

TITLE 1
ADMINISTRATION

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Chapters:

- 1.01 Election Boundaries
- 1.02 Plan Commission (See Section 7.10.040)
- 1.03 Board of Zoning Appeals (See Section 7.10.050)
- 1.04 Board of Housing Appeals (See Section 4.06.140)
- 1.06 Department of Parks and Recreation
- 1.08 Economic Revitalization Areas
- 1.09 Tax Abatement Procedures
- 1.86 Cannelton Department of Economic Development and
Economic Development Commission
- 1.11 Cannelton Historic Preservation Commission
- 1.12 Reimbursement of Employee Business Travel Expenses
- 1.14 Membership dues
- 1.15 Depositories of City Funds
- 1.17 Special meetings of the Common Council
- 1.18 Paying claims in advance of Council Approval
- 1.19 Credit Card Use for City purchases
- 1.20 Fair Housing Ordinance
- 1.28 Main Street Brick Fund
- 1.29 Donation Fund
- 1.30 Revolving Loan Fund Program
- 1.31 Firehouse Construction Fund
- 1.32 Cannelton Gymnasium Building Fund
- 1.34 Cumulative Capital Improvement Fund
- 1.35 Floodwall Repair Program
- 1.36 Depreciation Reserve Fund
- 1.38 Capital Asset Policy
- 1.40 Board of Trustees of the Police Pension Fund
- 1.42 Fees for accident reports
- 1.43 Requests For Limited History Information
- 1.44 Fees for handgun permits
- 1.46 Fees for vehicle inspections
- 1.48 Utility Service Board
- 1.50 Board of Public Works and Safety
- 1.60 Rules and regulations for city cemeteries
- 1.65 Riverfront Development Project Area
- 1.68 Policy Concerning Vending Machines
- 1.70 Prohibiting the possession or consumption of alcoholic
beverages on public property
- 1.80 Prohibiting Motorized Vehicles on the Earthen Flood Levee

- 1.82 Fire Truck Fund**
- 1.84 Excess Levy Fund**
- 1.86 Riverboat Fund**
- 1.87 Rainy Day Fund**
- 1.88 Grant Fund**
- 1.90 Ordinance Violations Bureau**
- 1.95 Adopting the Base Map of the City of Cannelton**
- 1.96 Adopting the Zone Map of the City of Cannelton**

Chapter 1.01

ELECTION BOUNDARIES

Sections:

1.01.002	Indiana Code Requirements
1.01.004	Council Determination
1.01.010	Definitions
1.01.020	Composition of the Council
1.01.030	District boundaries
1.01.040	Parts not included in a district
1.01.050	Parts included in more than one district
1.01.060	Record keeping
1.01.070	Prior Ordinances
1.01.080	Effective when

1.01.002 Indiana Code Requirements.

- (1) The City of Cannelton has a population of less than ten thousand (10,000), according to the 2000 decennial census, and is therefore classified as a third class city for state law purposes under Indiana Code 36-4-1-1. (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 1, 1992)
- (2) The legislative body of the City adopted an ordinance before September 1, 1982, providing that the City is to be governed by Indiana Code 36-4-6-5 concerning City Council districts. (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 2, 1992)
- (3) Said Ordinance has not been repealed, and the Clerk-Treasurer of the City has sent a certified copy of said Ordinance to the Circuit Court Clerk in the Clerk's capacity as Secretary of the Perry County Election Board. (Ord. 02-08, Whereas, Oct. 14, 2002)
- (4) State law (Indiana Code 36-4-6-5) requires that the legislative body adopt an ordinance prior to November 8, 2002 to divide the city into districts that meet the following requirements:
 - A. The districts must be composed of contiguous territory;
 - B. The districts must be reasonably compact;
 - C. The districts must contain, as nearly as is possible, equal population; and

- D. The boundary of a city council district may cross a precinct boundary line only if the district boundary does not cross a census block boundary and:
1. more than one (1) member of the legislative body elected from districts resides in one (1) precinct after the most recent municipal election, and, following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resided within the same city legislative body district; or
 2. if the legislative body districts would not otherwise contain, as nearly as is possible, equal population; (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 4, 1992)
- (5) The Common Council is the legislative body of the City of Cannelton by virtue of state law (Indiana Code 36-4-6-2). (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 5, 1992)
- (6) State law (Indiana Code 36-4-6-5(b) and (j)) requires that the Common Council consist of either four (4) members elected from districts and one (1) member elected at large, or, three (3) members elected from districts and two (2) members elected at large. (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 6, 1992)

1.01.004 Council Determination.

- (1) The Common Council has, at a public meeting of the Council, provided an opportunity for all members of the Council and voters of the City to comment and make suggestions concerning the division of the City into districts under this Ordinance. (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 7, 1992)
- (2) The Common Council has determined that the division of the City into four districts for the purpose of conducting elections of legislative body members would be desirable and beneficial for the voters of the City and for the convenient administration of City government. (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 8, 1992)
- (3) The Common Council has examined the district boundaries set forth in this Ordinance and finds that the districts:
 - A. are reasonably compact;

- B. contain, as nearly as is possible, equal population, with District One, Two, Three and Four containing 226, 265, 360, and 358 inhabitants, respectively; and
- C. do not cross census block boundary lines, but do cross precinct boundary lines only because the legislative body districts would not otherwise contain, as nearly as is possible, equal population. (Ord. 02-08, Whereas, Oct. 14, 2002) (Ord. 92-07, Whereas 9, 1992)

1.01.010 Definitions. As used in this Ordinance:

- (1) "City" refers to the City of Cannelton.
- (2) "Council" refers to the Common Council of the City of Cannelton.
- (3) "Precinct" refers to the precinct by that name as established by the Board of Commissioners of the County of Perry, and as approved by the State Election Board under Indiana Code 3-11-1.5, in existence on the effective date of this Ordinance. (Ord. 02-08, S1, Oct. 14, 2002) (Ord. 92-07, S1, 1992)

1.01.020 Composition of the Council. The Council is composed of five (5) members. Four (4) members of the Council are elected from the districts established under this Ordinance. One (1) member of the Council is elected at large by the voters of the whole City. Each voter of the City may vote for one (1) candidate for at-large membership and one (1) candidate from each district, as the City has population of less than 7,000 and had an election process permitting each voter of the City to vote for ALL FIVE members of the Council (one at-large candidate and one candidate from EACH district, and the City adopted a resolution before May 7, 1991 to continue this system, under I.C. 36-4-6-5(m). (Ord. 02-08, S1, Oct. 14, 2002) (Ord. 92-07, S2, 1992)

1.01.030 District boundaries. The Council divides the City into the following districts for the purpose of conducting elections of Council members:

District #1 All that part of the City of Cannelton within the area bounded on the northerly side by the corporate limits, on the easterly side by Seventh Street (Highway 66), on the southerly side by Washington Street extended to the Ohio River, and on the westerly side by the Ohio River.

District #2 All that part of the City of Cannelton within the area bounded on the northerly side by Washington Street extended to the Ohio River, on the

easterly side by Seventh Street (Highway 66), on the southerly side by Highway 237 and on the westerly side to the Ohio River.

District #3 All that part of the City of Cannelton within the area bounded on the northerly side by Highway 237, on the easterly side by Seventh Street (Highway 66), on the southerly side by the corporate limits, and on the westerly side by the Ohio River.

District #4 All that part of the City of Cannelton within the area bounded on the northerly side by the corporate limits, on the easterly side by the corporate limits, on the southerly side by the corporate limits, and on the westerly side by Seventh Street (Highway 66). (Ord. 02-08, S3, Oct. 14, 2002) (Ord. 92-07, S3, 1992)

1.01.040 Parts not included in a district. If any part of the City is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is contiguous to that territory; and
- (2) contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 02-08, S4, Oct. 14, 2002) (Ord. 92-07, S4, 1992)

1.01.050 Parts included in more than one district. If any part of the City is included in more than one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is one (1) of the districts in which the territory is described in this Ordinance;
- (2) is contiguous to that territory; and
- (3) contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 02-08, S5, Oct. 14, 2002) (Ord. 92-07, S5, 1992)

1.01.060 Record keeping. The Clerk-Treasurer of the City shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Perry County and shall request the Clerk to include the copy of this Ordinance in the records of the Perry County Election Board. (Ord. 02-08, S6, Oct. 14, 2002) (Ord. 92-07, S7, 1992)

1.01.070 Prior Ordinances. The previous redistricting ordinance is hereby repealed as are all other Ordinances conflicting with this Ordinance to the extent of that conflict. (Ord. 02-08, S7, Oct. 14, 2002) (Ord. 92-07, S8, 1992)

1.01.080 Effective when. As provided by Indiana Code 36-4-6-14, this Ordinance takes effect when signed by the presiding officer of the Common Council and either approved by the Mayor or passed over his veto by the Common Council under Indiana Code 36-4-6-16. (Ord. 02-08, S8, Oct. 14, 2002)

Chapter 1.06

DEPARTMENT OF PARKS AND RECREATION

Sections:

1.06.010	Created
1.06.020	Members
1.06.030	Terms
1.06.040	Election of officers
1.06.050	Powers and duties
1.06.060	Annual budget
1.06.070	Repeal of conflicting ordinances

1.06.010 Created. Under the provisions of IC 36-10-3 there is hereby created a municipal Department of Parks and Recreation. (Ord. 89-01, S1, 1989) (Ord. 82-12, S1, 1982) (Ord. 77-5, S1, 1975)

1.06.020 Members. A Park and Recreation Board shall be composed of:

- (1) Four (4) members appointed by the mayor on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.
- (2) One (1) ex officio member who is a member of and appointed by the board of school trustees.
- (3) One (1) ex officio member who is a member of and appointed by the library district board.

The library district and school boards shall fill any vacancies of their ex officio members. Ex officio board members have all the rights of regular members, including the right to vote. (Ord. 89-01, S2, 1989) (Ord. 77-5, S2, 1975)

1.06.030 Terms. Upon establishment of the board, the terms of the members initially appointed shall be:

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

As a term expires, each new appointment shall be made by the mayor for a term of (4) years. All terms expire on the first Monday in January, but a member shall

continue in office until his successor is appointed. If an appointment for a new term is not made by the mayor by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the mayor shall appoint a new member for the remainder of the unexpired term. (Ord. 89-01, S3, 1989) (Ord. 77-5, S3, 1975)

1.06.040 Election of officers. At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 89-01, S4, 1989) (Ord. 77-5, S4, 1975)

1.06.050 Powers and duties. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. 89-01, S5, 1989) (Ord. 77-5, S5, 1975)

1.06.060 Annual budget. The Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The Board may accept donations, gifts, and subsidies for park and recreation purposes. (Ord. 89-01, S6, 1989) (Ord. 77-5, S7, 1975)

1.06.070 Repeal of conflicting ordinances. All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed, particularly Ordinances No. 77-5 and No. 82-12. (Ord. 89-01, S7, 1989) (Ord. 77-5, S8, 1975)

Chapter 1.08

ECONOMIC REVITALIZATION AREAS

Sections:

1.08.030 Declared Economic Revitalization Areas

1.08.030 Declared Economic Revitalization Areas. All those areas described in said Resolutions Declaring Certain Areas Economic Revitalization Areas, dated the 13th day of May and the 9th day of September, 1991, January 26, 2004, February 9, 2004, be and hereby are confirmed in all respects, and areas described therein are finally declared to be Economic Revitalization Areas pursuant to the provisions of IC 6-1.1-12.1-1 et seq. (Res. 08-01, 2008) (Res. No. TA 04-1C, 2004) (Res. No. TA 04-1, 2004) (Ord. 04-1, 2004) (Ord. 91-10, S3, 1991)

Chapter 1.09

TAX ABATEMENT PROCEDURES

Sections:

1.09.010	Property Tax Abatement Available
1.09.020	Property Owner to Request Designation
1.09.030	Filing Fee
1.09.040	Review of Application
1.09.050	Public Hearing
1.09.060	Final Action
1.09.070	Resolution 91-06

1.09.010 Property Tax Abatement Available. There shall be available within the corporate limits of the City of Cannelton a program of property tax abatement in accordance with I.C. 6-1.1-12.1, as amended from time to time, for the redevelopment and/or rehabilitation of commercial, industrial and residential property, and for the acquisition and installation of new manufacturing equipment in areas within the corporate limits of said City which are hereafter designated by the Common Council as "economic revitalization areas" or as "residentially distressed areas". The terms "economic revitalization areas", "residentially distressed areas", "new manufacturing equipment", "property", "redevelopment", and "rehabilitation", as used herein, shall have the same meaning as said terms are defined by I.C. 6-1.1-12.1-1 and as provided for in I.C. 6-1.1-12.1-2. (Ord. 97-09, S1, October 13, 1997)

1.09.020 Property Owner to Request Designation. Whenever a property owner(s) desires that certain real estate located in the City of Cannelton be designated as an Economic Revitalization Area or a Residentially Distressed Area, the owner(s) shall initiate the procedure by filing a request for such designation with the Clerk-Treasurer. The application shall be signed by the owner(s) of record of the real estate for which the designation is being requested. The application shall be accompanied with the fee as established in Section 1.09.030 of this Chapter to be paid upon submission.

