TITLE 1

ADMINISTRATION AND PERSONNEL

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ADMINISTRATION AND PERSONNEL

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Chapter 1.01

RULES OF ORDER FOR THE GOVERNMENT OF THE TOWN

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1.01.080 No member may leave during the meeting
1.01.090 Every vote shall be recorded by ayes and nays
1.01.100 Governmental proceedings not expressed in these rules
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The following rules shall be observed by the Town Council in conducting its meetings:

1.01.020 Regular meeting place. The Board shall have prepared in a suitable manner some convenient room, where its meetings shall be regularly held. (Ord. 1, S2, February 1, 1892)

1.01.030 Date and time of meeting. The Dale Town Council will meet the first Monday of each month as a regular meeting date at 7:00 P. M. If regular meeting falls on a legal holiday, it automatically is rescheduled for future day. This avoids any confusion as to rescheduling meetings. (Res. 1995-1, 1995) (Ord. 24, S3, October 2, 1896) (Ord. 1, S3, February 1, 1892)

1.01.040 President shall preside over meetings. The President shall take the chair at the appointed hour, and should he be absent, some other member shall preside. The President at the request of any member, may order the attendance of any absent member, and any two members may, on motion, at any regular meeting of the Board, order the attendance of the President. (Ord. 1, S4, February 1, 1892)

1.01.050 President shall decide questions of order. The President shall decide all questions of order, subject to appeal to the Board, and shall preserve order, and shall call to order any person who may transgress any rule. (Ord. 1, S5, February 1, 1892)

1.01.060 Every member shall vote unless a conflict exists. Every Trustee present shall vote upon each question under consideration, unless he be interested therein, or excused by the Board. (Ord. 1, S6, February 1, 1892)

1.01.070 Every motion shall be recorded. Every motion shall, if required by any Trustee, be reduced to writing, and every motion, when recorded, shall be stated by the President, or, if in writing, shall be read by the Clerk, but may be withdrawn by the mover at any time before the result of the vote is announced by consent of the Board. (Ord. 1, S7, February 1, 1892)

1.01.080 No member may leave during the meeting. No member may leave the Board during a meeting except upon leave of the President. (Ord. 1, S8, February 1, 1892)

1.01.090 Every vote shall be recorded as ayes and nays. Every vote shall be taken by yeas and nays, and at the request of any two Trustees the ayes and nays shall be recorded. (Ord. 1, S9, February 1, 1892)

1.01.100 Government proceedings not expressed in these rules. The Board shall be governed by the ordinary rules of proceedings in deliberative bodies, when not expressed in the Rules or Ordinances. (Ord. 1, S10, February 1, 1892)

1.01.110 Order of business. The business of each meeting shall be considered in the following order:

1st Reading and corrections of the records of the previous meeting

2nd Reports of Committees and action thereon

3rd Receiving and disposing of claims

4th Unfinished business

5th New business (Ord. 1, S11, February 1, 1892)

Chapter 1.08

TOWN ELECTIONS

Sections:

1.08.010 Town Council members elected at large

1.08.010 Town Council members elected at large. The town legislative body districts of the Town of Dale, Indiana, and all members of the legislative body of the Town of Dale, Indiana, shall hereafter be elected at large, and the abolition of legislative districts shall continue. (Ord. 2002-11, Oct. 7, 2002) (Ord. 1993-9, April 5, 1993)

Chapter 1.12

PURCHASING POLICIES

Sections:

1.12.010 Designation of Purchasing Agency
1.12.020 Purchasing Agents
1.12.030 Policy Statement

1.12.010 Designation of Purchasing Agency. The Town Council of the Town of Dale, Indiana, hereby determines that the purchasing agency for the Town is the Town Council. (Res. 98-2, S1, March 2, 1998)

1.12.020 Purchasing Agents. The Town Council hereby designates the following persons to serve as purchasing agents for the Town:

