

TITLE 1
ADMINISTRATION AND PERSONNEL

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Chapter 1.02

TOWN WARDS

Sections:

- 1.02.010 Ward number 1**
- 1.02.020 Ward number 2**
- 1.02.030 Ward number 3**
- 1.02.040 Street locations**

1.02.010 Ward number 1. All that territory north of South Main and Depot Streets and west of Cherry Street, extending to the North and West Corporation lines. (Ord. unnumbered, part, July 3, 1933)

1.02.020 Ward number 2. All that territory east of Cherry Street and North of South Main and Depot Streets, extending to the North and East Corporation lines. (Ord. unnumbered, part, July 3, 1933)

1.02.030 Ward number 3. All that territory south of South Main Street and Depot Streets, extending to the East and South Corporation lines. (Ord. unnumbered, part, July 3, 1933)

1.02.040 Street locations. For the benefit of all legal voters and all who may be concerned, the above mentioned streets are located as follows:

South Main and Depot Street intersects Main Street between Loan Williams and D.A. Sandage's property and continues east to the Corporation line.

Cherry Street crosses South Main and Depot Streets at the south-east corner of the American Legion Community Building. Said street runs due north to the North Corporation line. Cherry Street from South Main and Depot Street is the dividing line between Ward number one and Ward number two. (Ord. unnumbered, part, July 3, 1933)

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 of the Town of Winslow, Indiana**
- 1.07.060 Effective Date**

1.07.010 Purchasing Agency. The Town Council of the Town of Winslow is hereby established or acknowledged as the purchasing agency (the "Purchasing Agency") for the Town. (Ord. 1998-3, SA, Nov. 23, 1998)

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 Winslow Town Council and rules, regulations, and policies adopted by the Purchasing Agency. (Ord. 1998-3, SB, Nov. 23, 1998)

1.07.030 Agents. The President of the Winslow 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. 1998-3, SC, Nov. 23, 1998)

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. 1998-3, SD(1) a-d, Nov. 23, 1998)

(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. 1998-3, SD(2)a-d, Nov. 23, 1998)

(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. 1998-3, SD(3), Nov. 23, 1998)

(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. 1998-3, SD(4), Nov. 23, 1998)

(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. 1998-3, SD(5)a-d, Nov. 23, 1998)

(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. 1998-3, SD(6)a,b, Nov. 23, 1998)

(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. 1998-3, SD(7)a-e, Nov. 23, 1998)
- (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. 1998-3, SD(8), Nov. 23, 1998)
- (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. 1998-3, SD(9), Nov. 23, 1998)
- (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. 1998-3, SD(10), Nov. 23, 1998)
- (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. 1998-3, SD(11), Nov. 23, 1998)

1.07.050 Purchasing Policies of the Town of Winslow, Indiana.

(1) Invitations and requests.

- A. Invitation for Bids. All notices of invitation for bids shall be published in accordance with IC 5-3-1 in the Press-Dispatch newspaper.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

- B. Request for Proposals. All notices of request for proposals shall be published in accordance with IC 5-3-1 in the Press-Dispatch newspaper.

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

- C. Request for Specifications. All notices of request for specifications shall be published in accordance with IC 5-3-1 in the Press-Dispatch newspaper.

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

- D. Electronic Notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission is at least as efficient as mailing the information. (Ord. 1998-3, SE(1)a-d, Nov. 23, 1998)

(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. 1998-3, SE(2)a-d, Nov. 23, 1998)

(3) Small Purchases.

The purchasing agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes. (Ord. 1998-3, SE(3), Nov. 23, 1998)

1.07.060 Effective Date. This ordinance shall be effective November 23, 1998. (Ord. 1998-3, SF, Nov. 23, 1998)

Chapter 1.09

FIXED ASSET POLICY

Sections

1.09.010 Policy

1.09.010 Policy. To be considered a fixed asset an item must have a cost of \$4,000 or greater and have a life of more than 1 year. Amounts below this will be capitalized at the direction of the Winslow public officials. (Ord. 2003-1, June 23, 2003)

Chapter 1.18

ORDINANCE VIOLATIONS BUREAU

Sections:

- 1.18.005 Purpose**
- 1.18.010 Created**
- 1.18.020 Administrator**
- 1.18.030 Administration pursuant to IC 33-6-3**
- 1.18.040 Certain Ordinances subject to the Winslow Ordinance Violations Bureau**
- 1.18.050 Effective when**

