

TITLE 1

ADMINISTRATION AND PERSONNEL

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ADMINISTRATION AND PERSONNEL

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- 1.03 Election of Town Trustees at large
- 1.04 Board of Town Trustees duties
- 1.06 Salaries of Elected Officials
- 1.07 Municipal purchasing agencies; agents; and purchasing rules and policies
- 1.08 Fixed Asset Policy
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Chapter 1.03

ELECTION OF TOWN TRUSTEES AT LARGE

Sections:

1.03.010 Election of Town Trustees at Large

1.03.010 Election of Town Trustees at Large. In the election of the Trustees for the Town of Spurgeon, to be held November 6, 1979, and in elections to follow, all candidates for trustee will be run at large as provided by Public Law 204. The Clerk-Treasurer of the Town of Spurgeon shall be elected at large, as now provided by law. (Ord. 1979-646, Oct. 31, 1979) (Ord. 429, Aug. 26, 1955)

Chapter 1.04

BOARD OF TOWN TRUSTEES DUTIES

Sections:

1.04.010 Meeting dates and time of meetings

1.04.010 Meeting dates and time of meetings.

- (1) Regular monthly business meetings are to be held on the first Tuesday night in each month.
- (2) Regular monthly business meetings will be held commencing at 6:00 P.M., for 6 months, November through April, and commencing at 7:00 P.M., for 6 months, May through October.
- (3) Meetings set by the State Board of Accounts for special purposes will commence at the same times as set out in item (2).
- (4) Times and dates of special meetings called by the Town Board President when necessary will be set for the convenience of the purpose for which the meeting is called. (Ord. 614, Jan. 1, 1968) (Ord. 12, Sept. 9, 1924)

Chapter 1.06

SALARIES OF ELECTED OFFICIALS

Sections:

- 1.06.010** **Town Council**
- 1.06.020** **Clerk-Treasurer**

1.06.010 Town Council.

General Fund	\$ 76.56 per month
Water Fund	\$ 52.72 per month

(Ord. 2-2010, July 7, 2010) (Ord. 2009-5, Dec. 2, 2009) (Ord. 2008, Aug. 6, 2008) (Ord. 2007-6, Dec. 5, 2007) (Ord. 2007-2, S2 & 6, Feb. 7, 2007) (Ord. 2006-1, S1 & 5, Feb. 1, 2006) (Ord. 2004-1, S1 & 5, Feb. 4, 2004) (Ord. 2003-1, S1 & 5, Mar. 5, 2003) (Ord. 2002-2, S1 & 5, Feb. 13, 2002) (Ord. 2001-1, S1 & 5, Feb. 7, 2001) (Ord. 2000-1, S1 & 5, Feb. 2, 2000) (Ord. unnumbered, S2 & 4, Dec. 1, 1992) (Ord. 656, S2 & 4, Dec. 3, 1991) (Ord. 1-1987, Aug. 24, 1987) (Ord. 656, Dec. 1, 1981) (Res. 17-1981, Dec. 1, 1981) (Ord. 654, Aug. 4, 1981) (Ord. 632, Sa, Aug. 26, 1974) (Ord. 629, Sa, Aug. 7, 1973) (Ord. 623, S1(c), Aug. 1, 1972) (Ord. 616, S1, July 2, 1968) (Ord. 495, S(b), Aug. 1, 1959) (Ord. 425, Aug. 8, 1955) (Ord. 272, Jan. 10, 1944) (Ord. 185, Nov. 8, 1937) (Ord. 2, May 19, 1924)

1.06.020 Clerk-Treasurer.

General Fund	\$ 201.77 per month
Water Fund	\$ 534.23 per month

(Ord. 2-2010, July 7, 2010) (Ord. 2009-5, Dec. 2, 2009) (Ord. 2008, Aug. 6, 2008) (Ord. 2007-6, Dec. 5, 2007) (Ord. 2007-2, S2 & 6, Feb. 7, 2007) (Ord. 2006-1, S2 & 6, Feb. 1, 2006) (Ord. 2005-1, S1, 2, 5, 6, Mar. 2, 2005) (Ord. 2004-1, S2 & 6, Feb. 4, 2004) (Ord. 2003-1, S2 & 6, Mar. 5, 2003) (Ord. 2002-2, S2 & 6, Feb. 13, 2002) (Ord. 2001-1, S2 & 6, Feb. 7, 2001) (Ord. 2000-1, S2 & 6, Feb. 2, 2000) (Ord. unnumbered, S1 & 4, Dec. 1, 1992) (Ord. 656, S1 & 3, Dec. 3, 1991) (Ord. 1-1987, Aug. 24, 1987) (Ord. 634, Sb, Aug. 5, 1975) (Ord. 633, Sa, Aug. 5, 1975) (Ord. 632, Sb, Aug. 26, 1974) (Ord. 629, Sb, Aug. 7, 1973) (Ord. 623, S1(b), Aug. 1, 1972) (Ord. 616, S2, July 2, 1968) (Ord. 495, S(b), Aug. 1, 1959) (Ord. 425, Aug. 8, 1955) (Ord. 375, Aug. 6, 1951) (Ord. 272, Jan. 10, 1944) (Ord. 185, Nov. 8, 1937) (Ord. 2, May 19, 1924)

