

TITLE I
ADMINISTRATION AND PERSONNEL

TITLE 1

ADMINISTRATION AND PERSONNEL

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Chapter 1.06

COUNCILMATIC DISTRICTS

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1.06.010 Petersburg Councilmatic District 1. The boundaries of Petersburg Councilmatic District 1 are described as follows: Beginning at the intersection of State Highway 57 and State Highway 61 and running thence in a northeasterly direction with State Highway 57 to the east corporate limits of the City of Petersburg; thence in a southerly direction along the corporate limits to the intersection of the corporate limits and State Highway 61; thence in a northwesterly direction along State Highway 61 to the point of beginning. (Ord. 2002-5, S1, Nov. 4, 2002) (Ord. 1992-22, S1, Dec. 21, 1992) (Ord. 1992-16, Sept. 8, 1992) (Ord. 1982-5, S1, July 19, 1982) Ord. 1974-6, Dec. 16, 1974) (Ord. 88, Jan. 15, 1934) (Ord. Mar. 22, 1897) (Ord. Apr. 11, 1885)

1.06.020 Petersburg Councilmatic District 2. The boundaries of Petersburg Councilmatic District 2 are described as follows: Beginning at the intersection of State Highway 57 and State Highway 61 and running thence in a southwesterly direction along State Highway 57 to the south corporate limits; thence in a easterly direction along the corporate limits to the intersection of the corporate limits and State Highway 61; thence in a northwesterly direction along State Highway 61 to the point of beginning. (Ord. 2002-5, S2, Nov. 4, 2002) (Ord. 1992-22, S1, Dec. 21, 1992) (Ord. 1982-5, S1, July 19, 1982)

1.06.030 Petersburg Councilmatic District 3. The boundaries of Petersburg Councilmatic District 3 are described as follows: Beginning at the intersection of State Highway 57 and State Highway 61 and running thence in a northwesterly direction along State Highway 61 to the north corporate limits; thence in a westerly direction along the corporate limits to the intersection of the corporate limits and State Highway 57; thence in a northeasterly direction along State Highway 57 to the point of beginning. (Ord. 2002-5, S3, Nov. 4, 2002) (Ord. 1992-22, S1, Dec. 21, 1992) (Ord. 1982-5, S1, July 19, 1982)

1.06.040 Petersburg Councilmatic District 4. The boundaries of Petersburg Councilmatic District 4 are described as follows: Beginning at the intersection of State Highway 57 and State Highway 61 and running thence in a northwesterly direction along

State Highway 61 to the north corporate limits of the City of Petersburg; thence in an easterly direction along the corporate limits to the intersection of the corporate limits and State Highway 57; thence in a southwesterly direction along State Highway 57 to the point of beginning. (Ord. 2002-5, S4, Nov. 4, 2002) (Ord. 1992-22, S1, Dec. 21, 1992) (Ord. 1982-5, S1, July 19, 1982)

1.06.200 Members of Common Council. The Common Council of the City of Petersburg, Indiana, is to be composed of four (4) members elected from the above established districts and one (1) at-large member. (Ord. 1982-5, S2, July 19, 1982)

1.06.300 Voting for Council Candidates. Each voter of the City of Petersburg, Indiana, may vote for one (1) candidate for at-large membership and one (1) candidate from each of the districts established by this ordinance. The at-large candidate and the candidate from each district receiving the most votes from the whole City are elected to the Common Council of the City of Petersburg, Indiana. (Ord. 1982-5, S3, July 19, 1982)

1.06.400 Adoption of IC 36-4-6-5. The Common Council of the City of Petersburg, Indiana, hereby elects to be governed by the provisions of Indiana Code 36-4-6-5 as amended. (Ord. 1982-5, S4, July 19, 1982)

Chapter 1.08
DEPUTY MAYOR

Sections:

- 1.08.010 Authorization to Appoint**
- 1.08.020 Powers**

1.08.010 Authorization to Appoint. The Mayor of the City of Petersburg, Indiana, is authorized to appoint a Deputy Mayor, who shall serve at the pleasure of the Mayor of the City of Petersburg. (Ord. 1990-8, S1, June 11, 1990)

1.08.020 Powers. The Deputy Mayor shall have all powers of the Office of the Mayor of the City of Petersburg. (Ord. 1990-8, S2, June 11, 1990).

Chapter 1.09

MEMBERSHIPS TO CERTAIN ORGANIZATIONS

Sections:

- 1.09.010** **Membership Fees**
- 1.09.020** **Meeting Expenses**

1.09.010 Membership Fees. The Common Council of the City of Petersburg is authorized to budget and appropriate funds from the General Fund, or from other funds, to provide membership for the City of Petersburg and the elected and appointed officials thereof, and for the members of the City's Boards, Common Council, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvements of municipal government and operations. (Ord. 1982-8, S1, Sept. 7, 1982)

1.09.020 Meeting Expenses. The Common Council of the City of Petersburg is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives of the City of Petersburg, its Common Council or departments or agencies, to attend the meetings and functions of organizations of which the City may be a member. (Ord. 1982-8, S2, Sept. 7, 1982)

Chapter 1.10

OPERATION OF MUNICIPALLY OWNED UTILITIES

Sections:

- 1.10.020** **Future Operation of Municipally Owned Utilities**
- 1.10.030** **Transfer**
- 1.10.040** **Liabilities**

1.10.020 Future Operation of Municipally Owned Utilities. That in conformity with the provisions of Acts of the General Assembly of the State of Indiana (Act of 1913 Chapter 76, Section 109 as amended) the operation and management of Municipally Owned Utilities in the City of Petersburg, Indiana, is hereby vested in the Common Council of said City. (Ord. 1972-7, S2, Dec. 18, 1972) (Ord. 1976-1, Feb. 16, 1976) (Ord. 1972-1, Jan. 3, 1972) (Ord. 229, ?) (Ord. 74, Dec. 7, 1932)

1.10.030 Transfer. That upon the adoption of this Ordinance the Board of Public Works and Safety, shall deliver to the Common Council all real and/or personal property used in the operation and management of said Utilities, including, but not limited to, books, records, cash, bank accounts, accounts receivable and equipment. (Ord. 1972-7, S3, Dec. 18, 1972)

1.10.040 Liabilities. That all liabilities incurred by the Board of Public Works and Safety in the operation and management of said Utilities, to and including the time of the adoption of this ordinance, shall upon the adoption of said ordinance be assumed by the common Council as liabilities of the Common Council, and it shall be the duty of said Council to pay and discharge such liabilities. (Ord. 1972-7, S4, Dec. 18, 1972)

Chapter 1.11

CITY SERVICES MANAGER

Sections:

1.11.010	Created
1.11.080	Scale of Wages
1.11.090	Job Description

1.11.010 Created. There is hereby created the position of City Services Manager for the City of Petersburg, Indiana. The City Services Manager shall oversee, under the direction of the Mayor, the Board of Public Works and Safety and the Petersburg Water Works Board; the Water Distribution Department, the Water Plant Department, the Trash and Street Department and the Sewer Department.

The Mayor of the City of Petersburg shall appoint the City Service Manager, with the approval of a two-thirds vote of the Board of Public Works and Safety, and with the approval of a two-thirds vote of the Petersburg Water Works Board. (Ord. 1993-4, S4, Apr. 7, 1993)

1.11.080 Scale of Wages. The annual Salary Ordinance set the wages. (Ord. 1993-4, S8, Apr. 17, 1993) (Superseded by Annual Salary Ordinance)

1.11.090 Job Description. The Mayor of the City of Petersburg shall have authority to create job descriptions for the City of Services Manager, and for each employee of each Department.

Petersburg City Services Manager. To oversee the Petersburg City Departments under the direction of the Mayor, Board of Public Works and Safety, and the Water Board.

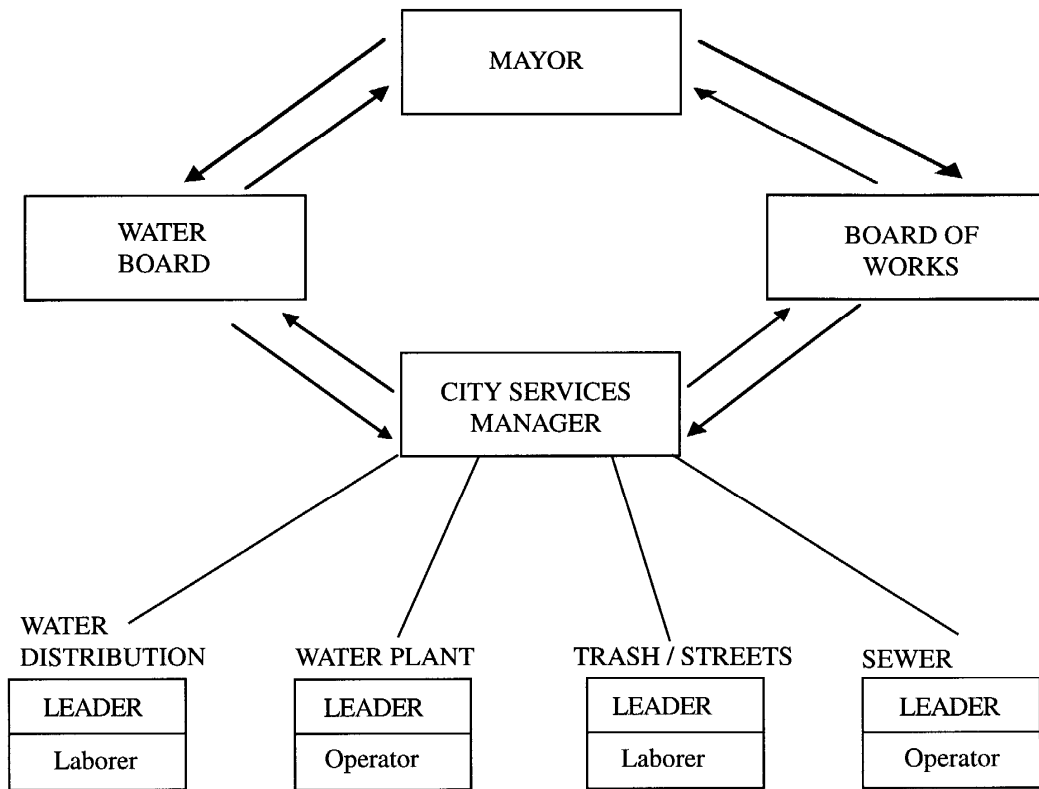
Those departments include: Water Distribution, Water Plant, Trash and Street, and Sewer.

This position is appointed by the Mayor, with approval by a two-thirds vote of the Works Board and a two-thirds vote by the Water Board.

This position reports directly to the Mayor and also is responsible to the Water Board and Works Board.

This position is responsible for, among other things, scheduling, ordering/purchasing, supervision of individual projects, and may occasionally perform physical labor. In addition, this position will, for example, adjust employee problems, discipline and evaluate employees.

In the absence of the City Services Manager, all employees of all departments would report directly to the Mayor or his designee. (Ord. 1993-4, S9, Apr. 7, 1993) (Created by Mayor - Reorganization Statement, April 5, 1993)



Chapter 1.12

WATER WORKS BOARD

Sections:

1.12.010	Re-established
1.12.020	Board of Directors
1.12.030	Terms
1.12.040	Bond
1.12.050	Powers and Duties
1.12.080	Compensation
1.12.090	Records
1.12.100	Liabilities
1.12.110	Separate and Distinct Funds

1.12.010 Re-established. That a Department of Waterworks is hereby re-established pursuant to and in conformity with the provisions of Indiana Code, I.C. 8-1.5-4 which Department of Waterworks shall be under the exclusive management and control of a Board of Directors. (Ord. 1982-11, S1, Dec. 6, 1982) (Ord. 1976-1, S1, Feb. 16, 1976)

1.12.020 Board of Directors. Said Board of Directors shall consist of three (3) directors and shall be appointed by the Mayor of the City of Petersburg, Indiana. Not more than two (2) of said directors may be of the same political party. (Ord. 1982-11, S2, Dec. 6, 1982) (Ord. 1976-1, S2, Feb. 16, 1976)

1.12.030 Terms. The initial appointment to the Board of Directors shall be for the following terms: One (1) director to serve from January 1, 1983 to December 31, 1983; one (1) director to serve from January 1, 1983 to December 31, 1984; and one (1) director to serve from January 1, 1983 to December 31, 1985. As and when the respective terms of the Trustees shall expire, as above set out, their respective successors shall be appointed for a term of three (3) years. Each said director shall serve and perform his duties as provided by law, during such term, to which he is appointed and until his successor has been duly appointed and qualified. Nothing herein contained shall be construed to prevent any of said directors being reappointed to succeed himself. Any vacancy occurring on said Board of Directors shall be filled by the appointment by the Mayor for the unexpired term then vacant. (Ord. 1982-11, S3, Dec. 6, 1982) (Ord. 1976-1, S2, Feb. 16, 1976)

1.12.040 Bond. Before entering upon his duties, each director shall give bond to the City of Petersburg in the amount and under the terms and conditions as fixed by the Clerk-Treasurer of the City of Petersburg, Indiana, and which bond is subject to the approval of said Clerk-Treasurer. (Ord. 1982-11, S4, Dec. 6, 1982) (Ord. 1976-1, S3, Feb. 16, 1976)

1.12.050 Powers and Duties. The City of Petersburg, Indiana, hereby adopts all the terms and provisions of Acts of the General Assembly of the State of Indiana of 1982, Second Regular Session, Senate Enrolled Act No. 67, compiled as Indiana Code, I.C. 8-1.5-4 pertaining to the operation of, and powers and duties of, a Department of Waterworks. (Ord. 1982-11, S5, Dec. 6, 1982) (Ord. 1976-1, S2, Feb. 16, 1976)

1.12.080 Compensation. Each Trustee elected and qualified, as by law provided, and as provided herein, shall receive an annual compensation for services as approved in the Salary Ordinance. The Trustee who shall be duly elected and perform the duties of President of said Board of Trustees shall receive additional compensation as approved in the Salary Ordinance. Such Trustee shall receive no other compensation whatsoever for any service rendered to such Department of Waterworks of the City of Petersburg, Indiana. (Ord. 1976-1, S4, Feb. 16, 1976)

1.12.090 Records. Upon the adoption of this Ordinance, the Common Council and the Board of Public Works and Safety of the City of Petersburg shall deliver to the Department of Waterworks of the City of Petersburg, Indiana, all books, records, cash on hand, accounts receivable and funds, including depreciation funds and securities held in such funds, derived from the operation of such waterworks, and also the possession and control of any and all real estate, fixtures and personal property now being used or hereafter to be used for waterworks purposes. (Ord. 1976-1, S5, Feb. 16, 1976)

1.12.100 Liabilities. All liabilities incurred by the City of Petersburg and/or its Board of Public Works and Safety in the ownership and operation of its waterworks system, shall, upon the adoption of this Ordinance, be assumed by said Board of Trustees of said Department of Waterworks as liabilities of said Department of Waterworks, and it shall be the duty of said Trustees to pay and discharge such liabilities in accordance with the provision of law. (Ord. 1976-1, S6, Feb. 16, 1976)

1.12.110 Separate and Distinct Funds. Upon the adoption of this Ordinance, said Board of Trustees shall set aside the income and revenue of said waterworks into three (3) separate and distinct funds, all as prescribed by the above mentioned act, and in the following manner, to-wit:

- (1) Operation and Maintenance Account. Fifty percent (50%) of the income and revenue of said waterworks shall be set aside and used for the operation and maintenance of such waterworks system, the Common Council of the City of Petersburg, Indiana hereby finding and determining that such proportion of such income and revenues is sufficient and necessary in their judgement for the proper operation and maintenance thereof and not in excess of the amount required for said purposes.
- (2) Depreciation Account. Nine percent (9%) of the income and revenues of said waterworks shall be set aside to the depreciation fund, to be expended in making good any depreciation in said waterworks system, or in new constructions, extensions, betterments, or additions to such waterworks

system, the said Common Council of the City of Petersburg, Indiana, hereby finding and determining that such proportion of the income and revenues of such waterworks system is sufficient for such purposes and not less than the proportion determined by the Public Service Commission of the State of Indiana, in similar cases as being sufficient for such purposes. Any accumulation of such Depreciation Fund may be invested as prescribed in Section 14 of said act.