The application shall provide, in writing, the following information:

- (1) The name and address of the applicant;
- (2) An indication whether the request is being made for a designation:
 - A. limited to a deduction of assessed value on real property improvements, or

- B. limited to a deduction of assessed value on new manufacturing equipment, or
 - C. to include both types of deductions allowed under I.C. 6-1.1-12-1.
- (3) A description of the redevelopment, rehabilitation and/or new manufacturing equipment that the applicant proposes to implement in his project of economic revitalization;
 - (4) The name and address of the owner(s) of real property for which tax abatement is being sought or the real property on which new manufacturing equipment will be installed, and any other persons leasing, intending to lease, or having any option to buy such property;
 - (5) The legal description and commonly known address of the real property for which real property tax abatement is requested or on which the new manufacturing equipment will be installed for which the personal property tax abatement is requested;
 - (6) A map or plat designating the proposed area;
 - (7) The assessed value of the real property and its improvements before rehabilitation or redevelopment, and/or the assessed value of the tangible personal property in use at the facility before the acquisition of new manufacturing equipment;
 - (8) The applicant's good faith estimate of the assessed value of the real property improvements after the rehabilitation or redevelopment, and/or the applicant's good faith estimate of the assessed value of the proposed new manufacturing equipment;
 - (9) A statement indicating the number of new permanent jobs which will be created or saved by the project, and specifying for each job, whether a new job, the minimum hourly work week, and the minimum hourly rate of pay;
 - (10) A statement that construction of the improvements for which abatement is sought has not yet begun, and/or a statement that the new manufacturing equipment for which abatement is sought has not yet been purchased or installed;
 - (11) A statement that all necessary building permits have been obtained for construction of the improvements for which abatement is sought or in which the new manufacturing equipment for which abatement is sought will be located;

- (12) A statement that all requirements will be met so as to provide the area where the improvements for which abatement is sought or wherein the new manufacturing equipment for which abatement is sought will be installed, will be provided with all necessary public utility services;
- (13) The applicant's good faith estimate of the tax savings of the requested abatement. The applicant may also provide good faith estimates of the applicant's administrative costs in obtaining abatement (including the fee required by Section 1.09.030) and its estimated construction costs or any portion thereof. (Of particular interest are any estimated infrastructure improvement costs for improvements or equipment which will be turned over the City);
- (14) A statement supporting the applicant's position that the area sought to be found an economic revitalization area or residentially distressed area has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property; and
- (15) Completed State Board of Tax Commissioners' Form SB1 (Statement of Benefits). The Council may, by resolution, waive all or any part of the above statement if it finds that the purposes of I.C. 6-1.1-12.1 are served by allowing the abatement. (Ord. 97-09, S2, October 13, 1997)

1.09.030 Filing Fee. Upon filing its application for abatement and the statement required in Section 1.09.020, the applicant shall also pay a non-refundable filing fee in the sum of Two Thousand Dollars (\$2,000.00), made payable to the City of Cannelton. The Council may waive all or a portion of this fee or choose to refund all or a portion of the same to the applicant. (Ord. 97-09, S3, October 13, 1997)

1.09.040 Review of Application. The Council, upon receipt of an application and statement and after reasonable opportunity to review the same, shall:

- (1) find that the area under consideration meets the definition and standards of an economic revitalization area or residentially distressed area, as set forth in I.C. 6-1.1-12.1-1(1) and 6-1.1-12.1-2. In such instances, the Council shall adopt a declaratory resolution and comply with Section 1.09.050 hereof, or
- (2) find that there is insufficient information or some other reason for delay and defer action on the matter; or

- (3) determine that the area should not be designated as an economic revitalization area or residentially distressed area. (Ord. 97-09, S4, October 13, 1997)

1.09.050 Public Hearing. Upon adoption of a declaratory resolution, the Council shall:

- (1) set the date, time and location of a public hearing at which the Council will receive and hear all comments from interested persons; and
- (2) cause notice of the adoption and substance of the declaratory resolution to be published in accordance with I.C. 6-1.1-12.1-2.5(c). The notice shall state that a description of the affected area is available and can be inspected in the City office. The notice shall also state the time, date and location of the subsequent public hearing on the matter; and
- (3) send to each taxing unit with authority to levy property taxes in the City a copy of the public notice of the hearing and a copy of a Statement of Benefits as filed with the Council in accordance with I.C. 6-1.1-12.1-2.5(c); and
- (4) cause a description of the affected area and the declaratory resolution to be filed with the Perry County Assessor. (Ord. 97-09, S5, October 13, 1997)

1.09.060 Final Action. Upon considering the facts presented at the public hearing, the Council shall take final action on the request by either confirming, modifying and confirming, or rescinding the declaratory resolution. (Ord. 97-09, S6, October 13, 1997)

1.09.070 Resolution 91-06. Resolution 91-06 entitled "Resolution Declaring Certain Areas As Economic Revitalization Areas" shall not be effective as to any future tax abatement applications, but shall remain in effect as to any outstanding abatements issued prior to October 13, 1997. (Ord. 97-09, S7, October 13, 1997)

Chapter 1.10

Cannelton Department of Development And Economic Development Commission

Section:

1.10.010	Establishment
1.10.020	Membership
1.10.030	Terms of Membership
1.10.040	Procedure
1.10.050	Powers and Duties

1.10.010 Establishment. As authorized by I.C. 36-7-12-4, there is hereby created and established a Department of Economic Development and a Cannelton Economic Development Commission, which shall control said Department. (Ord. 03-15, S2 (part), Nov. 10, 2003)

1.10.020 Membership. As authorized by I.C. 36-7-12-5, the Cannelton Economic Development Commission shall consist of three (3) members appointed by the Mayor. The Mayor shall appoint one member of his selection, one member nominated by the Common Council, and one member nominated by the Perry County Council. (Ord. 03-16, S1, Nov. 24, 2003) (Ord. 03-15, S2 (part), Nov. 10, 2003)

1.10.030 Terms of Members. As authorized by I.C. 36-7-12-5, the initial terms of each member shall run from the date of appointment and thereafter from February 1, 2004. The initial term of the member nominated by the Mayor shall be three (3) years. The initial term of the member nominated by the Common Council shall be two (2) years. The initial term of the member nominated by the Perry County Council shall be one (1) year. After the initial term, subsequent terms shall be for four (4) years, as authorized by I.C. 36-7-12-9. All members shall be appointed in the manner provided for in I.C. 36-7-12-9 and 10 and shall take an oath as provided for in I.C. 36-7-12-11. (Ord. 03-16, S1, Nov. 24, 2003) (Ord. 03-15, S2 (part), Nov. 10, 2003)

1.10.040 Procedure. The Commission in performing its duties, shall adhere to all statutory requirements and restrictions contained in I.C. 36-7-12, in conducting its affairs. Ord. 03-15, S2 (part), Nov. 10, 2003)

1.10.050 Powers and Duties. The Commission in exercising its power and performing its duties, shall adhere to the statutory requirements contained in I.C. 36-7-12, in exercising only powers provided and performing only those duties provided. (Ord. 03-15, S2 (part), Nov. 10, 2003)

CHAPTER 1.11

CANNELTON HISTORIC PRESERVATION COMMISSION

Sections:

1.11.010	Establishment
1.11.020	Membership
1.11.030	Terms of Members
1.11.040	Vacancies
1.11.050	Conflict of Interest
1.11.060	Quorum
1.11.070	Organization
1.11.080	Duties
1.11.090	No Compensation
1.11.100	Additional Rules and Regulations
1.11.110	Penalties

1.11.010 Establishment. There is hereby established a Cannelton Historic Preservation Commission pursuant to Indiana Code 36-7-11-1 et seq. which shall hereafter be referred to as the Cannelton Historic Preservation Commission. (Ord. 06-19, S1a, Nov. 13, 2006)

1.11.020 Membership.

- (1) **Voting Members.** The Cannelton Historic Preservation Commission shall consist of five (5) voting members, who shall be appointed by the Mayor, subject to the approval of the Common Council. Nominations for such appointment shall be made by the Common Council and Mayor. The Mayor shall certify members appointed by him and they shall be so appointed, subject to the approval of the Common Council.

Qualifications:

- A. Members must be residents of the City of Cannelton, Indiana.
 - B. Each member shall be appointed because of the member's knowledge, experience, awareness of or interest in the architectural, history, planning, and other disciplines related to historic preservation.
- (2) **Advisory Members.** The Cannelton Historic Preservation Commission shall consist of one (1) non-voting advisory member the Common Council considers appropriate. The advisory member of the Cannelton

Historic Preservation Commission shall have all of the privileges of membership, except the right to vote. (Ord. 06-19, S1b, Nov. 13, 2006)

1.11.030 Terms of Members.

(1) Appointed Members

A. Initial Terms

1. Appointments - Two (2) voting members shall initially be appointed for a term of three (3) years and two (2) voting members shall initially be appointed for a term of two (2) years and one (1) voting member shall be initially appointed for a term of one (1) year. The advisory member's initial term of office shall be for one (1) year. Each member's term expires on the first Monday of January of the third, second, or first year, respectively, after the year of the member's appointment.

B. Subsequent Terms - A member shall serve until his or her successor is appointed and qualified. A member shall be eligible for reappointment. When the initial term of office of a member expires, each new appointment of a member shall be for a term of three (3) years.

(2) Certain Advisory Members - If an elected or appointed City official or employee is appointed as an advisory member of the Cannelton Historic Preservation Commission, the term of office of that advisory member shall be co-existent with the member's term of office or employment. (Ord. 06-19, S1c, Nov. 13, 2006)

1.11.040 Vacancies. If a vacancy occurs among the Cannelton Historic Preservation Commission membership, then the Mayor shall appoint a member for the unexpired term of the vacating member, subject to approval by the Common Council. (Ord. 06-19, S1d, Nov. 13, 2006)

1.11.050 Conflict of Interest. A member of the Cannelton Historic Preservation Commission may not participate as a member in a decision of the Cannelton Historic Preservation Commission concerning a matter in which the member has a direct or indirect financial interest. The Cannelton Historic Preservation Commission shall enter in its records the fact that its member has such a disqualification. A member of the Cannelton Historic Preservation Commission may not directly or personally represent another person in a hearing before the Cannelton Historic Preservation Commission concerning a Cannelton Historic Preservation Commission matter. (Ord. 06-19, S1e, Nov. 13, 2006)

1.11.060 Quorum. Action of the Cannelton Historic Preservation Commission shall not be official unless it is authorized, at a regular or special meeting, by a majority of the entire voting membership of the Cannelton Historic Preservation Commission. (Ord. 06-19, S1f, Nov. 13, 2006)

1.11.070 Organization

- (1) Chairman and Vice-Chairman - At its first regular meeting in each year, the Cannelton Historic Preservation Commission shall elect from its members a Chairman and Vice-Chairman. The Vice-Chairman may act as Chairman of the Cannelton Historic Preservation Commission during the absence or disability of the Chairman.
- (2) Administrator - The Cannelton Historic Preservation Commission shall appoint from its membership a member to act as its Administrator who shall also act as the Commission's secretary.
- (3) Meetings and Minutes - The Cannelton Historic Preservation Commission shall fix the time for holding regular meetings each month (except when there is no business pending). The Administrator shall keep minutes of its meetings. The minutes of the Cannelton Historic Preservation Commission meetings and all records shall be filed in the office of the Commission and are public records. Special meetings of the Cannelton Historic Preservation Commission may be called by the Chairman or by two (2) members of the Cannelton Historic Preservation Commission upon written request to the Administrator. The Administrator shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if: (1) the date, time, and place of a special meeting is fixed during the course of a regular meeting and all members of the Cannelton Historic Preservation Commission are present at such regular meeting. (Ord. 06-19, S1g, Nov. 13, 2006)

1.11.080 Duties.

- (1) It shall be the duty of the Cannelton Historic Preservation Commission to define the boundaries of the Cannelton Historic Preservation District; to prepare mapping of the Cannelton Historic Preservation District; and to classify the structures, sites and buildings located within the Cannelton Historic Preservation District. The boundaries, map, and classifications must be submitted to and approved by the Common Council before the district shall be established and the classifications shall take effect.

