

**TITLE 1**

**ADMINISTRATION AND PERSONNEL**

# TITLE 1

## ADMINISTRATION AND PERSONNEL

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## Chapter 1.01

### RULES OF ORDER FOR THE GOVERNMENT OF THE TOWN

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- 1.01.080 No member may leave during the meeting
- 1.01.090 Every vote shall be recorded by ayes and nays
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The following rules shall be observed by the Town Council in conducting its meetings:

**1.01.020 Regular meeting place.** The Board shall have prepared in a suitable manner some convenient room, where its meetings shall be regularly held. (Ord. 1, S2, February 1, 1892)

**1.01.030 Date and time of meeting.** The Dale Town Council will meet the first Monday of each month as a regular meeting date at 7:00 P. M. If regular meeting falls on a legal holiday, it automatically is rescheduled for future day. This avoids any confusion as to rescheduling meetings. (Res. 1995-1, 1995) (Ord. 24, S3, October 2, 1896) (Ord. 1, S3, February 1, 1892)

**1.01.040 President shall preside over meetings.** The President shall take the chair at the appointed hour, and should he be absent, some other member shall preside. The President at the request of any member, may order the attendance of any absent member, and any two members may, on motion, at any regular meeting of the Board, order the attendance of the President. (Ord. 1, S4, February 1, 1892)

**1.01.050 President shall decide questions of order.** The President shall decide all questions of order, subject to appeal to the Board, and shall preserve order, and shall call to order any person who may transgress any rule. (Ord. 1, S5, February 1, 1892)

**1.01.060 Every member shall vote unless a conflict exists.** Every Trustee present shall vote upon each question under consideration, unless he be interested therein, or excused by the Board. (Ord. 1, S6, February 1, 1892)

**1.01.070 Every motion shall be recorded.** Every motion shall, if required by any Trustee, be reduced to writing, and every motion, when recorded, shall be stated by the President, or, if in writing, shall be read by the Clerk, but may be withdrawn by the mover at any time before the result of the vote is announced by consent of the Board. (Ord. 1, S7, February 1, 1892)

**1.01.080 No member may leave during the meeting.** No member may leave the Board during a meeting except upon leave of the President. (Ord. 1, S8, February 1, 1892)

**1.01.090 Every vote shall be recorded as ayes and nays.** Every vote shall be taken by yeas and nays, and at the request of any two Trustees the ayes and nays shall be recorded. (Ord. 1, S9, February 1, 1892)

**1.01.100 Government proceedings not expressed in these rules.** The Board shall be governed by the ordinary rules of proceedings in deliberative bodies, when not expressed in the Rules or Ordinances. (Ord. 1, S10, February 1, 1892)

**1.01.110 Order of business.** The business of each meeting shall be considered in the following order:

- 1<sup>st</sup> Reading and corrections of the records of the previous meeting
- 2<sup>nd</sup> Reports of Committees and action thereon
- 3<sup>rd</sup> Receiving and disposing of claims
- 4<sup>th</sup> Unfinished business
- 5<sup>th</sup> New business (Ord. 1, S11, February 1, 1892)

## Chapter 1.08

### TOWN ELECTIONS

#### Sections:

#### 1.08.010 Town Council members elected at large

**1.08.010 Town Council members elected at large.** The town legislative body districts of the Town of Dale, Indiana, and all members of the legislative body of the Town of Dale, Indiana, shall hereafter be elected at large, and the abolition of legislative districts shall continue. (Ord. 2002-11, Oct. 7, 2002) (Ord. 1993-9, April 5, 1993)

## Chapter 1.12

### PURCHASING POLICIES

#### Sections:

**1.12.010 Designation of Purchasing Agency**

**1.12.020 Purchasing Agents**

**1.12.030 Policy Statement**

**1.12.010 Designation of Purchasing Agency.** The Town Council of the Town of Dale, Indiana, hereby determines that the purchasing agency for the Town is the Town Council. (Res. 98-2, S1, March 2, 1998)

**1.12.020 Purchasing Agents.** The Town Council hereby designates the following persons to serve as purchasing agents for the Town:

- (1) the Clerk-Treasurer
- (2) the Town Marshall
- (3) the Sewer Superintendent
- (4) the Street Superintendent
- (5) the Water Superintendent
- (6) those additional Town employees or other persons who are designated in writing from time to time. (Res. 98-2, S2, March 2, 1998)

**1.12.030 Policy Statement.** The Town will prepare rules and/or a policy statement to cover aspects of purchasing as allowed by I.C. 5-22 et. seq., as amended, which may apply to all purchases generally or to a specific purchase as stated in the solicitation for the purchase, and this policy statement also may be amended, in whole or in part from time to time, as the Town Council determines appropriate. (Res. 98-2, S3, March 2, 1998)

## Chapter 1.13

### CAPITAL ASSET AND DEPRECIATION POLICY

#### Sections:

- 1.13.040 General Information
- 1.13.050 Definition of Capital Assets
- 1.13.060 Valuation of Capital Assets
- 1.13.070 Assets Definition by Major Category
- 1.13.080 Depreciation Methods
- 1.13.090 Capital Asset Acquisitions
- 1.13.100 Asset Transfers and Dispositions
- 1.13.110 Periodic Inventories
- 1.13.120 Responsibilities of Clerk-Treasurer's Office
- 1.13.130 Responsibilities of Department Heads

**1.13.040 General Information.** This Capital Asset and Depreciation Policy is being issued retroactive to January 1, 2004. The new policy will be referred to as the "Capital Asset and Depreciation 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 policy will also establish the depreciation rates for the water and wastewater utilities. This issuance of a policy document is related to the implementation of the 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 town to report "infrastructure assets" for the first time. Separate records will be maintained for the Town's General Capital Assets and the capital assets of each utility. The capital asset threshold levels for the Town's Utility Capital Assets are hereby set as follows: \$0 for assets classified as "Land and Buildings", and \$5,000 for "Improvements Other Than Buildings", "Machinery and Equipment", and "Transportation Equipment". The capital asset threshold levels for the Town's General Capital Assets are hereby set as follows: \$0 for assets classified as "Land and Buildings", and \$5,000 for "Improvements Other Than Buildings", "Machinery and Equipment", and "Transportation Equipment". Current 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". If at the discretion of the Clerk-Treasurer or the Utilities Manager it is desirable to keep track of items or groups of items valued at less than these threshold levels (such as weed eaters, or push mowers), a separate listing entitled "Inventoried Items" may be maintained. These "inventoried items" will not be included in the Unit's Capital Assets for purposes of the State Board of Accounts audit reports. Other items purchased or acquired at less than the threshold level are to be expensed in the year of purchase or acquisition.