- (3) Bond and Interest Redemption Account. Forty-one percent (41%) of the income and revenues of said waterworks from month to month as the same shall accrue and be received shall be set apart and paid into the Special Account in the treasury of the City of Petersburg, to be identified as "The Bond and Interest Redemption Account," for the purpose of paying the principal and interest of the bonds hereafter authorized issued or to be issued in accordance with the provisions of the above mentioned act as amended.

The Common Council of the City of Petersburg, Indiana, further finding that the above proportions of the gross revenues of said waterworks system are the same and identical to those proportions adopted by Ordinance No. 204 entitled "AN ORDINANCE CONCERNING THE IMPORVEMENT OF THE MUNICIPAL WATERWORKS OF THE CITY OF PETERSBURG, AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR THAT PURPOSE, AND MATTERS CONNECTED THEREWITH", adopted the 17th day of February, 1958, which said Ordinance 204 is hereby affirmed in all things and re-adopted in its entirety the same as if it was set forth in full herein. (Ord. 1976-1, S7, Feb. 16, 1976)

Chapter 1.13

WATER DISTRIBUTION DEPARTMENT

Sections:

1.13.010	Created
1.13.020	Jurisdiction
1.13.040	City Services Manager
1.13.050	Staffing
1.13.060	Licensing
1.13.070	Scale of Wages
1.13.090	Job Descriptions

1.13.010 Created. The Water Distribution Department is hereby created. (Ord. 1993-4, S1, Apr. 7, 1993)

1.13.020 Jurisdiction. The Water Distribution Department shall be under the jurisdiction of the Petersburg Water Works Board, and the Mayor. (Ord. 1993-4, S2, Apr. 7, 1993)

1.13.040 City Services Manager. There is hereby created the position of City Services Manager for the City of Petersburg, Indiana. The City Services Manager shall oversee, under the direction of the Mayor, the Board of Public Works and Safety and the Petersburg Water Works Board; the Water Distribution Department, the Water Plant Department, the Trash and Street Department and the Sewer Department.

The Mayor of the City of Petersburg shall appoint the City Services Manager, with the approval of a two-thirds vote of the Board of Public Works and Safety, and with the approval of a two-thirds vote of the Petersburg Water Works Board. (Ord. 1993-4, S4, Apr. 7, 1993)

1.13.050 Staffing. The Water Distribution Department shall be staffed by at least two full time employees. (Ord. 1993-4, S5, Apr. 7, 1993)

1.13.060 Licensing. The employees in the Department shall be licensed to fulfill their duties as required by Indiana Statute and Regulation. (Ord. 1993-4, S6, Apr. 7, 1993)

1.13.070 Scale of Wages. The annual salary ordinance sets the wages. (Superseded by Salary Ordinances) (Ord. 1993-4, S7, Apr. 7, 1993)

1.13.090 Job Descriptions. The Mayor of the City of Petersburg shall have authority to create job descriptions for the City Services Manager, and for each employee of each department. (Ord. 1993-4, S9, Apr. 7, 1993)

Water Distribution employees are directly responsible to the City Services Manager. This department shall have two full-time employees, including a Leader and Laborer.

The lead person must be able to direct on a project in the temporary absence of the City Services Manager. The lead person must be a licensed distribution holder.

Employees in the Water Distribution Department are responsible for: reading meters, fixing and repairing water lines, replacing bad water meters, maintenance of water field, making appropriate shut-offs and turn-ons, which may include pulling or placing the meter, general barn maintenance, locating of lines and other duties as may be assigned. (Created by the Mayor, Reorganization Statement, Apr. 5, 1993)

Chapter 1.14

WATER PLANT DEPARTMENT

Sections:

1.14.010	Created
1.14.020	Jurisdiction
1.14.040	City Services Manger
1.14.050	Staffing
1.14.060	Licensing
1.14.070	Scale of Wages
1.14.090	Job Descriptions

1.14.010 Created. The Water Plant Department is hereby created. (Ord. 1993-4, S1, Apr. 7, 1993)

1.14.020 Jurisdiction. The Water Plant Department shall be under the jurisdiction of the Petersburg Water Works Board, and the Mayor. (Ord. 1993-4, S2, Apr. 7, 1993)

1.14.040 City Services Manager. There is hereby created the position of City Services Manager for the City of Petersburg, Indiana. The City Services Manager shall oversee, under the direction of the Mayor, the Board of Public Works and Safety and the Petersburg Water Works Board; the Water Distribution Department, the Water Plant Department, the Trash and Street Department and the Sewer Department.

The Mayor of the City of Petersburg shall appoint the City Services Manager, with the approval of a two-thirds vote of the Board of Public Works and Safety, and with the approval of a two-thirds vote of the Petersburg Water Works Board. (Ord. 1993-4, S4, Apr. 7, 1993)

1.14.050 Staffing. The Water Plant Department shall be staffed by at least two full time employees. (Ord. 1993-4, S5, Apr. 7, 1993)

1.14.060 Licensing. The employees in the Department shall be licensed to fulfill their duties as required by Indiana Statute and Regulation. (Ord. 1993-4, S6, Apr. 7, 1993)

1.14.070 Scale of Wages. The annual salary ordinance sets the wages. (Superseded by Salary Ordinances) (Ord. 1993-4, S7, Apr. 7, 1993)

1.14.090 Job Descriptions. The Mayor of the City of Petersburg shall have authority to create job descriptions for the City Services Manager, and for each employee of each department. (Ord. 1993-4, S9, Apr. 7, 1993)

Water Plant Department employees are directly responsible to the City Services Manager. This department shall have two full-time employees, including a Lead Operator, who shall hold a P.F. Water Treatment license from the Indiana Department of Environmental Management and a Laborer. In the absence of a full-time licensed operator, a Leader may be appointed by the Mayor.

The Water Plant Department employees are both responsible for the proper operation of the Petersburg City Water Plant.

Employees in the Water Plant Department are responsible for: backwash of filters, run daily tests, fill out daily reports, maintain a daily log, general maintenance of plant equipment, general maintenance of well field, routine sampling, general maintenance of plant and property, may be required to assist other departments at the request of the City Services Manager and other duties as may be assigned. (Created by the Mayor, Reorganization Statement, Apr. 5, 1993)

Chapter 1.16

TRASH AND STREET DEPARTMENT

Sections:

1.16.010	Created
1.16.030	Jurisdiction
1.16.040	City Services Manager
1.16.050	Staffing
1.16.060	Licensing
1.16.070	Scale of Wages
1.16.090	Job Descriptions

1.16.010 Created. The Trash and Street Department is hereby created. (Ord. 1993-4, S1, Apr. 7, 1993)

1.16.030 Jurisdiction. The Trash and Street Department shall be under the jurisdiction of the Board of Public Works and Safety, and the Mayor. (Ord. 1993-4, S3, Apr. 7, 1993)

1.16.040 City Services Manager. There is hereby created the position of City Services Manager for the City of Petersburg, Indiana. The City Services Manager shall oversee, under the direction of the Mayor, the Board of Public Works and Safety and the Petersburg Water Works Board; the Water Distribution Department, the Water Plant Department, the Trash and Street Department and the Sewer Department.

The Mayor of the City of Petersburg shall appoint the City Services Manager, with the approval of a two-thirds vote of the Board of Public Works and Safety, and with the approval of a two-thirds vote of the Petersburg Water Works Board. (Ord. 1993-4, S4, Apr. 7, 1993)

1.16.050 Staffing. The Trash and Street Department shall be staffed by at least two full time employees. (Ord. 1993-4, S5, Apr. 7, 1993)

1.16.060 Licensing. The employees in the Department shall be licensed to fulfill their duties as required by Indiana Statute and Regulation. (Ord. 1993-4, S6, Apr. 7, 1993)

1.16.070 Scale of Wages. The annual salary ordinance sets the wages. (Superseded by Salary Ordinances) (Ord. 1993-4, S7, Apr. 7, 1993)

1.16.090 Job Descriptions. The Mayor of the City of Petersburg shall have authority to create job descriptions for the City Services Manager, and for each employee of each department. (Ord. 1993-4, S9, Apr. 7, 1993)

Trash and Street Department employees are directly responsible to the City Services Manager. This department shall have two full-time employees.

Employees in the Trash and Street Department are responsible for: trash collection (including trash, sanitation or recyclable), proper disposal or placement of trash, maintenance of public streets and alleys, clear ditches, and perform general maintenance (which may include sanding, salting, and removing snow and ice from the streets, and during warm weather may include mowing as well as perform other duties as may be assigned)

These employees must have proper licensing to ensure operation of necessary vehicles. (Created by the Mayor, Reorganization Statement, Apr. 5, 1993)

Chapter 1.17

SEWER DEPARTMENT

Sections:

1.17.010	Created
1.17.030	Jurisdiction
1.17.040	City Services Manager
1.17.050	Staffing
1.17.060	Licensing
1.17.070	Scale of Wages
1.17.090	Job Descriptions

1.17.010 Created. The Sewer Department is hereby created. (Ord. 1993-4, S1, Apr. 7, 1993)

1.17.030 Jurisdiction. The Sewer Department shall be under the jurisdiction of the Board of Public Works and Safety, and the Mayor. (Ord. 1993-4, S3, Apr. 7, 1993)

1.17.040 City Services Manager. There is hereby created the position of City Services Manager for the City of Petersburg, Indiana. The City Services Manager shall oversee, under the direction of the Mayor, the Board of Public Works and Safety and the Petersburg Water Works Board; the Water Distribution Department, the Water Plant Department, the Trash and Street Department and the Sewer Department.

The Mayor of the City of Petersburg shall appoint the City Services Manager, with the approval of a two-thirds vote of the Board of Public Works and Safety, and with the approval of a two-thirds vote of the Petersburg Water Works Board. (Ord. 1993-4, S4, Apr. 7, 1993)

1.17.050 Staffing. The Sewer Department shall be staffed by at least two full time employees. (Ord. 1993-4, S5, Apr. 7, 1993)

1.17.060 Licensing. The employees in the Department shall be licensed to fulfill their duties as required by Indiana Statute and Regulation. (Ord. 1993-4, S6, Apr. 7, 1993)

1.17.070 Scale of Wages. The annual salary ordinance sets the wages. (Superseded by Salary Ordinances) (Ord. 1993-4, S7, Apr. 7, 1993)

1.13.090 Job Descriptions. The Mayor of the City of Petersburg shall have authority to create job descriptions for the City Services Manager, and for each employee of each department. (Ord. 1993-4, S9, Apr. 7, 1993)

The Sewer Department employees are directly responsible to the City Services Manager. This department shall have two full-time employees, including a Lead Operator who is to

be licensed through the Indiana Department of Environmental Management with a Class II Waste Water Treatment Plant Certification. In the absence of a full-time licensed operator, a Leader may be appointed by the Mayor.

Duties shall include, but are not limited to: sewer plant maintenance of equipment and grounds, run daily tests, fill out daily reports, conduct routine sampling, maintenance of the distribution system which includes adding to or repairing of existing lines and other duties as may be assigned. (Created by the Mayor, Reorganization Statement, Apr. 5, 1993)

Chapter 1.19

WATER QUALITY MANAGEMENT

Sections:

- 1.19.005** **Water Quality Planning**
- 1.19.010** **Management Agency**

1.19.005 Water Quality Planning.

- (1) The Clean Water Act, as amended, requires the development and implementation of water quality management plans for the purpose of preventing further degradation of our streams; and
- (2) Pursuant to Section 208 of the Act, the Governor of the State of Indiana has designated areawide waste treatment management agencies which are responsible for water quality management in such areas; and
- (3) Pursuant to Section 208, the Commissioner of the Indiana Department of Environmental Management has designated specific local units of government and management agencies for the purpose of implementing various pollution control measures and practices recommended in the State's Water Quality Management Plan; and
- (4) Pursuant to Section 303 (e), Indiana has implemented an approved continuing planning process; and
- (5) A process exists by which all municipal units of government and special districts who intend to abate pollution may enter into the State Revolving Fund process for the purpose of constructing waste water collection and treatment facilities; and
- (6) The City of Petersburg, Indiana desires to abate water pollution within its area of legal jurisdiction; and
- (7) The City of Petersburg, Indiana, further desires to be in compliance with the requirements for obtaining a loan for the purpose of this control; and
- (8) The Environmental Protection Agency, Region V, has directed that only an approved designated management agency can be the recipient of a State Revolving Fund Financial Assistance Award. (Res. 1998-4, Whereas, June 1, 1998)

1.19.010 Management Agency. The City of Petersburg desires to be the approved designated management agency for the control of water pollution sources within its area of legal jurisdiction. (Res. 1998-4, June 1, 1998)

Chapter 1.20

BULK PETROLEUM STORAGE, USE AND CONTROL

Sections:

- 1.20.010 Scope**
- 1.20.020 Policies**
- 1.20.030 Date of Effect**

1.20.010 Scope. Whereas the city of Petersburg has entered into a bulk fuel purchasing agreement and has set above ground storage tanks for the use of all city departments, it is therefore resolved that certain fuel consumption and use policies shall be adopted to provide for strict accounting of the purchased fuels and a control mechanism put in place for auditing and security purposes. (Resolution 2007-5, S1, Sept. 4, 2007)

1.20.020 Policies. Policies include but are not limited to the following measures of accountability:

- (1) The water department for the city of Petersburg will purchase all bulk fuel stored at the city services complex. The only exception will be for non-highway diesel fuel which may be stored by individual utilities and departments at their own storage tanks.
- (2) Non-highway diesel fuel may not be used in licensed and plated diesel vehicles. It may only be used in construction equipment, tractors, generators, and other similar equipment according to Federal Department of Transportation Guidelines.
- (3) Keys or cards to unlock the fuel pumps will be issued to each department as necessary and a log of individuals holding personal keys will be maintained by each department head. Keys/cards kept in city vehicles will be strictly accounted for by the department heads. All keys/cards to the fuel facilities must be immediately surrendered at the request of the department head or mayor at any time for any reason including but not limited to maintenance, changing of locks, disciplinary action, or voluntary separation by the employee.
- (4) Employees using fuel from the bulk containers must complete the log provided at the site denoting all requested information on the log.
- (5) Fuel must be charged to the department and vehicle using the fuel. All city vehicles will be issued a unit number to aid in the tracking of fuel purchases and accounting. These records will also assist in determining the fuel mileage and efficiency of all city vehicles.