Chapter 1.07

MUNICIPAL PURCHASING AGENCIES; AGENTS; AND PURCHASING RULES AND POLICIES

Sections:

1.07.010	Purchasing Agency
1.07.020	Powers
1.07.030	Agents
1.07.040	Purchasing Rules
1.07.050	Purchasing Policies
1.07.060	Effective Date

1.07.010 Purchasing Agency. The Town Council of the Town of Spurgeon is hereby established or acknowledged as the purchasing agency (the "Purchasing Agency") for the Town. (Ord. 1999-1, SA, Jan. 6, 1999)

1.07.020 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 Spurgeon Town Council and rules, regulations, and policies adopted by the Purchasing Agency. (Ord. 1999-1, SB, Jan. 6, 1999)

1.07.030 Agents. The President of the Spurgeon Town Council and the Clerk-Treasurer of the Town shall be the purchasing agents of the Purchasing Agency for purchases for their own departments or operations unless and until the Purchasing Agency files a writing terminating such status with the Fiscal Officer of the Town. The Purchasing Agency may also restrict the authority of the above purchasing agents by filing a writing with the Fiscal Officer of the Town.

In addition, the Purchasing Agency may designate any employee of the Town as one of its purchasing agents by filing a writing with the Fiscal Officer of the Town. 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. 1999-1, SC, Jan. 6, 1999)

1.07.040 Purchasing Rules. The following are the required purchasing rules for the Town:

- (1) Purchase of Supplies Manufactured in the United States. Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town'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. (Ord. 1999-1, SD(1) a-d, Jan. 6, 1999)

(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 proposals available for public inspection and copying. Proposals may not be disclosed. (Ord. 1999-1, SD(2)a-d, Jan. 6, 1999)

(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. (Ord. 1999-1, SD(3), Jan. 6, 1999)

(4) Delay of Opening of Offers.

When the Town Council makes a written determination that is in the Town'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. (Ord. 1999-1, SD(4), Jan. 6, 1999)

(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 \$25,000.00.
- 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 estimated 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. (Ord. 1999-1, SD(5)a-d, Jan. 6, 1999)

(6) Use of RFP for Purchases of Designated Types of Supplies

If the Town 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 Town Council from time to time, by promulgation of additional rules. (Ord. 1999-1, SD(6)a,b, Jan. 6, 1999)

(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 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. (Ord. 1999-1, SD(7)a-e, Jan. 6, 1999)
- (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. (Ord. 1999-1, SD(8), Jan. 6, 1999)
 - (9) Unilateral Rights of Town. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance. (Ord. 1999-1, SD(9), Jan. 6, 1999)
 - (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. (Ord. 1999-1, SD(10), Jan. 6, 1999)
 - (11) Purchase of Services. The Town determines that each Town 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 Town agency, department or office to purchase services in any particular manner. (Ord. 1999-1, SD(11), Jan. 6, 1999)

1.07.050 Purchasing Policies.

- (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 the information. (Ord. 1999-1, SE(1)a-d, Jan. 6, 1999)

(2) Receiving Offers.

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

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

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

- B. **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 Town'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. (Ord. 1999-1, SE(2)a-d, Jan. 6, 1999)

(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. 1999-1, SE(3), Jan. 6, 1999)

1.07.060 Effective Date. This ordinance shall be effective January 6, 1999. (Ord. 1999-1, SF, Jan. 6, 1999)

Chapter 1.08

FIXED ASSET POLICY

Sections:

1.08.010 Policy

1.08.010 Policy. The town of Spurgeon, Indiana will capitalize as fixed assets all assets/purchases with a life longer than one year and a cost greater than \$2000.00. The town reserves the right to capitalize other assets costing less than \$2000.00 at its discretion on an asset by asset basis. (Ord. 2004-3, March 3, 2004)

Chapter 1.09

DEPUTY CLERK-TREASURER

Sections:

1.09.010 Appointment

1.09.010 Appointment. In accordance to IC 18-25-1 the Town Board authorizes the Clerk-Treasurer to appoint one deputy. No salary will be paid unless the deputy performs some duties normally performed by the Clerk-Treasurer. The salary paid will be the minimum wage in effect at that time. (Res. 2-1985, July 2, 1985) (Res. 1-1980, March 4, 1980)

Chapter 1.12

TOWN MARSHAL

Sections:

1.12.010 Appointment

1.12.010 Appointment. A Town Marshal is employed to serve the Town of Spurgeon.
(Ord. 4, pt. S1, May 26, 1924)

Chapter 1.13

LAW ENFORCEMENT CONTINUING EDUCATION FUND

Sections:

1.13.010 Established

1.13.010 Established. A Law Enforcement Continuing Education Fund be established for the Town of Spurgeon. (Ord. 2002-3, Mar. 6, 2002)

Chapter 1.15

PERSONNEL POLICIES

Sections:

- 1.15.010 Work Conditions
- 1.15.020 Full-time/Part-time/Temporary employees
- 1.15.030 Nepotism
- 1.15.040 Employee conduct and behavior
- 1.15.050 Leaves
- 1.15.060 Fringe benefits

1.15.010 Work Conditions.

(1) Hours of Work

The designated hours of work for each department will be recommended by the department head with approval from the Board of Trustees. (Res. 6, SIA, June 5, 1979)

(2) Breaks

Employees shall be allowed 30 minutes for rest or coffee breaks during their usual 8 hour shift. (Res. 6, SIB, June 5, 1979)

(3) Lunch

A 60 minute lunch break shall be allowed each municipal employee that works an 8 hour shift, with this break scheduled to fall approximately during the middle of each employee's shift.

In those positions where the employee is unable to take a scheduled lunch break, special arrangements will be made by the department supervisor to ensure that the employee will have an opportunity to eat lunch. (Res. 6, SIC, June 5, 1979)

(4) Clean Up Periods

Each employee will be given a 15 minute clean-up period prior to the end of their shift. (Res. 6, SID, June 5, 1979)

1.15.020 Full-time/Part-time/Temporary employees.

(1) Full-Time

Any municipal employee working more than 32 hours a week and 26 weeks continuously will be considered a full-time employee of the Town of Spurgeon and will receive all benefits listed. (Res. 6, SIIA, June 5, 1979)

(2) Part-Time

Employees working 32 hours or less will be considered part-time employees and will receive those benefits so specified and will receive a seniority rating based on hours worked per week divided by forty hours multiplied by the number of weeks worked. (Res. 6, SIIB, June 5, 1979)

(3) Temporary

Employees working more than 32 hours per week but less than 26 weeks continuously will be considered temporary employees and will receive all benefits so specified. (Res. 6, SIIC, June 5, 1979)

1.15.030 Nepotism. No employee shall hire or cause to be hired any spouse, parent, child, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, niece, nephew, uncle or aunt.

No employee shall work under the same supervisor or be supervised by any spouse, parent, child, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, uncle or aunt. (Res. 6, SIII, June 5, 1979)

1.15.040 Employee conduct and behavior.

(1) Tardiness or Absence Without Leave

Employees who are tardy 2 days within a 3 month period or absent without authorization 1 day within a 3 month period shall receive a warning letter from their supervisor. Said letter will be permanently retained in the employee's personnel file. Further tardiness and/or unexcused absences will be met with suspension or dismissal. (Res. 6, SIVA, June 5, 1979)

(2) Employee Appearance

All employees will attire themselves in a manner that is conducive to their work and which will not jeopardize the safety of themselves or other employees. Furthermore, said attire should not bring embarrassment to the employee, fellow employees or employer.

All employees receiving uniforms or a uniform allowance are required to wear such uniforms while on duty.

No employee shall report for work if employee's personal health and/or hygiene jeopardizes the health of other employees. (Res. 6, SIVB, June 5, 1979)

(3) Employee Intoxication

Intoxication on the job will not be tolerated. Any employee considered to be, by his supervisor, under the influence of alcohol, non-prescribed drugs, or any other intoxicating substance will be subject to immediate disciplinary action.

Chronic substance abuse and its associated after-effects that result in impaired ability to perform work will be recognized by this municipality as an illness and will be treated as same. Physician certificate of treatment and employee statement of continued illness treatment will be required for employee to return to work. (Res. 6, SIVC, June 5, 1979)

(4) Commission of a Felon or Unlawful Acts

Any employee charged with a felony or found participating in felonious activity either during working hours or while off duty is subject to temporary suspension from work. Any employee found guilty of a felony, or any misdemeanor that reflects poorly upon the municipal government, will be subject to immediate dismissal. (Res. 6, SIVD, June 5, 1979)

(5) Residency Requirements

Upon employment, employees shall have 1 year to establish residence no more than 5 mile outside the boundaries of the Town of Spurgeon. (Res. 6, SIVE, June 5, 1979)

(6) Outside Employment

All outside employment must be reported to the employee's supervisor. If, in the opinion of the supervisor and department head, the outside employment is interfering with the employee's duties with the municipality, the employee shall be asked to resign from one place of employment. Continued outside unauthorized employment will be cause for dismissal.

Outside employment is expressly prohibited if such employment is with an individual, company, or corporation that directly transacts business for which payment is received from the municipality. (Res. 6, SIVF, June 5, 1979)

(7) Conflict of Interest

Employees having financial interest in a company, or substantial investments in a corporation, that might benefit from their dealings with the municipality shall either divest themselves of such interest or disclose such facts to the municipal body. (I-C 35-44-1-3) (Res. 6, SIVG, June 5, 1979)

(8) Gifts and Gratuities

Any employee accepting a gift from an individual, company or corporation that might benefit from said gift, shall report this gift to the department head not later than two working days after receipt. (Res. 6, SIVH, June 5, 1979)

(9) Political Activity

No employee paid either whole or in part by federal funds is eligible to run for political office.

