

TITLE I

ADMINISTRATION AND PERSONNEL

TITLE 1

ADMINISTRATION AND PERSONNEL

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Chapter 1.01

GENERAL PROVISIONS

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1.01.010 Title. This ordinance shall be known, and may be cited, as "MUNICIPAL CODE OF JASPER," and will be referred to herein as "this code."

1.01.020 Scope. This code is intended to be and shall be treated and considered as a new and original comprehensive ordinance which repeal and supersede all other general ordinance heretofore enacted, except such as, by reference thereto, are expressly saved from repeal and continued in force and effect for any purpose.

1.01.030 Interpretation. This code includes a reenactment in modified form of existing ordinances which are herein repealed and shall be so interpreted and construed; and includes also new and additional provisions. All offices, positions and employments provided for by this code shall continue without reappointment the same as though this code had not been adopted. Where any act or thing has been done pursuant to the requirements of any existing ordinance herein repealed, which such act or thing done would be a substantial compliance with the requirements of this code, no second or further performance shall be necessary, except where such acts are required periodically and upon a change of conditions, as herein provided. The unexpended balance of any further appropriation for the use of any department of the city which shall remain at the time of the taking effect of this code, shall be and remain available for the use of such department under this code.

1.01.040 Repeal with exceptions. All former general ordinances are hereby repealed except the following:

- (1) All existing ordinances for the purchase, acquisition or disposition of any property, real or personal, and all municipal surveys;
- (2) All existing ordinances naming or changing the name of any street, alley or public place;
- (3) All existing ordinances authorizing the issuance of any bonds or the making of any loans or making appropriations or approving bonds;
- (4) All ordinances providing an appropriation for the expense of preparation and codification of this ordinance;
- (5) All ordinances passed after August 1, 1964;
- (6) All existing ordinances for the making of any public improvement and all ordinances under which contracts have been executed in behalf of the city or to which the city is a party;
- (7) All ordinances fixing any tax levy;
- (8) All ordinances creating and defining the corporate boundaries of the city;
- (9) All existing ordinances transferring and reappropriating funds;
- (10) All existing ordinances making or authorizing the acceptance of any gift or bequest;
- (11) All existing ordinances granting or approving any franchise or contract right with the city;
- (12) All existing ordinances making or authorizing the making of any gift or donation or the execution of any deed by the city;

Provided that this repeal of all former general ordinances shall not have any effect in any of the following cases:

- (1) On any offense committed, forfeiture or penalty occurring, or on litigation or proceeding pending when this code takes effect;
- (2) On any rights, property or claim acquired, franchise granting, amending or extending any contract entered into under any existing ordinance.
- (3) On any existing tax levy or assessment or loan thereunder;

- (4) Any license regularly issued by the city and outstanding shall continue in force for the purpose issued until the expiration of the period for which it was granted.

None of the foregoing exceptions continued in clauses (1), (2), (3) and (4) shall be held or construed to authorize the continued performance of any act or the maintenance of any place, thing or structure or recognize or continue the existence of any right under any regulating permissive ordinance heretofore enacted, which performance, maintenance or right by the terms of this code is forbidden or more specifically authorized, except as otherwise provided by law.

1.01.050 Amendments. Any additions or amendments to this code when passed in such form as to indicate the intention of the Common Council to make the same part hereof, shall be deemed to be incorporated in this code.

1.01.060 Publication. This code shall be printed and published in loose-leaf binder form under the direction of the Department of Law, and the Clerk-Treasurer is hereby relieved from making any further publication thereof except that the Clerk-Treasurer shall print, paste or otherwise mount on paper sufficiently stiff and tough to withstand heavy usage, two copies of this code, which the clerk-treasurer shall preserve in a book or binder in loose-leaf form or in such other form as the clerk-treasurer may consider sufficient, so that all amendments thereto and all general ordinances hereafter passed may be inserted in their appropriate places in such volumes, and all sections of this code or ordinances repealed from time to time may be extracted therefrom for the purpose of maintaining said two copies in such condition that they will show all general ordinances enacted to date at any time, in such manner that ready reference may be had thereto. In determining whether or not any ordinance hereafter passed or any part thereof shall be inserted in such volumes and in determining the form, chapter or section in which such insertion shall be made and in determining what shall be taken out, if any doubt or question shall arise, the clerk-treasurer shall be guided in respect thereto by the city attorney.

1.01.070 Distribution. When this code shall have been published in loose-leaf binder form, as herein provided, the printed copies thereof, except such as shall be reserved by the City Attorney for use in the Department of Law and for exchange and to reciprocate like courtesies of other cities, shall be delivered to the City Controller who shall deliver one copy thereof to the Mayor; one copy to each member of the Common Council; one copy to the head of each department of the city; two copies to the Clerk-Treasurer; one copy thereof to each member of each commission or board unless he is eligible in another capacity; one copy thereof to each school library; one copy to the public library; one copy to the Prosecuting Attorney for Dubois County; one copy to the City Court; and one copy to the Dubois County Circuit Court.

All copies of this code remaining after the distribution hereinbefore provided shall be safely kept by the city clerk-treasurer and shall be sold by her to such as may call for them, at the cost price per volume to be determined by the city Clerk-Treasurer and the

proceeds thereof shall be accounted for as other receipts are required to be accounted for by the city Clerk-Treasurer.

1.01.080 Cumulative supplements. The City Attorney, from time to time but not more often than once each year, shall prepare and publish a cumulative supplement containing all amendments, repeals and new general ordinances enacted to the date of publication of such supplements, distribution of which shall be as provided for the distribution of this code and the price at which such supplement shall be sold shall be determined by the city controller and shall be proportionate to the cost of the first publication of this code.

1.01.090 Form of code. The form of this code shall consist of separate titles, chapters and sections. Each section number shall consist of a title number, separated by a decimal and followed by the number of the chapter and section also separated by a decimal. No officer or department of the city shall issue any book or pamphlet containing any part of this code numbered differently than as numbered herein.

1.01.100 Incorporation of plats and plans by reference. Any maps, plats, plans, diagrams and illustrations which are deemed impractical by the Common Council to publish and include in the publication of this code in loose-leaf binder form, shall be construed and held to be a part of this code where reference is made thereto and the same are on file, open to the public, in the office of the city official designated by the Common Council in this code, as provided by Section 5, Chapter 248, Acts of the General Assembly, 1937.

1.01.110 Numbering of amendments and additions. All general ordinances hereafter enacted for the amendment, repeal or additions to this code shall follow the general form in which this code is enacted. All such ordinances introduced in the Common Council shall be submitted by the Clerk-Treasurer to the City Attorney for numbering before passage. In case any amendment or addition is passed without having been properly numbered, the Clerk-Treasurer, before the publication thereof, shall report the same to the City Attorney for appropriate action. This section shall not be deemed a limitation upon the powers of the Common Council but shall be liberally construed for the purpose of avoiding confusion in the numbering of titles, chapters, and sections of this code and is intended to provide a means whereby this code, with allits subsequent additions, amendments and repeals, can be made easily available by reference thereto.

1.01.120 Intent. All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the Common Council may be enforced.

1.01.130 Invalidation. If any part, section, sentence or clause of this code shall be adjudged void and of no effect, it shall not affect the validity of the remaining portion of this code.

1.01.140 Effective date. This Municipal Code of Jasper shall be in full force and effect two weeks from the date of publication in loose-leaf binder form and the filing thereof in the Office of the Clerk-Treasurer.

Chapter 1.02

MAYOR

Sections:

- 1.02.010** **Executive duties.**
- 1.02.020** **Supervision.**
- 1.02.030** **Ordinance enforcement.**
- 1.02.040** **Secretary to Mayor.**
- 1.02.050** **Miscellaneous duties.**

1.02.010 Executive duties. The Mayor of the city shall be its chief executive officer, and as such shall make all appointments to all offices and positions of employment authorized by the laws of the State of Indiana or by ordinance of the Common Council or the general assembly, shall fix the compensation of all officers and employees of the city, unless otherwise provided by the laws of the State of Indiana, shall serve at the pleasure of the Mayor.

1.02.020 Supervision. The Mayor shall supervise the conduct of all officers of the city and shall investigate all reasonable complaints made against any officer of the city and take appropriate action.

1.02.030 Ordinance enforcement. The Mayor shall have the authority to act, or to designate the officer who shall act, in the enforcement of any section of this code in all cases where it fails to specify or designate the officer who shall be charged with the duty of enforcement.

1.02.040 Secretary to the mayor. The Mayor may appoint a secretary whose duty it shall be to perform such secretarial duties and such other duties as may be required by the Mayor.

1.02.050 Miscellaneous duties. The Mayor shall have the authority to cause the display of flags or decorations on, in or about the city hall or other public buildings of the city on such occasions as he may deem proper; determine the manner of observance of national holidays by offices and departments of the city; and as chief executive of the city, issue such proclamations from time to time as he may deem proper.

Chapter 1.04

COUNCIL

Sections:

1.04.002	Indiana Code Requirements.
1.04.004	Council determination.
1.04.005	Definitions.
1.04.007	Council members.
1.04.010	Councilmanic Districts Designated.
1.04.011	Territory not described.
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1.04.018	Prior Ordinances.
1.04.020	Time and place of meetings.

1.04.002 Indiana Code Requirements.

- (1) The City of Jasper, Indiana, had a population of Twelve Thousand One Hundred (12,100) according to the 2000 decennial census and has made effective annexations containing an additional population of Nine Hundred Twenty Eight for a total population of Thirteen Thousand Twenty Eight (13,028) and is therefore classified as a third class city for state law purposes under Indiana Code 36-4-1-1. (Ord. 2002-47, Whereas, Oct. 23, 2002)
- (2) Because the City's population is over Ten Thousand (10,000), the City is to be governed by Indiana Code 36-4-6-4 concerning City Council districts. (Ord. 2002-47, Whereas, Oct. 23, 2002)
- (3) Indiana Code 36-4-6-4 requires that the legislative body adopt an ordinance during 2002 to divide the City into districts that meet the following requirements:
 - (a) The districts must be composed of contiguous territory, except for territory that is not contiguous to any other party of the city;
 - (b) The districts are reasonably compact;
 - (c) The districts must contain, as nearly as is possible, equal population;

- (d) The boundary of a city council district may cross a precinct boundary line only if the district boundary does not cross a census block boundary, if:
 - 1. more than one (1) member of the legislative body elected from districts resides in one (1) precinct after the most recent municipal election, and, following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides in the same legislative body district; or
 - 2. if the legislative body districts would not otherwise contain, as nearly as is possible, equal population. (Ord. 2002-47, Whereas, Oct. 23, 2002) (Ord. 1992-8, 1992)
- (4) The Common Council is the legislative body of the City of Jasper by virtue of Indiana Code 36-4-6-2. (Ord. 2002-47, Whereas, Oct. 23, 2002)
- (5) Indiana Code 36-4-6-4(b) and (j) requires that the Common Council consist of either five (5) members elected from districts and two (2) members elected at large, or four (4) members elected from districts and three (3) members elected at large. (Ord. 2002-47, Whereas, Oct. 23, 2002)

1.04.004 Council determination.

- (1) The Common Council has determined by Resolution 2002-02, adopted March 20, 2002, that the division of the City into five (5) districts for the purpose of conducting elections of legislative body members would be desirable and beneficial for the voters of the City and for the convenient administration of City government. (Ord. 2002-47, Whereas, Oct. 23, 2002)
- (2) The Common Council has, at a public hearing of the Council, provided an opportunity for all members of the Council and any interested persons to comment and make suggestions concerning the division of the City into districts under this Ordinance. (Ord. 2002-47, Whereas, Oct. 23, 2002)
- (3) The Common Council has examined the district boundaries set forth in this Ordinance and finds that the districts;
 - (a) are composed of contiguous territory;
 - (b) are reasonably compact; and

- (c) do cross precinct boundary lines so that the districts contain, as nearly as possible, equal population, in Districts Yellow, Green, Blue, Orange and Red containing 2632, 2699, 2537, 2620, and 2540, respectively. (Ord. 2002-47, Whereas, Oct. 23, 2002) (Ord. 1992-8, 1992)

1.04.005 Definitions. As used in this Ordinance:

- (1) "City" refers to the City of Jasper.
- (2) "Council" refers to the Common Council of the City of Jasper.
- (3) "Precinct" refers to the precinct by that name as established by the Board of Commissioners of the County of Dubois, and as approved by the State Election Board under Indiana Code 3-11-1.5 et seq in existence on the effective date of this Ordinance. (Ord. 2002-47, S1, Oct. 23, 2002) (Ord. 1992-8, S1, 1992)

1.04.007 Council members. The Council shall be composed of seven (7) members. Five (5) members of the Council are elected from the districts established under this Ordinance. Two (2) members of the Council are elected at large by the voters of the entire City. Each voter of the City may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. (Ord. 2002-47, S2, Oct. 23, 2002) (Ord. 1992-8, S2, 1992)

1.04.010 Councilmanic Districts Designated. The Council divides the City into the following districts for the purpose of conducting elections of Council members:

- (1) Yellow District - District 6: Beginning at the intersection of Newton Street and Schuetter Road; thence north along Newton Street to the corporation limits which is currently 47th Street; thence west along the corporation limits to the end of the corporation limits; thence meandering south and west and east along the corporation limits to Schuetter Road; thence east along Schuetter Road to the place of beginning.
- (2) Green District - District 5: Beginning at the intersection of Newton Street and Third Street; thence north along Newton Street to the corporation limits; thence east along the corporation limits to the end of the corporation limits; thence meandering south along the corporation limits to the Patoka River; thence along the Patoka River to Third Avenue; thence northwest on Third Avenue to Third Street; thence northwest on Third Street to the point of beginning.

- (3) Blue District - District 4: Beginning at the intersection of the Patoka River and Third Avenue; thence north along the Patoka River to the corporation limits; thence meandering east along the corporation limits; thence meandering south along the corporation limits; thence meandering west along the corporation limits to S. Newton Street; thence north on S. Newton Street to Church Avenue; thence east on Church Avenue to Third Avenue; thence northwest on Third Avenue to the point of beginning.
- (4) Orange District - District 2: Beginning at the intersection of Newton Street and Third Street; thence north on Newton Street to Sixth Street; thence west on Sixth Street to Kluemper Road; thence south on Kluemper Road to Scarlet Oak Drive; thence west on Scarlet Oak Drive to Sunshine Drive; thence south on Sunshine Drive to the corporation limits; thence meandering south, east, west and north along the corporation limits to S. Newton Street; thence north on S. Newton Street to Church Avenue; thence east on Church Avenue to Third Avenue; thence northwest on Third Avenue to Third Street; thence northwest on Third Street to the place of beginning.
- (5) Red District - District 3: Beginning at the intersection of Sixth Street and Newton Street; thence north on Newton Street to Schuetter Road; thence west on Schuetter Road to the corporation limits; thence meandering south and west and east along the corporation limits to Sunshine Drive; thence north on Sunshine Drive to Scarlet Oak Drive; thence east on Scarlet Oak Drive to Kluemper Road; thence north on Kluemper Road to Sixth Street; thence east on Sixth Street to the place of beginning. (Ord. 2006-14, S1, Apr. 19, 2006) (Ord. 2002-47, S3, Oct. 23, 2002) (Ord. 1992-8, S3, 1992)

1.04.011 Territory not described. If any part of the City is not included in one (1) of the districts established by this Ordinance, that territory is included in the district that:

- (1) is contiguous to that territory; and,
- (2) contains the smallest population. (Ord. 2002-47, S4, Oct. 23, 2002) (Ord. 1992-8, S4, 1992)

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

- (1) is one (1) of the districts in which the territory is described in this Ordinance;
- (2) is contiguous to that territory; and

- (3) contains the smallest population. (Ord. 2002-47, S5, Oct. 23, 2002) (Ord. 1992-8, S5, 1992)

1.04.014 Councilmanic District Map. The Council adopts a map depicting the districts established under this Ordinance, and incorporates the map by reference into this Ordinance. Two (2) copies of this map are on file in the office of the Clerk-Treasurer for public inspection as required by Indiana Code 36-1-5-4. If a conflict exists between the districts as depicted on the map and as described in this Ordinance, the description in this Ordinance prevails. (Ord. 2002-47, S6, Oct. 23, 2002) (Ord. 1992-8, S6, 1992)

1.04.016 Record keeping. The Clerk-Treasurer of the City shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Dubois County and shall request the Clerk to include the copy of this Ordinance in the records of the Dubois County Election Board. (Ord. 2002-47, S7, Oct. 23, 2002) (Ord. 1992-8, S7, 1992)

1.04.018 Prior Ordinances. That Ordinance No. 1992-8, adopted on April 22, 1992, the same being Sections 1.04.002 through 1.04.018 of the Municipal Code of the City of Jasper, Indiana, is hereby repealed. That Ordinance No. 1083, adopted on May 12, 1982, the same being Section 1.04.070 of the Municipal Code of the City of Jasper, Indiana, is hereby repealed. Any other ordinances and/or parts of ordinances in conflict herewith are also hereby repealed. (Ord. 2002-47, S8, Oct. 23, 2002) (Ord. 1992-8, S8, 1992) (Ord. 1083, S1, 1982)

1.04.020 Time and place of meetings. The regular meetings of the legislative body of the City of Jasper, known as the Common Council of the City of Jasper, Indiana, shall be held on the Wednesday after the third Monday of each month at the hour of seven o'clock p.m. in the City Hall Council Chambers in said city, unless notice is given that such date, time and/or location have changed. (Ord. 2006-13, S1, Apr. 19, 2006)

Chapter 1.08

UTILITY SERVICE BOARD

Sections:

- 1.08.010** **Established.**
- 1.08.020** **Appointment - Term - Vacancies.**
- 1.08.030** **Compensation.**
- 1.08.040** **Powers and duties.**

1.08.010 Established. There is hereby established a Utility Service Board to consist of seven members to operate the municipal electric, water, gas and sanitary sewer utilities under the provision of Chapter 76, Section 109 of the Acts of 1913 of the Indiana General Assembly as amended by Section 19 of Chapter 190 of the Acts of 1933 Section 1 of Chapter 326 of the Acts of 1959 and Section 1 of Chapter 125 of the Acts of 1961 of the Indiana General Assembly. (Ord. 569; February 10, 1965) (Ord. 430, S1, 1954).

1.08.020 Appointment - Term - Vacancies. The following paragraphs define the appointment, term and vacancies of the Utility Board:

- (1) **GENERAL RESTRICTIONS.** In appointing the members of the board created under this chapter, the Mayor shall appoint three members and the Common Council shall appoint two members. As their terms of office expire, the Mayor shall appoint, for four year terms, members to fill the vacancies created by the expiration of terms of the members appointed by the mayor, and the Common Council shall likewise appoint for four year terms members to fill the vacancies created by the expiration of the terms of the members appointed by the Common Council. In making all appointments both the Mayor and the Common Council shall recognize that no more than four members shall be members of the same political party, and that all members shall be residents of the City of Jasper.
- (2) **TERM OF ADDITIONAL MEMBERS.** In appointing the two additional members to the board provided for in Ordinance 569, the Mayor shall appoint one additional member for a term of four years and the Common Council shall appoint one additional member for a term of four years, which appointments shall be in addition to the present appointments to the board. Thereafter, as the term of the additional member shall expire, the mayor shall appoint for a four year term a member to fill the vacancy created by the expiration of the term of the member appointed by the Mayor, and the Common Council shall likewise appoint for a four year term a member to fill the vacancy created by the expiration of the term of the member appointed by the Council.

- (3) **CLASS LIMITATION.** The Mayor and Common Council, in making such appointments, shall make their appointments from business, professional, manufacturing and laboring classes; and not more than three of any one class shall be members of the board at any one time. (Ord. 569, February 10, 1965) (Ord. 430, S2, 1954)

1.08.030 Compensation. Members of the Utility Service Board shall each receive a salary which amount is listed in the current salary ordinance. These monies shall be payable from the funds of the municipal utilities as shall be determined by the Common Council from time to time. (Ord. 1999-22, S2, June 23, 1999) (Ord 569, February 10, 1965) (Ord. 430 S3, 1954)

1.08.040 Powers and duties. The Jasper Utility Service Board shall have and assume jurisdiction over the management and operation of the municipal water utility, municipal electric utility, municipal gas utility, and the municipal sanitary sewerage works. (Ord. 433, S1, March 8, 1955).

Chapter 1.10

DEPARTMENT OF UTILITIES

Sections:

- 1.10.010 Establishment.**
- 1.10.020 Performance of Duties.**

1.10.010 Establishment. There is hereby created and established a Department of Utilities, an executive department of the City. It shall consist of the manager of the water and gas department, the manager of the electric department, the manager of the sewage disposal department, and the manager of the planning department, all of which shall be appointed by the Mayor subject to the approval of the Utility Service Board as provided by law. (Ord. 1143 S1; December 14, 1983).

1.10.020 Performance of Duties. The managers of each of the gas and water, electric, sewage disposal, and planning departments shall perform their duties as required by the laws of the State of Indiana, the ordinances of the City of Jasper and shall be subject to the supervision of the Utility Service Board of the City of Jasper. (Ord. 1143 S2, December 14, 1983).