- (6) Fuel for carry cans for small equipment must be charged to the department owning or the equipment. Fuel for such auxiliary equipment should be logged in under a separate line item on the log so it does not negative effect vehicle efficiency data.
- (7) Employees noticing, any maintenance issues, hazards, leaks, or spills which cause, obvious safety or environmental concern will immediately notify their supervisor or the city services manager.
- (8) The Clerk-Treasurer of the city will keep a regular and just accounting of monthly fuel consumption and will cause an invoice to be generated from the water department to each individual city department for fuel purchased. Fuel price will be determined by the average year-to-date purchase price of fuel per gallon or other method subject to the approval of the Indiana State Board of Accounts.
- (9) Failure by an employee to comply with any portion of this policy; and/or the theft of city fuel; and/or the falsification of any records of fuel use is subject to disciplinary action up to and including termination of employment and referral for criminal prosecution.
- (10) Additional policies may be instituted by the order of the Mayor at any future period as necessary to increase control or security of the fuel supply. (Resolution 2007-5, S2, Sept. 4, 2007)

1.20.030 Date of Effect. Fuel use policies shall be in effect from the point of first delivery of product to the city storage tanks. (Resolution 2007-5, S3, Sept. 4, 2007)

Chapter 1.30

PERSONNEL POLICY

Sections:

1.30.010	Holidays
1.30.020	Vacations
1.30.030	Leave of Absence
1.30.040	Bereavement Day
1.30.050	Sick Days
1.30.060	Full-time Employees
1.30.070	Part-time Employees
1.30.080	Overtime
1.30.090	Public Employees' Retirement Fund (PERF)
1.30.100	Jury Duty
1.30.110	Effective Date
1.30.120	Elected Officials
1.30.130	Word Usage

1.30.010 Holidays.

- (1) New Year's Day
- (2) President's Day
- (3) Good Friday
- (4) Memorial Day
- (5) Independence Day
- (6) Labor Day
- (7) Election Day
- (8) Veteran's Day
- (9) Thanksgiving Day
- (10) Friday after Thanksgiving
- (11) Christmas Eve
- (12) Christmas Day
- (13) Employee's Birthday

Said Holidays will be observed in accordance with either Federal or State observance. Due notice will be given prior to each Holiday.

Full-time employees are eligible for the paid holidays shown above, from the beginning date of their employment. Part-time employees who have worked ninety (90) days or more in a calendar year are eligible for the paid holidays shown above.

Vacation days not earned when they occur cannot be picked up later as the result of the part-time employee working ninety (90) days. The ninety (90) day eligibility period

begins each year on January 1 and cannot be carried over from the previous year. The part-time employee must be working during the pay period in which the holiday occurs to be eligible for the paid holiday. (Res. 1996-5, S1, Oct. 7, 1996) (Res. 1995-4, S1, Aug. 7, 1995)

1.30.020 Vacations. A new full-time employee will not be eligible for vacation during the first year of employment; however, during the first and second full years of employment, the employee will have earned five (5) days which must be taken during the second and third years, respectively. During the third and fourth years of full employment, the employee will earn ten (10) days, which must be taken during the third and fourth years, respectively. During the fourth full year and thereafter, a full-time employee will earn fifteen (15) days of vacation which must be taken during the year following the full year of employment.

Number of Full Years Of Employment	Vacation During Following Year of Employment
1 st year	5 days
2 nd year	5 days
3 rd year	10 days
4 th year	10 days
5 th year and over	15 days

All vacations must be taken during the period for which they were earned and accumulation of vacation time is not permissible.

Holidays or weekends (Saturday and Sunday) occurring during a vacation period will not be considered as vacation days.

The periods of earning and using vacations will start and end at the anniversary date of employment for each full-time employee.

Office holders and supervisors must keep a yearly schedule of vacation days of each employee and shall be filed monthly with the Clerk-Treasurer. The record shall show each employee's name, the number of vacation days earned, the anticipated vacation period or periods, and the actual vacation days taken with dates.

The year end report will show actual vacation days taken by each employee and a permanent record will be made thereof in the Clerk-Treasurer records.

The office holder or supervisor will have the final word as to when the employee under him or her takes his or her vacation. The office holder will schedule vacations in a manner so as to not disrupt or interfere with normal operations of his or her office or department. If an employee is prohibited by the City from taking all of his or her vacation during the year in which it is earned, the employee shall be paid at the end of the year, at his current rate of pay, for all earned and unused vacation days.

The date hereby established for determining the first day of employment as it relates to vacation days is January 1, of the first calendar year during which the employee is employed.

Vacations must be taken in one (1) week blocks unless permission is granted by the employee's supervisor for special reasons or circumstances.

At the time of his or her retirement or termination, an employee shall be entitled to be paid, at his current rate of pay, for vacation days earned and accumulated during the employee's current year, but unused at the time of retirement or termination. (Res. 1996-5, S2, Oct. 7, 1996) (Res. 1995-4, S2, Aug. 7, 1995)

1.30.030 Leave of Absence. Employees may request a leave of absence without pay. The request must state the purpose for the leave of absence and the length of time the employee will be absent. The leave of absence shall contain an approval from the employee's supervisor. The request must be made in writing and must be submitted to the Mayor for approval. It shall be the prerogative of the Mayor to grant or deny the leave of absence. (Res. 1995-4, S3, Aug. 7, 1995)

1.30.040 Bereavement Day. Every full-time employee is entitled to one (1) paid day for the funeral of a member of his or her immediate family (spouse, parent, parent of spouse, grandparent, brother, sister, child, step-child, or foster child of employee). Any other time lost must be covered by vacation or lost time. Special permission can be granted up to three (3) days by supervision if deemed necessary. (Res. 1995-4, S4, Aug. 7, 1995)

1.30.050 Sick Days. Employees shall be entitled to be absent from work in account of illness for a total of five (5) days each calendar year without loss of compensation. An employee employed only a portion of the year shall be entitled to a proportionate on number of days of sick leave. If, in any one calendar year, an employee shall be absent from work on account of illness less than the prescribed number of days, the remaining days shall be accumulated up to a maximum of twenty (20) working days. At the time of his or her retirement or termination, an employee with at least three (3) years of continuous service shall be entitled to be paid, at his current rate of pay, for accumulated sick leave for preceding years up to a maximum of twenty (20) days, provided such termination is not for cause.

To be eligible for sick leave, an employee must report his or her illness to his or her supervisor prior to the time he or she is scheduled to report to work or as soon thereafter as possible. If an employee is absent more than three (3) days because of illness, the employee shall furnish a doctor's certificate stating the employee has been ill, was under his treatment and was unable to work because of said illness, except that the supervisor may, at his or her discretion, waive the requirement of a doctor's certificate and in those instances where he or she deems a doctor's certificate to be unnecessary.

At the end of each calendar year, each supervisor shall prepare a written record of paid sick leave granted to each employee. The record shall be posted in each department for inspection by the employees. An employee shall have thirty (30) days to contest and correct the record. After the thirty (30) day period a permanent record shall be made thereof.

It should be noted that sick leave is a protection on the employee against loss of time due to illness, and abuse of this policy for other reasons can definitely affect the future of the policy. Abuse may lead to Doctor's notice of illness before sick leave can be claimed and this would inconvenience the persons not abusing the policy. (Res. 1995-4, S5, Aug. 7, 1995)

1.30.060 Full-time Employees. To be considered a full-time employee, an employee must work thirty (30) hours per week or more and must be paid on a weekly, bi-weekly, monthly or yearly salary basis prorated into bi-weekly pay periods. (Res. 1995-4, S6, Aug. 7, 1995)

1.30.070 Part-time Employees. Part-time employees are those employees working on a temporary basis and being paid on an hourly rate or daily rate. (Res. 1995-4, S7, Aug. 7, 1995)

1.30.080 Overtime. Overtime work shall not be allowed unless approved by the Mayor. If overtime work is approved, the employee shall be given the option of either being paid for the overtime work, or being awarded compensatory (comp) time, as provided by law and this Overtime Policy. PROVIDED, HOWEVER, the maximum number of comp time hours which can be accumulated is 80 hours per person. Employees may cash out their comp time hours on a semi-annual basis, in June and December of each calendar year. An employee who claims extenuating emergency circumstances may request permission from the Mayor of the City of Petersburg to cash out the comp time hours at other times. Each request will be evaluated on its individual merits, and the circumstances will be held confidential. Final approval of a special comp time payout date must be approved by the employee's Governing Board, being the Board of Public Works and Safety or the Petersburg Water Board. Employees must use or cash out the comp time within the calendar year earned; or else sign a statement with the Clerk-Treasurer of the City of Petersburg at the end of the calendar year, stating the number of hours the employee is electing to roll over to the next calendar year. Employees may elect to roll over up to the maximum of 80 hours of comp time, which can be cashed out or used in the next calendar year only as provided in this Overtime Policy. Any employee credited with more than 80 hours of comp time, on the effective date of this Overtime Policy, shall be paid for the comp time above 80 hours. (Res. 2005-3, July 18, 2005) (Res. 1996-5, S3, Oct. 7, 1996) (Res. 1995-4, S8, Aug. 7, 1995)

1.30.090 Public Employee's Retirement Fund (PERF). All full-time employees are eligible for PERF after one (1) year of employment. Every full-time employee must enter the PERF plan. PERF is regulated by Indiana statutes.

1.30.100 Jury Duty. An employee called for jury duty, and who must serve on the jury at a time which causes him or her to miss work, will be paid in the amount of the difference between what he or she is paid by the court and what his or her daily base rate of pay is. (Res. 1995-4, S10, Aug. 7, 1995)

1.30.110 Effective Date. The effective date of this policy is January 1, 1986. Employee benefits shall begin accumulating as of that date. (Res. 1996-5, Oct. 7, 1996) (Res. 1995-4, S11, Aug. 7, 1995)

1.30.120 Elected Officials. This policy does not apply to elected officials. Elected officials duties are set forth in the Indiana Constitution and in the laws of the State of Indiana. (Res. 1995-4, S12, Aug. 7, 1995)

1.30.130 Word Usage. When applicable, use of the singular form of any word also shall mean or apply to the plural and masculine form shall mean and apply to the feminine or the neuter. (Res. 1995-4, S13, Aug. 7, 1995)

Chapter 1.31

EMPLOYEE RESIDENCE REQUIREMENTS

Sections:

- 1.31.010** **Residence Requirements**
- 1.31.020** **Non-Retroactivity**
- 1.31.030** **Violations**

1.31.010 Residence Requirements. All employees of the City of Petersburg, including department heads, are required to reside within the corporate limits of the City, except those expressly exempted by this ordinance. The residency requirement applies to all employees of all City departments, with the exception of the Police Department and the Fire Department.

Applicants for employment with the City of Petersburg, as well as persons appointed to offices within the various departments of the City, shall not be required to reside in the City as a condition of their initial hiring or appointment. However, such persons shall be required to establish residence within six months of the date of hire or date of appointment. (Ord. 1994-12, S1, Nov. 21, 1994)

1.31.020 Non-Retroactivity. The requirement that employees of the City reside within the corporate limits of the City shall not apply to persons presently in the employ of the City, and living outside the City. However, if any such employee subsequently moves inside the City, that employee shall then be bound by the residency requirement. Further, as to all present department heads, beginning with the enactment of this ordinance, residency within the City shall be a condition of that department head's continued employment. (Ord. 1994-12, S2, Nov. 21, 1994)

1.31.030 Violations. All violations of the terms of this Ordinance shall result in the immediate termination of such person's employment with the City of Petersburg. (Ord. 1994-12, S3, Nov. 21, 1994)

Chapter 1.32

MILEAGE REIMBURSEMENT RATE / LODGING AND MEAL EXPENSES

Sections:

- 1.32.010** **Approved Mileage Reimbursement Allowed**
- 1.32.020** **Lodging and meal Expenses**

1.32.010 Approved Mileage Reimbursement Allowed. The rate per mile for traveling expenses shall be \$0.48 cents per mile.

(Ord. 2007-6, S(p), Sept. 17, 2007) (Ord. 2006-6, S(o), Sept. 5, 2006) (Ord. 2005-11, S(n), Sept. 6, 2005)(Salary Ordinance 2004-5, S(n), Sept. 7, 2004) (Ord. 2003-4, Sept. 15, 2003) (Ord. 2002-4, Sept. 16, 2002) (Ord. 2001-01, Sept. 4, 2001) (Ord. 2000-5, July 3, 2000) (Ord. 1999-6, July 19, 1999) (Ord. 1998-5, July 6, 1998) (Ord. 1997-3, July 21, 1997) (Ord. 1996-3, July 15, 1996) (Ord. 1995-5, July 17, 1995) (Ord. 1994-5, July 18, 1994) (Ord. 1993-7, July 29, 1993) (Ord. 1992-11, July 27, 1992) (Ord. 1991-06, July 22, 1991) (Ord. 1990-12, July 23, 1990) (Ord. 1989-4, May 1, 1989) (Ord. 1988-7, July 18, 1988) (Ord. 1987-3, July 20, 1987) (Ord. 1986-6, July 21, 1986) (Ord. 1985-3, July 1, 1985) (Ord. 1984-4, July 16, 1984) (Ord. 1983-5, Aug. 1, 1983) (Ord. 1982-6, July 16, 1982) (Ord. 1982-1, Feb. 1, 1982) (Ord. 1981-6, July 20, 1981) (Ord. 1980-6, Nov. 17, 1980) (Ord. 1979-7, Nov. 20, 1979) (Ord. 1978-7, Dec. 5, 1978) (Ord. 1997-7, Dec. 5, 1977) (Ord. 1976-9, Dec. 6, 1976) (Ord. 1975-12, Dec. 1, 1975) (Ord. 1974-5, Dec. 16, 1974) (Ord. 1973-7, Dec. 17, 1973) (Ord. 1972-10, Dec. 18, 1972)

1.32.020 Lodging and Meal Expenses. Employees engaged in travel for official city business will be reimbursed for travel related lodging and meals not to exceed the following rates, applicable taxes included with the exception of lodging:

Breakfast	\$ 9.00
Lunch	\$ 12.00
Dinner	\$ 17.00
Lodging	Not to exceed \$100 (plus applicable taxes) per night.

