

**TITLE 1**  
**ADMINISTRATION**

# TITLE 1

## ADMINISTRATION

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## Chapter 1.01

### ELECTION BOUNDARIES

#### Sections:

1.01.010	Definitions
1.01.020	Five Member Council
1.01.030	Legislative Findings
1.01.040	Councilmanic Districts
1.01.050	Parts not included in a district
1.01.060	Parts included in more than one district
1.01.070	Notices/Record keeping
1.01.080	Effective when

#### **1.01.010 Definitions.** As used in this Ordinance:

- (1) "City" refers to the City of Cannelton.
- (2) "Council" refers to the Common Council of the City of Cannelton.
- (3) "Precinct" refers to the precinct by that name as established by the Board of Commissioners of the County of Perry, and as approved by the State Election Board under Indiana Code 3-11-1.5, in existence on the effective date of this Ordinance. (Ord. 02-08, S1, Oct. 14, 2002) (Ord. 92-07, S1, 1992)

**1.01.020 Five Member Council.** The Common Council shall be composed of five (5) members, four of whom are elected from single member districts and one of whom is elected at-large. (Ord. 12-39, S1, Nov. 12, 2012) (Ord. 02-08, S1, Oct. 14, 2002) (Ord. 92-07, S2, 1992)

#### **1.01.030 Legislative Findings.**

- (1) The purpose of this ordinance is to re-apportion the four legislative districts of the Common Council of the City of Cannelton, Indiana, so that each district is as equal in population as possible.
- (2) The statutory authority for this action is I.C. 36-4-6-3.
- (3) The Cannelton Common Council makes the following legislative findings:
  - A. The Common Council of the City of Cannelton, Indiana, is and shall continue to be divided into four election districts with each district electing a member of the Common Council while one

member of the Common Council is elected at-large by all registered voters of the City of Cannelton, Indiana.

- B. That according to the final totals of the 2000 United States Census, the present four Common Council Districts have the following population:

District 1	-	312
District 2	-	259
District 3	-	268
District 4	-	247

- (4) The redistricting plan contained in this ordinance and set out in the map depicting the districts, which is on file in the Office of the Clerk-Treasurer of the City of Cannelton, and incorporated herein, describes legislative districts that:

- A. are composed of contiguous territory;
- B. are reasonable compact;
- C. do NOT cross precinct boundary lines;
- D. do contain, as nearly as is possible, equal population as follows:

District 1	-	312
District 2	-	259
District 3	-	268
District 4	-	247

(Ord. 12-39, S2, Nov. 12, 2012) (Ord. 02-08, S2, Oct. 14, 2002) (Ord. 92-07, S2, 1992)

**1.01.040 Councilmanic District.**

- (1) **District 1.** The First Councilmanic District shall consist of all that portion of the City lying within the following described boundary:

All that part of the City of Cannelton within the area bounded on the northerly side by the corporate limits, on the easterly side by Seventh Street (Highway 66), on the southerly side by Washington Street extended to the Ohio River, and on the westerly side by the Ohio River.

- (2) **District 2.** The Second Councilmanic District shall consist of all that portion of the City lying within the following described boundary:

All that part of the City of Cannelton within the area bounded on the northerly side by Washington Street extended to the Ohio River, on the easterly side by Seventh Street (Highway 66), on the southerly side by Highway 237 and on the westerly side to the Ohio River.

- (3) **District 3.** The Third Councilmanic District shall consist of all that portion of the City lying within the following described boundary:

All that part of the City of Cannelton within the area bounded on the northerly side by Highway 237, on the easterly side by Seventh Street (Highway 66), on the southerly side by the corporate limits, and on the westerly side by the Ohio River.

- (4) **District 4.** The Fourth Councilmanic District shall consist of all that portion of the City lying within the following described boundary:

All that part of the City of Cannelton within the area bounded on the northerly side by the corporate limits, on the easterly side by the corporate limits, on the southerly side by the corporate limits, and on the westerly side by Seventh Street (Highway 66). (Ord. 12-39, S3, Nov. 12, 2012) (Ord. 02-08, S3, Oct. 14, 2002) (Ord. 92-07, S3, 1992)

**1.01.050 Parts not included in a district.** If any part of the City is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is contiguous to that territory; and
- (2) contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 02-08, S4, Oct. 14, 2002) (Ord. 92-07, S4, 1992)

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

- (1) is one (1) of the districts in which the territory is described in this Ordinance;
- (2) is contiguous to that territory; and
- (3) contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 02-08, S5, Oct. 14, 2002) (Ord. 92-07, S5, 1992)

**1.01.070 Notices/Record keeping.**

- (1) Notice to Perry County Election Board. A certified copy of this ordinance shall be forwarded by the Clerk of the City of Cannelton, Indiana, to the Clerk of Perry County in its capacity as the Clerk of the Perry County Election Board.
- (2) Notice to Perry County Commissioners. A certified copy of this ordinance shall be forwarded by the Clerk of the City of Cannelton, Indiana, to the Perry County Auditor in its capacity as the secretary of the Board of Commissioners of the County of Perry, State of Indiana.
- (3) Two (2) copies of Exhibit "A", as amended, are on file in the Office of the Clerk-Treasurer of the City of Cannelton for public inspection, and the Cannelton Common Council further directs the Clerk-Treasurer to keep said copies on file in her office. (Ord. 12-39, S4, Nov. 12, 2012) (Ord. 02-08, S6, Oct. 14, 2002) (Ord. 92-07, S7, 1992)

**1.01.080 Effective when.** This ordinance shall be effective immediately upon its adoption by the Common Council of the City of Cannelton, Indiana, approval by the Mayor, and publication in accordance with State law. (Ord. 12-39, Nov. 12, 2012) (Ord. 02-08, S8, Oct. 14, 2002)

## Chapter 1.06

### DEPARTMENT OF PARKS AND RECREATION

#### Sections:

1.06.010	Created
1.06.020	Members
1.06.030	Terms
1.06.040	Election of officers
1.06.050	Powers and duties
1.06.060	Annual budget
1.06.070	Repeal of conflicting ordinances

**1.06.010 Created.** Under the provisions of IC 36-10-3 there is hereby created a municipal Department of Parks and Recreation. (Ord. 89-01, S1, 1989) (Ord. 82-12, S1, 1982) (Ord. 77-5, S1, 1975)

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

- (1) Four (4) members appointed by the mayor on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.
- (2) One (1) ex officio member who is a member of and appointed by the board of school trustees.
- (3) One (1) ex officio member who is a member of and appointed by the library district board.

The library district and school boards shall fill any vacancies of their ex officio members. Ex officio board members have all the rights of regular members, including the right to vote. (Ord. 89-01, S2, 1989) (Ord. 77-5, S2, 1975)

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

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

As a term expires, each new appointment shall be made by the mayor for a term of (4) years. All terms expire on the first Monday in January, but a member shall



continue in office until his successor is appointed. If an appointment for a new term is not made by the mayor by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the mayor shall appoint a new member for the remainder of the unexpired term. (Ord. 89-01, S3, 1989) (Ord. 77-5, S3, 1975)

**1.06.040 Election of officers.** At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 89-01, S4, 1989) (Ord. 77-5, S4, 1975)

**1.06.050 Powers and duties.** The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. 89-01, S5, 1989) (Ord. 77-5, S5, 1975)

**1.06.060 Annual budget.** The Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The Board may accept donations, gifts, and subsidies for park and recreation purposes. (Ord. 89-01, S6, 1989) (Ord. 77-5, S7, 1975)

**1.06.070 Repeal of conflicting ordinances.** All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed, particularly Ordinances No. 77-5 and No. 82-12. (Ord. 89-01, S7, 1989) (Ord. 77-5, S8, 1975)

## Chapter 1.08

### ECONOMIC REVITALIZATION AREAS

#### Sections:

#### 1.08.030 Declared Economic Revitalization Areas

**1.08.030 Declared Economic Revitalization Areas.** All those areas described in said Resolutions Declaring Certain Areas Economic Revitalization Areas, dated the 13th day of May and the 9th day of September, 1991, January 26, 2004, February 9, 2004, April 2, 2012, be and hereby are confirmed in all respects, and areas described therein are finally declared to be Economic Revitalization Areas pursuant to the provisions of IC 6-1.1-12.1-7 et seq. (Res. 12-09, Apr. 2, 2012) (Res. 08-01, 2008) (Res. No. TA 04-1C, 2004) (Res. No. TA 04-1, 2004) (Ord. 04-1, 2004) (Ord. 91-10, S3, 1991)

## Chapter 1.09

### TAX ABATEMENT PROCEDURES

#### Sections:

1.09.010	Property Tax Abatement Available
1.09.020	Property Owner to Request Designation
1.09.030	Filing Fee
1.09.040	Review of Application
1.09.050	Public Hearing
1.09.060	Final Action
1.09.070	Resolution 91-06

**1.09.010 Property Tax Abatement Available.** There shall be available within the corporate limits of the City of Cannelton a program of property tax abatement in accordance with I.C. 6-1.1-12.1, as amended from time to time, for the redevelopment and/or rehabilitation of commercial, industrial and residential property, and for the acquisition and installation of new manufacturing equipment in areas within the corporate limits of said City which are hereafter designated by the Common Council as "economic revitalization areas" or as "residentially distressed areas". The terms "economic revitalization areas", "residentially distressed areas", "new manufacturing equipment", "property", "redevelopment", and "rehabilitation", as used herein, shall have the same meaning as said terms are defined by I.C. 6-1.1-12.1-1 and as provided for in I.C. 6-1.1-12.1-2. (Ord. 97-09, S1, October 13, 1997)

**1.09.020 Property Owner to Request Designation.** Whenever a property owner(s) desires that certain real estate located in the City of Cannelton be designated as an Economic Revitalization Area or a Residentially Distressed Area, the owner(s) shall initiate the procedure by filing a request for such designation with the Clerk-Treasurer. The application shall be signed by the owner(s) of record of the real estate for which the designation is being requested. The application shall be accompanied with the fee as established in Section 1.09.030 of this Chapter to be paid upon submission.

The application shall provide, in writing, the following information:

- (1) The name and address of the applicant;
- (2) An indication whether the request is being made for a designation:
  - A. limited to a deduction of assessed value on real property improvements, or

- B. limited to a deduction of assessed value on new manufacturing equipment, or
  - C. to include both types of deductions allowed under I.C. 6-1.1-12-1.
- (3) A description of the redevelopment, rehabilitation and/or new manufacturing equipment that the applicant proposes to implement in his project of economic revitalization;
  - (4) The name and address of the owner(s) of real property for which tax abatement is being sought or the real property on which new manufacturing equipment will be installed, and any other persons leasing, intending to lease, or having any option to buy such property;
  - (5) The legal description and commonly known address of the real property for which real property tax abatement is requested or on which the new manufacturing equipment will be installed for which the personal property tax abatement is requested;
  - (6) A map or plat designating the proposed area;
  - (7) The assessed value of the real property and its improvements before rehabilitation or redevelopment, and/or the assessed value of the tangible personal property in use at the facility before the acquisition of new manufacturing equipment;
  - (8) The applicant's good faith estimate of the assessed value of the real property improvements after the rehabilitation or redevelopment, and/or the applicant's good faith estimate of the assessed value of the proposed new manufacturing equipment;
  - (9) A statement indicating the number of new permanent jobs which will be created or saved by the project, and specifying for each job, whether a new job, the minimum hourly work week, and the minimum hourly rate of pay;
  - (10) A statement that construction of the improvements for which abatement is sought has not yet begun, and/or a statement that the new manufacturing equipment for which abatement is sought has not yet been purchased or installed;
  - (11) A statement that all necessary building permits have been obtained for construction of the improvements for which abatement is sought or in which the new manufacturing equipment for which abatement is sought will be located;

- (12) A statement that all requirements will be met so as to provide the area where the improvements for which abatement is sought or wherein the new manufacturing equipment for which abatement is sought will be installed, will be provided with all necessary public utility services;
- (13) The applicant's good faith estimate of the tax savings of the requested abatement. The applicant may also provide good faith estimates of the applicant's administrative costs in obtaining abatement (including the fee required by Section 1.09.030) and its estimated construction costs or any portion thereof. (Of particular interest are any estimated infrastructure improvement costs for improvements or equipment which will be turned over the City);
- (14) A statement supporting the applicant's position that the area sought to be found an economic revitalization area or residentially distressed area has become undesirable for or impossible of normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property; and
- (15) Completed State Board of Tax Commissioners' Form SB1 (Statement of Benefits). The Council may, by resolution, waive all or any part of the above statement if it finds that the purposes of I.C. 6-1.1-12.1 are served by allowing the abatement. (Ord. 97-09, S2, October 13, 1997)

**1.09.030 Filing Fee.** Upon filing its application for abatement and the statement required in Section 1.09.020, the applicant shall also pay a non-refundable filing fee in the sum of Two Thousand Dollars (\$2,000.00), made payable to the City of Cannelton. The Council may waive all or a portion of this fee or choose to refund all or a portion of the same to the applicant. (Ord. 97-09, S3, October 13, 1997)

**1.09.040 Review of Application.** The Council, upon receipt of an application and statement and after reasonable opportunity to review the same, shall:

- (1) find that the area under consideration meets the definition and standards of an economic revitalization area or residentially distressed area, as set forth in I.C. 6-1.1-12.1-1(1) and 6-1.1-12.1-2. In such instances, the Council shall adopt a declaratory resolution and comply with Section 1.09.050 hereof, or
- (2) find that there is insufficient information or some other reason for delay and defer action on the matter; or

- (3) determine that the area should not be designated as an economic revitalization area or residentially distressed area. (Ord. 97-09, S4, October 13, 1997)

**1.09.050 Public Hearing.** Upon adoption of a declaratory resolution, the Council shall:

- (1) set the date, time and location of a public hearing at which the Council will receive and hear all comments from interested persons; and
- (2) cause notice of the adoption and substance of the declaratory resolution to be published in accordance with I.C. 6-1.1-12.1-2.5(c). The notice shall state that a description of the affected area is available and can be inspected in the City office. The notice shall also state the time, date and location of the subsequent public hearing on the matter; and
- (3) send to each taxing unit with authority to levy property taxes in the City a copy of the public notice of the hearing and a copy of a Statement of Benefits as filed with the Council in accordance with I.C. 6-1.1-12.1-2.5(c); and
- (4) cause a description of the affected area and the declaratory resolution to be filed with the Perry County Assessor. (Ord. 97-09, S5, October 13, 1997)

**1.09.060 Final Action.** Upon considering the facts presented at the public hearing, the Council shall take final action on the request by either confirming, modifying and confirming, or rescinding the declaratory resolution. (Ord. 97-09, S6, October 13, 1997)

**1.09.070 Resolution 91-06.** Resolution 91-06 entitled "Resolution Declaring Certain Areas As Economic Revitalization Areas" shall not be effective as to any future tax abatement applications, but shall remain in effect as to any outstanding abatements issued prior to October 13, 1997. (Ord. 97-09, S7, October 13, 1997)

## Chapter 1.10

### Cannelton Department of Development And Economic Development Commission

#### Section:

- 1.10.010 Establishment**
- 1.10.020 Membership**
- 1.10.030 Terms of Membership**
- 1.10.040 Procedure**
- 1.10.050 Powers and Duties**

**1.10.010 Establishment.** As authorized by I.C. 36-7-12-4, there is hereby created and established a Department of Economic Development and a Cannelton Economic Development Commission, which shall control said Department. (Ord. 03-15, S2 (part), Nov. 10, 2003)

**1.10.020 Membership.** As authorized by I.C. 36-7-12-5, the Cannelton Economic Development Commission shall consist of three (3) members appointed by the Mayor. The Mayor shall appoint one member of his selection, one member nominated by the Common Council, and one member nominated by the Perry County Council. (Ord. 03-16, S1, Nov. 24, 2003) (Ord. 03-15, S2 (part), Nov. 10, 2003)

**1.10.030 Terms of Members.** As authorized by I.C. 36-7-12-5, the initial terms of each member shall run from the date of appointment and thereafter from February 1, 2004. The initial term of the member nominated by the Mayor shall be three (3) years. The initial term of the member nominated by the Common Council shall be two (2) years. The initial term of the member nominated by the Perry County Council shall be one (1) year. After the initial term, subsequent terms shall be for four (4) years, as authorized by I.C. 36-7-12-9. All members shall be appointed in the manner provided for in I.C. 36-7-12-9 and 10 and shall take an oath as provided for in I.C. 36-7-12-11. (Ord. 03-16, S1, Nov. 24, 2003) (Ord. 03-15, S2 (part), Nov. 10, 2003)

**1.10.040 Procedure.** The Commission in performing its duties, shall adhere to all statutory requirements and restrictions contained in I.C. 36-7-12, in conducting its affairs. Ord. 03-15, S2 (part), Nov. 10, 2003)

**1.10.050 Powers and Duties.** The Commission in exercising its power and performing its duties, shall adhere to the statutory requirements contained in I.C. 36-7-12, in exercising only powers provided and performing only those duties provided. (Ord. 03-15, S2 (part), Nov. 10, 2003)

## CHAPTER 1.11

### CANNELTON HISTORIC PRESERVATION COMMISSION

#### Sections:

1.11.010	Establishment
1.11.020	Membership
1.11.030	Terms of Members
1.11.040	Vacancies
1.11.050	Conflict of Interest
1.11.060	Quorum
1.11.070	Organization
1.11.080	Duties
1.11.090	No Compensation
1.11.100	Additional Rules and Regulations
1.11.110	Penalties

**1.11.010 Establishment.** There is hereby established a Cannelton Historic Preservation Commission pursuant to Indiana Code 36-7-11-1 et seq. which shall hereafter be referred to as the Cannelton Historic Preservation Commission. (Ord. 06-19, S1a, Nov. 13, 2006)

#### **1.11.020 Membership.**

- (1) **Voting Members.** The Cannelton Historic Preservation Commission shall consist of five (5) voting members, who shall be appointed by the Mayor, subject to the approval of the Common Council. Nominations for such appointment shall be made by the Common Council and Mayor. The Mayor shall certify members appointed by him and they shall be so appointed, subject to the approval of the Common Council.