- (2) The Cannelton Historic Preservation Commission shall be charged with the duty of considering, and granting or denying all applications for certificates of appropriateness. Before any permit is issued for or certain work is begun on any building or structure or site located within the Historic Preservation District, a certificate of appropriateness must first be obtained.
- (3) The Historic Preservation District is to be established in two phases. The first phase will last for three (3) years from and after the date an Ordinance approves the establishment of the Historic Preservation District. During the first phase, a certificate of appropriateness will be required for: (1) the demolition of a building; (2) the moving of a building; or (3) for new construction of a principal building or accessory building or structure subject to view from a public way, within all areas of the Historic Preservation District. At the end of the first phase, if no proper or timely objection is made, a second phase will begin during which a certificate of appropriateness shall additionally be required if there is: (1) a conspicuous change in the exterior appearance of historic buildings by additions, reconstruction, alteration, or maintenance involving color change within all areas of the Historic Preservation District; (2) a change in walls and fences or the construction of walls and fences along public walls within the primary area of the Historic Preservation District; or (3) a conspicuous change in the exterior appearance of nonhistorical buildings subject to view from a public way by additions, reconstruction, alteration or maintenance involving exterior color change within a primary area of the Historic Preservation District.
- (4) The certificate of appropriateness is not a substitute for obtaining a permit. It is instead an additional requirement and prerequisite to obtaining a permit for any building, structure or site located within the Historical Preservation District if required by this Ordinance. Any permit not issued in conformity with this Ordinance shall be considered void. (Ord. 06-19, S1h, Nov. 13, 2006)

1.11.090 No Compensation. Members of the Cannelton Historic Preservation Commission shall serve without compensation, except for reasonable and necessary expenses incurred in the performance of their duties. (Ord. 06-19, S1i, Nov. 13, 2006)

1.11.100 Additional Rules and Regulations. The Cannelton Historic Preservation Commission shall be authorized and empowered to adopt its own rules and regulations consistent with I. C. 36-7-11-1 et seq., for the transaction of its business.

The Cannelton Historic Preservation Commission shall not be empowered or authorized to acquire real property, hold title to, sell, dispose of or lease real or

personal property unless or until specifically authorized to do so by a Resolution of the Common Council. (Ord. 06-19, S1j, Nov. 13, 2006)

1.11.110 Penalties. Any person who, in violation of this Ordinance, fails to apply for and obtain a certificate of appropriateness prior to issuance of a permit or commencement of work, if required by this Ordinance, shall be subject to a fine of not less \$25.00 nor more than \$2,500.00, for each offense involving unauthorized demolition; and not less than \$25.00 nor more than \$2,500.00 for each offense involving any other violation of this Ordinance. Each day of the existence of any violation of this Ordinance shall be a separate offense. The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued or maintained contrary to any provision of this Ordinance is hereby declared to be a nuisance and in violation of this Ordinance and unlawful. The City of Cannelton may institute a suit for injunction in the Circuit Court of Perry County to restrain any person or entity from violating any provision of this Ordinance and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this Ordinance. The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. Any person who violates or fails to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be subject to the penalties provided herein and, in addition, shall pay all costs and expenses, including reasonable attorney fees, incurred by the City of Cannelton by reason of the violation or in enforcing the provisions of this Ordinance. (Ord. 06-19, S1k, Nov. 13, 2006)

Chapter 1.12

REIMBURSEMENT OF EMPLOYEE BUSINESS TRAVEL EXPENSES

Sections:

- 1.12.010 Approval required
- 1.12.020 Receipts required
- 1.12.030 Vehicle reimbursement
- 1.12.040 Room reimbursement
- 1.12.050 Meal reimbursement

1.12.010 Approval required. Except in cases of emergencies or extenuating circumstances, employee travel reimbursement must be obtained in advance of incurring expenses from the Common Council or the Board of Public Works and Safety, and otherwise as soon as practical thereafter.

1.12.020 Receipts required. The employee must present a receipt from the vendor for each item where reimbursement is sought.

1.12.030 Vehicle reimbursement. The reimbursement rate for personal vehicle use shall be determined by the Council on a periodic basis each year for the subsequent year.

1.12.040 Room reimbursement. The reimbursement rate for a room shall be the actual cost, not to exceed the single room rate.

1.12.050 Meal reimbursement. The reimbursement rate for meals shall be the actual cost, not to exceed Ten Dollars (\$10.00) per meal. (Ord. 2005-24, S1 Nov. 14, 2005)

Chapter 1.14

MEMBERSHIP DUES

Sections:

1.14.010 Budget and appropriation of funds

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

The City Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs. (Ord. 82-7, 1982)

Chapter 1.15

DEPOSITORIES OF CITY FUNDS

Sections:

- 1.15.010** **Designated Depository**
- 1.15.020** **Authorized Personnel**
- 1.15.030** **Effective Date**

1.15.010 Designated Depository. Fifth Third Bank is hereby designated as the depository of the public funds of the City of Cannelton. (Ord. 07-01, S1.15.010, Feb. 12, 2007) (Ord. 04-02, S1, Jan. 26, 2004) (Ord. 03-02, S1, Feb. 24, 2003)

1.15.020 Authorized Personnel. The Clerk-Treasurer and Utility Clerk is authorized to invest public funds in certificates of deposit of any depository which has been designated by the State Board of Finance as a depository for state deposits as provided for in I.C. 5-13-9-5. Any such investments shall in all respects comply with State statutes, including I.C. 5-13-9-5. (Ord. 07-01, S1.15.020, Feb. 12, 2007) (Ord. 04-02, S2, Jan. 26, 2004) (Ord. 03-02, S2, Feb. 24, 2003)

1.15.030 Effective Date. This Ordinance shall remain in effect until February 12, 2009, unless otherwise amended or repealed. (Ord. 07-01, S1.15.030, Feb. 12, 2007) (Ord. 04-02, S3, Jan. 26, 2004) (Ord. 03-02, S3, Feb. 24, 2003)

Chapter 1.17

SPECIAL MEETINGS OF THE COMMON COUNCIL

Sections:

- 1.17.010 Authorization to call special meeting**
- 1.17.020 Notice compliant with Indiana Code**
- 1.17.030 Advance notice**

1.17.010 Authorization to call special meeting. Any three Council members may authorize and call a special meeting of the Council upon notification of the same to the Mayor, Clerk-Treasurer, any Council members not authorizing or calling a special meeting, news media entitled to notice pursuant to I.C. 5-14-1.5-5 and the public pursuant to I.C. 5-14-1.5-5. (Ord. 2002-04, S1, Aug. 12, 2002)

1.17.020 Notice compliant with Indiana Code. Notices to the Mayor, Clerk-Treasurer and Council members shall be as similar as possible to the notice provided to the news media and shall at a minimum comply with I.C. 5-14-1.5-5. (Ord. 2002-04, S2, Aug. 12, 2002)

1.17.030 Advance notice. Council members may request the Clerk-Treasurer to provide the notices required by this Ordinance upon reasonable and sufficient advance notice of the place, date, and time of the special meeting. (Ord. 2002-04, S3, Aug. 12, 2002)

Chapter 1.18

PAYING CLAIMS IN ADVANCE OF COUNCIL APPROVAL

Sections:

- 1.18.010 Payment of specified expenses prior to Council approval**
- 1.18.020 Review and allowance by the Common Council**

1.18.010 Payment of specified expenses prior to Council approval. The Clerk-Treasurer of the City of Cannelton authorized to pay the following claims when the due date for payment thereof is prior to the date of the next scheduled meeting of the Common Council:

- (1) Property or services purchased or leased from the U.S. 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) Lease or rental agreements;
- (9) Bond or coupon payments;
- (10) Payroll;
- (11) State, federal, or county taxes;
- (12) Local retirement plan for employees;
- (13) Expenses that must be paid because of emergency circumstances;
- (14) Library cleaning per previously approved contract;

- (15) Any other invoice, which would incur a late fee, provided the Clerk-Treasurer reasonably believes the Council would approve payment. (Ord. 02-05, S1, Sept. 9, 2002)

1.18.020 Review and allowance by the Common Council. The Common Council shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense. Each payment of expenses must be supported by a fully itemized claim. (Ord. 02-05, S2, Sept. 9, 2002)

Chapter 1.19

CREDIT CARD USE FOR CITY PURCHASES

Sections:

- 1.19.010 Purchases by designated employees**
- 1.19.020 Purchases not to exceed \$200 or approved budget**
- 1.19.030 Receipt**
- 1.19.040 Authorization for use can be revoked**

1.19.010 Purchases by designated employees. Designated employees of the City may make purchases of products and supplies as needed by the City from Wal-Mart using a Wal-Mart credit card(s) issued to the City for such purpose. (Ord. 02-07, S1, Sept. 9, 2002)

1.19.020 Purchases not to exceed \$200 or approved budget. Only those employees specifically authorized by the Clerk-Treasurer, unless otherwise directed by the Council, may make such purchases. No authorized employee may make purchases in excess of Two Hundred Dollars (\$200.00) in any One (24 hour) day time period, and the cumulative effect of such purchases may never exceed the current approved budget. (Ord. 02-07, S2, Sept. 9, 2002)

1.19.030 Receipt. An authorized credit card purchase receipt as well as the store receipt must both be deposited with the Clerk-Treasurer within Two Weeks (14 days) of the purchase. (Ord. 02-07, S3, Sept. 9, 2002)

1.19.040 Authorization for use can be revoked. The Clerk-Treasurer shall have discretion, unless otherwise directed by the Council, to revoke authorization for improper use or failure to comply with this Ordinance. Ord. 02-07, S4, Sept. 9, 2002)

Chapter 1.20

FAIR HOUSING ORDINANCE

Sections:

1.20.010	Policy Statement
1.20.020	Definitions
1.20.030	Unlawful practice
1.20.040	Discrimination in the sale or rental of housing
1.20.050	Discrimination in residential real estate-related transactions
1.20.060	Discrimination in the provision of brokerage services
1.20.070	Interference, coercion, or intimidation
1.20.080	Prevention of intimidation in fair housing cases
1.20.090	Exemptions
1.20.100	Administrative enforcement of ordinance
1.20.120	Separability of provisions

1.20.010 Policy statement. It shall be the policy of the City of Cannelton, Indiana, to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and IC 22-9.5-1 et. seq. (Ord. 93-05, S1, 1993)

1.20.020 Definitions. The definitions set forth in this Section shall apply throughout this chapter.

- (1) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families (IC 22-9.5-2-8).
- (2) "Family" includes a single individual (IC 22-9.5-2-9), with the status of such family being further defined in subsection (h) of this section.
- (3) "Person" (IC 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- (4) "To rent" (IC 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

- (5) "Discriminatory Housing Practice" means an act that is unlawful under Sections 1.20.040, 1.20.050, 1.20.060, 1.20.070, or 1.20.080 of this chapter or IC 22-9.5-5.
- (6) "Handicap" means, with respect to a person:
- A. a physical or mental impairment which substantially limits one or more of such person's major life activities;
 - B. a record of having such an impairment; or
 - C. being regarded as having such an impairment;
 - D. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990;
 - E. any other impairment defined under IC 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code (IC 22-9.5-2-10(b)); nor does the term "handicap" include an individual solely because that individual is a transvestite (IC 22-9.5-2-10(c)).