Employees must be in travel status prior to 7:00 a.m. to claim breakfast reimbursement. Employees must be in travel status after 7:00 p.m. to claim dinner expenses. Travel expenses in excess of these maximum limits must be approved in advance by the employees governing board. (Ord. 2007-6, S(q), Sept. 17, 2007) (Ord. 2006-6, S(p), Sept. 5, 2006) (Ord. 2005-11, S(o), Sept. 6, 2005)

Chapter 1.34

PUBLIC EMPLOYEE'S RETIREMENT FUND (PERF)

Sections:

- 1.34.010** **Indiana Code Reference**
- 1.34.020** **Indiana Administrative Code Reference**
- 1.34.030** **Participation**
- 1.34.040** **Effective Date**
- 1.34.050** **In Lieu of Contributions by Employee, City to Pick-up Employee Contributions**
- 1.34.060** **Compliance with Regulations and Provisions**

1.34.010 Indiana Code Reference. Indiana Code 5-10.2-3-2 authorizes employers, pursuant to Section 414(h)(2) of the Internal Revenue Code, to pick-up and pay employee contributions to an employee's annuity savings account which are made in addition to the mandatory employee contribution (hereinafter "additional employee contributions"), in accordance with rules adopted by the Indiana Public Employee's Retirement Fund (hereinafter "Fund"). (Res. Nov. 3, 2003)

1.34.020 Indiana Administrative Code Reference. The Fund has adopted a rule governing the pick-up of additional employee contributions by employers at 35 IAC 11 ("Elective Payroll Deductions for Additional Contributions") (hereafter "Pick-up Regulation"). (Res. Nov. 3, 2003)

1.34.030 Participation. The City of Petersburg elects to become a participant. Eligible employees of the City of Petersburg, Indiana (hereinafter "Employer") participate in the Indiana Public Employees' Retirement Fund. (Res. 2003-2, Nov. 3, 2003) (Res. Dec. 15, 1986) (Res. Nov. 17, 1980)

1.34.040 Effective Date. Effective as of November 3, 2003, the employer desires to pick-up all of the additional employee contributions made by employees through a binding irrevocable payroll deduction authorization. No additional employee contributions prior to the employer's adoption of this Resolution shall be picked-up. (Res. Nov. 3, 2003)

1.34.050 In Lieu of Contributions by Employee, City to Pick-up Employee Contributions. Additional employee contributions for state law purposes, are being paid by the employer in lieu of said contributions by the employee. (Res. 2003-2, Nov. 3, 2003) (Res. Dec. 15, 1986)

1.34.060 Compliance with Regulations and Provisions. The employer shall comply with all of the terms and provisions of the Pick-up Regulation and applicable provisions of the Internal Revenue Code. (Res. 2003-2, Nov. 3, 2003)

Chapter 1.35

MEDICAL AND HOSPITALIZATION INSURANCE PREMIUM

Sections:

- 1.35.010** **Payment towards Insurance Premium**
- 1.35.020** **Effective Date**
- 1.35.030** **Employee may decline insurance**

1.35.010 Payment towards Insurance Premium. The City of Petersburg, Indiana, shall provide, as a fringe benefit to each of its employees, medical and hospitalization insurance through **UNITED HEALTHCARE**. Each employee shall pay a portion of the premium for his or her coverage, in the maximum amounts as follows:

Single	\$ 60.00	\$ 720.00
Employee / child	\$ 120.00	\$ 1,440.00
Employee / spouse	\$ 150.00	\$ 1,800.00
Family	\$ 200.00	\$ 2,400.00

The excess premium cost, if any, shall be paid by the City. (Res. 2004-4, Oct. 4, 2004) (Res. 2001-2, Sept. 17, 2001) (Res. 1996-2, June 17, 1996) (Res. 1994-2, Mar. 21, 1994) (Res. 1989-8, Oct. 2, 1989) (Res. 1989-4, May 1, 1989)

1.35.020 Effective Date. This insurance coverage and premium liability shall be effective October. 1, 2004. (Res. 2004-4, Oct. 4, 2004)

1.35.030 Employee may decline insurance. Any employee may elect, in writing, not to be covered by such insurance, but no such electing employee shall receive any substitute remuneration in lieu of the premium payment by the City of Petersburg. (Res. 2004-4, Oct. 4, 2004)

Chapter 1.36

AIR AMBULANCE MEMBERSHIP PROGRAM

Sections:

- 1.36.010 Overview**
- 1.36.020 Financial Contribution**
- 1.36.030 Changes by Service Provider or City**
- 1.36.040 Eligible and Non-eligible Employees**
- 1.36.050 Adoption**

1.36.010 Overview. The city of Petersburg is hereby authorized to enter into a membership program with an air ambulance transport service provider (hereinafter referred to as service provider) in addition to those benefits which may be covered under current health insurance plan benefits. The purpose of membership is to reduce the potential out of pocket expense that insured employees may be responsible for, given the cost of transport and/or limitations of benefit placed on such transport by the insurance carrier. (Res. 2006-8, S1, Nov. 20, 2006)

1.36.020 Financial Contribution. The City is authorized to pay up to the full the costs associated with enrollment for the eligible employee, as determined by the Common Council.

The eligible employee shall have the right to upgrade their membership at the expense of the employee to cover other members, of their household based on the availability and plan design of the service provider. (Res. 2006-8, S2, Nov. 20, 2006)

1.36.030 Changes by Service Provider or City. At any time the Common Council, by majority vote may adjust the percentage paid by the city as necessary based on the cost of the plan and the financial state of the City.

If at any time the council should determine that continuation of a current membership program is not in the best interest of the city, the Council may terminate a membership program with the majority vote of the council. This resolution does not expressly require the council to provide this membership to employees at all times. (Res. 2006-8, S3, Nov. 20, 2006)

1.36.040 Eligible and Non-eligible Employees. The following employees of the City of Petersburg, will be deemed eligible to receive the employees financial contribution of the city towards their membership.

- (1) Regular Full Time Employees of the City and City Utilities.
- (2) Elected Office Holders.

- (3) Volunteer Fire Fighters.
- (4) Members of the City Petersburg Board of Public Works & Safety.
- (5) City Attorney.
- (6) Park Caretaker.
- (7) Code Administrator.
- (8) Regular Part Time Employees who have completed six (6) months of continuous employment.

The following employee classifications are deemed as not eligible to receive the employer's financial contribution towards their membership.

- (1) All Boards and Commissions not expressly deemed as eligible
- (2) Part-Time/Seasonal Employees with less than 6 months continuous employment.
- (3) Temporary Police.

Each non-eligible employee may at their own expense join the plan under the city's membership at their own expense and with the consent of the service provider. (Res. 2006-8, S4, Nov. 20, 2006).

1.36.050 Adoption. Be it therefore resolved that this resolution shall be in full force and effect immediately from its date of passage. (Res. 2006-8, S5, Nov. 20, 2006)

Chapter 1.38

BONDS OF CITY OFFICIALS

Sections:

1.38.010 Amounts of Bonds

1.38.010 Amounts of Bonds. The amount of official bonds is as follows:

Clerk-Treasurer	\$ 20,000
Civil Engineer	2,000
Street Commissioner	1,000
Chief of Police	1,500
City Attorney	2,000
Night Marshall	1,500
Water Works Superintendent	500
(Ord. Dec. 27, 1923)	

Chapter 1.39
BLANKET BOND

Sections:

1.39.010 Employees Covered

1.39.010 Employees Covered. Pursuant to IC 5-4-1-18, the Common Council of the City of Petersburg does hereby authorize a blanket bond to be issued to cover the faithful performance of all employees, commission members and persons acting on behalf of the City of Petersburg, except for the following:

- City Clerk-Treasurer
- Deputy City Clerk-Treasurer
- Assistant City Clerk-Treasurer
- City Services Manager
- Water Department Clerk
- Secretary of Police Pension Fund

Which last mentioned officers and employee shall continue to file an individual surety bond, pursuant to said statute. (Ord. 1994-1, Jan. 19, 1994)

Chapter 1.40

CLERK-TREASURER

Sections:

- 1.40.010 Combining the Offices of Clerk and Treasurer**
- 1.40.060 Authorization to pay Specified Expenses between Regularly Scheduled Meetings**
- 1.40.065 Full Account of Funds Expended Submitted to Common Council**

1.40.010 Combining the Offices of Clerk and Treasurer. Be it enacted by the Common Council of the City of Petersburg that the offices of Clerk and Treasurer in the City of Petersburg, be held and administered by one and the same person. (Ord. Dec. 27, 1923) (Ord. July 6, 1917)

1.40.060 Authorization to pay Specified Expenses between Regularly Scheduled Meetings. The City Clerk-Treasurer be, and she hereby is, authorized to issue certain checks between meetings of said Common Council when necessary for payment of the following listed types of claims:

- (1) Employee payroll taxes withheld
- (2) Employee and employer social security payments
- (3) Sales taxes collected
- (4) Gross income taxes due
- (5) Utility bills received by the unit for gas, electric, water, sewage or telephone service
- (6) Any account which provides by its terms that a substantial discount will be given for prompt payment or that an additional charge may be added as a late charge, penalty or interest. (Res. May 6, 1985)

1.40.065 Full Account of Funds Expended Submitted to the Common Council. The Common Council of the City of Petersburg, that whenever any sum is expended for the purposes listed above between regularly scheduled meetings, the Clerk-Treasurer shall, and she hereby is, directed to submit to the Common Council or other City administrative board, a full account of such expenditures made pursuant to this Resolution. (Res. May 6, 1985)

Chapter 1.42

ORDINANCE VIOLATIONS BUREAU

Sections:

1.42.010	Created
1.42.020	Administrator
1.42.030	Indiana Code 33-6-3 Provisions
1.42.040	Violation Penalties

1.42.010 Created. There is hereby created an Ordinance Violations Bureau of the City of Petersburg, Indiana. (Ord. 1989-2, S1, Apr. 3, 1989)

1.42.020 Administrator. The Clerk-Treasurer of the City of Petersburg is hereby designated as the Violations Clerk, to be the administrator of the Petersburg Ordinance Violations Bureau. (Ord. 1989-2, S2, Apr. 3, 1989)

1.42.030 Indiana Code 33-6-3 Provisions. The Violations Clerk, as Administrator of the Petersburg Ordinance Violations Bureau, shall administer the Bureau pursuant to the provisions of IC 33-6-3, and as it may hereafter be amended. (Ord. 1989-2, S3, Apr. 3, 1989)

1.42.040 Violation Penalties. The initial schedule of the violations of Ordinances of the City of Petersburg, that are subject to admission of violation before the Violations Clerk of the Petersburg Ordinance Violations Bureau, and the amount of Civil Penalty to be assessed for such violations for persons who elect to admit a violation pursuant to this Ordinance, are as follows:

- (1) Violations of Ordinance No. 1989-3, providing for time limits for the parking of motor vehicles on certain public streets, and for fines for violation - \$3.00 per violation.
- (2) Such other Ordinances as the Common Council of the City of Petersburg, from time to time hereafter, shall deem appropriate to be included in this schedule by Ordinance adding to this schedule.
- (3) Violations of Ordinance 1973-5, concerning animals shall be fined not less than \$1.00 nor more than \$100.00 and a separate offense shall be deemed committed on each day during, or on, which a violation occurs or continues. (Ord. 1996-1, S1, Apr. 1, 1996) (Ord. 1989-2, S4, Apr. 3, 1989)
- (4) Violations of Title 7, Chapter 7.08, Garbage and Waste Materials, is hereby added to the list of violations which may be admitted before the violations clerk of the Petersburg Ordinance Violations Bureau. (Ord. 2005-4, S1, May 16, 2005)

Chapter 1.44

PURCHASING AGENCIES AND AGENTS AND POLICIES

Sections:

- 1.44.010 Purchasing Agencies**
- 1.44.020 Powers**
- 1.44.030 Agents**
- 1.44.040 Purchasing Rules**
- 1.44.050 Purchasing Policies of the City of Petersburg, Indiana**

1.44.010 Purchasing Agencies. The following Boards and Commissions are established or acknowledged as the purchasing agency (the "Purchasing Agency") for the City to the extent stated:

- (1) Petersburg Redevelopment Commission for the purchases of supplies and services which are paid in whole or in part from:
 - (a) any revenues of a Tax Increment Financing (TIF) District, or
 - (b) an appropriation to the Redevelopment Commission, or
 - (c) public funds related to an economic development project which has been determined by the Redevelopment Commission to be a benefit to a TIF District, or
 - (d) any other public funds under the control of the Redevelopment Commission.
- (2) Petersburg Department of Waterworks for the purchases of supplies and services paid in whole or in part from:
 - (a) any revenues from the operation of the Petersburg Department of Waterworks, or
 - (b) the proceeds from the sale of revenue bonds issued to finance improvements to the water production or distributions system, or
 - (c) grant funds awarded to finance improvements to the water production or distribution system.
- (3) Petersburg Parks and Recreation Board for the purchases of supplies and services paid in whole or in part from:

- (a) any public funds in any of the funds of the Petersburg Parks and Recreation Department or
 - (b) any revenues from the operation of the Petersburg Parks and Recreation Department including any of its programs, or
 - (c) an appropriation to the Petersburg Parks and Recreation Department, or
 - (d) public funds related to a project which has been determined by the Petersburg Parks and Recreation Board to be a benefit to the Petersburg Parks and Recreation Department.
- (4) Board of Public Works and Safety for the purchases of supplies and services for the City, including every agency, board, office, branch, bureau, commission, council, department or other establishment of the City, except as provided by subsections (1) through (3) above. Notwithstanding subsections (1) through (3), the Petersburg Redevelopment Commission, the Petersburg Department of Water Works and the Petersburg Parks and Recreation Board may request the Board of Public Works and Safety to make purchases for it as the purchasing agency and with its designated purchasing agents. (Ord. 1998-11, SA, Dec. 7, 1998)

1.44.020 Powers. The Purchasing Agency shall have all the powers and duties authorized under IC 5-22 as amended and as supplemented, and as may be supplemented from time to time by Ordinances adopted by the Petersburg Common Council and rules, regulations, and polices adopted by the Purchasing Agency. (Ord. 1998-11, SB, Dec. 7, 1998)

1.44.030 Agents.

- (1) The President of the Petersburg Redevelopment Commission, the Petersburg Parks and Recreation Board and the Petersburg Department of Water Works shall be a purchasing agent of the Purchasing Agency for which they serve unless and until the Purchasing Agency files a writing terminating such status with the Fiscal Officer of the City. The Purchasing Agency may also restrict the authority of the above purchasing agents by filing a writing with the Fiscal Officer of the City.
- (2) The City's Fiscal Officer and the City's Executive Officer shall be a purchasing agent of the Purchasing Agency of the Petersburg Board of Public Works and Safety for purchases for their own departments or operations unless and until the Purchasing Agency files a writing termination such status with the Fiscal Officer of the City. The Purchasing Agency may also restrict the authority of either the City's Fiscal Officer or

the City's Executive Officer as purchasing agents by filing a writing with the Fiscal Officer of the City.