#### Qualifications:

- A. Members must be residents of the City of Cannelton, Indiana.
  - B. Each member shall be appointed because of the member's knowledge, experience, awareness of or interest in the architectural, history, planning, and other disciplines related to historic preservation.
- (2) **Advisory Members.** The Cannelton Historic Preservation Commission shall consist of one (1) non-voting advisory member the Common Council considers appropriate. The advisory member of the Cannelton



Historic Preservation Commission shall have all of the privileges of membership, except the right to vote. (Ord. 06-19, S1b, Nov. 13, 2006)

**1.11.030 Terms of Members.**

(1) Appointed Members

A. Initial Terms

1. Appointments - Two (2) voting members shall initially be appointed for a term of three (3) years and two (2) voting members shall initially be appointed for a term of two (2) years and one (1) voting member shall be initially appointed for a term of one (1) year. The advisory member's initial term of office shall be for one (1) year. Each member's term expires on the first Monday of January of the third, second, or first year, respectively, after the year of the member's appointment.

B. Subsequent Terms - A member shall serve until his or her successor is appointed and qualified. A member shall be eligible for reappointment. When the initial term of office of a member expires, each new appointment of a member shall be for a term of three (3) years.

(2) Certain Advisory Members - If an elected or appointed City official or employee is appointed as an advisory member of the Cannelton Historic Preservation Commission, the term of office of that advisory member shall be co-existent with the member's term of office or employment. (Ord. 06-19, S1c, Nov. 13, 2006)

**1.11.040 Vacancies.** If a vacancy occurs among the Cannelton Historic Preservation Commission membership, then the Mayor shall appoint a member for the unexpired term of the vacating member, subject to approval by the Common Council. (Ord. 06-19, S1d, Nov. 13, 2006)

**1.11.050 Conflict of Interest.** A member of the Cannelton Historic Preservation Commission may not participate as a member in a decision of the Cannelton Historic Preservation Commission concerning a matter in which the member has a direct or indirect financial interest. The Cannelton Historic Preservation Commission shall enter in its records the fact that its member has such a disqualification. A member of the Cannelton Historic Preservation Commission may not directly or personally represent another person in a hearing before the Cannelton Historic Preservation Commission concerning a Cannelton Historic Preservation Commission matter. (Ord. 06-19, S1e, Nov. 13, 2006)

**1.11.060 Quorum.** Action of the Cannelton Historic Preservation Commission shall not be official unless it is authorized, at a regular or special meeting, by a majority of the entire voting membership of the Cannelton Historic Preservation Commission. (Ord. 06-19, S1f, Nov. 13, 2006)

**1.11.070 Organization**

- (1) Chairman and Vice-Chairman - At its first regular meeting in each year, the Cannelton Historic Preservation Commission shall elect from its members a Chairman and Vice-Chairman. The Vice-Chairman may act as Chairman of the Cannelton Historic Preservation Commission during the absence or disability of the Chairman.
- (2) Administrator - The Cannelton Historic Preservation Commission shall appoint from its membership a member to act as its Administrator who shall also act as the Commission's secretary.
- (3) Meetings and Minutes - The Cannelton Historic Preservation Commission shall fix the time for holding regular meetings each month (except when there is no business pending). The Administrator shall keep minutes of its meetings. The minutes of the Cannelton Historic Preservation Commission meetings and all records shall be filed in the office of the Commission and are public records. Special meetings of the Cannelton Historic Preservation Commission may be called by the Chairman or by two (2) members of the Cannelton Historic Preservation Commission upon written request to the Administrator. The Administrator shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if: (1) the date, time, and place of a special meeting is fixed during the course of a regular meeting and all members of the Cannelton Historic Preservation Commission are present at such regular meeting. (Ord. 06-19, S1g, Nov. 13, 2006)

**1.11.080 Duties.**

- (1) It shall be the duty of the Cannelton Historic Preservation Commission to define the boundaries of the Cannelton Historic Preservation District; to prepare mapping of the Cannelton Historic Preservation District; and to classify the structures, sites and buildings located within the Cannelton Historic Preservation District. The boundaries, map, and classifications must be submitted to and approved by the Common Council before the district shall be established and the classifications shall take effect.

- (2) The Cannelton Historic Preservation Commission shall be charged with the duty of considering, and granting or denying all applications for certificates of appropriateness. Before any permit is issued for or certain work is begun on any building or structure or site located within the Historic Preservation District, a certificate of appropriateness must first be obtained.
- (3) The Historic Preservation District is to be established in two phases. The first phase will last for three (3) years from and after the date an Ordinance approves the establishment of the Historic Preservation District. During the first phase, a certificate of appropriateness will be required for: (1) the demolition of a building; (2) the moving of a building; or (3) for new construction of a principal building or accessory building or structure subject to view from a public way, within all areas of the Historic Preservation District. At the end of the first phase, if no proper or timely objection is made, a second phase will begin during which a certificate of appropriateness shall additionally be required if there is: (1) a conspicuous change in the exterior appearance of historic buildings by additions, reconstruction, alteration, or maintenance involving color change within all areas of the Historic Preservation District; (2) a change in walls and fences or the construction of walls and fences along public walls within the primary area of the Historic Preservation District; or (3) a conspicuous change in the exterior appearance of nonhistorical buildings subject to view from a public way by additions, reconstruction, alteration or maintenance involving exterior color change within a primary area of the Historic Preservation District.
- (4) The certificate of appropriateness is not a substitute for obtaining a permit. It is instead an additional requirement and prerequisite to obtaining a permit for any building, structure or site located within the Historical Preservation District if required by this Ordinance. Any permit not issued in conformity with this Ordinance shall be considered void. (Ord. 06-19, S1h, Nov. 13, 2006)

**1.11.090 No Compensation.** Members of the Cannelton Historic Preservation Commission shall serve without compensation, except for reasonable and necessary expenses incurred in the performance of their duties. (Ord. 06-19, S1i, Nov. 13, 2006)

**1.11.100 Additional Rules and Regulations.** The Cannelton Historic Preservation Commission shall be authorized and empowered to adopt its own rules and regulations consistent with I. C. 36-7-11-1 et seq. for the transaction of its business.

The Cannelton Historic Preservation Commission shall not be empowered or authorized to acquire real property, hold title to, sell, dispose of or lease real or

personal property unless or until specifically authorized to do so by a Resolution of the Common Council. (Ord. 06-19, S1j, Nov. 13, 2006)

**1.11.110 Penalties.** Any person who, in violation of this Ordinance, fails to apply for and obtain a certificate of appropriateness prior to issuance of a permit or commencement of work, if required by this Ordinance, shall be subject to a fine of not less \$25.00 nor more than \$2,500.00, for each offense involving unauthorized demolition; and not less than \$25.00 nor more than \$2,500.00 for each offense involving any other violation of this Ordinance. Each day of the existence of any violation of this Ordinance shall be a separate offense. The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued or maintained contrary to any provision of this Ordinance is hereby declared to be a nuisance and in violation of this Ordinance and unlawful. The City of Cannelton may institute a suit for injunction in the Circuit Court of Perry County to restrain any person or entity from violating any provision of this Ordinance and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this Ordinance. The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. Any person who violates or fails to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be subject to the penalties provided herein and, in addition, shall pay all costs and expenses, including reasonable attorney fees, incurred by the City of Cannelton by reason of the violation or in enforcing the provisions of this Ordinance. (Ord. 06-19, S1k, Nov. 13, 2006)

## Chapter 1.12

### REIMBURSEMENT OF EMPLOYEE BUSINESS TRAVEL EXPENSES

#### Sections:

<b>1.12.010</b>	<b>Approval required</b>
<b>1.12.020</b>	<b>Receipts required</b>
<b>1.12.030</b>	<b>Vehicle reimbursement</b>
<b>1.12.040</b>	<b>Room reimbursement</b>
<b>1.12.050</b>	<b>Meal reimbursement</b>
<b>1.12.060</b>	<b>Mileage Rate</b>

**1.12.010 Approval required.** Except in cases of emergencies or extenuating circumstances, employee travel reimbursement must be obtained in advance of incurring expenses from the Common Council or the Board of Public Works and Safety, and otherwise as soon as practical thereafter.

**1.12.020 Receipts required.** The employee must present a receipt from the vendor for each item where reimbursement is sought.

**1.12.030 Vehicle reimbursement.** The reimbursement rate for personal vehicle use shall be determined by the Council on a periodic basis each year for the subsequent year.

**1.12.040 Room reimbursement.** The reimbursement rate for a room shall be the actual cost, not to exceed the single room rate.

**1.12.050 Meal reimbursement.** The reimbursement rate for meals shall be the actual cost, not to exceed Ten Dollars (\$10.00) per meal. (Ord. 2005-24, S1 Nov. 14, 2005)

**1.12.060 Mileage Rate.** The reimbursement for mileage expenses of employees traveling to and from the City of Cannelton for city business is set at Fifty Cents (50¢) per mile. (Res. 02-12, Feb. 13, 2012)

## Chapter 1.14

### MEMBERSHIP DUES

#### Sections:

#### **1.14.010 Budget and appropriation of funds**

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

The City Council is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs. (Ord. 82-7, 1982)

## Chapter 1.15

### DEPOSITORIES OF CITY FUNDS

#### Sections:

- 1.15.010**      **Designated Depository**
- 1.15.020**      **Authorized Personnel**
- 1.15.030**      **Effective Date**

**1.15.010 Designated Depository.** Fifth Third Bank is hereby designated as the depository of the public funds of the City of Cannelton. (Ord. 07-01, S1.15.010, Feb. 12, 2007) (Ord. 04-02, S1, Jan. 26, 2004) (Ord. 03-02, S1, Feb. 24, 2003)

**1.15.020 Authorized Personnel.** The Clerk-Treasurer and Utility Clerk is authorized to invest public funds in certificates of deposit of any depository which has been designated by the State Board of Finance as a depository for state deposits as provided for in I.C. 5-13-9-5. Any such investments shall in all respects comply with State statutes, including I.C. 5-13-9-5. (Ord. 07-01, S1.15.020, Feb. 12, 2007) (Ord. 04-02, S2, Jan. 26, 2004) (Ord. 03-02, S2, Feb. 24, 2003)

**1.15.030 Effective Date.** This Ordinance shall remain in effect until February 12, 2009, unless otherwise amended or repealed. (Ord. 07-01, S1.15.030, Feb. 12, 2007) (Ord. 04-02, S3, Jan. 26, 2004) (Ord. 03-02, S3, Feb. 24, 2003)

## Chapter 1.17

### SPECIAL MEETINGS OF THE COMMON COUNCIL

#### Sections:

- 1.17.010 Authorization to call special meeting**
- 1.17.020 Notice compliant with Indiana Code**
- 1.17.030 Advance notice**

**1.17.010 Authorization to call special meeting.** Any three Council members may authorize and call a special meeting of the Council upon notification of the same to the Mayor, Clerk-Treasurer, any Council members not authorizing or calling a special meeting, news media entitled to notice pursuant to I.C. 5-14-1.5-5 and the public pursuant to I.C. 5-14-1.5-5. (Ord. 2002-04, S1, Aug. 12, 2002)

**1.17.020 Notice compliant with Indiana Code.** Notices to the Mayor, Clerk-Treasurer and Council members shall be as similar as possible to the notice provided to the news media and shall at a minimum comply with I.C. 5-14-1.5-5. (Ord. 2002-04, S2, Aug. 12, 2002)

**1.17.030 Advance notice.** Council members may request the Clerk-Treasurer to provide the notices required by this Ordinance upon reasonable and sufficient advance notice of the place, date, and time of the special meeting. (Ord. 2002-04, S3, Aug. 12, 2002)



## Chapter 1.18

### PAYING CLAIMS IN ADVANCE OF COUNCIL APPROVAL

#### Sections:

- 1.18.010 Payment of specified expenses prior to Council approval**
- 1.18.020 Review and allowance by the Common Council**

**1.18.010 Payment of specified expenses prior to Council approval.** The Clerk-Treasurer of the City of Cannelton authorized to pay the following claims when the due date for payment thereof is prior to the date of the next scheduled meeting of the Common Council:

- (1) Property or services purchased or leased from the U.S. Government, its agencies, or its political subdivisions;
- (2) License or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance or service agreements;
- (8) Lease or rental agreements;
- (9) Bond or coupon payments;
- (10) Payroll;
- (11) State, federal, or county taxes;
- (12) Local retirement plan for employees;
- (13) Expenses that must be paid because of emergency circumstances;
- (14) Library cleaning per previously approved contract;

- (15) Any other invoice, which would incur a late fee, provided the Clerk-Treasurer reasonably believes the Council would approve payment. (Ord. 02-05, S1, Sept. 9, 2002)

**1.18.020 Review and allowance by the Common Council.** The Common Council shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense. Each payment of expenses must be supported by a fully itemized claim. (Ord. 02-05, S2, Sept. 9, 2002)

## Chapter 1.19

### CREDIT CARD USE FOR CITY PURCHASES

#### Sections:

- 1.19.010 Purchases by designated employees**
- 1.19.020 Purchases not to exceed \$200 or approved budget**
- 1.19.030 Receipt**
- 1.19.040 Authorization for use can be revoked**

**1.19.010 Purchases by designated employees.** Designated employees of the City may make purchases of products and supplies as needed by the City from Wal-Mart using a Wal-Mart credit card(s) issued to the City for such purpose. (Ord. 02-07, S1, Sept. 9, 2002)

**1.19.020 Purchases not to exceed \$200 or approved budget.** Only those employees specifically authorized by the Clerk-Treasurer, unless otherwise directed by the Council, may make such purchases. No authorized employee may make purchases in excess of Two Hundred Dollars (\$200.00) in any One (24 hour) day time period, and the cumulative effect of such purchases may never exceed the current approved budget. (Ord. 02-07, S2, Sept. 9, 2002)

**1.19.030 Receipt.** An authorized credit card purchase receipt as well as the store receipt must both be deposited with the Clerk-Treasurer within Two Weeks (14 days) of the purchase. (Ord. 02-07, S3, Sept. 9, 2002)

**1.19.040 Authorization for use can be revoked.** The Clerk-Treasurer shall have discretion, unless otherwise directed by the Council, to revoke authorization for improper use or failure to comply with this Ordinance. Ord. 02-07, S4, Sept. 9, 2002)

## Chapter 1.21

### AMERICANS WITH DISABILITIES ACT

#### Sections:

**1.21.010 Policy Statement**

**1.21.020 Grievance Procedure**

#### **1.21.010 Policy Statement**

- (1) It is the policy of the City of Cannelton Indiana, to not exclude qualified individuals with disabilities from participation in or benefiting from the services, programs or activities of the municipality. Also, it is the policy of this municipality not to discriminate against a qualified individual with a disability in its job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training and other terms, conditions and privileges of employment. It is the intention of this municipality to comply with all applicable requirements of the Americans With Disabilities Act (ADA).
- (2) Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to municipal officials on how the municipality might better meet the needs of individuals with disabilities pursuant to this stated policy. These individuals or group representatives are also invited to submit this information to the Mayor's Advisory Council.
- (3) The Council President is designated as the ADA coordinator.
- (4) ADA Compliance Committee
  - A. The Mayor shall have the authority to designate an ADA Compliance Committee which shall be composed of the following membership:
    1. Coordinator (Council President)
    2. Members of the Board of Public Works and Safety
    3. One member of the City Common Council
    4. One member of the City Disabled Community
    5. One member of the Business Community

The members appointed under 3, 4, or 5 above may also be members of the City Common Council. Any health or medical professional advice needed would be handled on a case-by-case grievance.

- B. This committee shall not be required to meet on a regular basis. Upon the receipt of an appeal from the ADA coordinator, the Board of Public Works shall send notice of a meeting within fifteen (15) days of receiving the appeal. Notice of a meeting shall be sent to each member at least ten (10) days prior to the meeting date.
- C. Decisions of the committee shall be by majority of the members present. Vote shall not be made by secret ballot. (Ord. 12-04, S1, Mar. 12. 2012)

#### **1.21.020 Grievance Procedure.**

- (1) The City of Cannelton here adopts an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act which states, in part, that "no otherwise qualified individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by the city.

- (2) Complaint Procedure:

- A. Complaints should be addressed to ADA coordinator, City Hall, 210 South 8<sup>th</sup> Street, Cannelton, Indiana 47520, who has been designated to coordinate ADA compliance efforts.
- B. A complaint should be filed in writing or verbally, contain the name and address of the person filling it, and briefly describe the alleged violation of the regulations.
- C. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation.

(Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

- D. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the ADA

coordinator or her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Under the Department of Justice regulations, the City of Cannelton, Indiana need not process complaints from applicants for employment.

