

**TITLE 1**

**ADMINISTRATION AND PERSONNEL**

## TITLE 1

### ADMINISTRATION AND PERSONNEL

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## Chapter 1.01

### Town Name

#### Sections:

##### 1.01.010

#### Election to change the name of the Town

**1.01.010 Election to change the name of the Town.** Trustees of the Town of West Baden of the State of Indiana, hereby certify that on the 23rd day of July 1935, there was presented to the board of trustees of said town, a petition signed by at least two-thirds of the legal voters of said town, praying that the name of West Baden, Indiana, be changed to WEST BADEN SPRINGS, INDIANA; that in pursuance of the prayer of said petition the board of trustees ordered a special election of the legal voters of said town, of which the clerk was required to give due notice, be held in said town on the 23rd day of July 1935, between the hours of 6 a.m. and 6 p.m. for the purpose of determining whether said Town of WEST BADEN, INDIANA, should change its name to WEST BADEN SPRINGS, INDIANA; that in pursuance of said order, notice was given and an election held at the time and place designated, and the results of said election, as appears from the return of the election inspector and judges filed with the clerk of said town, was as follows:

Number of Ballots in favor of such proposed change 461

Number of Ballots against such proposed change 13

Majority in favor of such proposed change 448

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the seal of said town to be affixed this 23rd day of July, 1935. (Petition 1935, S1, 1935)

## Chapter 1.02

### Procedures for Town Board Meetings

#### Sections:

1.02.010	Regular meetings
1.02.020	Special meetings
1.02.030	Place of meetings
1.02.040	Quorum
1.02.050	Order of Business
1.02.060	Presiding Officer
1.02.070	Ordinances and Resolutions
1.02.080	General Rules
1.02.090	Suspension of Rules

**1.02.010 Regular meetings.** Regular meetings of the Town Board shall be held on the first and third Wednesdays of each calendar month at 7:30 P.M. Any regular meeting falling on a legal holiday may be held the next following secular day at the same hour and place upon unanimous vote of the Trustees. (Ord. 66-3, S1, April 6, 1966)

**1.02.020 Special meetings.** Special meetings of the Board of Trustees may be called by two (2) Trustees by filing a written request with the Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered to each Trustee personally or left at his usual place of abode. The Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Board are present, or consent in writing to the holding of said meeting. Unless all Trustees are in attendance, no business shall be transacted at a special meeting except for the purpose stated in the notice thereof. (Ord. 66-3, S2, April 6, 1966)

**1.02.030 Place of meetings.** All meetings of the Board, including special and adjourned meetings, shall be held in the Town Hall and open to the general public. (Ord. 66-3, S3, April 6, 1966)

**1.02.040 Quorum.** Two (2) Trustees and the Clerk-Treasurer shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. (Ord. 66-3, S4, April 6, 1966)

**1.02.050 Order of business.** The business of the Board of Trustees shall be conducted in the following order:

- A. Call to order by presiding officer.
- B. Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)

- C. Reading, correction and approval of minutes of previous meeting.
- D. Departmental reports.
- E. Unfinished business from previous meeting.
- F. New business, including introduction of ordinances and resolutions.
- G. Reports of various Town Officials.
- H. Communications and miscellaneous business. (Ord. 66-3, S5, April 6, 1966)

**1.02.060 Presiding Officer.**

- A. Control of Meeting. The President of the Board of Trustees shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.
- B. Absence of President. If the President is absent at any meeting, the Clerk-Treasurer shall call the meeting to order and preside until the Board selects a Trustee to preside for that meeting.
- C. Participation in Debate. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a Trustee to preside temporarily. (Ord. 66-3, S6, April 6, 1966)

**1.02.070 Ordinances and Resolutions.** Ordinances, resolution, bylaws, communications and other matters submitted to the Board shall be read by title and author. No ordinance, resolution or bylaw shall be considered unless presented in writing by a Trustee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or bylaw need be read in full. (Ord. 66-3, S7, April 6, 1966)

**1.02.080 General Rules.** The deliberations of the Board shall be conducted in accordance with the parliament rules contained in Robert's Rules of Order, Revised, except when inconsistent with the Constitution and Statutes of the State of Indiana. Said Rules of Order is hereby incorporated in this section by reference. No person other than a member shall address the Board except by majority vote of the members present. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it. (Ord. 66-3, S8, April 6, 1966)

**1.02.090 Suspension of Rules.** These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present. (Ord. 66-3, S9, April 6, 1966)