Chapter 1.12

DEPARTMENT OF SANITARY SEWERS

Sections:

- 1.12.010** **Created - Function.**
- 1.12.020** **Superintendent - Appointment - Compensation.**
- 1.12.030** **Superintendent - Duties and powers.**

1.12.010 Created - Function. For the purpose of operating and regulating the sanitary sewer system of the City of Jasper, Indiana, there is now established the department of sanitary sewers which shall be under the jurisdiction of the utility service board and which shall have the control and be charged with the operation of all plumbing, whether on private property or elsewhere, which drains into the sanitary sewage treatment plant and all of the appurtenances to such sewer system. (Ord. 557 S1; May 28, 1964).

1.12.020 Superintendent - Appointment - Compensation. The operation of the sanitary sewer system shall be in charge of the superintendent of sanitary sewers who shall be appointed by the Mayor, subject to the approval of the utility service board and who shall be under the supervision of the utility manager. Said superintendent of sanitary sewers is to receive such salary and compensation for his services as may be set from time to time by the utility service board and approved by the common council. (Ord. 1276 S1, October 8, 1986; Ord. 557 S2; May 28, 1964).

1.12.030 Superintendent - Duties and powers. The superintendent of sanitary sewers shall be in charge of the sanitary sewer system of the City of Jasper and in addition to the operation of the sewage treatment plant shall have the authority to inspect all plumbing, drainage and sewers on private property or elsewhere; and he shall have charge of the entire sanitary sewer system of the city of Jasper. (Ord. 557 S3, 1964).

Chapter 1.13

JASPER VOLUNTEER FIRE DEPARTMENT

Sections:

- 1.13.010 Created.**
- 1.13.020 Purpose.**
- 1.13.030 Other Officers and Members.**
- 1.13.040 Requirements for Membership.**
- 1.13.050 Membership Rules.**
- 1.13.060 Compensation.**
- 1.13.070 Funeral Benefit.**

1.13.010. Creation. There is hereby created the Volunteer Fire Department of the City. The Fire Department shall be headed by the Chief of the Fire Department who shall be appointed by the Mayor of the City of Jasper, as described by the laws of the State of Indiana. Said Chief shall become full-time as of January 1, 2005. Said Chief shall serve in this position until another appointment is made. All past actions of the Fire Department while serving in their official capacity are hereby ratified. (Ord. 2004-64, S2, Jan. 3, 2005)

1.13.020 Purpose. The purpose of the Jasper Volunteer Fire Department, within budgetary and personnel constraints and abilities, shall be to protect the lives and property of the citizens of the City of Jasper and the surrounding jurisdictional area from the threat of fire and other disasters, to assist the City leaders, police departments (city, county and state), hospital ambulance crews and emergency personnel, Civil Defense and other area fire departments when requested, to manage and care for the equipment entrusted to the department and to provide any other services allowed by federal, state or local laws and ordinances. (Ord. 2004-64, S3, Jan. 3, 2005)

1.13.030 Other Officers and Members. In addition to the Fire Chief, there may be less than, but no more than, two (2) Assistant Chiefs, one (1) Captain, and less than, but no more than, seven (7) Lieutenants. Said Assistant Chiefs, Captain and Lieutenants shall be appointed by the Fire Chief as needed, with the approval of the Board of Public Works and Safety of the City of Jasper. All Officers appointed by the Fire Chief must have been a member of the Fire Department for at least five (5) years prior to appointment. There may be fewer, but no more than, forty (40) members, including all Officers. (Ord. 2004-64, S4, Jan. 3, 2005)

1.13.040 Requirements for Membership. To become a member of the Jasper Volunteer Fire Department, each applicant must meet minimum requirements which include, but are not limited to: (1) Pass a Fitness for Duty physical exam and drug screen test. (2) Meet guidelines of the State Fire Marshal's Office. (3) Be recommended

to the Board of Public Works and Safety of the City of Jasper by the Fire Chief. (4) Be accepted by the Board of Public Works and Safety of the City of Jasper for the probationary period of one year and, thereafter, be appointed to the Department by the Board of Public Works and Safety. The City of Jasper will comply with Federal and State EEOC regulations and follow the City of Jasper "Hiring Process Guidelines" guaranteeing equal opportunity. (Ord. 2004-64, S5, Jan. 3, 2005)

1.13.050 Membership Rules. That a Fire Department Member Handbook shall be compiled with Rules and Regulations to apply to the Fire Department. Said Handbook shall be approved by the Board of Public Works and Safety of the City of Jasper. Any amendments to said Handbook must be approved by the Board of Public Works and Safety to become effective. (Ord. 2004-64, S6, Jan. 3, 2005)

1.13.060 Compensation. The City of Jasper shall provide compensation for the Fire Chief and the members of the Volunteer Fire Department at the rates approved by the Common Council of the City of Jasper. (Ord. 2004-64, S7, Jan. 3, 2005)

1.13.070 Funeral Benefit. A funeral benefit of Four Thousand Dollars (\$4,000.00) shall be paid to the estate of any Jasper Volunteer Firefighter who on the date of his death was an active firefighter in good standing and served as an active firefighter for twenty (20) or more years; or who was a retired firefighter who retired after serving twenty (20) or more years; or the sum of Three Thousand Dollars (\$3,000.00) for any active firefighter in good standing who served from ten (10) to nineteen (19) years; or the sum of Two Thousand Dollars (\$2,000.00) for any active firefighter in good standing who served from one (1) to nine (9) years. This benefit shall be paid to the estate with proper notification and documentation provided from the estate to the City of Jasper. Said notification and documentation must be received by the City within two (2) years of the firefighter's date of death. (Ord. 2009-12, S1, Apr. 22, 2009)

Chapter 1.14

DEPARTMENT OF PARKS AND RECREATION

Sections:

- 1.14.010 Created.**
- 1.14.020 Statutory authority.**
- 1.14.030 Composition.**
- 1.14.400 Acceptable Payment Types.**

1.14.010 Created. There is hereby created and established in the Executive Department of the Civil City of Jasper, a Department of Parks and Recreation, to be governed by a Board to be known officially as "Jasper City Park and Recreation Board." (Ord. 565, S 1, 1964)

1.14.020 Statutory authority. The Jasper City Park and Recreation Board is created and established pursuant to I.C. 36-10-3 et seq. (Ord. 1178, August 24, 1984) (Ord. 565, S2,1964)

1.14.030 Composition. The board shall be composed of four members to be appointed by the Mayor, but not more than two members shall be of the same political party, and one shall be an ex officio member from the Board of School Trustees, who shall be selected by the Board of School Trustees. (Ord. 565, S3, 1964) (Ord. 281)

1.14.400 Acceptable Payment Types. The Jasper Park and Recreation Department is herewith authorized to accept cash, check, bank draft, money order, bank card or credit card, or electronic funds transfer from its patrons for any purpose of the Jasper Park and Recreation Department. The City of Jasper shall pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card by Jasper Park and Recreation Department patrons. (Ord. 2008-8, S1, Mar. 19, 2008) (Ord. 2001-7, S 1, Mar. 21, 2001) (Ord. 1999-60, S 1, 1999)

Chapter 1.15

DEPARTMENT OF PARKS AND RECREATION ACTIVITY FEES

Sections:

- 1.15.010 Fees for golf related activities.**
- 1.15.020 Fees for facility rental, train excursions, camps, leagues, boat permits, lot and dock rental, and swimming pool activities.**
- 1.15.030 Fees for other sports and recreation related activities.**
- 1.15.040 Deposit of collected fees.**

1.15.010 Fees for golf related activities. The City of Jasper shall charge as per the attached 1.15.010 Exhibit "A" for green fees, cart rental and other golf related activities at the Jasper Municipal Golf Course and at the Alvin C. Ruxer Municipal Golf Course. (Ord. 2008-11, S1, Apr. 23, 2008) (Ord. 2004-56, S1, Nov. 17, 2004) (Ord. 2002-54, S1, Dec. 18, 2002)

EXHIBIT "A"

WHEN USED BELOW, 'WEEKDAY' SHALL MEAN MONDAY, TUESDAY, WEDNESDAY AND THURSDAY AND 'WEEKEND' SHALL MEAN FRIDAY, SATURDAY AND SUNDAY

JASPER MUNICIPAL GOLF COURSE:

9 HOLE GREEN FEE WEEKDAY RESIDENT	\$ 9.00
18 HOLE GREEN FEE WEEKDAY RESIDENT	\$ 11.00
9 HOLE GREEN FEE WEEKDAY NONRESIDENT	\$ 12.00
18 HOLE GREEN FEE WEEKDAY NONRESIDENT	\$ 15.00
9 HOLE GREEN FEE WEEKEND RESIDENT	\$ 11.00
18 HOLE GREEN FEE WEEKEND RESIDENT	\$ 14.00
9 HOLE GREEN FEE WEEKEND NONRESIDENT	\$ 14.00
18 HOLE GREEN FEE WEEKEND NONRESIDENT	\$ 18.00
18 HOLE WEEKDAY RESIDENT & NON-RESIDENT SENIOR CITIZENS (AGE 60 AND OVER) WEEKDAY	\$ 6.00

SCRAMBLES: \$1.00 ADMINISTRATIVE AND SET UP FEE WILL BE CHARGED TO EACH GOLFER.

9 HOLE CART RENTAL	\$ 6.54 PER PERSON
18 HOLE CART RENTAL	\$ 11.21 PER PERSON
9 HOLE PRIVATE CART	\$ 5.00 PER CART
18 HOLE PRIVATE CART	\$ 9.00 PER CART
PULL CART RENTAL	\$ 1.64 PER ROUND
LOCKER RENTAL	\$ 14.02 YEARLY

ALVIN C. RUXER MUNICIPAL GOLF COURSE:

9 HOLE GREEN FEE WEEKDAY RESIDENT	\$ 7.00
18 HOLE GREEN FEE WEEKDAY RESIDENT	\$ 9.00
9 HOLE GREEN FEE WEEKDAY NONRESIDENT	\$ 9.00
18 HOLE GREEN FEE WEEKDAY NONRESIDENT	\$ 11.00
9 HOLE GREEN FEE WEEKEND RESIDENT	\$ 9.00
18 HOLE GREEN FEE WEEKEND RESIDENT	\$ 12.00
9 HOLE GREEN FEE WEEKEND NONRESIDENT	\$ 11.00
18 HOLE GREEN FEE WEEKEND NONRESIDENT	\$ 14.00
18 HOLE WEEKDAY RESIDENT & NON-RESIDENT SENIOR CITIZENS (AGE 60 AND OVER) WEEKDAY	\$ 6.00

SCRAMBLES: \$1.00 ADMINISTRATIVE AND SET UP FEE WILL BE CHARGED TO EACH GOLFER.

9 HOLE CART RENTAL	\$ 6.54 PER PERSON
18 HOLE CART RENTAL	\$ 11.21 PER PERSON
9 HOLE PRIVATE CART	\$ 5.00 PER CART
18 HOLE PRIVATE CART	\$ 9.00 PER CART
PULL CART RENTAL	\$ 1.64 PER ROUND
LOCKER RENTAL	\$ 14.02 YEARLY

ADULT GOLF LESSONS	\$ 55.00
JUNIOR GOLF LESSONS	\$ 55.00
JUNIOR GOLF LEAGUE	\$ 30.00

DRIVING RANGE:

SMALL BUCKET OF BALLS	\$ 2.10
LARGE BUCKET OF BALLS	\$ 4.21

**SPECIAL RATES
OCTOBER 15TH – MARCH 15TH ONLY**

**JASPER MUNICIPAL GOLF COURSE
MONDAY THROUGH THURSDAY**

9 HOLE GREEN FEE	\$ 6.00
9 HOLE GREEN FEE (\$6.00) WITH CART (\$6.54)	\$ 12.54
18 HOLE GREEN FEE	\$ 9.00
18 HOLE GREEN FEE (\$9.00) WITH CART (\$6.54)	\$ 15.54

FRIDAY THROUGH SUNDAY

9 HOLE GREEN FEE	\$ 6.00
9 HOLE GREEN FEE (\$6.00) WITH CART (\$6.54)	\$ 12.54
18 HOLE GREEN FEE	\$ 9.00
18 HOLE GREEN FEE (\$9.00) WITH CART (\$10.28)	\$ 19.28

**RUXER MUNICIPAL GOLF COURSE
MONDAY THROUGH THURSDAY**

9 HOLE GREEN FEE	\$ 6.00
9 HOLE GREEN FEE (\$3.00) WITH CART (\$6.54)	\$ 9.54
18 HOLE GREEN FEE	\$ 8.00
18 HOLE GREEN FEE (\$8.00) WITH CART (\$6.54)	\$ 14.54

FRIDAY THROUGH SUNDAY

9 HOLE GREEN FEE	\$ 6.00
9 HOLE GREEN FEE (\$3.00) WITH CART (\$6.54)	\$ 9.54
18 HOLE GREEN FEE	\$ 9.00
18 HOLE GREEN FEE (\$9.00) WITH CART (\$6.54)	\$ 15.54

COUPON BOOKLET – BUY 10 BUCKETS OF BALLS, GET 5 BUCKETS OF BALLS FREE	\$ 42.06
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**Any applicable taxes, including, but not limited to, sales tax, will be in addition to the above-listed fees.

1.15.020 Fees for facility rental, train excursions, camps, leagues, boat permits, lot and dock rental, and swimming pool activities. The City of Jasper shall charge as per the attached Exhibit "B" for facility rental, train excursions, camps, volleyball leagues, Beaver Dam Lake boat permits, lot and dock rental, and swimming pool activities. (Ord. 2009-35, S1, Nov. 18, 2009) (Ord. 2009-21, S1, July 22, 2009) (Ord. 2009-7, S1, Feb. 18, 2009) (Ord. 2008-6, S1, Feb. 20, 2008) (Ord. 2007-8, S1, Mar. 21, 2007) (Ord. 2006-2, S1, Jan. 18, 2006) (Ord. 2005-35, S1, S2, Sept. 21, 2005) (Ord. 2004-47, S1, Oct. 20, 2004) (Ord. 2002-54, S2, Dec. 18, 2002)

EXHIBIT "B"

CAMP CARNES

RENTAL	\$50.00*+
\$25.00 to be retained if Lessee cancels less than 30 days before scheduled rental, *unless if modified or waived by Jasper City Park and Recreation Board	
DAMAGE AND CLEAN-UP DEPOSIT	\$50.00#
#to be retained only as per terms of lease agreement	

HABIG CENTER BANQUET ROOM

RENTAL	\$125.00*+
\$50.00 to be retained if Lessee cancels less than 30 days before scheduled rental, *unless if modified or waived by the Jasper City Park and Recreation Board	
DAMAGE AND CLEAN-UP DEPOSIT	\$75.00#
#to be retained only as per terms of lease agreement	

TRAIN DEPOT RENTAL

Private social functions, i.e. bridal showers, birthday parties	\$70.00*+
Business meetings	\$30.00*+
*unless if modified or waived by the Jasper Board of Public Works and Safety	

STATIONARY TRAIN CAR RENTAL

Parlour Car - up to two hours	\$100.00*+
Lounge Car - up to two hours	\$100.00*+
Club Car - up to two hours	\$100.00*+

Train Cars may be rented for longer than two hours, with the rental for each additional two hours or portion thereof an additional \$100.00

*unless if modified or waived by the Jasper Board of Public Works and Safety

STATIONARY TRAIN CAR RENTAL BY 'FRIENDS OF THE TRAIN'**

Parlour Car	\$100.00 flat fee*+
Lounge Car	\$100.00 flat fee*+
Club Car	\$100.00 flat fee*+

*unless if modified or waived by the Jasper Board of Public Works and Safety

** 'Friends of the Train' include: Jasper Engine and Transmission, Office Furniture Systems (OFS), Masterbrand, Jasper Group and Buehler, Inc. A discounted price is only available for corporate events of these companies held prior to January 1, 2015, unless if amended by the Common Council prior to that date. 'Friends of the Train' shall also include ROJAC. ROJAC shall be entitled to the discounted price for any fundraiser they are doing to benefit ROJAC projects. However, any time this Ordinance is updated in order to increase fees, the Friends are also subject to an increase in fees. The Friends shall schedule their rentals just as any other group renting a train car would schedule their rentals.

TRAIN EXCURSIONS

Chartering of entire train-Round trip to French Lick, IN:*

\$2400.00 + \$300.00 one train car
\$500.00 two train cars
\$600.00 three train cars

Chartering of entire train - Round trip to French Lick, IN
by 'Friends of the Train' * **

\$2000.00 + \$200.00 one train car
\$400.00 two train cars
\$500.00 three train cars

Chartering of entire train - Round trip to Dubois, IN*

\$1200.00 + \$150.00 one train car
\$250.00 two train cars
\$300.00 three train cars

Chartering of entire train - Round trip to Dubois, IN

By 'Friends of the Train' * **

\$1000.00 + \$100.00 one train car
\$200.00 two train cars
\$250.00 three train cars

Special Event Tickets or Charters* As set by the Board of Public Works and Safety

*Refunds will only be given in accordance with the rules/guidelines of the train adopted by the Jasper Board of Public Works and Safety.

** 'Friends of the Train' include: Jasper Engine and Transmission, Office Furniture Systems (OFS), Masterbrand, Jasper Group and Buehler, Inc. A discounted price is only available for corporate events of these companies held prior to January 1, 2015, unless if amended by the Common Council prior to that date. 'Friends of the Train' shall also include ROJAC. ROJAC shall be entitled to the discounted price for any fundraiser they are doing to benefit ROJAC projects. However, any time this Ordinance is updated in order to increase fees, the Friends are also subject to an increase in fees. The Friends shall schedule their trips just as any other group chartering the entire train would schedule their trips.

RIVERWALK BARN

RENTAL \$50.00*+

*unless if modified or waived by the Jasper Board of Public Works and Safety

RIVERWALK GAZEBO

RESERVATION \$50.00*+

*unless if modified or waived by the Jasper Board of Public Works and Safety

PARK SHELTERHOUSE RESERVATION

JAYCEE PARK \$25.00 per shelterhouse*+

BOHNERT PARK \$25.00 per shelterhouse*+

RIVERWALK \$25.00 per shelterhouse*+

*unless if modified or waived by the Jasper Board of Public Works and Safety

Shelterhouses at any other City of Jasper Park or at any of the Parks listed above that have not been reserved may be used at no cost on a first come, first served basis.

JASPER YOUTH SPORTS COMPLEX

BASEBALL/SOFTBALL TOURNEYS \$ 15.00 per game*+

PLUS \$6.00 PER BAG OF DRYING MATERIAL USED*+

*These fees do not apply to Jasper Park and Recreation Department sponsored activities and programs. The Park Department shall make the final determination as to whether an activity or program is a Park Department sponsored event.