- E. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA coordinator and a copy forwarded to the complainant no later than fifteen (15) working days after its filing.
- F. The ADA coordinator shall maintain the files and records of the City of Cannelton, Indiana, relating to the complaints filed.
- G. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the ADA Compliance Committee, c/o the Board of Public Works and Safety, 210 South 8<sup>th</sup> Street, Cannelton, Indiana.
- H. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- I. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the City of Cannelton, Indiana, complies with the ADA and implementing regulations. (Ord. 12-04, S2, Mar. 12. 2012)

## Chapter 1.22

### CONFLICT OF INTEREST AND NEPOTISM

#### Sections:

#### 1.22.010 Adoption of Nepotism; Conflict of Interest Policy

#### 1.22.010 Adoption of Nepotism; Conflict of Interest Policy.

- (1) The City finds that it is necessary and desirable to adopt a policy of conduct with regard to nepotism in the employment with the City, and in contracting with the City in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012, known as IC 36-1-20.2 and IC 36-1-21, respectively.
- (2) On July 1, 2012, the City shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "Nepotism Policy") and IC 36-1-21 (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin.
- (3) The City Nepotism Policy is hereby established effective July 1, 2012, by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto.
- (4) The City of Cannelton, Indiana, hereby establishes a conflicts of interest policy for all City of Cannelton officials and employees wherein City of Cannelton officials and employees are bound by the duties of their office or employment to avoid all conflicts of interest, but that the dollar threshold of Two Hundred Dollars (\$200) is hereby established for any single event, meeting, or function below which any financial interest or value of any gratuity is not considered substantial and may be accepted. (Ord. 2017-04, Mar. 13, 2017)
- (5) The City Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012, by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of the IC 36-1-21 Nepotism in effect on July 1 is attached hereto.

- (6) The City finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more detailed are necessary.
- (7) The City further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore, without such authority by the majority he/she will not be in the direct line of supervision. See (IC 36-4-6-11) (IC 36-5-2-9.4).
- (8) The City finds that a single member of governing bodies with authority over employees in the City cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.
- (9) All elected and appointed officials and employees of the City are hereby directed to cooperate fully in the implementation of the policies created by this ordinance and demonstrating compliance with these same policies.
- (10) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the City who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy may be subject to action allowed by law.
- (11) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the City who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting with Unit by a Relative Policy may be subject to action allowed by law.
- (12) The policies created by this Ordinance are hereby directed to be implemented by any of the following actions: a) posting a copy of this Ordinance in its entirety in at least one of the locations in the City where it posts employer posters or other notices to its employees; b)

providing a copy of this Ordinance to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Ordinance; or d) any such other action or actions that would communicate the policies established by this Ordinance to its employees and elected and appointed officials. Upon any of taking these actions these policies are deemed implemented by the City.

- (13) A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012, are annexed hereto.
- (14) Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the City for public inspection as may be required by IC 36-1-5-4. (Ord. 12-17, S1-13, June 11, 2012)



## Chapter 1.23

### CODE OF ETHICS

#### Sections:

- 1.23.010 Purpose
- 1.23.020 Definitions
- 1.23.030 Applicability
- 1.23.040 Board of Ethics
- 1.23.050 Prohibition on use of municipal position for personal or private gain
- 1.23.060 Conflicts of Interest; Disclosure; Recusal and abstention
- 1.23.070 Prohibition inapplicable; Disclosure, Recusal and abstention not required
- 1.23.080 Investments in conflict with official duties
- 1.23.090 Private Employment in conflict with official duties
- 1.23.100 Future Employment
- 1.23.110 Personal Representations and Claims Permitted
- 1.23.120 Use of Municipal Resources
- 1.23.130 Interests in Contracts
- 1.23.140 Nepotism
- 1.23.150 Political Solicitations
- 1.23.160 Confidential Information
- 1.23.170 Gifts
- 1.23.180 Affirmative Responsibility to Report
- 1.23.190 Posting and Distribution
- 1.23.200 Enforcement

**1.23.010 Purpose.** This Code of Ethics establishes the ethical standards for elected officials and employees of the City of Cannelton, Indiana. (Ord. 2018-01, S1, Jan. 8, 2018)

#### **1.23.020 Definitions.**

- (1) "Board" means the City Council of the City of Cannelton, Indiana, and any City of Cannelton administrative board (e.g. planning board, zoning of board of appeals), commission, or body comprised of two or more elected or appointed officials or employees.
- (2) "Code" means this Code of Ethics.
- (3) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the

City of Cannelton or an area of the City of Cannelton, or a lawful class of such residents or taxpayers. An elected or appointed official or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 25% of the organization's outstanding capital.

- (4) "Municipality" means the City of Cannelton, Indiana. The word "municipal" refers to the City of Cannelton.
- (5) "Elected or appointed official or employee" means a paid or unpaid officer or employee of the City of Cannelton, Indiana, including, but not limited to, the members of any municipal board.
- (6) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of an elected official or employee, and individuals having any of these relationships to the spouse of the officer or employee. (Ord. 2018-01, S2, Jan. 8, 2018)

**1.23.030 Applicability.** This Code of Ethics applies to the elected and appointed officials and employees of the City of Cannelton, Indiana. The provisions of this Code of Ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics and all rules, regulations, policies and procedures of the City of Cannelton. (Ord. 2018-01, S3, Jan. 8, 2018)

**1.23.040 Board of Ethics.**

- (1) The Cannelton City Council shall establish a Board of Ethics for the City of Cannelton. The Board of Ethics shall consist of three members, a majority of whom shall not be officers or employees of the City of Cannelton, but at least one of whom must be and elected official or employee of the City of Cannelton. The members of such Board of Ethics shall be appointed by the Mayor and approved by the Cannelton Common Council to serve at the pleasure of the Cannelton City Council, and receive no salary or compensation for their services as members of the Board of Ethics.
- (2) The Board of Ethics shall render advisory opinions to the officers and employees of the City of Cannelton with respect to this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel by the City of Cannelton legal counsel. The Board of Ethics may make recommendations with respect to the

amendments to the Code of Ethics upon the request of the Cannelton City Council. (Ord. 2018-01, S4, Jan. 8, 2018)

**1.23.050 Prohibition on use of municipal position for personal or private gain.**

Elected or appointed officials or employees shall not use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have and interest. (Ord. 2018-01, S5, Jan. 8, 2018)

**1.23.060 Conflicts of Interest; Disclosure; Recusal and abstention.**

- (1) An elected or appointed officials or employee may not participate in any decision or vote if the elected or appointed official or employee has knowledge that any of the following has a financial interest in the outcome of the matter:
  - A. The official or employee.
  - B. A member of the immediate family of the official or employee.
  - C. A business organization in which the official or employee is serving as an officer, a director, a trustee, a partner, or an employee.
  - D. Any person or organization with whom the official or employee is negotiating or has an arrangement concerning prospective employment.
- (2) The official or employee shall disclose any such conflicts when the matter requiring disclosure first comes before the official or employee, or when the official or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- (3) In the case of a person serving in an elective office, the disclosure shall be filed with the Clerk-Treasurer of the City of Cannelton. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the elected official, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.
- (4) In the event that this section prohibits an official or employee from exercising or performing a power or duty:

- A. If the power or duty is vested in an official as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
- B. If the power or duty that is vested in an official individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
- C. If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty. (Ord. 2018-01, S6, Jan. 8, 2018)

**1.23.070 Prohibition inapplicable; Disclosure, Recusal and abstention not required.**

- (1) This code's prohibition on use of a municipal position (section 1.23.050), disclosure requirements and requirements relating to recusal and abstention (section 1.23.060), shall not apply with respect to the following matters:
  - A. adoption of the City of Cannelton annual budget;
  - B. any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - 1. all elected or appointed officials or employees;
    - 2. all residents or taxpayers of the City of Cannelton or an area of the City of Cannelton on; or
    - 3. the general public; or
  - C. any matter that does not require the exercise of discretion.
- (2) Recusal and abstention shall not be required with respect to any matter:
  - A. which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 1.23.060 of this code;

- B. which comes before an elected official when the officer would be prohibited from acting by section 1.23.060 of this code and the matter cannot be lawfully delegated to another person. (Ord. 2018-01, S7, Jan. 8, 2018)

**1.23.080 Investments in conflict with official duties.**

- (1) Elected or appointed officials or employees may not acquire the following investments:
  - A. investments that can be reasonably expected to require frequent recusal and abstention under section 1.23.060 of this code; or
  - B. investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (2) This section does not prohibit an elected or appointed official or employee from acquiring any other investments or the following assets:
  - A. real property located within the City of Cannelton;
  - B. less than ten (10) percent of the stock of a publicly traded corporation; or
  - C. bonds or notes issued by the City of Cannelton and acquired more than one (1) year after the date on which the bonds or notes were originally issued. (Ord. 2018-01, S8, Jan. 8, 2018)

**1.23.090 Private Employment in conflict with official duties.** An elected or appointed official or employee, term in office or term of employment, may not engage in any private employment when the employment:

- (1) can be reasonably expected to require frequent recusal and abstention pursuant to section 1.23.060 of this code;
- (2) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as an official or employee; or
- (3) requires representation of a person or organization other than the City of Cannelton in connection with litigation, negotiations or any other matter to which the City of Cannelton is a party. (Ord. 2018-01, S9, Jan. 8, 2018)

### **1.23.100 Future Employment.**

- (1) Elected or appointed officials or employees may not ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the official or employee, either individually or as a member of a board, while the matter is pending or within the thirty (30) days following final disposition of the matter.
- (2) No elected or appointed official or employee, for a period of twelve (12) months after serving as an official or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as an official or employee. (Ord. 2018-01, S10, Jan. 8, 2018)

**1.23.110 Personal Representations and Claims Permitted.** This code shall not be construed as prohibiting an elected or appointed official or employee from:

- (1) representing himself or herself, or his or her spouse or minor children before the City of Cannelton; or
- (2) asserting a claim against the City of Cannelton on his or her own behalf, or on behalf of his or her spouse or minor children. (Ord. 2018-01, S11, Jan. 8, 2018)

### **1.23.120 Use of Municipal Resources.**

- (1) an elected or appointed official shall not make use of municipal materials, funds, property, personnel, facilities or equipment for any purpose other than for official municipal business unless the use is expressly permitted by general written municipal policy or regulation.
- (2) an elected or appointed official or employee shall not cause the City of Cannelton to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel. (Ord. 2018-01, S12, Jan. 8, 2018)

### **1.23.130 Interests in Contracts.**

- (1) subject to subsection (2), no elected or appointed official or employee shall knowingly have a financial interest in a contract made by the City of Cannelton.

- (2) The prohibition in subsection (1) does not apply to:
  - A. an official or employee who does not participate in or have official responsibility for any of the activities for approving contracting agency, if:
    - 1. the contract is made after public notice or, where applicable, through competitive bidding;
    - 2. the official or employee files with the contracting municipal board a statement making full disclosure of all related financial investments in the contract; and
    - 3. the contract can be performed without compromising the performance of the official duties and responsibilities of the elected official or employee; or
  - B. an official or employee who, acting in good faith, learns of an actual or prospective violation of the prohibition in subsection (1), if, not later than thirty (30) days after learning of the actual or prospective violation, the official or employee:
    - 1. makes a full written disclosure of any financial interests to contracting municipal board; and
    - 2. terminates or disposes of the financial interest. (Ord. 2018-01, S13, Jan. 8, 2018)

**1.23.140 Nepotism.** The nepotism policy of the City of Cannelton is set forth in Ordinance No. 1051 which is codified at Section 36.06 in the Code of Ordinances of the City of Cannelton. (Ord. 2018-01, S14, Jan. 8, 2018)

**1.23.150 Political Solicitations.**

- (1) An elected or appointed official or employee shall not engage in political activity including solicitation of political contribution from:
  - A. another employee or official; or
  - B. any other person; when on duty or acting in an official capacity.
- (2) This section does not prohibit an elected or appointed official or employee from engaging in such activity when not on duty.
- (3) A elected or appointed official or employee shall not solicit political

contributions at any time from:

- A. persons whom the official or employee knows to have a business relationship with the official's or employee's office; or
- B. employees directly supervised by the official or employee. (Ord. 2018-01, S15, Jan. 8, 2018)

**1.23.160 Confidential Information.** An elected or appointed official or employee shall not divulge information of a confidential nature except as permitted by law. (Ord. 2018-01, S16, Jan. 8, 2018)

**1.23.170 Gifts.**

- (1) No elected or appointed official or employee may directly or indirectly solicit any gift
- (2) No elected official or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of one hundred dollars or more when:
  - A. the gift reasonably appears to be intended to influence the official or employee in the exercise or performance of his or her official powers or duties;
  - B. the gift could reasonably be expected to influence the official or employee in the exercise or performance of his or her official powers or duties; or
  - C. the gift is intended as a reward for any official action on the part of the official or employee.
- (3) This section does not prohibit any other gift, including:
  - A. gifts made to the City of Cannelton.
  - B. gifts from a person with a family or personal relationship with the official or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as an elected official or employee, is the primary motivating factor for the gift;
  - C. gifts given on special occasions, such as marriage, illness, or retirement, which are reasonable and customary;
  - D. unsolicited advertising or promotional material of little intrinsic



value, such as pens, pencils, note pads, and calendars;

- E. awards and plaques having a value or seventy-five dollars or less which are publicly presented in recognition of service as an official or employee, or other service to the community; or
- F. meals and refreshments provided when an official or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants. (Ord. 2018-01, S17, Jan. 8, 2018)

**1.23.180 Affirmative Responsibility to Report.** Any elected or appointed official or employee of the City of Cannelton who has reasonable suspicion that another elected or appointed official or employee is violating this Code of Ethics or any applicable federal, state or local law, shall report the suspected conduct to the Board of Ethics of the suspected violation, and if such suspected violation is also a violation of any federal, state or local law, shall also report the suspected violation to appropriate law enforcement officials. (Ord. 2018-01, S18, Jan. 8, 2018)

**1.23.190 Posting and Distribution.**

- (1) A copy of this code, and a copy of any amendment to this code, shall be posted publicly and conspicuously in each building under the City of Cannelton control. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (2) A copy of this code including any amendments to the code, shall be distributed to every person who is or becomes an officer and employee of the City of Cannelton, Indiana.
- (3) Every elected official or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgements must be filed clerk of the City of Cannelton, Indiana, who must maintain such acknowledgments as a public record.
- (4) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the Code or the amendment. The failure of an elected official or employee to receive a copy of this Code of Ethics or an amendment to the Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code. (Ord. 2018-01, S19, Jan. 8, 2018)

**1.23.200 Enforcement.** Any elected or appointed official or employee who violates this code may be reprimanded, fined, suspended or removed from office or employment in the manner provided by law

This aforesaid ordinance shall be in full force and effect as of the date of the passage of this ordinance after its passage by the Common Council of the City of Cannelton, and approval by the Mayor, and publication in accordance with law.

Passed and adopted by the Common Council of the City Cannelton, Indiana, this 8th day of January, 2018. (Ord. 2018-01, S20, Jan.8, 2018)

## Chapter 1.24

### FAIR HOUSING

#### Sections:

- 1.24.010 Policy Statement
- 1.24.020 Definitions
- 1.24.030 Unlawful Practice
- 1.24.040 Discrimination in the Sale or Rental of Housing
- 1.24.050 Discrimination in Residential Real Estate-Related Transactions
- 1.24.060 Discrimination in the Provision of Brokerage Service
- 1.24.070 Interference, Coercion, or Intimidation
- 1.24.080 Prevention of Intimidation in Fair Housing Cases
- 1.24.090 Exemptions
- 1.24.100 Administrative Enforcement of Ordinance
- 1.24.110 Separability of Provisions

**1.24.010 Policy Statement.** It shall be the policy of the City of Cannelton 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. 12-23, S1, Aug. 13, 2012) (Ord. 93-05, S1, 1993)

**1.24.020 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. Also, pursuant to 24 CFR Part 5, the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.
- (3) Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

- (4) To Rent (IC. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- (5) Discriminatory Housing Practice means an act that is unlawful under Sections 1.24.040, 1.24.050, 1.24.060, 1.24.070 or 1.24.080 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 addictions 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 a transvestite (I.C. 22-9.5-2-10(c).

- (7) An 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 parent or another person having legal custody of such individual or the written permission of such parent or other person.

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

- (9) Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.
- (10) Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 12-23, S2, Aug. 13, 2012) (Ord. 93-05, S2, 1993)

**1.24.030 Unlawful Practice.** Subject to the provisions of subsection 1.24.030(2) of this Section, Section 1.24.090 of this Chapter 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 1.24.040 of this Chapter shall apply to:

- (1) All dwellings except as exempted by subsection 1.24.030(2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection 1.24.030(3) of this Section, nothing in Section 1.24.040 shall apply to:
  - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted 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 1.24.040(3) of this Chapter, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

- B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence
- (3) For the purposes of subsection 1.24.030(2), a person shall be deemed to be in the business of selling or renting dwellings if:
- A. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - B. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - C. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. 12-23, S3, Aug. 13, 2012) (Ord. 93-05, S3, 1993)

**1.24.040 Discrimination in the Sale or Rental of Housing.** As made applicable by Section 1.24.030 and except as exempted by Section 1.24.030(2) and 1.24.090, it shall be unlawful:

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

- (5) For profit, to induce or attempt to induct 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) 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:
  - A. that buyer or renter;
  - B. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - C. any person associated with that person.
- (7) 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:
  - A. that person; or
  - B. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - C. any person associated with that person.
- (8) For purposes of this subsection, discrimination includes:
  - A. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
  - B. 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

- C. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;
1. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
  2. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  3. all premises within such dwellings contain the following features of adaptive design:
    - a. an accessible route into and through the dwelling;
    - b. light, switches, electrical outlets , thermostats, and other environmental controls in accessible locations;
    - c. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph 1.24.040(8) C.3.c.