## Chapter 1.03

### Compensation for elected officials

#### Sections:

#### 1.03.010

#### Compensation for elected officials

**1.03.010 Compensation for elected officials.** Elected officials of the Town of West Baden Springs are to receive monthly compensation as follows:

<u>Board of Trustees</u>	<u>General Fund</u>	<u>Monthly Total</u>
Member-First Ward	\$162.00	\$162.00
Member-Second Ward	\$162.00	\$162.00
Member-Third Ward	\$162.00	\$162.00
Clerk-Treasurer	\$540.00	\$540.00

(Ord. 93-11, S1, August 30, 1993) (Ord. 93-2, S1, Jan. 5, 1993) (Ord. 92-7, S1, June 2, 1992) (Ord. 92-3, S1, Feb. 4, 1992) (Ord. 92-1, S1, Jan. 1, 1992) (Ord. 89-4, S1, December 19, 1989) (Ord. 89-1, S1, January 2, 1989) (Ord. 88-1, S1, January 1, 1988)

## Chapter 1.04

### Regulating the sale of real and personal property owned by the Town

#### Sections:

<b>1.04.010</b>	<b>Conveyance of property</b>
<b>1.04.020</b>	<b>This ordinance recorded at Orange County Recorder's Office</b>

**1.04.010 Conveyance of property.** The Board of Trustees of the Town of West Baden Springs, Indiana, be, and is hereby authorized to alienate and convey on behalf of said town, any property, real or personal, belonging to said town, whether used for public and governmental or for private purposes: Provided, that no such property shall be sold until the same has been appraised by three (3) disinterested freeholders of said town appointed by the president of said Board of Trustees; and no sale or conveyance of any such property shall be made for a less sum than such appraisement, and, in the case of real estate, only by a two-thirds vote of said Board of Trustees; such conveyance shall be by the president of the Board of Trustees, in the name of said town, attested by the town clerk-treasurer and with the seal of the town; and provided, further, that where it is shown to the said Board of Trustees that any personal property does not exceed in value the sum of one hundred dollars (\$100.00), the said Board of Trustees may authorize the sale thereof without an appraisement. (Ord. 66-1A, S1, October 20, 1965)

**1.04.020 This ordinance recorded at Orange County Recorder's Office.** A copy of this ordinance be placed on record in the office of the Recorder of Orange County, Indiana. (Ord. 66-1A, S2, October 20, 1965)

## **Chapter 1.05**

### **Registered Cities and Towns Program**

#### **Sections:**

**1.05.010**

**Pledge**

**1.05.010 Pledge.** The Town of West Baden Springs pledges its full support and cooperation to the Registered Cities and Towns Program. (Resolution 1988-1, June 15, 1988)

## Chapter 1.06

### Memberships in Associations

#### Sections:

#### 1.06.010

#### Memberships

**1.06.010 Memberships.** The Town of West Baden Springs, Indiana shall be empowered to pay for memberships in local, regional, state and national associations of a civic, educational or governmental nature, and said town shall be empowered to budget and appropriate from the General Fund of the town to pay expenses of or to reimburse town officials incurred in promoting the best interest of the town, as such individual decisions may be made by resolution, from time to time, by the town. By way of this ordinance, the general power is given, to be enacted upon on a individual basis as the case may arise by the town. (Ord. 82-3, S1, June 3, 1982)

## **Chapter 1.07**

### **Indiana Main Street Program**

#### **Sections:**

**1.07.010**

**Pledge**

**1.07.010 Pledge.** The Town of West Baden Springs pledges its full support and cooperation with the community in its participation with the Indiana Main Street Program. (Resolution 1989-1, September 19, 1989)

## Chapter 1.08

### Town Employee Benefits

#### Sections:

<b>1.08.010</b>	<b>Delinquencies</b>
<b>1.08.020</b>	<b>Holidays</b>
<b>1.08.030</b>	<b>Sick leave</b>
<b>1.08.040</b>	<b>Compensation time</b>
<b>1.08.050</b>	<b>Vacation</b>
<b>1.08.060</b>	<b>Terminal pay</b>
<b>1.08.070</b>	<b>Death</b>
<b>1.08.080</b>	<b>Overtime pay</b>
<b>1.08.090</b>	<b>Pay period</b>