(1) the Clerk-Treasurer

(2) the Town Marshall

(3) the Sewer Superintendent

(4) the Street Superintendent

(5) the Water Superintendent

(6) those additional Town employees or other persons who are designated in writing from time to time. (Res. 98-2, S2, March 2, 1998)

1.12.030 Policy Statement. The Town will prepare rules and/or a policy statement to cover aspects of purchasing as allowed by I.C. 5-22 et. seq., as amended, which may apply to all purchases generally or to a specific purchase as stated in the solicitation for the purchase, and this policy statement also may be amended, in whole or in part from time to time, as the Town Council determines appropriate. (Res. 98-2, S3, March 2, 1998)

Chapter 1.13

CAPITAL ASSET AND DEPRECIATION POLICY

Sections:

1.13.040 General Information
1.13.050 Definition of Capital Assets
1.13.060 Valuation of Capital Assets
1.13.070 Assets Definition by Major Category
1.13.080 Depreciation Methods
1.13.090 Capital Asset Acquisitions
1.13.100 Asset Transfers and Dispositions
1.13.110 Periodic Inventories
1.13.120 Responsibilities of Clerk-Treasurer's Office
1.13.130 Responsibilities of Department Head/Utility Managers

1.13.040 General Information. This Capital Asset and Depreciation Policy is being issued retroactive to January 1, 2004. The new policy will be referred to as the "Capital Asset and Depreciation 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 policy will also establish the depreciation rates for the water and wastewater utilities. This issuance of a policy document is related to the implementation of the 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 town to report "infrastructure assets" for the first time. Separate records will be maintained for the Town's General Capital Assets and the capital assets of each utility. The capital asset threshold levels for the Town's Utility Capital Assets are hereby set as follows: $0 for assets classified as "Land and Buildings", and $5,000 for "Improvements Other Than Buildings", "Machinery and Equipment", and "Transportation Equipment". The capital asset threshold levels for the Town's General Capital Assets are hereby set as follows: $0 for assets classified as "Land and Buildings", and $5,000 for "Improvements Other Than Buildings", "Machinery and Equipment", and "Transportation Equipment". Current 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". If at the discretion of the Clerk-Treasurer or the Utilities Manager it is desirable to keep track of items or groups of items valued at less than these threshold levels (such as weedeaters, or push mowers), a separate listing entitled "Inventoried Items" may be maintained. These "inventoried items" will not be included in the Unit's Capital Assets for purposes of the State Board of Accounts audit reports. Other items purchased or acquired at less than the threshold level are to be expensed in the year of purchase or acquisition.

The Town of Dale 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 Town of Dale 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, depreciation, maintenance, and retirement

(4) to provide data for financial reporting

(5) to demonstrate appropriate stewardship responsibility for public assets (Ord. 2005-4, S1.13.040, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

1.13.050 Definition of Capital Assets. Capital Assets include "Land", "Buildings", "Improvements Other Than Buildings", "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 designated by the Clerk-Treasurer or the Utilities Manager as set out in 1.13.040) shall be capitalized in accordance with this policy. (Ord. 2005-4, S1.13.050, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

1.13.060 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 to indicate estimated cost.

(3) Assets acquired with Federal Grant funds should also include an "F" or "FED" to indicate involvement of federal funds in the acquisitions. (Ord. 2005-4, S1.13.060, Apr. 4, 2005)

1.13.070 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 Town of Dale, its various departments, boards, or authorities, regardless of the method or date of acquisition. Easements will not be included as the Town 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 town or utility offices. Traditionally, Dale Utilities has included treatment plants as improvements other than buildings. 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, fixed shelving, lighting fixtures, porches, canopies and fire escapes.

(3) "Improvements Other Than Buildings"-Included in this category are water and waste water lines, water wells, lift stations, parking lots, fencing, walls and monuments.

(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, Police Department equipment, street department equipment, and any other town departments equipment meeting the threshold level at the time of acquisition should be included. Consumable materials and supplies should not be included.

