

**TITLE 1**  
**ADMINISTRATION AND PERSONNEL**

## **TITLE 1**

### **ADMINISTRATION AND PERSONNEL**

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## Chapter 1.02

### RULES OF ORDER FOR THE GOVERNING OF THE BOARD

#### Sections:

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**1.02.010 Observance of rules.** Be it ordained by the Board of Trustees of the Town of Grandview, Spencer County, Indiana, that the following rules shall be observed by the Board for the conduct of their meetings. (Ord. No. 1, SI, No date)

**1.02.030 Meeting dates and place.** The Grandview Town Council will meet on the first Thursday of every month at 6:30 p.m. in the Grandview Town Hall, 316 Main Street, Grandview, Indiana. (Ord. 2006-3-2, Mar. 14, 2006) (Ord. unnumbered, Jan. 3, 1928) (Ord. No. 1, SII, SIII, No date)

**1.02.040 President to preside at 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 of the Board, order the attendance of the President. (Ord. No. 1, SIV, No date)

**1.02.050 Questions of order.** The President shall decide all questions of order, subject to an appeal to the Board, and shall preserve order and shall call to order any person who may trespass any rule. (Ord. No. 1, SV, No date)

**1.02.060 Every Trustee shall vote unless conflict of interest.** Every Trustee present shall vote upon each questions under consideration, unless he be interested therein or excused by the Board. (Ord. No. 1, SVI, No date)

**1.02.070 Motions.** Every motion shall if required by any Trustee, be reduced to writing, and every motion when seconded shall be stated by the President, or in writing shall be read by the Clerk, but may be withdrawn by the mover at any time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. No. 1, SVII, No date)

**1.02.080 No member can leave meeting, except upon leave of President.** No member may leave the Board during a meeting of the Board, except upon leave of the President. (Ord. No. 1, SVIII, No date)

**1.02.090 Every vote taken by yeas and nays.** Every vote shall be taken by yeas and nays, and at the request of any two Trustees the yeas and nays shall be recorded. (Ord. No. 1, SIX, No date)

**1.02.100 When not specifically expressed herein ordinary rules of proceedings shall apply.** The Board shall be governed by the ordinary rules of proceedings in deliberate bodies, when not expressed in these rules or ordinances. (Ord. No. 1, SX, No date)

**1.02.110 Appointment of Committees.** The President shall appoint the following standing committees:

- (1) Committee on claims;
- (2) Committee on public property;
- (3) Committee on assessment; and
- (4) Committee on streets and alleys, to whom shall be referred from time to time for examination business that may be presented to the Board. (Ord. No. 1, SXI, No date)

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

- (1) Reading and correcting of the records of the previous meeting;
- (2) Reports of committees and actions thereon;
- (3) Receiving and referring claims;
- (4) Unfinished business; and
- (5) New business. (Ord. No. 1, SXII, No date)

## **Chapter 1.04**

### **AT LARGE LEGISLATIVE BODY**

#### **Sections:**

#### **1.04.010 Election of Legislative Body at large**

**1.04.010 Election of Legislative Body at large.** BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANDVIEW, INDIANA, THAT the town legislative body districts of the Town of Grandview, and all members of the legislative body of the Town of Grandview, Indiana, shall hereafter be elected at large, and the abolition of legislative districts shall continue. (Ord. 2002-11-1, Nov. 4, 2002)

## Chapter 1.09

### PERSONNEL: HOLIDAY AND VACATION SCHEDULES

#### Sections:

- 1.09.010 Paid holiday schedule**
- 1.09.020 Vacation days**
- 1.09.030 Sick days**
- 1.09.040 Personal days**
- 1.09.050 Raises**

#### **1.09.010 Paid holiday schedule.**

New Years Day  
Memorial Day  
July 4  
Labor Day  
Thanksgiving  
Friday after Thanksgiving  
1/2 Christmas Eve  
Christmas Day  
1/2 New Years Eve  
(Ord. 10-24-96, Oct. 24, 1996)

**1.09.020 Vacation days.** On the 1<sup>st</sup> anniversary date of hire the first vacation shall be granted. Then vacations shall be given beginning January 1 of each year:

After 1 year:           5 days  
After 5 years:           10 days  
After 20 years:         15 days  
(Ord. 10-24-96, Oct. 24, 1996)

**1.09.030 Sick days.** Sick days shall begin on January 1 of each year and unused days will not carry over to the new year.

5 sick days  
(Ord. 10-24-96, Oct. 24, 1996)

**1.09.040 Personal days.** Personal days shall begin on January 1 and will not carry over the new year if unused.

3 personal days  
(Ord. 10-24-96, Oct. 24, 1996)

**1.09.050 Raises.** Cost of living raises will be considered at the February meeting, with performance raises based on a total board point rating at the July meeting. (Ord. 10-24-96, Oct. 24, 1996)

## **Chapter 1.10**

### **EMPLOYER-OWNED VEHICLES**

#### **Sections:**

#### **1.10.010 Policy**

**1.10.010 Policy.** The Town Council of the Town of Grandview, Spencer County, Indiana hereby establishes a safe harbor substantiation policy in the following manner:

- (1) Personal use of the Town of Grandview's vehicles is prohibited other than commuting,
- (2) Such use of vehicles shall not be considered wages,
- (3) All employees shall be required to sign statements that vehicles will not be used for personal use other than commuting. (Ord. 2005-07-14, July 14, 2005)

## **Chapter 1.12**

### **FIREFIGHTER BENEFITS**

#### **Sections:**

#### **1.12.010 Travel and Clothing Allowances**

**1.12.010 Travel and Clothing Allowances.** The Town Council of the Town of Grandview, Spencer County, Indiana hereby increases the clothing allowances and automobile expenses for each firefighter on the Grandview Volunteer Fire Department from \$200.00 per firefighter to \$250.00 per firefighter and that such increases become effective this year 2004. (Ord. 2004-11-1, Nov. 3, 2004)

## **Chapter 1.13**

### **DEFACING OR DESTROYING POSTED NOTICES OR ORDINANCES**

#### **Sections:**

#### **1.13.010 Unlawful to destroy or deface posted documents**

**1.13.010 Unlawful to destroy or deface posted documents.** Every person who shall wantonly destroy, pull down or deface any printed or written notice, advertisement or ordinance, posted up at any proper place within said Town of Grandview, shall be deemed guilty of disorderly conduct, and upon conviction thereof shall be fined in the sum of five dollars and cost of prosecution. (Ord. No. 3, S11, No date)