The Town of Dale 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 Town of Dale 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, depreciation, maintenance, and retirement
- (4) to provide data for financial reporting
- (5) to demonstrate appropriate stewardship responsibility for public assets (Ord. 2005-4, S1.13.040, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

**1.13.050 Definition of Capital Assets.** Capital Assets include "Land", "Buildings", "Improvements Other Than Buildings", "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 designated by the Clerk-Treasurer or the Utilities Manager as set out in 1.13.040) shall be capitalized in accordance with this policy. (Ord. 2005-4, S1.13.050, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

**1.13.060 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 to indicate estimated cost.
- (3) Assets acquired with Federal Grant funds should also include an "F" or "FED" to indicate involvement of federal funds in the acquisitions. (Ord. 2005-4, S1.13.060, Apr. 4, 2005)

**1.13.070 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 Town of Dale, its various departments, boards, or authorities, regardless of the method or date of acquisition. Easements will not be included as the Town 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 town or utility offices. Traditionally, Dale Utilities has included treatment plants as improvements other than buildings. 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, fixed shelving, lighting fixtures, porches, canopies and fire escapes.
- (3) "Improvements Other Than Buildings"-Included in this category are water and waste water lines, water wells, lift stations, parking lots, fencing, walls and monuments.
- (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, Police Department equipment, street department equipment, and any other town departments equipment meeting the threshold level at the time of acquisition should be included. Consumable materials and supplies should not be included.
- (5) "Transportation Equipment"-This category includes all wheeled vehicles used for transportation such as cars, trucks, vans and motorcycles.
- (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 Town's General Capital Assets, but not to the Water and Wastewater Utilities. Should the Town 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. Also included in this category would be streets, roads, bridges, culverts, traffic signals, and tunnels constructed or acquired by the Town on or after January 1, 2004. The Town of Dale 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. 2005-4, S1.13.070, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

**1.13.080 Depreciation Methods.** The Town's General Capital Assets are not subject to depreciation. Depreciation will ONLY apply to the Capital Assets of the UTILITIES, with the exception land, which is not depreciated according to generally accepted accounting principals. 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 if individual assets. When items of property or equipment are disposed of, the cost of the item replaced or retired, net of any value is charged to accumulated depreciation.

The following is a list of the composite depreciation rates applicable to the depreciable asset categories:

- (1) Buildings 2% (equates to a useful life of 50 years)
- (2) Improvements Other Than Buildings 2% (equates to a useful life of 50 years)
- (3) Machinery and Equipment 10% (equates to a useful life of 10 years)
- (4) Transportation Equipment 10% (equates to a useful life of 10 years) (Ord. 2005-4, S1.13.080, Apr. 4, 2005)

### **1.13.090 Capital Asset Acquisitions**

- (1) The method of purchase 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 Town or Utility personnel or outside contractors.
  - C. Donation or contribution accepted by the 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 Town 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. 2005-4, S1.13.090, Apr. 4, 2005)

### **1.13.100 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 Dale Town Marshall as well as the Town Clerk-Treasurer in a timely fashion. (Ord. 2005-4, S1.13.100, Apr. 4, 2005)

**1.13.110 Periodic Inventories.** A physical inventory of all capital assets will be conducted in each department/utility on or about December 31<sup>st</sup> of every year. The Town Clerk-Treasurer may conduct spot checks on a random basis throughout the year. Department heads and Utility managers will be 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. 2005-4, S1.13.110, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

**1.13.120 Responsibilities of the Clerk-Treasurers 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 department head and Utility in order containing information about the beginning balance, additions, retirements, and ending balances of capital assets. (Ord. 2005-4, S1.13.120, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

**1.13.130 Responsibilities of Department Head/Utility Managers.** It is the responsibility of the department heads and Utility Managers 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 the 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 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 physical inventory. This individual ensures that there is not personal or unauthorized use of assets. In addition., the department head or designee should report any property damage or theft. (Ord. 2005-4, S1.13.130, Apr. 4, 2005)

## Chapter 1.15

### WATER AND SEWAGE DEPARTMENTS REPLACEMENT RESERVE FUND

#### Sections:

#### 1.15.010 Establishment

**1.15.010 Establishment.** The Town Board does establish and direct that a Replacement Reserve Fund be set up in the Water and Sewage Departments and a transfer of .10 of the Town's annual loan payment to Farmer's Home Administration transfer out of the operating fund of each department each month into the Replacement Reserve Fund. (Res. 1984-3, March 5, 1984)

## Chapter 1.18

### VEHICLE INSPECTION FUND

#### Sections:

- 1.18.010 Vehicle Inspection Fee**
- 1.18.020 Collection and record keeping**
- 1.18.030 Vehicle Inspection Fund**
- 1.18.040 Purpose of funds**

**1.18.010 Vehicle Inspection Fee.** There be and hereby is authorized and imposed from and after August 1, 1988, a fee in the sum of Five dollars (\$5.00) for each inspection of a motor vehicle, semi-trailer or recreational vehicle by an officer of the Dale Indiana Police Department made in connection with an application for a certificate of title for said vehicle pursuant to the terms and provisions of I.C. 9-1-2-1 and the preparation of the necessary documents verifying said inspection in accordance with said statute. (Ord. 1988-3, S1, 1988)

**1.18.020 Collection and record keeping.** The Chief of Police of the Town of Dale, Indiana shall be responsible for the collecting of said fees herein established and shall keep an accurate record of each inspection made and fee collected. Each person paying a fee as herein established shall be given a written receipt for the same. All monies collected as herein provided shall be paid to the Clerk-Treasurer in the manner prescribed by law. (Ord. 1988-3, S2, 1988)

**1.18.030 Vehicle Inspection Fund.** There is hereby established a Dale Indiana Special Vehicle Inspection Fund in accordance with the provisions of I.C. 9-1-2-1(i) into which all inspection fees shall be deposited by the Clerk-Treasurer of the Town of Dale, Indiana. (Ord. 1988-3, S3, 1988)

**1.18.040 Purpose of funds.** The funds so collected pursuant to this ordinance shall be appropriated by the Board of Trustees of the Town of Dale, Indiana, for law enforcement purposes only. (Ord. 1988-3, S4, 1988)

## Chapter 1.19

### VEHICLE UNLOCKING

#### Sections:

- 1.19.010 Authorization
- 1.19.020 Disclosure and Release Form
- 1.19.030 Unlocking Fee
- 1.19.040 Receipt
- 1.19.050 Deposit of Funds

**1.19.010 Authorization.** The Dale Police Department shall be authorized to unlock vehicle doors at the request of the vehicle's operator. (Ord. 2010-6, S1, Aug. 2, 2010)

**1.19.020 Disclosure and Release Form.** Prior to unlocking the door, the owner, if available, or if not then the operator of said vehicle shall be given a Disclosure and Release form, a copy of which is attached as Exhibit "A". The owner of operator shall sign an acknowledgement of the Disclosure and Release form. (Ord. 2010-6, S2, Aug. 2, 2010)

**1.19.030 Unlocking Fee.** For each vehicle unlocked, the Town Police Department shall assess a \$10.00 "unlocking fee" from the owner or operator. (Ord. 2010-6, S3, Aug. 2, 2010)

**1.19.040 Receipt.** All moneys received by said officers shall be further evidenced by a numbered receipt signed by the officer and the owner/operator of the subject vehicle and of which a copy will be retained by said officer. (Ord. 2010-6, S4, Aug. 2, 2010)

**1.19.050 Deposit of Funds.** All moneys collected shall be submitted to the Town Clerk Treasurer for deposit at the end of the officer's shift or on the next business day at the Clerk's office at the Dale Town Hall. (Ord. 2010-6, S5, Aug. 2, 2010)

## Chapter 1.20

### ADVISORY PLAN COMMISSION

#### Sections:

##### **1.20.010 Established**

##### **1.20.050 Compensation**

**1.20.010 Established.** There be and hereby is authorized and established an Advisory Plan Commission for the Town of Dale, Indiana, and said Advisory Plan Commission shall upon its organization comply with I.C. 36-7-4-100ff. (Ord. 1988-2, S1, 1988) (Ord. 109, S1, Dec. 1, 1969)

**1.20.050 Compensation.** That effective January 1, 1991, the Town of Dale, Indiana, shall pay each member of the Planning and Zoning Commission and each member of the Board of Zoning Appeals the sum of Twenty-five Dollars (\$25.00) per meeting attended, provided there is a quorum to conduct business at said meeting. (Res. 1990-15, 1990)