**1.08.010 Delinquencies.** Any and all monies due and payable to the Town of West Baden Springs by an employee of the municipality can and will be deducted from an employee's salary by the Clerk-Treasurer when delinquent and upon proper notification of the employee. (Ord. 93-1, S1, Jan. 5, 1993) (Ord. 92-8, S1, June 2, 1992) (Ord. 92-2, S1, Jan. 1, 1992) (Ord. 90-5, S1, Dec. 28, 1990) (Ord. 89-5, S1, Dec. 19, 1989) (Ord. 89-1B, S1, Jan. 2, 1989)

**1.08.020 Holidays.** Holidays to be observed with pay by the municipal employees are: NEW YEAR'S EVE AFTERNOON, NEW YEAR'S DAY, MEMORIAL DAY, JULY 4TH, LABOR DAY, VETERAN'S DAY, THANKSGIVING DAY, CHRISTMAS EVE AND CHRISTMAS DAY (DECEMBER 24 AND 25), GOOD FRIDAY, AND ELECTION DAYS. (Ord. 93-1, S2, Jan. 5, 1993) (Ord. 92-8, S2, June 2, 1992) (Ord. 92-2, S2, Jan. 1, 1992) (Ord. 90-5, S2, Dec. 28, 1990) (Ord. 89-5, S2, Dec. 19, 1989) (Ord. 89-1B, S2, Jan. 2, 1989)

**1.08.030 Sick leave.** Employees shall be entitled to receive seven (7) days with full pay in each municipal year (January 1 to December 31) for unavoidable absence from duty due to sickness or accident. Any unused sick leave shall be accumulative from year to year during the employee's employment with the town. However, not to exceed twenty-eight (28) total. PROVIDED; however, the amount received by the employees entitled to receive the Worker's Compensation Act shall be deducted from allowed sick pay as to avoid double payment. No compensation will be granted for unused sick leave upon termination/separation of the employee. Any claim for sick pay must be accompanied by a certification signed by a duly licensed physician or surgeon to verify such sickness or accident if so requested. (Ord. 93-1, S3, Jan. 5, 1993) (Ord. 92-8, S3, June 2, 1992) ((Ord. 92-2, S3, Jan. 1, 1992) (Ord. 90-5, S3, Dec. 28, 1990) (Ord. 89-5, S3, Dec. 19, 1989) (Ord. 89-1B, S2, Jan. 2, 1989)

**1.08.040 Compensation time.** If employee(s) are required to work beyond the normal forty (40) hour week, compensation time off will be allowed. This compensation time off shall not exceed the number of hours that were worked

beyond the "normal 40." If possible, compensation time off should be taken within the same pay period that it is earned. Compensation time cannot be carried over to the next year; therefore, it must be used up by December 31 in the year that it was earned. (Ord. 93-1, S4, Jan. 5, 1993) (Ord. 92-8, S4, June 2, 1992) (Ord. 92-2, S4, Jan. 1, 1992) (Ord. 90-5, S4, Dec. 28, 1990) (Ord. 89-5, S5, Dec. 19, 1989) (Ord. 89-1B, S4, Jan. 2, 1989)

**1.08.050 Vacation.** Employees will be allowed a two week paid vacation after one year of employment from the "most recent hire date." Vacation leave shall not be cumulative and employees shall take earned vacation within one year at the Board's discretion. The Board may also allow earned vacation within one year following the employee's anniversary date. The Board of Trustees at their discretion may allow earned vacation time to accumulate when it is for the best interest of the Town. Personnel desiring vacation leave shall submit a request for leave to their department supervisor thirty (30) days in advance. Department supervisors shall schedule vacations, giving due consideration to seniority rights, the need of the request and the remaining staff to perform the necessary duties of the department. (Ord. 93-1, S5, Jan. 5, 1993) (Ord. 92-8, S5, June 2, 1992) (Ord. 92-2, S5, Jan. 1, 1992) (Ord. 90-5, S5, Dec. 28, 1990) (Ord. 89-5, S6, Dec. 19, 1989) (Ord. 89-1B, S5, Jan. 2, 1989)

**1.08.060 Terminal pay.** Employees who leave the service of the Town for any reason shall receive all pay which may be due them with the following qualifications:

- A. employees shall be paid for all unused accrued vacation time provided that the departmental supervisor is notified by the employee two weeks in advance and sufficient reason is given in the absence of such notice.
- B. employees who owe any money to the Town at the time of his/her separation shall have their final pay applied against the amount or whatever may be needed to satisfy the obligation. (Ord. 93-1, S6, Jan. 5, 1993) (Ord. 92-8, S6, June 2, 1992) (Ord. 92-2, S6, Jan. 1, 1992) (Ord. 90-5, S6, Dec. 28, 1990) (Ord. 89-5, S7, Dec. 19, 1989) (Ord. 89-1B, S6, Jan. 2, 1989)