- (7) "Aggrieved person" includes any person who (IC 22-9.5-2-2):
- A. claims to have been injured by a discriminatory housing practice; or
 - B. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (9) "Commission" (IC 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et seq.

- (10) "Complainant" (IC 22-9.5-2-4) means a person, including the Commission, who files a complaint under IC 22-9.5-6. (Ord. 93-05, S2, 1993)

1.20.030 Unlawful practice. Subject to the provisions of subsection (b) of this section, section 1.20.090 of this chapter and title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth in Title 22-9.5-1 of Indiana Code and in section 1.20.040 of this chapter shall apply to:

- (1) All dwellings except as exempted by subsection 1.20.030 (b) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection 1.20.030 (c), nothing in Section 1.20.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of section 1.20.040 (c) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living

independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (3) For the purposes of subsection 1.20.030 (b), a person shall be deemed to be in the business of selling or renting dwellings if:
 - A. he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - B. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - C. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 93-05, S3, 1993)

1.20.040 Discrimination in the sale or rental of housing. As made applicable by section 1.20.030 and except as exempted by sections 1.20.030 (b) and 1.20.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - 1. that buyer or renter;
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. any person associated with that person.

- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - 1. that person; or
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. any person associated with that person.

- C. For purposes of this subsection, discrimination includes:
 - 1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - 2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--
 - (a) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) all premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

D. Compliance with the appropriate requirements American With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of section 1.20.040 (f) (3) (C) (iii).

E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 93-05, S4, 1993)

1.20.050 Discrimination in residential real estate-related transactions.

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- (2) As used in this section, the term "residential real estate-related transaction" means any of the following:
 - A. The making or purchasing of loans or providing other financial assistance:
 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 2. secured by residential real estate.
 - B. The selling, brokering, or appraising of residential real property.
- (3) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 93-05, S5, 1993)

1.20.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 93-05, S6, 1993)

1.20.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.20.030, 1.20.040, 1.20.050, or 1.20.060, of this chapter. (Ord. 93-05, S7, 1993)

1.20.080 Prevention of intimidation in fair housing cases. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (a); or
 - B. affording another person or class of persons opportunity or protection so to participate; or
- (3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in subsection 1.20.080 (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned for not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 93-05, S8, 1993)

1.20.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this chapter to include those activities or organizations set forth under subsections (b) and (c) of section 1.20.090.
- (2) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from

giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

- (3) A. Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.
- B. As used in this section, "housing for older persons" means housing:
 - 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - 2. intended for, and solely occupied by, persons 62 years of age or older; or
 - 3. intended and operated for occupancy by at least one person 55 years of age or older per unit.

1.20.100 Administrative enforcement of ordinance.

- (1) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in subsection 1.20.100 (b) hereof shall be vested in the Chief Executive Officer of the City of Cannelton, Indiana.
- (2) Notwithstanding the provisions of IC 22-9.5-4-8, the City of Cannelton, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to IC 22-9.5-5-6 of the Indiana Code and the Chief Elected Officer of the City of Cannelton, Indiana shall refer all said complaints to the Commission as provided for under subsection 1.20.100 (a) to said Commission for purposes of investigation, resolution and appropriate relief as provided for under IC 22-9.5-6.

- (3) All executive departments and agencies of the City of Cannelton, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.
- (4) The Chief Executive Officer of the City of Cannelton, Indiana, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 93-05, S10, 1993)

1.20.120 Separability of Provisions. If any provision of this chapter or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the chapter and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 93-05, S12, 1993)

Chapter 1.28

MAIN STREET BRICK FUND

Sections:

- 1.28.010** **Established**
- 1.28.020** **Additional appropriations**
- 1.28.030** **How the monies are to be spent**

1.28.010 Established. A Main Street Brick Fund is hereby established to receive the proceeds from the sale of inscribed bricks by the City, in connection with the Main Street improvement project of the City of Cannelton. (Ord. 93-07, S1, 1993)

1.28.020 Additional appropriations. The City of Cannelton may from time to time make additional appropriations to this fund. (Ord. 93-07, S2, 1993)

1.28.030 How the monies are to be spent. Money in this fund shall be spent in such a manner as is determined by the Common Council of the City of Cannelton. (Ord. 93-07, S3, 1993)

Chapter 1.29

DONATION FUND

Sections:

- 1.29.010** **Established**
- 1.29.020** **How the monies are to be spent**

1.29.010 Established. A Donation Fund is hereby established to receive donations to the City of Cannelton from any source. (Ord. 04-08, S1, June 28, 2004)

1.29.020 How the monies are to be spent. The money in this fund shall be spent in the department and in the manner that it was donated to the City. (Ord. 04-08, S2, June 28, 2004)

Chapter 1.30

REVOLVING LOAN FUND PROGRAM

Sections:

1.30.010	Created
1.30.020	Adoption
1.30.030	Guidelines and Application
1.30.040	Availability

1.30.010 Created. In order to encourage the growth and expansion of small to mid-sized business and industry within the City of Cannelton, the City of Cannelton Revolving Loan Fund has been created. (Ord. 08-03, S1, May 12, 2008)

1.30.020 Adoption. In order to assist applicants in understanding the nature and purpose of the Revolving Loan Fund and to assist the City of Cannelton in administering, the Revolving Loan Fund it is necessary to approve and adopt certain guidelines and an application. (Ord. 08-03, S2, May 12, 2008)

1.30.030 Guidelines and Application. The Common Council of the City of Cannelton ordains the City of Cannelton Revolving Loan Fund Program Guidelines attached hereto as Exhibit "A" and the Application attached hereto as Exhibit "B" are each approved and adopted for use in the Cannelton Revolving Loan Fund process. (Ord. 08-03, S3, May 12, 2008)

1.30.040 Availability. The Common Council of the City of Cannelton shall consider Revolving Loan Fund applications utilizing the adopted guidelines and taking into consideration the availability of revolving loan funds at the time of each application and in the future. (Ord. 08-03, S4, May 12, 2008)

**City of Cannelton
Revolving Loan Fund Program**

The City of Cannelton Revolving Loan Fund was created to help encourage the growth and expansion of small to mid-sized businesses and industry within the City of Cannelton. The primary goals of this program are:

- To create permanent jobs and to retain existing jobs within our community.
- To encourage business growth within our community so as to add to our tax base and improve upon residential property values.
- To stimulate the redevelopment or revitalization of property within the City of Cannelton,

RLF Program Criteria

- The applicant's project must be located within the city limits of Cannelton.
- City loan proceeds can be used for a variety of project costs, including real estate acquisition, new construction, rehabilitation, equipment purchases, and working capital. City funds, however, can not be used for the refinancing of debt.
- For first time loan recipients, new equity and new private financing must be maximized, fully committed to the project, and account for at least 75% of the total project costs.
- For additional loan requests, loan amounts and payment terms will be based upon the applicant's repayment of previous loans. At least 1 year of successful loan payments are required before additional funds may be sought.
- Loan amounts may vary, but should be limited to a Maximum of \$30,000 for a small business project.
- The applicant must complete an application stating financial needs, current financial status, and other funding sources for the project.
- The applicant must demonstrate the ability to repay the City's loan and provide adequate collateral for securing the City's loan.
- The interest rate, term, and amortization for the City's loan will be structured to allow for a reasonable rate of return on the loan. Typical interest rate is prime plus 1% at a fixed rate with a three to ten year payment term.

RLF Program Approval Process

- The applicant must contact the Clerk Treasurer to request an application.
- The completed application, along with all required financial statements, must be returned to the Clerk Treasurer once completed.
- The application and financial statements will be reviewed by the Mayor, or his designee. After review, a recommendation will be submitted to the City Council for approval or disapproval of the applicant's request.
- If the loan request is not approved, the applicant may seek a meeting with the Mayor, or his designee or the City Council to discuss the reasons for the loan rejection.
- If the loan request is approved, the City Attorney will prepare a formal loan agreement and a loan closing meeting will be scheduled with the applicant.
- Funds will be dispersed to the applicant upon signing of the loan agreement.

City of Cannelton
Revolving Loan Fund Application

Application Date: _____ Review Date: _____

Information Regarding the Applicant(s)

Is this an individual or joint application?: _____

Applicant(s): _____

Applicant's Address: _____

Contact #: _____(home) _____ (cell) _____ (other)

Information Regarding the Project

Type of Enterprise: (check all that apply)

Manufacturing _____ Industrial _____ R&D _____ Service _____
Retail _____ Warehouse/Terminal _____

Other (explain) _____

New Business _____ Expanding Existing Business _____

Purpose of Project: (check all that apply)

Construct new facility _____ Acquire new equipment _____
Acquire land/building _____ Renovate building _____
Expand existing business _____ Expand in a new location _____
Working capital _____ Other _____

Present Employment _____ Present annual payroll (\$) _____

Projected Employment _____ Projected annual payroll (\$) _____

Provide a brief description of the nature of your business/industry: _____

**City of Cannelton
Revolving Loan Fund Application**

Information Regarding Project Financing & Implementation

Total Project Cost (*Including land, building, renovations, equipment, inventory, & working capital*):

Other Funding Sources (*Include additional loans & personal contributions*).

Schedule of Construction

Construction Start date: _____ Operations Start Date: _____

Location of Site: _____

Permits Required from City: _____

Zoning Requirements from City: _____

Amount of RLF Request: _____

Proposed Repayment Terms: _____

Specific Information Regarding Business

Name of Business/Industry: _____ Years in Existence: _____

Owner(s): _____

Financial History:

	3 years back	2 years back	last fiscal Year	1 yr. projection	2 yr. projection
Net Sales:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Net Income:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Net Worth:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Chapter 1.31

FIREHOUSE CONSTRUCTION FUND

Sections:

- 1.31.010** **Established**
- 1.31.020** **Authority to deposit funds, execute warrants and transfer funds**
- 1.31.030** **Effective when**

1.31.010 Established. A Firehouse Construction Fund is hereby established to receive monies pertaining to the Indiana Department of Commerce grant CFF-03-233. (Ord. 04-09, S1, Aug. 9, 2004)

1.31.020 Authority to deposit funds, execute warrants and transfer funds, The Clerk/Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed. (Ord. 04-09, S2, Aug. 9, 2004)

1.31.030 Effective when. This ordinance shall be in full force and effect from January 1, 2004 and after its passage by the Common Council of the City of Cannelton, this 9th day of August 2004. Upon completion of the firehouse, this fund shall be closed. (Ord. 04-09, S3, Aug. 9, 2004)

Chapter 1.32

CANNELTON GYMNASIUM BUILDING FUND

Sections:

- 1.32.010** **Established**
- 1.32.020** **How the monies are to be spent**

1.32.010 Established. There is hereby established a Cannelton Gymnasium Building Fund. (Ord. 95-03, S1, 1995)

1.32.020 How the monies are to be used. The money in this fund shall be used for the erection, design and maintenance of a gymnasium for public use in the City of Cannelton, or for any other purpose designated by the Common Council of the City. (Ord. 95-03, S2, 1995)

Chapter 1.34

CUMULATIVE CAPITAL IMPROVEMENT FUND

Sections:

- 1.34.010** **Created**
- 1.34.020** **Capital Improvement defined**

1.34.010 Created. In accordance with the requirements of Section 8 of Chapter 225, Acts 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the City of Cannelton into which the cigarette taxes allotted to the City of Cannelton by reason of subsection C (1) (C) of Section 27c and section 27d of the Indiana Cigarette Tax Law being Chapter 222 of the Acts of 1947 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. (Ord. 65-3, S1, 1965)

1.34.020 Capital Improvement defined. The term "capital improvements" means the construction or improvement of any property owned by the city of Cannelton, Indiana including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of the City of Cannelton 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. 65-3, S2, 1965)

Chapter 1.35

FLOODWALL REPAIR PROGRAM

Sections:

- 1.35.010** **Feasibility Study Approved**
- 1.35.020** **Application for Loan**
- 1.35.030** **Operation and Maintenance**

1.35.010 Feasibility Study Approved. The feasibility study for floodwall repair is hereby authorized and approved. (Ord. 08-05, S1, Oct. 13, 2008)