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 12-23, S4, Aug. 13, 2012) (Ord. 93-05, S4, 1993)

#### **1.24.050 Discrimination in Residential Real Estate-Related Transactions.**

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.



- (2) As used in this section, the term residential real estate-related transaction means any of the following:
  - A. The making or purchasing of loans or providing other financial assistance:
    - 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
    - 2. secured by residential real estate.
  - B. The selling, brokering, or appraising of residential real property.
- (3) Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 12-23, S5, Aug. 13, 2012) (Ord. 93-05, S5, 1993)

**1.24.060 Discrimination in the Provision of Brokerage Service.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 12-23, S6, Aug. 13, 2012) (Ord. 93-05, S6, 1993)

**1.24.070 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 1.24.030, 1.24.040, 1.24.050 or 1.24.060 of this Chapter. (Ord. 12-23, S7, Aug. 13, 2012) (Ord. 93-05, S7, 1993)

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

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

- (2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 1.24.080(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 1.24.080(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 12-23, S8, Aug. 13, 2012) (Ord. 93-05, S8, 1993)

#### **1.24.090 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 1.24.090(2) and 1.24.090(3) of this Section.
- (2) Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

- (3) Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:
  - A. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
  - B. intended for, and solely occupied by, person 62 years of age or older; or
  - C. intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 12-23, S9, Aug. 13, 2012) (Ord. 93-05, S9, 1993)

#### **1.24.100 Administrative Enforcement of Ordinance.**

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection 1.24.100(2) hereof shall be vested in the Chief Elected Official of the City of Cannelton, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the City of Cannelton, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the City of Cannelton, Indiana, shall refer all said complaints to the Commission as provided for under subsection 1.24.100(1) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- (3) All executive departments and agencies of the City of Cannelton, 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 City of Cannelton, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting

such information. (Ord. 12-23, S10, Aug. 13, 2012) (Ord. 93-05, S10, 1993)

**1.24.110 Separability of Provisions.** If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 12-23, S11, Aug. 13, 2012) (Ord. 93-05, S11, 1993)

## Chapter 1.26

### PURCHASING ORDINANCE

#### Sections:

- 1.26.010 Purchasing Agencies and Agents**
- 1.26.020 Purchasing Procedures**
- 1.26.030 Miscellaneous**

#### **1.26.010 Purchasing Agencies and Agents.**

- (1) The following entities shall be considered Purchasing Agencies of the City under I.C. 5-22-2-25:
  - A. Board of Public Works and Safety. (Ord. 12-20, S1, June 9, 2012)

#### **1.26.020 Purchasing Procedures.**

- (1) The requirements set forth herein shall apply to all purchases of equipment materials, goods and supplies (or any expenditure governed by I.C. 5-22) by any City department, utility or sanitary sewer department.
- (2) All purchases over \$150,000 shall be by invitation to bid pursuant to the provisions of I.C. 5-22 and shall be approved by the appropriate Purchasing Agency.
- (3) All purchases between \$50,000 and \$150,000 shall be made by requesting at least three written quotes pursuant to the provisions of I.C. 5-22-8, and shall be approved by Purchasing Agency.
- (4) All purchases between \$5,000 and \$50,000 shall be made in whatever manner the purchaser determines to be reasonable to the extent provided by law, and may be made on the open market without inviting or receiving bids or quotes.
- (5) Under the circumstances allowable by I.C. 5-22-10 (i.e. existence of emergency conditions, unique opportunity to obtain supplies at a substantial savings) purchases may be made without soliciting bids or quotes, provided that the purchase is made with such competition as is practical under the circumstances and the Purchasing Agency document the applicable special circumstances as required by I.C. 5-22-10.

- (6) If a Purchasing Agency makes a written determination that the used of the competitive bidding or quote procedures is either not practicable or not advantageous to the City, the Purchasing Agency may make the purchase by utilizing the Request for Proposal procedures set forth in I.C. 5-22-9. (Ord. 12-20, S2, June 9, 2012)

**1.26.030 Miscellaneous.**

- (1) This Ordinance shall be in full force and effect from and after its passage and adoption.
- (2) The provisions of this Ordinance are declared, to the full extent possible, severable. If any section, sentence or provision of this ordinance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences or provisions of this Ordinance which can be given effect without the invalid provision. (Ord. 12-20, S3, June 9, 2012)

## Chapter 1.28

### MAIN STREET BRICK FUND

#### Sections:

- 1.28.010**      **Established**
- 1.28.020**      **Additional appropriations**
- 1.28.030**      **How the monies are to be spent**

**1.28.010 Established.** A Main Street Brick Fund is hereby established to receive the proceeds from the sale of inscribed bricks by the City, in connection with the Main Street improvement project of the City of Cannelton. (Ord. 93-07, S1, 1993)

**1.28.020 Additional appropriations.** The City of Cannelton may from time to time make additional appropriations to this fund. (Ord. 93-07, S2, 1993)

**1.28.030 How the monies are to be spent.** Money in this fund shall be spent in such a manner as is determined by the Common Council of the City of Cannelton. (Ord. 93-07, S3, 1993)

## Chapter 1.29

### DONATION FUND

#### Sections:

- 1.29.010**      **Established**
- 1.29.020**      **How the monies are to be spent**

**1.29.010 Established.** A Donation Fund is hereby established to receive donations to the City of Cannelton from any source. (Ord. 04-08, S1, June 28, 2004)

**1.29.020 How the monies are to be spent.** The money in this fund shall be spent in the department and in the manner that it was donated to the City. (Ord. 04-08, S2, June 28, 2004)

## Chapter 1.30

### REVOLVING LOAN FUND PROGRAM

#### Sections:

<b>1.30.010</b>	<b>Created</b>
<b>1.30.020</b>	<b>Adoption</b>
<b>1.30.030</b>	<b>Guidelines and Application</b>
<b>1.30.040</b>	<b>Payment of Costs and Fees</b>

**1.30.010 Created.** In order to encourage the growth and expansion of small to mid-sized business and industry within the City of Cannelton, the City of Cannelton Revolving Loan Fund has been created. (Ord. 08-03, S1, May 12, 2008)

**1.30.020 Adoption.** In order to assist applicants in understanding the nature and purpose of the Revolving Loan Fund and to assist the City of Cannelton in administering, the Revolving Loan Fund it is necessary to approve and adopt certain guidelines and an application. (Ord. 08-03, S2, May 12, 2008)

**1.30.030 Guidelines and Application.** The Common Council of the City of Cannelton ordains the City of Cannelton Revolving Loan Fund Program Guidelines attached hereto as Exhibit "A" and the Application attached hereto as Exhibit "B" are each approved and adopted for use in the Cannelton Revolving Loan Fund process. (Ord. 08-03, S3, May 12, 2008)

**1.30.040 Payment of Costs and Fees.** It shall be the responsibility of the recipient of any loan granted by the Revolving Loan Fund Program to pay all fees and costs involving the documentation of such loan, including the documentation of any mortgage or security interest acquired by the City on any real or personal property serving as collateral for the aforesaid loan, which responsibility shall include attorney's fees and recording fees. (Ord. 2017-10, S1, Nov. 13, 2017)



**City of Cannelton  
Revolving Loan Fund Program**

The City of Cannelton Revolving Loan Fund was created to help encourage the growth and expansion of small to mid-sized businesses and industry within the City of Cannelton. The primary goals of this program are:

- To create permanent jobs and to retain existing jobs within our community.
- To encourage business growth within our community so as to add to our tax base and improve upon residential property values.
- To stimulate the redevelopment or revitalization of property within the City of Cannelton,

**RLF Program Criteria**

- The applicant's project must be located within the city limits of Cannelton.
- City loan proceeds can be used for a variety of project costs, including real estate acquisition, new construction, rehabilitation, equipment purchases, and working capital. City funds, however, can not be used for the refinancing of debt.
- For first time loan recipients, new equity and new private financing must be maximized, fully committed to the project, and account for at least 75% of the total project costs.
- For additional loan requests, loan amounts and payment terms will be based upon the applicant's repayment of previous loans. At least 1 year of successful loan payments are required before additional funds may be sought.
- Loan amounts may vary, but should be limited to a Maximum of \$30,000 for a small business project.
- The applicant must complete an application stating financial needs, current financial status, and other funding sources for the project.
- The applicant must demonstrate the ability to repay the City's loan and provide adequate collateral for securing the City's loan.
- The interest rate, term, and amortization for the City's loan will be structured to allow for a reasonable rate of return on the loan. Typical interest rate is prime plus 1% at a fixed rate with a three to ten year payment term.

**RLF Program Approval Process**

- The applicant must contact the Clerk Treasurer to request an application.
- The completed application, along with all required financial statements, must be returned to the Clerk Treasurer once completed.
- The application and financial statements will be reviewed by the Mayor, or his designee. After review, a recommendation will be submitted to the City Council for approval or disapproval of the applicant's request.
- If the loan request is not approved, the applicant may seek a meeting with the Mayor, or his designee or the City Council to discuss the reasons for the loan rejection.
- If the loan request is approved, the City Attorney will prepare a formal loan agreement and a loan closing meeting will be scheduled with the applicant.
- Funds will be dispersed to the applicant upon signing of the loan agreement.

City of Cannelton  
Revolving Loan Fund Application

Application Date: \_\_\_\_\_ Review Date: \_\_\_\_\_

Information Regarding the Applicant(s)

Is this an individual or joint application?: \_\_\_\_\_

Applicant(s): \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Contact #: \_\_\_\_\_(home) \_\_\_\_\_(cell) \_\_\_\_\_(other)

Information Regarding the Project

Type of Enterprise: (check all that apply)

Manufacturing \_\_\_\_\_ Industrial \_\_\_\_\_ R&D \_\_\_\_\_ Service \_\_\_\_\_  
Retail \_\_\_\_\_ Warehouse/Terminal \_\_\_\_\_

Other (explain) \_\_\_\_\_

New Business \_\_\_\_\_ Expanding Existing Business \_\_\_\_\_

Purpose of Project: (check all that apply)

Construct new facility \_\_\_\_\_ Acquire new equipment \_\_\_\_\_  
Acquire land/building \_\_\_\_\_ Renovate building \_\_\_\_\_  
Expand existing business \_\_\_\_\_ Expand in a new location \_\_\_\_\_  
Working capital \_\_\_\_\_ Other \_\_\_\_\_

Present Employment \_\_\_\_\_ Present annual payroll (\$) \_\_\_\_\_

Projected Employment \_\_\_\_\_ Projected annual payroll (\$) \_\_\_\_\_

Provide a brief description of the nature of your business/industry: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**City of Cannelton  
Revolving Loan Fund Application**

***Information Regarding Project Financing & Implementation***

Total Project Cost (*Including land, building, renovations, equipment, inventory, & working capital*):

\_\_\_\_\_

Other Funding Sources (*Include additional loans & personal contributions*).

\_\_\_\_\_

***Schedule of Construction***

Construction Start date: \_\_\_\_\_ Operations Start Date: \_\_\_\_\_

Location of Site: \_\_\_\_\_

Permits Required from City: \_\_\_\_\_

Zoning Requirements from City: \_\_\_\_\_

Amount of RLF Request: \_\_\_\_\_

Proposed Repayment Terms: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***Specific Information Regarding Business***

Name of Business/Industry: \_\_\_\_\_ Years in Existence: \_\_\_\_\_

Owner(s): \_\_\_\_\_

Financial History:

	3 years back	2 years back	last fiscal Year	1 yr. projection	2 yr. projection
Net Sales:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Net Income:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Net Worth:	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

## Chapter 1.31

### FIREHOUSE CONSTRUCTION FUND

#### Sections:

- 1.31.010**      **Established**
- 1.31.020**      **Authority to deposit funds, execute warrants and transfer funds**
- 1.31.030**      **Effective when**

**1.31.010 Established.** A Firehouse Construction Fund is hereby established to receive monies pertaining to the Indiana Department of Commerce grant CFF-03-233. (Ord. 04-09, S1, Aug. 9, 2004)

**1.31.020 Authority to deposit funds, execute warrants and transfer funds.** The Clerk/Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed. (Ord. 04-09, S2, Aug. 9, 2004)

**1.31.030 Effective when.** This ordinance shall be in full force and effect from January 1, 2004 and after its passage by the Common Council of the City of Cannelton, this 9<sup>th</sup> day of August 2004. Upon completion of the firehouse, this fund shall be closed. (Ord. 04-09, S3, Aug. 9, 2004)

## Chapter 1.32

### 6<sup>TH</sup> STREET OLD GYMNASIUM RESTRICTED FUND

#### Sections:

<b>1.32.010</b>	<b>Establishment</b>
<b>1.32.020</b>	<b>Use of funds</b>
<b>1.32.030</b>	<b>Effective Date</b>

**1.32.010 Established.** There is hereby established in the City's accounting structure a restricted fund to be entitled the "6<sup>th</sup> Street Old Gymnasium Restricted Fund". (Ord. 2019-15, S1, Dec. 27, 2019)

**1.32.020 Use of funds.** The aforesaid Fund shall consist for the deposit of an award of \$20,000.00 Survey Grant proceeds and \$10,000.00 Trust funds donated by Friends of the Old Cannelton Gym through the PCCF and any other funds to be donated or received by the City and to be applied by the City for any work on the site deemed necessary by the City on the design, upgrade, maintenance and restoration of the Old Gym or any other purpose relating to the Old Gym designated by the Common Council of the City. (Ord. 2019-15, S2, Dec. 27, 2019)

**1.32.030 Effective Date.** This account shall be deemed established as of December 27, 2019, and shall continue until all grant funds and proceeds have been received and all invoices for the clean-up, design, upgrade, maintenance and restoration costs to the Old Gym have been paid. (Ord. 2019-15, S3, Dec. 27, 2019)

## Chapter 1.33

### SRF/FEMA FUND

#### Sections:

- 1.33.010**      **Creation of SRF/FEMA Fund**
- 1.33.020**      **Deposits**
- 1.33.030**      **Established**

**1.33.010 Creation of SRF/FEMA Fund.** There is hereby established in the City's accounting structure a special fund to be entitled "SRF/FEMA Fund". (Ord. 2018-12, S1, July 9, 2018)

**1.33.020 Deposits.** The aforesaid fund shall be used for the sole purpose of depositing into it all loan proceeds received from the State of Indiana Revolving Loan Fund from the loan recently applied for by the City as a result of the aforesaid infrastructure damage due to recent heavy rain; for the payment from said fund of all costs and expenses of the City for the repair or restoration of City infrastructure damaged or destroyed by the aforesaid recent heavy rains; for the deposit of all grant funds received from FEMA to reimburse the City for its expenditures in the repair and restoration of its infrastructure damage caused by the aforesaid heavy rains. (Ord. 2018-12, S2, July 9, 2018)

**1.33.030 Established.** This account shall be deemed established as of July 2, 2018, and shall continue until all grant funds from FEMA have been received; all invoices for the damage to the City's infrastructure because of the recent heavy rainfall are paid; and the State Revolving Loan Fund has been paid. (Ord. 2018-12, S3, July 9, 2018)

## Chapter 1.34

### CUMULATIVE CAPITAL IMPROVEMENT FUND

#### Sections:

- 1.34.010 Created
- 1.34.020 Capital Improvement defined

**1.34.010 Created.** In accordance with the requirements of Section 8 of Chapter 225, Acts 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the City of Cannelton into which the cigarette taxes allotted to the City of Cannelton by reason of subsection C (1) (C) of Section 27c and section 27d of the Indiana Cigarette Tax Law being Chapter 222 of the Acts of 1947 as amended shall be deposited. Said fund shall be a cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements. (Ord. 65-3, S1, 1965)

**1.34.020 Capital Improvement defined.** The term "capital improvements" means the construction or improvement of any property owned by the city of Cannelton, Indiana including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of the City of Cannelton issued, and the proceeds used for the purpose of constructing capital improvements. The term capital improvement shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement. (Ord. 65-3, S2, 1965)

## Chapter 1.35

### FLOODWALL REPAIR PROGRAM

#### Sections:

- 1.35.010**      **Feasibility Study Approved**
- 1.35.020**      **Application for Loan**
- 1.35.030**      **Operation and Maintenance**

**1.35.010 Feasibility Study Approved.** The feasibility study for floodwall repair is hereby authorized and approved. (Ord. 08-05, S1, Oct. 13, 2008)

**1.35.020 Application for Loan.** The Mayor and Clerk-Treasurer of Cannelton are hereby authorized and directed to prepare an application for a loan from the Flood Control Revolving Fund established pursuant to Ind. Code § 14-28-5 in an amount not less than Forty-Five Thousand Dollars (\$45,000.00) plus any further amounts necessary to complete the recommendations of the feasibility study for floodwall repair, including any necessary bid document preparation fees, construction inspection fees, or other engineering or professional fees. (Ord. 08-05, S2, Oct. 13, 2008)

**1.35.030 Operation and Maintenance.** The City of Cannelton hereby accepts responsibility for the work proposed in the feasibility study for floodwall repair and hereby agrees to operate and maintain the floodwalls in a manner satisfactory to the Natural Resources Commission and any other governmental authority. (Ord. 08-05, S3, Oct. 13, 2008)