## Chapter 1.16

### ORDINANCE VIOLATIONS BUREAU

#### Sections:

- 1.16.010 Established**
- 1.16.020 Acceptance of fines and penalties**
- 1.16.030 Violations schedule**
- 1.16.040 Payment to Clerk authorized**

**1.16.010 Established.** There is hereby established the Grandview Ordinance Violations Bureau, and the Clerk-Treasurer is hereby appointed as the Violations Clerk. (Ord. 2002-5-03, S1.16.010, May 6, 2002)

**1.16.020 Acceptance of fines and penalties.** The Clerk or her authorized assistants shall accept written appearances, waivers of trial, admissions of violations, and payments of fines and penalties which do not exceed One Hundred Dollars (\$100.00). (Ord. 2002-5-03, S1.16.020, May 6, 2002)

**1.16.030 Violations schedule.** There is hereby established a Violations Schedule, which schedule is declared to be every fine or penalty provision contained in the Grandview Municipal Code, except for utility rates and moving traffic violations. (Ord. 2002-5-03, S1.16.030, May 6, 2002)

**1.16.040 Payment to Clerk authorized.** Every provision of the Grandview Municipal Code, except for utility rates and moving traffic provisions, shall be construed to allow for payment of any fine or penalty not in excess of One Hundred Dollars (100.00) to the Clerk or her authorized assistants as authorized by I.C. 33-6-3. (Ord. 2002-5-03, S1.16.040, May 6, 2002)

## **Chapter 1.19**

### **DISSOLVING THE DEPARTMENT OF POLICE**

#### **Sections:**

**1.19.010 Dissolving of Police Department**

**1.19.020 Effective Date**

**1.19.010 Dissolving of Police Department.** The Town Council for the Town of Grandview hereby dissolves the police department of the Town of Grandview. (Ord. 2003-9-2, Sept. 16, 2003)

**1.19.020 Effective Date.** This Ordinance shall be in full force and effect the date of passage on September 16, 2003. (Ord. 2003-9-2, Sept. 16, 2003)

## Chapter 1.21

### ESTABLISHED COSTS FOR WORK PERFORMED BY EMPLOYEES AND/OR EQUIPMENT FOR PRIVATE CITIZENS OR COMPANIES

#### Sections:

#### 1.21.010 Labor and/or Equipment Rates

#### 1.21.010 Labor and/or Equipment Rates.

Laborer	\$20.00 per hour
Laborer with Hand Equipment	\$25.00 per hour
Backhoe / Operator	\$45.00 per hour
Tractor / Operator	\$30.00 per hour
Dump Truck / Operator	\$30.00 per hour
(Ord. 2001-10-10, S1, Oct. 10, 2001)	

## Chapter 1.22

### DEPARTMENT OF PARKS AND RECREATION

#### Sections:

- 1.22.010 Created**
- 1.22.020 Members**
- 1.22.030 Terms**
- 1.22.040 Election of officers**
- 1.22.050 Powers and duties**
- 1.22.060 Annual budget**

**1.22.010 Created.** Under the provisions of IC 36-10-3 there is hereby created a municipal Department of Parks and Recreation. (Ord. 12-4-89, S1, Dec. 4, 1989)

**1.22.020 Members.** A Park and Recreation Board shall be created composed of:

- (1) Four (4) members appointed by the Town Council President on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.
- (2) One (1) ex officio member who is a member of and appointed by the Board of School Trustees.
- (3) One (1) ex officio member who is a member of and appointed by the Library District Board.

The Library District and School Board shall fill any vacancies of their ex officio members. Ex officio board members have all the rights of regular members, including the right to vote.\* (Ord. 2002-5-04, S1, May 6, 2002) (Ord. 12-4-89, S2, Dec. 4, 1989)

**1.22.030 Terms.** Upon establishment of the park board, the terms of the members initially appointed shall be:

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

\* The two ex officio members are optional for a municipal park and recreation board. Either or both the school or library boards may be represented, but if one or both are to be included the provision must be written in the ordinance.

As a term expires, each new appointment shall be made by the Town Council President for a term of (4) years. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed. If an appointment for a new term is not made by the Town Council President by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the Town Council President shall appoint a new member for the remainder of the unexpired term. (Ord. 2002-5-04, S2, May 6, 2002) (Ord. 12-4-89, S3, Dec. 4, 1989)

**1.22.040 Election of officers.** At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 12-4-89, S4, Dec. 4, 1989)

**1.22.050 Powers and duties.** The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. 12-4-89, S5, Dec. 4, 1989)

**1.22.060 Annual budget.** The Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. 12-4-89, S6, Dec. 4, 1989)

## **Chapter 1.23**

### **PARK AND RECREATION DONATION FUND**

#### **Sections:**

#### **1.23.010 Establishment**

**1.23.010 Establishment.** The Town Council of Grandview hereby establishes a Park and Recreation Donation Fund for the purpose of depositing monies for the maintenance of park and recreation facilities. (Resolution 2004-5-4, May 10, 2004)

## Chapter 1.25

### **SOCIAL SECURITY ADMINISTRATION; OLD-AGE AND SURVIVOR'S INSURANCE**

#### **Sections:**

- 1.25.010 Election of coverage**
- 1.25.020 Positions covered**
- 1.25.030 Inclusion of Federal-State provisions**
- 1.25.040 Effective when**

**1.25.010 Election of coverage.** Be it resolved, that the Governing Body of Town of Grandview, Indiana, hereby elects coverage under the Old-Age and Survivor's Insurance as provided by Chapter 313, Acts of 1951, as amended, and as they may be amended, and as they may be implemented by regulations of the State Agency. (Ord. 1965-2, S1, Apr. 6, 1965)

**1.25.020 Positions covered.** The following positions are hereby designated as those which are to be covered. All positions except:

- (1) All services of an emergency nature.
- (2) Part-time positions. (normally requiring 600 hours per year or less)
- (3) Positions, the compensation for which is on a fee basis. (Ord. 1965-2, S2, Apr. 6, 1965)