**1.08.070 Death.** Employees shall receive three (3) days paid leave if a member of the immediate family passes away. Employees shall receive one (1) day paid leave to attend other related family members funeral services. (Ord. 93-1, S7, Jan. 5, 1993) (Ord. 92-8, S7, June 2, 1992) (Ord. 89-5, S4, Dec. 19, 1989)

**1.08.080 Overtime pay.** This section applies only to employees who work on special projects for which the town receives funds from other than the projects for which the town receives funds from other than the normal and regular budgetary tax revenues.

This ordinance is in accordance with I.C. 36-8-3-3 and I.C. 36-4-7-3 which applies to

police officers and other town employees respectively.

The above applies to working hours over and above the normal assigned or scheduled working hours for that period which is required during an emergency situation such as floods, thunderstorms, high winds, lightning, fire, life and death threatening, etcetera.

In the above situations and when money and/or funding outside the regular and normal tax revenues is received, the employees will be paid overtime as required and necessary.

The Town Council, Clerk-Treasurer and department heads will have the authority to determine and approve the above mentioned overtime pay for those employees. (Ord. 90-1C, S1, April 3, 1990)

**1.08.090 Pay period.** All employees meeting the above requirements shall be paid as approved by the Town Council and Clerk-Treasurer as a special pay basis. (Ord. 90-1C, S2, April 3, 1990)

## Chapter 1.10

### Department of Parks and Recreation

#### Sections:

<b>1.10.010</b>	<b>Established</b>
<b>1.10.020</b>	<b>Board members</b>
<b>1.10.030</b>	<b>Organized</b>
<b>1.10.040</b>	<b>Duties</b>
<b>1.10.050</b>	<b>Power to accept gifts, acquire land, and condemnation</b>
<b>1.10.060</b>	<b>Annual budget</b>
<b>1.10.070</b>	<b>Powers</b>

**1.10.010 Established.** Pursuant to the provisions of Chapter 311, of the Acts of the General Assembly of the State of Indiana for the year 1955, as amended by Chapter 404 of the Acts of the General Assembly for the State of Indiana for the year 1965 there is hereby established a Joint Park and Recreation Board composed of the members of the Board of Parks and Recreation of the Town of French Lick, Indiana and the Board of Parks and Recreation of the Town of West Baden Springs, Indiana, to be known as the French Lick-West Baden Springs Joint Park and Recreation Board. (Ord. 67-3A, S1, August 2, 1967)

**1.10.020 Board members.** Said Joint Park and Recreation Board shall be composed of the members of the Board of Parks and Recreation of the Town of French Lick, Indiana and the members of the Board of Parks and Recreation of the Town of West Baden Springs, Indiana, all as heretofore by ordinance duly created in said respective towns. (Ord. 67-3A, S2, August 2, 1967)

**1.10.030 Organized.** Said Joint Park and Recreation Board of said Towns of French Lick and West Baden Springs, Indiana, shall be organized, shall have the same powers and shall function in the same manner as do the Board of Parks and Recreation of said respective towns, all pursuant to the laws of the State of Indiana as aforesaid. (Ord. 67-3A, S3, August 2, 1967)

**1.10.040 Duties.** The members of said Joint Park and Recreation Board of the Towns of French Lick and West Baden Springs, Indiana shall devote such time and attention to the duties of their office as the efficient performance thereof may demand and require and their service shall be without compensation. (Ord. 67-3A, S4, August 2, 1967)

**1.10.050 Power to accept gifts, acquire land, and condemnation.** The Joint Park and Recreation Board of the Towns of French Lick and West Baden Springs, Indiana, is hereby authorized to establish in the Town of West Baden Springs, Indiana, a Park and Recreation Area to be known as the Springs Valley Community Park and Recreation Area and said Joint Park and Recreation Board shall have the power and authority to acquire by purchase, gift or condemnation all real estate and personal property necessary for the purpose of establishing, creating and

maintaining such Park and Recreation area as aforesaid, and the title to all such property so acquired for such park purpose by gift, purchase, or condemnation shall be vested in the Joint Park and Recreation Board of the Towns of French Lick and West Baden Springs, Indiana. (Ord. 67-3A, S5, August 2, 1967)