## Chapter 1.36

### DEPRECIATION RESERVE FUND

#### Sections:

- 1.36.010**      **Established**

**1.36.010 Established.** The Common Council of the City of Cannelton, Indiana hereby establishes a Depreciation Reserve Fund for the City Sewage Department, and that the governing body having control of said fund be authorized to invest and reinvest money deposited in said fund in such investments as are authorized by the Acts of 1945, Chapter 9, Section 1, as amended. (Ord. 68-6, 1968)



## Chapter 1.37

### CAN CLAY RESTRICTED FUND

#### Sections:

<b>1.37.010</b>	<b>Establishment</b>
<b>1.37.020</b>	<b>Use of funds</b>
<b>1.37.030</b>	<b>Effective Date</b>

**1.37.010 Establishment.** There is hereby established in the City's accounting structure a restricted fund to be entitled the "Can Clay Restricted Fund". (Ord. 2019-16, S1, Dec. 27, 2019)

**1.37.020 Use of funds.** The aforesaid fund shall be used for the sole purpose of depositing into it all remaining proceeds received from the balance of the Grant and ongoing proceeds from the sale of scrap, clay pipe and construction materials from the Site; such funds to be applied by the City for any work on the Site deemed necessary by the City on the Site. (Ord. 2019-16, S2, Dec. 27, 2019)

**1.37.030 Effective Date.** This account shall be deemed established as of December 27, 2019, and shall continue until all grant funds and proceeds have been received and all invoices for the clean-up, restoration and redevelopment to the Site have been paid. (Ord. 2019-16, S3, Dec. 27, 2019)

## CHAPTER 1.38

### CAPITAL ASSET POLICY

#### Sections:

1.38.010	General Information
1.38.020	Definition of Capital Assets
1.38.030	Valuation of Capital Assets
1.38.040	Asset Definitions by Major Category
1.38.050	Depreciation Methods
1.38.060	Capital Asset Acquisitions
1.38.070	Asset Transfers and Dispositions
1.38.080	Periodic Inventories
1.38.090	Responsibilities of the Clerk-Treasurer's Office
1.38.100	Responsibilities of Department Heads/Utilities Manager

**1.38.010 General Information.** This Capital Asset Policy is being issued retroactive to January 1, 2004. The new policy will be referred to as the Capital Asset Policy. This policy is being issued to document the threshold level (minimum value) of capital assets to be reported on our financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of new reporting model as set forth in the Governmental Accounting Standards Board Pronouncement No. 34 (Herein after referred to as "GASB 34"). GASB 34 will require the city to report "infrastructure assets" for the first time. Separate records will be maintained for the City's General Capital Assets and the capital assets of each utility. The capital asset threshold level for the City's General Capital Assets is hereby set at \$2,000 and for the Utility Capital Assets is hereby set at \$2,000. Federal regulations require that any asset acquired with Federal grant funds equal to or in excess of \$2,000 must be maintained on the unit's record of capital assets. Assets valued at equal to or in excess of the threshold level will be maintained on a listing entitled "Capital Assets". An item or group of items valued at less than these threshold levels may be added to a separate asset listing entitled "Inventoried Assets" at the discretion of the Clerk-Treasurer or Utilities Manager. Other items purchased or acquired at less than the threshold level are to be expensed in the year of purchase or acquisition.

The City of Cannelton is establishing this Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets and to be able to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies, and regulators.

The purpose of establishing a Capital Asset Policy is five-fold:

- (1) to safeguard the capital assets of the City of Cannelton and its Utilities,

- (2) to fix responsibility for the custody of these capital assets,
- (3) to provide a basis for accounting for capital asset acquisition, maintenance, and retirement,
- (4) to provide data for financial reporting,
- (5) to demonstrate appropriate stewardship responsibility for public assets. (Ord. 04-23, S1.38.010, Nov. 8, 2004)

#### **1.38.020 Definition of Capital Assets.**

- (1) Capital Assets include "Land", "Buildings", "Improvements Other Than Buildings", "Infrastructure" (City Only) "Machinery and Equipment", and "Transportation Equipment" (Vehicles). Ongoing construction projects will be classified as "Construction in Progress" until completion at which time the completed project will be transferred into one of the previously named categories. All appropriate items (with the exception of materials and supplies inventory items) with a useful life of more than one year, and having a unit cost equal to or exceeding the threshold level (and those items designated by the Clerk-Treasurer or the Utilities Manager as set out in Section 1.38.010) shall be capitalized in accordance with this policy. (Ord. 04-23, S1.38.020, Nov. 8, 2004)

#### **1.38.030 Valuation of Capital Assets.**

- (1) Capital Assets will be recorded at actual cost when available and designated by an "A" in the detailed listing to indicate actual cost.
- (2) Donated or Contributed Assets will be recorded at fair market value at the time of acquisition and designated by an "E" in the detailed listing of to indicate estimated cost.
- (3) Assets acquired with Federal Grant funds should also include an "F" or "Fed" to indicate the involvement of federal funds in the acquisitions. (Ord. 04-23, S1.38.030, Nov. 8, 2004)

**1.38.040 Asset Definitions by Major Category.** It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance are fully aware of the categorization system. This section further clarifies the asset definitions by major category.

- (1) "Land" - Land is defined as specified land, lots, parcels or acreage including rights of way as owned by the City of Cannelton, its various departments, boards, or authorities, regardless of the method or date

of acquisition. Easements will not be included as the City does not own them, but as an interest in land owned by another that entitles its holder to a specified limited use.

- (2) "Buildings" - This category includes structures to house city or utility offices, Systems and fixtures both on the interior and exterior should be included. Examples include plumbing systems, heating, cooling, ventilating, and air handling systems; walk-in coolers, alarm systems, sound systems, surveillance systems and fixed shelving and lighting fixtures; porches, canopies, and fire escapes.
- (3) "Improvements Other Than Buildings" - Traditionally, Cannelton Utilities has included treatment plants as improvements other than buildings. Also included in this category are parking lots, fencing, walls, monuments, water and wastewater lines, water wells, lift stations.
- (4) "Machinery and Equipment" - This category includes office equipment and furniture not permanently affixed to a building or structure. It also includes appliances, maintenance equipment, communication equipment, earth moving equipment, data processing equipment. All appropriate police and fire department, street department, and other city department equipment meeting the threshold level at the time of acquisition should be included. Consumable materials and supplies should be excluded.
- (5) "Transportation Equipment" - This category includes all wheeled vehicles used for transportation such as cars, trucks, vans, motorcycles. It also includes buses, fire trucks, and ambulances.
- (6) "Infrastructure" - Infrastructure assets are long-lived capital assets that normally can be preserved for a significant number of years than most capital assets and are normally stationary in nature. This category applies only to the City's General Capital Assets, but not to the Water, Wastewater, Trash, and Electric Utilities. Should the City establish a Storm Water Utility in the future, this category would be applicable to the Storm Water Utility for Storm Water drains, dams, and lines. Included in this category for the City would be streets, roads, bridges, culverts, traffic signals, and tunnels constructed or acquired by the City on or after January 1, 2004. The City of Cannelton is considered a "Phase 3 Government" under GASB 34 and therefore is not required to recognize infrastructure assets acquired prior to January 1, 2004. (Ord. 04-23, S1.38.040, Nov. 8, 2004)

### **1.38.050 Depreciation Methods.**

- (1) **The City's General Capital Assets are not subject to depreciation.** Depreciation will **ONLY** apply to the Capital Assets of the **UTILITIES** (with the exception of Land, which is not depreciated according to generally accepted accounting principles). The Utilities will be depreciating its capital assets under the composite method. The composite method involves applying a set percentage to the total of each asset category rather than tracking depreciation for each individual asset item. No gain or loss is recognized at the time of disposal of individual assets. When items of property or equipment are disposed of, the cost of the item replaced or retired, net of any salvage value, is charged to accumulated depreciation.
  
- (2) Following is a list of the composite depreciation rates applicable to the depreciable asset categories:
  - A. Buildings 2% (equates to a useful life of 50 years),
  - B. Improvements Other Than Buildings 4% (equates to a useful life of 25 years),
  - C. Machinery and Equipment 10% (equates to a useful life of 10 years),
  - D. Transportation Equipment 10% (equates to a useful life of 10 years). (Ord. 04-23, S1.38.050, Nov. 8, 2004)

### **1.38.060 Capital Asset Acquisitions.**

- (1) The method of acquisition is not a determining factor. Each department should report items acquired by:
  - A. regular purchases or "lease-purchases" (as defined in (2) below),
  - B. construction by City or Utility personnel or outside contractors,
  - C. donation or contributions accepted by governing board,
  - D. additions to existing assets,
  - E. transfer from another department or Utility,
  - F. trade,
  - G. annexation.

- (2) Leased assets should be capitalized if the lease agreement meets any one of the following criteria:
  - A. The lease transfers ownership of the item to the City/Utility by the end of the lease term.
  - B. The lease contains a bargain purchase option.
  - C. The lease term is equal to 75% of the estimated economic life of the leased item.
  - D. The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased item. (Ord. 04-23, S1.38.060, Nov. 8, 2004)

**1.38.070 Asset Transfers and Dispositions.**

- (1) Capital assets should not be transferred, turned in for auction, or disposed of, without prior approval of the Clerk-Treasurer, Utilities Manager, or the governing board.
- (2) If an asset is stolen the department head should notify the Cannelton Police Dept as well as the City Clerk-Treasurer in a timely fashion. (Ord. 04-23, S1.38.070, Nov. 8, 2004)

**1.38.080 Periodic Inventories.** A physical inventory of all capital assets will be conducted in each department/utility on or about December 31 of every year. This inventory of CAPITAL ASSETS is NOT to be confused with the inventory of MATERIALS and SUPPLIES conducted at each year end in the Electric and Water Utilities. The City Clerk-Treasurer may conduct spot checks on a random basis throughout the year. Department heads and the Utilities Manager will be accountable for the capital asset inventory charged to their departments. They should complete a list of additions and deletions for each year. Additionally, they should sign-off on a detailed listing of capital assets at year-end. (Ord. 04-23, S1.38.080, Nov. 8, 2004)

**1.38.090 Responsibilities of the Clerk-Treasurer's Office.** The Clerk-Treasurer will ensure that accounting for capital assets is being exercised by maintaining or ensuring that detailed listing of capital assets is maintained for each department or Utility. The Clerk-Treasurer is responsible for collecting sufficient information from each dept. head and Utility in order to complete the appropriate section in the Cities and Towns Annual Report (CTAR) containing information about the beginning balance, additions, retirements, and ending balances of capital assets. (Ord. 04-23, S1.38.090, Nov. 8, 2004)

**1.38.100 Responsibilities of Department Heads/Utilities Manager.** It is the responsibility of the department heads and the Utilities Manager to act as or designate an employee to oversee each piece of property. This individual will become the focal point for questions regarding availability, condition, and usage of the asset, as well as the contact during the physical inventory process. Someone should be designated to record the receipt of the asset, to examine the asset to ensure no damage was incurred during shipment and to make sure that the asset was received in working order. The department head or his designee is responsible for arranging for the necessary preventive maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory. This individual ensures that there is no personal or unauthorized use. In addition, the department head or designee should report any property damage or theft. (Ord. 04-23, S1.38.100, Nov. 8, 2004)

## Chapter 1.40

### BOARD OF TRUSTEES OF THE POLICE PENSION FUND

#### Sections:

- 1.40.010 Board of Trustees**
- 1.40.020 Authority**

**1.40.010 Board of Trustees.** The Mayor of the City, the City Clerk-Treasurer, and the Chief of the City Police Department, be designated to constitute the Board of Trustees of the Police Pension Fund. (Ord. 63-7, 1963)

**1.40.020 Authority.** The Board of Trustees of the Police Pension Fund shall exercise the authority provided in the Acts of 1925, Chapter 51, as amended. (Ord. 63-7, 1963)

## Chapter 1.42

### FEES FOR ACCIDENT REPORTS

#### Sections:

- 1.42.010 Fee**

**1.42.010 Fee.** The Cannelton Police Department shall charge a fee of Twelve Dollars (\$12.00) for each copy of an accident report which it provides. (Ord. 11-01, S1.42.010, Apr. 11, 2011) (Ord. 06-07, S1.42.010, July 10, 2006) (Ord. 88-02, S1, 1988)

## Chapter 1.43

### REQUESTS FOR LIMITED HISTORY INFORMATION

#### Sections:

- 1.43.010 Limited criminal history information**
- 1.43.020 Right to inspection or release**
- 1.43.030 Request**
- 1.43.040 Fee**
- 1.44.050 Compliance with statutes**

**1.43.010 Limited criminal history information.** Limited criminal history information means that information defined in I.C. 10-13-3-11. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

**1.43.020 Right to inspection or release.** Pursuant to I.C. 10-13-3-27, noncriminal justice organizations or individuals are entitled to inspect or have released limited criminal history information. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

**1.43.030 Request.** All requests for limited criminal history information must be made on the City's form identified as Exhibit 1 to this Ordinance and incorporated herein. The completed, dated, signed City form along with the required fee shall be directed to the Cannelton Police Department. Requests shall be processed by the Chief of Police or his designee. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

**1.43.040 Fee.** The fee for processing the request is Three Dollars (\$3.00) for inspection and Seven Dollars (\$7.00) for release of a copy. The fee is waived as provided for in I.C. 10-13-3-30. Fees shall be deposited in the City's Law Enforcement Continuing Education Fund. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

**1.43.050 Compliance with statutes.** The Cannelton Police Department shall only release information that has been requested and which is required to be released as limited criminal history information. (Ord. 2005-22, pt. S1, Nov. 28, 2005)

EXHIBIT 1

#### CITY OF CANNELTON

#### **REQUEST FOR RELEASE OR INSPECTION OF A LIMITED CRIMINAL HISTORY**

WARNING. Use of a limited criminal history for any purpose not specified herein is a criminal offense. Therefore, carefully read, complete, date and sign this request, and submit with the required fee to the Cannelton Police Department.

A limited criminal history contains information which the Cannelton Police Department has received which has been collected by it or other criminal justice ADMINISTRATION



agencies, the U.S. Department of Justice, or individuals. Limited criminal history means information with respect to any arrest or criminal charge which also discloses that the criminal proceedings have been concluded or indefinitely postponed unless the arrest or criminal charge occurred less than one (1) year prior to the date of this request.

Use of this form is not required for release of public records as required by I.C. 5-14-3-5.

I, \_\_\_\_\_ (print name) as  
\_\_\_\_\_ (print position) of \_\_\_\_\_  
\_\_\_\_\_ (print company name) request the release to me of a  
limited criminal history of \_\_\_\_\_ (print name of the subject  
of the request), in order to:

- \_\_\_ inspect the same (fee \$3.00)
  - \_\_\_ copy the same (fee \$7.00)
- (indicate one of the above)

In making this request, I hereby represent to the City of Cannelton that I am entitled to release of the requested limited criminal history, because the subject of the request:

- \_\_\_ Has applied for employment with a noncriminal justice organization or individual
- \_\_\_ Has applied for a license and criminal history data is required by law to be provided in connection with the license
- \_\_\_ Is a candidate for public office or a public official
- \_\_\_ Is in the process of being apprehended by a law enforcement agency
- \_\_\_ Is placed under arrest for the alleged commission of a crime
- \_\_\_ Has charged that the subject's rights have been abused repeatedly by criminal justice agencies
- \_\_\_ Is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation
- \_\_\_ Has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation
- \_\_\_ Is currently residing in a location designated by the department of child services (established by I.C. 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location

- Has volunteered services at a public school (as defined in I.C. 20-18-2-15) or a nonpublic school (as defined in I.C. 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school
- Is being investigated for welfare fraud by an investigation of the division of family resources or a county office of family and children
- Is being sought by the parent locator service of the child support bureau of the division of family and children
- Is or was required to register as a sex and violent offender under I.C. 5-2-12
- Has been convicted of any of the following:
  - Rape (I.C. 35-42-4-1), if the victim is less than eighteen (18) years of age
  - Criminal deviate conduct (I.C. 35-42-4-2), if the victim is less than eighteen (18) years of age
  - Child molestating (I.C. 35-42-4-3)
  - Child exploitation (I.C. 35-42-4-4(b))
  - Possession of child pornography (I.C. 35-42-4-4(c))
  - Vicarious sexual gratification (I.C. 35-42-4-5)
  - Child solicitation (I.C. 35-42-4-6)
  - Child seduction (I.C. 35-42-4-7)
  - Sexual misconduct with a minor as a felony (I.C. 35-42-4-9)
  - Incest (I.C. 35-46-1-3), if the victim is less than eighteen (18) years of age

or because the person making the request represents:

- A federal chartered or insured banking institution
- A state or local government for the purpose of:
  - Employment with the governmental entity
  - Licensing
- Segments of the securities industry identified under 15 U.S.C. 78 Q. (f)(2)

(Indicate category above which allows release.)

Date of request \_\_\_\_\_

\_\_\_\_\_  
(Signature)

The City of Cannelton may not release limited criminal history information obtained from the National Crime Information Center except to the extent permitted by the Attorney General of the United States. No fee is required for release of limited criminal history information for requests: (1) received from the parent locator service of the child support bureau of the division of family and children; (2) related to the sex and violent offender directory under I.C. 5-2-6; or (3) concerns a person required to register as a sex and violent offender under I.C. 5-2-12.