**1.25.030 Inclusion of Federal-State provisions.** For the purpose of carrying out the provisions of Title II, Section 218, of the Federal Social Security Act and amendments thereof, the agreement entered into between the State Agency with the approval of the Governor and the Social Security Administrator is made a part of this Resolution and shall constitute an integral part of the Federal Agreement between this Political Subdivision and the State Agency and shall become a part of the agreement or modification of the agreement between the State and the Social Security Administrator. The Governing Body hereby explicitly agrees that it will fully perform the obligation of a Political Subdivision under said (Federal-State) agreement and Chapter 313, Acts of 1951, as amended and as they may be amended, and as they may be implemented by regulations of the State Agency. (Ord. 1965-2, S3, Apr. 6, 1965)

**1.25.040 Effective when.** This ordinance shall be in full force and effect upon passage and approval, for all intents and purposes, except that active coverage shall begin as of the 1<sup>st</sup> day of January, 1965. (Ord. 1965-2, S4, Apr. 6, 1965)

## Chapter 1.28

### FIXED ASSET CAPITALIZATION POLICY

#### Sections:

**1.28.010 Definitions and provisions**

**1.28.020 Recording and accounting**

**1.28.030 Safeguarding of assets**

**1.28.010 Definitions and provisions.** For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Tangible Assets". Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.
- (2) "Fixed Asset". Tangible assets of a durable nature employed in the operating activities of the unit that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture, and fixtures).
- (3) "Capital Outlays". Expenditures which benefit both the current and future periods. This includes costs of acquiring land or structures, construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

- A. LAND. This Town will capitalize all land purchases, regardless of cost.

Exceptions to land capitalization are land purchased outright, an easements, or right-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land

for its intended purpose (including contractors and/or Town workers (salary and benefits), such as demolishing buildings, excavating, clean up, and/or inspection.

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

Purchases made using Federal and State funding will follow the source funding policies and above procedures.

- B. MACHINERY AND EQUIPMENT. The definition of machinery and equipment is: an apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become part of a basic structure or building.

This Town will capitalize and tag items with an individual value equal to or greater than \$500.00. Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

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

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

1. total costs exceeds \$500.00,
2. the useful life is extended two or more years, and
3. the total costs will be greater than the current book value and less than fair market value.

Examples Include:

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

If police cars are constantly changing light bars or radios to other vehicles, the Town will capitalize each piece of equipment separately, if it meets the required dollar amount.

A departments computer (CPU, monitor, keyboard, and printer) is considered one unit.

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

Purchases made using Federal and State funding will follow the source of funding policies and above procedures.

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

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

1. the total cost exceeds \$5,000.00, and
2. the useful life is greater than two years.

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

1. the total cost exceeds \$5000.00,
2. the useful life is extended two or more years, and
3. the total cost will be greater than the current book value and less than the fair market value.

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

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

Purchases made using Federal and State funding will follow the source funding policies and above procedures.

- D. IMPROVEMENTS OTHER THAN BUILDINGS. The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years.

Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items.

Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon City-owned land that provide support to our facilities are assets. A sidewalk down the road for public enjoyment in an infrastructure improvement and is not capitalized. However, sidewalks installed upon City-owned land for use by the public and for the support of our facility are capital assets.

The Town will capitalize new improvements other than buildings only if it meets the following conditions:

1. the total cost exceeds \$5,000.00, and
2. the useful life is greater than two years.

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

1. the total costs exceeds \$5,000.00, and
2. the asset's useful life is extended two or more years, and
3. the total cost will be greater than the current book value and less than fair market value.

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

Purchases made using Federal and State funding will follow the source funding policies and above procedures.

- E. Historical Cost. The cash equivalent price exchanged for goods or services at the date of acquisition. Land, building, equipment, and most inventories are common examples of items recognized under the historical cost attribute.
- F. Enterprise Funds. Those funds used to account for operations

1. that are financed and operated in a manner similar to private business enterprise - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; of
2. where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

The enterprise funds of the Town of Grandview, Indiana shall include the municipally owned gas, water and sewage utilities. Operation of these utilities shall require enterprise fund accounting and reporting. (Ord. 99-2-1, S1, Feb, 1, 1999)

**1.28.020 Recording and accounting.** The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the Cities and Towns Manual. The cost of the property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town and its departments, the valuation of assets shall be based on historical cost or where the historical cost is undeterminable, by estimation of those assets is existence.

The Town's municipally owned utilities shall record acquisition of Fixed Assets in accordance with general accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

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

Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during the period of construction has long been recognized as a part of the asset cost. Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities the valuation of assets shall be based on historical cost.

**1.28.030 Safeguarding of assets.** Be it ordained that accounting controls be designed and implemented to provide reasonable assurances that:

- (1) capital expenditures made by the Town, its various departments and utilities be in accordance with management's authorization as documented in the minutes.
- (2) transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.
- (3) adequate detail records be maintained to assure accountability for Town and Utility owned assets.
- (4) access to assets be permitted in accordance with management's authorization.
- (5) the recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences. (Ord. 99-2-1, S3, Feb. 1, 1999)

## Chapter 1.30

### CUMULATIVE CAPITAL IMPROVEMENT FUND

#### Sections:

#### **1.30.010 Created**

#### **1.30.020 Capital Improvement, defined**

**1.30.010 Created.** In accordance with the requirements of Section 8 of Chapter 225, Acts of 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of Grandview into which the cigarette taxes allotted to Grandview by reason of Subsection C (1) (C) of Section 27C and Section 27d of the Indiana Cigarette Tax Law being Chapter 222 of the Acts of 1947 as amended shall be deposited. Said fund shall be a cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements. (Ord. No. 65-3, S1, Oct. 4, 1965)

**1.30.020 Capital Improvement, defined.** The term "capital improvement" means the construction or improvement of any property owned by the Town of Grandview including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of Grandview issued, and the proceeds used for the purpose of constructing capital improvements. The term capital improvement shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement. (Ord. No. 65-3, S2, Oct. 4, 1965)

## Chapter 1.40

### HOUSING AUTHORITY

#### Sections:

**1.40.005 Purpose**

**1.40.010 Established**

**1.40.020 Official name**

**1.40.030 Appointment of Commissioners**

**1.40.040 Selection of Chairman**

**1.40.005 Purpose.** Pursuant to the State of Indiana Housing Authorities Act of 1937, as amended; the Board of Trustees of the Town of Grandview, Indiana, upon due notice having held a public hearing at which an opportunity to be heard was granted to all residents and taxpayers of the Town and to all other interested persons.