- (3) In addition, any Purchasing Agency may designate any employee of the agency or the City as one of its purchasing agents by filing a writing with the Fiscal Officer of the City. The writing shall delineate the purchasing agent's limits of authority. The designation of one as a purchasing agent may be terminated or restricted at the discretion of the Purchasing Agency. (Ord. 1998-11, SC, Dec. 7, 1998)

1.44.040 Purchasing Rules. The following are the required purchasing rules for the City:

- (1) Purchase of supplies manufactured in the United States. Supplies manufactured in the United States shall be specified for all City purchases and shall be purchased unless the City's Purchasing Agency determines that:
 - (a) The supplies are not manufactured in reasonably available quantities;
 - (b) The prices of the supplies manufactured in the United States exceed by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
 - (c) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
 - (d) The purchase of supplies manufactured in the United States is not in the public interest.
- (2) Protection of offers; status of documents as public records:
 - (a) Protection of offers prior to opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
 - (b) Unobstructed evaluation of offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

- (c) Public records status of bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.
 - (d) Register of proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposal available for public inspection and copying. Proposals may not be disclosed.
- (3) Discussions with offerors responding to a request for proposals. The purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.
- (4) Delay of opening of offers. When the Common Council makes a written determination that is in the City's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.
- (5) Evidence of financial responsibility.
- (a) Purchases less than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.
 - (b) Purchases between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
 - (c) Purchases over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimate cost of the purchase.
 - (d) Small business set-asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.
- (6) Use of RFP for purchases of designated types of supplies. If the City determines that:

- (a) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and
- (b) Receiving proposals is the preferred method for purchasing the following types of supplies:

The types of supplies shall be determined by the Common Council from time to time, by promulgation of additional rules.

- (7) Modification and termination of contracts. Price Adjustments - The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:
 - (a) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon as after the beginning of performance as possible;
 - (b) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;
 - (c) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;
 - (d) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or
 - (e) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.
- (8) Adjustments in time of performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.
- (9) Unilateral Rights of City. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the City to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

- (10) Quantity variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.
- (11) Purchase of services. The City determines that each City agency and department may purchase services except for the services of attorneys in whatever manner the purchaser determines to be reasonable. Only the head of the department of law may purchase the services of attorneys.

The purchasing agent may not require any City agency, department or office to purchase services in any particular manner. (Ord. 1998-11, SD, Dec. 7, 1998)

1.44.050 Purchasing Policies of the City of Petersburg, Indiana.

- (1) Invitations and requests.
 - (a) Invitation for bids. All notices of invitation for bids shall be published in accordance with IC 5-3-1 in the Press-Dispatch Newspaper.

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 ten (10) days prior to the date the bids will be opened.

- (b) Request for proposals. All notices of request for proposals shall be published in accordance with IC 5-3-1 in the Press-Dispatch Newspaper.

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 IC 5-3-1 in the Press-Dispatch Newspaper.

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.

- (d) Electronic notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission is at least as efficient as mailing information.

(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 proposal 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) Electronic receipt of offers. The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

An electronic offer may only receive an electronic offer if:

1. the solicitation includes the procedure for the electronic transmission of the offer; and,
2. the purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

- (c) 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.

- (d) Cancellation of solicitation. When the purchasing agent makes a written determination that it is in the City's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.
- (3) Small purchases. The purchasing agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes. (Ord. 1998-11, SE, Dec. 7, 1998)

Chapter 1.46

FIXED ASSET POLICY

Sections:

- 1.46.010** **Definitions**
- 1.46.020** **Policy**

1.46.010 Definitions. A fixed asset is defined as any property or equipment that has a useful life of over one year. (Ord. 1995-5, S1, Aug. 7, 1995)

1.46.020 Policy. Any City of Petersburg fixed asset, with a purchase price of over \$500.00, shall be considered a capital asset, and shall be included in the General Fixed Asset group, and shall be depreciated as provided by law. (Ord. 1995-5, S2, Aug. 7, 1995)

Chapter 1.47

APPLICATION AND USE OF CREDIT CARDS

Sections:

- 1.47.010 Use of Credit Cards by City Officers and Employees**
- 1.47.020 Time of Effect**
- 1.47.030 Repeal of Conflicting Ordinances**

1.47.010 Use of Credit Cards by City Officers and Employees.

- (1) Credit Card Issuance
 - (a) The Clerk-Treasurer is hereby authorized to make application for business credit cards for use by city officials and employees. All credit card account applications shall be signed by the mayor and clerk-treasurer.
 - (b) The city shall obtain business credit cards from only one credit card company.
 - (c) Business credit cards so issued shall have a maximum limit of \$5,000.
- (2) Credit card use policies and procedures.
 - (a) When not in use, the credit card shall be secured in the office of the Clerk-Treasurer.
 - (b) Upon request by a city official or employee, the Clerk-Treasurer shall issue the credit card for use and shall keep a record showing the date of issuance, date of return and purpose of use.
 - (c) Charges shall only be made on the credit card to purchase items or services which are authorized and budgeted in the budget of City.
 - (d) Within seventy-two (72) hours of the purchase, the person using the credit card shall provide a copy of the credit card receipt and shall inform the Clerk-Treasurer in writing of the following:
 - 1. The purpose of the purchase;
 - 2. The line item from which the purchase is to be paid;

3. An itemized list of all charges incurred and whether those are paid from different budget line items.
 - (e) 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 claims procedures of the city.
 - (f) The Clerk-Treasurer shall pay the charge cards promptly so that no interest carrying charges of penalties will be incurred due to late payments. Any employee who 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.
 - (g) No credit card issued by the city for any elected officer, department head, or employee shall be used by any person for a private purchase. (Ord. 2007-1, S1, Apr. 2, 2007)

1.47.020 Time of Effect. This Ordinance shall be in full force and effect from and after its passage, approved by the mayor, and any publications as required by law. (Ord. 2007-1, S2, Apr. 2, 2007)

1.47.030 Repeal of Conflicting Ordinances. All Ordinances, or any parts thereof, previously enacted which are in conflict with the provisions of this Ordinance are hereby specifically repealed. (Ord. 2007-1, S3, Apr. 2, 2007)

Chapter 1.48

USE OF COMPUTER GENERATED FORMS

Sections:

1.48.010 Approved by City - Requesting Approval from State Board of Accounts

1.48.010 Approved by City - Requesting Approval from State Board of Accounts.

The City of Petersburg will use the Keystone Consulting Services, Inc. financial software systems and requests that the Indiana State Board of Accounts approve all forms which have been previously submitted by the City of Seymour, September, 2002 and any update and revisions provided in the future for use by the City of Petersburg. (Res. 2003-1, Aug. 4, 2003) (Res. 1998-2, June 1, 1998)

Chapter 1.49

ACCOUNTING DISASTER RECOVERY PLAN AND LOGICAL SECURITY PLAN

Sections:

- 1.49.010 Accounting Disaster Recovery Plan Established**
- 1.49.020 Procedures and Guidelines**
- 1.49.030 Off-site Storage**
- 1.49.040 Re-establishment of Normal Operations**
- 1.49.050 Logical Security Plan**

1.49.010 Accounting Disaster Recovery Plan Established. An Accounting Disaster Recovery Plan is hereby established as follows:

- (1) A limited number of forms, which are used in the day-to-day operations of the Clerk-Treasurer's office shall be stored off site.
- (2) Back-up tapes, disks and other software shall be stored off site.
- (3) A limited number of payroll and vendor checks shall be stored off site.
- (4) The computer system vendor will provide a replacement machine upon request. (Res. 2005-5, S1, Aug. 15, 2005) (Res. 2004-3, S1, June 21, 2004) (Res. 2002-2, S1, May 6, 2002)

1.49.020 Procedures and Guidelines. Procedures and guidelines to follow until normal operations are resumed:

- (1) All receipts and disbursements will be written manually and recorded in a ledger book.
- (2) Payroll checks will be issued using those checks that are stored off site.
- (3) Vendors will be paid as necessary with checks that are stored off site. (Res. 2005-5, S2, Aug. 15, 2005) (Res. 2004-3, S2, June 21, 2004) (Res. 2002-2, S2, May 6, 2002)

1.49.030 Off-site Storage. The off-site location for storage of the items listed above will be at the home of the Clerk-Treasurer, Tammy L. Selby, 703 S. 9th Street, Petersburg, Indiana, or her successor in office. Said items shall be stored in a fireproof portable safe provided by the City of Petersburg. The Clerk-Treasurer and Deputy Clerk-Treasurer shall be in possession of the keys and or combination of the safe. (Res. 2005-5, S3, Aug. 15, 2005) (Res. 2004-3, S3, June 21, 2004) (Res. 2002-2, S3, May 6, 2002)

1.49.040 Re-establishment of Normal Operations. Those individuals who shall be contacted and who shall proceed as expeditiously as possible to re-establish normal computer operations are as follows:

- (1) Clerk-Treasurer Tammy L. Selby, (office telephone number 812-354-8511; home telephone number 812-354-6941), or her successor in office.
- (2) Deputy Clerk-Treasurer Helen King, (telephone number 812-766-1000), or her successor in office.
- (3) Water Clerk Jo Richardson, (home telephone number 812-354-8987), or her successor in office.
- (4) Mayor Jon W. Craig, (office telephone number 812-354-8511; home telephone number 812-354-8587), or his successor in office.
- (5) Keystone Consulting Services, Inc. 7701 W. Kilgore Ave., Suite 3, Yorktown, Indiana 47396, (office telephone number 765-759-1388). (Res. 2005-5, S4, Aug. 15, 2005) (Res. 2004-3, S4, June 21, 2004) (Res. 2002-2, S4, May 6, 2002)

1.49.050 Logical Security Plan. The logical security plan, as recommended, shall be that all authorized users of the City's computer system shall change passwords every thirty (30) days. (Res. 2005-5, S5, Aug. 15, 2005) (Res. 2004-3, S5, June 21, 2004) (Res. 2002-2, S5, May 6, 2002)

Chapter 1.55

REVOLVING LOAN FUND

Sections:

1.55.010 Interlocal Agreement between Petersburg and Pike County to Establish a Revolving Loan Fund Administration Board

1.55.050 Management of Revolving Loan Fund

1.55.010 Interlocal Agreement between Petersburg and Pike County to Establish a Revolving Loan Fund Administration Board.

- (1) The Petersburg/Pike County RLF Administration Board is hereby established.
- (2) The Petersburg/Pike County RLF Administration Board shall consist of seven (7) members, four (4) of whom shall be appointed by and shall be residents of the City; and three (3) of whom shall be appointed by and be residents of the County.
- (3) The Mayor of City shall appoint two (2) members of the Petersburg/Pike County RLF Administration Board:
 - (a) one (1) of whom shall have an initial term expiring on the first non-holiday in January, 1993, and
 - (b) the other of whom shall have an initial term expiring on the first non-holiday in January, 1994.
- (4) The Common Council of City shall appoint two (2) members to the Petersburg/Pike County RLF Administration Board:
 - (a) one (1) of whom shall have an initial term expiring on the first non-holiday in January, 1994, and
 - (b) the other of whom shall have an initial term expiring on the first non-holiday in January, 1995.
- (5) The Board of Commissioners of County shall appoint three (3) members to the Petersburg/Pike County RLF Administration Board:
 - (a) one (1) of whom shall have an initial term expiring on the first non-holiday in January, 1995, and

- (b) the second of whom shall have an initial term expiring on the first non-holiday in January, 1996, and
 - (c) the third of whom shall have an initial term expiring on the first non-holiday in January, 1996.
- (6) After the initial terms, subsequent appointments to the Petersburg/Pike County RLF Administration Board shall be for a term of four (4) years.
 - (7) The Petersburg/Pike County RLF Administration Board shall have the authority to appoint one (1) person, not a member of its Board, to act as a staff support person for the Board.
 - (8) The Petersburg/Pike County RLF Administration Board shall be responsible to the Petersburg Redevelopment Commission, and any remuneration paid to any member of the Board or to a staff person appointed by the Board, shall be paid from interest earned by the Revolving Loan Fund deposits, as provided by federal regulation.
 - (9) The Petersburg/Pike County RLF Administration Board shall have the power and authority to interview applicants; review, select and approve loan applications; and set policy and make final decisions concerning loans from the Revolving Loan Fund.
 - (10) This agreement shall continue in effect so long as a Revolving Loan Fund Administration Board is required by the Economic Development Administration in City and County.
 - (11) City and County shall cooperate in providing the Petersburg/Pike County RLF Administration Board, a public facility in which to meet. (Res. 1992-1, Interlocal Agreement, Feb. 18, 1992)

1.55.050 Management of Revolving Loan Fund.

- (1) The City of Petersburg received an Economic Development Administration, United States Department of commerce, grant to fund the Revolving Loan Fund, as provided by Title IX, of the Public Works and Economic Development Act of 1965. (Res. 1993-4, June 7, 1993) (Res. 1992-4, S1, Nov. 2, 1992)
- (2) The City of Petersburg authorizes County of Pike, State of Indiana, to be the lead entity, in regard to the administration of the grant funds, with full legal authority to bind both the City of Petersburg and County of Pike. (Res. 1992-4, S2, Nov. 2, 1992)

- (3) The City of Petersburg authorizes Mayor Randall Jay Harris, Jr., to be the authorized official to make the application. (Res. 1993-4, June 7, 1993)
(Res. 1992-4, S3, Nov. 2, 1992)

- (4) The Mayor of the City of Petersburg is authorized to enter a management agreement on behalf of the City of Petersburg, with County of Pike, to manage the day-to-day operations of the administration of the Revolving Loan Fund project, providing for management to be under the jurisdiction of County of Pike, through Director of Pike County Economic Development, and defining management responsibilities and financing arrangements for administrative costs. (Res. 1992-4, S4, Nov. 2, 1992)

Chapter 1.56

REAL PROPERTY TAX ABATEMENT POLICY

Sections:

- 1.56.010 Purpose**
- 1.56.020 Applicant Requirements**

1.56.010 Purpose.

- (1) I.C. 6-1.1-12.1 allows a partial abatement, over a one to ten year period, of property taxes attributable to "redevelopment or rehabilitation activities" (hereinafter "project") in Economic Revitalization Areas.
- (2) I.C. 6-1.1-12.1 empowers the City Council of the City of Petersburg, Indiana (hereinafter "Designating Body") to designate Economic Revitalization Areas within the City of Petersburg by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and confirmation of the preliminary resolution or a modified version of the said resolution.
- (3) I.C. 6-1.1-12.1 empowers the Council to establish general standards to be used, along with the requirements set forth in the definition of Economic Revitalization Area, to charge an application fee and to limit the length of the Economic Revitalization Area designation to a certain number of calendar years.
- (4) I.C. 6-1.1-12.1 empowers the Council, at the time an Economic Revitalization Area is designated, to limit the dollar amount of the deduction that will be allowed with respect to a project.
- (5) I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a Statement of Benefits and requires the Council, before it makes a decision to designate such an area as an Economic Revitalization Area, to make affirmative findings on the following questions:
 - (a) Whether the estimate of the value of the proposed project is reasonable for projects of that nature.
 - (b) Whether the estimate of the number of individuals who will be employed, or whose employment will be retained can reasonably be expected to result from the proposed project.

