by law.
(Ord. 1993-4, passed 8- -1993)

CHAPTER 34: TOWN POLICIES

Section

General Provisions

- 34.01 Delivery of records and property to successor by town officer
- 34.02 Revocation or suspension of licenses issued by town

Travel Expenses

- 34.15 Title
- 34.16 Purpose
- 34.17 Definitions
- 34.18 Mileage allowance
- 34.19 Meals and lodging expense
- 34.20 Tolls and parking costs
- 34.21 Records
- 34.22 Effective date

Town Membership in Organizations

- 34.35 Membership dues to organizations
- 34.36 Expenses of attendance at meetings

Vehicle Accident Reports

- 34.50 Accident reports available to persons suffering injury or damage
- 34.51 Who may obtain information
- 34.52 Fee for furnishing copy of report; deposit and use of fees
- 34.53 Exception where criminal proceedings may be involved

GENERAL PROVISIONS**§ 34.01 DELIVERY OF RECORDS AND PROPERTY TO SUCCESSOR BY TOWN OFFICER.**

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

(1981 Code, § 2.306)

§ 34.02 REVOCATION OR SUSPENSION OF LICENSES ISSUED BY TOWN.

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

(1981 Code, § 2.307)

TRAVEL EXPENSES**§ 34.15 TITLE.**

This subchapter shall be known as the "Town of Milton Travel, Expense, and Mileage Ordinance."
(Ord. 2001-3, passed - -)

§ 34.16 PURPOSE.

The purpose of this subchapter is to establish a policy to reimburse employees, Council Members, or the Clerk-Treasurer for expenses incurred while using their private automobiles to transact town business.

(Ord. 2001-3, passed - -)

§ 34.17 DEFINITIONS.

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

CLAIMANT. Any employee, Council Member, attorney, or Clerk-Treasurer who shall travel solely for business purposes on behalf of the town.

34.18 REIMBURSEMENT OF TRAVEL AND BUSSINESS EXPENSES.

(A) Travel related expenses.

(1) Expenses which shall be reimbursed:

- (a) Air, rail, or bus tickets at the lowest possible fare available;
- (b) Rental car, bus, and taxi expense, if ground transportation is reasonable and necessary for the purpose of the trip;
- (c) Normal travel gratuities, up to but not to exceeding 15% of the total cost of the product and/or service;
- (d) Use of privately-owned vehicles at the then-current federally permissible milage rate;
- (e) Necessary parking and storage fees;
- (f) Lodging at actual cost at room rate (lowest cost);
- (g) Meal expenses at cost, but not to exceed:

- (2) Breakfast: \$10.00 per day;
- (3) Lunch: \$10.00 per day; and
- (4) Dinner: \$20.00 per day

(h) All other expenses necessarily incurred directly related to the purpose of travel

(2) Expenses which shall not be reimbursed:

- (a) Personal Entertainment;
- (b) Fines for parking, speeding, and the like;
- (c) Alcoholic beverages;
- (d) Travel related to personal entertainment;
- (e) Groceries; and
- (f) Items disallowed as stated under previous heading.

PERSONAL VEHICLE. Any vehicle which is not titled in the name of the town.

TRAVEL FOR TOWN BUSINESS. Any travel for which the point of origin is the town and the point of return is the town, exclusive of travel to and from the residence of the claimant.
(Ord. 2001-3, passed - -)

§ 34.18 MILEAGE ALLOWANCE.

Any claimant who shall use a private motor vehicle on town business shall be reimbursed at the rate of \$.26 per mile.

(Ord. 2001-3, passed - -) replaced 3-13-12 by 34.18 D

§ 34.19 MEALS AND LODGING EXPENSE.

(A) Any claimant who shall, by virtue of his or her business to be transacted on behalf of the town, be required to stay away from his or her home and the town overnight shall be reimbursed for the actual cost of meals (not to exceed \$20 a day) and of lodging (not to exceed \$60 a day).