The Board of Trustees, considering the testimony and evidence presented at said hearing and drawing from its personal knowledge of the need for improved dwelling accommodations and for a housing authority to help meet this need; the Board of Trustees of the Town of Grandview, Indiana, hereby finds, determines and declares, that:

- (1) Insanitary and unsafe inhabited dwelling accommodations exist in the Town of Grandview, Indiana; and
- (2) There is a shortage of safe and sanitary dwelling accommodations in the Town of Grandview, Indiana, available to persons of low income at rentals they can afford; and
- (3) There is a need for a housing authority to function in the Town of Grandview, Indiana. (Res. 1975-9, Whereas, Dec. 15, 1975)

**1.40.010 Established.** The Board of Trustees of the Town of Grandview, Indiana, herewith, authorizes the establishment of a housing authority to carry out the powers and duties as permitted by IC 18-7-11-4. (Res. 1975-9, S1, Dec. 15, 1975)

**1.40.020 Official name.** The name of said housing authority shall be "Housing Authority of the Town of Grandview, Indiana. " (Res. 1975-9, S2, Dec. 15, 1975)

**1.40.030 Appointment of Commissioners.** Five persons are appointed as Commissioners of the Grandview Housing Authority for the term specified after each name:

- (1) Thomas E. Hancock                      One (1) year
- (2) Marvin L. Jones                              Two (2) years

- (3) Robert L. Grose Three (3) years
- (4) Laura Belle Clark Four (4) years
- (5) Betty Jean Biggs Four (4) years (Res. 1976-3, Aug. 23, 1976)

**1.40.040 Selection of Chairman.** Be it further resolved that Laura Belle Clark shall be designated as Chairman of the Grandview Housing Authority. (Res. 1976-3, Aug. 23, 1976)

## Chapter 1.42

### FAIR HOUSING ORDINANCE

#### Sections:

- 1.42.010 Policy Statement**
- 1.42.020 Definitions**
- 1.42.030 Unlawful Practice**
- 1.42.040 Discrimination in the Sale or Rental of Housing**
- 1.42.050 Discrimination in residential real estate related transactions**
- 1.42.060 Discrimination in the provision of brokerage**
- 1.42.070 Interference, Coercion, or Intimidation**
- 1.42.080 Exemptions**
- 1.42.090 Administrative Enforcement of Ordinance**
- 1.42.100 Human Rights Commission**
- 1.42.110 Powers and Duties**
- 1.42.120 Enforcement by Private Persons**
- 1.42.130 Enforcement by the Commission**
- 1.42.140 Separability of Provisions**
- 1.42.150 Certification of Adoption**

**1.42.010 Policy Statement.** It shall be the policy of the Town of Grandview 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. 1-9-95, S1, Jan. 9, 1995)

**1.42.020 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 (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families.
- (2) "Family" includes a single individual with the status of such family being further defined in subsection (8) of this Section.
- (3) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title II of the United States Code, receivers, and fiduciaries.

- (4) "To rent" includes to lease, to sublease to let and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant.
- (5) "Discriminatory Housing Practice" means an act that is unlawful under sections 1.42.040, 1.42.050, 1.42.060, 1.42.070 or 1.42.080 of this ordinance.
- (6) "Handicap" means, with respect to a person:
- A. a physical or mental impairment which substantially limits one or more of such person's major life activities,
  - B. a record of having such an impairment, or
  - C. being regarded as having such an impairment.
- The term "handicap" does 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.
- (7) "Aggrieved person" includes any person who:
- 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 eighteen (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 eighteen (18) years.
- (9) "Complainant" means a person, including the commission, who files a complaint under this ordinance.
- (10) "Respondent" means a person accused of a discriminatory housing practice in a complaint under this ordinance. (Ord. 1-9-95, S2, Jan. 9, 1995)

**1.42.030 Unlawful Practice.** Subject to the provisions of subsection (2) of this section, and section 1.42.090 of this ordinance the prohibitions against discrimination in the sale or rental of housing set forth in section 1.42.040 of this Ordinance shall apply to:

- (1) All dwellings except as exempted by subsection (2).
- (2) Other than the provisions of subsection (3) of this Section, nothing in section 1.42.040 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 (3) 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 (24) 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 (3) 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 1.42.040(3) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
  - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by more than four (4) 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 (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
- B. he has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two (2) 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 (5) or more families. (Ord. 1-9-95, S3, Jan. 9, 1995)

**1.42.040 Discrimination in the Sale or Rental of Housing.** As made applicable by section 1.42.030 and except as exempted by sections 1.42.030(2) and 1.42.090, 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, handicap 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, handicap or national origin.
- (3) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.
- (4) 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.
- (5) 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.
- (6) 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.

- (7) 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 sold, rented, or made available; or
  3. any person associated with that person.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. that person; or
  2. a person residing in or intending to reside in that dwelling after it is 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 handicap 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 March 13, 1991, a failure to design and construct those dwellings in such a manner that:

- (a) the dwellings have at least one (1) building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site;
- (b) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
- (c) all 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
- (d) all premises within such dwellings contain the following features of adaptive design:
  - i. an accessible route into and through the dwelling;
  - ii. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - iii. reinforcements in bathroom walls to allow later installation of grab bars; and
  - iv. useable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

D. Compliance with the appropriate requirements 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 paragraph 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. 1-9-95, S4, Jan. 9, 1995)

**1.42.050 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. 1-9-95,S5, Jan. 9, 1995)

**1.42.060 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. 1-9-95, S6, Jan. 9, 1995)

**1.42.070 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 1.42.030, 1.42.040, 1.42.050, or 1.42.060 of this ordinance. (Ord. 1-9-95, S7, Jan. 9, 1995)

#### **1.42.080 Exemptions**

- (1) Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

Nor shall anything in this 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.