No employee of the Town of Spurgeon will use his or her position and/or time during normal working hours to assist in the campaign of any political candidate. (Res. 6, SIVI, June 5, 1979)

(10) Public Relations

When dealing with the public personally, during a telephone conversation, or in correspondence, municipal employees shall do so in a courteous and professional manner. Excessive complaints on an employee will be investigated and may result in disciplinary action. (Res. 6, SIVJ, June 5, 1979)

(11) Disciplinary Action

For a slight rule infraction the employee will be given a verbal reprimand. Continued infractions will result in a letter of warning and notice of possible consequences. Upon receipt of 3 warning letters for major rule infractions employee will be suspended. The number of days will be governed by seriousness of infraction. Employee will be allowed a hearing. Dismissal will be a final resort. (Res. 6, SIVK, June 5, 1979)

1.15.050 Leaves.

(1) Holidays

It shall be the policy of this Town to ensure that all full time employees receive the same number of holidays each year. These holidays shall be: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, and Election Day.

If any of these holidays fall on a Sunday, the following Monday shall be the observed holiday. And, if any of these holidays fall on a Saturday the preceding Friday will be the observed holiday.

Any employee absent without authorization on the day preceding and or following a holiday will not receive regular compensation for the holiday.

Any regular employee required to work or render service on a holiday will be compensated at the Town's approved overtime rate. (Res. 6, SVA, June 5, 1979)

(2) Vacation Leave

The Town of Surgeon recognizes the need of providing paid vacation leaves for its employees. The full-time employees shall receive 10 days vacation after 12 months service. Employees will receive 1 additional day of vacation for each additional year of service.

The employee will give the supervisor 5 days notice of intention to take a vacation.

A vacation request can be denied if it can be shown that a leave at such time would be overly detrimental to the efficiency of the department. (Res. 6, SVB, June 5, 1979)

(3) Sick Leave

Sick leave pay will be paid only after the employee has been absent from work 5 days.

Sick leave is to be utilized solely for the purpose of:

- A. Illness or injury of employees
- B. Avoiding jeopardizing the health of other workers
- C. Illness or injury within the immediate family needing the assistance of the employee (as certified by a Physician).
 - 1. To qualify for sick leave pay the employee must comply with the following conditions:
 - (a) Employees shall notify their supervisor of their absence prior to the start of the work shift.

- (b) Employees shall keep their supervisor informed of the extent of their illness and anticipated day of return.
- (c) Doctors certification of any illness may be required.

The municipality of Spurgeon will pay the difference between an employees regular salary and Workman's Compensation or other similar benefits (if injured on the job). This compensation will continue only until all accumulated paid leave is exhausted. Accumulated leave will decrease at the same rate as compensation paid by the municipality. (Res. 6, SVC, June 5, 1979)

(4) Military Leave

Any employee who is a member of the Reserve Armed Forces of Indiana or the United States shall be entitled to a leave of absence without loss of pay for not more than 15 calendar days annually.

To receive such a leave, the employee must bring his notification papers upon receipt to his supervisor. (Res. 6, SVD, June 5, 1979)

(5) Maternity Leave

A full time employee with 1 year continuous service may receive a maternity leave of absence of up to 12 months without pay and without loss of seniority or benefits.

Maternity leave will start only after all vacation leave, sick leave, or other accumulated leaves have been utilized. (Res. 6, SVE, June 5, 1979)

(6) Court and Jury Leave (Civic Leave)

Any full-time employee of Spurgeon shall receive leave to serve on a jury or as a witness in any state, federal, or local court without loss of pay.

If employees are required to serve or appear in court in the live of duty during a scheduled day off or beyond regularly scheduled work hours, the employee shall be paid the difference between the salary received and their usual salary plus half.

If the serving or appearing in court by an employee will be detrimental to the public service because of the loss of services of the employee, it will be the responsibility of the Town's Attorney to seek exemption from duty for the employee. (Res. 6, SVF, June 5, 1979)

(7) Bereavement Leave

Employees shall receive 3 days of leave upon the death of spouse, brother, sister, son, daughter, mother, father, or any family member residing in the same household.

Employees shall receive 1 day of leave upon the death of a brother-in-law, sister-in-law, mother-in-law, father-in-law, grandparent, aunt, uncle, niece, nephew or cousin.

Sick leave or vacation leave can be utilized upon the recommendation of the supervisor if further time off is necessary. (Res. 6, SVG, June 5, 1979)

(8) Training Leave

Employees can obtain training leaves without loss of pay for the purpose of participation in training that will increase the knowledge or efficiency of said employees in their position with the municipality. If such leave is approved, it shall not exceed 14 days with pay.