## Chapter 1.21

### BOARD OF ZONING APPEALS

#### Sections:

**See Chapter 10.05**

## Chapter 1.24

### ECONOMIC DEVELOPMENT COMMISSION

#### Sections:

- 1.24.010 Created
- 1.24.020 Members
- 1.24.030 Appointments/Terms
- 1.24.040 Qualifications for appointment/Oath of Office/Meetings/Officers
- 1.24.050 By-laws/Meeting notice/Quorum
- 1.24.060 Removal from Commission
- 1.24.070 Conflict of Interest
- 1.24.080 Powers and duties

**1.24.010 Created.** There is hereby created the Dale Economic Development Commission, which said commission shall be the Department of Economic Development of Dale, Indiana. (Ord. 113, S1, December 1, 1971)

**1.24.020 Members.** This Commission shall have three members, all to be appointed in the manner provided in Section 1.24.030. (Ord. 113, S2, December 1, 1971)

**1.24.030 Appointments/Terms.** The members of the Dale Economic Development Commission shall be appointed by the President of the Town Board in the following manner:

One of the members to be so appointed shall be selected by the President of the Town Board; one member shall be nominated by the County Council of Spencer County; and one member shall be nominated by the Town Board of Trustees of the Town of Dale. The nominations made by the County Council and the Town Board of Trustees of the Town of Dale shall be transmitted to the President in writing within ten days from the date hereon. The Commissioners shall take office upon their appointment, and their terms shall run the following number of years, from February 1 following their original appointment. The Commissioner nominated by the Town Board of the Town of Dale -- 2 years; the Commissioner nominated by the County Council -- 1 year; and the Commissioner selected by the President of the Town Board of Trustees -- 3 years. At the expiration of the respective terms of each of the Commissioners, their respective successors shall be selected and nominated in the same manner as the original appointee, each of the nominees shall be appointed by the President of the Town Board of Trustees within ten days after receiving the nomination, and each succeeding member after the original appointees, shall serve for a term of four years. In the event any person appointed shall fail to qualify within ten days after the mailing to him of notice of his appointment, or if any member after qualifying shall die, resign, or vacate said office, or be removed, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom such vacancy occurs and the member so chosen and

appointed shall serve for the remainder of the vacated term. (Ord. 113, S3, December 1, 1971)

**1.24.040 Qualifications for appointment/Oath of Office/Meetings/ Officers.** No person shall be appointed as a Commissioner, who is not either a resident of the Town of Dale, employed in Dale, or owner of a business in Dale. If any Commissioner shall cease to qualify in one of these categories, his appointment on said board shall thereby terminate and his office shall become vacant.

Each Commissioner, before entering upon his duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his appointment, which shall be promptly filed with the Clerk-Treasurer.

The Commission originally appointed shall meet within thirty days after its appointment at a time and place designated by the President of the Town Board of Trustees of Dale for the purpose of organization, and shall meet to reorganize in February of each succeeding year.

The Commission shall elect one of its members as president, one as vice-president and one as secretary, each of which officers shall serve from the day of his election until the 31st day of January next following his election and until his successor is elected and qualified. (Ord. 113, S4, December 1, 1971)

**1.24.050 By-laws/Meeting notice/Quorum.** The Commission shall adopt such by-laws, rules and regulations as it may deem necessary for the proper conduct of its proceedings. Regular or special meetings shall be held at such time as the Commission may determine and upon such notice as it may fix, and a majority of the Commission shall constitute a quorum and concurrence of a majority shall be necessary to authorize any action. (Ord. 113, S5, December 1, 1971)

**1.24.060 Removal from Commission.** Any Commissioner may be removed from office for neglect of duty, incompetency, disability to perform his duties, or any other good cause, by the officer of board which nominated him. A Commissioner so removed may obtain judicial review of such removal by filing a complaint in the Circuit Court of Spencer County, but the burden of proof shall be upon the officer or board which removed the Commissioner. The cause shall be placed on the calendar and be tried as other civil cases are tried by the Court without the intervention of a jury. An appeal from such judgment may be taken as in civil actions. (Ord. 113, S6, December 1, 1971)

**1.24.070 Conflict of Interest.** No Commissioner shall have any pecuniary interest in any contract, employment, leases, purchase or sale made under the provisions of this act, and any such transaction made in which any Commissioner has a pecuniary interest shall be void ab initio: Provided, however, that any property required for the purposes of this act in which a Commissioner has a pecuniary interest may be acquired but only by gift or condemnation. (Ord. 113, S7, December 1, 1971)

**1.24.080 Powers and duties.** The Dale Economic Development Commission is hereby granted all of the powers and duties set out in the Municipal Economic Development act of 1965, the same being Chapter 402 of the Acts of the Indiana General Assembly of 1965. (Ord. 113, S8, December 1, 1971)

## Chapter 1.26

### DEPARTMENT OF REDEVELOPMENT

#### Sections:

- 1.26.010 Establishment**
- 1.26.020 Board membership**
- 1.26.030 Territory**
- 1.26.040 Appointment of members**
- 1.26.050 Repeal of conflicting ordinances**

**1.26.010 Establishment.** The Town Council of the Town of Dale, Indiana ("Town"), now deems it to be in the best interest of the Town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the Town by establishing a department of redevelopment. (Ord. 1999-6, S1, November 23, 1999)

**1.26.020 Board membership.** The Town Council hereby establishes the Department of Redevelopment of the Town. The Department will be controlled by a board of five members known as the Dale Redevelopment Commission. (Ord. 1999-6, S2, November 23, 1999)

**1.26.030 Territory.** Pursuant to the Act all of the territory within the corporate boundaries of the Town will be a taxing district to be known as the Dale Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment and economic development purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. 1999-6, S3, November 23, 1999)

#### **1.26.040 Appointment of members.**

- (1) The President of the Town Council of the Town shall appoint three of the five members of the Dale Redevelopment Commission.
- (2) The Town Council hereby appoints Richard Gogel and Harold Gogel, as members of the Dale Redevelopment Commission.
- (3) The term of office of the members of the Dale Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 2001. (Ord. 1999-6, S4, November 23, 1999)

**1.26.050 Repeal of conflicting ordinances.** All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this order are hereby repealed. (Ord. 1999-6, S5, November 23, 1999)

## Chapter 1.28

### PROPERTY TAX ABATEMENT PROGRAM

#### Sections:

#### 1.28.005 Purpose

#### 1.28.006 Declaring an Economic Revitalization Area

#### 1.28.010 General Standards and Requirements

#### 1.28.020 Application Process

#### 1.28.030 Effective date

**1.28.005 Purpose.** I.C. 6-1.1-12.1 sets forth the legal requirements for designating “Economic Revitalization Areas” for the purposes of tax abatement. The Town of Dale, Indiana, is desirous to have available the use of tax abatement as an economic development tool. The Town of Dale, Indiana, desires to set forth a process for applying for Economic Revitalization Area designation. (Res. Unnumbered, September 14, 1992)

**1.28.006 Declaring an Economic Revitalization Area.** To declare an Economic Revitalization Area, the Dale Town Council, upon receipt of proper application, may:

- (1) Pass a resolution declaring a specific area an Economic Revitalization Area. The resolution must contain a description of the affected area and be filed with the county assessor. The resolution will include a determination of the time period for which a deduction will be allowed.
- (2) After approval of the above resolution, the Dale Town Council shall publish notice of the adoption and substance of the resolution in accordance with I.C. 5-3-1. The notice must state that a description of the affected area is available and can be inspected in the county assessor’s office. The notice must also name a date when the Dale Town Council will receive and hear all remonstrances and objections from interested persons. After considering the evidence, the Dale Town Council shall take final action determining whether the qualifications for an economic development revitalization area have been met and confirming, modifying and confirming, or rescinding the resolution. This determination is final except that an appeal may be taken and heard as provided in I.C. 6-1.1-12.1-2.5. (Res. Unnumbered, September 14, 1992)

#### **1.28.010 General standards and requirements.**

- (1) Application for designation as an Economic Revitalization Area shall meet at least one of the following criteria:
  - A. The 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.