- (2) A. Nothing in this ordinance limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this ordinance regarding familial status 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 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 if the following requirements are met:
    - (a) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
    - (b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
    - (c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. (Ord. 1-9-95, S8, Jan. 9, 1995)

**1.42.090 Administrative Enforcement of Ordinance.**

- (1) The authority and responsibility for properly administering this Ordinance shall be vested in the Chief Executive Officer of the Town of Grandview, Indiana.
- (2) The Town of Grandview, Indiana shall establish a local commission the authority and responsibility for properly administering this ordinance. The local commission will administratively enforce all formal complaints alleging a violation of the articles of this Ordinance for the purpose of investigation, resolution, and appropriate relief as provided for under Title 22-9.5-05 of the Indiana Code.
- (3) All executive departments and agencies of the Town of Grandview, 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 Grandview, Indiana, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.
- (5) Each complaint must be in writing and must be signed and affirmed by the aggrieved person filing the complaint or, if the complaint is filed by the commission, by any commission member, or the director, if one is appointed pursuant to 1.42.110 (2). The signature and affirmation may be made at any time during the investigation. The commission may require complaints to be made on prescribed forms.
  - A. Complaints forms will be made available in the commission's offices or in the office of the Chief Executive Officer of the Town of Grandview, Indiana.
  - B. Notwithstanding any requirement for the use of a prescribed form, the commission will accept any written statement which substantially sets forth the allegations of a discriminatory housing practice under this ordinance.
  - C. An aggrieved person may provide information to be contained in a complaint by telephone to the commission's offices. The commission or staff of the commission will reduce the information provided by telephone to writing on the prescribed complaint form and send the form to the aggrieved person to be signed and affirmed.

- D. Each complaint must contain substantially the following information:
    - 1. The name and address of the aggrieved person.
    - 2. The name and address of the respondent.
    - 3. A description and the address of the dwelling which is involved, if appropriate.
    - 4. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.
  - E. Except as provided in paragraph F of this subsection, a complaint is filed when it is received by the commission in a form that reasonably meets the standards of 1.42.090 (5)D.1-4.
  - F. The commission may determine that a complaint is filed for the purposes of the one year period for filing complaints, upon the submission of written information (including information provided by telephone and reduced to writing by the commission or staff of the commission) identifying the parties and describing generally the alleged discriminatory housing practice.
  - G. Where a complaint alleges a discriminatory housing practice that is continuing, as manifested in a number of incidents of such conduct, the complaint will be timely if filed within one year of the last alleged occurrence of that practice.
- (6) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the commission alleging the discriminatory housing practice.
  - (7) A complaint under this ordinance may be reasonably and fairly amended at any time.
  - (8) When a complaint is filed under this ordinance, the commission shall do the following:
    - A. Give the aggrieved person notice that the complaint has been received.
    - B. Advise the aggrieved person of the time limits and choice of forums under the ordinance.

- C. Not later than ten (10) days after the filing of the complaint or the identification of an additional respondent, serve on each respondent:
    - 1. a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this ordinance; and
    - 2. a copy of the original complaint.
  - D. A person who is not named as a respondent in a complaint, but who is identified in the course of the investigation as a person who is alleged to have engaged, or is about to engage in the discriminatory housing practice upon which the complaint is based may be joined as an additional or substitute respondent by service of a notice on the person under subsection C of this section within ten (10) days of the identification. If the person is not named in the complaint, but is being joined as an additional or substitute respondent, the notice will explain the basis for the commission's belief that the joined person is properly joined as a respondent.
- (9) Not later than ten (10) days after the receipt of the notice and copy of the complaint, a respondent may file an answer to the complaint. An answer must be:
- A. in writing;
  - B. signed under oath; and
  - C. in the form prescribed by the commission.
- (10) An answer may be reasonably and fairly amended at any time with the consent of the commission.
- (11) An answer does not inhibit the investigation of a complaint.
- (12) The commission shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The commission shall make this determination not later than one hundred (100) days after a complaint is filed unless:
- A. the commission has approved a conciliation agreement relating to the complaint; or
  - B. it is impracticable to make the determination within that time period in which case the commission shall notify the

complaint and respondent in writing of the reasons for the delay.

- (13) If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall promptly issue a short and plain statement of the facts upon which the commission has based the no reasonable cause determination; dismiss the complaint; notify the aggrieved person and the respondent of the dismissal (including the written statement of the facts). The fact of the dismissal, including the names of the parties, shall be public information available on request.
- (14) The commission may not issue a finding of reasonable cause under this ordinance regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.
- (15) If the commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall immediately issue a finding of reasonable cause consisting of a short and plain statement of the facts on which the commission found reasonable cause on behalf of the aggrieved person.
- (16) Not later than twenty (20) days after the commission issues a finding of reasonable cause, the commission shall send a copy of the finding of reasonable cause to each respondent and each aggrieved person with the following information:
  - A. A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in a civil action.
  - B. The election must be made not later than twenty (20) days after the date of receipt of the reasonable cause notice by the electing person.
  - C. The person making the election shall give notice to the commission and to all other complainants and respondents to whom the finding of reasonable cause relates.
- (17) If a timely election is made under section (16)A the commission shall not later than thirty (30) days after the election is made, file and maintain a civil action on behalf of the aggrieved person in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice occurred. If a timely election is not

made the commission shall provide for a hearing on the finding of reasonable cause. (Ord. 1-9-95, S9, Jan. 9, 1995)

#### **1.42.100 Human Rights Commission.**

- (1) To assist in the elimination of discrimination in the Town of Grandview, Indiana, there is hereby created a commission to be known as the Grandview Human Rights Commission composed of seven (7) members not more than four (4) of whom shall be of the same political party. Members must be residents of the Town of Grandview, Indiana.
- (2) All members of the Human Rights Commission shall be appointed by the Chief Executive Officer of the Town of Grandview, Indiana within thirty (30) days of the effective date of this ordinance subject to the advice and consent of the Common Council.
- (3) Of the seven (7) members first appointed two (2) shall be appointed for a term of one (1) year; two (2) shall be appointed for a term of two (2) years; and three (3) shall be appointed for a term of three (3) years. There after, each appointment shall be for a period of three (3) years.
- (4) Upon the death or resignation of any member a successor shall be appointed by the Chief Executive Officer of the Town of Grandview, Indiana, subject to the advice and consent of the Common Council, to serve for the unexpired term of the member.
- (5) The members of the Commission shall serve without compensation, but they may be reimbursed for all expenses necessarily incurred in the performance of their duties in accordance with appropriations made by the Common Council.
- (6) The Chief Executive Officer may remove Commission members for cause.
- (7) The expenses for carrying on the Commission's activities shall be budgeted for and paid out of the Grandview treasury and appropriated by the Common Council for such purposes; however, the Commission shall also have the authority to accept grants, or other payments to help finance its activities. The Commission may receive federal or state funds by worksharing or cooperative agreements or grants with such funds deposited in designated non-reverting funds.
- (8) At its first meeting, which shall be called by the Chief Executive Officer, and thereafter at its February meeting the Commission shall select from its membership a Chairperson and Vice-Chairperson.