1.35.020 Application for Loan. The Mayor and Clerk-Treasurer of Cannelton are hereby authorized and directed to prepare an application for a loan from the Flood Control Revolving Fund established pursuant to Ind. Code § 14-28-5 in an amount not less than Forty-Five Thousand Dollars (\$45,000.00) plus any further amounts necessary to complete the recommendations of the feasibility study for floodwall repair, including any necessary bid document preparation fees, construction inspection fees, or other engineering or professional fees. (Ord. 08-05, S2, Oct. 13, 2008)

1.35.030 Operation and Maintenance. The City of Cannelton hereby accepts responsibility for the work proposed in the feasibility study for floodwall repair and hereby agrees to operate and maintain the floodwalls in a manner satisfactory to the Natural Resources Commission and any other governmental authority. (Ord. 08-05, S3, Oct. 13, 2008)

Chapter 1.36

DEPRECIATION RESERVE FUND

Sections:

- 1.36.010** **Established**

1.36.010 Established. The Common Council of the City of Cannelton, Indiana hereby establishes a Depreciation Reserve Fund for the City Sewage Department, and that the governing body having control of said fund be authorized to invest and reinvest money deposited in said fund in such investments as are authorized by the Acts of 1945, Chapter 9, Section 1, as amended. (Ord. 68-6, 1968)

CHAPTER 1.38

CAPITAL ASSET POLICY

Sections:

1.38.010	General Information
1.38.020	Definition of Capital Assets
1.38.030	Valuation of Capital Assets
1.38.040	Assets Definitions by Major Category
1.38.050	Depreciation Methods
1.38.060	Capital Asset Acquisitions
1.38.070	Asset Transfers and Dispositions
1.38.080	Periodic Inventories
1.38.090	Responsibilities of Clerk-Treasurer's Office
1.38.100	Responsibilities of Department Heads

1.38.010 General Information. This Capital Asset Policy is being issued retroactive to January 1, 2004. The new policy will be referred to as the Capital Asset Policy. This policy is being issued to document the threshold level (minimum value) of capital assets to be reported on our financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of new reporting model as set forth in the Governmental Accounting Standards Board Pronouncement No. 34 (Herein after referred to as "GASB 34"). GASB 34 will require the city to report "infrastructure assets" for the first time. Separate records will be maintained for the City's General Capital Assets and the capital assets of each utility. The capital asset threshold level for the City's General Capital Assets is hereby set at \$2,000 and for the Utility Capital Assets is hereby set at \$2,000. Federal regulations require that any asset acquired with Federal grant funds equal to or in excess of \$2,000 must be maintained on the unit's record of capital assets. Assets valued at equal to or in excess of the threshold level will be maintained on a listing entitled "Capital Assets". An item or group of items valued at less than these threshold levels may be added to a separate asset listing entitled "Inventoried Assets" at the discretion of the Clerk-Treasurer or Utilities Manager. Other items purchased or acquired at less than the threshold level are to be expensed in the year of purchase or acquisition.

The City of Cannelton is establishing this Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets and to be able to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies, and regulators.

The purpose of establishing a Capital Asset Policy is five-fold:

- (1) to safeguard the capital assets of the City of Cannelton and its Utilities,

- (2) to fix responsibility for the custody of these capital assets,
- (3) to provide a basis for accounting for capital asset acquisition, maintenance, and retirement,
- (4) to provide data for financial reporting,
- (5) to demonstrate appropriate stewardship responsibility for public assets. (Ord. 04-23, S1.38.010, Nov. 8, 2004)

1.38.020 Definition of Capital Assets.

- (1) Capital Assets include "Land", "Buildings", "Improvements Other Than Buildings", "Infrastructure" (City Only) "Machinery and Equipment", and "Transportation Equipment" (Vehicles). Ongoing construction projects will be classified as "Construction in Progress" until completion at which time the completed project will be transferred into one of the previously named categories. All appropriate items (with the exception of materials and supplies inventory items) with a useful life of more than one year, and having a unit cost equal to or exceeding the threshold level (and those items designated by the Clerk-Treasurer or the Utilities Manager as set out in Section 1.38.010) shall be capitalized in accordance with this policy. (Ord. 04-23, S1.38.020, Nov. 8, 2004)

1.38.030 Valuation of Capital Assets.

- (1) Capital Assets will be recorded at actual cost when available and designated by an "A" in the detailed listing to indicate actual cost.
- (2) Donated or Contributed Assets will be recorded at fair market value at the time of acquisition and designated by an "E" in the detailed listing of to indicate estimated cost.
- (3) Assets acquired with Federal Grant funds should also include an "F" or "Fed" to indicate the involvement of federal funds in the acquisitions. (Ord. 04-23, S1.38.030, Nov. 8, 2004)

1.38.040 Asset Definitions by Major Category. It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance are fully aware of the categorization system. This section further clarifies the asset definitions by major category.

- (1) "Land" - Land is defined as specified land, lots, parcels or acreage including rights of way as owned by the City of Cannelton, its various departments, boards, or authorities, regardless of the method or date

of acquisition. Easements will not be included as the City does not own them, but as an interest in land owned by another that entitles its holder to a specified limited use.

- (2) "Buildings" - This category includes structures to house city or utility offices, Systems and fixtures both on the interior and exterior should be included. Examples include plumbing systems, heating, cooling, ventilating, and air handling systems; walk-in coolers, alarm systems, sound systems, surveillance systems and fixed shelving and lighting fixtures; porches, canopies, and fire escapes.
- (3) "Improvements Other Than Buildings" - Traditionally, Cannelton Utilities has included treatment plants as improvements other than buildings. Also included in this category are parking lots, fencing, walls, monuments, water and wastewater lines, water wells, lift stations.
- (4) "Machinery and Equipment" - This category includes office equipment and furniture not permanently affixed to a building or structure. It also includes appliances, maintenance equipment, communication equipment, earth moving equipment, data processing equipment. All appropriate police and fire department, street department, and other city department equipment meeting the threshold level at the time of acquisition should be included. Consumable materials and supplies should be excluded.
- (5) "Transportation Equipment" - This category includes all wheeled vehicles used for transportation such as cars, trucks, vans, motorcycles. It also includes buses, fire trucks, and ambulances.
- (6) "Infrastructure" - Infrastructure assets are long-lived capital assets that normally can be preserved for a significant number of years than most capital assets and are normally stationary in nature. This category applies only to the City's General Capital Assets, but not to the Water, Wastewater, Trash, and Electric Utilities. Should the City establish a Storm Water Utility in the future, this category would be applicable to the Storm Water Utility for Storm Water drains, dams, and lines. Included in this category for the City would be streets, roads, bridges, culverts, traffic signals, and tunnels constructed or acquired by the City on or after January 1, 2004. The City of Cannelton is considered a "Phase 3 Government" under GASB 34 and therefore is not required to recognize infrastructure assets acquired prior to January 1, 2004. (Ord. 04-23, S1.38.040, Nov. 8, 2004)

1.38.050 Depreciation.

- (1) **The City's General Capital Assets are not subject to depreciation.** Depreciation will **ONLY** apply to the Capital Assets of the **UTILITIES** (with the exception of Land, which is not depreciated according to generally accepted accounting principles). The Utilities will be depreciating its capital assets under the composite method. The composite method involves applying a set percentage to the total of each asset category rather than tracking depreciation for each individual asset item. No gain or loss is recognized at the time of disposal of individual assets. When items of property or equipment are disposed of, the cost of the item replaced or retired, net of any salvage value, is charged to accumulated depreciation.
- (2) Following is a list of the composite depreciation rates applicable to the depreciable asset categories:
 - A. Buildings 2% (equates to a useful life of 50 years),
 - B. Improvements Other Than Buildings 4% (equates to a useful life of 25 years),
 - C. Machinery and Equipment 10% (equates to a useful life of 10 years),
 - D. Transportation Equipment 10% (equates to a useful life of 10 years). (Ord. 04-23, S1.38.050, Nov. 8, 2004)

1.38.060 Capital Asset Acquisitions.

- (1) The method of acquisition is not a determining factor. Each department should report items acquired by:
 - A. regular purchases or "lease-purchases" (as defined in (2) below),
 - B. construction by City or Utility personnel or outside contractors,
 - C. donation or contributions accepted by governing board,
 - D. additions to existing assets,
 - E. transfer from another department or Utility,
 - F. trade,
 - G. annexation.

- (2) Leased assets should be capitalized if the lease agreement meets any one of the following criteria:
 - A. The lease transfers ownership of the item to the City/Utility by the end of the lease term.
 - B. The lease contains a bargain purchase option.
 - C. The lease term is equal to 75% of the estimated economic life of the leased item.
 - D. The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased item. (Ord. 04-23, S1.38.060, Nov. 8, 2004)

1.38.070 Asset Transfers and Dispositions.

- (1) Capital assets should not be transferred, turned in for auction, or disposed of, without prior approval of the Clerk-Treasurer, Utilities Manager, or the governing board.
- (2) If an asset is stolen the department head should notify the Cannelton Police Dept as well as the City Clerk-Treasurer in a timely fashion. (Ord. 04-23, S1.38.070, Nov. 8, 2004)

1.38.080 Periodic Inventories. A physical inventory of all capital assets will be conducted in each department/utility on or about December 31 of every year. This inventory of CAPITAL ASSETS is NOT to be confused with the inventory of MATERIALS and SUPPLIES conducted at each year end in the Electric and Water Utilities. The City Clerk-Treasurer may conduct spot checks on a random basis throughout the year. Department heads and the Utilities Manager will be accountable for the capital asset inventory charged to their departments. They should complete a list of additions and deletions for each year. Additionally, they should sign-off on a detailed listing of capital assets at year-end. (Ord. 04-23, S1.38.080, Nov. 8, 2004)

1.38.090 Responsibilities of the Clerk-Treasurer's Office. The Clerk-Treasurer will ensure that accounting for capital assets is being exercised by maintaining or ensuring that detailed listing of capital assets is maintained for each department or Utility. The Clerk-Treasurer is responsible for collecting sufficient information from each dept. head and Utility in order to complete the appropriate section in the Cities and Towns Annual Report (CTAR) containing information about the beginning balance, additions, retirements, and ending balances of capital assets. (Ord. 04-23, S1.38.090, Nov. 8, 2004)

1.38.100 Responsibilities of Department Heads Utilities/Manager. It is the responsibility of the department heads and the Utilities Manager to act as or designate an employee to oversee each piece of property. This individual will become the focal point for questions regarding availability, condition, and usage of the asset, as well as the contact during the physical inventory process. Someone should be designated to record the receipt of the asset, to examine the asset to ensure no damage was incurred during shipment and to make sure that the asset was received in working order. The department head or his designee is responsible for arranging for the necessary preventive maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory. This individual ensures that there is no personal or unauthorized use. In addition, the department head or designee should report any property damage or theft. (Ord. 04-23, S1.38.100, Nov. 8, 2004)

Chapter 1.40

BOARD OF TRUSTEES OF THE POLICE PENSION FUND

Sections:

- 1.40.010 Board of Trustees**
- 1.40.020 Authority**

1.40.010 Board of Trustees. The Mayor of the City, the City Clerk-Treasurer, and the Chief of the City Police Department, be designated to constitute the Board of Trustees of the Police Pension Fund. (Ord. 63-7, 1963)

1.40.020 Authority. The Board of Trustees of the Police Pension Fund shall exercise the authority provided in the Acts of 1925, Chapter 51, as amended. (Ord. 63-7, 1963)

Chapter 1.42

FEES FOR ACCIDENT REPORTS

Sections:

- 1.42.010 Fee**

1.42.010 Fee. The Cannelton Police Department shall charge a fee of Twelve Dollars (\$12.00) for each copy of an accident report which it provides. (Ord. 11-01, S1.42.010, Apr. 11, 2011) (Ord. 06-07, S1.42.010, July 10, 2006) (Ord. 88-02, S1, 1988)

Chapter 1.43

REQUESTS FOR LIMITED HISTORY INFORMATION

Sections:

1.43.010	Limited criminal history information
1.43.020	Right to inspection or release
1.43.030	Request
1.43.040	Fee
1.44.050	Compliance with statutes

1.43.010 Limited criminal history information. Limited criminal history information means that information defined in I.C. 10-13-3-11. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

1.43.020 Right to inspection or release. Pursuant to I.C. 10-13-3-27, noncriminal justice organizations or individuals are entitled to inspect or have released limited criminal history information. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

1.43.030 Request. All requests for limited criminal history information must be made on the City's form identified as Exhibit 1 to this Ordinance and incorporated herein. The completed, dated, signed City form along with the required fee shall be directed to the Cannelton Police Department. Requests shall be processed by the Chief of Police or his designee. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

1.43.040 Fee. The fee for processing the request is Three Dollars (\$3.00) for inspection and Seven Dollars (\$7.00) for release of a copy. The fee is waived as provided for in I.C. 10-13-3-30. Fees shall be deposited in the City's Law Enforcement Continuing Education Fund. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

1.43.050 Compliance with statutes. The Cannelton Police Department shall only release information that has been requested and which is required to be released as limited criminal history information. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

EXHIBIT 1

CITY OF CANNELTON

REQUEST FOR RELEASE OR INSPECTION OF A LIMITED CRIMINAL HISTORY

WARNING. Use of a limited criminal history for any purpose not specified herein is a criminal offense. Therefore, carefully read, complete, date and sign this request, and submit with the required fee to the Cannelton Police Department.