If the training is directly related to the business of the municipality, the cost of such training may be paid by the municipality upon successful completion of said training. (Res. 6, SVH, June 5, 1979)

(9) Extended Leaves of Absence

An employee, upon application in writing and approval by the proper authority, can receive an authorized leave of absence without pay, not to exceed 12 months. (Res. 6, SVI, June 5, 1979)

(10) Personal Leave

An employee observing a day, not otherwise recognized by the municipality, may be required to work a normally scheduled day off as compensation. (Res. 6, SVJ, June 5, 1979)

1.15.060 Fringe benefits.

(1) Travel Expenses

The Clerk-Treasurer and Water Superintendent obligated to use his/her own motor vehicle while on official municipal business shall be reimbursed equal to that of the federal mileage rate. Mileage sheet must be submitted to the Board of Trustees for approval and subsequent payment.

The Water Superintendent starting point for his mileage will be at his residence.

Automobile allowance for "Volunteer" firemen shall be not less than \$10 nor more than \$75 per year IC (19-1-40-6).

Any employee obligated to travel more than 1 mile outside the corporate boundaries on official municipal business shall be reimbursed for actual expenses incurred, including meals and lodging. Expense sheet must itemized and supported by receipts, and submitted to Board of Trustees. (Ord. 2001-3, Aug. 1, 2001) (Ord. 2001-1, S8, Feb. 7, 2001) (Ord. 2000-1, S8, Feb. 2, 2000) (Ord. unnumbered, S7, Dec. 1, 1992) (Ord. 656, S6, S7, Dec. 3, 1991) (Ord. 656, Dec. 1, 1981) (Res. 6, SVIA, June 5, 1979)

(2) Uniforms and Uniform Allowance

The Town government cannot provide clothing allowance to the Town marshal but can provide the uniforms.

"Volunteer" Firemen will qualify for a clothing allowance. See Chapter 1.24. (Res. 7, Dec. 2, 1980) (IC19-1-40-6) (Res. 6, SVIB, June 5, 1979)

Chapter 1.16

DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE POLICY

Sections:

1.16.010	Adoption
1.16.020	Drug-Free Workplace
1.16.030	Applicability
1.16.040	Awareness information
1.16.050	Prohibited conduct
1.16.060	Investigation
1.16.070	Notice of Conviction
1.16.080	Prescription drugs
1.16.090	Treatment

1.16.010 Adoption. The Spurgeon Town Council does hereby adopt a drug-free workplace and substance abuse policy and policy statement, which shall be as set forth Sections 1.16.020 through 1.16.090, also known as Exhibit A of Ordinance 2007-3. (Ord. 2007-3, S1, Mar. 7, 2007)

Exhibit A

1.16.020 Drug-Free Workplace. The Town of Spurgeon, Indiana (the "Town") is committed to establishing and maintaining a drug-free workplace that is safe for employees and the public, and is conducive to high work standards. It is the responsibility of the Spurgeon Town Council to eliminate illegal substances from the work environment in compliance with established laws and regulations. (Ord. 2007-3, S2, Mar. 7, 2007)

1.16.030 Applicability. This policy applies to all officials, employees, agents and contractors of the Town. It covers actions that will result from possession of prohibited substances on Town premises and at all locations during work time, procedures for handling prescription drugs, and enforcement of this Policy. (Ord. 2007-3, S3, Mar. 7, 2007)

1.16.040 Awareness information. Drug-free awareness information shall be distributed to employees through use of brochures, announcements, and referrals to community organizations that can provide rehabilitation assistance. (Ord. 2007-3, S4, Mar. 7, 2007)

1.16.050 Prohibited conduct. The sale, use, possession, purchase, manufacture, transfer of, or being under the influence of illegal drugs or other controlled

substances or drug-related equipment or paraphernalia while on Town property or during work time is prohibited. Violations of this policy shall be strictly enforced and, in the case of Town employees, may result in termination. (Ord. 2007-3, S5, Mar. 7, 2007)

1.16.060 Investigation. Determinations associated with assisting employees who are at risk of health or performance deterioration due to the use of illegal drugs and/or controlled substances will be made on a case by case basis. To ensure the proper enforcement of this policy, the Town Council may investigate or cause the investigation of suspected violations. (Ord. 2007-3, S6, Mar. 7, 2007)

1.16.070 Notice of Conviction. Any employee of the Town who is convicted of any criminal drug offense that occurred on Town property or during work time shall notify the Town Council of such conviction in writing no later than five (5) days after such conviction. Such employee may be subject to periodic drug screening for a period of time and/or subject to other disciplinary actions by the Town Council, including termination of employment. Failure of an employee to give said notice upon conviction for such criminal drug offense shall subject such employee to immediate termination of employment by the Town. (Ord. 2007-3, S7, Mar. 7, 2007)