(5) "Transportation Equipment"-This category includes all wheeled vehicles used for transportation such as cars, trucks, vans and motorcycles.

(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 Town's General Capital Assets, but not to the Water and Wastewater Utilities. Should the Town 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. Also included in this category would be streets, roads, bridges, culverts, traffic signals, and tunnels constructed or acquired by the Town on or after January 1, 2004. The Town of Dale 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. 2005-4, S1.13.070, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

1.13.080 Depreciation Methods. The Town's General Capital Assets are not subject to depreciation. Depreciation will ONLY apply to the Capital Assets of the UTILITIES, with the exception land, which is not depreciated according to generally accepted accounting principals. 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 if individual assets. When items of property or equipment are disposed of, the cost of the item replaced or retired, net of any value is charged to accumulated depreciation.

The following is a list of the composite depreciation rates applicable to the depreciable asset categories:

(1) Buildings 2% (equates to a useful life of 50 years)

(2) Improvements Other Than Buildings 2% (equates to a useful life of 50 years)

(3) Machinery and Equipment 10% (equates to a useful life of 10 years)

(4) Transportation Equipment 10% (equates to a useful life of 10 years) (Ord. 2005-4, S1.13.080, Apr. 4, 2005)

1.13.090 Capital Asset Acquisitions

(1) The method of purchase 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 Town or Utility personnel or outside contractors.

C. Donation or contribution accepted by the 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 Town 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. 2005-4, S1.13.090, Apr. 4, 2005)

1.13.100 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 Dale Town Marshall as well as the Town Clerk-Treasurer in a timely fashion. (Ord. 2005-4, S1.13.100, Apr. 4, 2005)

1.13.110 Periodic Inventories. A physical inventory of all capital assets will be conducted in each department/utility on or about December 31st of every year. The Town Clerk-Treasurer may conduct spot checks on a random basis throughout the year. Department heads and Utility managers will be 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. 2005-4, S1.13.110, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

1.13.120 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 department head and Utility in order containing information about the beginning balance, additions, retirements, and ending balances of capital assets. (Ord. 2005-4, S1.13.120, Apr. 4, 2005) (Ord. 2000-9, Nov. 21, 2000)

1.13.130 Responsibilities of Department Head/Utility Managers. It is the responsibility of the department heads and Utility Managers 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 the 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 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 physical inventory. This individual ensures that there is not personal or unauthorized use of assets. In addition., the department head or designee should report any property damage or theft. (Ord. 2005-4, S1.13.130, Apr. 4, 2005)

Chapter 1.15

WATER AND SEWAGE DEPARTMENTS REPLACEMENT RESERVE FUND

Sections:

1.15.010 Establishment

1.15.010 Establishment. The Town Board does establish and direct that a Replacement Reserve Fund be set up in the Water and Sewage Departments and a transfer of .10 of the Town's annual loan payment to Farmer's Home Administration transfer out of the operating fund of each department each month into the Replacement Reserve Fund. (Res. 1984-3, March 5, 1984)

Chapter 1.18

VEHICLE INSPECTION FUND

Sections:

1.18.010 Vehicle Inspection Fee
1.18.020 Collection and record keeping
1.18.030 Vehicle Inspection Fund
1.18.040 Purpose of funds

1.18.010 Vehicle Inspection Fee. There be and hereby is authorized and imposed from and after August 1, 1988, a fee in the sum of Five dollars ($5.00) for each inspection of a motor vehicle, semi-trailer or recreational vehicle by an officer of the Dale Indiana Police Department made in connection with an application for a certificate of title for said vehicle pursuant to the terms and provisions of I.C. 9-1-2-1 and the preparation of the necessary documents verifying said inspection in accordance with said statute. (Ord. 1988-3, S1, 1988)