(B) In the event that any claimant is required as part of his or her attendance at a function on behalf of the town to stay in a facility at which the minimum expense of lodging per night is in excess of the limit set in division (A) of this section, the Town Council may authorize the expenditure of expenses in excess of those set out in division (A) of this section by resolution passed by the Council prior to the incurring of the expenses.

(Ord. 2001-3, passed - -)

§ 34.20 TOLLS AND PARKING COSTS.

Reimbursement shall be made to claimants for tolls and parking costs for authorized travel, upon presentation of a written receipt. If written documentation is not available, as in the case of parking charge for a parking meter, the individual making the claim shall present a written statement of the date and amount of the charge.

(Ord. 2001-3, passed - -)

§ 34.21 RECORDS.

No claimant shall be reimbursed under the terms of this subchapter unless the employee or officer presents a written record, with entries made at the time of each trip, indicating the date, the purpose of the travel, and the destination. The actual mileage traveled shall also be indicated by showing the

mileage on the odometer of the vehicle at the start of the trip and the mileage shown immediately on the completion of the trip. The records shall be kept on forms to be furnished by the Clerk-Treasurer.
(Ord. 2001-3, passed - -)

§ 34.22 EFFECTIVE DATE.

This subchapter shall be effective as of its passage and publication.
(Ord. 2001-3, passed - -)

TOWN MEMBERSHIP IN ORGANIZATIONS

§ 34.35 MEMBERSHIP DUES TO ORGANIZATIONS.

The Town Council is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the town and the elected and appointed officials and members of the town's boards, departments, or agencies in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of municipal operations.
(1981 Code, § 2.701) (Ord. 1-1982, passed 6-7-1982)

§ 34.36 EXPENSES OF ATTENDANCE AT MEETINGS.

The Town Council is further authorized to budget and appropriate funds to pay the expenses of duly-authorized representatives to attend the meetings and functions of organizations to which the town belongs.
(1981 Code, § 2.702) (Ord. 1-1982, passed 6-7-1982)

TOWN OF MILTON, INDIANA
ORDINANCE NO. 2012 - 3

**AN ORDINANCE TO ADOPT A POLICY CONCERNING NEPOTISM AND
EMPLOYMENT WITH THE TOWN OF MILTON, INDIANA, AS WELL AS A POLICY
CONCERNING CONTRACTING WITH THE TOWN OF MILTON, INDIANA**

WHEREAS, the Town Council of the Town of Milton, Wayne County, Indiana ("Town") recognizes that the Indiana Legislature passed, and the Governor signed, HEA 1005 entitled Nepotism; Conflict of Interest, which has been codified at Indiana Code § 36-1-20.2 *et seq.*, as added by P.L. 135-2012 (the "Act"), and through which section 7 of the Act requires the Town to establish a policy concerning nepotism, and Indiana Code (IC) § 36-1-21 *et seq.*, as added by P.L. 135-2012, and through which section 8 of the Act requires the Town to establish a policy concerning contracting with relatives of elected officials; and

WHEREAS, these two new chapters, IC § 36-1-20.2 *et seq.*, Nepotism, and IC § 36-1-21 *et seq.*, Contracting with a Unit, respectively, will become effective on July 1, 2012; and

WHEREAS, in each of those new chapters, the Town is required to adopt a policy that includes, as a minimum, the requirements set forth in those new chapters; and

WHEREAS, in each of those new chapters "relative" is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half- brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law; and

WHEREAS, based on the obligations imposed by way of those new chapters, the Town hereby adopts as its policies the minimum requirements of IC § 36- 1-20.2 *et seq.*, Nepotism, and of IC § 36-1-21 *et seq.*, Contracting with a Unit, as stated in those new chapters of the Indiana Code;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Milton, Wayne County, Indiana, as follows:

1. The Town of Milton, Wayne County, Indiana ("Town") finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town and in contracting with the Town in order to continue to be able to provide local government services to its residents and to comply with IC § 36-1-20.2 *et seq.*, and IC § 36-1-21 *et seq.*; both of which become effective on July 1, 2012.