**1.10.060 Annual budget.** The Joint Park and Recreation Board created by this ordinance shall annually determine its budget estimate necessary for the operation of the aforesaid Park and Recreation Area to be acquired and established by said Board, and the members of each of the Boards of Parks and Recreation of said Towns, aforesaid, shall present to their respective appropriating bodies the total budget of said joint Park Board as determined and shall set forth the amount chargeable to their respective political subdivisions necessary to defray the costs of the operation of said Joint Park and Recreation Area herein and hereby authorized and the respective political subdivisions shall then and there appropriate an amount sufficient to meet its proportionate share of the costs of acquiring, establishing, maintaining, constructing and operating the said Springs Valley Community Park and Recreation Area and shall levy such tax or taxes as shall be necessary to provide for the operation, maintenance, establishment and construction of said Springs Valley Community Park and Recreation Area. All moneys appropriated by the participating political subdivisions shall be deposited in a Joint Park and Recreation Board fund in the custody of the Clerk-Treasurer of the Town of French Lick, Indiana, and the moneys in said fund shall be withdrawn therefrom only upon vouchers duly signed by the President and Secretary of said Joint Board, aforesaid. (Ord. 67-3A, S6, August 2, 1967)

**1.10.070 Powers.** The Joint Park and Recreation Board hereby created shall have the power to perform all acts necessary to acquire, establish, construct, maintain, operate, develop and create the aforesaid Springs Valley Park and Recreation Area as delineated, defined and provided in Chapter 311 of the Acts of the General Assembly of the State of Indiana as amended by Chapter 404 of the Acts of the General Assembly of the State of Indiana for the year 1965 and shall have the power to control, superintend, operate, construct and maintain such park and recreation area as provided by law and shall have the power to lay out and improve such area for park and recreation purposes as in said Acts defined and shall, incident thereto, employ all persons necessary to carry into effect the plans, and projects adopted by said Joint Park and Recreation Board and shall have full power to enter into contract for the purpose of purchasing materials and for the construction of such buildings and structures as shall be necessary to accomplish said purposes. The Joint Park and Recreation Board shall have full power to grant concessions, collect rental therefor and to collect other revenues from the operation of said park and recreation area and such revenues shall be deposited in the Joint Park and Recreation fund duly held by the Clerk-Treasurer of the Town of French Lick, Indiana and the same shall be disbursed as herein provided. (Ord. 67-3A, S7, August 2, 1967)

## Chapter 1.12

### Flood Plain Commission

#### Sections:

<b>1.12.005</b>	<b>Purpose</b>
<b>1.12.010</b>	<b>Established</b>
<b>1.12.020</b>	<b>Powers</b>
<b>1.12.030</b>	<b>Members</b>

**1.12.005 Purpose.** The Town of West Baden Springs, Indiana recognizes the need to establish flood plain management regulations to:

- A. Divert unwarranted and unwise development away from flood-prone areas;
- B. Encourage flood damage abatement through public and private efforts;
- C. Deter the unnecessary and improper use of public utilities and public facilities in flood prone areas; (Ord. 75-1, June 23, 1975)

**1.12.010 Established.** There is hereby established the West Baden Springs Flood Plain Commission for the Town of West Baden Springs, Indiana, under the authority provided in I.C. 1971, 18-7-4.5. (Ord. 75-1, S1 June 23, 1975)

**1.12.020 Powers.** The Flood Plain Commission shall exercise those powers and duties as provided in said I.C. 1971, 18-7-4.5. (Ord. 75-1, June 23, 1975)

**1.12.030 Members.** The Flood Plain Commission shall consist of three members with qualifications, terms of office, and methods of appointment as provided in said I.C. 1971, 18-7-4.5. (Ord. 75-1, June 23, 1975)

## Chapter 1.14

### Economic Development Commission

#### Sections:

**1.14.010**

**Created**

**1.14.010 Created.** The Board of Trustees of the Town of West Baden Springs, Indiana does find that a need exists for the financing of economic development. There is hereby created, pursuant to Section 3 of IC 1971, 18-6-4.5, as added by Acts 1973 P.L. 182, and as amended and supplemented hereafter, a Department of Development which shall be under the control of a Commission to be known as "West Baden Economic Development Commission". (Ord. 75-2, November 20, 1975)

## Chapter 1.16

### Tax Abatement

#### Sections:

<b>1.16.010</b>	<b>Definition of terms</b>
<b>1.16.020</b>	<b>Procedural requirement for tax abatement of new manufacturing equipment</b>