1.18.005 Purpose. The Town Council of the Town of Winslow, has determined that the payment of fines for the violation of certain ordinances of the Town of Winslow, ought to be under the jurisdiction and control of the Town of Winslow, to the extent provided by the law of the State of Indiana; and,

Indiana Code 33-6-3 provides for the creation of an Ordinance Violations Bureau by the legislative body of a municipal corporation, which Bureau shall have jurisdiction as provided therein, including the power to receive payment of fines, designated as "Civil Penalties" of not more than \$50.00 in each ordinance violation case. (Ord. 1995-3, Whereas, Oct. 23, 1995)

1.18.010 Created. There is hereby created an Ordinance Violations Bureau of the Town of Winslow, Indiana. (Ord. 1995-3, S1, Oct. 23, 1995)

1.18.020 Administrator. The Clerk-Treasurer of the Town of Winslow is hereby designated as the Violations Clerk, to be the administrator of the Winslow Ordinance Violations Bureau. (Ord. 1995-3, S2, Oct. 23, 1995)

1.18.030 Administration pursuant to IC 33-6-3. The Violations Clerk, as administrator of the Winslow Ordinance Violations Bureau, shall administer the Bureau pursuant to the provisions of IC 33-6-3, and as it may hereafter be amended. (Ord. 1995-3, S3, Oct. 23, 1995)

1.18.040 Certain Ordinances subject to the Winslow Ordinance Violations Bureau. The ordinances of the Town of Winslow, that are subject to admission of violation before the Violations Clerk of the Winslow Ordinance Violations Bureau and the amount of Civil Penalty to be assessed for such violations for persons who elect to admit a violation pursuant to this ordinance, are as follows:

- (1) Violations of Ordinance No. 1995-2, being AN ORDINANCE DEFINING AND PROHIBITING NUISANCES, AND PROVIDING FOR ENFORCEMENT THEREOF (as amended by ordinance No. 1995-4) - \$50.00 per violation.

- (2) Violations of Ordinance No. 1998-4, PROHIBITING LOITERING - \$100.00 for first violation.
- (3) Violations of Ordinance No. 2000-4, ONE-WAY STREET - \$25.00 for each violation.
- (4) Such other ordinances as the Town Council of the Town of Winslow, from time to time hereafter, shall deem appropriate to be included in this schedule, by ordinance, adding to this schedule. (Ord. 2000-4, SIII, SIV, Aug. 28, 2000) (Ord. 1998-4, Nov. 23, 1998) (Ord. 1995-3, S4, Oct. 23, 1995)

1.18.050 Effective when. This ordinance shall be in full force and effect, from and after its publication, as provided by law. Duly passed and adopted by the Town Council of the Town of Winslow, Indiana, on the 23rd day of October, 1995. (Ord. 1995-3, S5, Oct. 23, 1995)

Chapter 1.34

DEPARTMENT OF PARKS AND RECREATION

Sections:

- 1.34.010 Created**
- 1.34.020 Members**
- 1.34.030 Terms**
- 1.34.040 Officers**
- 1.34.050 Powers**
- 1.34.060 Annual budget**
- 1.34.070 Repeal of conflicting ordinances**
- 1.34.080 Effective when**

1.34.010 Created. Under the provisions of IC 36-10-3 there is hereby created a municipal Department of Parks and Recreation. (Ord. 1997-1, SI, Mar. 10, 1997) (Ord. unnumbered, part, Sept. 18, 1939)

1.34.020 Members. The Park and Recreation Board shall be composed of

- (1) Four members appointed by the executive on the basis of their interest in and knowledge of parks and recreation. No more than two members shall be of the same political party.
- (2) An ex officio member shall be:

A member of the governing body of the Pike County School Corporation, to be selected by that body.
- (3) An ex officio member shall be a member of the governing body of the Library District, to be selected by that body. (Ord. 2000-2, SII, June 26, 2000) (Ord. 1997-1, SII, Mar. 10, 1997)

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

- (1) One member for a term of 1 year
- (2) One member for a term of 2 years
- (3) One member for a term of 3 years
- (4) One member for a term of 4 years
- (5) An ex officio member for a term determined by the School Corporation

- (6) An ex officio member for a term determined by the Pike County Library Board.