BASEBALL/SOFTBALL CLINICS 10% OF GROSS PROFITS+

PRE-SCHOOL CAMP - KAMP 4 KIDS \$ 30.00 PER WEEK

FALL / WINTER WOMEN'S AND CO-ED VOLLEYBALL LEAGUES \$ 60.00 PER TEAM

CO-ED SUMMER VOLLEYBALL LEAGUE \$ 40.00 PER TEAM

BEAVER DAM LAKE: (ALL ARE ON AN ANNUAL BASIS)

BEAVER DAM LAKE BOAT PERMITS	NO MOTOR	\$ 15.00
	UNDER 10HP	\$ 20.00
	OVER 10HP	\$ 25.00
BEAVER DAM LAKE LOT RENTAL		\$ 250.00
BEAVER DAM LAKE DOCK RENTAL		\$ 25.00

SWIMMING POOL:

ADMISSIONS		\$ 4.00
	AGE 4 AND UNDER	FREE
COUPON BOOKLETS-20 COUPONS		\$ 40.00
POOL PARTY RENTAL		\$60.00 PER HOUR PLUS \$2.00 PER PERSON
SWIM LESSONS	RESIDENT	\$ 30.00
	NON-RESIDENT	\$ 40.00
	PRE-SCHOOL	\$ 20.00

+Any applicable taxes, including, but not limited to, sales tax, will be in addition to the above-listed fees. (Ord. 2009-35, Exhibit B, Nov. 18, 2009) (Ord. 2009-21, Exhibit B, July 22, 2009) (Ord. 2009-7, Exhibit B, Feb. 18, 2009) (Ord. 2008-6, Exhibit B, Feb. 20, 2008) (Ord. 2007-8, Exhibit B, Mar. 21, 2007)

1.15.030 Fees for other sports and recreation related activities. That the Jasper City Park and Recreation Board shall have the authority to set the fees for other sports and recreation related activities that are not held on an on-going basis. That in so doing, the Jasper City Park and Recreation Board shall take into account the actual cost of providing these activities and set the fees fairly and equitably in relation to these actual costs. (Ord. 2002-54, S3, Dec. 18, 2002)

1.15.040 Deposit of collected fees. That the fees collected hereunder, except that portion of the golf cart rental fees specified by the Jasper City Park and Recreation Board to be deposited in the Golf Cart Nonreverting Operating Fund, shall be deposited in the Park Fund of the City of Jasper, Indiana. (Ord. 2002-54, S4, Dec. 18, 2002)

Chapter 1.16

GOLF COURSE SEASON PASS

Sections:

- 1.16.010** **Season Pass Fees.**
- 1.16.020** **Deposit of Collected Fees.**

1.16.010 Season Pass Fees. The City of Jasper shall charge as per the following 1.16.010 Exhibit "A" for golf season passes at the Jasper Municipal Golf Course and at the Alvin C. Ruxer Municipal Golf Course. (Ord. 2004-57, S1, S2, Nov. 17, 2004) (Ord. 2002-52, S1, Nov. 20, 2002)

EXHIBIT "A"

JASPER MUNICIPAL GOLF COURSE AND ALVIN C. RUXER MUNICIPAL GOLF COURSE ANNUAL SEASON PASSES:

GOLD PASS

INDIVIDUAL RESIDENT	\$355.00
INDIVIDUAL NON-RESIDENT	\$465.00
FAMILY RESIDENT	\$575.00
FAMILY NON-RESIDENT	\$685.00

JUNIOR SEASON PASS 18 YEARS AND YOUNGER

(MONDAY - THURSDAY PLAY AT BOTH COURSES PLUS FRIDAY, SATURDAY AND SUNDAY AFTER 1:00 PM AT BOTH COURSES):

RESIDENT	\$140.00
NON-RESIDENT	\$160.00

JASPER MUNICIPAL GOLF COURSE ANNUAL SEASON PASSES:

SILVER PASS

INDIVIDUAL RESIDENT	\$275.00
INDIVIDUAL NON-RESIDENT	\$385.00
FAMILY RESIDENT	\$385.00
FAMILY NON-RESIDENT	\$495.00

ALVIN C. RUXER MUNICIPAL GOLF COURSE ANNUAL SEASON PASSES:

BRONZE PASS

INDIVIDUAL RESIDENT	\$195.00
INDIVIDUAL NON-RESIDENT	\$305.00
FAMILY RESIDENT	\$305.00
FAMILY NON-RESIDENT	\$415.00

**Any applicable taxes, including, but not limited to, sales tax, will be in addition to the above-listed fees.

1.16.020 Deposit of Collected Fees. That the fees collected hereunder shall be deposited in the Park Fund of the City of Jasper, Indiana. (Ord. 2002-52, S2, Nov. 20, 2002)

Chapter 1.17

COMPLIMENTARY GOLF COURSE SEASON PASSES

Sections:

1.17.010 Complimentary Golf Course Season Passes.

1.17.010 Complimentary Golf Course Season Passes. Pursuant to the request of the Jasper Park and Recreation Board the holders of the following positions with the municipal government of the City of Jasper and the school corporation of the City of Jasper are herewith designated as being entitled to complimentary season passes at the Jasper Municipal Golf Course, to-wit:

Mayor of the City of Jasper
Members of the Common Council of the City of Jasper
Clerk-Treasurer of the City of Jasper
Police Chief of the City of Jasper
Fire Chief of the City of Jasper
Members of the Jasper Park and Recreation Board
Director and Assistant Director of the Jasper Park and Recreation Dept.
Members of the Greater Jasper Consolidated School Board
Members of the City of Jasper Board of Public Works and Safety

(Ord. 2004-57, S1, S2, Nov. 17, 2004) (Ord. 2000-6, S 1, Mar. 22, 2000) (Ord. 1988-8, S 1, 1988)

Chapter 1.18

BUILDING DEPARTMENT

Sections:

- 1.18.010** **Created - Officers and employees.**
- 1.18.020** **Director of Buildings - Appointment - Control and supervisory authority.**
- 1.18.030** **Director of Buildings - Enforcement, inspection and permit issuance powers.**
- 1.18.040** **Director of Buildings - Zoning Enforcement Officer duties.**

1.18.010 Created - Officers and employees. There is created the Building Department of the City. This department shall consist of a Building Commissioner and such other officers and employees as may be provided for by the Council. (Ord. 794 S1, 1974).

1.18.020 Director of Buildings - Appointment - Control and supervisory authority. There is established the Office of Director of Buildings who shall be appointed by the Mayor as provided by law. The Director of Buildings shall have control and supervision over all employees assigned to the Building Department subject to the control of the Mayor. (Ord. 794 S2, 1974).

1.18.030 Director of Buildings - Enforcement, inspection and permit issuance powers. The Director of Buildings shall enforce all laws and ordinances in the City relating to the construction, destruction, repair or alteration of buildings or structures, and the use of streets or parkways in connection therewith, and shall make or cause to be made all inspections needed for that purpose. He shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor to the Clerk-Treasurer of the City. (Ord. 794 S3, 1974).

1.18.040 Director of Buildings - Zoning Enforcement Officer duties. The Director of Buildings shall be the Zoning Enforcement Officer of the City and shall see to the enforcement of zoning ordinances of the City. (Ord 794 S4, 1974).

Chapter 1.19

DEPARTMENT OF STORM WATER MANAGEMENT

Sections:

1.19.010	Purpose.
1.19.020	Created.
1.19.030	Board Composition.
1.19.040	Terms of Directors.
1.19.050	Taxing District.
1.19.060	Budget.

1.19.010 Purpose. I.C. 8-1.5-5 entitled "Chapter 5. Department of Storm Water Management", is hereby adopted by the Common Council of the City of Jasper, Indiana, so as to make the Act and any and all amendments thereto effective and operative in the City of Jasper, Indiana. (Ord. 2003-14, S2, Mar. 19, 2003)

1.19.020 Created. Pursuant to I.C. 8-1.5-5, a Department of Storm Water Management is hereby created for the purpose of providing for the collection, disposal and drainage of storm and surface water in the City of Jasper. (Ord. 2003-14, S3, Mar. 19, 2003)

1.19.030 Board Composition. The Department of Storm Water Management shall be controlled by a board of directors, which shall be known as the Storm Water Management Board, which shall consist of three (3) Directors appointed by the Mayor of the City of Jasper with not more than two (2) of whom may be of the same political party. (Ord. 2003-14, S4, Mar. 19, 2003)

1.19.040 Terms of Directors. The initial terms of the first Directors appointed pursuant to this Ordinance shall be staggered so that one Director shall serve from the time of appointment until December 31, 2003; one Director shall serve from the time of appointment until December 31, 2004; and one Director shall serve from the time of appointment until December 31, 2005; and, thereafter the terms of all Directors shall be for a period of four (4) years and all initial terms shall begin on the first day of the month following adoption of this Ordinance. A Director may be removed by the Mayor at any time, when, in the judgment of the Mayor, it is for the best interest of the department. (Ord. 2003-14, S5, Mar. 19, 2003)

1.19.050 Taxing District. There is hereby created a special taxing district which shall include all of the territory within the corporate boundaries of the City of Jasper, Indiana. (Ord. 2003-14, S6, Mar. 19, 2003)

1.19.060 Budget. The Storm Water Management Board shall prepare a budget for the operation of the Department on an annual basis which budget shall be subject to approval

by the Common Council and any issuance of bonds or other methods for making capital improvements shall be approved by the Common Council as provided by law. (Ord. 2003-14, S7, Mar. 19, 2003)

Chapter 1.20

FIRE PROTECTION OUTSIDE CITY

Sections:

- 1.20.010 Contract authorized.**
- 1.20.020 Provisions of contract.**

1.20.010 Contract authorized. For the purpose of extinguishing fires which may occur in Bainbridge Township, Dubois County, Indiana, or in any township contiguous thereto, the city of Jasper, by its proper officers, may enter into with the township trustee of Bainbridge Township, or the trustee of any township contiguous to Bainbridge Township, in order to provide fire protection to the property located in such township or townships. (Ord. 333 S1, 1948).

1.20.020 Provisions of contract. Such contract or contracts may provide for furnishing fire protection by the city of Jasper or in the discretion of the common council of the city of Jasper, may provide for the cooperation of Bainbridge Township or such contiguous townships thereto, for the purchase, maintenance and upkeep of such firefighting apparatus and equipment as may be deemed necessary to afford the requisite fire protection to the city of Jasper and to Bainbridge Township or any township contiguous thereto. Such contract shall also contain a statement of the obligation of the parties thereto and the consideration for which such services are to be rendered and any other provision as shall comply with the statute authorizing such contracts, the same being Chapter 229 of the Acts of 1927 General Assembly of Indiana, or any supplement or amendment thereto. (Ord. 333 S2, 1948).

Chapter 1.21

VOLUNTEER FIRE PENSION SUPPLEMENTAL TRUST FUND

Sections:

- 1.21.010** **Established.**
- 1.21.020** **Contributions to the Trust.**
- 1.21.030** **Fund Management.**
- 1.21.040** **Level of Contributions to the Fund.**
- 1.21.050** **Appropriations from the Trust.**
- 1.21.060** **Non-reverting.**
- 1.21.070** **Interest Earned.**

1.21.010 Established. The City of Jasper is hereby authorized to establish a trust fund to supplement anticipated deficits in revenues to pay volunteer fire pensions. The name of the fund is Volunteer Fire Pension Supplemental Trust Fund. (Ord. 2002-29, S1, July 17, 2002) (Ord. 1997-29, S1, 1997)

1.21.020 Contributions to the Trust. The city may use distributions from the general fund or other available funds to establish, operate and maintain the supplemental trust in accordance with Section 1.21.040 of this Chapter. (Ord. 1997-29, S2, 1997)

1.21.030 Fund Management. The Fire Department Pension Board shall oversee the management of the supplemental trust fund. (Ord. 2002-29, S2, July 17, 2002) (Ord. 1997-29, S3, 1997)

1.21.040 Level of Contributions to the Fund. The Fire Department Pension Board shall annually recommend the level of contribution to the supplemental trust fund. The Board's recommendation shall be subject to the approval of the Common Council. (Ord. 2002-29, S3, July 17, 2002) (Ord. 1997-29, S4, 1997)

1.21.050 Appropriations from the Trust. The Clerk-Treasurer shall determine annually whether a shortfall exists in revenues utilized to pay volunteer fire pensions and whether disbursements from the supplemental trust fund are necessary to offset such shortfall. If appropriations are necessary, the Fire Department Pension Board shall be responsible for recommending to the Common Council the amount of appropriations from the supplemental trust fund to the Volunteer Fire Pension Fund for that year. The Board's recommendation shall be subject to the approval of the Common Council. The Common Council of the City of Jasper, Indiana, may authorize the appropriations from this Fund, upon, making a finding that the proposed appropriation is consistent with the intent of the Fund. (Ord. 2002-29, S4, July 17, 2002) (Ord. 1997-29, S5, 1997)

1.21.060 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the Fund in which it was deposited. (Ord. 2002-29, S5, July 17, 2002)

1.21.070 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2002-29, S5, July 17, 2002)

Chapter 1.22

VOLUNTEER FIRE DEPARTMENT PENSION FUND, DISABILITY & DEATH BENEFIT

Sections:

1.22.010	Created.
1.22.015	Eligibility for Benefits.
1.22.020	Definition of firefighter.
1.22.025	Definition of surviving spouse.
1.22.027	Definition of years of service.
1.22.040	Years of service and pension amounts.
1.22.050	Volunteer Firefighter's surviving spouse's benefits.
1.22.115	Pension Payments.
1.22.116	Appropriations.
1.22.117	Non-reverting.
1.22.118	Interest Earned.
1.22.320	Deposit of Life Insurance Proceeds.

1.22.010 Created. There is herewith established the Jasper "Volunteer Fire Department Pension Fund". All payments provided for hereinafter shall be made from this fund. (Ord. 1998-39, S1.22.010, 1998) (Ord. 1988-30, S1, 1988)

1.22.015 Eligibility for Benefits. That only those firefighters who have retired from the Jasper Volunteer Fire Department and are receiving a monthly benefit from the Pension Fund as of January 1, 2009, and those spouses of deceased firefighters who are receiving a monthly benefit from the Pension Fund as of January 1, 2009 shall be eligible for benefits from the Fund under the provisions of this Ordinance. (Ord. 2009-11, S1, Apr. 22, 2009)

1.22.020 Definition of firefighter. The word "firefighter" as used in this Ordinance (Chapter) shall be defined as a retired member of the Volunteer Fire Department of the City of Jasper who had been actively engaged in the extinguishing of fires and is receiving benefits under this Pension Fund as of January 1, 2009. (Ord. 2009-11, S2, Apr. 22, 2009) (Ord. 1998-39, S1.22.020, 1998) (Ord. 1988-30, S2, 1988)

1.22.025 Definition of surviving spouse. The words "surviving spouse" as used in this Ordinance (Chapter) shall mean only that spouse who was married to the volunteer firefighter during any period of the volunteer firefighter's active duty and was married to the volunteer firefighter at the time of the volunteer firefighter's retirement from the Jasper Fire Department and was married to the volunteer firefighter at the time of the volunteer firefighter's death. (Ord. 2004-48, S1, Oct. 20, 2004)

1.22.027 Definition of years of service. The words “years of service” as used in this Ordinance (Chapter) shall mean those years that a firefighter was employed as a City of Jasper Volunteer firefighter less any time when the firefighter had taken a leave of absence approved by the Board of Public Works and Safety as set forth in the Leave of Absence policy in the Jasper Volunteer Fire Department Firefighter Member Employee Handbook. However, a leave of absence necessitated by a call to active duty in the military shall be counted in the firefighter’s ‘year of service’. (Ord. 2009-11, S3, Apr. 22, 2009) (Ord. 2007-11, S1, May 23, 2007)

1.22.040 Years of service and pension amounts. Each eligible volunteer firefighter under this Plan shall receive a pension payable by the City of Jasper, and shall continue until that person is deceased. The pension shall be payable as follows:

- For 20 years of service - \$170.00 per month.
- For 21 years of service - \$180.00 per month.
- For 22 years of service - \$190.00 per month.
- For 23 years of service - \$200.00 per month.
- For 24 years of service - \$210.00 per month.
- For 25 years of service - \$220.00 per month.
- For 26 years of service - \$230.00 per month.
- For 27 years of service - \$240.00 per month.
- For 28 years of service - \$250.00 per month.
- For 29 years of service - \$260.00 per month.
- For 30 years of service - \$270.00 per month.

The maximum pension payable to any one volunteer firefighter shall be Two Hundred Seventy Dollars (\$270.00) per month. (Ord. 2009-11, S6, Apr. 22, 2009) (Ord. 2004-48, S4, Oct. 20, 2004) (Ord. 2002-36, S2, Aug. 21, 2002) (Ord. 2001-31, S1, Aug. 22, 2001) (Ord. 2000-32, S2, Nov. 22, 2000) (Ord. 1999-36, S1, Aug. 18, 1999) (Ord. 1998-39, S1.22.040, 1998) (Ord. 1997-28, S1, 1997) (Ord. 1996-15, S1, 1996) (Ord. 1992-30, S1, 1992) (Ord. 1988-30, S4, 1988)

1.22.050 Volunteer Firefighter's surviving spouse's benefits. Following the death of a volunteer firefighter who is receiving a pension, a monthly allowance equal to fifty per cent (50%) of such volunteer firefighter's pension shall be paid to the firefighter's surviving spouse until that surviving spouse is deceased. (Ord. 2009-11, S7, Apr. 22, 2009) (Ord. 2004-48, S5, Oct. 20, 2004) (Ord. 1998-39, S1.22.050, 1998) (Ord. 1988-30, S5, 1988)

1.22.115 Pension Payments. Pension payments shall be paid in monthly installments, with payments prorated for both the months of retirement and death. (Ord. 2002-36, S4, Aug. 21, 2002) (Ord. 2000-32, S4, Nov. 22, 2000)

1.22.116 Appropriations. The Common Council of the City of Jasper may authorize the expenditure of funds from the Volunteer Fire Department Pension Fund and Disability Pension Fund by appropriations made in the same manner as other funds are appropriated that receive tax moneys, upon making a finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 2002-36, S1.22.116, Aug. 21, 2002)

1.22.117 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the Fund in which it was deposited. (Ord. 2002-36, S1.22.117, Aug. 21, 2002)

1.22.118 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2002-36, S1.22.118, Aug. 21, 2002)

1.22.320 Deposit of Life Insurance Proceeds.

- (1) That the City shall continue to pay the premiums on life insurance policies on certain City of Jasper Volunteer Firefighters out of the Volunteer Fire Department Pension Fund. (Ord. 2002-24, S1, June 26, 2002)
- (2) That upon the death of a firefighter upon which a life insurance policy was owned by the City of Jasper, and subsequent receipt by the City of the proceeds of said policy, the Clerk-Treasurer shall determine the amount of the premiums paid on that policy out of the Volunteer Fire Department Pension Fund. The amount of the proceeds up to the amount of the premiums paid, shall be deposited into the Volunteer Fire Department Pension Fund. Any additional proceeds shall be deposited into the Volunteer Fire Pension Supplemental Trust Fund. (Ord. 2002-24, S2, June 26, 2002)
- (3) That upon the resignation of a firefighter with less than twenty (20) years of service, upon whom a life insurance policy was owned by the City of Jasper, and subsequent receipt by the City of the cash surrender value of said policy, the Clerk-Treasurer shall determine the amount of the premiums paid on that policy out of the Volunteer Fire Department Pension Fund. The amount of the proceeds up to the amount of the premiums paid, shall be deposited into the Volunteer Fire Department Pension Fund. Any additional proceeds shall be deposited into the Volunteer Fire Pension Supplemental Trust Fund. (Ord. 2002-24, S3, June 26, 2002)

Chapter 1.23

FIRE DEPARTMENT PENSION BOARD

Sections:

1.23.010 Members of the Board of Trustees.

1.23.020 Administration of the Fire Department Pension Fund.

1.23.010 Members of the Board of Trustees. There shall be a board of trustees of the fire pension fund which shall consist of the Mayor, Clerk-Treasurer, Fire Chief, one (1) councilman to be appointed by the Mayor, one (1) active firefighter and one (1) retired firefighter each to be elected by the active members of the fire department. (Ord. 1992-31, S1, 1992)

1.23.020 Administration of the Fire Department Pension Fund. The board of trustees of the firemen's pension fund shall have control of the management of all funds belonging to or designated by law as part of the firemen's pension fund and of the administration of such funds. (Ord. 1992-31, S2, 1992)

Chapter 1.24

CUMULATIVE FIREFIGHTING BUILDING, EQUIPMENT, POLICE RADIO FUND

Sections:

- 1.24.010** **Established.**
- 1.24.020** **Property tax levy.**
- 1.24.030** **Maximum rate of levy.**
- 1.24.040** **Authority.**
- 1.24.050** **Effective when.**

1.24.010 Established. That there is hereby established a Jasper Cumulative Firefighting Building, Equipment, Police Radio Fund. (Ord. 1992-33, S1, 1992)

1.24.020 Property tax levy. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Cumulative Firefighting Building, Equipment, Police Radio Fund. (Ord. 1992-33, S2, 1992)

1.24.030 Maximum rate of levy. That the maximum rate of levy under Section 1.24.020 will not exceed .02 cents per \$100.00 assessed valuation for each year commencing in 1993. (Ord. 1992-33, S3, 1992)

1.24.040 Authority. That the funds accumulated will be used pursuant to the authority of Public Law 309-1981 (I.C. 36-8-14-1 thru I.C. 36-8-14-4). (Ord. 1992-33, S4, 1992)

1.24.050 Effective when. This fund takes effect upon approval of the State Board of Tax Commissioners. (Ord. 1992-33, S5, 1992)

Chapter 1.25

DRUG ABUSE RESISTANCE EDUCATION (DARE) FUND

Sections:

1.25.010 **Established.**

1.25.020 **Purpose.**

1.25.010 Established. That there is hereby established a “Drug Abuse Resistance Education Fund”. (Ord. 1993-1, S1, 1993)

1.25.020 Purpose. That the City shall place in such fund all funds received as donations or otherwise to be used in the furtherance of the drug awareness program in educating young people of the City concerning drugs and for all other purposes of the Drug Abuse Resistance Education (DARE) program. (Ord. 1993-1, S2, 1993)

Chapter 1.26

POLICE DEPARTMENT

Sections:

- 1.26.010** **Established - Appointment of chief.**
- 1.26.020** **Salaries.**

1.26.010 Established - Appointment of chief. There is hereby established the Police Department of the City of Jasper. The Police Department shall be headed by the Chief of Police who shall be appointed by the Mayor.

1.26.020 Salaries. The salaries of the police officers shall be established from time to time as conditions may require, and shall at all times be within the budget for such expenditures as made by the annual appropriations. (Ord. 331 S2, 1948).

Chapter 1.27

POLICE OFFICER'S TRAINING FUND

Sections:

- 1.27.010** **Established.**
- 1.27.020** **Receipt of funds.**

1.27.010 Established. There is hereby established a Police Officer's Training Fund. (Ord. 1987-17, S1, 1987)

1.27.020 Receipt of funds. That the City shall place in such fund all distributions made to it from the Dubois County Law Enforcement Continuing Education Fund; and such other moneys as it may deem necessary to carry out the purposes for the establishment of such fund. (Ord. 1987-17, S2, 1987)

Chapter 1.28

POLICE PENSION FUND

Sections:

1.28.010	Police Pension Fund Created.
1.28.020	Surviving Spouse Benefits.
1.28.030	Funeral Benefit.
1.28.040	Surviving Child.
1.28.050	Pension Payments.
1.28.060	Trustees.

1.28.010 Police Pension Fund Created. There is hereby created a Policemen's Pension Fund in the City of Jasper as provided by Chapter 51 of the 1925 Acts of the General Assembly of the State of Indiana and all acts supplemental thereto any amendments pursuant to Indiana Code. (Ord. 2000-15, S1.28.010, June 28, 2000) (Ord. 485 S1, 1958).