These officers elected at the February meeting shall assume their offices April first.

- (9) The Commission shall meet once each month at a regularly published time and place and shall hold special meetings as the chairperson deems necessary or at the call of a majority of its members. Four (4) members of the Commission shall constitute a quorum for the transaction of business. No official action shall be taken by the Commission except by an affirmative vote of an absolute majority of a quorum of members of said Commission; provided that a majority of the entire Commission shall be required for a finding of a violation of this Ordinance. (Ord. 1-9-95, S10, Jan. 9, 1995)

**1.42.110 Powers and Duties.** The Commission shall have the following powers and duties:

- (1) To establish and maintain in the Town of Grandview, Indiana a permanent office to be provided by the Town of Grandview, Indiana.
- (2) To appoint a Director and other staff as it may deem necessary and prescribe their duties.
- (3) To adopt, promulgate, amend and rescind such rules and regulations, procedural and substantive, as are consistent with the provisions of this ordinance or its intent and purpose as the commission may deem necessary. Such rules and regulations shall be adopted, amended, or rescinded by the commission only after a public hearing thereon, notice of which shall be given by two (2) publications in a newspaper of general circulations printed in the Town of Grandview, Indiana, such publications to be one (1) week apart. The first publication to be not more than thirty (30) days nor less than fifteen (15) days before the date of such hearings.
- (4) To receive and investigate the merits, allegations, and factual basis of complaints of discriminatory practices under this ordinance, and to hold hearings on such complaints. All investigations of complaints shall be investigated by staff members or commission members. Such investigations shall be impartial and shall be limited in each instance to the discriminatory practices alleged in the complaint. At the end of each investigation the commission or a staff member of the commission will prepare a final investigative report. The investigative report will contain:
  - A. The names and dates of contacts with witnesses, except that the report will not disclose the names of witnesses that request anonymity. The commission, however, may be required to disclose the names of such witnesses in the

course of an administrative hearing under this ordinance or a civil action under the Federal Fair Housing Act or the Indiana Fair Housing Act;

- B. A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
- C. A summary description of other records;
- D. A summary of witness statements; and
- E. Answers to interrogatories.

A final investigative report may be amended at any time, if additional evidence is discovered. Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in 1.42.110 (10)(I), the commission will make information derived from an investigation, including the final report, available to the aggrieved person and the respondent. Following the completion of investigation the commission shall notify the aggrieved person and the respondent that the final investigative report is complete and will be provided upon request.

- (5) To initiate complaints, except that no member of the commission who initiates a complaint may participate as a member of the commission in the hearing or disposition of the complaint.
- (6) To prevent any person from discriminating or retaliating against any other person because he/she filed a complaint with the commission, has testified in any hearing before the commission, or has in any way assisted the commission in any matter under investigation.
- (7) To seek prompt judicial action. If the commission concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this acticle, the commission may file a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint in a circuit or superior court that is located in the county in which the alleged discriminatory housing practice has occurred.
  - A. A temporary restraining order or other order granting preliminary or temporary relief under this subsection is governed by the Indiana Rules of Trial Procedure.
  - B. The filing of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this ordinance.

- (8) To hold hearings, subpoena witnesses, administer oaths, take the testimony of any such person under oath, and require the production for examination of any books and papers relating to any manner under investigation or in question before the commission. All hearings shall be held within the Town of Grandview, Indiana at a location determined by the commission. The commission shall have the authority to institute actions for appropriate legal or equitable relief in a circuit or superior court to obtain enforcement of any commission order or subpoena. All subpoenas and orders emanating from the commission shall be served pursuant to the Indiana Rules of Civil Procedure applicable to service in civil actions.
- (9) To appoint hearing officers, other than commissioners, when an appointment is deemed necessary by a majority of the commission. The hearing officers shall be members in good standing before the Indiana bar and shall be appointed by the Chairperson of the commission. A hearing officer appointed under this subsection shall have the same powers and duties as a commissioner sitting as a hearing officer, except the power to issue subpoenas.
- (10) To attempt reconciliation between the parties. If such reconciliations efforts fail, the commission shall conduct hearings to find facts, reach conclusions, and issue orders.
  - A. During the period beginning with the filing of the complaint and ending with the reasonable or no reasonable cause determination the commission will, to the extent feasible, attempt to conciliate the complaint.
  - B. In conciliating the complaint, the commission will attempt to achieve a just resolution of the complaint and to obtain assurances that the respondent will satisfactorily remedy any violations of the rights of the aggrieved person, and take such action as will assure the elimination, of discriminatory housing practices, or the prevention of their occurrence in the future.
  - C. Generally members of the commission or staff of the commission engaged in the investigation of a complaint will not participate or advise in the conciliation of the same complaint or in any factually related complaint. Where the rights of the aggrieved party and the respondent can be protected and the prohibitions with respect to disclosure of information can be observed, the investigator of the complaint may suspend fact finding and engage in efforts to resolve the complaint by conciliation.
  - D. The terms of a settlement of a complaint will be reduced to a written conciliation agreement. The conciliation agreement

shall seek to protect the interests of the aggrieved person, other persons similarly situated, and the public interest. The types of relief that may be sought are:

For the aggrieved person:

1. Monetary relief in the form of damages, including damages caused by humiliation or embarrassment, and attorney's fees;
2. Other equitable relief including, but not limited to, access to the dwelling at issue, or to a comparable dwelling, the provision of services or facilities in connection with a dwelling, or other specific relief; or
3. Injunctive relief appropriate to the elimination of discriminatory housing practices affecting the aggrieved person or other persons.
4. The conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Arbitration may award appropriate relief as described in this subsection. The aggrieved person and the respondent may, in the conciliation agreement, limit the types of relief that may be awarded under binding arbitration.