1.16.080 Prescription drugs. Employees may possess prescription drugs and over-the-counter medications while at work or on Town property, when prescribed by a physician; or on an as-needed basis for over-the-counter medications. (Ord. 2007-3, S8, Mar. 7, 2007)

1.16.090 Treatment. The Town encourages employees who may believe they have a problem with alcohol or other substance abuse, which may affect their work for the Town, to seek and pursue treatment. Such a voluntary step is the responsibility of the individual employee, and will alleviate the requirement for disciplinary action if brought to the Town Council's attention in a timely, predetection manner. (Ord. 2007-3, S9, Mar. 7, 2007)

Chapter 1.18

MEMBERSHIP DUES AND MEETINGS

Sections:

1.18.010 Authorization to budget and appropriate funds

1.18.010 Authorization to budget and appropriate funds. The Indiana General Assembly has adopted a policy to grant local units of government all the powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2.

Participation in certain membership organizations provides information and services that are necessary for the efficient operation and betterment of local government.

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

The Town Board is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs. (Ord. 658, March 2, 1982)

Chapter 1.20

FIRE PROTECTION FUND

Sections:

- 1.20.010 Created
- 1.20.020 Use of funds

1.20.010 Created. In our 1960 budget that a separate fund known as the “Fire Protection Fund” be set up. (Ord. 495, part, Aug. 1, 1959)

1.20.020 Use of funds. This fund to cover all legitimate fire fighting expenses such as:

- (1) Fire Truck and Firemens’ Compensation Insurance,
- (2) Fire Department Telephone Bills,
- (3) Heating of fire house,
- (4) Maintenance and Purchase of present or additional fire fighting equipment,
and
- (5) Any other expenses that may arise that are to be made strictly incidental to efficient Fire Protection. (Ord. 495, part, Aug. 1, 1959)

Chapter 1.21

FIRE FIGHTING - PUBLIC SAFETY FUND

Sections:

1.21.010 Fire Fighting - Public Safety Fund

1.21.010 Fire Fighting - Public Safety Fund. The Town of Spurgeon, Indiana received funds from the Monroe Township Trustee under Federal Revenue Sharing Act which are to be used for certain designated purposes and for which separate accounting must be made available. Therefore be it ordained that all funds received under this Act be kept in a separate fund called Fire Fighting – Public Safety Fund. (Ord. 630, Dec. 4, 1973)

Chapter 1.24

FIRE DEPARTMENT

Sections:

- 1.24.005 Spurgeon Volunteer Fire Department**
- 1.24.010 Fire protection for Monroe Township**
- 1.24.050 Travel/Clothing Allowance**

1.24.005 Spurgeon Volunteer Fire Department. The Board unanimously voted to recognize the Spurgeon Volunteer Fire Department as the Official Fire Department of the Town of Spurgeon and to recognize the elected Chief and Officers of the Volunteer Fire Department, and to cooperate with and assist the Volunteer Fire Department in every way possible to improve fire fighting and fire fighting equipment. (Ord. 464, Sept. 28, 1957)

1.24.010 Fire protection for Monroe Township.

- (1) Pursuant to the request and petition of Monroe Township, Pike County, Indiana, the Town of Spurgeon shall hereafter cooperate with such Township in the purchase, maintenance and upkeep of such fire fighting apparatus and equipment as may be necessary to afford the requisite fire protection to such Town and such Township. (Ord. 479, S1, 1958)
- (2) The Board of Town Trustees is authorized and directed to enter into a contract with said Monroe Township, which contract shall expressly stipulate, among other things, the terms and conditions upon and in compliance with which such Town and Township are to cooperate, the interest that each shall have and hold in and to such equipment and apparatus purchased by such Town and Townships, and the proportionate amount of funds which each is to contribute. (Ord. 479, S2, 1958)
- (3) That certain contract entitled "Fire Protection Contract Between The Town of Spurgeon and Monroe Township" and dated Nov. 8, 1958 be, and the same is hereby approved and ratified, and is now executed by the Board of Town Trustees. (Ord. 479, 1958) (Ord. 478, S1, Nov. 1, 1958) (Ord. 214, Oct. 9, 1939)

1.24.050 Travel/Clothing Allowance. Each qualifying fire department member receive \$10 travel allowance along with the \$50 clothing allowance per year. The fire chief will receive \$75 travel allowance per year along with the \$50 clothing allowance. (effective with the 1979-1980 qualifying list) (Res. 7, Dec. 2, 1980) (Res. 6, SVIB, June 5, 1979) (Ord. 214, Oct. 9, 1939)

Chapter 1.26

CUMULATIVE CAPITAL IMPROVEMENT FUND

Sections:

1.26.010 Created

1.26.010 Created. A new fund to be known as “Cumulative Capital Improvement Fund” is hereby created by Ordinance 598, according to Chapter 225, Acts of 1965, effective May 1, 1965. (Ord. 598, Aug. 7, 1965)