1.28.020 Surviving Spouse Benefits. The benefits paid to the surviving spouse of a deceased police officer of the City of Jasper, Indiana, from the Police Pension Fund of the City of Jasper, Indiana, all as provided by I.C. 36-8-6-9.8(c)(2) shall be an amount per month, during the spouse's life, equal to the greater of:

- (1) 40 percent of the monthly pay of a first class patrolman; or
- (2) 55 percent of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death. (Ord. 2000-15, S1.28.020, June 28, 2000) (Ord. 914 S I (part), 1978) (Ord. 485 S2, 1958).

1.28.030 Funeral Benefit. The funeral benefit paid on account of any member of the fund shall be the amount specified pursuant to I.C. 36-8-6-9.8(b). (Ord. 2000-15, S1.28.030, June 28, 2000) (Ord. 1116, S1, 1983) (Ord. 914 S1 (part), 1978) (Ord. 485 S3, 1958).

1.28.040 Surviving Child. Pursuant to I.C. 36-8-6-9.8(d), a payment shall also be made to each child of a deceased member under the age of 18 years, an amount equal to 20 percent of the monthly pay of a first class patrolman per month to each child:

- (1) until the child reaches the age of 18;
- (2) until the child reaches 23 years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

- (3) during the entire period of the child's physical or mental disability; whichever period is longer. However, the total of benefits under this subsection added to the benefits under I.C. 36-8-6-9.8(c), the Surviving Spouse benefit section, may not exceed the maximum benefits computed under I.C. 36-8-6-9 for pension payments to a member who retires from active service after 20 years or more of active service. (Ord. 2000-15, S1.28.040, June 28, 2000)

1.28.050 Pension Payments. Pension payments shall be paid in monthly installments, with payments prorated for both the months of retirement and death. (Ord. 2000-15, S 1.28.050, June 28, 2000)

1.28.060 Trustees. The Police Pension Fund shall be managed by a board of nine trustees. (Ord. 2000-15, S 1.28.060, June 28, 2000)

Chapter 1.29

POLICE PENSION SUPPLEMENTAL TRUST FUND

Sections:

- 1.29.010** **Creation of a Police Pension Supplemental Trust Fund.**
- 1.29.020** **Funds for the Supplemental Trust.**
- 1.29.030** **Police Pension Fund Board of Trustees.**
- 1.29.040** **Level of Contribution to the Fund.**
- 1.29.050** **Appropriations from the Trust.**
- 1.29.060** **Non-reverting.**
- 1.29.070** **Interest Earned.**

1.29.010 Creation of a Police Pension Supplemental Trust Fund. The City of Jasper is hereby authorized to establish a trust fund to supplement anticipated deficits in revenues to pay police pensions as established in I.C. 36-8-6 and I.C. 36-8-8. The name of the fund is Police Pension Supplemental Trust Fund. (Ord. 2008-16, S1, July 23, 2008) (Ord. 1994-27, S1, 1994)

1.29.020 Funds for the Supplemental Trust. The City may use distributions from the General Fund or other available funds to establish, operate and maintain the supplemental trust in accordance with Section 1.29.050 of this Chapter. (Ord. 2008-16, S2, July 23, 2008) (Ord. 1994-27, S2, 1994)

1.29.030 Police Pension Fund Board of Trustees. The Police Pension Fund Board of Trustees shall oversee the management of the Police Pension Supplemental Trust Fund. (Ord. 2008-16, S3, July 23, 2008) (Ord. 1994-27, S3, 1994)

1.29.040 Level of Contribution to the Fund. The Police Pension Fund Board of Trustees shall annually recommend the level of contribution to the Police Pension Supplemental Trust Fund. The Board's recommendation shall be subject to the approval of the Common Council. (Ord. 2008-16, S4, July 23, 2008) (Ord. 1994-27, S4, 1994)

1.29.050 Appropriations from the Trust. The Clerk-Treasurer shall determine annually whether a shortfall exists in revenues utilized to pay police pensions and whether disbursements from the supplemental trust fund are necessary to offset such shortfall. If appropriations are necessary, the Police Pension Fund Board of Trustees shall be responsible for recommending to the Common Council the amount of appropriations from the supplemental trust fund to the Police Pension Fund for that year. The Board's recommendation shall be subject to the approval of the Common Council. The Common Council of the City of Jasper, Indiana, may authorize the appropriations from this Fund, upon making a finding that the proposed appropriation is consistent with the intent of the Fund. (Ord. 2008-16, S5, July 23, 2008) (Ord. 1994-27, S5, 1994)

1.29.060 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the Fund in which it was deposited. (Ord. 2008-16, S6, July 23, 2008)

1.29.070 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2008-16, S7 July 23, 2008)

Chapter 1.30

PERSONNEL MANUALS

Sections:

- 1.30.010 Employee Handbook.**
- 1.30.020 Medical and Dental Plan.**
- 1.30.025 Premium Only Plan.**
- 1.30.030 Drug and Alcohol Abuse Prevention Program.**
- 1.30.040 Occupational Safety and Health Policy.**

1.30.010 Employee Handbook. Refer to Ordinance 1995-12 for the "COMPREHENSIVE POLICY AND EMPLOYEE HANDBOOK". (Amended by Ord. 1998-14) (Amended by Ord. 1998-15) (Amended by Ord. 2001-51) (Amended by Ord. 2002-48, Oct. 23, 2002) (Amended by Ord. 2009-2)

1.30.020 Medical and Dental Plan. Refer to Ordinance 2001-29 for the "GROUP MEDICAL AND DENTAL PLAN".

1.30.025 Premium Only Plan. Refer to Ordinance 2007-38, Exhibit A for the PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION FOR THE CITY OF JASPER, INDIANA PREMIUM ONLY PLAN.

1.30.030 Drug and Alcohol Abuse Prevention Program. Refer to Ordinance 1995-43 for the "DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM".

1.30.040 Occupational Safety and Health Policy. Refer to Ordinance 1994-5 for the "OCCUPATIONAL SAFETY AND HEALTH POLICY".

Chapter 1.32

SOCIAL SECURITY FOR CITY EMPLOYEES

Sections:

- 1.32.010 Election to cover.**
- 1.32.020 Employees covered.**
- 1.32.030 State agreement adopted by reference.**

1.32.010 Election to cover. The governing body of the city of Jasper hereby elects coverage under the old age and survivors insurance, as provided by Chapter 313, Acts of 1951. (Ord. 386 S1, 1952).

1.32.020 Employees covered. The following positions are designated as those which are to be covered: all elected and appointed officials and city employees except the police department. (Ord. 386 S2, 1952).

1.32.030 State agreement adopted by reference. 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 and the social security administrator, with the approval of the governor, is made a part of this chapter and shall be termed as an 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. (Ord. 386 S3, 1952).

Chapter 1.36

BONDS OF CITY OFFICIALS

Sections:

- 1.36.010** **Amounts of bonds.**
- 1.36.020** **Blanket Bond.**
- 1.36.030** **Duty of faithful performance.**
- 1.36.040** **Bond approval.**
- 1.36.050** **Separability.**
- 1.36.060** **Prior Ordinances.**
- 1.36.070** **Effective Date.**

1.36.010 Amounts of bonds. Pursuant to I.C. 5-4-1-18, I.C. 8-1.5-3-5, I.C. 36-8-6-3, and I.C. 36-10-3-16, every person occupying the following offices or positions of the City of Jasper, Indiana, shall upon entering the duties of his or her office, give a bond payable to the State of Indiana, upon the principal and sureties, for the faithful discharge of all duties required of such officer by any law, then or subsequently in force, for the use of any person injured by any breach of the condition thereof, in the amount set forth following each office and position:

Clerk-Treasurer's Department:	
Clerk-Treasurer	\$ 300,000.00
Financial Coordinator	300,000.00
Payroll Clerk	300,000.00
Clerk	300,000.00
Utilities Business Office:	
General Manager of Utilities	300,000.00
Office Manager	300,000.00
Controller	300,000.00
Billing Services Supervisor	300,000.00
Billing Control Clerk	300,000.00
Customer Service Clerk	300,000.00
Park Department:	
Park Director	50,000.00
Director of Golf	100,000.00
Municipal Pro Shop Manager	50,000.00
Other:	
Electric Generation Manager	1,000.00
Electric Distribution Manager	1,000.00
Water and Gas Manager	1,000.00
Wastewater Manager	1,000.00
Police Pension Board Secretary	1,000.00

Said bond shall be in the form of a Scheduled Position Bond, which the City shall obtain. (Ord. 2009-20, S2, July 22, 2009) (Ord. 2006-5, S1, Feb. 22, 2006) (Ord. 635, S1, 1968)

1.36.020 Blanket Bond. Pursuant to I.C. 5-4-1-18(b) and I.C. 36-10-3-16(b), all City officials, board or commission members, employees, and persons acting on behalf of the local government unit, shall upon entering the duties of his or her office, give a bond payable to the State of Indiana, upon the principal and sureties, for the faithful discharge of all duties required of such officer by any law, then or subsequently in force, for the use of any person injured by any breach of the condition thereof, which shall be in the form of a blanket bond in the sum of Fifteen Thousand Dollars (\$15,000.00), which the City shall obtain. (Ord. 2009-20, S3, July 22, 2009) (Ord. 2006-5, S2, Feb. 22, 2006)

1.36.030 Duty of faithful performance. The duty of faithful performance as used in the previous Sections shall specifically include the duty to comply with I.C. 35-44-1-2 and the duty of such officer, employee, or person acting on behalf of the City to account properly for all monies and property received by virtue of his or her position or employment. (Ord. 2009-20, S4, July 22, 2009) (Ord. 2006-5, S3, Feb. 22, 2006)

1.36.040 Bond approval. That said bonds shall be approved as required by Indiana law before they are filed. (Ord. 2009-20, S5, July 22, 2009) (Ord. 2006-5, S4, Feb. 22, 2006)

1.36.050 Separability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2009-20, S6, July 22, 2009) (Ord. 2006-5, S5, Feb. 22, 2006)

1.36.060 Prior Ordinances. That Ordinance No. 2006-5, adopted on February 22, 2006 and any other ordinances and/or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2009-20, S7, July 22, 2009) (Ord. 2006-5, S6, Feb. 22, 2006)

1.36.070 Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law. (Ord. 2009-20, S8, July 22, 2009) (Ord. 2006-5, S7, Feb. 22, 2006)

Chapter 1.37

VOLUNTEER FIREFIGHTERS' RETIREMENT PLAN

Sections:

1.37.001	Established.
1.37.010	Definitions.
1.37.020	Participation and contributions.
1.37.030	Vesting.
1.37.040	Benefits.
1.37.050	Fund.
1.37.060	Administration of Plan.
1.37.070	Claims Procedure.
1.37.080	Amendment and Termination of the Plan.
1.37.090	Nonassignability.
1.37.100	Miscellaneous.

1.37.001 Established. The City of Jasper ("City") hereby establishes and maintains the City of Jasper Volunteer Firefighters' Retirement Plan (hereinafter called the "Plan"), pursuant IC 36-8-12-6(d) through (f) of the Indiana Code.

The Plan is a length of service award plan under Section 457(e)(11)(A)(ii) of the Internal Revenue Code of 1986, as amended ("Code"), and the regulations thereunder. The purpose of the Plan is to provide retirement and death benefits to long-term eligible volunteers providing qualified services to the City's fire department and rescue service, as provided herein.

The City hereby sets forth the terms of the Plan in a written plan document, effective January 1, 2009. (Ord. 2009-13, Apr. 22, 2009)

1.37.010 ARTICLE I - Definitions.

- (1) "**Account**" means the account maintained for each Participant.
- (2) "**Administrator**" means a committee comprised of the Mayor, the Clerk-Treasurer, and the Fire Chief.
- (3) "**Applicable Form**" means the appropriate form as designated and furnished by the Administrator to make an election or provide a notice as required by the Plan.

- (4) "**Beneficiary**" means the person or persons or entity designated by a Participant to receive any benefit payable upon the Participant's death, or, if none, the Participant's estate.
- (5) "**City**" means the City of Jasper, Indiana.
- (6) "**Code**" means the Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.
- (7) "**Contributions**" mean contributions to the Fund made by the City pursuant to Article V.
- (8) "**Credited Service**" means, solely for purposes of determining Vested status, for any Participant, the twelve month periods beginning with the Participant's start date; and each anniversary thereof, that has been credited by the City. In the event a Participant has a Severance from Employment and then returns as a Volunteer, Credited Service from the prior period will be added to Credited Service from the new period. The new period shall be credited from the Participant's new start date and each anniversary thereof. Credited Service shall also include any period of military leave required to be credited under the Uniformed Services Employment and Reemployment Rights Act.
- (9) "**Fund**" means the Volunteer Firefighters' Retirement Plan fund established in this Plan.
- (10) "**Participant**" means an active Volunteer or inactive Volunteer who is or may become eligible to receive a benefit under the Plan.
- (11) "**Plan**" means the Plan embodied herein, as amended from time to time, known as the "City of Jasper Volunteer Firefighters' Retirement Plan."
- (12) "**Plan Year**" means the calendar year.
- (13) "**Severance from Employment**" means the date that a Participant retires or otherwise has a severance from volunteer status with the City, other than for reason of death, as determined by the City. A Participant shall be deemed to have severed volunteer status with the City for purposes of the Plan when, in accordance with the established personnel practices of the City, the volunteer status is considered actually terminated.
- (14) "**Vest**" or "**Vested**" means that a Participant has a nonforfeitable right to his or her Benefit.

- (15) **"Volunteer"** means an individual who:
- (a) provides fire fighting, fire prevention, emergency medical services, ambulance services, and/or related essential services for the City; and
 - (b) does not receive compensation for the services provided in paragraph (a), except for:
 - (1) reimbursement for (or a reasonable allowance for) reasonable expenses incurred in the performance of such services, or
 - (2) reasonable benefits (including the Accounts under this Plan), and nominal fees for such services, customarily paid by eligible employers in connection with the performance of such services by volunteers.
- (16) **Construction Rules.** Words used herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate. (Ord. 2009-13, Article I, Apr. 22, 2009)

1.37.020 ARTICLE II - Participation and Contributions.

1.37.021 Participation. A Volunteer shall immediately become a Participant in the Plan when he or she becomes a Volunteer. (Ord. 2009-13, Article II, S2.01, Apr. 22, 2009)

1.37.022 Annual Contributions.

- (1) Effective January 1, 2009, the City is required to make annual Contributions to the Plan. A yearly contribution to each Account for each Volunteer will be determined based on the Volunteer's attendance at fire calls, the monthly fire department meeting and the monthly fire department training for a calendar year. First responder calls and other miscellaneous calls will not count. The yearly contribution to each Account will be a percentage of \$1,000. The percentage is determined by dividing a Volunteer's total attended fire calls, monthly fire department meetings, and the monthly fire department trainings for a calendar year by 90% of the overall yearly total of fire calls, monthly fire department meetings, and the monthly fire department trainings. For example, if at the end of a calendar year a Volunteer has attended 120 of 180 fire calls, all 12 monthly meetings and all 12 training sessions, the City would contribute 78.4% ($144 / [204 \times 90\%]$) of \$1,000 or \$784 to the Volunteer's Account.

- (2) The contribution for the year of hire, severance, or death will be a partial year contribution. The \$1,000 base contribution will be prorated by dividing the \$1,000 by three hundred sixty-five days [365] times the number of days the Volunteer was active during the calendar year of hire, severance, or death. The percentage will be determined by dividing the Volunteer's total attended fire calls, monthly fire department meetings and monthly fire department trainings by 90% of the overall total number of fire calls, monthly fire department meetings and monthly fire department trainings that occurred while the Volunteer was active during the calendar year of hire, severance, or death.
- (3) The contributions will be made by March 1 of the following calendar year following the contribution period. (Ord. 2009-13, Article II, S2.02, Apr. 22, 2009)

1.37.023 One-Time Contribution. In addition to the City contribution described in Section 1.37.022, as soon as administratively practicable in 2009, the City will make a one-time contribution to the Plan for each active Volunteer for Credited Service (if any) from 1/1/97 through 12/31/08 calculated pursuant to the following:

- For a Participant who is an active Volunteer with a total of 20 or more years of Credited Service as of 12/31/08 and who is 48 or more as of 12/31/08:

\$2000/year of Credited Service from 1/1/97 through 12/31/08.
- For a Participant who is an active Volunteer with a total of 20 or more years of Credited Service as of 12/31/08 and who is less than age 48 as of 12/31/08:

\$1400/year of Credited Service from 1/1/97 through 12/31/08.
- For a Participant who is an active Volunteer with a total of less than 20 years of Credited Service as of 12/31/08 and who is 48 or more as of 12/31/08:

\$975/year of Credited Service from 1/1/97 through 12/31/08.
- For a Participant who is an active Volunteer with a total of 15 or more years, but less than 20 years of Credited Service as of 12/31/08 and who is less than age 48 as of 12/31/08:

\$975/year of Credited Service from 1/1/97 through 12/31/08.

- For a Participant who is an active Volunteer with a total of 10 or more years, but less than 15 years of Credited Service as of 12/31/08 and who is less than age 48 as of 12/31/08:

\$750/year of Credited Service from 1/1/97 through 12/31/08.

- For a Participant who is an active Volunteer with a total of less than 10 years of Credited Service as of 12/31/08 and who is less than age 48 as of 12/31/08:

\$375/year of Credited Service from 1/1/97 through 12/31/08.

No Participant shall receive a contribution for Credited Service before 1/1/97. (Ord. 2009-13, Article II, S2.03, Apr. 22, 2009)

1.37.024 IRS Limit on Benefits. Notwithstanding any provision of the Plan, the Benefit payable under the Plan may not exceed \$3,000 with respect to any Plan Year. (Ord. 2009-13, Article II, S2.04, Apr. 22, 2009)

1.37.030 ARTICLE III - Vesting. A Participant shall become Vested in his or her Account upon completion of the following:

<u>Credited Service</u>	<u>% Vested</u>
Fewer than 10 full years of Credited Service	0%
Ten full years of Credited Service but less than 15 full years of service.	50%
Fifteen full years of Credited Services but less than 20 full years of service.	75%
Twenty or more full years of Credited Service. (Ord. 2009-13, Article III, Apr. 22, 2009)	100%

1.37.040 ARTICLE IV - Benefits.

1.37.041 Severance and Retirement.

- (1) If a Participant has a Severance from Employment without a Vested Benefit under Article III, the Participant shall forfeit his/her Account balance and have no Benefit due under this Plan. In addition, his or her years of Credited Service shall be cancelled; provided, however, that if the individual again becomes a Participant in the Plan, his or her Credited Service shall be restored, but not any forfeited Account balance.

- (2) If a Participant has a Severance from Employment with a Vested Account under Article III, the Participant shall be paid an amount equal to his or her Vested Account, in a single lump sum payment by March 1 of the calendar year after the Participant's Severance from Employment. (Ord. 2009-13, Article IV, S4.01, Apr. 22, 2009)

1.37.042 Death Benefits. Upon a Participant's death, an amount equal to 100% of the Participant's Vested Account shall be paid to the Participant's Beneficiary in a single lump sum as soon as administratively practicable after the Participant's death, upon providing documentation required by the Administrator. (Ord. 2009-13, Article IV, S4.02, Apr. 22, 2009)

1.37.050 ARTICLE V - Fund.

1.37.051 Fund. Contributions shall be deposited in the Fund upon receipt, and said contributions and earnings thereon shall be held and invested by the Administrator. The Fund assets shall at all times be the property of the City, subject to the City's creditors until distributed to Participants. Participants and Beneficiaries shall have an unsecured right to their Accounts under the Plan. (Ord. 2009-13, Article V, S5.01, Apr. 22, 2009)

1.37.052 Expenses. All reasonable expenses and fees of the Plan shall be paid from the Fund. (Ord. 2009-13, Article V, S5.02, Apr. 22, 2009)

1.37.053 Investments. The City shall invest the Fund in a separate account at a financial institution. (Ord. 2009-13, Article V, S5.03, Apr. 22, 2009)

1.37.060 ARTICLE VI - Administration of Plan.

1.37.061 Compliance with Code Section 457(e)(11). At all times, the Plan shall be administered in accordance and construed to be consistent with Section 457(e)(11) of the Code and its accompanying regulations. (Ord. 2009-13, Article VI, S6.01, Apr. 22, 2009)

1.37.062 Administrator Duties and Powers. The Administrator shall have the authority to control and manage the operation and administration of the Plan. The Administrator is authorized to accept service of legal process. The Administrator shall act by majority vote.