- B. Any area where a facility or group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues. (Res. Unnumbered, Section 1A, Sept. 14, 1992)
- (2) Tax abatement may be allowed for projects in the following categories:
- A. Manufacturing: property consisting of new, improved or expanded building or structure, but not including land.
  - B. Warehousing as a part of renovation and/or expansion of vacant manufacturing structures or the construction of a new facility.
  - C. Renovation of vacant manufacturing facilities. (Res. Unnumbered, Section 1B, September 14, 1992)
- (3) Tax abatement on the increase in assessed valuation of structures is not available to retail businesses or other facilities as set out in I.C. 6-1.1-12.1-3(e). (Res. Unnumbered, Section 1C, September 14, 1992)
- (4) Application for deduction from assessed valuation of structures in economic revitalization areas will be made on forms prescribed by the State Board of Tax Commissioners and be accompanied with a statement of benefits form as prescribed by the State Board of Tax Commissioners. A completed statement of benefits form must be submitted to the Dale Town Council before the hearing specified in I.C. 6-1.1-12.1, or before the installation of the new equipment for which the person desires to claim a deduction. (Res. Unnumbered, Section 1D, September 14, 1992)
- (5) Tax abatement may be granted for new manufacturing equipment as defined in I.C. 6-1.1-12.1 and as described in I.C. 6-1.1-12.1-4.5. Tax abatement for new manufacturing equipment may be granted for which:
- A. Is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property; and
  - B. Was acquired by its owner for use as described in (1) immediately preceding, and was never before used by its owner for any purpose in Indiana.
  - C. Is installed in an economic revitalization area. (Res. Unnumbered, Section 1E, September 14, 1992)

- (6) Tax abatement will not be granted for a project that does not meet the qualifications of I.C. 6-1.1-12.1. (Res. Unnumbered, Section 1F, September 14, 1992)
- (7) The project must begin within twelve (12) months of the date of passage of the tax abatement resolution. (Res. Unnumbered, Section 1G, September 14, 1992)
- (8) Data relating to current taxes, projected taxes with and without tax abatement, and the tax deferral shall be provided as part of the application. (Res. Unnumbered, Section 1H, September 14, 1992)
- (9) For a real property tax abatement application, a site plan, maps, plats or simplified description of the area by describing its location in relation to public ways, streams or otherwise, must be submitted with the application. For new manufacturing equipment tax abatement, the application must include information concerning the new manufacturing equipment specific enough to allow the equipment to be readily identified. (Res. Unnumbered, Section 1I, September 14, 1992)

#### **1.28.020 Application process.**

- (1) An application seeking designation of an area as an Economic Revitalization Area shall be filed with the Spencer County Auditor, and any other appropriate county or town official. Such application shall be on forms prescribed by the State Board of Tax Commissioners and be accompanied by a completed statement of benefits form prescribed by the State Board of Tax Commissioners and shall also contain supporting documentation relative to the matters set forth in Section 1.28.010(1) through 1.28.010(9), inclusive, hereof. (Res. Unnumbered, Section 2A, September 14, 1992)
- (2) The application for tax abatement shall also contain all information as required by I.C. 6-1.1-12.1 and any other pertinent state statute(s). (Res. Unnumbered, Section 2B, September 14, 1992)
- (3) The Spencer County Auditor, upon receipt of application, is directed to review each such application for completeness and accuracy, gather and request additional information needed by the Dale Town Council to make an appropriate, informed decision; analyze the application and supplemental material and submit such general comments on the acceptability or unacceptability of the request or Economic Revitalization Area designation as he/she deems appropriate. The application may be filed without a filing fee, however, the applicant shall be responsible for any of the Town's actual out-of-pocket costs incurred, including any attorney's fees. (Res. Unnumbered, Section 2C, September 14, 1992)

- (4) Compliance with the statement of benefits filed by the applicant seeking tax abatement shall be shown as prescribed by I.C. 6-1.1-12.1. (Res. Unnumbered, Section 2D, September 14, 1992)

**1.28.030 Effective date.** This resolution shall be in full force and effect from and after its passage by the Dale Town Council, the signing of said resolution by said Dale Town Council and the attestation of said signatures by the Dale Town Clerk-Treasurer, which occurred September 14, 1992. (Res. Unnumbered, Section 3, September 14, 1992)

## Chapter 1.30

### ECONOMIC REVITALIZATION AREA

#### Sections:

- 1.30.005 Preamble
- 1.30.010 Thermwood justification
- 1.30.020 Territory description
- 1.30.030 Effective June 5, 2006 – June 5, 2016
- 1.30.040 Real Property deduction
- 1.30.050 Equipment deduction
- 1.30.060 Public ratification
- 1.30.070 Separability

#### 1.30.005 Preamble.

- (1) WHEREAS, the Town Council of the Town of Dale, Indiana, has been requested by the owner of record thereof to find that certain property located within the Town of Dale be designated as an economic revitalization and/or rehabilitation area pursuant to I.C. 6-1.1-12. 1-1 to qualify for real and personal property tax abatement;
- (2) WHEREAS, said owner of property an applicant for the tax abatement program has filed with the Town Council of the Town of Dale, Indiana, an application and a statement of benefits to accrue as a result of the proposed rehabilitation and/or redevelopment on the form prescribed by the State Board of Tax Commissioners and in their application, which statement of benefits has been reviewed by the Town Council of the Town of Dale, Indiana;
- (3) WHEREAS, the Town Council of the Town of Dale, Indiana, has reviewed the boundaries of the area proposed to be designated as an economic revitalization and/or rehabilitation area, and has duly and sufficiently investigated the nature, character, use and development of the property included within said area; and
- (4) WHEREAS, the Town Council of the Town of Dale, Indiana, held a public hearing after due notice to hear all remonstrances and objections from interested persons. (Res. 2006-7, June 20, 2006) (Res. 2006-6, June 5, 2006)

**1.30.010 Thermwood justification.** The Town Council of the Town of Dale, Indiana, that upon due investigation and consideration of the application and of the statement of benefits to accrue as a result of the proposed redevelopment, rehabilitation and/or acquisition of new buildings and manufacturing equipment by Thermwood Corporation, the Town Council of the Town of Dale, Indiana, now finds:

- (1) The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature and the cost of the new manufacturing equipment is reasonable for equipment of that type.
- (2) The estimate of the number of individuals who will be employed, or whose employment will be retained, can be reasonably expected to result from the proposed-described redevelopment or rehabilitation and from the proposed installation of new manufacturing equipment.
- (3) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed-described redevelopment or rehabilitation and from the proposed installation of new manufacturing equipment.
- (4) All other benefits described by the application of Thermwood Corporation are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the proposed building additions and the installation of new manufacturing equipment.
- (5) The totality of benefits is sufficient to justify the deduction. (Res. 2006-7, June 20, 2006)

**1.30.020 Territory description.** The territory within the Town of Dale, as described below, is hereby determined and designated to be an economic revitalization and/or rehabilitation area qualifying for real and personal property tax abatement in accordance with I.C. 6-1.1-12.1 in that said territory has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, age, obsolescence, or other factors which have impaired value or prevent normal development of the property.