## Chapter 1.44

### FEES FOR HANDGUN PERMITS

#### Sections:

- 1.44.010      Application fee**
- 1.44.020      Rejection of application**

**1.44.010 Application fee.** The Cannelton Police Department shall charge a fee of \$10.00 for each application for a handgun permit which it receives. (Ord. 88-03, S1, 1988)

**1.44.020 Rejection of application.** \$5.00 of the application fee shall be refunded to the applicant if the application is rejected. (Ord. 88-03, S2, 1988)

## Chapter 1.46

### FEES FOR VEHICLE INSPECTIONS

#### Sections:

- 1.46.010      Inspection fee**

**1.46.010 Inspection fee.** The Cannelton Police Department shall charge a fee of \$5.00 for each inspection which it conducts in connection with applications for certificates of title for a motor vehicle, semitrailer, or recreational vehicle pursuant to IC Section 9-1-2-1. (Ord. 88-12, S1, 1988)

## Chapter 1.48

### UTILITY SERVICE BOARD

#### Sections:

1.48.010	Created
1.48.020	Members
1.48.030	Oath of office
1.48.040	Rules and Regulations / Meetings
1.48.050	Removal from Board
1.48.060	Compensation
1.48.070	Powers and duties
1.48.080	Proper books and records
1.48.090	Bonding
1.48.100	Collection of just and equitable rates and charges
1.48.110	Safeguarding the interests of the bond holders

**1.48.010 Created.** There is hereby established a Utility Service Board, which Board shall be charged with the duty of supervising the operation of the City's utility properties. (Ordinance 6, Section 8, November 4, 1941)

**1.48.020 Members.** Said board shall consist of five (5) members, not more than a majority of whom shall be members of the same political party. Three (3) members of said board shall be appointed by the Mayor, and two (2) members shall be appointed by the Common Council. In appointing the first members to said board, the Mayor shall appoint one member for a term of one (1) year, one member for a term of three (3) years, and one member for a term of four (4) years, and the Common Council shall appoint one member for a term of three (3) years and one member for a term of four (4) years. Thereafter, the Mayor and Common Council shall each appoint successors to their respective appointees, as their terms expire, which successors shall be appointed for terms of four (4) years. Not more than two (2) of the appointees of the Mayor shall be members of the same political party, and not more than one (1) of the appointees of the Common Council shall be members of the same political party. (Ordinance 6, Section 8, November 4, 1941)

**1.48.030 Oath of office.** Within seven (7) days after such first appointments are made, each of said appointees shall file with the Clerk-Treasurer and oath of office in the form customarily used for the qualification of municipal officers and shall meet and select a chairman, who shall serve for a period of one (1) year and until his successor is duly elected. Thereafter, the chairman of said board shall be selected at the next regular meeting following the appointment of a new member to said board. (Ordinance 6, Section 8, November 4, 1941)

**1.48.040 Rules and Regulations / Meetings.** Said board shall adopt rules and regulations for its government which shall fix the time and place for the holding of

regular meetings and provide for the calling of special meetings. Regular meeting shall be held at least once in each calendar month. A copy of said rules and regulations and all subsequent amendments thereto and modifications thereof shall be placed on file in the office of the Clerk-Treasurer within three (3) days after adoption. (Ordinance 6, Section 8, November 4, 1941)

**1.48.050 Removal from Board.** The members of said board shall be subject to removal for cause, after notice and hearing by the Mayor or Common Council, whichever appointed the accused members. The failure of a member to qualify within seven (7) days after his appointment, or to attend three (3) consecutive regular meetings of the board, shall automatically vacate his place on the board. (Ordinance 6, Section 8, November 4, 1941)

**1.48.060 Compensation.** The chairman of said board shall receive a salary of One Hundred Twenty-five Dollars (\$125.00) per year, and the other members thereof shall receive a salary of One Hundred Dollars (\$100.00) per year. (Ordinance 6, Section 8, November 4, 1941)

**1.48.070 Powers and duties.** Said Board shall have all of the powers and duties prescribed by Section 19 of Chapter 190 of the Acts of 1933, including among other things the general supervision of the operation of the City's utilities, the fixing of the policy of control, the selection of a manager to have executive charge of the utilities, the adoption of rules and regulations governing the appointment of all employees, and such other powers and duties as are now or may hereafter be conferred by statute. (Ordinance 6, Section 8, November 4, 1941)

**1.48.080 Proper books and records.** The City shall keep proper books of record and account separate from all of its other records and accounts, in which complete and correct entries shall be made of all transactions relating to said utilities, showing all revenues collected from the operation thereof and all disbursements made therefrom. (Ordinance 6, Section 9, November 4, 1941)

**1.48.090 Bonding.** There shall be prepared and furnished to the original purchasers of the bonds, and upon writing request to any holder of the bonds, not more than sixty (60) days after the close of each annual fiscal period, operating and income statements of the utilities, in reasonable detail, covering such annual period, which statements shall be certified by the Clerk-Treasurer or by the manager of said utilities, or the chairman of the Utility Service Board. The furnishing of copies of annual reports filed with the Public Service Commission in compliance with the provisions of Section 21 of Chapter 190 of the Acts of the Indiana General Assembly for the year 1933, shall constitute compliance with the foregoing provision. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer, and shall be open to inspection as other public records. The holders of any of the bonds shall have the right at all reasonable times to inspect the property of the utilities and all records, accounts and data of the City relating thereto, either

in person or by their duly designated agents. (Ordinance 6, Section 9, November 4, 1941)

**1.48.100 Collection of just and equitable rates and charges.** The City shall at all times collect just and equitable rates and charges for the services rendered by said utilities. Such rates and charges shall be sufficient in each year to pay all expenses incident to the operation of the utilities, including maintenance cost, operating charges, up-keep, repairs and interest charges on the bonds; also to provide a sinking fund for the liquidation of the bonds and adequate funds to be used as working capital, as well as funds for making extensions, additions and replacements and for the payment of any taxes that may be assessed against such utility property of the revenues thereof. Such rates and charges shall, if necessary, be changed and re-adjusted from time to time so that the revenue shall be sufficient to maintain and operate said utility in a proper manner and to provide for the servicing of the bonds. Said rates and charges shall apply to all customers of the service provided by said utilities, including services rendered to the City, and all customers including the City shall pay for the service rendered as the charges accrue. All revenues collected pursuant to this section shall be deemed revenues of said utilities, and shall be deposited in the Electric and Water Utility Fund. (Ordinance 6, Section 10, November 4, 1941)

**1.48.110 Safeguarding the interests of the bond holders.** For the purpose of further safeguarding the interests of the holders of said bonds, it is specifically provided as follows:

- (1) So long as any of the bonds herein authorized are outstanding, the utility properties to be acquired pursuant to the provisions of this chapter, and all additions thereto and extensions thereof hereafter made, shall be operated by the Utility Service Board herein created, and the bonds herein authorized shall be a first charge against the net earnings of said utilities and a first lien on the property of said utilities.
- (2) If any contracts be let for the construction of extensions, additions and improvements to said utility properties, or for the furnishing of any equipment to be used in connection therewith, all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of their contracts, to insure completion of said contracts in accordance with their terms and the payment of all obligations incurred in connection therewith. Such contractors shall also be required to carry employers' liability and public liability insurance, and shall be governed in all respects by the laws of the State of Indiana relating to contracts for public works.
- (3) The City shall at all times maintain said utility properties in good condition and operate the same as on utility unit, in an efficient manner and at a reasonable cost.

- (4) The City shall maintain insurance on the insurable parts of said utility properties, of a kind and in an amount such as normally would be carried by a private company engaged in a similar type of business. All insurance shall be placed with reputable insurance companies qualified to do business under the laws of the State of Indiana, and Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or if not immediately required for that purpose shall be deposited in the Electric and Water Utility Fund and credited to the special Depreciation and Improvement Reserve in the Special Utility Account. The City shall also carry employer's liability and public liability insurance in an amount sufficient to protect it against casualties occurring in connection with its operation of said utilities, to the extent permitted by law.
- (5) So long as any of the bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber said utility properties or any part thereof, and shall not lease, sell or dispose of any part thereof except such as shall become worn out or obsolete, and shall be replaced, nor shall the City transfer or use any portion of the revenues derived from the operation of said utilities to any funds or for any purpose not herein specifically authorized.
- (6) So long as any of the bonds herein authorized or outstanding, no additional bonds or other obligations pledging any portion of the revenues of said utilities shall be executed or issued by the City unless the same be made junior and subordinate in all respects to the bonds herein authorized.
- (7) The holders of the bonds herein authorized shall have all of the rights, remedies and privileges either expressly set forth in or implied by any of the governing Acts hereinbefore referred to, including the right to compel the collection of sufficient rates and charges to meet all financial requirements of said utilities in accordance with the provisions of this chapter; also the right to have a receiver appointed to maintain and operate said utilities, in the event the City shall fail or refuse to fix and collect sufficient rates and charges for said purpose, or shall fail or refuse to operate and maintain said utilities and to apply properly the revenues derived from the operation thereof. If there be a default in the payment of the interest on or principal of the bonds for a period of six (6) months after such payment shall be due, the court appointing such receiver may declare the whole amount of said bonds due and payable and may order and direct the sale of said utility property and application of the proceeds of such sale to the payment of the bonds. If any such sale be made, the purchaser of the utility properties shall be deemed to succeed to the rights of the City to

maintain and operate said utilities, and to serve the City and the inhabitants thereof.

- (8) The provisions of the chapter shall constitute a contract between the City of Cannelton and the holders of the bonds herein authorized, and after the issuance of such bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of said bonds, nor shall the Common Council of the City, the Utility Service Board, or any other municipal body or official, adopt or put into effect any law, ordinance, resolution, regulation or ruling in any way adversely affecting the rights of said holders so long as any said bonds or the interest thereon remain unpaid.
- (9) The provisions of this chapter shall be construed to create a trust in the proceeds derived from the sale of the bonds herein authorized, for the uses and purposes set forth herein, and so long as any of the bonds are outstanding, the provisions of this chapter shall also be construed to create a trust in that portion of the net earnings of said utilities requires for the payment of the interest on and principal pf the bonds authorized by this ordinance.
- (10) None of the foregoing provisions shall be construed as requiring the expenditure by the City of any funds except the funds derived from the sale of the revenue bonds herein authorized, and the funds derived from the operation of said utilities. (Ordinance 6, Section 11, November 4, 1941)



## Chapter 1.50

### BOARD OF PUBLIC WORKS AND SAFETY

#### Sections:

#### 1.50.010 Created

**1.50.010 Created.** The City of Cannelton Board of Public Works and Safety shall supervise and control the municipal sewage works and system as provided for in I.C. 36-9-23-3. (Ord. 96-01, S4, February 26, 1996) (Ord. 67-8, 1967 repealed) (Ord. 67-1, S1-6, 1967 repealed)

## Chapter 1.52

### DEPARTMENT OF STORM WATER MANAGEMENT

#### Sections:

- 1.52.010 Storm Water Management I.C. 8-1.5-5 effective and operative**
- 1.52.020 Created, Purpose, Authority**
- 1.52.030 Board of Directors of the Department of Storm Water Management**
- 1.52.040 Territory**
- 1.52.050 Operation and Maintenance financing**

**1.52.010 Storm Water Management I.C. 8-1.5-5 effective and operative.** Indiana Code 8-1.5-5 addressing the matter of storm water management is hereby adopted, making that Chapter and any and all amendments thereto effective and operative as to the City of Cannelton. (Ord. 2016-03, S1, March 14, 2016)

**1.52.020 Created, Purpose, Authority.** Pursuant to that Chapter, a Department of Storm Water Management (“Department”) shall be and is hereby created for the purpose of providing for the collection, disposal, and drainage of storm and surface water and relieving of sanitary sewers of such water in the special taxing district which is also hereby created pursuant to that Chapter. The Department shall have the authority to exercise all powers provided by I.C. 8-1.5-5-1 et seq. (Ord. 2016-03, S2, March 14, 2016)

**1.52.030 Board of Directors of the Department of Storm Water Management.** The Department of Storm Water Management of the City of Cannelton shall be administered and governed pursuant to Indiana Code 8-1.5-5-4, the Board of Directors of the Department of Storm Water Management shall consist of three (3) persons appointed by the Mayor, not more than two (2) of whom may be of the same political party. The terms of office of each director shall be for a period of 4 years, however for the initial terms of each director appointed to the board upon the passage of this ordinance, the term of one of those directors shall be for one (1) year; the term of another of those directors shall be for a period of two (2) years; and the term of the third director shall be for a period of ~~4~~ ~~three (3)~~ years. The Mayor shall prescribe which director shall have which term. After those initial terms are served, any director, including a director initially appointed under this ordinance, shall serve for the 4 year term herein set forth. (Ord. 2016-03, S3, March 14, 2016)

**1.52.040 Territory.** The territory initially included in the special taxing district shall be and is all of the territory now and hereafter included within the corporate limits of the City of Cannelton. (Ord. 2016-03, S4, March 14, 2016)

**1.52.050 Operation and Maintenance financing.** The acquisition, construction, installation, operation, and maintenance of facilities and land for the storm water system may be financed through the proceeds of special taxing district bonds of the storm water district; the assumption of liability incurred to construct the storm water system being acquired; service rates, revenue bonds; or any other available funds. The board, after approval by the Common Council of the City of Cannelton, may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system. (Ord. 2016-03, S5, March 14, 2016)

## Chapter 1.60

### RULES AND REGULATIONS FOR CITY CEMETERIES

#### Sections:

1.60.010	Statutory authority
1.60.020	Prices for grave lots and internment fees
1.60.030	Individual curbs
1.60.040	Existing trees, shrubs, and plants
1.60.050	Private fences, curbing, and enclosures prohibited
1.60.060	Planting flowers, shrubs, and trees prohibited
1.60.062	Articles on graves prohibited
1.60.064	Articles on headstones
1.60.066	No liability for lost or damaged articles
1.60.068	Removal of prohibited items
1.60.070	Positioning of headstones
1.60.080	Footstones
1.60.085	Animals prohibited, fine
1.60.090	Recovery of fees for enforcement

**1.60.010 Statutory authority.** Pursuant to the provisions of I.C 23-14-65, there is hereby established the following rules and regulations governing the use and control of city cemeteries, and repealing any and all rules and regulations previously in effect that are in conflict herewith. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S1, 1978)

**1.60.020 Prices for grave lots and internment fees.** Prices for burial lots and internment fees:

- (1) \$290 per single and \$580 for double lot – Cannelton resident or real property owner. The single lot fee shall increase \$5 per year during each of the following years: 2019; 2020; 2021. The double lot fee shall increase \$10 per year during each of the following years: 2019; 2020; 2021.
- (2) \$365 per single and \$730 for double lot – Non-Cannelton resident or real property owner. The single lot fee shall increase \$5 per year during each of the following years: 2019; 2020; 2021. The double lot fee shall increase \$10 per year during each of the following years: 2019; 2020; 2021.
- (3) \$165 internment fee per lot for child under age two or cremated remains, if the internment occurs on Monday through Friday and not on a legal holiday; and \$190 internment fee per lot for child under age

2 or cremated remains if the internment occurs on Saturday, Sunday, or a legal holiday.

- (4) \$500 internment fee per lot for all others if the internment occurs on Monday through Friday and not on a legal holiday; and \$600 internment fee per lot for all others if the internment occurs on Saturday, Sunday, or a legal holiday. (Ord. 2017-11B, S1.60.020, Dec. 11, 2017) (Ord. 2017-11, S1.60.020, Nov. 13, 2017) (Ord. 12-10, S1, Apr. 2, 2012) (Ord. 2005-02, S1, Feb. 28, 2005) (Ord. 04-04, S2, Mar. 1, 2004) (Ord. 78-7, S2, 1978)

**1.60.030 Individual curbs.** That no individual curbs shall be permitted inside Loop around any lot excepting next to roadway, and constructed under the strict supervision of the cemetery sexton. (Ord. 78-7, S3, 1978)

**1.60.040 Existing trees, shrubs, and plants.** No trees, shrubs, or plants which are currently in place shall be removed without the approval of the Council. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S4, 1978)

**1.60.050 Private fences, curbing, and enclosures prohibited.** No private fence, curbing or enclosures may be placed around any grave. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S5, 1978)

**1.60.060 Planting flowers, shrubs, and trees prohibited.** No flowers, shrubs, or trees may be planted on any grave. (Ord. 2005-10, pt. S1, June 27, 2005) (Ord. 78-7, S6, 1978)

**1.60.062 Articles on graves prohibited.** No articles of any kind may be placed on any grave. (Ord. 2005-10, pt. S1, June 27, 2005)

**1.60.064 Articles on headstones.** Figurines or similar articles may be placed on a headstone provided they are at all times securely attached to the headstone and do not extend over the base thereof. Flowers in vase containers or saddles may be placed on the headstone provided they are at all times securely attached to the headstone. Glass containers are prohibited. (Ord. 2005-10, pt. S1, June 27, 2005)

**1.60.066 No liability for lost or damaged articles.** The City shall have no liability for loss or damage for any article placed on any grave or headstone. Placement of any article is at the sole risk of the person placing such article. (Ord. 2005-10, pt. S1, June 27, 2005)

**1.60.068 Removal of prohibited item.** The City may cause to be removed and disposed of without notice any item placed in a cemetery in violation of the provisions of this Code. (Ord. 2005-10, pt. S1, June 27, 2005)

**1.60.070 Positioning of headstones.** That all headstones erected and placed at the graves in said cemetery shall be in line and not in any out of line positions. (Ord. 78-7, S7, 1978)

**1.60.080 Footstones.** Where headstones are used in said cemetery footstones at any grave will not be allowed or permitted except those at ground level. (Ord. 78-7, S8, 1978)