A limited criminal history contains information which the Cannelton Police Department has received which has been collected by it or other criminal justice ADMINISTRATION

agencies, the U.S. Department of Justice, or individuals. Limited criminal history means information with respect to any arrest or criminal charge which also discloses that the criminal proceedings have been concluded or indefinitely postponed unless the arrest or criminal charge occurred less than one (1) year prior to the date of this request.

Use of this form is not required for release of public records as required by I.C. 5-14-3-5.

I, _____ (print name) as
_____ (print position) of _____
_____ (print company name) request the release to me of a
limited criminal history of _____ (print name of the subject
of the request), in order to:

- ___ inspect the same (fee \$3.00)
 - ___ copy the same (fee \$7.00)
- (indicate one of the above)

In making this request, I hereby represent to the City of Cannelton that I am entitled to release of the requested limited criminal history, because the subject of the request:

- ___ Has applied for employment with a noncriminal justice organization or individual
- ___ Has applied for a license and criminal history data is required by law to be provided in connection with the license
- ___ Is a candidate for public office or a public official
- ___ Is in the process of being apprehended by a law enforcement agency
- ___ Is placed under arrest for the alleged commission of a crime
- ___ Has charged that the subject's rights have been abused repeatedly by criminal justice agencies
- ___ Is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation
- ___ Has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation
- ___ Is currently residing in a location designated by the department of child services (established by I.C. 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location

- ___ Has volunteered services at a public school (as defined in I.C. 20-18-2-15) or a nonpublic school (as defined in I.C. 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school
- ___ Is being investigated for welfare fraud by an investigation of the division of family resources or a county office of family and children
- ___ Is being sought by the parent locator service of the child support bureau of the division of family and children
- ___ Is or was required to register as a sex and violent offender under I.C. 5-2-12
- ___ Has been convicted of any of the following:
 - ___ Rape (I.C. 35-42-4-1), if the victim is less than eighteen (18) years of age
 - ___ Criminal deviate conduct (I.C. 35-42-4-2), if the victim is less than eighteen (18) years of age
 - ___ Child molestating (I.C. 35-42-4-3)
 - ___ Child exploitation (I.C. 35-42-4-4(b))
 - ___ Possession of child pornography (I.C. 35-42-4-4(c))
 - ___ Vicarious sexual gratification (I.C. 35-42-4-5)
 - ___ Child solicitation (I.C. 35-42-4-6)
 - ___ Child seduction (I.C. 35-42-4-7)
 - ___ Sexual misconduct with a minor as a felony (I.C. 35-42-4-9)
 - ___ Incest (I.C. 35-46-1-3), if the victim is less than eighteen (18) years of age

or because the person making the request represents:

- ___ A federal chartered or insured banking institution
- ___ A state or local government for the purpose of:
 - ___ Employment with the governmental entity
 - ___ Licensing
- ___ Segments of the securities industry identified under 15 U.S.C. 78 Q. (f)(2)

(Indicate category above which allows release.)

Date of request _____

(Signature)

The City of Cannelton may not release limited criminal history information obtained from the National Crime Information Center except to the extent permitted by the Attorney General of the United States. No fee is required for release of limited criminal history information for requests: (1) received from the parent locator service of the child support bureau of the division of family and children; (2) related to the sex and violent offender directory under I.C. 5-2-6; or (3) concerns a person required to register as a sex and violent offender under I.C. 5-2-12.

Chapter 1.44

FEES FOR HANDGUN PERMITS

Sections:

- 1.44.010 Application fee**
- 1.44.020 Rejection of application**

1.44.010 Application fee. The Cannelton Police Department shall charge a fee of \$10.00 for each application for a handgun permit which it receives. (Ord. 88-03, S1, 1988)

1.44.020 Rejection of application. \$5.00 of the application fee shall be refunded to the applicant if the application is rejected. (Ord. 88-03, S2, 1988)

Chapter 1.46

FEES FOR VEHICLE INSPECTIONS

Sections:

- 1.46.010 Inspection fee**

1.46.010 Inspection fee. The Cannelton Police Department shall charge a fee of \$5.00 for each inspection which it conducts in connection with applications for certificates of title for a motor vehicle, semitrailer, or recreational vehicle pursuant to IC Section 9-1-2-1. (Ord. 88-12, S1, 1988)

Chapter 1.48

UTILITY SERVICE BOARD

Sections:

1.48.010	Created
1.48.020	Members
1.48.030	Oath of office
1.48.040	Meetings
1.48.050	Removal from Board
1.48.060	Compensation
1.48.070	Powers and duties
1.48.080	Proper books and records
1.48.090	Bonding
1.48.100	Collection of just and equitable rates and charges
1.48.110	Safeguarding the interests of the bond holders

1.48.010 Created. There is hereby established a Utility Service Board, which Board shall be charged with the duty of supervising the operation of the City's utility properties. (Ordinance 6, Section 8, November 4, 1941)

1.48.020 Members. Said board shall consist of five (5) members, not more than a majority of whom shall be members of the same political party. Three (3) members of said board shall be appointed by the Mayor, and two (2) members shall be appointed by the Common Council. In appointing the first members to said board, the Mayor shall appoint one member for a term of one (1) year, one member for a term of three (3) years, and one member for a term of four (4) years, and the Common Council shall appoint one member for a term of three (3) years and one member for a term of four (4) years. Thereafter, the Mayor and Common Council shall each appoint successors to their respective appointees, as their terms expire, which successors shall be appointed for terms of four (4) years. Not more than two (2) of the appointees of the Mayor shall be members of the same political party, and not more than one (1) of the appointees of the Common Council shall be members of the same political party. (Ordinance 6, Section 8, November 4, 1941)

1.48.030 Oath of office. Within seven (7) days after such first appointments are made, each of said appointees shall file with the Clerk-Treasurer and oath of office in the form customarily used for the qualification of municipal officers and shall meet and select a chairman, who shall serve for a period of one (1) year and until his successor is duly elected. Thereafter, the chairman of said board shall be selected at the next regular meeting following the appointment of a new member to said board. (Ordinance 6, Section 8, November 4, 1941)

1.48.040 Rules and Regulations / Meetings. Said board shall adopt rules and regulations for its government which shall fix the time and place for the holding of

regular meetings and provide for the calling of special meetings. Regular meeting shall be held at least once in each calendar month. A copy of said rules and regulations and all subsequent amendments thereto and modifications thereof shall be placed on file in the office of the Clerk-Treasurer within three (3) days after adoption. (Ordinance 6, Section 8, November 4, 1941)

1.48.050 Removal from Board. The members of said board shall be subject to removal for cause, after notice and hearing by the Mayor or Common Council, whichever appointed the accused members. The failure of a member to qualify within seven (7) days after his appointment, or to attend three (3) consecutive regular meetings of the board, shall automatically vacate his place on the board. (Ordinance 6, Section 8, November 4, 1941)

1.48.060 Compensation. The chairman of said board shall receive a salary of One Hundred Twenty-five Dollars (\$125.00) per year, and the other members thereof shall receive a salary of One Hundred Dollars (\$100.00) per year. (Ordinance 6, Section 8, November 4, 1941)

1.48.070 Powers and duties. Said Board shall have all of the powers and duties prescribed by Section 19 of Chapter 190 of the Acts of 1933, including among other things the general supervision of the operation of the City's utilities, the fixing of the policy of control, the selection of a manager to have executive charge of the utilities, the adoption of rules and regulations governing the appointment of all employees, and such other powers and duties as are now or may hereafter be conferred by statute. (Ordinance 6, Section 8, November 4, 1941)

1.48.080 Proper books and records. The City shall keep proper books of record and account separate from all of its other records and accounts, in which complete and correct entries shall be made of all transactions relating to said utilities, showing all revenues collected from the operation thereof and all disbursements made therefrom. (Ordinance 6, Section 9, November 4, 1941)

Chapter 1.50

BOARD OF PUBLIC WORKS AND SAFETY

Sections:

1.50.010 Created

1.50.010 Created. The City of Cannelton Board of Public Works and Safety shall supervise and control the municipal sewage works and system as provided for in I.C. 36-9-23-3. (Ord. 96-01, S4, February 26, 1996) (Ord. 67-8, 1967 repealed) (Ord. 67-1, S1-6, 1967 repealed)

Chapter 1.60

RULES AND REGULATIONS FOR CITY CEMETERIES

Sections:

1.60.010	Statutory authority
1.60.020	Prices for grave lots and internment fees
1.60.030	Individual curbs
1.60.040	Existing trees, shrubs, and plants
1.60.050	Private fences, curbing, and enclosures prohibited
1.60.060	Planting flowers, shrubs, and trees prohibited
1.60.062	Articles on graves prohibited
1.60.064	Articles on headstones
1.60.066	No liability for lost or damaged articles
1.60.068	Removal of prohibited items
1.60.070	Positioning of headstones
1.60.080	Footstones
1.60.085	Animals prohibited, fine
1.60.090	Recovery of fees for enforcement

1.60.010 Statutory authority. Pursuant to the provisions of I.C 23-14-65, there is hereby established the following rules and regulations governing the use and control of city cemeteries, and repealing any and all rules and regulations previously in effect that are in conflict herewith. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S1, 1978)

1.60.020 Prices for grave lots and internment fees. Prices for burial lots and internment fees:

- (1) \$250 per single and \$500 for double lot - Cannelton resident or real property owner.
- (2) \$325 per single and \$650 for double lot - Non Cannelton resident or real property owner.
- (3) \$100 internment fee per lot for child under age two or cremated remains.
- (4) \$300 interment fee per lot for all others. (Ord. 2005-02, S1, Feb. 28, 2005) (Ord. 04-04, S2, Mar. 1, 2004) (Ord. 78-7, S2, 1978)

1.60.030 Individual curbs. That no individual curbs shall be permitted inside Loop around any lot excepting next to roadway, and constructed under the strict supervision of the cemetery sexton. (Ord. 78-7, S3, 1978)

1.60.040 Existing trees, shrubs, and plants. No trees, shrubs, or plants which are currently in place shall be removed without the approval of the Council. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S4, 1978)

1.60.050 Private fences, curbing, and enclosures prohibited. No private fence, curbing or enclosures may be placed around any grave. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S5, 1978)

1.60.060 Planting flowers, shrubs, and trees prohibited. No flowers, shrubs, or trees may be planted on any grave. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S6, 1978)

1.60.062 Articles on graves prohibited. No articles of any kind may be placed on any grave. (Ord. 2005-10, pt. S1, June 27, 2005)

1.60.064 Articles on headstones. Figurines or similar articles may be placed on a headstone provided they are at all times securely attached to the headstone and do not extend over the base thereof. Flowers in vase containers or saddles may be placed on the headstone provided they are at all times securely attached to the headstone. Glass containers are prohibited. (Ord. 2005-10, pt. S1, June 27, 2005)