A part of the Southeast Quarter of the Northwest Quarter of Section 20, Township 4 South, Range 5 West, Spencer County, Indiana, described as follows: Beginning at a corner stone at the Southwest corner of said quarter-quarter section; thence North 0 degrees 10 minutes East 659.0 feet to an iron pin; thence South 88 degrees 30 minutes East 677.7 feet along an existing fence line to an iron pin in the center of the Dale-Buffaloville Road; thence South 1 degree 30 minutes East 390.0 feet along the center of said road to an iron pin; thence South 16 degrees 35 minutes East 262.8 feet along the center of said road to an iron pin on the South line of said quarter-quarter section; thence North 90 degrees 00 minutes West 764.0 feet along the South line of said quarter-quarter section to the point of beginning and containing 10.45 Acres, more or less. (Res. 2006-7, June 20, 2006) (Res. 2006-6, June 5, 2006)

**1.30.030 Effective June 5, 2006 - June 5, 2016.** The designation of the territory described herein as an economic revitalization and/or rehabilitation area of the Town of Dale, shall be and remain effective for a period of ten (10) years, commencing June 5, 2006, and that there shall be allowed a deduction from assessed valuation for the redevelopment and/or rehabilitation of industrial property within said economic revitalization and/or rehabilitation area during said period in accordance with I.C. 6-1.1-12.1. (Res. 2006-7, June 20, 2006)

**1.30.040 Real Property deduction.** The owner of property which is located in the above economic revitalization area shall be entitled to the appropriate deduction from the increase in the assessed value of real property resulting from real property improvements for a period of ten (10) years, in accordance with the appropriate percentage schedule set forth in I.C. 6-1.1-12.1-4. (Res. 2006-7, June 20, 2006)

**1.30.050 Equipment Deduction.** Thermwood Corporation, which is proposing to acquire and install new manufacturing equipment in the above economic revitalization and/or rehabilitation area, shall be entitled to the appropriate deduction from the assessed valuation of new manufacturing equipment for a period of ten (10) years in accordance with the appropriate percentage schedule set, forth in I.C. 6-1.1-12.1-4.5. (Res. 2006-7, June 20, 2006)

**1.30.060 Public ratification.** The Town Council of the Town of Dale, Indiana, has received and heard all remonstrances and objections to the designation of the described area as an economic revitalization and/or rehabilitation area from interested persons at 7:00 o'clock p.m., on June 20, 2006, in the Dale Town Hall Council Room in Dale, Indiana, and Resolution No. 2006-6 is hereby ratified and confirmed in all respects. (Res. 2006-7, June 20, 2006)

**1.30.070 Separability.** If any part, parts, clause or portion of this Resolution shall be judged invalid or unconstitutional, such invalidity of unconstitutionality shall not affect the validity of constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution. (Res. 2006-7, June 20, 2006)

## Chapter 1.35

### DEPARTMENT OF PARKS AND RECREATION

#### Sections:

- 1.35.010 Re-established
- 1.35.020 Definitions
- 1.35.030 Members/Appointment
- 1.35.040 Terms
- 1.35.050 Election of Officers
- 1.35.060 Powers and duties
- 1.35.070 Transfer of prior records
- 1.35.080 Compensation for members of the Board
- 1.35.090 Removal of board member
- 1.35.100 Meetings
- 1.35.110 Department of Parks and Recreation
- 1.35.120 Repeal of conflicting ordinances

**1.35.010 Re-established.** Pursuant to the provisions of IC 36-10-3, there is hereby re-established a Dale Park and Recreation Board. (Ord. 1999-8, S1, December 6, 1999)

**1.35.020 Definitions.** Definitions as used in this ordinance:

- (1) “Board” refers to the Dale Park and Recreation Board.
- (2) “Department” refers to the Department of Parks and Recreation of the Town of Dale, Indiana.
- (3) “District” means that area being within the jurisdiction of the department which is the territory lying within the corporate boundaries of the Town of Dale, Indiana as such boundaries may change from time to time. (Ord. 1999-8, S2, December 6, 1999)

**1.35.030 Members/Appointment.** The Town of Dale Park and Recreation Board is hereby re-established to be composed of four (4) members appointed by the President of the Town Council 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. (Ord. 1999-8, S3, December 6, 1999) (Ord. 1981-2, S1, June 1, 1981) (Ord. 1973-2, S1, February 5, 1973)

**1.35.040 Terms.** Upon re-establishment of the Board, the terms of the members initially appointed shall be:

- (1) One (1) member for a term ending the first Monday in January, 2001.
- (2) One (1) member for a term ending the first Monday in January, 2002.

(3) One (1) member for a term ending the first Monday in January, 2003.

(4) One (1) member for a term ending the first Monday in January, 2004.

As a term expires, each new appointment shall be made for a term of four (4) years. All members shall continue in office until a successor is appointed. If an appointment is not made by the first Monday in April, the incumbent is automatically appointed to serve another term. A new member shall be appointed to serve the remainder of any unexpired term due to a vacancy. All members of the Board shall be residents of the Town. Neither a municipal executive nor a member of the Town Council may serve on the Board. (Ord. 1999-8, S4, December 6, 1999)

**1.35.050 Election of Officers.** At its first 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. 1999-8, S5, December 6, 1999)

**1.35.060 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. 1999-8, S6, December 6, 1999) (Ord. 1973-2, S3,4, and 5, February 5, 1973)

**1.35.070 Transfer of prior records.** The intent of this Ordinance is to comply with IC 36-10-3 and therefore no rights or duties of the present Park and Recreation Board shall be affected by adoption of this Ordinance and all books, papers, documents, rights, duties and other property of the former Board are transferred to and shall become the property, right or duty of the Board created herein. (Ord. 1999-8, S7, December 6, 1999)

**1.35.080 Compensation for members of the Board.** The compensation and per diem allowances for members of the Board shall not exceed those limits established by IC 36-10-3 and other applicable laws of the State of Indiana. (Ord. 1999-8, S8, December 6, 1999) (Ord. 1973-2, S2, February 5, 1973)

**1.35.090 Removal of board member.** A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the Town Council shall appoint a hearing officer. The persons to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Ord. 1999-8, S9, December 6, 1999)

**1.35.100 Meetings.** All meetings of the Board are open to the public. The Board shall fix the time and place of its regular meetings, but it shall meet at least quarterly.

Special meetings of the Board may be called by the President or by any two (2) members by written request to the Secretary. The Secretary shall send each member, at least two (2) days before special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting. (Ord. 1999-8, S10, December 6, 1999)

**1.35.110 Department of Parks and Recreation.** There is hereby created a Department of Parks and Recreation of the Town of Dale, Indiana, pursuant to the provisions of IC 36-10-3 to operate, control, and manage the town parks now owned by the Town of Dale and any and all similar parks hereafter established by and for the use of the town and its citizens, together with all of the recreation facilities situated therein, and to control and conduct such recreation programs and activities for the citizens of this community as its governing board may deem appropriate, all pursuant to the provisions of IC 36-10-3.

The Department shall consist of a Park and Recreation Board, a Director, and such other personnel that the Board may determine necessary for the proper operation and management of said Department. (Ord. 1999-8, S11, December 6, 1999)

**1.35.120 Repeal of conflicting ordinances.** All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance is repealed, specifically Ordinances 1973-2 and 1981-2. (Ord. 1999-8, S12, December 6, 1999)

## Chapter 1.36

### NON-REVERTING OPERATING FUND FOR THE PARK AND RECREATION BOARD

#### Sections:

#### **1.36.010 Established**

#### **1.36.020 Monies received shall be placed in fund**

#### **1.36.030 Disbursement of funds**

**1.36.010 Established.** A Non-reverting Operating Fund for the Park and Recreation Board is hereby established. (Ord. 1977-10, 1977)

**1.36.020 Monies received shall be placed in fund.** Monies received by the Park and Recreation Board in the form of fees for use of recreation facilities shall be placed in said Non-reverting Operating Fund and may be expended by the Park and Recreation Board without appropriation.

**1.36.030 Disbursement of funds.** Monies from said Non-reverting Operating Fund shall be disbursed only on approval claims allowed and signed by the President and Secretary of the Park and Recreation Board.