- (1) The Administrator shall have such power and authority (including discretion with respect to the exercise of that power and authority) as may be necessary, advisable, desirable or convenient to enable the Administrator to carry out its duties under the Plan. By way of illustration and not limitation, the Administrator is empowered and authorized:

- (a) to establish procedures with respect to administration of the Plan, not inconsistent with the Plan and the Code, and to amend or rescind such procedures;
 - (b) to determine, consistent with the Plan, applicable law, rules or regulations, all questions of law or fact that may arise as to the eligibility for participation in the Plan and eligibility for distribution of benefits from the Plan, and the status of any person claiming benefits under the Plan, including without limitation, Participants, former Participants, Beneficiaries;
 - (c) to make payments from the Fund to Participants, their Beneficiaries and other persons as the Administrator may determine;
 - (d) subject to and consistent with the Code, to construe and interpret the Plan as to administrative issues and to correct any defect, supply any omission or reconcile any inconsistency in the Plan with respect to same; and
 - (e) seek a private letter ruling as to the status of the Plan as a length of service award plan under Code Section 457(e)(11).
- (2) Any action by the Administrator, which is not found to be an abuse of discretion, shall be final, conclusive and binding on all individuals affected thereby. The Administrator may take any such action in such manner and to such extent as the Administrator in its sole discretion may deem expedient and the Administrator shall be the sole and final judge of such expediency. (Ord. 2009-13, Article VI, S6.02, Apr. 22, 2009)

1.37.063 Advice. The Administrator may employ one or more persons to render advice with regard to its responsibilities under the Plan. (Ord. 2009-13, Article VI, S6.03, Apr. 22, 2009)

1.37.064 Delegation by Administrator. In addition to the powers stated in Section 1.37.062, the Administrator may from time to time delegate to an individual, Administrator or organization certain of its fiduciary or other responsibilities under the Plan. Any such individual, Administrator or organization shall remain a fiduciary until such delegation is revoked by the Administrator, which revocation may be without cause and without advance notice. Such individual, Administrator or organization shall have such power and authority with respect to such delegated fiduciary or other responsibilities as the Administrator has under the Plan. (Ord. 2009-13, Article VI, S6.04, Apr. 22, 2009)

1.37.065 Payment of Benefits. The Administrator, if in doubt concerning the correctness of its action in making a payment of a benefit, may suspend payment until satisfied as to the correctness of the payment or the person to receive the payment, or may file, in any state court of competent jurisdiction, a suit, in such form as it considers appropriate, for legal determination of the benefits to be paid and the persons to receive them. The Administrator may also bring a suit or take such other action as it deems appropriate in the case of questions involving investment directions. The Administrator shall comply with the final order of the court in any such suit, and Participants, Beneficiaries, and the City shall be bound thereby insofar as such order affects the benefits payable under this Plan or the method or manner of payment. (Ord. 2009-13, Article VI, S6.05, Apr. 22, 2009)

1.37.070 ARTICLE VII - Claims Procedure.

1.37.071 Claims Procedure. Any person who believes that he or she is entitled to any benefit under the Plan shall present such claim in writing to the Administrator.

- (1) The Administrator shall provide adequate notice in writing to any claimant as to the decision of any such claim within a reasonable time. Such notice shall be written in a manner calculated to be understood by the Participant. If such claim has been denied, in whole or in part, such notice shall set forth:
 - (a) the specific reasons for such denial,
 - (b) specific reference to any pertinent provisions of the Plan on which denial is based,
 - (c) a description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary and
 - (d) an explanation of the review procedure for the Plan.
- (2) The claimant or his or her duly authorized representative may review any Plan document which is pertinent to the claim and may submit issues and comments to the Administrator in writing. (Ord. 2009-13, Article VII, S7.01, Apr. 22, 2009)

1.37.072 Appeals Procedure.

- (1) Within sixty (60) days after receipt by the claimant of notification of denial, the claimant shall have the right to present a written appeal, including any additional material to the Administrator. If such appeal is

not filed within said sixty (60) day period, the decision of the Administrator shall be final and binding.

- (2) The Administrator shall provide in writing to the claimant a decision within a reasonable period of time following receipt of the appeal. Any such decision of the Administrator shall provide adequate notice to the claimant setting forth the specific reasons for any denial and written in a manner calculated to be understood by a Participant. All interpretations, determinations and decisions of the Administrator with respect to any claim under the Plan shall be made in its sole and absolute discretion based on the Plan document, the Code, and the Indiana Code, and shall be final and conclusive. (Ord. 2009-13, Article VII, S7.02, Apr. 22, 2009)

1.37.080 ARTICLE VIII - Amendment and Termination of the Plan.

1.37.081 Amendment of Plan. Subject to the Indiana Code, the City Common Council may at any time amend or modify this Plan without the consent of the Participants or any Beneficiaries thereof. Any modification, alteration, or amendment of the Plan, made in accordance with this Section, may be made retroactively if deemed necessary or appropriate by the City Common Council. (Ord. 2009-13, Article VIII, S8.01, Apr. 22, 2009)

1.37.082 Effective Date of Amendments. All amendments shall become effective on the date established by the City Common Council. No amendments shall deprive any Participant of any of the benefits to which the Participant is entitled under this Plan with respect to amounts earned prior to the effective date of the amendment. (Ord. 2009-13, Article VIII, S8.02, Apr. 22, 2009)

1.37.083 Termination. The Plan may be completely terminated at any time by the City Common Council. In such an event, the Administrator shall be responsible for directing distribution of all assets of the Fund to pay any Vested Accounts as soon as administratively practicable after the termination of the Plan. (Ord. 2009-13, Article VIII, S8.03, Apr. 22, 2009)

1.37.090 ARTICLE IX - Nonassignability. The interests of each Participant or Beneficiary under the Plan are not subject to the claims of the Participant's or Beneficiary's creditors; and neither the Participant nor any Beneficiary shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Plan, which payments and interest are expressly declared to be non-assignable and non-transferable. The Plan does not make loans on hardship distributions, and the Plan does not recognize domestic relations orders. (Ord. 2009-13, Article IX, Apr. 22, 2009)

1.37.100 ARTICLE X - Miscellaneous.

1.37.101 Federal Taxes. The Administrator does not guarantee that any particular Federal or State income, payroll or other tax consequence will occur because of participation in this Plan. (Ord. 2009-13, Article X, S10.01, Apr. 22, 2009)

1.37.102 Contract. This Plan, including any properly adopted or executed amendments thereof, shall constitute the total agreement between the Employer and any Participant regarding the Plan. No oral statement regarding the Plan may be relied upon by any Participant or other person. (Ord. 2009-13, Article X, S10.02, Apr. 22, 2009)

1.37.103 Conflicts. In resolving any conflict between provisions of the Plan and in resolving any other uncertainty as to the meaning or intention of any provision of the Plan, the interpretation that (i) causes the Plan to comply with all applicable requirements of the Code and (ii) causes the Plan to comply with all applicable Indiana statutes and rules, shall prevail over any different interpretation. (Ord. 2009-13, Article X, S10.03, Apr. 22, 2009)

1.37.104 Limitation on Rights. Neither the establishment or maintenance of the Plan, nor any amendment thereof nor any act or omission under the Plan (or resulting from the operation of the Plan) shall be construed:

- (1) as conferring upon any Participant, Beneficiary or any other person a right or claim against the Fund, Administrator or City, except to the extent that such right or claim shall be specifically expressed and provided in the Plan;
- (2) as creating any responsibility or liability of the Administrator or City for the validity or effect of the Plan;
- (3) as a contract between the Administrator or City and any Participant or other person;
- (4) as being consideration for, or an inducement or condition of, employment of any Participant or other person, or as affecting or restricting in any manner or to any extent whatsoever the rights or obligations of the City or any Participant or other person to continue or terminate the employment relationship at any time; or
- (5) as giving any Participant the right to be retained in the service of the City or to interfere with the right of the City to discharge any Participant or other person at any time. (Ord. 2009-13, Article X, S10.04, Apr. 22, 2009)

1.37.105 Erroneous Payments. If the Administrator makes any payment that according to the terms of the Plan and the benefits provided hereunder should not have been made, the Administrator may recover that incorrect payment, by whatever means necessary from the person to whom it was made or from any other appropriate party. Any overpayments of benefits to a Participant shall be recovered by the Administrator to the extent feasible. (Ord. 2009-13, Article X, S10.05, Apr. 22, 2009)

1.37.106 Payments to Minors and Incompetents. If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan. (Ord. 2009-13, Article X, S10.06, Apr. 22, 2009)

1.37.107 Procedure on Nonvested Severance. A forfeiture of Contributions made with respect to a Participant shall occur when a non-Vested or partially Vested Participant has a Severance from Employment. In accordance with procedures adopted by the Administrator, the Participant's non-vested Account balance will be used toward the next City contribution due or to pay fund expenses. (Ord. 2009-13, Article X, S10.07, Apr. 22, 2009)

1.37.108 Release. Any payment to any Participant or Beneficiary shall, to the extent thereof, be in full satisfaction of the claim of such Participant or Beneficiary being paid thereby and the Administrator may condition payment thereof on the delivery by the Participant or Beneficiary of the duly executed receipt and release in such form as may be determined by the Administrator. (Ord. 2009-13, Article X, S10.08, Apr. 22, 2009)

1.37.109 Liability. The Administrator shall not incur any liability in acting upon any notice, request, signed letter, or other paper or document or electronic transmission believed by the Administrator to be genuine or to be executed or sent by an authorized person. (Ord. 2009-13, Article X, S10.09, Apr. 22, 2009)

1.37.110 Governing Laws. The law of the State of Indiana shall apply in determining the construction and validity of this Plan. (Ord. 2009-13, Article X, S10.10, Apr. 22, 2009)

1.37.111 Necessary Parties to Disputes. Necessary parties to any accounting, litigation or other proceedings relating to the Plan shall include only the Administrator. The settlement or judgment in any such case in which the Administrator is duly served shall be binding upon all affected Participants in the Plan, their Beneficiaries, estates and upon all persons claiming by, through or under them. (Ord. 2009-13, Article X, S10.11, Apr. 22, 2009)

1.37.112 Severability. If any provision of the Plan shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective. (Ord. 2009-13, Article X, S10.12, Apr. 22, 2009)

1.37.113 Supersession. The terms of the Plan shall supersede any previous agreement between the parties pertaining to the Plan. (Ord. 2009-13, Article X, S10.13, Apr. 22, 2009)

1.37.114 Counterparts. This Plan may be executed in one (1) or more counterparts, each of which shall constitute an original. (Ord. 2009-13, Article X, S10.14, Apr. 22, 2009)

Chapter 1.44

CITY ATTORNEY

Sections:

- 1.44.010 Department of law.**
- 1.44.020 Appointment.**
- 1.44.030 Assistant attorney - Compensation.**
- 1.44.040 Duties.**
- 1.44.050 Compensation.**

1.44.010 Department of law. The Department of Law shall consist of the City Attorney and such assistants and clerks as may be provided for in the annual or other appropriations made for that department by the city. (Ord. 619 S 1, 1968).

1.44.020 Appointment. The City Attorney shall be appointed by the Mayor, and the City Attorney shall appoint such assistants and special assistants as the Common Council may from time to time authorize and make appropriations for payment. (Ord. 619 S 2, 1968).

1.44.030 Assistant attorney - Compensation. The City Attorney is hereby authorized to appoint one Assistant City Attorney to represent the Municipal Utilities of the City of Jasper, Indiana. The Assistant City Attorney may be paid by the Municipal Utilities from revenue derived from the utilities. The salary of the Assistant Attorney to be paid by the Municipal Utilities of the City of Jasper for the year 1985 shall be five thousand dollars. The City Attorney and Assistants shall also be paid travel expense and per diem at local bar rates for all work performed for the City away from the city of Jasper, Indiana. (Ord. 619 S 3, 1968).

1.44.040 Duties. The City Attorney, with his assistants, shall perform the duties of the City Attorney as defined by law. (Ord. 619 S 4, 1968).

1.44.050 Compensation. The City Attorney's compensation is as follows:

- (1) The City Attorney of the City of Jasper is authorized to receive from the Jasper Economic Development Commission compensation for services rendered to the Commission in issuance of economic facility bonds or related financing.
- (2) The additional compensation to be received by the City Attorney from the Jasper Economic Development Commission shall be limited to the sum of fifty dollars per hour for services rendered, but not to exceed one-half of one percent of the total amount of each economic development bond issue, or two thousand five hundred dollars per issue, whichever is less.

- (3) The City Attorney is authorized to make claim and receive from the Jasper Economic Development Commission a sum not to exceed one thousand five hundred dollars for services rendered to the Jasper Economic Development Commission in the issuance of the Warner-Vogler, A-1 Realty, Inc. and Leisure Development, Inc. bond issues completed in the year 1981. (Ord. 1076, 1982).

Chapter 1.45

ORDINANCE VIOLATIONS BUREAU

Sections:

- 1.45.010 Created.**
- 1.45.020 Violations clerk.**
- 1.45.030 Payment for violation.**
- 1.45.035 Payment for violation.**
- 1.45.040 Not all-inclusive.**
- 1.45.060 Repeal of all provisions inconsistent with this chapter.**

1.45.010 Created. There shall be created on Ordinance Violations Bureau pursuant to I.C. 33-6-3-1 et. seq. as amended for the City of Jasper. (Ord. 1989-7, S1, 1989)

1.45.020 Violations clerk. The City Clerk-Treasurer is appointed and shall serve as the violations Clerk, who administers the Bureau. (Ord. 1989-7, S2, 1989)

1.45.030 Payment for violation. The Clerk-Treasurer and the Clerk-Treasurer's department, as designated agents, shall accept admissions of violations and payment of civil penalties, as prescribed in the Jasper Municipal Code Chapters indicated below for the following violation:

JMC Chap. 5.12 Weed Abatement

(Ord. 2004-11, S1, Apr. 21, 2004) (Ord. 1989-7, S3, 1989)

1.45.035 Payment for violation. The Clerk-Treasurer and the Police Department, as a designated agent, shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties, as prescribed in the Jasper Municipal Code chapters and sections indicated below, for the following violations:

JMC Chap. 5.08 Disposal of Garbage and Waste Materials

JMC Chap. 6.04 Animal Regulations

JMC Sec. 9-16.135 Improper Stopping and Parking

JMC Sec. 9.16.140 Parking in Handicapped Parking Area - no permit

JMC Chap. 9.18 Overtime Parking

JMC Chap. 9.56 Driving around barriers indicating closed streets

(Ord. 2004-11, S2, Apr. 21, 2004) (Ord. 1997-16, S5.12.060, 1997) (Ord. 1989-7, S4, 1989)

1.45.050 Not all-inclusive. That the ordinance violations listed above are not meant to be an all-inclusive list of all ordinance violations authorized by City of Jasper ordinances. In the event of the commission of an ordinance violation that is not included in either of the above lists, the particular ordinance and relevant Jasper Municipal Code shall be

consulted to determine the applicable penalties and who is responsible for enforcement. (Ord. 2004-11, S3, Apr. 21, 2004) (Ord. 1989-7, S5, 1989)

1.45.060 Repeal of all provisions inconsistent with this Chapter. This ordinance hereby repeals all other Jasper Municipal Code and Ordinance provisions inconsistent herewith. All other provisions of the Jasper Municipal Code not affected by this Ordinance remain in full force and effect. (Ord. 1989-7, S6, 1989)

Chapter 1.46

CLERK-TREASURER

Sections:

1.46.080 Payment of specified expenses prior to allowance of the claim by Boards of the City.

1.46.090 Review and allowance by the Board.

1.46.080 Payment of specified expenses prior to allowance of the claim by Boards of the City. Pursuant to the authority granted under I.C. 36-4-8-14, the Fiscal Officer of the City of Jasper is hereby granted authority to make payment of the following types of expenses in advance of board allowance:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Postage.
- (13) Investments.
- (14) Enrollment fees for training, seminars, conferences, etc.

- (15) Advance deposits required for travel and lodging.
- (16) Police Pension Fund Distributions.
- (17) Volunteer Fire Pension Fund Distributions.
- (18) Expenses that must be paid because of emergency circumstances.
- (19) Disbursements for an Older American Center activity/trip only when equivalent receipts are collected.
- (20) Rental deposit refunds
- (21) Refundable bid plan deposits
- (22) Return of a fee for a cancelled or overbooked activity, class, or performance
- (23) Refund of an overpayment (Ord. 2005-33, S1, Sept. 21, 2005) (Ord. 1999-46, S1, Sept. 22, 1999) (Ord. 1999-35, S1, Aug. 18, 1999) (Ord. 1993-39, S1, 1993)

1.46.090 Review and allowance by the Board. The responsible city board having jurisdiction over the expenditure shall, at its next regular meeting following the preapproved payment, review and allow the claim. (Ord. 1999-35, S2, August 18, 1999)

Chapter 1.47

DEPUTY CLERK-TREASURER

Sections:

- 1.47.010 Authority to appoint Deputy Clerk-Treasurer.**
- 1.47.020 Signing documents.**
- 1.47.030 When powers can be exercised.**

1.47.010 Authority to appoint Deputy Clerk-Treasurer. Pursuant to the authority of Indiana Code Section 36-4-10-7, this legislative body authorizes the Clerk-Treasurer of the City of Jasper, Indiana, to appoint four Deputy Clerk-Treasurer(s) or employees as needed for the effective operation of the office. The Deputy Clerk-Treasurer(s) or employees shall serve at the Clerk-Treasurer's pleasure and shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk-Treasurer, and affix the Seal of the city thereto whenever required. (Ord. 2000-16, S 1.47.010, June 28, 2000) (Ord. 1992-4 S 1, 1992)

1.47.020 Signing documents. When signing any document the Deputy Clerk-Treasurer shall sign the name of the City Clerk-Treasurer followed by the word "By" and the Deputy Clerk-Treasurers' own name and the words "Deputy Clerk-Treasurer". (Ord. 1992-4 S2, 1992)

1.47.030 When powers can be exercised. The powers and duties herein described shall be exercised by such Deputy Clerk-Treasurer only in the absence of the City Clerk-Treasurer from her office in the City Hall, and only when either written direction has been given by the City Clerk-Treasurer to exercise such power, or the Common Council has determined by resolution that the City Clerk-Treasurer is temporarily or permanently incapacitated to perform such function.

Such Deputy Clerk-Treasurer shall have the authority and power herein described, and such further power and authority as may be provided by statute of the State of Indiana. (Ord. 1992-4 S3, 1992)

Chapter 1.48

NONREVERTING CAPITAL FUND

Sections:

- 1.48.010** **Creation.**
- 1.48.020** **Levy - Collection and disbursement.**

1.48.010 Creation. There is created and established a nonreverting capital fund into which all of the proceeds of a tax levy hereinafter provided for shall be deposited in lieu of being deposited into the general fund, in accordance with the provisions of Chapter 311 of the 1955 Acts of the Indiana General Assembly, as amended by Chapter 404 of the 1965 Acts of the General Assembly of Indiana. (Ord. 626 S 1, 1968).

1.48.020 Levy - Collection and disbursement. The Common Council of the City of Jasper, Indiana, may levy a tax annually not to exceed five cents on each one hundred dollars of taxable property within the city for the purpose of funding the nonreverting capital fund herein provided, which levy may not extend for a period of more than five years beginning in the fiscal year 1969, and which, when collected, shall be kept separate from the other funds of the city and shall be a continuing fund to be drawn upon by the Jasper city park and recreation board for the purchase of additional real estate for recreational purposes and making specific capital improvements and the money shall not be withdrawn or expended from the fund except in compliance with the Acts of the General Assembly of the State of Indiana creating the same. (Ord. 626 S 1, 1968).

Chapter 1.50

ECONOMIC DEVELOPMENT INCOME TAX FUND

Sections:

- 1.50.010** **Established.**
- 1.50.020** **Purpose.**
- 1.50.030** **Effective date.**

1.50.010 Established. That there is herewith established an "Economic Development Income Tax Fund". (Ord. 1988-39, S1, 1988)

1.50.020 Purpose. Said fund shall be used for the receipt of economic development tax fund distributions received from the auditor of Dubois County, pursuant to I.C. 6-3.5-7-12; and, shall be dispersed therefrom and used for the purposes provided by I.C. 6-3.5-7-13 et seq. (Ord. 1988-39, S2, 1988)

1.50.030 Effective date. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor in the manner provided by law. December 14, 1988 (Ord. 1988-39, S3, 1988)

Chapter 1.56

REVENUE SHARING TRUST FUND

Sections:

- 1.56.010 Created.**
1.56.020 Drawing from fund.

1.56.010 Created. There is created and established a Revenue Sharing Trust Fund into which all payments allotted to the City of Jasper, shall be deposited in lieu of being deposited into the General Fund, which are received from the United States Department of the Treasury in accordance with the State and Local Assistance Act of 1972 (H. R. 14370). (Ord. 732 S 1, 1972).

1.56.020 Drawing from fund. Funds shall be drawn upon from the Revenue Sharing Trust Fund, in accordance with, and as provided in, H. R. 14370, State and Local Assistance Act of 1972. (Ord. 732 S 2, 1972).