2. The Town's policy concerning Nepotism is hereby established effective July 1, 2012, by adopting, and incorporating by reference herein, the minimum requirement provisions of IC § 36-1-20.2 *et seq.*, and including all future supplements and amendments thereto, which become law and making them a part hereof as if fully set out herein. In addition to such incorporation by reference, Town further determines that Section 2 of IC § 36-1-20.2 is supplemented to specifically exclude ordered military service (including orders to active duty in

the National Guard) from the definition of a “break in employment.” Based upon this adoption by reference, a copy of IC § 36-1-20.2 *et seq.* Nepotism, effective July 1, 2012, is attached hereto, marked “Exhibit A” and made a part hereof.

3. The Town’s policy concerning Contracting with the Town of Milton by a Relative is hereby established effective July 1, 2012 by adopting, and incorporating by reference herein, the minimum requirements provisions of IC § 36-1-21 *et seq.*, and including all future supplements and amendments thereto, which become law and making them a part hereof as if fully set out herein. Based on this adoption by reference, a copy of IC 36-1-21 *et seq.*, effective July 1, 2012, is attached hereto, marked “Exhibit B” and made a part hereof.

4. The Town further finds that a single member of the Town Council cannot act for the Council to make work assignments, compensation determinations, grievance decisions, or advancement or performance evaluations without prior authority of a majority of the Council, and therefore, without such authority by the majority, an individual Town Council member will not be in the direct line of supervision of any Town employee.

5. The Town finds that a single member of the Town Council with authority over employees in the Town cannot act for the Council to make work assignments, compensation determinations, grievance decisions, or advancement or performance evaluations without prior authority of a majority of the Council, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority, an individual Town Council member will not be in the direct line of supervision of any Town employee.

6. All elected and appointed officials and employees of the Town of Milton, Wayne County, Indiana, are hereby directed to cooperate fully in the implementation of the policies created by this Ordinance and to demonstrate compliance with these same policies.

7. Failure to abide by or cooperate with the implementation, compliance, and certifications connected with the Town’s policy on Nepotism is a violation that may result in discipline, up to and including termination of employment of an employee, or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, compliance, and mandated certifications of the policy on Nepotism may be subject to action allowed by law.

8. Failure to abide by or cooperate with the implementation, compliance, and certifications connected with the Town’s policy on Contracting with the Town of Milton by a Relative is a violation and may result in discipline, up to and including termination of employment of an employee or other curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, compliance, and mandated certifications of the policy on Contracting with the Town of Milton by a Relative may be subject to action allowed by law.

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

10. Two (2) copies of IC § 36-1-20.2 *et seq.* and IC § 36-1-21 *et seq.* are on file in the office of the Clerk-Treasurer for the Town of Milton, Wayne County, Indiana, for public inspection as may be required by IC § 36-1-5-4.

Section 2:

This Ordinance shall be in full force and effect from and after its passage and adoption, and proper publication as and is required by law, whichever is later.

All of which is **PASSED, ADOPTED, AND ORDAINED** by the Town Council of the Town of Milton, Indiana, on this ____ day of June, 2012.

IN FAVOR:

Ken Risch, President

Agnes Fisher

Jeannette Hensley

Hugh Payne, Jr.

Dwight Smith

ATTEST:

Terry Craig, Clerk-Treasurer

NOT IN FAVOR:

Ken Risch, President

Agnes Fisher

Jeannette Hensley

Hugh Payne, Jr.

Dwight Smith

Chapter 20.2. Nepotism

Sec. 1. This chapter applies to all units.

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

- (1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.**
- (2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.**

Sec. 3. For purposes of this chapter, the performance of the duties of:

- (1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or**
- (2) a volunteer firefighter;**

is not considered employment by a unit.

Sec. 4. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.**
- (2) A parent or stepparent.**
- (3) A child or stepchild.**
- (4) A brother, sister, stepbrother, or stepsister.**
- (5) A niece or nephew.**
- (6) An aunt or uncle.**
- (7) A daughter-in-law or son-in-law.**

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter. The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Sec. 11. (a) This section applies to an individual who:

(1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and

(2) is not exempt from the application of this chapter under section 2 of this chapter.