**1.16.010 Definition of terms.** "New Manufacturing Equipment" means any tangible personal property which:

- A. Was installed during the period beginning January 1, 1982 and ending December 31, 1985, in an urban development area, and
- B. Is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing or other tangible personal property. (Ord. 82-2, S1, 1982)

**1.16.020 Procedural requirement for tax abatement of new manufacturing equipment.** Any business or industry within the town shall petition the Board of Trustees for tax abatement consideration for new manufacturing equipment by preparing and filing with the Clerk-Treasurer a resolution requesting said tax abatement, together with a form provided by the West Baden Board of Trustees, a copy of which is attached hereto, marked Exhibit "A" and made a part of this ordinance. (Ord. 82-2, S2, 1982)

**EXHIBIT "A"**

**APPLICATION FOR CONSIDERATION FOR DESIGNATION FOR TAX  
ABATEMENT PURPOSES OF NEW MANUFACTURING EQUIPMENT WITHIN  
AN URBAN DEVELOPMENT AREA**

This application is to be completed and signed by the owner of new manufacturing equipment. The Board of Trustees of the Town of West Baden Springs reviews this application for designation of new manufacturing equipment within an urban development area and discharge of its responsibility under Public Law 69, enacted by the General Assembly of the State of Indiana in 1977 and subsequently amended in 1979 and further amended in 1981. The Board of Trustees makes no representation as to the effect of a designation granted by the Board for the purpose of any further applications or approvals required under Public Law 69, and makes no representation to an applicant concerning the validity of any benefit conferred under Public Law 69.

1. Personal Property Owner: \_\_\_\_\_
2. Address of Owner: \_\_\_\_\_
3. Telephone Number: \_\_\_\_\_
4. Taxing District: \_\_\_\_\_
5. Description of New Manufacturing Equipment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Estimated Cost: \_\_\_\_\_
7. Estimated Installation Date: \_\_\_\_\_

I/We hereby certify that the information and representations on this application are true and complete.

\_\_\_\_\_  
Signature(s) of Owner(s)

\_\_\_\_\_  
Date

NOTE: THIS FORM IS FOR WEST BADEN SPRINGS BOARD OF TRUSTEES ACTION ONLY IF TAX ABATEMENT IS APPROVED BY THE WEST BADEN SPRINGS BOARD OF TRUSTEES, UNDER STATUTE I.C. 6-1.1-12-1.1 THROUGH 6-1.1-12.1-5.5. IN ORDER TO RECEIVE TAX ABATEMENT YOU MUST FILE PROPER FORMS IN THE COUNTY AUDITOR'S OFFICE IF APPROVED BY THE WEST BADEN SPRINGS BOARD OF TRUSTEES.

## Chapter 1.18

### Economic Revitalization Area

#### Sections:

<b>1.18.010</b>	<b>Definitions</b>
<b>1.18.020</b>	<b>Economic Revitalization Area</b>
<b>1.18.030</b>	<b>Deduction of assessed value</b>
<b>1.18.040</b>	<b>Amount of deduction</b>

#### **1.18.010 Definitions.**

- A. "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.
- B. City means any city in this state, and town means any town incorporated under I.C. 18-3-1.
- C. "Property" means a building or structure, but does not include land.
- D. "Redevelopment" means the construction of new structures, in economic revitalization areas, either:
  - 1. on unimproved real estate; or
  - 2. on real estate upon which a prior existing structure is demolished to allow for a new construction.
- E. "Rehabilitation" means the remodeling, repair or betterment of property in any manner or any enlargement or extension of property. (Ord. 87-1, February 19, 1987)

**1.18.020 Economic Revitalization Area.** That said area described in Exhibit A is declared an economic revitalization area within the meaning of Indiana Code 6-1.1-1-1-12.1-1 et seq. (Ord. 87-1, Feb. 19, 1987)

**1.18.030 Deduction of assessed value.** It is the Town Council's purpose to encourage growth, redevelopment and rehabilitation and that the owner of property which is located in the economic revitalization area is entitled to a deduction for the assessed value of the property for a period of three (3) years if: (1) the property has been rehabilitated; or (2) the property is located on real estate which has been redeveloped. (Ord. 87-1, Feb. 19, 1987)

**1.18.040 Amount of deduction.** The amount of the deduction which the property owner is entitled to receive for a particular year equals the product of (1) the increase in the assessed value resulting from the rehabilitation or redevelopment, multiplied by (2) the percentage prescribed in the following table:

<u>YEAR OR DEDUCTION</u>	<u>PERCENTAGE</u>
1st	100%
2nd	66%
3rd	33%

A general reassessment of real property which occurs within the three (3) year period does not affect the amount of the deduction. (Ord. 87-1, Feb. 19, 1987)

#### **EXHIBIT A**

All of that area located within an area bounded on the north by Sinclair Street, on the east by Broadway, on the south by Gagnon (Legion) Avenue, and on the west by the Chicago, Indianapolis & Louisville Railway right-of-way, all located in the Northwest Quarter of the Southeast Quarter of Section 34, Township 2 north, Range 2 west, in the Town of West Baden Springs, Indiana.