Chapter 1.57

JASPER ARTS CENTER FEES

Sections:

- 1.57.010 Rental of facilities fee.**
- 1.57.020 Equipment rental and use of Personnel.**
- 1.57.030 Fees for performances, workshops and other arts-related activities.**
- 1.57.040 Deposit of collected fees.**

1.57.010 Rental of facilities fee. The City of Jasper shall charge as per the attached Chapter 1.57 "Exhibit A" for rental of its facilities at the Jasper Arts Center. That the Common Council of the City of Jasper, Indiana, hereby ratifies and approves all fees charged for rental of the facilities at the Jasper Arts Center prior to the adoption of this Ordinance. (Ord. 2002-43, S1, Sept. 25, 2002)

1.57.020 Equipment rental and use of Personnel. The City of Jasper shall charge as per the attached Chapter 1.57 "Exhibit B" for Equipment rental and use of Personnel at the Jasper Arts Center. That the Common Council of the City of Jasper, Indiana, hereby ratifies and approves all fees charged for Equipment and use of Personnel at the Jasper Arts Center prior to the adoption of this Ordinance. (Ord. 2008-5, S1, Feb. 20, 2008) (Ord. 2002-43, S2, Sept. 25, 2002)

1.57.025 Handling Fees. The City of Jasper shall charge those persons or entities purchasing tickets for Jasper Community Arts Commission sponsored ticketed events, including, but not limited to, the Performer's Series, Family Fund Series and Backstage Series, held at the Jasper Arts Center as per Exhibit "C" for Handling Fees. (Ord. 2005-10, S1, May 18, 2005)

1.57.030 Fees for performances, workshops and other arts-related activities. That the Jasper Community Arts Commission shall have the authority to set the fees for season performances, workshops and other arts-related activities that are not held on an on-going basis. That in so doing, the Jasper Community Arts Commission shall take into account the actual cost of providing these events and set the fees fairly and equitably in relation to these actual costs. (Ord. 2002-43, S3, Sept. 25, 2002)

1.57.040 Deposit of collected fees. That the fees collected hereunder shall be deposited in the General Fund of the City of Jasper, Indiana. (Ord. 2002-43, S4, Sept. 25, 2002)

EXHIBIT A



Jasper Community Arts Commission

Jasper Arts Center Rate Schedule

Community* Arts Organizations				
	Jasper Arts Center (all areas)	Stage Area Only	Community Room	Krempp Gallery
Event Only <i>4 hours maximum</i>	\$250	n/a	\$30	\$40
Move in/Set up/Rehearsal/Strike <i>5 hours maximum</i>	\$50	\$40	\$20	\$30
Technical Rehearsal	\$110	\$100	n/a	n/a
All Day	\$410	n/a	\$50	\$70
Community* Non-Arts Organizations				
Event Only <i>4 hours maximum</i>	\$280	n/a	\$50	\$60
Move in/Set up/Rehearsal/Strike <i>5 hours maximum</i>	\$60	\$50	\$30	\$40
Technical Rehearsal	\$120	\$110	n/a	n/a
All Day	\$450	n/a	\$80	\$100
Commercial**				
Event Only <i>4 hours maximum</i>	\$340	n/a	\$60	\$90
Move in/Set up/Rehearsal/Strike <i>5 hours maximum</i>	\$70	\$60	\$40	\$50
Technical Rehearsal	\$140	\$120	n/a	n/a
All Day	\$520	n/a	\$130	\$150

The above rates include heat, air conditioning and use of facility rented. Applicable sales tax will be charged. Additional fees may be charged for equipment and labor. Please see equipment rental and personnel listings for detailed information.

Discounted fees for multiple or extended usages may be negotiated.

*The "Community" categories consist of not-for-profit or unincorporated organizations whose purpose is to serve the community.

**The "Commercial" category is applicable to for-profit organizations or individuals who seek to gain a profit from the use of the Jasper Arts Center.

The Jasper Arts Center is managed by the Jasper Community Arts Commission, a department of the City of Jasper.

JCAC - January 1, 1995
JCAE - September 3, 2002

EXHIBIT B



Jasper Community Arts Commission

Equipment Rental

The following equipment is included in the rental rates for full Jasper Arts Center or stage usage:

- General stage lighting including the use of follow spots
- Permanent house sound system with microphones

The following equipment may be rented. Applicable sales tax will be charged.

9'-6" Bosendorfer Grand Imperial Concert Piano	\$50
Kimball Upright Piano	\$20
Drum riser(s) (3' x 8' each)	\$ 5 per section
TV	\$10
VCR	\$ 5
Lectern	\$10
Overhead projector	\$10
Slide projector	\$10
Front/rear projection screen 10' x 8'	\$25
Slide projection screen 5' x 5'	\$10
Skirted table(s) 6' or 8'	\$10 each
Coffee Maker(s)	\$ 5 each
Follow Spot(s) (off-site usage)	\$25 each
LCD Projector	\$25

Personnel

The JCAC will provide one on-site manager for full Jasper Arts Center usage. Usages of the Gallery and Community Room areas and rehearsal/set up periods do not include auditorium personnel with the exception of technical rehearsals. The Lessee will provide all other personnel required to prepare and operate the facility for the event at its own expense. Such personnel may include but is not limited to any ushers, ticket takers, ticket sellers, gallery attendants, parking attendants, police, lighting operators, sound system operators or stage hands. These personnel may be paid or volunteer. Such personnel of the Lessee will be under the supervision of the JCAC manager on duty.

Upon consultation with the JCAC executive director, the minimum number of personnel and hours of work will be assigned for proper operation of the facility. If additional JCAC staff is required, the following rates have been established.

Box Office Attendant	\$12/hr.
Front House Attendants (Ushers, Ticket Takers, Program Distributors)	\$10/hr.
Gallery Attendant	\$12/hr.
Parking Attendant	\$ 9/hr.
Police/Traffic Control	\$ 9/hr.
Lighting Operator	\$15/hr.
Sound System Operator	\$15/hr.
Curtain Operator	\$10/hr.
Stage Hand	\$12/hr.
Custodian	\$10/hr.

JCAC - September 3, 2002

EXHIBIT C
to
Ordinance 2005-10

HANDLING FEES

Phone or Mail In order for purchase of an Entire Series or Package of tickets	\$3.00 per Order**
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Phone or Mail In order for purchase of single Ticket - not an entire Series or Package	\$2.00 per Order**
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**These fees will not apply to walk-in purchases or purchases at the door on the day of a performance

Chapter 1.58

REGIONAL ARTS GRANT FUND

Sections:

- 1.58.010** **Established.**
- 1.58.020** **Regional monies only in this fund.**
- 1.58.030** **Separate Checking Account.**
- 1.58.040** **Arts Grant Fund Committee.**
- 1.58.050** **Monitoring of fund.**

1.58.010 Established. The City of Jasper is establishing a Regional Arts Grant Fund. (Ord. 1997-18, S1, 1997)

1.58.020 Regional monies only in this fund. This fund will consist of only Regional monies. The City will not use any City monies nor tax dollars to establish, operate and maintain the Regional Arts Grant Fund. (Ord. 1997-18, S2, 1997)

1.58.030 Separate Checking Account. The City shall open a checking account for the use and distribution of these funds. (Ord. 1997-18, S3, 1997)

1.58.040 Arts Grant Fund Committee. An Arts Grant Fund Committee, consisting of the Mayor, the City Clerk-Treasurer, City Auditor, the Treasurer of the Jasper Community Arts Commission, and the Executive Director of the Jasper Community Arts Commission shall oversee the management of the Grant Fund. (Ord. 1997-18, S4, 1997)

1.58.050 Monitoring of fund. The City Clerk-Treasurer and the City Auditor shall be responsible for monitoring fund revenue and disbursement. (Ord. 1997-18, S5, 1997)

Chapter 1.59
CITY ARTS FUND

Sections:

1.59.010 Established.

1.59.010 Established. There is hereby established and created a fund to be known as the "City Arts Fund" for the receipt and disbursement of funds received from the Friends of the Arts and other donations. (Ord. 1994-16, S1, 1994)

Chapter 1.60

ARTS DEPARTMENT

Sections:

1.60.010	Creation.
1.60.020	Composition.
1.60.030	Purpose.
1.60.040	Authority.
1.60.100	Acceptable Payment Types.

1.60.010 Creation. The Arts Department is hereby created for those purposes set forth in Section 3 (Section 1.60.030) of this Ordinance. The Arts Department shall be headed by a Director, whom shall be appointed by the Mayor, in accordance with Indiana law. The Department shall be controlled by the Jasper Community Arts Commission, which is also hereby created. (Ord. 2004-61, S1, Jan. 3, 2005) (Ord. 805 S 1, 1975).

1.60.020 Composition. The Jasper Community Arts Commission shall be composed of eleven (11) members. Four members shall be appointed by the Mayor. Five members shall be appointed by the Common Council. One member shall be appointed by the Greater Jasper Consolidated School Board. One member shall be appointed by the Jasper Park and Recreation Board. The members appointed by the Greater Jasper Consolidated School Board and the Jasper Park and Recreation Board shall have their terms expire on December 31, 2001. Thereafter, all members shall be appointed for terms of four (4) years. In the event that a member resigns during the term of their appointment, the member appointed to fill the resigning member's position shall serve until the end of the resigning member's term. In order to be appointed or reappointed to the Commission, the prospective member shall reside in the City of Jasper at the time of initial appointment and at the time of any reappointment. (Ord. 2001-12, S 1, April 18, 2001) (Ord. 805 S 2, 1975).

1.60.030 Purpose. The purpose of the Jasper Community Arts Commission shall be:

- (1) To stimulate and encourage an appreciation of and participation in the fine arts by citizens of all ages in Jasper and the nearby area;
- (2) To sponsor and develop artistic activities and educational programs, and in all other feasible ways foster an environment conducive to enjoyment of the fine arts;
- (3) To cooperate with various bodies, groups and individuals interested in achieving the same ends;

- (4) To administer the operation of Jasper Arts Center and any other civic properties in Jasper assigned for the fine arts. (Ord. 2000-2, S 1, 2, 3, Jan. 19, 2000) (Ord. 805 S 3, 1975).

1.60.040 Authority. The Jasper Community Arts Commission will have such lawful authority as may be necessary to perform those acts and fulfill those duties as may be required to fulfill the purposes of the Commission, which includes, but is not limited to, entering into contracts. The Common Council of the City of Jasper, Indiana hereby ratifies any contracts entered into in the past by the Jasper Community Arts Commission. (Ord. 2004-21, S1, July 21, 2004) (Ord. 805 S 4, 1975).

1.60.100 Acceptable Payment Types. The Arts Commission is hereby authorized to accept cash, check, bank draft, money order, bank card or credit card, or electronic funds transfer from its patrons for any purpose of the Arts Department. The City of Jasper shall pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card by Arts Department patrons. (Ord. 2008-7, S1, Mar. 19, 2008) (Ord. 2001-8, S1, Mar. 21, 2001) (Ord. 2000-2, S1, 2, 3, Jan. 19, 2000) (Ord. 1998-4, S 1, 1998) (Ord. 1995-33, S1, 1995)

Chapter 1.64

ECONOMIC DEVELOPMENT COMMISSION

Sections:

- 1.64.010 Findings.**
- 1.64.020 Department of development of the city - Statutory authority.**
- 1.64.030 Membership, powers and duties.**

1.64.010 Findings. The Common Council finds that a need exists for the financing of economic development and pollution control facilities, as authorized by I.C. 1971, 18-6-4.5, as supplemented and amended by Acts 1973, P.L. 182 and by Acts 1975, P.L. 187. (Ord. 826 S 1, 1975).

1.64.020 Department of Development of the city - Statutory authority. There is created a Department of Development of the City of Jasper, Indiana, which shall be under the control of a Commission to be known as the "Jasper Economic Development Commission," pursuant to and under authority of I.C. 18-6-4.5, as supplemented and amended by Acts 1973, P.L. 182 and by Acts 1975, P.L. 187 adopted by General Assembly of the State of Indiana. (Ord. 826 S 2, 1975).

1.64.030 Membership, powers and duties. The Jasper Economic Development Commission shall consist of three members to be appointed as provided by law and shall have all the rights, powers and duties set forth under I.C. 1971, 18-6-4.5, as supplemented and amended by Acts 1973, P.L. 182 and Acts 1975, P.L. 187 of the General Assembly of the State of Indiana, and all acts amendatory thereof and supplemental thereto. (Ord. 826 S3, 1975).

Chapter 1.65

FAIR HOUSING ORDINANCE

Sections:

- 1.65.010 Policy Statement.**
- 1.65.020 Definitions.**
- 1.65.030 Unlawful Practice.**
- 1.65.040 Discrimination in the Sale or Rental of Housing.**
- 1.65.050 Discrimination in Residential Real Estate-Related Transactions.**
- 1.65.060 Discrimination in the Provision of Brokerage Service.**
- 1.65.070 Interference, Coercion, or Intimidation.**
- 1.65.080 Prevention of Intimidation in Fair Housing Cases.**
- 1.65.090 Exemptions.**
- 1.65.100 Administrative Enforcement of Ordinance.**

1.65.010 Policy Statement. It shall be the policy of the City of Jasper, 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. 2009-28, S2, Sept. 23, 2009)

1.65.020 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 (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 (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

- (4) “To Rent” (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- (5) “Discriminatory Housing Practice” means an act that is unlawful under Sections 5, 6, 7, 8 or 9 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, or
 - (c) being regarded as having such an impairment,
 - (d) an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.

The term “handicap” shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code.

- (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 the 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. 2009-28, S3, Sept. 23, 2009)

1.65.030 Unlawful Practice. Subject to the provisions of subsection (2) of this Section, Section 10 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 1.65.040 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 1.65.040 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 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 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 1.65.040(3) of this Ordinance, but noting 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 (12) 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 (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 or more transaction 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. 2009-28, S4, Sept. 23, 2009)

1.65.040 Discrimination in the Sale or Rental of Housing. As made applicable by Section 1.65.030 and except as exempted by Section 1.65.030(2) and 1.65.090, 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, handicap, 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, handicap, familial status or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

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

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

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

- (c) For purposes of this subsection, discrimination includes:
 - 1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such 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 modifications, 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, 1998, a failure to design and construct those dwellings in such a manner that;
 - A. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - B. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - C. all premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.
- (d) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as AANSI 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 of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 2009-28, S5, Sept. 23, 2009)

1.65.050 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, sex, handicap, familial status or national origin. (Ord. 2009-28, S6, Sept. 23, 2009)

1.65.060 Discrimination in the Provision of Brokerage Service. 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. 2009-28, S7, Sept. 23, 2009)

1.65.070 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 1.65.030, 1.65.040, 1.65.050 or 1.65.060 of this Ordinance. (Ord. 2009-28, S8, Sept. 23, 2009)

1.65.080 Prevention of Intimidation in Fair Housing Cases. Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt 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 (1); 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 according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned 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. 2009-28, S9, Sept. 23, 2009)

1.65.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of the 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 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 lodging 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 person (as defined in the state or federal program) or;
 - 2. intended for, and solely occupied by, person 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. 2009-28, S10, Sept. 23, 2009).

1.65.100 Administrative Enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (2) hereof shall be vested in the Mayor of the City of Jasper, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the City of Jasper, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Mayor of the City of Jasper, 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 City of Jasper, 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 Mayor and the Commission to further such purposes.

- (4) The Mayor of the City of Jasper, Indiana, or the Mayor's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 2009-28, S11, Sept. 23, 2009)

Chapter 1.66

PUBLIC WORKS EMPLOYMENT ACT FUND

Sections:

- 1.66.010 Created.**
- 1.66.020 Drawing of funds.**

1.66.010 Created. There is created and established a Public Works Employment Act - Title II Fund into which all payments allotted to the city of Jasper, shall be deposited in lieu of being deposited into the general fund, which are received from the United States Department of the Treasury in accordance with the federal and state laws governing this fund. (Ord. 863 S 1, 1977).

1.66.020 Drawing of funds. The funds shall be drawn upon from the Public Works Employment Acts - Title II Fund, in accordance with, and as provided in Title II, Public Law 94-369. (Ord. 863 S 2, 1977).

Chapter 1.67

RIVERWALK PROJECT FUND

Sections:

- 1.67.010** **Established.**
- 1.67.020** **Non-reverting.**
- 1.67.030** **Control and Use of Funds.**
- 1.67.040** **Custodian.**

1.67.010 Established. The City of Jasper hereby establishes a fund, which shall be entitled "Riverwalk Project Fund". That any funds or money given to the City of Jasper to be used for the "Riverwalk Project" shall be accounted for and delivered to the Clerk-Treasurer of the City of Jasper, to the credit of the City of Jasper, in a special account designated the "Riverwalk Project Fund". The Clerk-Treasurer or its designee shall issue a proper receipt and quietus to the person, for any sum of money received by the Clerk-Treasurer. (Ord. 2000-7, S 1, Mar. 22, 2000)

1.67.020 Non-reverting. That the Clerk-Treasurer shall create and maintain upon the books of the City of Jasper, a special account, to be known and designated as the "Riverwalk Project Fund", into which account shall be funded or credited all monies belonging to the Fund. The unexpended balance in the Fund at the end of any year shall not revert to the general funds of the city, but shall be carried over in the special account. (Ord. 2000-7, S2, Mar. 22, 2000)

1.67.030 Control and Use of Funds. That the "Riverwalk Project Fund" shall be under the exclusive control of the Board of Public Works and Safety of the City of Jasper. The Board of Public Works and Safety of the City of Jasper shall expend the funds for enhancing, improving, or purchasing additional property for the Riverwalk Project only. (Ord. 2000-7, S3, Mar. 22, 2000)

1.67.040 Custodian. That the Clerk-Treasurer of the City of Jasper shall be the custodian of these funds. (Ord. 2000-7, S4, Mar. 22, 2000)

Chapter 1.68

PARK AND RECREATION NONREVERTING OPERATING FUND

Sections:

1.68.010 Created.

1.68.010 Created. There is created and established a nonreverting operating fund into which moneys received as donations or contributions shall be deposited in lieu of being deposited into the general fund, and from which moneys may be expended, without appropriation, for the purchase of park and recreation equipment and for the general improvement of park and recreation facilities in accordance with the provisions of I.C. 19-7-4-26. (Ord. 868 S 1, 1977).

Chapter 1.69

GOLF CART NONREVERTING CAPITAL FUND

Sections:

- 1.69.010 Created.**
- 1.69.020 Receipt of funds.**
- 1.69.030 Purpose.**
- 1.69.040 Non-reverting.**
- 1.69.050 Interest Earned.**
- 1.69.060 Termination and Balance Remaining.**

1.69.010 Created. Pursuant to the request of the Jasper City Park and Recreation Board there is hereby created a special nonreverting capital fund which is to be known as the "Golf Cart Nonreverting Capital Fund". (Ord. 2002-53, S2, Nov. 20, 2002) (Ord. 1988-1, S1, 1988)

1.69.020 Receipt of funds. Monies collected at a rate to be determined from time to time by the Jasper Park and Recreation Board from the rental of golf carts at Jasper Municipal Golf Course and Alvin C. Ruxer Municipal Golf Course shall be deposited from time to time (but not less than once each month) with the Clerk-Treasurer who shall in turn deposit the same in said special nonreverting capital fund. (Ord. 2002-53, S3, Nov. 20, 2002) (Ord. 1988-1, S2, 1988)

1.69.030 Purpose. Monies so deposited in the said nonreverting capital fund shall only be withdrawn and expended for the purpose of replacing golf carts at Jasper Municipal

Golf Course and the Alvin C. Ruxer Municipal Golf Course on a periodic basis and only pursuant to a prior appropriation ordinance adopted pursuant to law by the Common Council. (Ord. 2002-53, S4, Nov. 20, 2002) (Ord. 1988-1, S3, 1988)

1.69.040 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund or the Park Fund of the City, but shall be carried over in the Fund in which it was deposited. (Ord. 2002-53, S5, Nov. 20, 2002)

1.69.050 Interest Earned. Any and all interest earned on the monies deposited in said dedicated Fund shall remain in the Fund. (Ord. 2002-53, S5, Nov. 20, 2002)

1.69.060 Termination and Balance Remaining. That this Fund shall remain in existence until such time as the Common Council repeals the ordinance establishing said Fund. In the event that said Fund is terminated, any balance remaining in the Fund at the time of termination shall revert to the Park Fund. (Ord. 2002-53, S5, Nov. 20, 2002)

Chapter 1.70

ADMINISTRATIVE FEES AND CHARGES

Sections:

1.70.010 Special meetings of Plan Commission or Board of Zoning Appeals.

1.70.010 Special meetings of Plan Commission or Board of Zoning Appeals. All requests for a special meeting of either the Plan Commission or the Board of Zoning Appeals of the city of Jasper, Indiana, shall be accompanied by a fee of twenty-five dollars. (Ord. 1033 S 1, 1981).

Chapter 1.71

LANDFILL CLOSE-DOWN ESCROW FUND

Sections:

- 1.71.010** **Established.**
- 1.71.020** **Purpose.**
- 1.71.030** **Effective date.**

1.71.010 Established. That there is herewith established a "Landfill Close-Down Escrow Fund". (Ord. 1988-38, S1, 1988)

1.71.020 Purpose. Said fund shall be used for the receipt and deposit of monies received by the City of Jasper for the purpose of defraying the future ordinary and usual expenses of closing down, maintaining and monitoring the Jasper City landfill on and after its date of closing. (Ord. 1988-38, S2, 1988)

1.71.030 Effective date. This Chapter shall be in full force and effect from and after its passage and approval by the Mayor in the manner provided by law. December 14, 1988. (Ord. 1988-38, S3, 1988)

Chapter 1.72

JASPER ECONOMIC DEVELOPMENT FUND

Sections:

1.72.010 Established - Purpose.

1.72.010 Established - Purpose. There is herewith established on the books and accounts of the city of Jasper a separate fund designated as the "Jasper Economic Development Fund," to be used for the receipt of and disbursement of moneys to defray the costs and expenses incurred by the Jasper Economic Development Commission. (Ord. 1065 S1, 1981).

Chapter 1.73

CUMULATIVE NON-REVERTING INSURANCE FUND

Sections:

1.73.010 **Established.**

1.73.020 **Purpose.**

1.73.010 Established. That there is hereby established a "Cumulative Non-Reverting Insurance Fund."

1.73.020 Purpose. That the City may contribute, from time to time, such moneys to the fund as it deems necessary to carry out the purpose for the establishment of such fund. (Ord. 1233, November 13, 1985).