For the public interest:

5. Elimination of discriminatory housing practices.
  6. Prevention of future discriminatory housing practices.
  7. Remedial affirmative activities to overcome discriminatory housing practices.
  8. Reporting requirements.
  9. Monitoring and enforcement activities.
- E. The agreement must be executed by the respondent and the complainant. The agreement is subject to approval by the commission. The commission will indicate approval by having a majority of the commission sign the agreement. The commission will approve an agreement and, if the commission is the complainant, will execute the agreement, only if:

1. The complainant and the respondent agree to the relief accorded to the aggrieved person;
  2. The provisions of the agreement will adequately vindicate the public interest; and
  3. If the commission is the complainant, all aggrieved persons named in the complaint are satisfied with the relief provided to protect their interests.
- F. The commission may issue a reasonable cause determination if the aggrieved person and the respondent have executed a conciliation agreement that has not been approved by the commission.
- G. The commission may terminate its efforts to conciliate the complaint if the respondent fails or refuses to confer with the commission; the aggrieved person or the respondent fail to make a good faith effort to resolve any dispute; or the commission finds, for any reason, that voluntary agreement is not likely to result.
- H. Where the aggrieved person has commenced a civil action under federal or state law seeking relief with respect to the alleged discriminatory housing practice, and the trial in the action has commenced, the commission will terminate conciliation unless the court specifically requests assistance from the commission.
- I. Except as provided in paragraph J of this subsection and in 1.42.110 (4), nothing that is said or done in the course of conciliation may be made public or used as evidence in a subsequent administrative hearing under this ordinance or in civil actions under the Federal Fair Housing Act or the Indiana Fair Housing Act without the written consent of the persons concerned.
- J. Conciliation agreements shall be made public unless the aggrieved person and respondent request nondisclosure and the commission determines that disclosure is not required to further the purposes of this ordinance. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the commission may publish tabulated descriptions of the results of all conciliation efforts.
- K. The commission may, from time to time, review compliance with the terms of any conciliation agreement. Whenever the commission has reasonable cause to believe that a respondent has breached a conciliation agreement, the

commission may file a civil action under 1.42.110 (8) of this ordinance for the enforcement of the terms of the conciliation agreement.

- (11) To state findings of fact and conclusions of law after a hearing. If the commission determines, after a hearing, that the respondent has engaged in a discriminatory practice in violation of this ordinance the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief. To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed the following:
  - A. Ten thousand dollars (\$10,000) if the respondent has not been adjudged by order of the commission or a court to have committed a prior discriminatory housing practice.
  - B. Except as provided by subsection A, twenty-five thousand dollars (\$25,000) if the respondent has been adjudged by order of the commission or a court to have committed one (1) other discriminatory, housing practice during the five (5) year period ending on the date of the filing the finding or reasonable cause.
  - C. Except as provided by subsection A, fifty thousand dollars (\$50,000) if the respondent has been adjudged by order of the commission or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the finding of reasonable cause.
- (12) If the acts constituting the discriminatory housing practice that is the object of the finding of reasonable cause are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subsection (11) B and (11) C may be imposed without regard to the period of time within which any other discriminatory housing practice occurred. The commission may sue to recover a civil penalty due under this section.
- (13) If after the hearing the commission shall find that the respondent has not engaged in any practice in violation of this ordinance, the commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint.
- (14) Judicial review of commission orders shall be obtained in accordance with the provisions of Indiana Code 4-21.5-5.

- (15) To prepare and submit to the Chief Executive Officer and Common Council once each year a detailed report of the Commission's activities, including the investigations, reconciliations, and hearings it has conducted and their outcome. (Ord. 1-9-95, S11, Jan. 9, 1995)

#### **1.42.120 Enforcement by private persons**

- (1) An aggrieved person may file a civil action in the circuit or superior court located in the county in which the alleged discriminatory practice occurred not later than one (1) year after the occurrence of the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this ordinance, whichever ever occurred last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.
- (2) The one (1) year period does not include any time during which an administrative hearing under this ordinance is pending with respect to a complaint or finding of reasonable cause under this ordinance based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.
- (3) An aggrieved person may file an action under this section whether or not a complaint has been filed under this ordinance and without regard to the status of any complaint filed under this ordinance.
- (4) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.
- (5) An aggrieved person may not file an action under this section with respect to an alleged discriminatory housing practice that forms the basis of finding of reasonable cause issued by the commission if the commission has begun a hearing on the record under this ordinance with respect to the finding of reasonable cause.
- (6) If the court finds that a discriminatory housing practice has occurred or is about to occur in an action under this section, the court may award to the prevailing party the following:
  - A. Actual and punitive damages.
  - B. Reasonable attorney's fees.
  - C. Court costs.

- D. Subject to subsection (7) of this section, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.
- (7) Relief under this section does not affect the contract, a sale, an encumbrance, or a lease that:
    - A. was consummated before the granting of the relief; and
    - B. involved a bona fide purchaser, and encumbrance, or a tenant who did not have actual notice of the filing of a complaint or a civil action under this ordinance.
  - (8) The commission may intervene in an action under this section if the commission determines that the case is of general public importance. The commission may obtain the same relief available to the commission under 1.42.130 of this ordinance. (Ord. 1-9-95, S12, Jan. 9, 1995)

#### **1.42.130 Enforcement by the commission**

- (1) The commission may file a civil action for appropriate relief if the commission has reasonable cause to believe that:
  - A. a person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this ordinance; or
  - B. a person has been denied any right granted by this ordinance and that denial raises an issue of general importance.
- (2) An action under this section may be filed in a circuit or superior court located in the county in which the alleged pattern, practice, or denial has occurred. The court may do the following:
  - A. Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for the violation of this ordinance as necessary to assure the full enjoyment of the rights granted by this ordinance.
  - B. Award other appropriate relief, including monetary damages, reasonable attorney's fees, and other court costs.
  - C. To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed the following:

1. Fifty thousand dollars (\$50,000) for a first violation.
2. One hundred thousand dollars (\$100,000) for a second or subsequent violation.
3. A person may intervene in an action under this section if the person is:
  - (a) an aggrieved person to the discriminatory housing practice; or
  - (b) a party to a conciliation agreement concerning the discriminatory housing practice. (Ord. 1-9-95, S13, Jan. 9, 1995)

**1.42.140 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 Ordinance and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby. (Ord. 1-9-95, S14, Jan. 9, 1995)

**1.42.150 Certification of Adoption.** It is hereby certified that this Ordinance Number 1-9-95 was passed by the Common Council of the Town of Grandview, Indiana, at its legally convened meeting of January 9, 1995. (Ord. 1-9-95, S15, Jan. 9, 1995)

## Chapter 1.43

### E.V. WILBERN LIBRARY

#### Sections:

- 1.43.005 Official name**
- 1.43.010 Hours and days open**
- 1.43.020 Borrowing books**
- 1.43.030 Library card**
- 1.43.040 Number of books entitled to borrower**
- 1.43.050 Time period books can be retained**
- 1.43.060 Fine for non-returned books**
- 1.43.070 Notification of delinquent book**
- 1.43.080 Marking in books prohibited**
- 1.43.090 Lost or damage books**

**1.43.005 Official name.** Be it enacted by the Board of Trustees of the Town of Grandview, Indiana, that the library be known as the E.V. Wilbern Library, Grandview, Indiana. (Ord. unnumbered, S1, Apr. 2, 1900)

**1.43.010 Hours and days open.** The library shall be open on the following days of each week:

Tuesdays from 1 p.m. to 6 p.m.