Chapter 1.27

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.27.010	Re-established
1.27.020	I.C. 36-9-15.5
1.27.030	Tax levy
1.27.040	Public Hearing
1.27.050	Use of funds
1.27.060	Other uses of funds

1.27.010 Re-established. That there is hereby re-established a Town of Spurgeon Cumulative Capital Development Fund for purposes as set out in I.C. 36-9-15-5. (Ord. 2005-4, July 26, 2005) (Ord. 1994-2, S1, June 7, 1994) (Ord. 1-1991, S1, May 7, 1991) (Ord. 662, S1, Apr. 5, 1988) (Ord. unnumbered, S1, Aug. 6, 1985)

1.27.020 I.C. 36-9-15.5. The Town will adhere to the provisions of Indiana Code 36-9-15.5. (Ord. 2005-4, July 26, 2005)

1.27.030 Tax levy. The proposed fund will not exceed:

- (1) .04¢ per \$100 assessed valuation with taxes payable in 2006,
- (2) .04¢ per \$100 assessed valuation payable in 2007,
- (3) .04¢ per \$100 assessed valuation payable in 2008 and thereafter, continuing until reduced or rescinded.

(Ord. 2005-4, July 26, 2005) (Ord. 1994-2, S3, June 7, 1994) (Ord. 1-1991, S3, May 7, 1991) (Ord. 662, S3, Apr. 5, 1988) (Ord. unnumbered, S3, Aug. 6, 1985)

1.27.040 Public Hearing. Proofs of publication of the public hearing held on the 26th day of July, 2005, and a certified copy of this resolution be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance. (Ord. 2005-4, July 26, 2005)

1.27.050 Use of funds. That the funds accumulated in the Town of Spurgeon Cumulative Capital Development Fund will be used for any or all purposes permitted by I.C. §36-9-15.5-2. (Ord. 1994-2, S5, June 7, 1994) (Ord. 1-1991, S5, May 7, 1991) (Ord. 662, S5, Apr. 5, 1988) (Ord. unnumbered, S4, Aug. 6, 1985)

1.27.060 Other uses of funds. That the funds accumulated in the Town of Spurgeon Cumulative Capital Development Fund may be spent for purposes other than the purposes

stated in Section 1.27.050, 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 Town Board 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, June 7, 1994) (Ord. 1-1991, S6, May 7, 1991) (Ord. 662, S6, Apr. 5, 1988) (Ord. unnumbered, S5, Aug. 6, 1985)

Chapter 1.28

FEDERAL REVENUE SHARING TRUST FUND

Sections:

1.28.010 Created

1.28.010 Created. The Town of Spurgeon, Indiana received funds from the U.S. Treasury under the Federal Revenue Sharing Act which are to be used for certain designated purposes and for which separate accounting must be made available.

Therefore all funds received under this act be kept in a separate fund called the Federal Revenue Sharing Trust Fund. (Ord. 626, Jan. 2, 1973)

Chapter 1.29

WASTE DISPOSAL FUND

Sections:

1.29.010 Established

1.29.010 Established. Whereas the Town of Spurgeon has agreed to sell Pike County Waste Disposal stickers. Be it ordained that it is necessary to establish a Waste Disposal Fund within the General Fund. (Ord. 2000-4, Dec. 6, 2000)

Chapter 1.30

RAINY DAY FUND

Sections:

1.30.010 Established

1.30.010 Established. The town of Spurgeon has established a Rainy Day Fund. (Ord. 2004-2, Feb. 4, 2004)

Chapter 1.31

RIVERBOAT FUND

Sections:

1.31.010 Established

1.30.010 Established. The town of Spurgeon has established a Riverboat Fund. (Ord. 2005-3, July 6, 2005)

Chapter 1.35

DEPARTMENT OF PARKS AND RECREATION

Sections:

- 1.35.010 Created
- 1.35.020 Members
- 1.35.030 Terms
- 1.35.040 Election of Officers
- 1.35.050 Powers and duties
- 1.35.060 Preparation of annual budget

1.35.010 Created. Under the provisions of IC 36-10-3 there is hereby created a Spurgeon Department of Parks and Recreation. (Ord. unnumbered, SI, Apr. 4, 1995)

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

- (1) Four (4) members appointed by the Town Board 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. unnumbered, SII, Apr. 4, 1995)

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

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

As a term expires, each new appointment shall be made by the Town Council President for a term of (4) years. All terms expire on the first Monday in January, but a member shall continue in office until his/her successor is appointed. If an appointment for a new term is not made by the Town Council President by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the Town Council President shall appoint a new member for the remainder of the unexpired term. (Ord. unnumbered, SIII, Apr. 4, 1995)

1.35.040 Election of Officers. At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. unnumbered, SIV, Apr. 4, 1995)

1.35.050 Powers and duties. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. unnumbered, SV, Apr. 4, 1995)

1.35.060 Preparation of annual budget. The Board shall prepare and submit an annual budget in the same manner as other departments of town government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. unnumbered, SVI, Apr. 4, 1995)