Chapter 1.74

MEMBERSHIP AND PUBLICATIONS FOR CITY DEPARTMENTS

Sections:

1.74.010 Generally.

1.74.010 Generally. The common council of the city of Jasper deems it in the best interests of the city that the various departments of the city belong to state or national organizations which promote the interests of and supply information concerning the activities of the department; therefore, the following departments of the city of Jasper are authorized to obtain and retain memberships in the following designated associations or organizations and are further authorized to purchase publications from the organizations as hereinafter provided:

- (1) Building Commissioner:
 - Small Towns Institute
 - International Conference of Building Officials
 - Zoning Bulletin
- (2) Wastewater Superintendent:
 - I.W.P.C.A
 - Water Engineering and Management
- (3) Electric Utilities Manager:
 - American Public Power Association
 - Indiana Municipal Electric Association
 - U.S. News and World Report
- (4) Gas and Water Superintendent:
 - Pipeline and Gas Journal
 - American Water Works Association
 - American Public Gas Association
 - Business Research Publications, Inc.
- (5) Clerk-Treasurer:
 - Indiana League Municipal Clerk-Treasurers
- (6) Fire Chief:
 - National Fire Protection Association
 - Fire Engineering
 - Fire Chief Magazine

- (7) Arts Commission:
 - National Assembly of Local Art Agencies
 - Indiana Assembly of Local Art Agencies
 - American Council for the Arts
 - Indiana Presenters Network
 - Indiana Citizens For the Arts
 - Association of Performing Arts Presenters
 - Arts Indiana

- (8) Common Council:
 - Indiana Association of Cities and Towns
 - Wabash Valley Association
 - Jasper Chamber of Commerce

- (9) Park and Recreation:
 - National Recreation and Park Association
 - Indiana Park and Recreation Association

- (10) Police Department:
 - Indiana Association of Chiefs of Police

- (11) Legal Department:
 - National Institute of Legal Officers

(Ord. 1994-38, S1, 1994; Ord. 1275 S1, 1986; Ord. 1072 S 1, 1981).

Chapter 1.75

MILEAGE REIMBURSEMENT RATE

Sections:

- 1.75.010** **Approved mileage reimbursement allowed.**
- 1.75.020** **State of Indiana Budget Agency adjusted rate.**
- 1.75.030** **City's rate consistent with State of Indiana Budget Agency.**

1.75.010 Approved mileage reimbursement allowed. That under certain approved conditions City of Jasper employees are reimbursed for their mileage. (Ord. 1998-2, S1, Jan. 21, 1998)

1.75.020 State of Indiana Budget Agency adjusted rate. That the State of Indiana Budget Agency periodically adjusts the mileage reimbursement rate that is paid to State employees. (Ord. 1998-2, S2, Jan. 21, 1998)

1.75.030 City's rate consistent with State of Indiana Budget Agency. That the City of Jasper's mileage reimbursement rate shall be consistent with the rate that is used by the State of Indiana Budget Agency. (Ord. 1998-2, S3, Jan. 21, 1998)

Chapter 1.76

PROMOTION OF THE CITY

Sections:

1.76.010	Established.
1.76.020	Appropriations.
1.76.030	Expenditures.
1.76.040	Expenses.

1.76.010 Established. There shall be an account within the General Fund, known as the Promotion of the City account. This account shall be categorized within the Mayor's budget. (Ord. 2002-35, S1.76.010, Aug. 21, 2002) (Ord. 1090 S 1, 1982).

1.76.020 Appropriations. The Common Council is authorized to appropriate funds to pay the expenses of or to reimburse city officials for expenses incurred in promoting the best interest and the betterment of the municipality. (Ord. 2002-35, S1.76.020, Aug. 21, 2002)

1.76.030 Expenditures. Expenditures from this account may include, but are not necessarily limited to, the following:

- (1) Membership dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations;
- (2) Direct expenses for travel, meals, and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs;
- (3) Expenses incurred in the promotion of economic, industrial, commercial, and residential development for the municipality, including meeting room rental, decorations, meals and travel;
- (4) Commemorative plaques, certificates, awards, memorabilia, or objects such as commemorative keys;
- (5) Expenses incurred in developing relations with other units of government;
- (6) Other purposes which are deemed by the Mayor to directly relate to the promotion or betterment of the City of Jasper. (Ord. 2002-35, S1.76.030, Aug. 21, 2002) (Ord. 1090 S 2, 1982).

1.76.040 Expenses. No expenses shall be paid or allowed from this account without prior authorization and approval of the Mayor. Claims for expenses under this section will be allowed as prescribed by law. (Ord. 2002-35, S1.76.040, Aug. 21, 2002) (Ord. 1090 S 3, 1982).

Chapter 1.77

BEAVER DAM LAKE FUND

Sections:

- 1.77.010** **Creation of Beaver Dam Lake Fund.**
- 1.77.020** **Purposes of the Fund.**
- 1.77.030** **Transfers to the Fund.**
- 1.77.040** **Appropriations.**
- 1.77.050** **Non-reverting.**
- 1.77.060** **Interest Earned.**

1.77.010 Creation of Beaver Dam Lake Fund. There is hereby established a "Beaver Dam Lake Fund" to receive donations from the Beaver Dam Lake Association and any other persons, firms or corporations. The Fund shall also receive proceeds from the sale of timber from the Beaver Dam Lake property. (Ord. 2006-28, S1, July 19, 2006) (Ord. 2003-64, S2, Nov. 19, 2003)

1.77.020 Purposes of the Fund. The funds on deposit in the Beaver Dam Lake Fund may be used for the Beaver Dam Lake boat ramp or for general maintenance at Beaver Dam Lake and the surrounding City-owned property, including costs associated with harvesting timber, which include, but are not limited to, writing a Forest Management Plan, surveying, and Timber Stand Improvement practices. However, said funds shall not be used in any way for the dam at Beaver Dam Lake. (Ord. 2006-28, S2, July 19, 2006) (Ord. 2003-64, S3, Nov. 19, 2003)

1.77.030 Transfers to the Fund. Any donations received for use at Beaver Dam Lake, excluding the dam, and proceeds from the sale of timber from the Beaver Dam Lake property, shall be deposited in the Beaver Dam Lake Fund. (Ord. 2006-28, S3, July 19, 2006) (Ord. 2003-64, S4, Nov. 19, 2003)

1.77.040 Appropriations. All appropriations must be approved, in ordinance form, by the City of Jasper Common Council. The Jasper Park Department or the Jasper Parks and Recreation Board of the City of Jasper, Indiana, may authorize the expenditure of funds from the Beaver Dam Lake Fund upon making a finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 2006-28, S4, July 19, 2006) (Ord. 2003-64, S5, Nov. 19, 2003)

1.77.050 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the Beaver Dam Lake Fund. (Ord. 2003-64, S6, Nov. 19, 2003)

1.77.060 Interest Earned. Any and all interest earned on the monies deposited in said dedicated Fund shall remain in the Fund. (Ord. 2003-64, S7, Nov. 19, 2003)

Chapter 1.78

CUMULATIVE CAPITAL BUILDING FUND

Sections:

1.78.010	Establishment.
1.78.020	Tax levy.
1.78.030	Maximum rate of levy.
1.78.040	Cumulative Building Fund.
1.78.050	Other purposes.

1.78.010 Establishment. There is hereby established a Jasper Cumulative Capital Development Fund. (Ord. 1993-10, S1, 1993; Ord. 1990-5, S1, 1990; Ord. 1987-18, S1, 1987; Ord. 1163 S1, 1984).

1.78.020 Tax levy. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Cumulative Capital Development Fund. (Ord. 1993-10, S2, 1993; Ord. 1990-5, S2, 1990; Ord. 1987-18, S2, 1987; Ord. 1163, S2, 1984)

1.78.030 Maximum rate of levy.

The maximum rate of levy under Section 1.78.020 will not exceed:

- (1) .15 per \$100.00 Assessed Valuation for 1993, payable in 1994.
- (2) .15 per \$100.00 Assessed Valuation for 1994, payable in 1995.
- (3) .15 per \$100.00 Assessed Valuation for 1995, payable in 1996. (Ord. 1993-10, S3, 1993; Ord. 1990-5 S3, 1990; Ord. 1987-18, S3, 1987; Ord. 1163 S3, 1984).

1.78.040 Cumulative Building Fund. The funds accumulated in the Jasper Cumulative Capital Development Fund will be used for a Cumulative Building Fund pursuant to the authority of I.C. 36-9-16-2. (Ord. 1993-10, S4, 1993; Ord. 1990-5 S4, 1990; Ord. 1987-18, S4, 1987; Ord. 1163 S4, 1984).

1.78.050 Other purposes. Notwithstanding 1.78.040, funds accumulated in the Jasper Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in 1.78.040, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Mayor issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditures of money in the fund. (Ord. 1993-10, S5, 1993; Ord. 1990-5, S5, 1990; Ord. 1987-18, S5, 1987; Ord. 1163 S5, 1984).

Chapter 1.79

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.79.010	Establishment.
1.79.020	Tax levy.
1.79.030	Maximum rate of levy.
1.79.040	Expiration.
1.79.050	Use of the Fund.
1.79.060	Other purposes.
1.79.070	Additional Revenues.
1.79.080	Interest Accumulation.

1.79.010 Establishment. That there is hereby established the City of Jasper Cumulative Capital Development Fund. (Ord. 2004-24, S2, July 21, 2004) (Ord. 1997-2, S1, 1997)

1.79.020 Tax levy. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the City of Jasper Cumulative Capital Development Fund. (Ord. 2004-24, S3, July 21, 2004) (Ord. 1997-2, S2, 1997)

1.79.030 Maximum rate of levy. That the maximum rate of levy under Section 1.79.020 will not exceed:

- (1) \$0.0500 per \$100 Assessed Valuation payable in 2005 and thereafter. (Ord. 2004-24, S4, July 21, 2004) (Ord. 1997-2, S3, 1997)

1.79.040 Expiration. That the City of Jasper Cumulative Capital Development Fund is established until such time as the fund is rescinded. (Ord. 2004-24, S5, July 21, 2004) (Ord. 1997-2, S4, 1997)

1.79.050 Use of the Fund. That the funds accumulated in the City of Jasper Cumulative Capital Development Fund will be used for improvement of public ways and sidewalks as described in I.C. 36-9-16.5-2. (Ord. 2004-24, S6, July 21, 2004) (Ord. 1997-2, S5, 1997)

1.79.060 Other purposes. Notwithstanding Section 1.79.050, funds accumulated in the City of Jasper Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.79.050, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Mayor issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund. (Ord. 2004-24, S7, July 21, 2004) (Ord. 1997-2, S6, 1997)

1.79.070 Additional Revenues. That revenues received under a Contract with Unimin Corporation shall be deposited into the Cumulative Capital Street Fund. Said funds shall only be used as permitted under the Contract for the maintenance and repair of roads and streets which the Contract designates. (Ord. 2001-3, S 1, Feb. 21, 2001)

1.79.080 Interest Accumulation. Any interest earned from any portion of the revenues in the Fund shall be accumulated in the entire Fund and shall not be allocated to any specific category. (Ord. 2001-3, S1, Feb. 21, 2001)

Chapter 1.80

ARNOLD F. HABIG COMMUNITY CENTER FUND

Sections:

- 1.80.010** **Creation of Arnold F. Habig Community Center Fund.**
- 1.80.020** **Purposes of the Fund.**
- 1.80.030** **Transfers to the Fund.**
- 1.80.040** **Appropriations.**
- 1.80.050** **Non-reverting.**
- 1.80.060** **Interest Earned.**

1.80.010 Creation of Arnold F. Habig Community Center Fund. There is hereby established an "Arnold F. Habig Community Center Fund" to receive donations from the Arnold F. Habig Endowment and from any other persons, firms or corporations for the same purpose as indicated below. (Ord. 2004-1, S2, Jan. 21, 2004)

1.80.020 Purposes of the Fund. The funds on deposit in the Arnold F. Habig Community Center Fund may be used to provide support for maintenance of the grounds of the Arnold F. Habig Community Center, maintenance of improvements located on the Arnold F. Habig Community Center real estate, and maintenance of personal property located on and remaining at the Arnold F. Habig Community Center real estate. (Ord. 2007-3, S1, Feb. 21, 2007) (Ord. 2004-1, S3, Jan. 21, 2004)

1.80.030 Transfers to the Fund. Any donations received to provide support for maintenance of the grounds of the Arnold F. Habig Community Center, maintenance of improvements located on the Arnold F. Habig Community Center real estate, or maintenance of personal property located on and remaining at the Arnold F. Habig Community Center real estate shall be deposited in the Arnold F. Habig Community Center Fund. (Ord. 2007-3, S2, Feb. 21, 2007) (Ord. 2004-1, S4, Jan. 21, 2004)

1.80.040 Appropriations. The Jasper Park Department or the Jasper Parks and Recreation Board of the City of Jasper, Indiana, may authorize the expenditure of funds from the Arnold F. Habig Community Center Fund upon making a finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 2004-1, S5, Jan. 21, 2004)

1.80.050 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the Arnold F. Habig Community Center Fund. (Ord. 2004-1, S6, Jan. 21, 2004)

1.80.060 Interest Earned. Any and all interest earned on the monies deposited in said dedicated Fund shall remain in the Fund. (Ord. 2004-1, S7, Jan. 21, 2004)

Chapter 1.81

ROJAC FUND

Sections:

- 1.81.010** **Creation of ROJAC Fund.**
- 1.81.020** **Purposes of the Fund.**
- 1.81.030** **Transfers to the Fund.**
- 1.81.040** **Appropriations.**
- 1.81.050** **Non-reverting.**
- 1.81.060** **Interest Earned.**

1.81.010 Creation of ROJAC Fund. There is hereby established a "ROJAC Fund" to receive and distribute money on behalf of the Redevelop Old Jasper Action Coalition, Inc. (ROJAC) for the building of the Eckert Mill Welcome Center, Brick Boulevard, Lighting, Enhancements and Landscaping (Project), but only to the extent necessary to maintain compliance with the Transportation Enhancement Grant's requirements. (Ord. 2004-62, S2, Jan. 3, 2005)

1.81.020 Purposes of the Fund. The funds on deposit in the ROJAC Fund may be used for the payment of invoices and bills related to the Project. (Ord. 2004-62, S3, Jan. 3, 2005)

1.81.030 Transfers to the Fund. Any monies received from or on behalf of ROJAC shall be deposited in the ROJAC Fund. (Ord. 2004-62, S4, Jan. 3, 2005)

1.81.040 Appropriations. The Board of Public Works and Safety of the City of Jasper, Indiana, may authorize the expenditure of funds from the ROJAC Fund upon making a finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 2004-62, S5, Jan. 3, 2005)

1.81.050 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the ROJAC Fund, until such time as the Project is completed, at which time any unexpended balance shall be returned to its original source, including interest, if any. (Ord. 2004-62, S6, Jan. 3, 2005)

1.81.060 Interest Earned. Any and all interest earned on the monies deposited in said dedicated Fund shall remain in the Fund. (Ord. 2004-62, S7, Jan. 3, 2005)

Chapter 1.82

ARTS CENTER RENOVATION/EXPANSION FUND

Sections:

- 1.82.010** **Creation of Arts Center Renovation/Expansion Fund.**
- 1.82.020** **Purposes of the Fund.**
- 1.82.030** **Transfers to the Fund.**
- 1.82.040** **Appropriations.**
- 1.82.050** **Expenditures.**
- 1.82.060** **Non-reverting.**
- 1.82.070** **Interest Earned.**

1.82.010 Creation of Arts Center Renovation/Expansion Fund. There is hereby established an "Arts Center Renovation/Expansion Fund" to receive donations from individuals, firms, corporations, and other legal entities. The Fund may also receive transfers from other City funds. (Ord. 2005-38, S2, Oct. 19, 2005)

1.82.020 Purposes of the Fund. The funds on deposit in the Arts Center Renovation/Expansion Fund may be used for facility improvement, renovation, and expansion. (Ord. 2005-38, S3, Oct. 19, 2005)

1.82.030 Transfers to the Fund. All monies received from donations for the purpose of the Fund and monies appropriated by the Common Council into this Fund from another fund shall be deposited in the Arts Center Renovation/Expansion Fund. (Ord. 2005-38, S4, Oct. 19, 2005)

1.82.040 Appropriations. The Common Council of the City of Jasper may authorize appropriations from the Arts Center Renovation/Expansion Fund in the same manner as other funds that receive donations or tax moneys, upon making a finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 2005-38, S5, Oct. 19, 2005)

1.82.050 Expenditures. The Jasper Community Arts Commission and the Board of Public Works and Safety of the City of Jasper, Indiana, may authorize the expenditure of funds from the Arts Center Renovation/Expansion Fund upon making a finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 2005-38, S6, Oct. 19, 2005)

1.82.060 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in the Arts Center Renovation/Expansion Fund. (Ord. 2005-38, S7, Oct. 19, 2005)

1.82.070 Interest Earned. Any and all interest earned on the monies deposited in said dedicated Fund shall remain in the Fund. (Ord. 2005-38, S8, Oct. 19, 2005)

Chapter 1.84

JASPER CITY CEMETERY

Sections:

- 1.84.010 Control and Management.**
- 1.84.020 Policies for Operation of the Jasper City Cemetery.**
- 1.84.030 Fees for Jasper City Cemetery.**

1.84.010 Control and Management. That the Board of Public Works and Safety of the City of Jasper shall be responsible for the control and management of the Jasper City Cemetery. (Ord. 2005-15, S2, Aug. 17, 2005)

1.84.020 Policies for Operation of the Jasper City Cemetery.

- (1) **WORK DONE AND ITEMS PERMITTED IN CEMETERY:** It shall be unlawful for any person to dig any grave or make any other excavation, erect any burial vault monument, gravestone, marker, or structure of any character whatsoever in the Jasper City Cemetery without first notifying the City of Jasper Maintenance Supervisor. Such work shall also be as generally authorized or required by the rules of the Board of Public Works and Safety of the City or posted in and about such cemetery. Nothing shall be permitted on the ground in the Jasper City Cemetery during mowing season from March through November. It shall be unlawful for any person to plant any tree, shrub, or do other landscaping work in the Jasper City Cemetery on their respective grave space, except such work as is specifically requested from the Maintenance Supervisor and authorized by the Board of Public Works and Safety of the City or such work as may be generally authorized or required by the rules of said Board and posted in and about such cemetery. All required work shall be promptly completed according to said requirements and the applicant shall, upon completion of the work, restore the lot to its original condition consistent with such improvement and promptly remove from the cemetery all rubbish and refuse occasioned by it. The Maintenance Supervisor shall have the right to remove or order to be removed shrubs, trees, landscaping, or anything else not permitted by this Ordinance, anything causing difficulty with maintenance or infringing upon other burial plots, and anything that has deteriorated. Neither the City of Jasper nor any of its employees shall be responsible for any lost, stolen or damaged items put on the graves.
- (2) **PERSON IN CHARGE OF CEMETERY:** The City of Jasper Maintenance Supervisor shall have supervisory charge of the Jasper City Cemetery. It shall be the duty of the Maintenance Supervisor to report to

the Board of Public Works and Safety all violations of the City's ordinances and violations of the Board's rules and regulations that pertain to the Cemetery.

- (3) **SIZE OF PLOTS:** The size of the plots shall be 5 feet X 10 feet.
- (4) **PERPETUAL CARE:** The City shall provide for all plot owners of the Cemetery, perpetual care, which shall consist of, but is not limited to, cutting grass and noxious growths; removal of rubbish and litter; keeping graves properly leveled and filled; seeding of graves; and performing all other work that shall be deemed necessary to meet the maintenance requirements and rules as established by the Jasper Board of Public Works and Safety.
- (5) **CEMETERY RECORD:** The Mayor's Administrative Assistant shall prepare and at all times keep in his/her office a Cemetery Record in which shall be entered and kept a separate account of all cemetery plots of the Jasper City Cemetery with their purchaser, fees collected, the name and marital status of the person whose remains are interred there, and the date the body is interred.
- (6) **FORMULATING RULES AND REGULATIONS:** The Board of Public Works and Safety of the City is hereby authorized from time to time to adopt and promulgate further administrative rules and regulations, not inconsistent with the laws of the State and the ordinances of the City of Jasper, for the control and management of the Jasper City Cemetery. Such rules and regulations, which so adopted and posted in a plain, legible, and conspicuous manner at the entrance of any cemetery, shall be binding and effective on all person affected thereby the same as if fully incorporated in this section and the violation of any such rule or rules shall be subject to the penalties herein prescribed.
- (7) **BURIALS REGULATED:** No interment of human remains shall be made within the City, except on the regular burial grounds already established, or hereafter established, for such purpose and any person who shall enter such cemetery or burial grounds and inter any body without the authority and permit duly issued, as authorized by law, shall be deemed guilty of an ordinance violation and subject to the penalties for the violation of this section.
- (8) **DEFACING CEMETERIES:** It shall be unlawful for any person to wantonly, carelessly, or maliciously alter, deface, break down, or destroy, or in any other way deface any vault, monument, gravestone, marker, curbing, coping, fence railing or post thereof, erected or maintained around any lot or graves of deceased persons in any public or private cemetery or

burial grounds in said City or wantonly, carelessly, or maliciously remove or injure any tree, shrub, plant, floral decoration, or sodding in such cemetery or burial grounds.