**1.60.085 Animals prohibited, fine.** Animals are not allowed within any cemetery except trained animals in the legitimate use of a handicapped person. Any person who violates this section shall be subject to a fine of Fifty Dollars (\$50.00). (Ord. 2005-10, pt. S1, June 27, 2005)

**1.60.090 Recovery of fees for enforcement.** Cannelton shall be entitled to recover its attorney fees and other expenses it incurs in the enforcement of the provisions of this Code. (Ord. 2005-10, pt. S1, June 27, 2005)

## Chapter 1.62

### POLICY OF MATERIALITY OF VARIANCES, LOSSES, SHORTAGES, OR THEFT AND PROCESS FOR REPORTING

#### Sections:

1.62.005	Purpose
1.62.010	Reporting to Clerk-Treasurer
1.62.020	Maintain records and investigation
1.62.030	Reporting to State Board of Accounts of cash loss
1.62.040	Reporting to State Board of Accounts of non-cash items
1.62.050	Compliance

#### 1.62.005 Purpose.

- (1) IC 5-11-1-27(j) require erroneous or irregular material variances, losses, shortages, or thefts of political subdivisions funds or property to be reported immediately to the State Board of Accounts; and
- (2) State Examiner Directive 2015-6 directs each political subdivision to determine its own policy on materiality;
- (3) The City of Cannelton does not condone any erroneous or irregular material variances, losses, shortages, or thefts of political subdivisions funds or property but recognizes that relatively small items may not justify the cost of involvement of the State Board of Accounts. (Res. 2016-03, Whereas, June 13, 2016)

**1.62.010 Reporting to Clerk-Treasurer.** All erroneous or irregular variances, losses, shortages, or thefts of the City of Cannelton funds or property, or any funds or property held in trust by the City, shall be reported to the Clerk/Treasurer or her designee promptly upon discovery. (Res. 2016-03, S1, June 13, 2016)

**1.62.020 Maintain records and investigation.** The Clerk/Treasurer shall maintain records pertaining to all irregular variances, losses, shortages or thefts of City funds or City property discovered by her or reported to her, and shall cause the same to be investigated by the appropriate agency. (Res. 2016-03, S2, June 13, 2016)

**1.62.030 Reporting to State Board of Accounts of cash loss.** It is the policy of the City of Cannelton, that the Clerk/Treasurer shall report to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of cash in excess of Five Hundred Dollars (\$500.00) per incident, except for inadvertent clerical errors that are timely and promptly corrected with no loss to the City. (Res. 2016-03, S3, June 13, 2016)

**1.62.040 Reporting to State Board of Accounts of non-cash items.** It is the policy of the City of Cannelton, that the Clerk/Treasurer shall report promptly to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of Two Thousand Dollars (\$2,000.00) estimated market value, except those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the City, and except for losses from casualty accidents, or acts of God. (Res. 2016-03, S4, June 13, 2016)

**1.62.050 Compliance.** All City elected officials, all City employees and their agents are directed to comply with this policy. (Res. 2016-03, S5, June 13, 2016)



## Chapter 1.63

### INTERNAL CONTROL STANDARDS

#### Sections:

<b>1.63.010</b>	<b>Adoption</b>
<b>1.63.020</b>	<b>Training</b>
<b>1.63.030</b>	<b>Policy</b>

**1.60.010 Adoption.** The City of Cannelton hereby adopts a minimum level of internal control standard and procedures policy attached hereto at 1.60.030-Exhibit A prior to June 30, 2016 to provide reasonable assurance the objectives of the City of Cannelton will be achieved. (Ord. 2016-17, S1, Dec. 12, 2016)

**1.60.020 Training.** The Cannelton Clerk-Treasurer is directed to ensure that all appropriate personnel receive training concerning the internal control procedures adopted and approved herein prior to December 31, 2016. Any new hire meeting the criteria set forth of the definition of "appropriate personnel" will be trained in a timely manner. (Ord. 2016-17, S2, Dec. 12, 2016)

**1.60.030 Policy.**

CITY OF CANNELTON

EXHIBIT A

INTERNAL CONTROLS POLICY PURSUANT TO I.C. 5-11-1-27

#### CITY OF CANNELTON POLICY STATEMENT

The purpose of this policy is to communicate the governing body's internal control objectives to elected officials, department heads, and any employee that cashiers for the City of Cannelton and its utilities and to firmly commit to the establishment and execution of five (5) components and seventeen (17) principles of internal controls as established by the Indiana State Board of Accounts.

The system promotes efficiency, minimizes risks of asset loss, helps ensure the reliability of financial information, and compliance with applicable laws, rules, and regulations.

COMPONENT ONE: Control Environment refers to the demonstration of a commitment by the city to:

- (1) Integrity and ethical values
- (2) Oversight of the internal control system
- (3) Establishing an organization structure that oversees the operations, reporting, and compliance of its objectives
- (4) Attracting, developing and retaining competent individuals
- (5) Evaluating performance and holding individuals responsible for internal control duties and responsibilities:

COMPONENT TWO: Risk Assessment refers to the process that identifies and, assesses internal and external risks and establishes tolerances of the city sufficient to:

- (1) Enable the identification of risks and the amount of risks tolerated
- (2) Identify, analyze and respond to risks
- (3) Consider the potential for fraud in the risk assessment process
- (4) Identify, analyze and respond to significant changes impacting the internal control systems;

COMPONENT THREE: Control Activities refers to the city's actions and tools established through policies procedures that allow for the detection, prevention or the reduction of identified risks of loss while still providing governmental operations by;

- (1) Designing control activities
- (2) Designing information systems
- (3) Implementing policies;

COMPONENT FOUR: Information and Communication refers to the internal and external communication needed to achieve the city's objectives by;

- (1) Developing quality information
- (2) Communicating internally quality information
- (3) Externally quality information

COMPONENT FIVE: Monitoring Activities refers to the activities of the city officials to see that all of the components of the internal control system that meet or exceed the standards herein are functioning properly by;

- (1) Establishing and operating monitoring activities and then evaluating them on an ongoing or Periodic basis
- (2) Timely remediation of deficiencies;

The City of Cannelton is responsible to establish and maintain a minimum level of internal controls to furnish reliable financial information on a timely basis. Controls help ensure that assets are not exposed to unauthorized access and use, transactions are properly recorded in the financial records, and the information is reliable. The system of internal controls promotes efficiency, accountability, minimizes risks of asset loss due to fraud, waste, abuse, mismanagement or errors, and transparency. Auditors are required to report upon the adequacy of the city's systems for control of financial reporting and compliance per I.C. 5-11-1-27(e). The safeguarding of city assets is dependent upon the effectiveness of the internal control process.

(Ord. 2016-17, Exhibit A, Dec. 12, 2016)

## Chapter 1.65

### RIVERFRONT DEVELOPMENT PROJECT AREA

#### Sections:

- 1.65.010     **Indiana Code**
- 1.65.020     **Area designated**

#### 1.65.010 Indiana Code.

- (1) IC 7.1-3-20-16(d) and IC 7.1-3-20-16.1 allow for and authorize the issuance of specified, nontransferable permits to sell alcoholic beverages for on-premises consumption in a restaurant within a municipal riverfront development project, funded in part with state and city money.
- (2) IC 7.1-3-20-16.1 allows for and authorizes the issuance of a retailer's permit to sell alcoholic beverages to the proprietor of a restaurant that is located in a facility that is located within the boundaries of an economic development area; a blighted area; an urban renewal area; or a redevelopment area established under IC 36-7-14 or IC 36-7-14.5. (Resolution 07-1, Feb. 12, 2007)

#### 1.65.020 Area designated.

- (1) The area referenced above and in Exhibit A and Exhibit B is hereby designated as a Cannelton Riverfront Development Project Area;
- (2) The Common Council and Mayor approves application for an alcoholic beverage permit within the Cannelton Riverfront Development Project Area that shows that the applicant meets or will meet the following criteria:
  - A. The location is within the area described on the attached Exhibit A and Exhibit B,
  - B. The applicant satisfies all other requirements of IC 7.1-3-20-16.1, and
  - C. In furtherance of redevelopment, monies of the City of Cannelton and the State of Indiana have been expended for redevelopment within the above described area. (Resolution 07-1, Feb. 12, 2007)

**Legal Description**

A part of the Southwest Quarter of Section 14, Township 7 South, Range 3 West and more particularly described as follows;

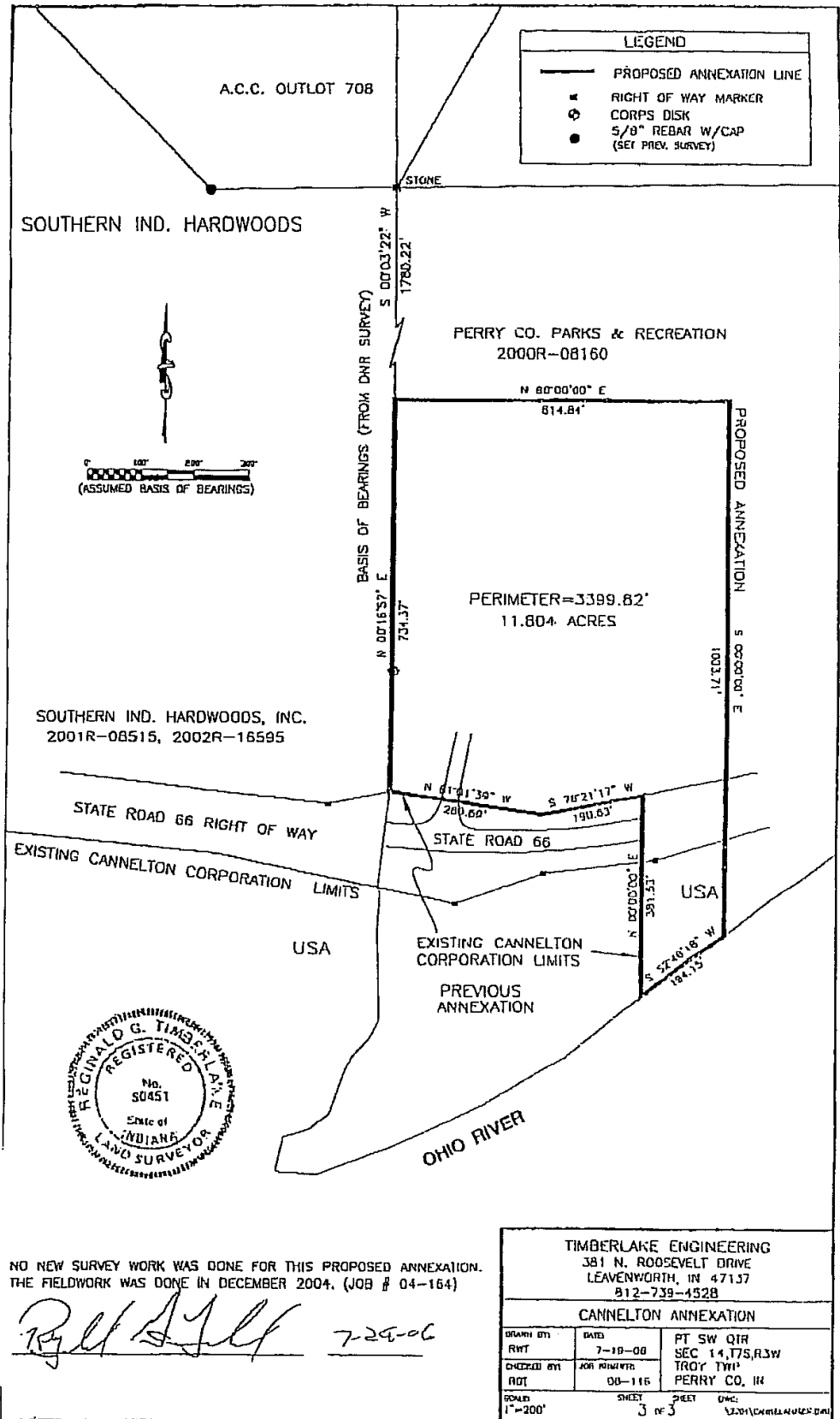
Commencing at a stone at the southeast corner of American Cannel Coal Outlet 708; thence South 0 degrees 03 minutes 22 seconds West 1780.22 feet to the true point of beginning of the tract herein described;

Thence North 90 degrees 00 minutes 00 seconds East 614.84 feet; thence South 00 degrees 00 minutes 00 seconds East 1003.71 feet to the Ohio River; thence along the Ohio River South 52 degrees 46 minutes 18 seconds West 194.15 feet to the east boundary of the Town of Cannelton; thence leaving the Ohio River along the town boundary North 00 degrees 00 minutes 00 seconds East 381.53 feet to the north right of way of State Road 66; thence along said right of way South 78 degrees 21 minutes 17 seconds West 190.63 feet; thence along said right of way North 81 degrees 01 minutes 29 seconds West 280.59 feet; thence North 00 degrees 16 minutes 57 seconds East 734.27 feet to the point of beginning.

This description is prepared from survey work conducted as a part of Job # 04-164). This purpose of this description is to describe a proposed annexation to extend the town boundary on the east side adjacent to the area previously described in Job #04-164.

**SURVEY BY:**  
Reginald G. Timberlake  
Professional Land Surveyor S0451  
7746 S. State Road 66  
Sulphur, IN 47174

**SURVEY FOR:**  
City of Cannelton  
Town Hall  
Cannelton, IN 47520



## Chapter 1.68

### POLICY CONCERNING VENDING MACHINES

#### Sections:

1.68.010	Placement and Location
1.68.020	Public Areas
1.68.030	Restricted Areas
1.68.040	Proper Accounting Necessary
1.68.050	Construction of Clause Headings
1.68.060	Repealing of Conflicting Ordinances
1.68.070	Severability Provision
1.68.080	Duration and Effective Date

**1.68.010 Placement and Location.** The Board of Public Works and Safety of the City of Cannelton shall determine the proper location and placement of any vending machine situated on property that is either owned or leased by the City of Cannelton and shall further determine whether such vending machines are located in public areas or in restricted areas. (Ord. 07-08, S1, May 21, 2007)

**1.68.020 Public Areas.** Any vending machine determined by the Board of Public Works and Safety of the City of Cannelton to be located in an area where the public routinely makes use of the vending machines and generates a reasonable part of the resulting revenues shall be determined to be in a public area and revenues from such a vending machine shall be placed in the City's general fund for future use as determined by the Common Council. (Ord. 07-08, S2, May 21, 2007)

**1.68.030 Restricted Areas.** Any vending machine determined by the Board of Public Works and Safety of the City of Cannelton to be located in an area other than those that are available to the public shall be determined to be in a restricted area and the Common Council shall determine whether or not such revenues shall be restricted for the use and benefit of only those employees who use the machines and generate the revenues. (Ord. 07-08, S3, May 21, 2007)

**1.68.040 Proper Accounting Necessary.** All revenues generated and costs incurred in operating any vending machine located on property owned or leased by the City of Cannelton shall be accounted for through the records of the City of Cannelton. (Ord. 07-08, S4, May 21, 2007)

**1.68.050 Construction of Clause Headings.** The clause headings appearing in this Ordinance have been provided for convenience and reference and do not purport and shall not be deemed to define, limit, or extend the scope or intent of the clause to which they appertain. (Ord. 07-08, S5, May 21, 2007)

**1.68.060 Repealing of Conflicting Ordinances.** The provisions of all other Ordinances in conflict with the provisions hereof are of no further force and effect and are hereby repealed. (Ord. 07-08, S6, May 21, 2007)

**1.68.070 Severability Provision.** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance. (Ord. 07-08, S7, May 21, 2007)

**1.68.080 Duration and Effective Date.** The provisions set forth in this Ordinance shall become and remain in full force and effect upon adoption. (Ord. 07-08, S8, May 21, 2007)

## Chapter 1.70

### PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

#### Sections:

- 1.70.010 Prohibiting the possession or consumption of alcoholic beverages on public property**
- 1.70.020 Exception**
- 1.70.030 Fine for violation**

**1.70.010 Prohibiting the possession or consumption of alcoholic beverages on public property.** It shall be unlawful for any person to consume or have in his possession any vinuous, spirituous or malt liquors or other alcoholic beverages of any kind or description in any public park owned and located in the City of Cannelton, Indiana, or on the sidewalk areas adjacent thereto. (Ord. 81-5, S1, 1981)

**1.70.020 Exception.** It shall further be unlawful for any person to consume any vinuous, spirituous or malt liquors or other alcoholic beverages on any street, alley or public way within the City of Cannelton, Indiana, except when the consumption of said beverages have been licensed by the Indiana Alcoholic Beverage Commission. (Ord. 81-5, S2, 1981)

**1.70.030 Fine for violation.** Whoever violates the provisions of this Chapter, and on conviction, shall be fined in any sum not to exceed \$100.00. (Ord. 81-5, S3, 1981)

## Chapter 1.73

### PUBLIC SAFETY LOCAL OPTION INCOME TAX FUND

#### Sections:

- 1.73.010**      **Creation of Public Safety Local Option Income Tax Fund**
- 1.73.020**      **Expenditures**

**1.73.010 Creation of Public Safety Local Option Income Tax Fund.** There is hereby created an additional fund within the City of Cannelton to be entitled the "Public Safety Local Option Income Tax Receipts Fund", to which shall be deposited all tax receipts received from Perry County from the Public Safety Local Option Income Tax adopted by the Perry County Council pursuant to its aforesaid Resolution No. R-CC-15-6. (Ord. 2015-17, Dec. 14, 2015)