## Chapter 1.19

### Cumulative Capital Development Fund

#### Sections:

<b>1.19.010</b>	<b>Established</b>
<b>1.19.020</b>	<b>Tax levy</b>
<b>1.19.030</b>	<b>Rate of levy</b>
<b>1.19.040</b>	<b>Years established</b>
<b>1.19.050</b>	<b>Use of funds</b>
<b>1.19.060</b>	<b>Emergency use of funds</b>
<b>1.19.070</b>	<b>Effective</b>

**1.19.010 Established.** That there is hereby established a West Baden Springs Cumulative Capital Development Fund. (Ord. 1990 unnumbered, July 17, 1990)

**1.19.020 Tax levy.** That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the West Baden Springs Cumulative Capital Development Fund. (Ord. 1990 unnumbered, July 17, 1990)

**1.19.030 Rate of levy.** That the maximum rate of levy under SECTION 2 will not exceed \$.15 per \$100 Assessed Valuation. (Ord. 1990 unnumbered, July 17, 1990)

**1.19.040 Years established.** That the West Baden Springs Cumulative Capital Development Fund is established for the years 1991, 1992, and 1993. (Ord. 1990 unnumbered, July 17, 1990)

**1.19.050 Use of funds.** That the funds accumulated in the West Baden Springs Cumulative Capital Development Fund will be used for Cumulative Building Fund-Sewers as described in I.C. 36-9-26. (Ord. 1990 unnumbered, July 17, 1990)

**1.19.060 Emergency use of funds.** Notwithstanding Section 1.19.040, funds accumulated in the West Baden Springs Development Fund may be spent for purposes stated in Section 1.19.040, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Board of Trustees issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund. (Ord. 1990 unnumbered, July 17, 1990)

**1.19.070 Effective.** This fund takes effect upon approval of the State Board of Tax Commissioners. (Ord. 1990 unnumbered, July 17, 1990)

## Chapter 1.20

### Advisory Plan Commission

#### Sections:

1.20.010	Established
1.20.020	Purpose
1.20.030	Comprehensive Plan
1.20.040	Jurisdictional Area
1.20.050	Powers and duties
1.20.060	Responsibilities
1.20.070	Membership
1.20.080	Terms
1.20.090	Vacancy
1.20.100	Organization

**1.20.010 Established.** The Town of West Baden Springs hereby establishes an Advisory Plan Commission with all the powers as set forth in Indiana Code 36-7-4-205 hereinafter referred to as the "ACT". (Ord. 93-8, August 3, 1993)

**1.20.020 Purpose.** The purpose of the Advisory Plan Commission as provided in Indiana Code 36-7-4-201 shall be to pursue the improvement of the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

- A. that highway systems be carefully planned;
- B. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
- C. that the needs of agriculture, industry, and business be recognized in future growth;
- D. that residential areas provide healthful surroundings for family life; and
- E. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds. (Ord. 93-8, August 3, 1993)

**1.20.030 Comprehensive Plan.** The Act declares that the Advisory Plan Commission shall adopt a comprehensive plan, as provided for under the 500 series of the advisory planing law, for the development of the municipality and of the contiguous unincorporated area, designated by the commission, that is outside the corporate boundaries of the municipality, and that, in the judgment of the commission, bears reasonable relation to the development of the municipality. (Ord. 93-8, August 3, 1993)

**1.20.040 Jurisdictional area.** The Act declares that except as limited by the boundaries of unincorporated areas subject to the jurisdiction of other municipal plan commissions, an area designated under the Act may include any part of the contiguous unincorporated area within two miles from the corporate boundaries of the municipality. (Ord. 93-8, August 3, 1993)

**1.20.050 Powers and duties.** Before exercising their rights, powers, and duties as defined by the advisory planing law, the plan commission shall in all other aspects comply with Indiana Code 36-7-4-205. (Ord. 93-8-, August 3, 1993)