- (9) **PLACING OF MONUMENTS:** Permission for the erection or placement of any monument or grave marker in the Jasper City Cemetery shall be given upon payment of all charges due the City of Jasper, Indiana, with respect to the involved grave spaces. Monuments must be placed on foundations substantial enough to carry the weight of the stone. The City of Jasper shall not be responsible for the foundation or the stone after placement.
- (10) **CONDUCT IN CEMETERIES:** No obscene language or loud or profane conversation shall be allowed and no alcoholic beverage will be allowed within the Jasper City Cemetery. Pets shall be leashed at all times. No motor vehicles shall be left unattended while the engine is in operation. No vehicle, except cemetery and monument vehicles performing their duties, shall be driven on or over the lawns of such cemetery, or at any other place other than on the driveways thereof, and no vehicle shall be driven faster than ten (10) miles per hour. Cemetery roads and gates shall not be blocked at any time. The driveways shall only be used for cemetery purposes and shall not be resorted to for commercial or other use having no connection with cemetery purposes. No firearms shall be discharged within the cemetery except at military funerals. No person or persons shall use the Cemetery for other than cemetery purposes. No erection of refreshment stands or the sale of soft drinks, food or other refreshments shall be permitted. No litter, rubbish, or other refuse shall be carried or deposited within the confines of the cemetery by any person. No interference with the Maintenance Supervisor or others delegated with the personal charge in the performance of duties in or with reference to such cemetery shall be permitted.
- (11) **BURIAL RESTRICTIONS:** Burials shall be restricted to human remains only. The number of burials that shall be allowed on one gravesite shall be limited to one of the following choices: One full interment or two cremations.
- (12) **PENALTY:** Any person violating any provision of this section or the rules adopted by the Board of Public Works and Safety as herein provided shall be fined no less than \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third and further offenses. At the discretion of the City Attorney and the Police Chief, if the ordinance violation fine is not paid, the City Attorney may file said ordinance violation in court and said person shall also be responsible for court costs if the person is found to have committed the ordinance violation.

- (13) CEMETERY HOURS: Jasper City Cemetery hours shall be from dawn to dusk daily. (Ord. 2005-15, S3, Aug. 17, 2005)

1.84.030 Fees for Jasper City Cemetery. That the Common Council of the City of Jasper, Indiana, hereby ratifies and approves all fees charged for purchase of burial rights in lots at the Jasper City Cemetery prior to the adoption of this Ordinance.

The cost of obtaining burial rights in a plot in the Cemetery shall be Four Hundred Sixty Dollars (\$460.00). However, if the burial be that of an individual for whom a burial allowance is payable by a Township Trustee or the County Department of Family and Children, the cost of obtaining burial rights in a plot in the Jasper City Cemetery shall be Two Hundred Dollars (\$200.00). The purchase of burial rights in a plot in the Cemetery authorizes the owner the right to inter human remains within the plot boundaries. Title to the real estate remains with the City of Jasper.

All payments required hereunder shall be made to the City of Jasper, Indiana. That the fees collected hereunder shall be deposited in the Jasper City Cemetery Fund of the City of Jasper, Indiana. (Ord. 2005-15, S4, Aug. 17, 2005)

Chapter 1.85

JASPER CITY CEMETERY FUND

Sections:

- 1.85.010** **Established.**
- 1.85.020** **Appropriations.**
- 1.85.030** **Non-reverting.**
- 1.85.040** **Interest Earned.**
- 1.85.050** **Not a permanent maintenance fund.**

1.85.010 Established. That there is hereby established on the books and accounts of the City of Jasper a separate fund designated as the "Jasper City Cemetery Fund", to be used solely for the receipt of and disbursement of moneys and property for the maintenance, repair, improvement and preservation of the cemetery owned and operated by the City of Jasper and commonly known as the "Enlow Cemetery" or the "Jasper City Cemetery". (Ord. 961, S1, 1979)

1.85.020 Appropriations. The Common Council of the City of Jasper may authorize the expenditure of funds from the Jasper City Cemetery Fund by appropriations made in the same manner as other funds are appropriated that receive tax moneys. (Ord. 2005-16, S2, June 22, 2005)

1.85.030 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the general fund of the City, but shall be carried over in the Jasper City Cemetery Fund. (Ord. 2005-16, S3, June 22, 2005)

1.85.040 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2005-16, S4, June 22, 2005)

1.85.050 Not a permanent maintenance fund. That this Fund is not meant to be a permanent maintenance fund as described in I.C. 23-14-65-7 and its amendments. (Ord. 2005-16, S5, June 22, 2005)

Chapter 1.86

RIVERBOAT FUND

Sections:

1.86.010	Creation of Riverboat Fund.
1.86.020	Purposes of the Fund.
1.86.030	Transfers to the Fund.
1.86.040	Appropriations.
1.86.050	Non-reverting.
1.86.060	Interest Earned.

1.86.010 Creation of Riverboat Fund. There is hereby established a special fund which shall be known as the "Riverboat Fund" which shall receive the City's portion of the distribution of wagering taxes that Dubois County receives from the State of Indiana. (Ord. 2003-33, S2, July 23, 2003)

1.86.020 Purposes of the Fund. The funds on deposit in the Riverboat Fund may be used for any governmental purpose for which the money is appropriated by the Common Council. (Ord. 2003-33, S3, July 23, 2003)

1.86.030 Transfers to the Fund. The City's portion of the distribution of wagering taxes from the State of Indiana, through Dubois County, shall be deposited in the Riverboat Fund. (Ord. 2003-33, S4, July 23, 2003)

1.86.040 Appropriations. The Common Council of the City of Jasper may authorize the expenditure of funds from the Riverboat Fund by appropriations made in the same manner as other funds are appropriated that receive tax moneys. (Ord. 2003-33, S5, July 23, 2003)

1.86.050 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the general fund of the City, but shall be carried over in the Riverboat Fund. (Ord. 2003-33, S6, July 23, 2003)

1.86.060 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2003-33, S7, July 23, 2003)

Chapter 1.87

STORM WATER FUNDS

Sections:

- 1.87.010** **Creation of Storm Water Collection Fund and Storm Water Management Fund.**
- 1.87.020** **Purposes of the Funds.**
- 1.87.030** **Appropriations.**
- 1.87.040** **Non-reverting.**
- 1.87.050** **Interest Earned.**

1.87.010 Creation of Storm Water Collection Fund and Storm Water Management Fund. There is hereby established a "Storm Water Collection Fund" to deposit all user fees collected by the Utilities Business Office through its monthly billings. There is hereby established a "Storm Water Management Fund" to receive transfers of the user fees from the Storm Water Collection Fund. (Ord. 2003-37, S2, July 23, 2003)

1.87.020 Purposes of the Funds. The funds on deposit in the Storm Water Collection Fund shall be transferred to the Storm Water Management Fund to be used for the operation of the City's Department of Storm Water Management, to pay such costs, including, but not limited to, personal services, supplies, other services and charges, and capital outlays. (Ord. 2003-37, S3, July 23, 2003)

1.87.030 Appropriations. The Common Council of the City of Jasper may authorize the expenditure of funds from the Storm Water Management Fund by appropriations made in the same manner as other funds are appropriated that receive user fees or tax moneys, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. (Ord. 2003-37, S4, July 23, 2003)

1.87.040 Non-reverting. The unexpended balance in the Storm Water Management Fund at the end of any year shall not revert to the General Fund of the City, but shall be carried over in said Fund. (Ord. 2003-37, S5, July 23, 2003)

1.87.050 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2003-37, S6, July 23, 2003)

Chapter 1.88

LIVING MEMORIAL TREE FUND

Sections:

- 1.88.010** **Established.**
- 1.88.020** **Non-reverting.**
- 1.88.030** **Control and Use of Funds.**
- 1.88.040** **Custodian.**
- 1.88.050** **Interest earned.**

1.88.010 Established. The City of Jasper hereby establishes a fund, which shall be entitled "Living Memorial Tree Fund". That any funds or money given on behalf of the Donald M. Drone Memorial Fund to the City of Jasper, or any funds or money given directly to the City of Jasper to be used to purchase trees shall be accounted for and delivered to the Clerk-Treasurer of the City of Jasper, to the credit of the City of Jasper, in a special account designated the "Living Memorial Tree Fund." When required by regulations of the Internal Revenue Code, the Clerk-Treasurer or its designee shall issue a proper receipt to the donor for such sum of money received by the Clerk-Treasurer. (Ord. 2000-9, S1, Apr. 19, 2000)

1.88.020 Non-reverting. That the Clerk-Treasurer shall create and maintain upon the books of the City of Jasper, a special account to be known and designated as the "Living Memorial Tree Fund", into which account shall be funded or credited all monies belonging to the Fund. The unexpended balance in the Fund at the end of any year shall not revert to the general funds of the city, but shall be carried over in the special account. (Ord. 2000-9, S2, Apr. 19, 2000)

1.88.030 Control and Use of Funds. That the "Living Memorial Tree Fund" shall be under the exclusive control of the City of Jasper Park and Recreation Board. The City of Jasper Park and Recreation Board shall expend the funds by purchasing trees. The City of Jasper Park Department shall be responsible for planting the trees in city parks and golf courses. (Ord. 2000-9, S3, Apr. 19, 2000)

1.88.040 Custodian. That the Clerk-Treasurer of the City of Jasper shall be the custodian of these funds. (Ord. 2000-9, S4, Apr. 19, 2000)

1.88.050 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2000-9, S5, Apr. 19, 2000)

Chapter 1.89

RAINY DAY FUND

Sections:

1.89.010	Creation of Rainy Day Fund.
1.89.020	Purposes of the Fund.
1.89.025	Sources of the Fund.
1.89.030	Transfers to the Fund.
1.89.040	Appropriations.
1.89.050	Non-reverting.
1.89.060	Interest Earned.

1.89.010 Creation of Rainy Day Fund. There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the City whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains. (Ord. 2001-50, S1, Dec. 19, 2001)

1.89.020 Purposes of the Fund. The funds on deposit in the Rainy Day Fund may be used for the operation of the City and its various departments, when the City does not have sufficient levies or funds to pay such costs, including, but not limited to, personal services, supplies, other services and charges, capital outlays and insurance deductibles. (Ord. 2001-50, S2, Dec. 19, 2001)

1.89.025 Sources of the Fund. Monies may be transferred (1) from any Fund that had a property tax levy, or (2) from any Fund, as allowed by Indiana law, that has fulfilled its purpose and has an unused balance. (Ord. 2003-32, S1, July 23, 2003)

1.89.030 Transfers to the Fund. The Common Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, in accordance with Indiana Code 36-1-8-5, as amended from time to time. (Ord. 2006-23, S1, June 21, 2006) (Ord. 2003-32, S2, July 23, 2003) (Ord. 2001-50, S3, Dec. 19, 2001)

1.89.040 Appropriations. The Common Council of the City of Jasper 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 moneys. (Ord. 2003-32, S3, July 23, 2003) (Ord. 2001-50, S4, Dec. 19, 2001)

1.89.050 Non-reverting. The unexpended balance in the Fund at the end of any year shall not revert to the general fund of the City, but shall be carried over in the Rainy Day Fund. (Ord. 2001-50, S5, Dec. 19, 2001)

1.89.060 Interest Earned. Any and all interest earned on the monies deposited in said dedicated fund shall remain in the fund. (Ord. 2001-50, S6, Dec. 19, 2001)

Chapter 1.90

PURCHASING AGENCIES

Sections:

1.90.010 Purchasing Agencies established.

1.90.020 Purchasing Agents Designated.

1.90.010 Purchasing Agencies established. The Board of Public Works and Safety, Storm Water Management Board, Jasper City Park and Recreation Board and the Jasper Community Arts Commission are hereby designated as Purchasing Agencies. (Ord. 2004-25, S2, July 21, 2004)

1.90.020 Purchasing Agents Designated. That each Purchasing Agency shall designate the Purchasing Agents authorized to act as an agent for them in the administration of the duties of the Purchasing Agency. (Ord. 2004-25, S3, July 21, 2004)

Chapter 1.91

PURCHASING POLICIES

Sections:

- 1.91.100 Small Business criteria for set-aside purchases.**
- 1.91.200 Purchase of supplies manufactured in the United States.**
- 1.91.300 Purchasing Policies for all supplies.**
- 1.91.400 Purchasing Policies for the purchase of services.**

1.91.100 Small Business criteria for set-aside purchases. The City of Jasper hereby establish criteria for determining qualifications as a small business for small business set-aside purchases.

- (1) Qualifications. A business qualifies as a small business if it meets the definition of 'small business' under Indiana law and does not meet any of the criteria set forth in (2) below.
- (2) Businesses that are not small business:
 - (a) a wholesale business, if its annual sales for its most recently completed fiscal year exceeds four million dollars (\$4,000,000);
 - (b) a construction business, if its average annual receipts for the preceding three fiscal years exceeds four million dollars (\$4,000,000);
 - (c) retail business selling services, if its annual sales and receipts exceed five hundred thousand dollars (\$500,000);
 - (d) a manufacturing business, if it employs more than 100 persons; and
 - (e) a business in the information technology, life sciences, transportation, or logistics sector if it employs more than one hundred (100) persons or if its annual sales exceed five million dollars (\$5,000,000). (Ord. 2007-17, S1, July 18, 2007) (Ord. 1998-35, S1, 1998)

1.91.200 Purchase of supplies manufactured in the United States. Supplies manufactured in the United States shall be specified for all City of Jasper purchases and shall be purchased unless the city determines that:

- (1) the supplies are not manufactured in the United States in reasonably available quantities;

- (2) the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- (3) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (4) the purchase of supplies manufactured in the United States is not in the public's interest. (Ord. 1998-36, S1, 1998)

1.91.300 Purchasing Policies for all supplies.

(1) Publication of Notices

- (a) Invitation for Bids. All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the Herald.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the bids will be received.

- (b) Request for Proposals. All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the Herald.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

- (c) Request for Specifications. All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Herald.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of specifications. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the specifications will be opened.

(2) Receiving Offers.

- (a) Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

- (b) Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

- (c) Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the City of Jasper's best interest, the purchasing agent may cancel a solicitation or reject all offers.

(3) Small Purchases

The Purchasing Agent may purchase supplies with an estimated cost of less than One Thousand Dollars (\$1,000.00) on the open market without obtaining approval from its Purchasing Agency.

The Purchasing Agent must first obtain approval from its respective Purchasing Agency prior to purchasing supplies with an estimated cost of One Thousand Dollars (\$1,000.00) up to and including Forty Nine Thousand Nine Hundred Ninety Nine and 99/100 Dollars (\$49,999.99). The Purchasing Agent shall invite quotes from at least three (3) persons known to deal in the lines or classes of supplies to be purchased and shall present said quotes to its respective Purchasing Agency for review and acceptance.

The Purchasing Agent may purchase supplies with an estimated cost of Fifty Thousand Dollars (\$50,000.00) up to and including One Hundred Forty Nine Thousand Nine Hundred Ninety Nine and 99/100 Dollars

(\$149,999.99) by inviting sealed quotes from at least three (3) persons known to deal in the lines or classes of supplies to be purchased and presenting same to its respective Purchasing Agency for opening and acceptance. The Purchasing Agent shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes.

- (4) That these purchasing policies do not apply to the utility departments and wastewater department of the City of Jasper. That the Utility Service Board shall establish policies for purchases of the supplies needed for the operation of the utility and wastewater departments under the Board's control. (Ord. 2007-16, S1, June 20, 2007) (Ord. 2000-3, S1, 2, Feb. 23, 2000) (Ord. 1998-37, Nov. 18, 1998)

1.91.400 Purchasing Policies for the Purchase of Services. It is hereby determined that each agency and/or department of the City of Jasper may purchase services in whatever manner the purchasing agency determines to be reasonable. (Ord. 1998-41, S1, 1998)

Chapter 1.93

CREDIT CARD USAGE BY CITY EMPLOYEES AND OFFICIALS

Sections:

- 1.93.010** **Definitions.**
- 1.93.020** **Procedures for use.**
- 1.93.030** **Application; issuance; limits.**
- 1.93.040** **Each department eligible for credit card; termination.**
- 1.93.050** **Records to be kept by Clerk-Treasurer.**
- 1.93.060** **Use of credit cards for authorized and budgeted items.**
- 1.93.070** **Maintaining a user log; receipts; claim forms.**
- 1.93.080** **Payment of billing statements.**
- 1.93.090** **Interest charges, penalties.**
- 1.93.100** **Private purchases prohibited.**

1.93.010 Definitions. The use of the words "credit card" in this ordinance shall mean a credit card, charge card, or a stored value card. (Ord. 2001-2, S 1, Feb. 21, 2001)

1.93.020 Procedures for use. The City of Jasper is empowered to hold and maintain credit cards for the use of its specified employees for the City of Jasper business only, by following the procedures set out in this Ordinance. (Ord. 2001-2, S2, Feb. 21, 2001)

1.93.030 Application; issuance; limits. All credit card applications shall be approved and signed by the Mayor and Clerk-Treasurer. Credit Cards shall be issued in the name of the City of Jasper. The Mayor and Clerk-Treasurer shall determine the limit for any credit, charge or stored value on any particular card or account, taking into consideration any other methods of payment of expenses available to employees and officials to efficiently perform their duties. (Ord. 2001-2, S3, Feb. 21, 2001)

1.93.040 Each department eligible for credit card; termination. Each Department Head shall be eligible to receive a credit card to be used by their Department. The receipt of any Department of more than one credit card shall be made on a case by case basis. Each Department Head shall follow all procedures set out in this Ordinance. If said procedures are not followed by any said Department, the credit card privilege of that Department may be terminated upon agreement by the Mayor and the Clerk-Treasurer. Said termination would be effective immediately upon notice to the Department Head. The reissuance of said credit card shall be at the discretion of the Mayor and the Clerk-Treasurer. (Ord. 2001-2, S4, Feb. 21, 200 1)

1.93.050 Records to be kept by Clerk-Treasurer. The Clerk-Treasurer shall maintain a list of the names of the issuer of the credit card, the card number and expiration date. (Ord. 2001-2, S5, Feb. 21, 2001)

1.93.060 Use of credit cards for authorized and budgeted items. Credit cards shall only be used to purchase items or services which are authorized and budgeted by the city, authorized by the Department Head, and after following any other procedures required by law. (Ord. 2001-2, S6, Feb. 21, 2001)

1.93.070 Maintaining a user log; receipts; claim forms. A log must be maintained by each Department Head as to whom that Department Head authorizes to use said card, when the card is used and what charges are incurred. If the Department Head authorizes one of its employees to use said credit card, that Department Head shall be responsible for making sure that the card is immediately returned to the Department Head, along with a receipt or invoice showing the purchases made with the credit card. The Department Head may assign these duties to his/her designee during such times that the Department Head is unavailable. The Department Head shall be responsible for preparing Claim Forms for the payment to said credit card issuer and answering any questions that the Clerk-Treasurer may have with regards to the use of said credit card. (Ord. 2001-2, S7, Feb.21,2001)

1.93.080 Payment of billing statements. All credit card billing statements shall be sent by the issuer to the Clerk-Treasurer and the charges on the cards shall be paid by the Clerk-Treasurer from the appropriate budget line item pursuant to the claim procedures of the City. (Ord. 2001-2, S8, Feb. 21, 2001)

1.93.090 Interest charges, penalties. The Clerk-Treasurer shall pay the credit cards promptly so that no interest, carrying charges or penalties will be incurred due to late payments. Any Department Head whose Department causes interest or carrying charges to be added to the credit card account by a failure to timely provide the required information to the Clerk-Treasurer shall be personally liable for the interest or carrying charge. (Ord. 2001-2, S9, Feb. 21, 200 1)

1.93.100 Private purchases prohibited. No credit card issued to the city for any officers or Department Head shall be used by any person for a private purchase. It shall be the responsibility of each Department Head to make sure that none of his/her employees use said cards for a private purchase. In the event that an improper purchase is made using a City credit card, the employee responsible for the improper purchase shall immediately reimburse the City for all of said charges and said employee may be subject to disciplinary action. (Ord. 2001-2, S10, Feb. 21, 2001)

Chapter 1.94

FEES FOR COPYING AND FACSIMILE MACHINE TRANSMISSIONS

Sections:

1.94.010 Fees.

1.94.010 Fees. The City of Jasper shall charge ten cents (\$0.10) per photocopy and One Dollar and thirty-three cents (\$1.33) per facsimile transmission. (Ord. 1999-61, S1, Nov. 17, 1999)

Chapter 1.95

FEES FOR BAD CHECKS

Sections:

1.95.010 Fee Charged.

1.95.020 Receipt of Fee.

1.95.010 Fee Charged. The City of Jasper shall charge a fee of Twenty Five Dollars (\$25.00), in addition to amount owed by the check, to any person or company issuing a bad check to the City or any of its departments. That this fee shall be for those bad checks received by the Civil City of Jasper, not those received by the Jasper Municipal Utilities, which is governed by a separate ordinance of the City of Jasper. (Ord. 2003-23, S2, May 21, 2003)

1.95.020 Receipt of Fee. That said fee shall be deposited into the General Fund of the City of Jasper. (Ord. 2003-23, S3, May 21, 2003)