The following applies to the first four members, and not to the ex officio member. As a term expires, each new appointment shall be made by the Town Board President for a term of four years. All terms expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. If an appointment for a new term is not made by the executive by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the executive shall appoint a new member for the remainder of the unexpired term. (Ord. 2000-2, SIII, June 26, 2000) (Ord. 1997-1, SIII, Mar. 10, 1997)

1.34.040 Officers. At the 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 from within or without its own membership. (Ord. 1997-1, SIV, Mar. 10, 1997) (Ord. unnumbered, part, Sept. 18, 1939)

1.34.050 Powers. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in IC 36-10-3 et seq. (Ord. 1997-1, SV, Mar. 10, 1997)

1.34.060 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. 1997-1, SVI, Mar. 10, 1997)

1.34.070 Repeal of conflicting ordinances. All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed. (Ord. 1997-1, SVII, Mar. 10, 1997)

1.34.080 Effective when. This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana. (Ord. 1997-1, SVIII, Mar. 10, 1997)

Chapter 1.46

FAIR HOUSING ORDINANCE

Sections:

- 1.46.010 Policy statement**
- 1.46.020 Definitions**
- 1.46.030 Unlawful practice**
- 1.46.040 Discrimination in the sale or rental of housing**
- 1.46.050 Discrimination in residential real estate-related transactions**
- 1.46.060 Discrimination in the provision of brokerage services**
- 1.46.070 Interference, coercion, or intimidation**
- 1.46.080 Prevention of intimidation in Fair Housing cases**
- 1.46.090 Exemptions**
- 1.46.100 Administrative enforcement of Ordinance**
- 1.46.120 Separability of provisions**

1.46.010 Policy statement. It shall be the policy of the Town of Winslow 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. 4-1993, S1, Oct. 18, 1993)

1.46.020 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 Sections 1.46.040, 1.46.050, 1.46.060, 1.46.070 or 1.46.080 of this Chapter 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) “Complainant” (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 4-1993, S2, Oct. 18, 1993)

1.46.030 Unlawful practice. Subject to the provisions of subsection (2) of this section, Section 1.46.090 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 1.46.040 of this Chapter shall apply to:

- (1) All dwelling 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 1.46.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 - 1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - 2. Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.46.040(3) of this chapter, 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 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. 4-1993, S3, Oct. 18, 1993)

1.46.040 Discrimination in the sale or rental of housing. As made applicable by Section 1.46.030 and except as exempted by Sections 1.46.030(2) and 1.46.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

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

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

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

- C. For purposes of this subsection, discrimination includes:
 - 1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - 3. In connection with the design and construction of covered multi-family dwellings for first occupancy

after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--

- (a) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) All the doors designed to allow passage into and within all premises with such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) All premises within such dwellings contain the following features of adaptive design:
 - i An accessible route into and through the dwellings;
 - 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 C.3(c).
- E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 4-1993, S4, Oct. 18, 1993)

1.46.050 Discrimination in residential real estate-related transactions.

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a

transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

- (2) As used in this section, the term “residential real estate-related transaction” means any of the following:
 - A. The making or purchasing of loans or providing other financial assistance:
 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling, or
 2. Secured by residential real estate.
 - B. The selling, brokering, or appraising of residential real property.

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. 4-1993, S5, Oct. 18, 1993)

1.46.060 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. 4-1993, S6, Oct. 18, 1993)

1.46.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.46.030, 1.46.040, 1.46.050, or 1.46.060 of this chapter. (Ord. 4-1993, S7, Oct. 18, 1993)

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

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service,

organization, or facility relating to the business of selling or renting dwellings; or

- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or
 - B. Affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be penalized as provided by federal and Indiana Statutes. (Ord. 2002-07, May 13, 2002) (Ord. 02-03, S2, Feb. 11, 2002) (Ord. 4-1993, S8, Oct. 18, 1993)

1.46.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (2) and (3) of this section.
- (2) Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (3) A. Nothing in this ordinance regarding familial status shall apply with respect to housing or 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. 4-1993, S9, Oct. 18, 1993)

1.46.100 Administrative enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Chief Elected Official of the Town of Winslow, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Winslow, Indiana, because of a 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 complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Winslow, 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 Winslow, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
- (4) The Chief Elected Official of the Town of Winslow, Indiana, or the Chief Elected Official’s designee, shall provide information on

remedies available to any aggrieved person or complainant requesting such information. (Ord. 4-1993, S10, Oct. 18, 1993)

1.46.120 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. 4-1993, S12, Oct. 18, 1993)