1.18.020 Collection and record keeping. The Chief of Police of the Town of Da1e, Indiana shall be responsible for the collecting of said fees herein established and shall keep an accurate record of each inspection made and fee collected. Each person paying a fee as herein established shall be given a written receipt for the same. All monies collected as herein provided shall be paid to the Clerk-Treasurer in the manner prescribed by law. (Ord. 1988-3, S2, 1988)

1.18.030 Vehicle Inspection Fund. There is hereby established a Dale Indiana Special Vehicle Inspection Fund in accordance with the provisions of I.C. 9-1-2-1(i) into which all inspection fees shall be deposited by the Clerk-Treasurer of the Town of Dale, Indiana. (Ord. 1988-3, S3, 1988)

1.18.040 Purpose of funds. The funds so collected pursuant to this ordinance shall be appropriated by the Board of Trustees of the Town of Dale, Indiana, for law enforcement purposes only. (Ord. 1988-3, S4, 1988)

Chapter 1.19

VEHICLE UNLOCKING

Sections:

1.19.010 Authorization
1.19.020 Disclosure and Release Form
1.19.030 Unlocking Fee
1.19.040 Receipt
1.19.050 Deposit of Funds

1.19.010 Authorization. The Dale Police Department shall be authorized to unlock vehicle doors at the request of the vehicle's operator. (Ord. 2010-6, S1, Aug. 2, 2010)

1.19.020 Disclosure and Release Form. Prior to unlocking the door, the owner, if available, or if not then the operator of said vehicle shall be given a Disclosure and Release form, a copy of which is attached as Exhibit "A". The owner of operator shall sign an acknowledgement of the Disclosure and Release form. (Ord. 2010-6, S2, Aug. 2, 2010)

1.19.030 Unlocking Fee. For each vehicle unlocked, the Town Police Department shall assess a $10.00 "unlocking fee" from the owner or operator. (Ord. 2010-6, S3, Aug. 2, 2010)

1.19.040 Receipt. All moneys received by said officers shall be further evidenced by a numbered receipt signed by the officer and the owner/operator of the subject vehicle and of which a copy will be retained by said officer. (Ord. 2010-6, S4, Aug. 2, 2010)

1.19.050 Deposit of Funds. All moneys collected shall be submitted to the Town Clerk Treasurer for deposit at the end of the officer's shift or on the next business day at the Clerk's office at the Dale Town Hall. (Ord. 2010-6, S5, Aug. 2, 2010)

Chapter 1.20

ADVISORY PLAN COMMISSION

Sections:

1.20.010 Established
1.20.050 Compensation

1.20.010 Established. There be and hereby is authorized and established an Advisory Plan Commission for the Town of Dale, Indiana, and said Advisory Plan Commission shall upon its organization comply with I.C. 36-7-4-100ff. (Ord. 1988-2, S1, 1988) (Ord. 109, S1, Dec. 1, 1969)

1.20.050 Compensation. That effective January 1, 1991, the Town of Dale, Indiana, shall pay each member of the Planning and Zoning Commission and each member of the Board of Zoning Appeals the sum of Twenty-five Dollars ($25.00) per meeting attended, provided there is a quorum to conduct business at said meeting. (Res. 1990-15, 1990)

Chapter 1.21

BOARD OF ZONING APPEALS

Sections:

See Chapter 10.05

Chapter 1.24

ECONOMIC DEVELOPMENT COMMISSION

Sections:

1.24.010 Created
1.24.020 Members
1.24.030 Appointments/Terms
1.24.040 Qualifications for appointment/Oath of Office/Meetings/Officers
1.24.050 By-laws/Meeting notice/Quorum
1.24.060 Removal from Commission
1.24.070 Conflict of Interest
1.24.080 Powers and duties

1.24.010 Created. There is hereby created the Dale Economic Development Commission, which said commission shall be the Department of Economic Development of Dale, Indiana. (Ord. 113, S1, December 1, 1971)

1.24.020 Members. This Commission shall have three members, all to be appointed in the manner provided in Section 1.24.030. (Ord. 113, S2, December 1, 1971)