Chapter 1.42

DOCUMENTATION FEES

Sections:

- 1.42.010 Fees for documentation
- 1.42.020 Collection of fees
- 1.42.030 Deposit of fees
- 1.42.040 Use of fund

1.42.010 Fees for documentation. The Town of Spurgeon shall charge a fee of \$15.00 for each Vehicle Identification Number (VIN) inspection, Accident Report Copy or Handgun Permit Application. The Handgun Permit fee is separate from the fees to state which accompany the application. (Ord. 2009-4, S6.33.10, Dec. 2, 2009)

1.42.020 Collection of fees. The Town Marshal or deputy shall upon completion of the referenced documentation collect this fee. (Ord. 2009-4, S6.33.11, Dec. 2, 2009)

1.42.030 Deposit of fees. The Town Marshal or deputy shall remit the collected fee to the Clerk-Treasurer, for deposit into the Law Enforcement Continuing Education Fund in accordance with I.C. 9-29-11-1. (Ord. 2009-4, S6.33.12, Dec. 2, 2009)

1.42.040 Use of fund. The monies received may be used for continuing education and training of law enforcement officers employed by the town and for equipment and supplies for law enforcement purposes, and any other purpose allowable within the Law Enforcement Training Fund. (Ord. 2009-4, S6.33.13, Dec. 2, 2009)

Chapter 1.57

FAIR HOUSING ORDINANCE

Sections:

1.57.010	Policy statement
1.57.020	Definitions
1.57.030	Unlawful practice
1.57.040	Discrimination in the sale or rental of housing
1.57.050	Discrimination in residential real estate-related transactions
1.57.060	Discrimination in the provision of brokerage services
1.57.070	Interference, coercion, or intimidation
1.57.080	Prevention of intimidation in Fair Housing cases
1.57.090	Exemptions
1.57.100	Administrative enforcement of ordinance
1.57.110	Separability of provisions

1.57.010 Policy statement. It shall be in the policy of the Town of Spurgeon 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. 2007-4, S1, Mar. 7, 2007)

1.57.020 Definitions. The definitions set forth in this Section shall apply throughout this Ordinance:

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

- (5) "Discriminatory Housing Practice" means an act that is unlawful under Section 1.52.040, 1.57.050, 1.57.060, 1.57.070 or 1.57.080 of this Ordinance or I.C. 22-9.5-5.
- (6) "Handicap" means, with respect to a person:
- A. a physical or mental impairment which substantially limits one or more of such person's major life activities,
 - B. a record of having such an impairment, 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 I.C. 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 [I.C. 22-9.5-2-10(b)]; nor does the term "handicap" include an individual solely because that individual is transvestite [I.C. 22-9.5-2-10(c)].
- (7) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):
- A. claims to have been 'injured by a discriminatory housing practice; or
 - B. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (9) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- (10) "Complaint" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 2007-4, S2, Mar. 7, 2007)

1.57.030 Unlawful practice. Subject to the provisions of subsection (2) of this Section, Section 1.57.090 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.57.040 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 1.57.040 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 house 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 1.57.040 (3) of this Ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by 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 1.57.030 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. 2007-4, S3, Mar. 7, 2007)

1.57.040 Discrimination in the sale or rental of housing. As made applicable by Section 1.57.030 and except as exempted by Sections 1.57.030 (2) and 1.57.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - 1. that buyer or renter;
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

3. any person associated with that person.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of
1. that person; or
 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person of such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and Construct those dwellings in such a manner that:
 - (a) the public use and common use portions of such dwellings are readily accessible to any 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 person 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 people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(C)(iii).
- E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 2007-4, S4, Mar. 7, 2007)

1.57.050 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 a residential real estate.
 - B. The selling, brokerage, 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. 2007-4, S5, Mar. 7, 2007)

1.57.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 2007-4, S6, Mar. 7, 2007)

1.57.070 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 the account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.57.030, 1.57.040, 1.57.050, or 1.57.060 of this Ordinance. (Ord. 2007-4, S7, Mar. 7, 2007)

1.57.080 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 participation in any service, organization or facility relating to the business of selling or renting dwellings; or
- (2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in section 1.57.040; 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 for facilities described in 1.57.080 (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate. (Ord. 2007-4, S8, Mar. 7, 2007)

1.57090 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 or 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. 2007-4, S9, Mar. 7, 2007)

1.57.100 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 Town Council of the Town of Spurgeon, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Spurgeon, Indiana, because of lack of financial and other resources necessary to fully

administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complaints to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Town Council of the Town of Spurgeon, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

- (3) All executive departments and agencies of the Town of Spurgeon, 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 Town Council and the Commission to further such purposes.
- (4) The Town Council of the Town of Spurgeon, Indiana, or its designee, shall provide information on remedies available to any aggrieved person or complaint requesting such information. (Ord. 2007-4, S10, Mar. 7, 2007)

1.57.110 Separability of provisions. If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 2007-4, S11, Mar. 7, 2007)