Chapter 1.50

SMOKE-FREE ENVIRONMENT

Sections:

- 1.50.010 Smoking defined**
- 1.50.020 Smoking prohibited where**
- 1.50.030 Signs**
- 1.50.040 Enforcement**
- 1.50.050 Effective when**

1.50.010 Smoking defined. "Smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment. (Res. 1997-1, S1, Oct. 27, 1997)

1.50.020 Smoking prohibited where. Smoking is hereby prohibited in any area in the Winslow Town Hall, Winslow Community Center, and the Winslow Water Plant. (Res. 1997-1, S2, Oct. 27, 1997)

1.50.030 Signs. Signs shall be placed in conspicuous places in the Winslow Town Hall, Winslow Community Center, and the Winslow Water Plant, stating "Smoking is Prohibited by State Law and Town Ordinance in Any Area In This Building." (Res. 1997-1, S3, Oct. 27, 1997)

1.50.040 Enforcement. Pursuant to Indiana Code 16-41-37-6, the official in charge of the building shall request any person in violation of the smoking ban to refrain from smoking, and shall remove from the building any violator who does not refrain from smoking after being requested to do so. (Res. 1997-1, S4, Oct. 27, 1997)

1.50.050 Effective when. This ban on smoking is effective the date of this resolution. Duly passed and adopted by the Town Council of the Town of Winslow, Indiana, on the 27th day of October, 1997. (Res. 1997-1, S5, Oct. 27, 1997)

Chapter 1.52

ALCOHOL AND SUBSTANCE ABUSE POLICY

Sections:

- 1.52.010 Coverage**
- 1.52.020 Policy**
- 1.52.030 Pre-employment substance screening**
- 1.52.040 Employee responsibilities**
- 1.52.050 Substance screening for current employees**
- 1.52.060 Consequences of sale, distribution or use of illegal substances**
- 1.52.070 Use of medication and prescription drugs**
- 1.52.080 Confidentiality**
- 1.52.090 Severability**

1.52.010 Coverage. This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.020 Policy. All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.030 Pre-employment substance screening. All applicants for full-time or part time employment with the Town are required to submit to a medical examination prior to their appointment to a Town position. As part of this medical examination, prospective employees will be screened for a range of chemical substances, those chemical substances shall include but not necessarily be limited to the following:

- (1) Amphetamine/Methamphetamine (e.g. Speed)
- (2) Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)
- (3) Barbiturates (e.g. Amobarbital, Butabarbital, Pentobarbital, Phenobarbital)
- (4) Cocaine
- (5) Methadone
- (6) Methaqualone (e.g. Quaalude)
- (7) Opiates (e.g. Codeine, Heroin, Morphine)

- (8) Phencyclidine (PCP)
- (9) TDC (Marijuana and other cannabanoids)
- (10) Alcohol
- (11) Lysergic Acid Diethylamide (LSD)

These substance groups were selected based upon known abuse in the general area of the Town and the ability of each substance to adversely affect physical and mental performance. All controlled substances listed above are illegal under State and Federal Law.

At the time of the medical examination applicants for full-time or part-time employment will be told of the substance or controlled substance and alcohol screening and will be told and will be required to sign a consent form to permit such screening and provide appropriate bodily fluids for such screening. Applicants who refuse to consent to substance screening, who refuse to provide appropriate bodily fluids for such screening or who attempt to tamper with screening samples will not be eligible for employment with the Town.

Any applicant whose initial substance screen shows a positive result will have that result confirmed by additional studies. If the second screen of the same sample shows a negative result the individual will not be disqualified from Town employment on account of the substance screen. If the second screen confirms the positive test result the applicant may be disqualified from consideration for Town employment. The applicant will be notified of the positive results from the second screen and be given the opportunity, at the applicant's expense, to have a third screen conducted on the same sample within seventy-two (72) hours after the applicant is notified of the results of the second screen. If this final screen again confirms the positive test result the prospective employee will be disqualified from employment with the Town.

All screens will be made on the same sample by a firm selected by the Town. An applicant whose screen shows positive result will have twenty-four (24) hours after receiving such notification of positive screen results to provide verification of a current verification of a current valid prescription in the applicant's name.

The required medical examination, and screening of bodily fluids for chemical substances, except for the third screen as herein provided, shall be at the sole expense of the Town.