1.24.030 Appointments/Terms. The members of the Dale Economic Development Commission shall be appointed by the President of the Town Board in the following manner:

One of the members to be so appointed shall be selected by the President of the Town Board; one member shall be nominated by the County Council of Spencer County; and one member shall be nominated by the Town Board of Trustees of the Town of Dale. The nominations made by the County Council and the Town Board of Trustees of the Town of Dale shall be transmitted to the President in writing within ten days from the date hereon. The Commissioners shall take office upon their appointment, and their terms shall run the following number of years, from February 1 following their original appointment. The Commissioner nominated by the Town Board of the Town of Dale -- 2 years; the Commissioner nominated by the County Council -- 1 year; and the Commissioner selected by the President of the Town Board of Trustees -- 3 years. At the expiration of the respective terms of each of the Commissioners, their respective successors shall be selected and nominated in the same manner as the original appointee, each of the nominees shall be appointed by the President of the Town Board of Trustees within ten days after receiving the nomination, and each succeeding member after the original appointees, shall serve for a term of four years. In the event any person appointed shall fail to qualify within ten days after the mailing to him of notice of his appointment, of if any member after qualifying shall die, resign, or vacate said office, or be removed, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom such vacancy occurs and the member so chosen and appointed shall serve for the remainder of the vacated term. (Ord. 113, S3, December 1, 1971)

1.24.040 Qualifications for appointment/Oath of Office/Meetings/ Officers. No person shall be appointed as a Commissioner, who is not either a resident of the Town of Dale, employed in Dale, or owner of a business in Dale. If any Commissioner shall cease to qualify in one of these categories, his appointment on said board shall thereby terminate and his office shall become vacant.

Each Commissioner, before entering upon his duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his appointment, which shall be promptly filed with the Clerk-Treasurer.

The Commission originally appointed shall meet within thirty days after its appointment at a time and place designated by the President of the Town Board of Trustees of Dale for the purpose of organization, and shall meet to reorganize in February of each succeeding year.

The Commission shall elect one of its members as president, one as vice-president and one as secretary, each of which officers shall serve from the day of his election until the 31st day of January next following his election and until his successor is elected and qualified. (Ord. 113, S4, December 1, 1971)

1.24.050 By-laws/Meeting notice/Quorum. The Commission shall adopt such by-laws, rules and regulations as it may deem necessary for the proper conduct of its proceedings. Regular or special meetings shall be held at such time as the Commission may determine and upon such notice as it may fix, and a majority of the Commission shall constitute a quorum and concurrence of a majority shall be necessary to authorize any action. (Ord. 113, S5, December 1, 1971)

1.24.060 Removal from Commission. Any Commissioner may be removed from office for neglect of duty, incompetency, disability to perform his duties, or any other good cause, by the officer of board which nominated him. A Commissioner so removed may obtain judicial review of such removal by filing a complaint in the Circuit Court of Spencer County, but the burden of proof shall be upon the officer or board which removed the Commissioner. The cause shall be placed on the calendar and be tried as other civil cases are tried by the Court without the intervention of a jury. An appeal from such judgment may be taken as in civil actions. (Ord. 113, S6, December 1, 1971)

1.24.070 Conflict of Interest. No Commissioner shall have any pecuniary interest in any contract, employment, leases, purchase or sale made under the provisions of this act, and any such transaction made in which any Commissioner has a pecuniary interest shall be void ab initio: Provided, however, that any property required for the purposes of this act in which a Commissioner has a pecuniary interest may be acquired but only by gift or condemnation. (Ord. 113, S7, December 1, 1971)

1.24.080 Powers and duties. The Dale Economic Development Commission is hereby granted all of the powers and duties set out in the Municipal Economic Development act of 1965, the same being Chapter 402 of the Acts of the Indiana General Assembly of 1965. (Ord. 113, S8, December 1, 1971)

Chapter 1.25

DEPARTMENT OF ECONOMIC DEVELOPMENT

Sections:

1.25.010 Indiana Code 36-7-11.9
1.25.020 Establishment
1.25.030 Nominated Members
1.25.040 Officer of the Town

1.25.010 Indiana Code 36-7-11.9.

(1) Indiana Code 36-7-11.9, as amended, and 36-7-12, as amended (collectively, the "Act") provides that the financing of single, identified economic development or pollution control facilities (as defined in the Act) and the provision of a program to finance multiple, unidentified economic development or pollution control facilities that promote a substantial likelihood of:

A. creating or retaining opportunities for gainful employment;

B. creating business opportunities;

C. providing reliable water services;

D. the abatement, reduction or prevention of pollution; or

E. the removal or treatment of substances in materials being processed that otherwise would cause pollution when used;

serve a public purpose and will be of benefit to the health or general welfare of the unit; and

(2) The Act provides that, if the fiscal body of a unit finds it necessary to finance economic development or pollution control facilities under the Act, the fiscal body may establish a department of economic development, to be controlled by an economic development commission. (Ord 2023-7, Preamble, Aug. 8, 2023)

1.25.020 Establishment. This Town Council hereby establishes a department of economic development, to be controlled by a commission known as the "Dale Economic Development Commission." (Ord. 2023-7, S1, Aug. 8, 2023)

1.25.030 Nominated Members. The Town Council hereby nominates Jeff Dicus to serve on the Dale Economic Development Commission. (Ors. 2023-7, S2, Aug. 8, 2023)

1.25.040 Officer of the Town. Any officer of the Town is hereby authorized and directed, for and on behalf of the Town, to execute and deliver any instrument or take any other action as such officer determines to be necessary or desirable to accomplish the purposes of this ordinance, such determination to be conclusively evidenced by such officer's having executed such instrument or having taken such action, and any such officer's having executed and delivered any such instrument or having taken any such action is hereby ratified and approved. (Ord. 2023-7, S3, Aug. 8, 2023)

Chapter 1.26

DEPARTMENT OF REDEVELOPMENT

Sections:

1.26.010 Establishment
1.26.020 Board membership
1.26.030 Territory
1.26.040 Appointment of members
1.26.050 Repeal of conflicting ordinances

1.26.010 Establishment. The Town Council of the Town of Dale, Indiana ("Town"), now deems it to be in the best interest of the Town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the Town by establishing a department of redevelopment. (Ord. 1999-6, S1, November 23, 1999)

1.26.020 Board membership. The Town Council hereby establishes the Department of Redevelopment of the Town. The Department will be controlled by a board of five members known as the Dale Redevelopment Commission. (Ord. 1999-6, S2, November 23, 1999)

1.26.030 Territory. Pursuant to the Act all of the territory within the corporate boundaries of the Town will be a taxing district to be known as the Dale Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment and economic development purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. 1999-6, S3, November 23, 1999)

1.26.040 Appointment of members.

(1) The President of the Town Council of the Town shall appoint three of the five members of the Dale Redevelopment Commission.

(2) The Town Council hereby appoints Richard Gogel and Harold Gogel, as members of the Dale Redevelopment Commission.

(3) The term of office of the members of the Dale Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 2001. (Ord. 1999-6, S4, November 23, 1999)

1.26.050 Repeal of conflicting ordinances. All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this order are hereby repealed. (Ord. 1999-6, S5, November 23, 1999)

Chapter 1.28

PROPERTY TAX ABATEMENT PROGRAM

Sections:

1.28.005 Purpose
1.28.006 Declaring an Economic Revitalization Area
1.28.010 General Standards and Requirements
1.28.020 Application Process
1.28.030 Effective date

1.28.005 Purpose. I.C. 6-1.1-12.1 sets forth the legal requirements for designating "Economic Revitalization Areas" for the purposes of tax abatement. The Town of Dale, Indiana, is desirous to have available the use of tax abatement as an economic development tool. The Town of Dale, Indiana, desires to set forth a process for applying for Economic Revitalization Area designation. (Res. Unnumbered, September 14, 1992)

1.28.006 Declaring an Economic Revitalization Area. To declare an Economic Revitalization Area, the Dale Town Council, upon receipt of proper application, may:

(1) Pass a resolution declaring a specific area an Economic Revitalization Area. The resolution must contain a description of the affected area and be filed with the county assessor. The resolution will include a determination of the time period for which a deduction will be allowed.