(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

(1) be promoted to a position; or

(2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department; if the new position would violate section 10 of this chapter.

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

(1) an individual is a party to; and

(2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

Sec. 14. Unless the policy adopted under section 9 of this chapter provides otherwise, an individual:

(1) who served as coroner;

(2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;

(3) who, as coroner, received certification under IC 36-2-14-22.3; and

(4) whose successor in the office of coroner is a relative of the individual; may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the township trustee's office;**
- (2) may be in the township trustee's direct line of supervision; and**
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.**

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or**
 - (2) any additional appropriations for the unit;**
- for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.**

Chapter 21. Contracting With a Unit

Sec. 1. This chapter applies only to a unit.

Sec. 2. As used in this chapter, "elected official" means:

- (1) the executive or a member of the executive body of the unit;**
- (2) a member of the legislative body of the unit; or**
- (3) a member of the fiscal body of the unit.**

Sec. 3. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.**
- (2) A parent or stepparent.**
- (3) A child or stepchild.**
- (4) A brother, sister, stepbrother, or stepsister.**
- (5) A niece or nephew.**
- (6) An aunt or uncle.**
- (7) A daughter-in-law or son-in-law.**
- (b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.**
- (c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.**

Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and**
 - (2) apply to individuals who are exempted or excluded from the application of this chapter.**
- The unit may prohibit or restrict an individual from entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.**
- (b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.**

Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or**
 - (2) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.**
- (b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:**
- (1) the elected official files with the unit a full disclosure, which must:**
 - (A) be in writing;**
 - (B) describe the contract or purchase to be made by the unit;**
 - (C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;**
 - (D) be affirmed under penalty of perjury;**

- (E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and
- (F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:
 - (i) the state board of accounts; and
 - (ii) the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
- (2) the appropriate agency of the unit:
 - (A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - (B) makes a certified statement of the reasons why the vendor or contractor was selected; and
- (3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.
- (c) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
- (d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

Sec. 6. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 7. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 8. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
 - (2) any additional appropriations for the unit;
- for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit has adopted a policy under this chapter.

VEHICLE ACCIDENT REPORTS**§ 34.50 ACCIDENT REPORTS AVAILABLE TO PERSONS SUFFERING INJURY OR DAMAGE.**

Notwithstanding any provision of law to the contrary, the town, from any information or reports in its files received by it from any source whatever, shall promptly on demand therefor furnish to any person who has sustained any loss or damage, by reason of the injury or death of any person or damage to property caused by or resulting from the operation, maintenance, or use of any vehicle upon any public street or highway of this state, the following information:

- (A) The name and address of the owner and operator of any vehicle involved in the accident;
 - (B) The license number and description of any vehicle involved in the accident;
 - (C) The time and place the accident occurred;
 - (D) The names and addresses of any persons injured or killed in the accident; and
 - (E) The names and addresses of any persons who were witnesses to the accident.
- (1981 Code, § 2.801) (Ord. 2-1982, passed 6-7-1982)

§ 34.51 WHO MAY OBTAIN INFORMATION.

Any person so entitled to the information may obtain the same from the Clerk-Treasurer either in person or through his or her duly-authorized agent or attorney. The agent or attorney shall first file with the Clerk-Treasurer a verified written authorization therefor signed by the person so entitled to the information.

(1981 Code, § 2.802) (Ord. 2-1982, passed 6-7-1982)

§ 34.52 FEE FOR FURNISHING COPY OF REPORT; DEPOSIT AND USE OF FEES.

When the information is furnished by means of a duplicating machine copy of the investigator's report of the accident, the Clerk-Treasurer shall charge a fee of \$3 for each report. The fee shall be deposited in a separate account to be known as the Accident Report Account, and it may be expended at the discretion of the Clerk-Treasurer for any town purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(1981 Code, § 2.803) (Ord. 2-1982, passed 6-7-1982)

§ 34.53 EXCEPTION WHERE CRIMINAL PROCEEDINGS MAY BE INVOLVED.