- (c) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed project.
 - (d) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed project.
 - (e) Whether the "Totality of Benefits" is sufficient to justify the deduction.
- (6) I.C. 6-1.1-12.1 allows the Council to determine the length of the abatement period at either one, two, three, four, five, six, seven, eight, nine or ten years, with a statutorily prescribed deduction schedule for each period.
 - (7) I.C. 6-1.1-12.1 allows the Council to make a determination about whether the deduction period is one, two, three, four, five, six, seven, eight, nine or ten years at the time an area is designated as an Economic Revitalization Area.
 - (8) The Council will utilize the information contained in the State of Benefits Form and the Totality of Benefits attributable to the project in making decisions about the length of the deduction period.
 - (9) The Council desires to make decisions about the Economic Revitalization Area designation and the length of the deduction period in manner whereby citizens of Petersburg, Indiana will benefit by the creation and retention of permanent jobs, expansion of the property tax base, protection of private investment and revitalization of the city.
 - (10) In making decisions about the Economic Revitalization Area designation and the length of the of the deduction period, the Council shall consider: Whether there is compliance with the "undesirable for normal development" statutory criterion.
 - (11) It is the desire of the Council to receive information and analysis from the applicant sufficient to allow it to make a fair and reasonable decision. (Res. 2005-2, Whereas, Apr. 4, 2005)

1.56.020 Applicant Requirements.

- (1) Each application (designation application) for Economic Revitalization Area designation must meet the following requirements:

- (a) The property must be in an area which is undesirable for normal development.
- (b) The intended use of the property must be allowed by the applicable zoning standards. If it is not, the necessary variance, rezoning or approval petition(s) must be on file at the time of the filing of the designation application, and the variance, rezoning or approval petition(s) must be approved before the final hearing on the Economic Revitalization Area resolution shall be conducted.
- (c) The application must be made by all owners of the property or their designated representative.
- (d) The application must be made prior to filing for a building permit or initiating construction on the project. Exceptions may be allowed by the Council if substantial evidence is provided by the owner that the obtaining of a building permit or accomplishment of construction work was necessitated by emergency circumstance. (Res. 2005-2, S1, Apr. 4, 2005)
- (2) A \$30.00 non-refundable application fee for making application for Economic Revitalization Area designation to be paid at the time of submission. (Res. 2005-2, S2, Apr. 4, 2005)
- (3) The following standards shall be considered by the Council in making decisions about Economic Revitalization Area designation and the length of the deduction period:
 - (a) Whether there is compliance with the following statutory criterion: "The area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements, or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired property values or prevent a normal development or use of the property"; and
 - (b) Whether the Council is able to make the following statutorily required affirmative findings:
 1. The estimate of the value of the proposed project is reasonable for projects of that nature; and
 2. The estimate of the number of individuals who will be employed, or whose employment will be retained can reasonably be expected to result from the proposed project; and

3. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed project; and
 4. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed project; and
 5. The "Totality of Benefits" is sufficient to justify the deduction. (Res. 2005-2, S3, Apr. 4, 2005)
- (4) The Economic Revitalization Area designation will be condition in such manner that it will be effective only:
- (a) Relative to the project which is described in the final resolution, as supplemented by information in the application, site plans and elevation(s).
 - (b) If construction of the project is initiated within one (1) year of the date of designation. (Res. 2005-2, S4, Apr. 4, 2005)
- (5) Unless otherwise stated in the resolution applicable to a specific project, the Economic Revitalization Area designation shall terminate three (3) years after the date of the final resolution. (Res. 2005-2, S5, Apr. 4, 2005)
- (6) A final resolution for the specific project which is adopted in accordance with this resolution does not allow an abatement of property taxes for new manufacturing equipment. (Res. 2005-2, S6, Apr. 4, 2005)

Chapter 1.58

DEPARTMENT OF REDEVELOPMENT

Sections:

1.58.010	Establishment of a Department of Redevelopment
1.58.020	Petersburg Redevelopment Commission
1.58.030	Tax Levy Territory
1.58.040	Appointments to Commission
1.58.050	Grant Funding - Sole Contact
1.58.100	Redevelopment/Blighted Area
1.58.200	Redevelopment Plan

1.58.010 Establishment of a Department of Redevelopment. The Common Council of the City of Petersburg, Pike County, Indiana ("City") now deems it to be in the best interest of the City and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise by establishing a department of redevelopment. (Ord. 1990-15, S1, Aug. 20, 1990)

1.58.020 Petersburg Redevelopment Commission. The Common Council hereby establishes the Department of Redevelopment of the City. The Department will be controlled by a board of five members known as the Petersburg Redevelopment Commission. (Ord. 1990-15, S2, Aug. 20, 1990)

1.58.030 Tax Levy Territory. Pursuant to the Act, all of the territory within the corporate boundaries of the City will be a taxing district to be known as the Redevelopment District of the City of Petersburg for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the Act. The Common Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. 1990-15, S3, Aug. 20, 1990)

1.58.040 Appointments to Commission. The Common Council shall appoint two members of the Petersburg Redevelopment Commission with terms expiring on January 1, 1992. The remaining three members shall be appointed by the Mayor as the municipal executive. (Ord. 1990-15, S4, Aug. 20, 1990)

1.58.050 Grant Funding - Sole Contact. The City of Petersburg Redevelopment Commission is hereby designated the sole contact for any and all grant assistance to be the sole contact in all grant funding matters concerning funds to be utilized by any and all departments of the City of Petersburg.

Mr. Gary Leavitt, in his position as Chairman of Petersburg Redevelopment Commission is designated the contact person in all grant funding matters concerning funds to be utilized by any and all departments of the City of Petersburg. (Res. 1991-1, Feb. 4, 1991)

1.58.100 Redevelopment/Blighted Area. Be it resolved by the City Council of the City of Petersburg that the City Council finds that the redevelopment area shown in Exhibit "A", is blighted due to the lack of development, cessation of growth, character of occupancy, damaged and deteriorated improvements, devaluation of property and prevention of a normal use or development of property within the redevelopment area.

The City Council of the City of Petersburg finds that the redevelopment area has become blighted to the extent that such blighted conditions cannot be corrected by regulatory processes or the ordinary operation of private enterprise without resort to the provisions of IC 36-7-14, and public health and welfare will be benefited by the redevelopment of the designated area.

The City Council of the City of Petersburg hereby finds and determines that the redevelopment area constitutes a menace to the social and economic interest of the City of Petersburg and its inhabitants, and that it will be of public utility and benefit to complete the redevelopment of the area.

The City Council of the City of Petersburg finds that redevelopment of the area is necessary, due to deterioration of public facilities which clearly include:

- (1) A general state of deterioration of water, sanitary sewer, storm sewers, sidewalks and streets; and
- (2) Destruction and major damage to greater than 25% of all housing units and structures within the redevelopment area; and
- (3) General site erosion and grading problems. (Res. 1993-3, Apr. 7, 1993)
(Res. 1991-2, Feb. 4, 1991)

1.58.200 Redevelopment Plan.

- (1) Introduction. By the devastating effects of nature, the City of Petersburg has found itself in the undesirable position of having to reconstruct and redevelop a significant portion of the geographical area of the City. The devastation of the natural disaster created individual and collective trauma through the loss of a portion of the community. The community of the City of Petersburg is beginning to develop strategies to rebuild and redevelop the City. The creation of the City of Petersburg Redevelopment Commission has been a significant step toward the redevelopment process. In the short time in which the Redevelopment Commission has had to operate, it has discussed problems, opportunities and options with experts

and professionals in the field of financial feasibilities, development of financing, planning and implementation strategies.

(2) Redevelopment Plan. In the studies and investigations of the Redevelopment Commission, it has become clear that the City needs to take positive steps towards creating a plan to redevelop the devastated portion of the City. The City, through its Redevelopment Commission must assess its existing conditions, including structural, physical, institutional, and direct the redevelopment of the devastated portion of the City for the good of the entire community. Redevelopment is complicated and complex due to the many facets and characteristics of the City as a whole and its relationship to the potential redevelopment area of the City. To begin the process of rebuilding and redeveloping, the City through their Redevelopment Commission, must complete the following:

- (a) inventory existing conditions and accumulate data and conduct surveys within the redevelopment area in order to determine the physical and economical conditions which presently exist within the proposed redevelopment area.
- (b) evaluate the physical condition of existing buildings and site improvements and identify the uses of land within the proposed redevelopment area.
- (c) a determination of land values and even the location of land parcels must be identified to determine property values that have been lost and tax losses as a result of the devastation and to determine how to rebuild and replace property values in the redevelopment area. The Redevelopment Commission must also analyze and study the data that has been compiled and collected to understand the physical and structural conditions of the redevelopment area. The analysis of this information will allow the Redevelopment Commissions to determine potential use and reuse of any structures, their sizes, uses, and any infrastructure improvements to support the redevelopment and also any environmental limitations to the redevelopment of the area. Having collected and analyzed existing data and existing conditions information, the Redevelopment Commission must prepare a plan for the redevelopment of the area. This plan can be thought of as a business plan for a business or a household plan for the accomplishment of personal household and family goals. This plan; however, is a plan for the entire redevelopment area as opposed to an individual or a corporate plan. This plan should be prepared in consultation and with significant public involvement because it is the citizens of the City of Petersburg that must live and thrive in the City and the redevelopment area. The plan must

determine the uses of the land, where housing should be built, standards of the housing, codes and requirements for the safe and healthy reconstruction of the redevelopment area, as well as determine infrastructure needs including streets, sidewalks, possible storm drainage, electrical and other utilities that are needed to support the redeveloped area.

As with a household budget or a business plan for a corporation, plans must always be converted into financial feasibility. In this same light, the City of Petersburg must determine the financial feasibility of redeveloping and rebuilding the area devastated by the natural disaster. This element called a financial analysis, will develop cost estimates of planned and needed improvements and identify potential and possible funding sources to use in the reconstruction of the area. Without a plan and feasibility study, it is very unlikely that outside funding sources such as Federal and State government agencies will be willing to invest in the redevelopment of the City of Petersburg.

It is only logical that the City must know where it wants to go in terms of redevelopment and growth before it can entice outside investment into the rebuilding and redevelopment process.

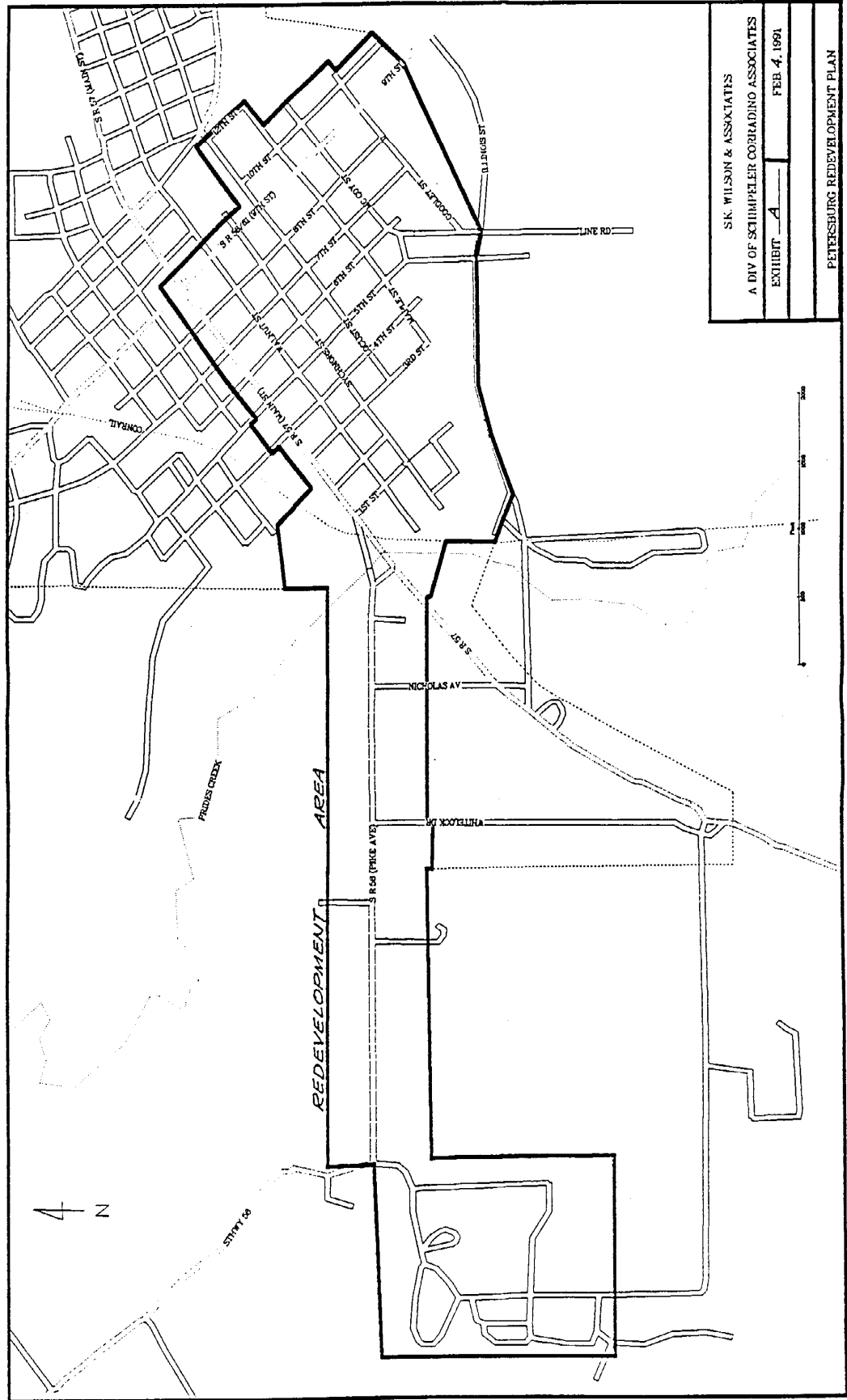
- (3) Development Regulations. In studying and investigating the possibilities, processes and methods for redeveloping portions of the City of Petersburg it became obvious that rebuilding and reconstructing without any guidance or guidelines and regulations for construction and performance standards will only create havoc and a haphazard and possibly ill-functioning portion of the City of Petersburg. It has been obvious through observations throughout the proposed redevelopment area, that in the understandable haste to rebuild and reconstruct dwelling units and businesses, residents have built with varying setbacks on side streets and frontage streets and in relation to adjoining property owners. It is important for the City of Petersburg to rebuild and redevelop in a manner which will stabilize the community and have long standing community wide benefits as the redeveloped area gets back into the fabric of the City of Petersburg. It has also become obvious that conflicting and unharmonious uses of land contiguous and adjacent to parcels may be already taking hold in the redevelopment area. The Redevelopment Commission believes it is their responsibility to plan for the redevelopment of the area and provide standards and implementation tools for the proper and safe reconstruction and redevelopment of the area.