## Chapter 1.37

### PARK AND RECREATION FEES

#### Sections:

#### 1.37.010 Fees for uses of facilities

**1.37.010 Fees for uses of facilities.** The following fees are hereby adopted for uses of facilities managed by the Dale Park and Recreation Department:

- (1) Daily Admission Fee for using the gymnasium or fitness area:

Children under the age of 14	\$1.00
Teens 14 - 18	\$1.50
Adults 19 - 54	\$2.50
Senior Citizens 55 and up	\$1.50
  
  - (2) Monthly Membership Fee for using the gymnasium or fitness area:

Children under the age of 14	\$10.00
Teens 14 - 18	\$13.00
Adults 19 - 54	\$20.00
Senior Citizens 55 and up	\$13.00
Family	\$45.00
  
  - (3) Fee to reserve the batting cage for 1/2 hour \$ 3.00
  
  - (4) Rental Fee for the Banquet room at the Community Center:

\$20.00 per hour for first and second hours
\$10.00 per hour for third and following hours
  
  - (5) Rental Fee of the large shelter house at Heichelbech Park \$20.00 per day
  
  - (6) Fee for use of lights on ball fields \$15.00 per hour
- (Res. 2007-9, Aug. 6, 2007) (Res. 2005-15, Dec. 13, 2005)

Chapter 1.38

FISHING PERMIT FEES AT TOWN LAKE

Sections:

1.38.010 Annual Fees

1.38.020 Payable at Clerk-Treasurer's Office

1.38.030 Permit(s) shall be carried on the person while fishing

1.38.040 Penalty for violation

**1.38.010 Annual Fees.** The following annual fees are hereby applicable for fishing in any lake owned by the Town of Dale, Indiana:

- |     |  |         |
|-----|--|---------|
| (1) | Customer of the municipal water system<br>of the Town of Dale, Indiana | \$ 6.00 |
| (2) | All other individuals  | \$12.00 |

(Ord. 2005-16, Dec. 13, 2005)

**1.38.020 Payable at Clerk-Treasurer's Office.** All fees shall be paid at the Clerk-Treasurer's Office in the Town of Dale, Indiana, or at such other places as designated and approved by the Dale Town Council. (Ord. 2005-16, Dec. 13, 2005)

**1.38.030 Permit(s) shall be carried on the person while fishing.** The Town of Dale fishing permit shall be carried on the person along with any other permits required by State or Federal laws for public fishing while fishing in any lake owned by the Town of Dale. (Ord. 2005-16, Dec. 13, 2005)

**1.38.040 Penalty for violation.** Any person violating this Ordinance shall be subject to a penalty of Twenty-five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense, and One Hundred Dollars (\$100.00) for the third or any subsequent offense. All penalties shall be payable to the Clerk-Treasurer of the Town of Dale, Indiana. (Ord. 2005-16, Dec. 13, 2005)

## Chapter 1.39

### SALE OF BEER AND WINE IN THE DALE TOWN PARK

#### Sections:

#### 1.39.010 Temporary beer or wine permit

**1.39.010 Temporary beer or wine permit.** A resolution of the Town Council of the Town of Dale, Indiana to approve the sale of beer and wine in the Dale Town Park during the annual Dale Fall Festival.

This resolution is in accordance with HEA 1080, P.L. 73-1996 which states that a public hearing and approval by the Town Council is required for a temporary beer or wine permit to sell beer or wine in a town park in a town having a population of less than 10,000. (Res. 1998-3, no date) (Res. 1997-4, no date) (Res. 1996-4, no date)

## Chapter 1.50

### PERSONNEL POLICY

#### Sections:

**1.50.050 Paid Holidays**

**1.50.070 Paid Vacation**

**1.50.050 Paid Holidays.** New Years Day, 4<sup>th</sup> of July, Memorial Day, Labor Day, Veterans Day (can be used as a floating holiday), Thanksgiving Day, Good Friday and Christmas Day. (Ord. 1990-2, March 5, 1990)

**1.50.070 Paid Vacation.** Each full time employee, after one (1) year of continuous service is allowed one (1) week of paid vacation.

Each full time employee, after three (3) years of continuous service is allowed two (2) weeks vacation. All employees should clear vacation period with the Town Council. (Ord. 2000-8, July 18, 2000) (Ord. 2000-5, April 3, 2000) (Ord. 1999-9, Dec. 20, 1999) (Wage-Salary Ord. 1999, Dec. 7, 1998) (Wage-Salary Ord. 1998, Dec. 8, 1997) (Wage-Salary Ord. 1997, Feb. 3, 1997) (Wage-Salary Ord. 1997, Dec. 30, 1996) (Wage-Salary Ord. 1996, Aug. 7, 1995) (Wage-Salary Ord. 1995, Jan. 4, 1995) (Wage-Salary Ord. 1994, Feb. 7, 1994) (Ord. 1993-8, April 5, 1993) (Ord. 1990-2, March 5, 1990)

## Chapter 1.51

### DEFERRED COMPENSATION PLAN

#### Sections:

**1.51.010 Establishment**

**1.51.020 Benefit to all employees/Changes to the Plan**

**1.51.030 Resolution Placement in Town Records**

**1.51.010 Establishment.** The Dale Town Council meeting in regular session hereby adopts the AUL Deferred Compensation Plan and hereby establishes the Town of Dale Deferred Compensation Plan for the employees, elected officials and independent contractors. (Res. 2010-8, Sept. 21, 2010)

**1.51.020 Benefit to all employees/Changes to the Plan.** The Council further resolves that the plan is for the benefit of all employees. Changes in the deferral amounts once established may only be changed at the discretion of the Office of the Clerk-Treasurer and/or the Town of Dale payroll administrative office. (Res. 2010-8, Sept. 21, 2010)

**1.51.030 Resolution Placement in Town Records.** It is hereby further ordered that a true copy of this Resolution be placed into the records of the Town of Dale's City Council minutes as of this date. (Res. 2010-8, Sept. 21, 2010)

## Chapter 1.52

### ALCOHOL AND SUBSTANCE ABUSE POLICY

#### Sections:

- 1.52.010 Coverage
- 1.52.020 Policy
- 1.52.030 Pre-employment substance screening
- 1.52.040 Employee responsibilities
- 1.52.050 Substance screening for current employees
- 1.52.060 Consequences of sale, distribution or use of illegal substances
- 1.52.070 Use of medication and prescription drugs
- 1.52.080 Confidentiality
- 1.52.090 Severability

**1.52.010 Coverage.** This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.020 Policy.** All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.030 Pre-employment substance screening.** All applicants for full-time or part time employment with the Town are required to submit to a medical examination prior to their appointment to a Town position. As part of this medical examination, prospective employees will be screened for a range of chemical substances, those chemical substances shall include but not necessarily be limited to the following:

- (1) Amphetamine/Methamphetamine (e.g. Speed)
- (2) Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)
- (3) Barbiturates (e.g. Amobarbital, Butobarbital, Pentobarbital, Phenobarbital)
- (4) Cocaine
- (5) Methadone
- (6) Methaqualone (e.g. Quaalude)
- (7) Opiates (e.g. Codeine, Heroin, Morphine)
- (8) Phencyclidine (PCP)

- (9) TDC (Marijuana and other cannabanoids)
- (10) Alcohol
- (11) Lysergic Acid Diethylamide (LSD)

These substance groups were selected based upon known abuse in the general area of the Town and the ability of each substance to adversely affect physical and mental performance. All controlled substances listed above are illegal under State and Federal Law.