**1.20.060 Responsibilities.** The duties and responsibilities of the plan commission shall be followed as set forth in Indiana Code 36-7-4-401. (Ord. 93-8, August 3, 1993)

**1.20.070 Membership.** Plan Commission membership shall be followed as set forth in Indiana Code 36-7-4-207 that the Advisory Plan Commission shall consist of seven (7) members as follows:

- A. The municipal legislative body shall appoint three persons who must be elected or appointed municipal officials or employees of the municipal government as members;
- B. The municipal executive shall appoint four citizens members of whom no more than two (2) may be of the same political party; and
- C. If the Advisory Plan Commission of the Town of West Baden Springs exercises jurisdiction outside the incorporated area of the municipality as provided in Indiana Code 36-7-4-205 of the Advisory Planing Law, the executive of the county in which the unincorporated area is located shall appoint two (2) additional citizen members to the municipal plan commission. The citizen members must reside in the unincorporated area and not be of the same political party. (Ord. 93-8, August 3, 1993)

**1.20.080 Terms.** Terms held by commission members shall be determined as set forth in Indiana Code 36-7-4-216. (Ord. 93-8, August 3, 1993)

**1.20.090 Vacancy.** Vacancy of commission members shall be resolved as set forth in Indiana Code 36-7-4-220. (Ord. 93-8, August 3, 1993)

**1.20.100 Organization.** Plan Commission organization shall follow Indiana Code 36-7-4-300 through Indiana Code 36-7-4-312. (Ord. 93-8, August 3, 1993)

## **Chapter 1.22**

### **Drug Free Workplace**

#### **Sections:**

**1.22.010**

**Policy**

**1.22.010 Policy.** The Town of West Baden Springs intends to maintain a drug free workplace. Whereby, the Town has implemented a drug free workplace policy and that policy will be enforced and governed on all Town of West Baden Springs sites, workplaces, and town related functions, including town owned and town approved vehicles. (Ord. 92-6, S1, April 21, 1992)

## Chapter 1.26

### Historic Preservation Commission (See Chapter 1.26 and 12.20)

#### Sections:

#### 1.26.010                      Established, members, terms

#### 1.26.010 Established, members, terms.

- A. There is hereby, established the Historic Preservation Commission of the Town of West Baden Springs, Indiana. The Commission shall consist of five (5) voting members. The voting members shall be appointed by the Common Council of the Town of West Baden Springs, Indiana. Voting members shall serve for a term of three (3) years; however, the initial terms of members shall be for one (1) year, two (2) years and three (3) years in order for the terms to be staggered. A vacancy shall be filled within ninety (90) days for the duration of the term of the member who is being replaced.
- B. Voting members shall be residents of the Town of West Baden Springs, Indiana, who are interested in the preservation and development of historic areas. To the extent available to the community, the Commission shall include professional members from the disciplines of architecture, history, architectural history, preservation planning, archaeology, or other historic preservation-related disciplines, such as urban planing, American studies, art history, American civilization, cultural geography, or cultural anthropology.
- C. The President of the Town of West Baden Springs, Indiana may, with the approval of the Common Council of the Town of West Baden Springs, Indiana, appoint such advisory members as the Common Council of the Town of West Baden Springs, Indiana, considers appropriate.
- D. The Town Board President shall serve as the ex-officio administrator and a member of the Commission. The Administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue certificates of appropriateness as directed by the Commission.
- E. Members of the Commission shall serve without compensation but may be paid for reasonable expenses incurred in the performance of their duty.
- F. The Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Treasurer who shall serve for one (1) year and who may be reelected. The Commission shall adopt rules for the

transaction of its business not inconsistent with this Ordinance. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. Meetings of the Commission must be open to the public in accordance with the Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings, and actions.

- G. The Commission shall hold regular meetings, at least monthly except when it has no business pending.
- H. Each official of the Town of West Baden Springs, Indiana, who has responsibility for building inspection, buildings permits, planning, or zoning shall provide such technical, administrative, and clerical assistance as may be requested by the Commission. (Ord. 93-10, August 17, 1993) (Ord. 91-3, S2, May 28, 1991)

## **Chapter 1.30**

### **Adoption of Comprehensive Plan**

#### **Sections:**

**1.30.010**

#### **Adoption**

**1.30.010 Adoption.** The Town Council hereby adopts the Comprehensive Plan of the Town of Town of West Baden Springs, Indiana. (Ord. 93-13, November 2, 1993)