To guide the redevelopment and reconstruction, the Redevelopment Commission has determined that the use of regulations and ordinances will need to be enacted to develop and protect the property values in the

redevelopment area. Traditionally, implementation tools for land use and protection of land values has taken the form of zoning ordinances and subdivision regulations. The Redevelopment Commission has found that contemporary means of controlling and protecting land values exists, including plan unit development regulations, commitment zoning, contract zoning, and other types of development methods, such as cluster housing and floating zones are useable and implementable for the protection of property values within jurisdictions within the State of Indiana. These regulations are no more than methods to guide the redevelopment and reconstruction of the area in conformance with standards that will be uniformly applied to create a stable neighborhood area.

- (4) Comprehensive Plan. Further, in its research, the Redevelopment Commission has found that zoning ordinances, plan unit development ordinances or other types of regulations cannot be adopted by a City Plan Commission without preparation of a comprehensive plan. A comprehensive plan can be compared to a redevelopment plan for a specified area. However, a comprehensive plan covers the entirety of a municipal jurisdiction and more often than not, a two mile fringe area around the jurisdiction. This comprehensive plan can be compared to a business plan for the community. It is a plan to grow by, to set goals by, to set objectives and determine the best uses for the land within the community, and to provide infrastructure in the correct size and locations for the chosen types of development. This planning process is and should be an intense process involving citizen involvement and comments. The comprehensive plan must be the plan not only of the City politic, but also the plan of the citizens, its institutions and organizations. Comprehensive plans are prepared much in the same way as a redevelopment plan, except on a larger scale due to the larger geographical area and the intertwining and completed inter-relationships of land uses, roadways, and infrastructure.
- (5) Conclusion/Recommendations. It has been determined by the Redevelopment Commission to carry out the goals of redeveloping the devastated area of the City of Petersburg and to provide guidance and standards for the redevelopment; that it is necessary to not only have a Redevelopment Plan adopted by the Redevelopment Commission, but also to have a comprehensive plan developed and with it ordinances or regulations to implement the plan to be used in the implementation of the plan. Based on the studies, investigations and findings of the Redevelopment Commission, we request that the City Council of Petersburg approve and appropriation for the development of a redevelopment plan, a comprehensive plan and implementation mechanisms (i.e., zoning, subdivision regulations, plan unit development, etc.).

The Redevelopment Commission further finds that due to the understandable and obvious needs and desires to rebuild by the residents of the redevelopment area, it is necessary to expeditiously develop these plans and ordinances to guide and protect the development of the City of Petersburg and its redevelopment area. (Res. 1991-3, Mar. 18, 1991)



SK. WILSON & ASSOCIATES
 A DIV OF SCHIMPEL CORRADINO ASSOCIATES
 EXHIBIT A FEB. 4, 1991
 PETERSBURG REDEVELOPMENT PLAN

Chapter 1.62

PARK AND RECREATION FEES

Sections:

1.62.010 Rental Fees for Shelter Houses at Hornady Park

1.62.010 Rental Fees for Shelter Houses at Hornady Park. The rental fee for shelter houses at Hornady Park shall be ten dollars (\$10.00) per renter from the hour of the specified rental up to such time as the park may close.

Multi-day rentals will be charged the above rental fee for each day using the shelter.

The City of Petersburg Park Board may waive this rental requirement by a majority vote of the board for special circumstances and events.

Upon Passage, this ordinance will be full force and effect and retroactive to the first day of January, 2005. (Ord. 2005-12, Nov. 7, 2007)

Chapter 1.63

DEPARTMENT OF PARKS AND RECREATION

Sections:

1.63.010	Created
1.63.020	Composition
1.63.030	Board Members
1.63.040	Officers
1.63.050	Powers and Duties
1.63.060	Annual Budget
1.63.070	Repeal of Conflicting Ordinances

1.63.010 Created. Under the provisions of IC 36-10-3 there is hereby created a Petersburg Department of Parks and Recreation. (Ord. 1995-6, SI, Aug. 7, 1995) (Ord. 60, Feb. 16, 1931)

1.63.020 Composition. A Park and Recreation Board shall be composed of:

- (1) Four (4) members appointed by the Mayor on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party. (Ord. 1995-6, SII, Aug. 7, 1995) (Ord. 60, Feb. 16, 1931) (Ord. 22, Dec. 7, 1925)

1.63.030 Board Members. Upon establishment of the Board, the terms of the members initially appointed shall be:

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

As a term expires, each new appointment shall be made by the Mayor for a term of four (4) years. All terms expire on the first Monday in January, but a member shall continue in office until the member's successor is appointed. If an appointment for a new term is not made by the Mayor by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the Mayor shall appoint a new member for the remainder of the unexpired term. (Ord. 1995-6, SIII, Aug. 7, 1995) (Ord. 60, Feb. 16, 1931)

1.63.040 Officers. At its first regular meeting in each year, the Park Board shall elect a president and vice-president. The vice-president shall have authority to act as the

president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 1995-6, SIV, Aug. 7, 1995)

1.63.050 Powers and Duties. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. 1995-6, SV, Aug. 7, 1995)

1.63.060 Annual Budget. The Board shall prepare and submit an annual budget in the same manner as other departments of City government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. 1995-6, SVI, Aug. 7, 1995)

1.63.070 Repeal of Conflicting Ordinances. All other Ordinances, Resolutions or parts thereof in conflict with the provisions and intent of this Ordinance are hereby repealed, specifically in Ordinance adopted February 16, 1931 and any other previous Ordinances. (Ord. 1995-6, SVII, Aug. 7, 1995)

Chapter 1.65

CELLULAR TELEPHONE USEAGE STIPEND FOR POLICE OFFICERS

Sections:

1.65.005	Purpose
1.65.010	Full-time officers
1.65.020	Chief of Police
1.65.030	Ownership of cellular phone
1.65.040	Monthly stipend
1.65.050	Damaged or inoperable cellular phone
1.65.060	Provide number to Chief of Police
1.65.070	Each officer shall carry the cellular phone on duty and off duty
1.65.080	Reimbursement
1.65.090	Incorporation of this Resolution into Policy Manual
1.65.100	Effective Date

1.65.005 Purpose. It has been determined by the Petersburg Board of Public Works and Safety that it is in the best interest of the citizens of Petersburg, for their welfare and safety, that each Petersburg City Police Officer possesses a cellular phone. (Res. 2004-1, Whereas, Nov. 15, 2004)

1.65.010 Full-time officers. This resolution shall apply only to full-time Petersburg City Police Officers. (Res. 2004-1, S1, Nov. 15, 2004)

1.65.020 Chief of Police. The Chief of Police of the City of Petersburg shall be provided a cellular phone by the City, at the expense of the City, both for its initial cost and its monthly usage charge. (Res. 2004-1, S2, Nov. 15, 2004)

1.65.030 Ownership of cellular phone. Each full-time Petersburg City Police Officer shall purchase, at the officer's own expense, a cellular telephone, which telephone shall be the exclusive property of the officer. (Res. 2004-1, S3, Nov. 15, 2004)

1.65.040 Monthly stipend. The City shall pay a monthly stipend to each such City Police Officer for the use of the cellular phone for City business, which stipend shall be in the amount of \$30.00 per month. Any charges above \$30.00 per month shall be the sole responsibility of the police officer. (Res. 2004-1, S4, Nov. 15, 2004)

1.65.050 Damaged or inoperable cellular phone. Each police officer shall be solely responsible for replacement of his or her damaged or inoperable cellular phone. (Res. 2004-1, S5, Nov. 15, 2004)

1.65.060 Provide number to Chief of Police. Each police officer shall supply the Petersburg Chief of Police with a current active cellular telephone number. (Res. 2004-1, S6, Nov. 15, 2004)

1.65.070 Each officer shall carry the cellular phone on duty and off duty. Each full-time police officer shall carry the cellular phone with him or her while on duty, and must be able to be reached on the cellular phone while off duty in the event that an emergency call-out is required. (Res. 2004-1, S7, Nov. 15, 2004)

1.65.080 Reimbursement. The Chief of Police shall monthly sign a claim to be submitted to the Petersburg Board of Works, verifying each officer's eligibility to receive the monthly stipend of \$30.00. The reimbursement will be paid to the officer at the end of each month, and advances on the cellular phone allowance will not be allowed. (Res. 2004-1, S8, Nov. 15, 2004)

1.65.090 Incorporation of this Resolution into Policy Manual. A copy of this resolution shall be placed in the Policy Manual of the Petersburg Police Department. (Res. 2004-1, S9, Nov. 15, 2004)

1.65.100 Effective Date. The effective date of this resolution shall be January 1, 2005. (Res. 2004-1, S10, Nov. 15, 2004)

Chapter 1.66

POLICE PENSION FUND

Sections:

- 1.66.010** **Payment of Benefits**
- 1.66.020** **Benefits Proportional to Salary**

1.66.010 Payment of Benefits. All payments pursuant to the Acts of 1925, Ch. 51, p. 167, as amended, and which are to be fixed by Ordinance are hereby established as follows:

- (1) The payment of funeral benefits to the heirs or estate of any active or retired member of the Police Force who has suffered death from any cause, the amount of Six Hundred Dollars (\$600.00).
- (2) The payment to the widow who is qualified under the law for such benefits, a sum equal to thirty percent (30%) of the monthly pay of a first-class patrolman per month, so long as she is eligible by law to receive such benefits.
- (3) The payment to each child of any such deceased Police Officer who is qualified under the law for such benefits, a sum equal to ten percent (10%) of the monthly pay of a first-class patrolman per month, so long as said child is eligible by law to receive such benefits.

1.66.020 Benefits Proportional to Salary. At any time that the salary of a first-class patrolman is increased or decreased, the benefits payable under Section 1.66.010 (2) and (3) shall be proportionately increased or decreased. (Ord. 1980-7, S2, Dec. 1, 1980)

Chapter 1.67

POLICE DEPARTMENT AGILITY TEST

Sections:

1.67.010 Agility Test Format

TO: WHOM IT MAY CONCERN
SUBJECT: AGILITY TEST

I, _____, am about to take an Agility Test, to be given by the Petersburg Police Department, at _____.

This Agility Test will consist of the following:

- a. 1/4 mile run
- b. Balance beam walk (heel to toe)
- c. Up and down one flight of stairs
- d. Run around obstacles - direction changes during run
- e. Climb ladder
- f. Firearms Operation (Dominant and non-dominant hand)
- g. Ditch jump (4 feet)
- h. Vehicle push and dummy drag (Carry or drag dummy 150 lbs. or less out of vehicle for 50 feet. Go back to vehicle put in neutral and push vehicle back 15 feet or till the front of vehicle is even with or past the line.)

I, _____, am physically fit, and have no medical problems that would prevent me or hurt me in any way from taking this agility test.

I, _____, hold no one responsible or liable for any medical problems or accidents that I may acquire during or after this agility testing, given by the Petersburg Police Department, City of Petersburg, at the _____.

I, _____, have read and understand the Petersburg Police Department Agility Test, and I attest that I am able to perform these requirements, that are on this Agility Test that I am about to take.

Date: _____

Applicant's Signature

Chapter 1.68

ROAD BLOCK SOLICITATIONS

Sections:

- 1.68.010 Hold Harmless Agreement**
- 1.68.020 Regulations**

1.68.010 Hold Harmless Agreement. The City of Petersburg, Indiana, does from time to time permit various individuals and organizations to solicit charitable contributions by means of conducting a "roadblock" at the intersection of Ninth & Main Streets in the City of Petersburg, Indiana, upon application to the Office of the Mayor; and,

The undersigned organization and individuals participating therein, desire permission of said City to conduct such a "roadblock" and do hereby recognize and acknowledge the inherent risks involved in such activity and do hereby voluntarily assume such risks.

To induce the City of Petersburg to permit the undersigned to conduct such activity on its public streets at the intersection of Ninth & Main Streets, in the City of Petersburg, Indiana, the undersigned expressly agree, promise and covenant as follows:

- (1) The undersigned agree to comply with all of the roadblock solicitation regulations adopted by the City, which regulations are incorporated herein by reference thereto;
- (2) The undersigned hereby acknowledge and assume all risk, danger and hazards associated with the conduct of a roadblock for the solicitation of charitable contributions at the intersection of Ninth & Main Streets in the City of Petersburg, and so further hereby for themselves, their heirs, and personal representatives, release the City of Petersburg, and its departments, representatives, employees, agents and officials, from any liability for damages or injury of any nature or description that may be incurred by the undersigned, or any of them, their employees, agents or representatives, as a proximate result of their participation in the aforesaid conduct; and further warrant and agree for themselves, and their successors that no action of any nature shall be filed, maintained or litigated against said City, its departments, representatives, employees, agents or officials resulting from any such damage or injury. The undersigned do not, however, waive or relinquish any right to bring any action against any third party responsible for any such damage, injury to, or death of the undersigned.
- (3) The undersigned do further jointly and severally agree to hold harmless, indemnify and defend the City from and against any and all claims and

liability for damage, injury or death, to any of the undersigned, or to any third person and arising out of the conduct by the undersigned, or any of them, of the roadblock activities afore-described.

IN WITNESS WHEREOF, the undersigned have executed this Agreement this _____ day of _____, 199____.