Thursdays from 1 p.m. to 6 p.m.

Saturdays from 1 p.m. to 8 p.m. (Ord. unnumbered, 1<sup>st</sup>, Apr. 2, 1900)

**1.43.020 Borrowing books.** Any resident of the Town of Grandview may take books from the library by giving satisfactory security and registering his or her name. Blank forms for this purpose will be furnished by the Librarian. (Ord. unnumbered, S2d, Apr. 2, 1900)

**1.43.030 Library card.** Any person complying with above regulations will be supplied with a library card, which must be presented whenever a book is taken out or renewed, and if lost will not be replaced until thirty days notice of such loss has been given. (Ord. unnumbered, S3d, Apr. 2, 1900)

**1.43.040 Number of books entitled to borrower.** The holder of a card is entitled to take one book, octavo size or larger, or two books of smaller size being the same work. (Ord. unnumbered, 4<sup>th</sup>, Apr. 2, 1900)

**1.43.050 Time period books can be retained.** Books may be retained three weeks, and may be renewed once for the same period. (Ord. unnumbered, S5<sup>th</sup>, Apr. 2, 1900)

**1.43.060 Fine for non-returned books.** A fine of three cents per day will be charged on every book not returned or renewed as above required, and no book will be issued on any card until all fines are paid. (Ord. unnumbered, S6<sup>th</sup>, Apr. 2, 1900)

**1.43.070 Notification of delinquent book.** All persons retaining books longer than the time above specified, will be notified by mail on the sixth day after the delinquency shall have occurred, and if the book is not returned within six days thereafter the guarantor will be notified. (Ord. unnumbered, S7<sup>th</sup>, Apr. 2, 1900)

**1.43.080 Marking in books prohibited.** Writing and marking in books is strictly prohibited, and any person guilty of same will not be permitted to take books from the library. (Ord. unnumbered, S8<sup>th</sup>, Apr. 2, 1900)

**1.43.090 Lost or damaged books.** All losses of books or injury to same will be charged to the taker, and no person losing or injuring any book will be permitted to use the library until such loss or injury is paid. (Ord. unnumbered, S9<sup>th</sup>, Apr. 2, 1900)

## Chapter 1.46

### GRANDVIEW CEMETERY

#### Sections:

- 1.46.010 Grave site charges**
- 1.46.020 Prior to grave opening, charges shall be collected and receipted**
- 1.46.030 Enforcement of regulations for the safe, economic and efficient management of the cemetery**

**1.46.010 Grave site charges.** For the use of and the service rendered by said Town of Grandview, rates and charges shall be collected from residents of the corporate limits of the Town of Grandview for each and every grave site in the amount of \$100.00 hereafter, and non-residents for each and every grave site in the amount of \$500.00 hereafter. (Res. 1998-1-5, S1, Jan. 5, 1998) (Res. 1976-2, S1, Aug. 2, 1976)

**1.46.020 Prior to grave opening, charges shall be collected and receipted.** All such rates and charges shall be collected, and receipted by the Town of Grandview before any grave opening. (Res. 1998-1-5, S2, Jan. 5, 1998) (Res. 1976-2, S2, Aug. 2, 1976)

**1.46.030 Enforcement of regulations for the safe, economic and efficient management of the cemetery.** The Town of Grandview shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the Grandview Cemetery. (Res. 1998-1-5, S3, Jan. 5, 1998) (Res. 1976-2, S3, Aug. 2, 1976)

## **Chapter 1.47**

### **GRANDVIEW CEMETERY DONATION FUND**

#### **Sections:**

**1.47.010 Establishment**

**1.47.020 Use of fund**

**1.47.010 Establishment.** The Town Council of the Town of Grandview hereby establishes a Cemetery Donation Fund. (Res. 2006-05-04, May 4, 2006)

**1.47.020 Use of fund.** Such proceeds are for the sole purpose of upkeep and maintenance of the Grandveiw Cemetery. (Res. 2006-05-04, May 4, 2006)

**Chapter 1.50**  
**BLIGHTED AREA**

**Sections:**

**1.50.005 Purpose**

**1.50.010 Description of area**

**1.50.005 Purpose.**

- (1) The Town Council of Grandview recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits.
- (2) The Federally declared Ohio River Flood Disaster (FEMA DR-1165) was a contributing factor and an aggravating force to the already deteriorating sidewalk, curb and gutter system of the Town of Grandview, as well as a cause of the subsidence of four areas of utility mains, thereby contributing to slum and blighted conditions.
- (3) The Town Council desires to eliminate slum and blighted conditions within the corporate limits.
- (4) Identifying such areas is necessary for effective action to eliminate slum and blighting conditions.
- (5) The downtown area has experienced a cessation of private investment since 1980.
- (6) Thirty-nine (39) percent of first floor commercial space, sixty-seven (67) percent of second floor commercial space, and forty-eight (48) percent of total commercial space in downtown Grandview is currently vacant.
- (7) Widespread deterioration of downtown commercial buildings has taken place as evidenced by crumbling facades, broken or boarded windows, unrepaired vandalism, growth of vegetation, and presence of litter in and around many downtown commercial buildings, as well as around many neighborhoods and residential buildings. (Res. 98-4, Whereas, April 23, 1998)

**1.50.010 Description of area.** The following areas of the Town of Grandview are hereby designated as blighted as defined by Indiana Code 36-7-14;

Main Street from the intersections of 2<sup>nd</sup> Street to S.R. 66;

the area of 5<sup>th</sup> and Vine Street;

the area of 8<sup>th</sup> and Vine Streets;

the area of Forsythe and 8<sup>th</sup> Streets; and

the area east of the 4<sup>th</sup> Street levee.

(Resolution 98-4, Apr. 23, 1998)