If the prosecuting attorney of the county wherein the accident occurred shall advise the town that in his or her opinion the information should not be released to any person, and shall assign as his or her reason therefor that criminal charges have been filed, or are in contemplation of being filed, against any persons as a result of the accident, any such information shall be withheld until its release is approved by the prosecuting attorney.

(1981 Code, § 2.804) (Ord. 2-1982, passed 6-7-1982)

CHAPTER 35: ORDINANCE VIOLATIONS BUREAU

Section

- 35.01 Establishment
- 35.02 Violations Clerk designated
- 35.03 Duties of Clerk
- 35.04 Schedule of fines
- 35.05 Right to trial
- 35.06 Denial; exercise of the right to trial
- 35.07 Failure to appear or to satisfy assessed civil penalty; report; prosecution
- 35.08 Court costs fee; admitted violations
- 35.09 Disposition of civil penalties and costs collected

§ 35.01 ESTABLISHMENT.

The Town Council may establish, by ordinance or code, an Ordinance Violations Bureau.
(I.C. 33-36-2-1)

§ 35.02 VIOLATIONS CLERK DESIGNATED.

(A) Upon the creation of a Bureau, the Town Council shall provide for the appointment of a Violations Clerk, who may be the Town Clerk-Treasurer, to be the administrator of the Bureau.
(I.C. 33-36-2-1)

(B) If the Town Council does not establish an Ordinance Violations Bureau under § 35.01, the Town Clerk-Treasurer is designated the Violations Clerk for purposes of this chapter.
(I.C. 33-36-2-2)

§ 35.03 DUTIES OF CLERK.

In ordinance violation cases, subject to the schedule prescribed under I.C. 33-36-3 by the Town Council, the Violations Clerk may accept the following:

- (A) Written appearances;

(B) Waivers of trial;

(C) Admissions of violations; and

(D) Payment of civil penalties up to a specific dollar amount set forth in an ordinance adopted by the Town Council, but not more than \$250.

(I.C. 33-36-2-3)

§ 35.04 SCHEDULE OF FINES.

(A) Upon the appointment or designation of the Violations Clerk as provided by § 35.01, the Town Council shall designate, by ordinance or code, a schedule of ordinance and code provisions 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 chapter.

(B) 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 chapter may be made in person, by mail, or to an agent or agents designated by the Town Council.

(I.C. 33-36-3-1)

§ 35.05 RIGHT TO TRIAL.

A person charged with an ordinance or a 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 § 35.04.

(I.C. 33-36-3-2)

§ 35.06 DENIAL; EXERCISE OF 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.

(I.C. 33-36-3-3)

§ 35.07 FAILURE TO APPEAR OR TO SATISFY ASSESSED CIVIL PENALTY; REPORT; PROSECUTION.

(A) If a person does any of the following, then the Violations Clerk shall report this fact to the official having the responsibility to prosecute ordinance violation cases for the town:

- (1) Denies an ordinance or code violation under this chapter;
- (2) Fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation; or
- (3) Fails to deny or admit the violation under this chapter.

(B) Proceedings in court against the person shall then be initiated for the alleged ordinance violation.

(I.C. 33-36-3-5)

§ 35.08 COURT COSTS FEE; ADMITTED VIOLATIONS.

(A) An ordinance violation admitted under this chapter 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.

(B) 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.

(I.C. 33-36-3-6)

§ 35.09 DISPOSITION OF CIVIL PENALTIES AND COSTS COLLECTED.

All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for and paid to the town as provided by law.

(I.C. 33-36-3-7)

CHAPTER 36: TORT CLAIMS

Section

- 36.01 Clerk-Treasurer to receive notice
- 36.02 Form and service of notice

§ 36.01 CLERK-TREASURER TO RECEIVE NOTICE.

The Town Clerk-Treasurer is hereby designated as the town official to receive notice of a tort claim under I.C. 34-13-3-1 *et seq.*

§ 36.02 FORM AND SERVICE OF NOTICE.

(A) The notice of a tort claim against the town must be in writing and must be delivered in person or by registered or certified mail.
(I.C. 34-13-3-12)

(B) The notice must comply with the provisions of I.C. 34-13-3-1 *et seq.*