At the time of the medical examination applicants for full-time or part-time employment will be told of the substance or controlled substance and alcohol screening and will be told and will be required to sign a consent form to permit such screening and provide appropriate bodily fluids for such screening. Applicants who refuse to consent to substance screening, who refuse to provide appropriate bodily fluids for such screening or who attempt to tamper with screening samples will not be eligible for employment with the Town.

Any applicant whose initial substance screen shows a positive result will have that result confirmed by additional studies. If the second screen of the same sample shows a negative result the individual will not be disqualified from Town employment on account of the substance screen. If the second screen confirms the positive test result the applicant may be disqualified from consideration for Town employment. The applicant will be notified of the positive results from the second screen and be given the opportunity, at the applicant's expense, to have a third screen conducted on the same sample within seventy-two (72) hours after the applicant is notified of the results of the second screen. If this final screen again confirms the positive test result the prospective employee will be disqualified from employment with the Town.

All screens will be made on the same sample by a firm selected by the Town. An applicant whose screen shows positive result will have twenty-four (24) hours after receiving such notification of positive screen results to provide verification of a current verification of a current valid prescription in the applicant's name.

The required medical examination, and screening of bodily fluids for chemical substances, except for the third screen as herein provided, shall be at the sole expense of the Town.

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.040 Employee responsibilities.** Employees who have a substance abuse problem are expected to obtain treatment and counseling through the numerous treatment agencies available throughout the area of Spencer County, Indiana and the area within 60 miles of the Town.

Given the importance of maintaining a work environment without the presence of alcohol and drugs and the opportunities that employees have to address substance dependencies

through treatment and counseling programs offered through various treatment facilities throughout the area of Spencer County, Indiana and the area within 60 miles of the Town, substance abuse which adversely effects job performance will not be tolerated. This applies to on duty employees as well as employees who are on call. Employees whose on or off duty use of substances impacts job performance will be appropriately disciplined including but not limited to the sanction of termination from employment with the Town.

EMPLOYEE RESPONSIBILITIES include but are not necessarily limited to the following:

- (1) An employee must not report to work or be subject to duty while its ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;
- (2) An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- (3) An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on its breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- (4) An employee shall not directly or through a third-party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;
- (5) An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;
- (6) An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;
- (7) An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
- (8) An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statue for a violation occurring in the employee's work place, not later than five (5) days after such conviction. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.050 Substance screening for current employees.** Town employees are subject to substance screening if there is a reasonable suspicion that while on duty they are impaired. Impaired is defined as being unable to perform duties safely and completely due to the use of alcohol and/or controlled substances. Reasonable suspicion is a belief based on objective fact sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employees ability to perform his job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to the following:

- (1) Odor of alcoholic beverage upon the employee's breath
- (2) Erratic behavior
- (3) Violent mood swings
- (4) Excessive absenteeism
- (5) Repeated tardiness
- (6) Inability to walk a straight line
- (7) Open and obvious possession of alcohol and/or illegal controlled substances
- (8) Slurred speech
- (9) An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances
- (10) Possession of drug paraphernalia or alcohol beverage containers
- (11) A report of a reliable witness indicating use or possession of drugs or alcohol.

A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other illegal controlled substances on the job will, with the approval of the department head, immediately arrange for a substance screening through a medical facility that has been designed to perform such screening for the Town.

Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's first line supervisor and/or department head. The employee to be tested shall sign a consent form to permit such screening and shall provide appropriate bodily fluids for such screening. The screening for substances will be made on a sample provided at the clinic. The procedures for such sample collection and testing will be made based upon the medically accepted procedure developed by the chosen

medical facility and in order to ensure results of tests no less than a highly sensitive methodology shall be utilized. Such testing shall be based on medically acceptable testing procedures and shall include by not necessarily be limited primarily to tests utilizing enzyme amino acid techniques followed up by more specific confirmation testing such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the Courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home. In addition, for alcoholic beverage testing, the facilities at the Spencer County Police Department or the Indiana State Police and the use of that Department's breath test instrument shall be a sufficient determination for blood alcohol content provided statutorily approved procedures are followed.

At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employees name.

The discipline for failing to sign a consent form to permit screening for failure to provide appropriate bodily fluids for screening or for being under the influence of alcohol and/or non-prescribed controlled substances will be the basis for appropriate employee sanctions including the sanction of termination. Such determination will be made on the basis of the employee's prior work related history, previous disciplinary actions, and any prior identification of substance abuse problems. An employee who receives a positive result in substance abuse screening will receive at a minimum of five (5) day suspension without pay. An employee who refuses to sign a consent form to permit screening, or who fails to provide appropriate bodily fluids for screening will receive at a minimum of a five (5) day suspension without pay.

In addition to the disciplinary procedure as outlined above and if an employee substance abuse problem has been identified, the supervisor and/or department head will immediately refer the employee to a reputable substance abuse entity for an evaluation. Based on the determination of that substance abuse entity, the employee may be required to undergo a drug or alcohol evaluation and treatment program as a condition of continued employment any and all expenses incurred as a result of the evaluation and/or treatment program undertaken by the employee as a condition of its continued employment, shall be paid by the employee.

If the Town receives notification of any employee conviction of a drug offense which occurred in the employee's work place, or if the Town receives notification of an employee violation of the terms of the Policy herein stated, the Town shall, within thirty (30) days after receipt of said notice either;

- (1) Impose a sanction on the employee, which may include employee termination; or

- (2) Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.060 Consequences of sale, distribution or use of illegal substances.** The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.070 Use of medication and prescription drugs.** All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employ indicates that there is need to use the prescription drug for an extended period of time. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.080 Confidentiality.** The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at the issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure. (Alcohol and Substance Abuse Policy, July 5, 1994)

**1.52.090 Severability.** The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Alcohol and Substance Abuse Policy, July 5, 1994)

## Chapter 1.56

### DALE RIVERBOAT TAX REVENUE FUND

#### Sections:

- 1.56.010 Establishment
- 1.56.020 Contributions and Additions
- 1.56.030 Use of funds
- 1.56.040 Termination

**1.56.010 Establishment.** That there is hereby established a fund which shall be known as the "**Dale Riverboat Tax Revenue Fund.**" (Ord. 2003-7, S1, Dec. 30, 2003)

**1.56.020 Contributions and Additions.** That contributions and additions to the fund shall be from revenues and receipts from the revenue sharing payments to the Town of Dale, Indiana for the Riverboat Gambling Wagering Taxes collected pursuant to I.C. 4-33-13-1, et seq., grants, loans, private and/or public contributions designated for such fund, and other sources. (Ord. 2003-7, S2, Dec. 30, 2003)

**1.56.030 Use of funds.** That expenditures may be made from the fund by appropriation for any governmental purpose. (Ord. 2003-7, S3, Dec. 30, 2003)

**1.56.040 Termination.** This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at such time shall revert or be transferred to the general fund of the Town. (Ord. 2003-7, Dec. 30, 2003)

## Chapter 1.62

### FEE FOR RETURNED CHECKS

#### Sections:

- 1.62.010 Fee for returned check**
- 1.62.020 Refusal to accept personal checks**
- 1.62.030 Refusal to accept third-party checks**
- 1.62.040 Acceptable form of payment**

**1.62.010 Fee for returned check.** The Town of Dale shall collect a fee of \$20.00 for each check that is returned as uncollectible for any reason after being deposited in any Town bank account. (Res. 1990-10, Nov. 14, 1990) (Res. 1988-4, 1988)

**1.62.020 Refusal to accept personal checks.** The Clerk-Treasurer of the Town of Dale, Indiana, may at any time after receiving three checks from any individual, corporation, or other entity, which have been returned as uncollectible after being deposited, refuse to accept any personal checks from such individual, corporation, or other entity for payment of any sums owed the Town of Dale, Indiana, including, but not limited to, water or sewer bills. (Res. 1989-2, paragraph 1, Jan. 3, 1989)