(Sponsoring Entity or Organization) (Address) (Phone)

By:_____

Attest:_____

Mayor, City of Petersburg

City Clerk-Treasurer

DATE OF ROADBLOCK:_____

TIME OF ROADBLOCK:_____

PARTICIPANTS:

(Council Minutes Oct. 17, 1994)

1.68.020 Regulations.

- (1) Roadblocks for the solicitation of contributions to charitable causes shall be permitted only at the intersection of Main & Ninth Streets in the City of Petersburg, Indiana, upon application to the Office of the Mayor by the entity or individual sponsoring the same.
- (2) One (1) roadblock per month per calendar year shall be allowed. Roadblocks shall be conducted during daylight hours and shall not exceed four (4) hours in duration. An organization or individual sponsor shall be permitted only one (1) roadblock per year when the proceeds from the roadblock are solicited and used for that organization's purposes. Organizations soliciting contributions for charitable purposes other than their own use shall be entitled to more than one (1) roadblock per year.
- (3) Caution signs, traffic cones or warning barricades shall be located a minimum of seventy-five (75) feet before reaching the location of the roadblock and shall be the size that will be readily visible to all traffic approaching the roadblock location. The normal flow of traffic shall not be impeded.
- (4) Signs measuring at least two (2) feet by three (3) feet shall be displayed indicating the cause of the organization for which the donations are being solicited. Such signs shall be of a type that can be easily read by the passing motorist and shall be placed so that they can be readily seen by approaching traffic.
- (5) Printed literature describing the organization's purpose and intended use of the funds shall be distributed to each vehicle that makes a contribution. This material shall be of sufficient size and character that it can be displayed in the vehicle window to indicate that a donation has already been made.
- (6) No one under the age of sixteen (16) years of age may work in the street. No children under sixteen (16) years of age may be present with their parent while their parents are working in the street.
- (7) Each participant working the roadblock as well as the entity or organization sponsoring the roadblock must sign a disclaimer of liability and hold harmless agreement with the City. These forms must be signed and filed at the Mayor's Office no later than two (2) weeks PRIOR to the date selected for the roadblock.
- (8) Safety vests of bright orange shall be worn by all individuals working the roadblock. Vests are available at Petersburg City Hall. A deposit of \$10.00 per vest is required to use these vests and is fully refundable after

the return and inspection of said vests. Vests secured from other sources are permissible so long as they are bright orange safety vests. (Council Minutes, Oct. 17, 1994)

Chapter 1.69

VENDING MACHINES

Sections:

- 1.69.010** **Placement and Use**
- 1.69.020** **Operational Costs and Benefits**

1.69.010 Placement and Use. The Petersburg City Police Department is authorized to place candy, soft drink, chewing gum and snack vending machines in the City Building occupied by the Petersburg City Police Department in restricted areas where the machines will be used only by members of the Petersburg City Police Department. (Res. 1991, S1, Nov. 18, 1991)

1.69.020 Operational Costs and Benefits. All costs of operation and all revenues from such vending machines shall be paid by, and inure to the benefit of the Petersburg City Police Department. (Res. 1991, S2, Nov. 18, 1991)

Chapter 1.80

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.80.010	Establishment
1.80.020	Tax Levy
1.80.030	Maximum Rate of Levy
1.80.040	Re-establishment
1.80.050	Use of Funds
1.80.060	Other Uses of Funds
1.80.070	State Board of Tax Commissioners Approval

1.80.010 Establishment. That there is hereby established a City of Petersburg Cumulative Capital Development Fund. (Ord. 1994-2, S1, Mar. 7, 1994) (Ord. 1991-4, S1, Apr. 15, 1991) (Ord. 1988-1, S1, May 2, 1988) (Ord. 1985-2, S1, July 1, 1985)

1.80.020 Tax Levy. That an ad valorem property tax levy will be imposed and the revenue from the levy will be retained in the City of Petersburg Cumulative Capital Development Fund. (Ord. 1994-2, S2, Mar. 7, 1994) (Ord. 1991-4, S2, Apr. 15, 1991) (Ord. 1988-1, S2, May 2, 1988) (Ord. 1985-2, S2, July 1, 1985)

1.80.030 Maximum Rate of Levy. That the maximum rate of levy under Section 1.80.020 will not exceed:

- (1) .12 per \$100 assessed valuation for 1995
- (2) .12 per \$100 assessed valuation for 1996
- (3) .12 per \$100 assessed valuation for 1997

(Ord. 1994-2, S3, Mar. 7, 1994) (Ord. 1991-4, S3, Apr. 15, 1991) (Ord. 1988-1, S3, May 2, 1988) (Ord. 1985-2, S3, July 1, 1985)

1.80.040 Re-establishment. That the City of Petersburg Cumulative Capital Development Fund is re-established for the years 1995, 1996, and 1997. (Ord. 1994-2, S4, Mar. 7, 1994) (Ord. 1991-4, S4, Apr. 15, 1991) (Ord. 1988-1, S4, May 2, 1988)

1.80.050 Use of Funds. That the funds accumulated in the City of Petersburg Cumulative Capital Development Fund will be used for any and all purposes as described in IC 36-9-15.5-2. (Ord. 1994-2, S5, Mar. 7, 1994) (Ord. 1991-4, S5, Apr. 15, 1991) (Ord. 1988-1, S5, May 2, 1988) (Ord. 1985-2, S4, July 1, 1985)

1.80.060 Other Uses of Funds. That the funds accumulated in the City of Petersburg Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.80.050, 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, and safety, is in immediate danger that requires the expenditure of money in the fund. (Ord. 1994-2, S6, Mar. 7, 1994) (Ord. 1991-4, S6, Apr. 15, 1991) (Ord. 1988-1, S6, May 2, 1988) (Ord. 1985-2, S5, July 1, 1985)

1.80.070 State Board of Tax Commissioners Approval. This fund takes effect upon the approval of the State Board of Tax Commissioners. (Ord. 1994-2, S7, Mar. 7, 1994) (Ord. 1991-4, S7, Apr. 15, 1991) (Ord. 1988-1, S7, May 2, 1988) (Ord. 1985-2, S6, July 1, 1985)

Chapter 1.82

SPECIAL REVENUE SHARING TRUST FUND

Sections:

- 1.82.010** **Establishment**
- 1.82.020** **Conformance with Act**
- 1.82.030** **Separability**

1.82.010 Establishment. That a special revenue Sharing Trust Fund be established for the sole purpose of depositing all payments received under the State and Local Assistance Act of 1972. (Ord. 1972-9, S1, Dec. 18, 1972)

1.82.020 Conformance of Act. That each Officer, Employer or Agent of the City act in conformity with the State and Local Assistance Act of 1972, and all authorized rules and regulations issued pursuant to said act. (Ord. 1972-9, S2, Dec. 18, 1972)

1.82.030 Separability. If any section, part of section, or part of this Ordinance, shall be declared unconstitutional, unlawful or void, it shall not affect the validity or force of any other section, part of section, or part of this Ordinance, not so declared to be unconstitutional, unlawful or void. (Ord. 1972-9, S3, Dec. 18, 1972)

Chapter 1.84

PETERSBURG DISASTER RELIEF FUND

Sections:

1.84.010	Established
1.84.020	Disaster Relief Donations
1.84.030	Needs
1.84.040	Expenditures

1.84.010 Established. There is hereby established the "Petersburg Disaster Relief Fund", and the Clerk-Treasurer of the City of Petersburg shall create such account for the City of Petersburg. The monies deposited in such fund shall not be co-mingled with other funds of the City of Petersburg. (Ord. 1990-10, S1, June 18, 1990)

1.84.020 Disaster Relief Donations. All donations heretofore and hereafter received by the City of Petersburg for disaster relief, shall be deposited into the Petersburg Disaster Relief Fund. (Ord. 1990-10, S2, June 18, 1990)

1.84.030 Needs. The Mayor of the City of Petersburg is empowered to appoint a committee of citizens to study the needs and make recommendations to the Common Council of the City of Petersburg, for expenditures from the Petersburg Disaster Relief Fund. (Ord. 1990-10, S3, June 18, 1990)

1.84.040 Expenditures. Expenditures from the "Petersburg Disaster Relief Fund" shall not require an appropriation, and shall be expended only after a proper claim for expenditure has been presented to the Common Council of the City of Petersburg and has been approved by the Common Council. Any funds remaining in the Petersburg Disaster Relief Fund after all proper expenditures have been made therefrom, shall revert to the General Fund. (Ord. 1990-10, S4, June 18, 1990)

Chapter 1.86

RIVERBOAT FUND

Sections:

1.86.010	Creation of Riverboat Fund
1.86.020	Purposes of Fund
1.86.030	Restrictions of Fund
1.86.040	Appropriations

1.86.010 Creation of Riverboat Fund. There is hereby established a "Riverboat Fund" to receive monies dispersed by the State of Indiana through Riverboat revenue sharing, or other monies received by the municipality from the State of Indiana or any other source as approved by the Indiana State Board of Accounts.

- (1) As provided by IC 36-1-8-9;
- (2) Under IC 4-33-12-6;
- (3) Under IC 4-33-13
(Ord. 2004-4, S1, July 6, 2004)

1.86.020 Purposes of Fund. The funds on deposit in the Riverboat Fund may be used for the operation of the City and its various departments for any legal or corporate purpose of the City; including but not limited to, the maintenance of this fund, the pledge of money to bonds; leases; or other obligations under IC-5-1-14-4. (Ord. 2004-4, S2, July 6, 2004)

1.86.030 Restrictions of Fund. Riverboat Fund monies may not be used to reduce the City's minimum or actual tax levy as provided by IC 6-1.1-18.5 (Ord. 2004-4, S3, July 6, 2004)

1.86.040 Appropriations. The Common Council of the City of Petersburg may authorize the expenditure of funds from the Riverboat Fund by appropriations made in the same manner as other funds that are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. (Ord. 2004-4, S4, July 6, 2004)

Chapter 1.89

RAINY DAY FUND

Sections:

- 1.89.010** **Creation of Rainy Day Fund**
- 1.89.020** **Purposes of the Fund**
- 1.89.030** **Transfers to the Fund**
- 1.89.040** **Appropriations**

1.89.010 Creation of Rainy Day Fund. There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered funds:

- (1) 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, as provided by IC 36-1-8-5;
- (2) Under IC 6-3.5-1.1-21.1;
- (3) Under IC 6-3.5-6-17.3; and
- (4) Under IC 6-3.5-7-17.3

(Ord. 2004-3, S1, Mar. 1, 2004)

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, salaries and wages, costs of services, supplies, equipment, capital improvements, repairs and similar expenditures. (Ord. 2004-3, S2, Mar. 1, 2004)

1.89.030 Transfers to the Fund. On or before December 31st of each year, the Common Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund. Any transfers under IC 36-1-8-5 may not exceed more than ten percent (10%) of the City's total budget for that fiscal year. (Ord. 2004-3, S3, Mar. 1, 2004)

1.89.040 Appropriations. The Common Council of the City of Petersburg may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. (Ord. 2004-3, S4, Mar. 1, 2004)

Chapter 1.90

FAIR HOUSING ORDINANCE

Sections:

1.90.010	Policy Statement
1.90.020	Definitions
1.90.030	Unlawful Practice
1.90.040	Discrimination in the Sale or Rental of Housing
1.90.050	Discrimination in Residential Real Estate - Related Transactions
1.90.060	Discrimination in the Provision of Brokerage Services
1.90.070	Interference, Coercion, or Intimidation
1.90.080	Prevention of Intimidation in Fair Housing Cases
1.90.090	Exemptions
1.90.100	Administrative Enforcement of Ordinance

1.90.010 Policy Statement. It shall be the policy of the City of Petersburg, to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq. (Ord. 1993-6, S1, Aug. 2, 1993)

1.90.020 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 (IC 22-9.5-2-8).
- (2) "Family" includes a single individual (IC 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this Section.
- (3) "Person" (IC 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.

- (4) "To Rent" (IC 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
- (5) "Discriminatory Housing Practice" means an act that is unlawful under Sections 1.90.040, 1.90.050, 1.90.060, 1.90.070 or 1.90.080 of this Ordinance or IC 22-9.5-5.
- (6) "Handicap" means, with respect to a person:
 - (a) a physical or mental impairment which substantially limits one or more of such person's major life activities;
 - (b) a record of having such an impairment, or
 - (c) being regarded as having such an impairment;
 - (d) an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990;
 - (e) any other impairment defined under IC 22-9.5-2-10.

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

- (7) "Aggrieved Person" includes any person who (IC 22-9.5-2-2):
 - (a) claims to have been injured by a discriminatory housing practice; or,
 - (b) believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) "Familial Status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
 - (a) a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (9) "Commission" (IC 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et. seq.
- (10) "Complainant" (IC 22-9.5-2-4) means a person, including the Commission, who files a complaint under IC 22-9.5-6. (Ord. 1993-6, S2, Aug. 2, 1993)

1.90.030 Unlawful Practice. Subject to the provisions of Subsection (2) of this Section, 1.90.090 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth in Title 22-9.5-5-1 of Indiana Code and in 1.90.040 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 1.90.040 shall apply to;
 - (a) any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; PROVIDED that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 - 1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - 2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.90.040 (3) of this Ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

3. For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
 - A. he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - B. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - C. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 1993-6, S3, Aug. 2, 1993)

1.90.040 Discrimination in the Sale or Rental of Housing. As made applicable by Section 1.90.030 and except as exempted by Sections 1.90.030(2) and 1.90.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, 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 prospective 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 rental agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:
 - A. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - B. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and,
 - C. all premises within such dwellings contain the following features of adaptive design:
 - I. an accessible route into and through the dwelling;
 - II. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - III. reinforcements in bathroom walls to allow later installation of grab bars; and
 - IV. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (d) Compliance with the appropriate requirements Americans with Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped peoples (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (c) (3.) C.
- (e) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy

would result in substantial physical damage to the property of others. (Ord. 1993-6, S4, Aug. 2, 1993)

1.90.050 Discrimination in Residential Real Estate-Related Transactions.

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status or national origin.
- (2) As used in this section, the term "residential real estate-related transaction" means any of the following:
 - (a) The making or purchasing of loans or providing other financial assistance:
 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 2. secured by residential real estate.
 - (b) The selling, brokering, or appraising of residential real property.
- (3) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 1993-6, S5, Aug. 2, 1993)

1.90.060 Discrimination in the Provision of Brokerage Services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other services, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 1993-6, S6, Aug. 2, 1993)

1.90.070 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 1.90.030, 1.90.040, 1.90.050, or 1.90.060 of this Ordinance. (Ord. 1993-6, S7, Aug. 2, 1993)

1.90.080 Prevention of Intimidation in Fair Housing Cases. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other persons or any class of persons from:
 - (a) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or
 - (b) affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be penalized as provided by federal and Indiana statutes. (Ord. 1993-6, S8, Aug. 2, 1993)

1.90.090 Exemptions:

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (2) and (3) of this Section.
- (2) Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything

in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

- (3) (a) Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons.
- (b) As used in this section, "housing for older persons" means housing:
 - 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - 2. intended for, and solely occupied by, persons 62 years of age or older; or
 - 3. intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 1993-6, S9, Aug. 2, 1993)

1.90.100 Administrative Enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Chief Executive Officer of the City of Petersburg, Indiana.
- (2) Notwithstanding the provisions of IC 22-9.5-4-8, the City of Petersburg, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil action under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the City of Petersburg, 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 Petersburg, Indiana, shall administer their departments, programs and activities relating to

housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.

- (4) The Chief Executive Officer of the City of Petersburg Indiana, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 1993-6, S10, Aug. 2, 1993)

Chapter 1.91

DISABILITY ASSISTANCE POLICY

Sections:

1.91.010	Disability Assistance Policy
1.91.020	Approval
1.91.030	Adoption

1.91.010 Disability Assistance Policy.

- (1) The City of Petersburg strives to provide access to its facilities and functions to all persons with disabilities.
- (2) The offices of the City of Petersburg located at 704 E. Main Street, Petersburg, Indiana, are fully accessible to persons with disabilities.
- (3) The City of Petersburg will utilize the Dual Party Relay Services provided by GTE for telephone communications with persons with impaired hearing and speech by dialing 1-800-743-3333.
- (4) Any person needing additional assistance should contact the staff of the City of Petersburg to make arrangements at least 48 hours in advance of any function by calling 812-354-8511. (Res. 1996-3, Whereas, Aug. 5, 1996)

1.91.020 Approval. The City of Petersburg has determined that the above policy satisfactorily addresses the need to provide access to persons with disabilities. (Res. 1996-3, Aug. 5, 1996)

1.91.030 Adoption. The City of Petersburg does hereby adopt and approve this Disability Assistance Policy for the City of Petersburg. (Res. 1996-3, Aug. 5, 1996)