**1.73.020 Expenditures.** There shall be expended from the aforesaid Public Safety Local Option Income Tax Receipts Fund all expenditures authorized by the Common Council of the City of Cannelton, which are qualified to be paid from the aforesaid Fund. (Ord. 2015-17, Dec. 14, 2015)

## Chapter 1.74

### LOIT SPECIAL DISTRIBUTION 257 FUND

#### Sections:

- 1.74.010**      **Established**
- 1.74.020**      **Receipt and Use of Funds**
- 1.74.030**      **Effective**

**1.74.010 Established.** A LOIT Special Distribution 257 Fund is hereby established to receive monies pertaining to infrastructure improvements found under IC 6-3.6-9-17(h)(1)(A). (Ord. 2016-06, S1, July 13, 2016)

**1.74.020 Receipt and Use of Funds.** The Clerk-Treasurer is authorized to receive and execute the appropriate warrants to the account following the State Board of Accounts directives for the use of the monies. (Ord. 2016-06, S2, July 13, 2016)

**1.74.030 Effective.** This Ordinance shall be in full force effective May 1, 2016 and after its passage by the Common Council of the City of Cannelton, this 13<sup>th</sup> day of July, 2016. (Ord. 2016-06, S3, July 13, 2016)



## Chapter 1.75

### RESTRICTED SUB-FUND 202 OF STATE MOTOR VEHICLE HIGHWAY FUND 201

#### Sections:

- 1.75.010      Creation**
- 1.75.020      Effective**

**1.75.010 Creation.** The City of Cannelton approves the creation of a new sub-fund within the MVH Fund 201 designated as the MVH Fund 202 to properly account and manage usage and allocation restrictions required on distributions from the State Motor Vehicle Highway Account. (Res. 2019-05, S1, June 10, 2019)

**1.75.020 Effective.** That this Chapter shall be in full force and effect from the date of passage. (Res. 2019-05, S2, June 10, 2019)

**Chapter 1.80**  
**TRASH FUND**

**Sections:**

- 1.80.010      Creation of Fund**
- 1.80.020      Maintained in Bank Account**
- 1.80.030      Fees**

**1.80.010 Creation of Fund.** There is hereby created on the books and records of the City of Cannelton, Indiana, a special revenue fund, to be known as the "Trash Fund", which shall be for the purpose of depositing into and maintaining all fees for the curbside collection of refuse collected pursuant to Ordinance No. 4.02.290 of the City of Cannelton, Indiana, beginning with those fees due and payable on \_\_\_\_\_, 2012, and all fees which are thereafter due and payable. (Ord. 01-12, S1, Jan. 9, 2012)

**1.80.020 Maintained in Bank Account.** Such "Trash Fund" shall be maintained in a bank account separate from the other bank accounts of the City of Cannelton. (Ord. 01-12, S2, Jan. 9, 2012)

**1.80.030 Fees.** Such fees shall continue to be due and payable at the Office of the Cannelton Utilities Department as and when charges for water and electric service charges are due and payable. (Ord. 01-12, S3, Jan. 9, 2012)

## Chapter 1.81

### RENTAL HOUSING CODE FUND

#### Sections:

- 1.81.010      Creation of Fund**
- 1.81.020      Use of Fund**

**1.81.010 Creation of Fund.** Pursuant to Indiana Code §36-1-20-3 there is hereby created a special fund known as the Rental Housing Code Fund into which any inspection, registration or other fees assessed pursuant to Ordinance No. 11-05 and collected by the City of Cannelton shall be deposited. Said fund shall be a non-reverting fund which may not revert to the general fund or any other fund of the City of Cannelton. (Ord. 2011-05, S1, Sept. 12, 2011)

**1.81.020 Use of Fund.** Money in this fund shall be dedicated to reimbursing the costs reasonably related to the services actually performed by the City of Cannelton, and otherwise as allowed by law, and as appropriated by the Common Council. (Ord. 2011-05, S2, Sept. 12, 2011)

## Chapter 1.82

### FIRE TRUCK FUND

#### Sections:

- 1.82.010 Creation of Fire Truck Fund
- 1.82.020 Authorized to make Deposits
- 1.82.030 Effective Date

**1.82.010 Creation of Fire Truck Fund.** A Fire Truck Fund is hereby established to receive monies pertaining to the Indiana Office of Community and Rural Affairs grant CDBG #CF-05-233.

**1.82.020 Authorized to make Deposits.** The Clerk/Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed.

**1.82.030 Effective Date.** This Ordinance shall be in full force and effect from January 1, 2006 and after its passage by the Common Council of the City of Cannelton, the 12<sup>th</sup> day of June, 2006. Upon completion of the fire truck, this fund shall be closed.

## Chapter 1.84

### EXCESS LEVY FUND

#### Sections:

- 1.84.010 Creation of Excess Levy Fund
- 1.84.020 Authorized to make Deposit
- 1.84.030 Effective Date

**1.84.010 Creation of Excess Levy Fund.** An Excess Levy Fund is hereby established to receive monies pertaining to Excess Levy.

**1.84.020 Authorized to make Deposit.** The Clerk-Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed.

**1.84.030 Effective Date.** This Ordinance shall be in full force and effective July 1, 2006 and after its passage by the Common Council of the City of Cannelton, this 24<sup>th</sup> day of July, 2006.

## Chapter 1.85

### LAW ENFORCEMENT MONEY SEIZURE FUND

#### Sections:

- 1.85.010**      **Creation**
- 1.85.020**      **Deposits**
- 1.85.030**      **Expenditures**

**1.85.010 Creation.** There is hereby established a City fund to be known as the “Law Enforcement Money Seizure Fund”. (Ord. 2018-11A, S1, July 9, 2018)

**1.85.020 Deposits.** There shall be deposited to such fund all monies received from any Prosecuting Attorney’s Office, including the Office of the Perry County Prosecutor, as a result of seizures made by the Prosecutor in criminal cases in which the Cannelton Police Department was involved. (Ord. 2018-11A, S2, July 9, 2018)

**1.85.030 Expenditures.** All monies in such fund shall be expended only for the use of the Cannelton Police Department, and all such expenditures shall be approved prior thereto by the Mayor of the City of Cannelton. (Ord. 2018-11A, S3, July 9, 2018)

## Chapter 1.86

### RIVERBOAT FUND

#### Sections:

<b>1.86.010</b>	<b>Creation of Riverboat Fund</b>
<b>1.86.020</b>	<b>Purposes of the Fund</b>
<b>1.86.030</b>	<b>Transfer to the Fund</b>
<b>1.86.040</b>	<b>Appropriations</b>

**1.86.010 Creation of Riverboat Fund.** There is hereby established a special fund which shall be known as the "Riverboat Fund" which shall receive the City's portion of the distribution of wagering taxes that Perry County receives from the State of Indiana. (Ord. 03-13, S2, Sept. 8, 2003)

**1.86.020 Purposes of the Fund.** The funds on deposit in the Riverboat Fund may be used for any governmental purpose for which the money is appropriated by the City Council. (Ord. 03-13, S3, Sept. 8, 2003)

**1.86.030 Transfer to the Fund.** The City's portion of the distribution of wagering taxes from the State of Indiana, through Perry County, shall be deposited in the Riverboat Fund. (Ord. 03-13, S4, Sept. 8, 2003)

**1.86.040 Appropriations.** The Common Council of the City of Cannelton may authorize the expenditure of funds from the Riverboat Fund by appropriation, made in the same manner as other funds are appropriated that receive tax moneys. (Ord. 03-13, S5, Sept. 8, 2003)

## Chapter 1.87

### RAINY DAY FUND

#### Sections:

1.87.010	Creation of Rainy Day Fund
1.87.020	Purposes of the Fund
1.87.030	Transfer to Fund
1.87.040	Appropriations
1.87.050	Effective Date

**1.87.010 Creation of Rainy Day Fund.** There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered finds under the following statutory provisions:

- (1) I.C. 36-1-8-5 (funds raised by a general or special tax levy on all taxable property of the City);
- (2) I.C. 6-30.5-1.1-21.1 (supplemental distributions of adjusted gross income tax);
- (3) I.C. 6-3.5-6-17.3 (supplemental distribution of county option income tax);
- (4) I.C. 6-3.5-7-17.3 (supplemental distribution of county economic development income tax); and
- (5) Fund received from the sale of timber from City owned property. (Ord. 08-02, S1, Apr. 14, 2008)

**1.87.020 Purposes of the Fund.** The funds on deposit in the Rainy Day Fund may be used for the operation of the City and its various departments, when the City does not have sufficient levies or funds to pay such costs of operation, including, but not limited to, salaries and wages, costs of services, supplies, equipment, capital improvements, repairs and similar expenditures. (Ord. 08-02, S2, Apr. 14, 2008)

**1.87.030 Transfer to Fund.** On or before December 31<sup>st</sup> of each year, the Cannelton City Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund which transfer may not exceed more than ten percent (10%) of the City of Cannelton's total annual budget for that fiscal year. (Ord. 08-02, S3, Apr. 14, 2008)

**1.87.040 Appropriations.** The Cannelton City Council may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds appropriated that receive tax moneys, upon making a

finding that the proposed use of the funds is consistent with the intent of the Fund. (Ord. 08-02, S4, Apr. 14, 2008)

**1.87.050 Effective Date.** This Ordinance shall be in full force and effect from and after the date of its passage. (Ord. 08-02, S5, Apr. 14, 2008)

## Chapter 1.88

### GRANT FUND

#### Sections:

- 1.88.010**      **Creation of Grant Fund**
- 1.88.020**      **Authorized to make deposits, execute warrants and transfer funds**
- 1.88.030**      **Effective Date**

**1.88.010 Creation of Grant Fund.** A Grant Fund is hereby established to receive monies pertaining to State and Federal Grants. (Ord. 07-02, S1, Feb. 12, 2007)

**1.88.020 Authorized to make deposits, execute warrants and transfer funds.** The Clerk-Treasurer is authorized to deposit and execute the appropriate warrants and transfer funds as needed. (Ord. 07-02, S2, Feb. 12, 2007)

**1.88.030 Effective Date.** This Ordinance shall be in full force and effective January 1, 2007 and after its passage by the Common Council of the City of Cannelton, this 12 day of February, 2007. (Ord. 07-02, S3, Feb. 12, 2007)



## Chapter 1.89

### CUMULATIVE CAPITAL DEVELOPMENT FUND

#### Sections:

- 1.89.010 Establishment and Purpose**
- 1.89.020 Tax Levy**
- 1.89.030 Public Hearing and submittal to and approval by Department of Local Government Finance**

**1.89.010 Establishment and Purpose.** The City of Cannelton Common Council of Perry County, Indiana established a Cumulative Capital Development Fund for the following purposes. The Cumulative Capital Development (“CCD”) may be used for any lawful purpose asset out in IC 36-9-15.5-2. (Ord. 13-05, S1, July 8, 2013)

**1.89.020 Tax Levy.** This Board will adhere to provisions of Indiana Code 6-1.1-17-16.7. The proposed fund will not exceed \$0.05 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2014 payable 2014. (Ord. 13-05, S2, July 8, 2013)

**1.89.030 Public Hearing and submittal to and approval by Department of Local Government Finance.** Proofs of publication of the public hearing held on the 8<sup>th</sup> day of July, 2013, and a certified copy of this ordinance will be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance. (Ord. 13-05, S3, July 8, 2013)

## Chapter 1.90

### ORDINANCE VIOLATIONS BUREAU

#### Sections:

<b>1.90.010</b>	<b>Established</b>
<b>1.90.020</b>	<b>Acceptance of Payment of Fines</b>
<b>1.90.030</b>	<b>Violations Schedule</b>
<b>1.90.040</b>	<b>Payment to the Violations Clerk</b>
<b>1.90.050</b>	<b>Uniform Code Violation Form</b>

**1.90.010 Established.** There is hereby established the Cannelton Ordinance Violations Bureau, and the City Utilities Bookkeeper and his assistants are hereby appointed the Violations Clerk and assistant Clerks, respectively. (Ord. 96-05, S1, May 13, 1996)

**1.90.020 Acceptance of Payment of Fines.** The Violations Clerk or authorized assistants shall accept written appearances, waivers of trial, admissions of violations, and payment of fines and penalties which do not exceed Two Hundred Fifty Dollars (\$250.00) for each violation. (Ord. 06-08, S1, July 10, 2006) (Ord. 96-05, S2, May 13, 1996)

**1.90.030 Violations Schedule.** There is hereby established a Violations Schedule which schedule is declared to be the stated fine or penalty per violation as provided for in any ordinance of Cannelton which provides for a fine or penalty, exclusive of water, electric, or sewer rate ordinances and moving traffic violations. (Ord. 96-05, S3, May 15, 1996)

**1.90.040 Payment to the Violations Clerk.** All ordinances of Cannelton, except water, electric, or sewer rate ordinances, which provide for payment of a fine or penalty per violation of Two Hundred Fifty Dollars (\$250.00) or less per violation, to the City of Cannelton, or a named representative thereof, shall be construed to allow for payment to the violations Clerk or authorized assistants as provided in I.C. 33-36. (Ord. 06-08, S2, July 10, 2006) (Ord. 96-05, S4, May 13, 1996)

**1.90.050 Uniform Code Violation Form.** Effective immediately, there is hereby adopted for use by the Cannelton Police Department, the Ordinance Violation Bureau, and others a Uniform Code Violation Form in essential conformity with the form attached hereto and marked as Exhibit A and is hereby made a part of this Code. The form shall be used as a means by which to issue a formal citation in writing to any party violating a municipal ordinance for which a fine is imposed. (Ord. 06-08, S3, July 10, 2006)

**CODE AND ORDINANCE VIOLATION NOTICE**

**№ 982627**

NO. \_\_\_\_\_

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME \_\_\_\_\_

PREMISE ADDRESS \_\_\_\_\_

VEHICLE MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ LICENSE \_\_\_\_\_ STATE \_\_\_\_\_

PLEASE TAKE NOTICE THAT ON (Date) \_\_\_\_\_ (Time) \_\_\_\_\_  
YOU WERE FOUND IN VIOLATION OF:

ORDINANCE/§# \_\_\_\_\_

SPECIFICALLY THE VIOLATION CONSISTS OF:

- ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON:  
 PROPERTY       STREET      FINE \$ \_\_\_\_\_
- ANIMAL     PROHIBITED     CRUELTY     RUN AT LARGE  
 DEFECATE ON PROPERTY     UNLICENSED  
 OTHER \_\_\_\_\_ FINE \$ \_\_\_\_\_
- TRASH     IMPROPER BURNING     IMPROPER DISPOSAL FINE \$ \_\_\_\_\_
- HIGH GRASS OR WEEDS FINE \$ \_\_\_\_\_
- LITTERING       LITTERING BY HANDBILLS FINE \$ \_\_\_\_\_
- NOISE     GENERAL     VEHICULAR     ANIMAL FINE \$ \_\_\_\_\_
- DISORDERLY CONDUCT FINE \$ \_\_\_\_\_
- TRESPASSING       LOITERING FINE \$ \_\_\_\_\_
- IMPROPER WATERING FINE \$ \_\_\_\_\_
- OTHER \_\_\_\_\_ FINE \$ \_\_\_\_\_

ADDITIONAL DESCRIPTION OF VIOLATION: \_\_\_\_\_

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN \_\_\_\_\_ DAYS TO AVOID ANY FURTHER ACTION TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

DEPARTMENT NAME  
ADDRESS  
CITY, STATE ZIP

ISSUING OFFICER \_\_\_\_\_ TITLE \_\_\_\_\_

SIGNATURE OF VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_

LAW ENFORCEMENT SYSTEMS, INC. PO BOX 1888 GEORGETOWN, TX 75149  
888-527-6442

FORM 602

888-527-6442



(Ord. 06-08, July 10, 2006)

## Chapter 1.95

### ADOPTING THE BASE MAP OF THE CITY OF CANNELTON

#### Sections:

- 1.95.010      Creation**
- 1.95.020      Adoption as the Official Map**

**1.95.010 Creation.** Indiana 15 Regional Planning Commission has prepared a Base Map, City of Cannelton, Indiana which originated on January 10, 2003 and was updated August 7, 2006. This map includes amendments up to and including Ordinance 2005-17. (Ord. 06-15, S1.95.010, Sept. 11, 2006) (Ord. 03-06, Whereas, May 12, 2003)

**1.95.020 Adoption as the Official Map.** The Base Map, City of Cannelton, Indiana updated on August 7, 2006 is hereby approved and adopted as the Official Map of Cannelton, Indiana. (Ord. 06-15, S1.95.020, Sept. 11, 2006) (Ord. 03-06, S1, May 12, 2003)

Note: See Title 9 for Base Map

## Chapter 1.96

### ADOPTING THE ZONE MAP OF THE CITY OF CANNELTON

#### Sections:

- 1.96.010      Creation**
- 1.96.020      Adoption as the Official Zoning Map**

**1.96.010 Creation.** Indiana 15 Regional Planning Commission has prepared a Zone Map, City of Cannelton, Indiana which originated on January 10, 2003 and was updated August 7, 2006. This map includes amendments up to and including Ordinance 2005-17. (Ord. 06-15, S1.96.010, Sept. 11, 2006) (Ord. 03-05, Whereas, May 12, 2003)

**1.96.020 Adoption as the Official Zoning Map.** The Zone Map, City of Cannelton, Indiana updated on August 7, 2006 is hereby approved and adopted as the Official Zoning Map of Cannelton, Indiana. (Ord. 06-15, S1.96.020, Sept. 11, 2006) (Ord. 03-05, S1, May 12, 2003)

Note: See Title 7 for Zoning Map