**1.62.030 Refusal to accept third-party checks.** Further, the Clerk-Treasurer may refuse any third-party checks at any time. (Res. 1989-2, paragraph 2, Jan. 3, 1989)

**1.62.040 Acceptable form of payment.** In the event the Clerk-Treasurer refuses to accept any payments pursuant to the terms of this resolution, said obligation shall continue to the Town of Dale, Indiana, but payment shall be accepted only in the form of cash, a cashier's check, or a certified check, and only in the exact amount due. (Ord. 1989-2, paragraph 3, Jan. 3, 1989)

## Chapter 1.84

### FAIR HOUSING ORDINANCE

#### Sections:

- 1.84.010 Policy statement
- 1.84.020 Definitions
- 1.84.030 Unlawful practice
- 1.84.040 Discrimination in the sale or rental of housing
- 1.84.050 Discrimination in residential real estate-related transactions
- 1.84.060 Discrimination in the provision of brokerage services
- 1.84.070 Interference, coercion, or intimidation
- 1.84.080 Prevention of intimidation in fair housing cases
- 1.84.090 Exemptions
- 1.84.100 Administrative enforcement of ordinance
- 1.84.120 Separability

**1.84.010 Policy statement.** It shall be the policy of the Town of Dale, 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 Indiana Code 22-9.5-1 et. seq. (Ord. 1993-5, S1, March 15, 1993)

**1.84.020 Definitions.** The definitions set forth in this Section shall apply throughout this Ordinance.

- (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 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 or more families (I.C. 22-9.5-2-8)
- (2) “Family” includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this Section.
- (3) “Person” (I.C. 22-9.5-2-11) includes one 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” (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration or the right to occupy the premises owned by the occupant.

- (5) “Discriminatory Housing Practice” means an act that is unlawful under Sections 1.84.040, 1.84.050, 1.84.060, 1.84.070 or 1.84.080 of this Ordinance or I.C. 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,
  - C. being regarded as having such an impairment,
  - D. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990, or
  - E. any other impairment defined under I.C. 29-9.5-2-10.

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 (I.C. 22-9.5-2-10(b); nor does the term “handicap” include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c).

- (7) “Aggrieved person” includes any person who (I.C. 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” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- (10) “Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 1993-5, S2, March 15, 1993)

**1.84.030 Unlawful practice.** Subject to the provisions of subsection (2) of this Section, Section 1.84.090 of this Ordinance and title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.84.040 of this Ordinance shall apply to:

- (1) All dwellings except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code;
- (2) Other than the provisions of subsection (3) of this Section, nothing in section 1.84.040 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 1.84.040(3) of this Chapter, but nothing in this provision 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 (2), 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. 1993-5, S3, March 15, 1993)

**1.84.040 Discrimination in the sale or rental of housing.** As made applicable by section 1.84.030 and except as exempted by sections 1.84.030(2) and 1.84.090, 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;
  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 modifications 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:

- d. an accessible route into and through the dwelling;
  - e. light switches, electrical outlets, thermostats, and other environmental controls in accessible location;
  - f. reinforcements in bathroom walls to allow later installation of grab bars; and
  - g. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space,
- D. Compliance with the appropriate requirements of the Americans 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 1.84.040(6)C.3.c.
- 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. 1993-5, S4, March 15, 1993)

**1.84.050 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 Ordinance 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. 1993-5, S5, March 15, 1993)

**1.84.060 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. 1993-5, S6, March 15, 1993)

**1.84.070 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 1.84.030, 1.84.040, 1.84.050 or 1.84.060 of this Chapter. (Ord. 1993-5, S7, March 15, 1993)

**1.84.080 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), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than \$1,000.00, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000.00 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. 1993-5, S8, March 15, 1993)

#### **1.84.090 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 Ordinance to include those activities or organizations set forth under subsections (2) and (3) of this section.
- (2) Nothing in this Ordinance shall prohibit a religious organizations, 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 Ordinance 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 Ordinance 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. (Ord. 1993-5, S9, March 15, 1993)

#### **1.84.100 Administrative enforcement of ordinance.**

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Chief Executive Officer of the Town of Dale, Indiana.

- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Dale, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the Town of Dale, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- (3) All executive departments and agencies of the Town of Dale, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.
- (4) The Chief Executive Officer of the Town of Dale, Indiana, or the Chief Executive Officer’s designee, shall provide information on remedies available to any aggrieved person or Complainant requesting such information. (Ord. 1993-5, S10, March 15, 1993)

**1.84.120 Separability of provisions.** If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinances and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 1993-5, S12, March 15, 1993)

## Chapter 1.88

### OFFICIAL TOWN MAP

#### Sections:

#### **1.88.010 Official Town Map**

#### **1.88.020 Recording of Map**

**1.88.010 Official Town Map.** The Base Map, Town of Dale, Indiana, prepared by Indiana 15 Regional Planning Commission, dated January 4, 2001 is hereby approved and adopted as the official town map of Dale, Indiana. (Ord. 2001-2, S1, Feb. 5, 2001)

**1.88.020 Recording of Map.** The Council determines and declared that the map is to be recorded at the Spencer County Recorder's Office and prints to be delivered to the Auditor, Recorder, Clerk and Assessor of Spencer County, Indiana. (Ord. 2001-2, S2, Feb. 5, 2001)

## Chapter 1.89

### OFFICIAL ZONING MAP

#### Sections:

#### **1.89.010 Official Zoning Map**

#### **1.89.020 Recording of Map**

**1.89.010 Official Zoning Map.** The Town of Dale, Indiana, Zone Map, prepared by Indiana 15 Regional Planning Commission, dated January 4, 2001 is hereby approved and adopted as the official zoning map of the Town. (Ord. 2001-8, S1, June 4, 2001)

**1.89.020 Recording of Map.** The Council determines and declares that the map is to be recorded at the Spencer County Recorder's Office. (Ord. 2001-8, S2, June 4, 2001)

## Chapter 1.90

### RAINY DAY FUND

#### Sections:

**1.90.010 Establishment of Rainy Day Fund**

**1.90.020 Purposes of the Fund**

**1.90.030 Transfers to the Fund**

**1.90.040 Appropriations**

**1.90.010 Establishment of Rainy Day Fund.** There is hereby established a “Rainy Day Fund” to receive transfers of unused and unencumbered funds raised by general or special tax levy on taxable property within the Town. Whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains. (Ord. 2007-2, S1.90.010, Feb. 5, 2007)

**1.90.020 Purposes of the Fund.** The funds on deposit in the Rainy Day Fund may be used for the operation of the Town and its various departments, when the Town does not have sufficient levies or funds to pay such costs, including but not limited to, salaries, and wages, costs of services, supplies, equipment, capital improvements, repairs, and similar expenses. (Ord. 2007-2, S1.90.020, Feb. 5, 2007)

**1.90.030 Transfers to the Fund.** On or before December 31<sup>st</sup> of each year, the Town Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund. Any transfers made under IC 36-1-8-5 may not exceed more than ten percent (10%) of the Town’s total budget for that fiscal year. (Ord. 2007-2, S1.90.030, Feb. 5, 2007)

**1.90.040 Appropriations.** The Town Council of the Town of Dale may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. (Ord. 2007-2, S1.90.040, Feb. 5, 2007)

## Chapter 1.95

### PROPOSED CARTER FIRE DISTRICT

#### Sections:

#### 1.95.010 Service area

**1.95.010 Service area.** The Town of Dale, Indiana, hereby consents to being included in the proposed Carter Fire District, which is proposed to cover the entire area of Carter Township, Spencer County, Indiana. (Ord. 1998-1, March 2, 1998)