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.040 Employee responsibilities. Employees who have a substance abuse problem are expected to obtain treatment and counseling through the numerous treatment agencies available throughout the area of Pike County, Indiana and the area within 60 miles of the Town.

Given the importance of maintaining a work environment without the presence of alcohol and drugs and the opportunities that employees have to address substance dependencies through treatment and counseling programs offered through various treatment facilities throughout the area of Pike County, Indiana and the area within 60 miles of the Town, substance abuse which adversely affects job performance will not be tolerated. This applies to on duty employees as well as employees who are on call. Employees whose on or off duty use of substances impacts job performance will be appropriately disciplined including but not limited to the sanction of termination from employment with the Town.

EMPLOYEE RESPONSIBILITIES include but are not necessarily limited to the following:

- (1) An employee must not report to work or be subject to duty while its ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;
- (2) An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- (3) An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on its breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- (4) An employee shall not directly or through a third-party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;
- (5) An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;
- (6) An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;

- (7) An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
- (8) An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statute for a violation occurring in the employee's work place, not later than five (5) days after such conviction. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.050 Substance screening for current employees. Town employees are subject to substance screening if there is a reasonable suspicion that while on duty they are impaired. Impaired is defined as being unable to perform duties safely and completely due to the use of alcohol and/or controlled substances. Reasonable suspicion is a belief based on objective fact sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employees ability to perform his job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to the following:

- (1) Odor of alcoholic beverage upon the employee's breath
- (2) Erratic behavior
- (3) Violent mood swings
- (4) Excessive absenteeism
- (5) Repeated tardiness
- (6) Inability to walk a straight line
- (7) Open and obvious possession of alcohol and/or illegal controlled substances
- (8) Slurred speech
- (9) An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances
- (10) Possession of drug paraphernalia or alcohol beverage containers
- (11) A report of a reliable witness indicating use or possession of drugs or alcohol.

A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other illegal controlled substances on the job will, with the approval of the department head, immediately arrange for a substance screening through a medical facility that has been designed to perform such screening for the Town.

Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's first line supervisor and/or department head. The employee to be tested shall sign a consent form to permit such screening and shall provide appropriate bodily fluids for such screening. The screening for substances will be made on a sample provided at the clinic. The procedures for such sample collection and testing will be made based upon the medically accepted procedure developed by the chosen medical facility and in order to ensure results of tests no less than a highly sensitive methodology shall be utilized. Such testing shall be based on medically acceptable testing procedures and shall include by not necessarily be limited primarily to tests utilizing enzyme amino acid techniques followed up by more specific confirmation testing such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the Courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home. In addition, for alcoholic beverage testing, the facilities at the Pike County Police Department or the Indiana State Police and the use of that Department's breath test instrument shall be a sufficient determination for blood alcohol content provided statutorily approved procedures are followed.

At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employees name.

The discipline for failing to sign a consent form to permit screening for failure to provide appropriate bodily fluids for screening or for being under the influence of alcohol and/or non-prescribed controlled substances will be the basis for appropriate employee sanctions including the sanction of termination. Such determination will be made on the basis of the employee's prior work related history, previous disciplinary actions, and any prior identification of substance abuse problems. An employee who receives a positive result in substance abuse screening will receive at a minimum of five (5) day suspension without pay. An employee who refuses to sign a consent form to permit screening, or who fails to provide appropriate bodily fluids for screening will receive at a minimum of a five (5) day suspension without pay.

In addition to the disciplinary procedure as outlined above and if an employee substance abuse problem has been identified, the supervisor and/or department head will immediately refer the employee to a reputable substance abuse entity for an evaluation. Based on the determination of that substance abuse entity, the employee may be required to undergo a drug or alcohol evaluation and treatment program as a condition of continued employment any and all expenses incurred as a result of the evaluation and/or treatment program undertaken by the employee as a condition of its continued employment, shall be paid by the employee.

If the Town receives notification of any employee conviction of a drug offense which occurred in the employee's work place, or if the Town receives notification of an employee violation of the terms of the Policy herein stated, the Town shall, within thirty (30) days after receipt of said notice either;

- (1) Impose a sanction on the employee, which may include employee termination; or
- (2) Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.060 Consequences of sale, distribution or use of illegal substances.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.070 Use of medication and prescription drugs. All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employee indicates that there is need to use the prescription drug for an extended period of time. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.080 Confidentiality. The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the

employee who is unable to authorize such disclosure. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

1.52.090 Severability. The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)