1.60.066 No liability for lost or damaged articles. The City shall have no liability for loss or damage for any article placed on any grave or headstone. Placement of any article is at the sole risk of the person placing such article. (Ord. 2005-10, pt. S1, June 27, 2005)

1.60.068 Removal of prohibited item. The City may cause to be removed and disposed of without notice any item placed in a cemetery in violation of the provisions of this Code. (Ord. 2005-10, pt. S1, June 27, 2005)

1.60.070 Positioning of headstones. That all headstones erected and placed at the graves in said cemetery shall be in line and not in any out of line positions. (Ord. 78-7, S7, 1978)

1.60.080 Footstones. Where headstones are used in said cemetery footstones at any grave will not be allowed or permitted except those at ground level. (Ord. 78-7, S8, 1978)

1.60.085 Animals prohibited. Animals are not allowed within any cemetery except trained animals in the legitimate use of a handicapped person. Any person who violates this section shall be subject to a fine of Fifty Dollars (\$50.00). (Ord. 2005-10, pt. S1, June 27, 2005)

1.60.090 Recovery of fees for enforcement. Cannelton shall be entitled to recover its attorney fees and other expenses it incurs in the enforcement of the provisions of this Code. (Ord. 2005-10, pt. S1, June 27, 2005)

Chapter 1.65

RIVERFRONT DEVELOPMENT PROJECT AREA

Sections:

- 1.65.010 Indiana Code
- 1.65.020 Area designated

1.65.010 Indiana Code.

- (1) IC 7.1-3-20-16(d) and IC 7.1-3-20-16.1 allow for and authorize the issuance of specified, nontransferable permits to sell alcoholic beverages for on-premises consumption in a restaurant within a municipal riverfront development project, funded in part with state and city money.
- (2) IC 7.1-3-20-16.1 allows for and authorizes the issuance of a retailer's permit to sell alcoholic beverages to the proprietor of a restaurant that is located in a facility that is located within the boundaries of an economic development area; a blighted area; an urban renewal area; or a redevelopment area established under IC 36-7-14 or IC 36-7-14.5. (Resolution 07-1, Feb. 12, 2007)

1.65.020 Area designated.

- (1) The area referenced above and in Exhibit A and Exhibit B is hereby designated as a Cannelton Riverfront Development Project Area;
- (2) The Common Council and Mayor approves application for an alcoholic beverage permit within the Cannelton Riverfront Development Project Area that shows that the applicant meets or will meet the following criteria:
 - A. The location is within the area described on the attached Exhibit A and Exhibit B,
 - B. The applicant satisfies all other requirements of IC 7.1-3-20-16.1, and
 - C. In furtherance of redevelopment, monies of the City of Cannelton and the State of Indiana have been expended for redevelopment within the above described area. (Resolution 07-1, Feb. 12, 2007)

Legal Description

A part of the Southwest Quarter of Section 14, Township 7 South, Range 3 West and more particularly described as follows;

Commencing at a stone at the southeast corner of American Cannel Coal Outlet 708; thence South 0 degrees 03 minutes 22 seconds West 1780.22 feet to the true point of beginning of the tract herein described;

Thence North 90 degrees 00 minutes 00 seconds East 614.84 feet; thence South 00 degrees 00 minutes 00 seconds East 1003.71 feet to the Ohio River; thence along the Ohio River South 52 degrees 46 minutes 18 seconds West 194.15 feet to the east boundary of the Town of Cannelton; thence leaving the Ohio River along the town boundary North 00 degrees 00 minutes 00 seconds East 381.53 feet to the north right of way of State Road 66; thence along said right of way South 78 degrees 21 minutes 17 seconds West 190.63 feet; thence along said right of way North 81 degrees 01 minutes 39 seconds West 280.59 feet; thence North 00 degrees 16 minutes 57 seconds East 734.37 feet to the point of beginning.

This description is prepared from survey work conducted as a part of Job # 04-164). This purpose of this description is to describe a proposed annexation to extend the town boundary on the east side adjacent to the area previously described in Job #04-164.

SURVEY BY:
Reginald G. Timberlake
Professional Land Surveyor S0451
7746 S. State Road 66
Sulphur, IN 47174

SURVEY FOR:
City of Cannelton
Town Hall
Cannelton, IN 47520

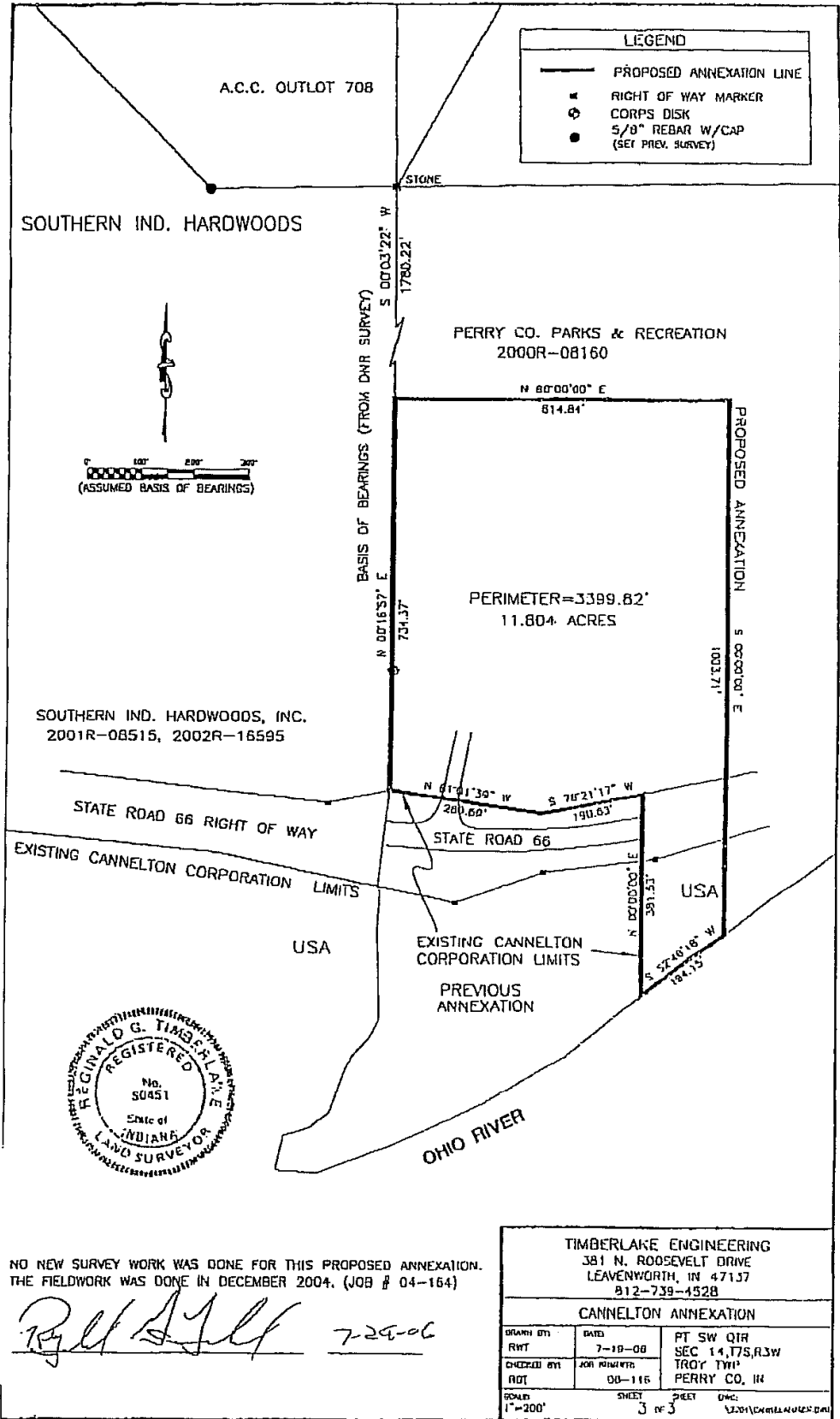


Exhibit B

Chapter 1.68

POLICY CONCERNING VENDING MACHINES

Sections:

1.68.010	Placement and Location
1.68.020	Public Areas
1.68.030	Restricted Areas
1.68.040	Proper Accounting Necessary
1.68.050	Construction of Clause Headings
1.68.060	Repealing of Conflicting Ordinances
1.68.070	Severability Provision
1.68.080	Duration and Effective Date

1.68.010 Placement and Location. The Board of Public Works and Safety of the City of Cannelton shall determine the proper location and placement of any vending machine situated on property that is either owned or leased by the City of Cannelton and shall further determine whether such vending machines are located in public areas or in restricted areas. (Ord. 07-08, S1, May 21, 2007)

1.68.020 Public Areas. Any vending machine determined by the Board of Public Works and Safety of the City of Cannelton to be located in an area where the public routinely makes use of the vending machines and generates a reasonable part of the resulting revenues shall be determined to be in a public area and revenues from such a vending machine shall be placed in the City's general fund for future use as determined by the Common Council. (Ord. 07-08, S2, May 21, 2007)

1.68.030 Restricted Areas. Any vending machine determined by the Board of Public Works and Safety of the City of Cannelton to be located in an area other than those that are available to the public shall be determined to be in a restricted area and the Common Council shall determine whether or not such revenues shall be restricted for the use and benefit of only those employees who use the machines and generate the revenues. (Ord. 07-08, S3, May 21, 2007)

1.68.040 Proper Accounting Necessary. All revenues generated and costs incurred in operating any vending machine located on property owned or leased by the City of Cannelton shall be accounted for through the records of the City of Cannelton. (Ord. 07-08, S4, May 21, 2007)

1.68.050 Construction of Clause Headings. The clause headings appearing in this Ordinance have been provided for convenience and reference and do not purport and shall not be deemed to define, limit, or extend the scope or intent of the clause to which they appertain. (Ord. 07-08, S5, May 21, 2007)

1.68.060 Repealing of Conflicting Ordinances. The provisions of all other Ordinances in conflict with the provisions hereof are of no further force and effect and are hereby repealed. (Ord. 07-08, S6, May 21, 2007)

1.68.070 Severability Provision. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance. (Ord. 07-08, S7, May 21, 2007)

1.68.080 Duration and Effective Date. The provisions set forth in this Ordinance shall become and remain in full force and effect upon adoption. (Ord. 07-08, S8, May 21, 2007)

Chapter 1.70

PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

Sections:

- 1.70.010 Prohibiting the possession or consumption of alcoholic beverages on public property**
- 1.70.020 Exception**
- 1.70.030 Fine for violation**

1.70.010 Prohibiting the possession or consumption of alcoholic beverages on public property. It shall be unlawful for any person to consume or have in his possession any vinuous, spirituous or malt liquors or other alcoholic beverages of any kind or description in any public park owned and located in the City of Cannelton, Indiana, or on the sidewalk areas adjacent thereto. (Ord. 81-5, S1, 1981)

1.70.020 Exception. It shall further be unlawful for any person to consume any vinuous, spirituous or malt liquors or other alcoholic beverages on any street, alley or public way within the City of Cannelton, Indiana, except when the consumption of said beverages have been licensed by the Indiana Alcoholic Beverage Commission. (Ord. 81-5, S2, 1981)

1.70.030 Fine for violation. Whoever violates the provisions of this Chapter, and on conviction, shall be fined in any sum not to exceed \$100.00. (Ord. 81-5, S3, 1981)

Chapter 1.80

PROHIBITING MOTORIZED VEHICLES ON THE FLOOD LEVEE

Sections:

- 1.80.010 Traffic prohibited
- 1.80.020 Penalty for violation

1.80.010 Traffic prohibited. It is unlawful for a person to travel on or to park or to permit any motorized vehicle to travel upon the earthen flood levee embankment located in the City of Cannelton. (Ord. 07-09, S1.80.010, May 21, 2007)

1.80.020 Penalties for violation. Any person, persons, firm or corporation violating any provisions of this chapter shall be required to pay a fine of Twenty-five Dollars (\$25) for a violation of this Ordinance. Second violations will result in a fine of One Hundred Dollars (\$100). Third and subsequent violations will result in a fine of Two Hundred Dollars (\$200). Each day of noncompliance with the provisions in this Ordinance shall constitute a separate and distinct violation. Any moneys paid as fines pursuant to this Ordinance shall be paid, within 10 days of the issuance of a citation, to the City's Ordinance Violations Clerk at the Cannelton Utility Office, who shall issue a receipt, in duplicate, to the payor. In addition to collecting a fine or fines, the City may also seek injunctive relief in the Circuit Court of Perry County, Indiana to restrain any person, persons firm or corporation from violating this Ordinance. The City may collect, in addition to any moneys owed it pursuant to this Ordinance, all costs and attorney's fees incurred to enforce this Ordinance, or to defend the City against any suits brought against the City in connection with action taken pursuant to this Ordinance. (Ord. 07-09, S1.80.020, May 21, 2007)

Chapter 1.82

FIRE TRUCK FUND

Sections:

- 1.82.010 **Creation of Fire Truck Fund**
- 1.82.020 **Authorized to make Deposits**
- 1.82.030 **Effective Date**

1.82.010 Creation of Fire Truck Fund. A Fire Truck Fund is hereby established to receive monies pertaining to the Indiana Office of Community and Rural Affairs grant CDBG #CF-05-233.

1.82.020 Authorized to make Deposits. The Clerk/Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed.

1.82.030 Effective Date. This Ordinance shall be in full force and effect from January 1, 2006 and after its passage by the Common Council of the City of Cannelton, the 12th day of June, 2006. Upon completion of the fire truck, this fund shall be closed.

Chapter 1.84

EXCESS LEVY FUND

Sections:

- 1.84.010 **Creation of Excess Levy Fund**
- 1.84.020 **Authorized to make Deposit**
- 1.84.030 **Effective Date**

1.84.010 Creation of Excess Levy Fund. An Excess Levy Fund is hereby established to receive monies pertaining to Excess Levy.

1.84.020 Authorized to make Deposit. The Clerk-Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed.

1.84.030 Effective Date. This Ordinance shall be in full force and effective July 1, 2006 and after its passage by the Common Council of the City of Cannelton, this 24th day of July, 2006.

Chapter 1.86

RIVERBOAT FUND

Sections:

- 1.86.010** **Creation of Riverboat Fund**
- 1.86.020** **Purposes of the Fund**
- 1.86.030** **Transfer to the Fund**
- 1.86.040** **Appropriations**

1.86.010 Creation of Riverboat Fund. There is hereby established a special fund which shall be known as the "Riverboat Fund" which shall receive the City's portion of the distribution of wagering taxes that Perry County receives from the State of Indiana. (Ord. 03-13, S2, Sept. 8, 2003)

1.86.020 Purposes of the Fund. The funds on deposit in the Riverboat Fund may be used for any governmental purpose for which the money is appropriated by the City Council. (Ord. 03-13, S3, Sept. 8, 2003)

1.86.030 Transfer to the Fund. The City's portion of the distribution of wagering taxes from the State of Indiana, through Perry County, shall be deposited in the Riverboat Fund. (Ord. 03-13, S4, Sept. 8, 2003)

1.86.040 Appropriations. The Common Council of the City of Cannelton may authorize the expenditure of funds from the Riverboat Fund by appropriation, made in the same manner as other funds are appropriated that receive tax moneys. (Ord. 03-13, S5, Sept. 8, 2003)

Chapter 1.87

RAINY DAY FUND

Sections:

1.87.010	Creation of Rainy Day Fund
1.87.020	Purposes of the Fund
1.87.030	Transfer to Fund
1.87.040	Appropriations
1.87.050	Effective Date

1.87.010 Creation of Rainy Day Fund. There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered finds under the following statutory provisions:

- A. I.C. 36-1-8-5 (funds raised by a general or special tax levy on all taxable property of the City);
- B. I.C. 6-30.5-1.1-21.1 (supplemental distributions of adjusted gross income tax);
- C. I.C. 6-3.5-6-17.3 (supplemental distribution of county option income tax);
- D. I.C. 6-3.5-7-17.3 (supplemental distribution of county economic development income tax); and
- E. Fund received from the sale of timber from City owned property. (Ord. 08-02, S1, Apr. 14, 2008)

1.87.020 Purposes of the Fund. The funds on deposit in the Rainy Day Fund may be used for the operation of the City and its various departments, when the City does not have sufficient levies or funds to pay such costs of operation, including, but not limited to, salaries and wages, costs of services, supplies, equipment, capital improvements, repairs and similar expenditures. (Ord. 08-02, S2, Apr. 14, 2008)

1.87.030 Transfer to Fund. On or before December 31st of each year, the Cannelton City Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund which transfer may not exceed more than ten percent (10%) of the City of Cannelton's total annual budget for that fiscal year. (Ord. 08-02, S3, Apr. 14, 2008)

1.87.040 Appropriations. The Cannelton City Council may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds appropriated that receive tax moneys, upon making a

finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 08-02, S4, Apr. 14, 2008)

1.87.050 Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage. (Ord. 08-02, S5, Apr. 14, 2008)

Chapter 1.88

GRANT FUND

Sections:

- 1.88.010** **Creation of Grant Fund**
- 1.88.020** **Authorized to make deposits, execute warrants and transfer funds**
- 1.88.030** **Effective Date**

1.88.010 Creation of Grant Fund. A Grant Fund is hereby established to receive monies pertaining to State and Federal Grants. (Ord. 07-02, S1, Feb. 12, 2007)

1.88.020 Authorized to make deposits, execute warrants and transfer funds. The Clerk-Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed. (Ord. 07-02, S2, Feb. 12, 2007)

1.88.030 Effective Date. This Ordinance shall be in full force and effective January 1, 2007 and after its passage by the Common Council of the City of Cannelton, this 12 day of February, 2007. (Ord. 07-02, S3, Feb. 12, 2007)

Chapter 1.90

ORDINANCE VIOLATIONS BUREAU

Sections:

1.90.010	Established
1.90.020	Acceptance of Payment of Fines
1.90.030	Violations Schedule
1.90.040	Payment to the Violations Clerk
1.90.050	Uniform Code Violation Form

1.90.010 Established. There is hereby established the Cannelton Ordinance Violations Bureau, and the City Utilities Bookkeeper and his assistants are hereby appointed the Violations Clerk and assistant Clerks, respectively. (Ord. 96-05, S1, May 13, 1996)

1.90.020 Acceptance of Payment of Fines. The Violations Clerk or authorized assistants shall accept written appearances, waivers of trial, admissions of violations, and payment of fines and penalties which do not exceed Two Hundred Fifty Dollars (\$250.00) for each violation. (Ord. 06-08, S1, July 10, 2006) (Ord. 96-05, S2, May 13, 1996)

1.90.030 Violations Schedule. There is hereby established a Violations Schedule which schedule is declared to be the stated fine or penalty per violation as provided for in any ordinance of Cannelton which provides for a fine or penalty, exclusive of water, electric, or sewer rate ordinances and moving traffic violations. (Ord. 96-05, S3, May 15, 1996)

1.90.040 Payment to the Violations Clerk. All ordinances of Cannelton, except water, electric, or sewer rate ordinances, which provide for payment of a fine or penalty per violation of Two Hundred Fifty Dollars (\$250.00) or less per violation, to the City of Cannelton, or a named representative thereof, shall be construed to allow for payment to the violations Clerk or authorized assistants as provided in I.C. 33-36. (Ord. 06-08, S2, July 10, 2006) (Ord. 96-05, S4, May 13, 1996)

1.90.050 Uniform Code Violation Form. Effective immediately, there is hereby adopted for use by the Cannelton Police Department, the Ordinance Violation Bureau, and others a Uniform Code Violation Form in essential conformity with the form attached hereto and marked as Exhibit A and is hereby made a part of this Code. The form shall be used as a means by which to issue a formal citation in writing to any party violating a municipal ordinance for which a fine is imposed. (Ord. 06-08, S3, July 10, 2006)

CODE AND ORDINANCE VIOLATION NOTICE

№ 982627

NO. _____

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME _____

PREMISE ADDRESS _____

VEHICLE MAKE _____ MODEL _____ LICENSE _____ STATE _____

PLEASE TAKE NOTICE THAT ON (Date) _____ (Time) _____
YOU WERE FOUND IN VIOLATION OF:

ORDINANCE/§# _____

SPECIFICALLY THE VIOLATION CONSISTS OF:

<input type="checkbox"/> ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON			
<input type="checkbox"/> PROPERTY	<input type="checkbox"/> STREET		
	FINE \$ _____		
<input type="checkbox"/> ANIMAL	<input type="checkbox"/> PROHIBITED		
	<input type="checkbox"/> CRUELTY	<input type="checkbox"/> RUN AT LARGE	
	<input type="checkbox"/> DEFECATE ON PROPERTY	<input type="checkbox"/> UNLICENSED	
	<input type="checkbox"/> OTHER _____	FINE \$ _____	
<input type="checkbox"/> TRASH	<input type="checkbox"/> IMPROPER BURNING	<input type="checkbox"/> IMPROPER DISPOSAL	
		FINE \$ _____	
<input type="checkbox"/> HIGH GRASS OR WEEDS		FINE \$ _____	
<input type="checkbox"/> LITTERING	<input type="checkbox"/> LITTERING BY HANDBILLS	FINE \$ _____	
<input type="checkbox"/> NOISE	<input type="checkbox"/> GENERAL	<input type="checkbox"/> VEHICULAR	<input type="checkbox"/> ANIMAL
			FINE \$ _____
<input type="checkbox"/> DISORDERLY CONDUCT			FINE \$ _____
<input type="checkbox"/> TRESPASSING	<input type="checkbox"/> LOITERING		FINE \$ _____
<input type="checkbox"/> IMPROPER WATERING			FINE \$ _____
<input type="checkbox"/> OTHER _____			FINE \$ _____

ADDITIONAL DESCRIPTION OF VIOLATION: _____

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN _____ DAYS TO AVOID ANY FURTHER ACTION TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

DEPARTMENT NAME
ADDRESS
CITY, STATE ZIP

ISSUING OFFICER _____ TITLE _____

SIGNATURE OF VIOLATOR _____ DATE _____

LAW ENFORCEMENT SYSTEMS, INC. PO BOX 1888 GEORGETOWN, TX 75149
888-527-6442 FORM 00-2

888-527-6442



(Ord. 06-08, July 10, 2006)

Chapter 1.95

ADOPTING THE BASE MAP OF THE CITY OF CANNELTON

Sections:

- 1.95.010** **Creation**
- 1.95.020** **Adoption as the Official Map**

1.95.010 Creation. Indiana 15 Regional Planning Commission has prepared a Base Map, City of Cannelton, Indiana which originated on January 10, 2003 and was updated August 7, 2006. This map includes amendments up to and including Ordinance 2005-17. (Ord. 06-15, S1.95.010, Sept. 11, 2006) (Ord. 03-06, Whereas, May 12, 2003)

1.95.020 Adoption as the Official Map. The Base Map, City of Cannelton, Indiana updated on August 7, 2006 is hereby approved and adopted as the Official Map of Cannelton, Indiana. (Ord. 06-15, S1.95.020, Sept. 11, 2006) (Ord. 03-06, S1, May 12, 2003)

Note: See Title 9 for Base Map

Chapter 1.96

ADOPTING THE ZONE MAP OF THE CITY OF CANNELTON

Sections:

- 1.96.010** **Creation**
- 1.96.020** **Adoption as the Official Zoning Map**

1.96.010 Creation. Indiana 15 Regional Planning Commission has prepared a Zone Map, City of Cannelton, Indiana which originated on January 10, 2003 and was updated August 7, 2006. This map includes amendments up to and including Ordinance 2005-17. (Ord. 06-15, S1.96.010, Sept. 11, 2006) (Ord. 03-05, Whereas, May 12, 2003)

1.96.020 Adoption as the Official Zoning Map. The Zone Map, City of Cannelton, Indiana updated on August 7, 2006 is hereby approved and adopted as the Official Zoning Map of Cannelton, Indiana. (Ord. 06-15, S1.96.020, Sept. 11, 2006) (Ord. 03-05, S1, May 12, 2003)

Note: See Title 7 for Zoning Map