(2) After approval of the above resolution, the Dale Town Council shall publish notice of the adoption and substance of the resolution in accordance with I.C. 5-3-1. The notice must state that a description of the affected area is available and can be inspected in the county assessor's office. The notice must also name a date when the Dale Town Council will receive and hear all remonstrances and objections from interested persons. After considering the evidence, the Dale Town Council shall take final action determining whether the qualifications for an economic development revitalization area have been met and confirming, modifying and confirming, or rescinding the resolution. This determination is final except that an appeal may be taken and heard as provided in I.C. 6-1.1-12.1-2.5. (Res. Unnumbered, September 14, 1992)

1.28.010 General standards and requirements.

(1) Application for designation as an Economic Revitalization Area shall meet at least one of the following criteria:

A. The area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property.

B. Any area where a facility or group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues. (Res. Unnumbered, Section 1A, Sept. 14, 1992)

(2) Tax abatement may be allowed for projects in the following categories:

A. Manufacturing: property consisting of new, improved or expanded building or structure, but not including land.

B. Warehousing as a part of renovation and/or expansion of vacant manufacturing structures or the construction of a new facility.

C. Renovation of vacant manufacturing facilities. (Res. Unnumbered, Section 1B, September 14, 1992)

(3) Tax abatement on the increase in assessed valuation of structures is not available to retail businesses or other facilities as set out in I.C. 6-1.1-12.1-3(e). (Res. Unnumbered, Section 1C, September 14, 1992)

(4) Application for deduction from assessed valuation of structures in economic revitalization areas will be made on forms prescribed by the State Board of Tax Commissioners and be accompanied with a statement of benefits form as prescribed by the State Board of Tax Commissioners. A completed statement of benefits form must be submitted to the Dale Town Council before the hearing specified in I.C. 6-1.1-12.1, or before the installation of the new equipment for which the person desires to claim a deduction. (Res. Unnumbered, Section 1D, September 14, 1992)

(5) Tax abatement may be granted for new manufacturing equipment as defined in I.C. 6-1.1-12.1 and as described in I.C. 6-1.1-12.1-4.5. Tax abatement for new manufacturing equipment may be granted for which:

A. Is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property; and

B. Was acquired by its owner for use as described in (1) immediately preceeding, and was never before used by its owner for any purpose in Indiana.

C. Is installed in an economic revitalization area. (Res. Unnumbered, Section 1E, September 14, 1992)

(6) Tax abatement will not be granted for a project that does not meet the qualifications of I.C. 6-1.1-12.1. (Res. Unnumbered, Section 1F, September 14, 1992)

(7) The project must begin within twelve (12) months of the date of passage of the tax abatement resolution. (Res. Unnumbered, Section 1G, September 14, 1992)

(8) Data relating to current taxes, projected taxes with and without tax abatement, and the tax deferral shall be provided as part of the application. (Res. Unnumbered, Section 1H, September 14, 1992)

(9) For a real property tax abatement application, a site plan, maps, plats or simplified description of the area by describing its location in relation to public ways, streams or otherwise, must be submitted with the application. For new manufacturing equipment tax abatement, the application must include information concerning the new manufacturing equipment specific enough to allow the equipment to be readily identified. (Res. Unnumbered, Section 1I, September 14, 1992)

1.28.020 Application process.

(1) An application seeking designation of an area as an Economic Revitalization Area shall be filed with the Spencer County Auditor, and any other appropriate county or town official. Such application shall be on forms prescribed by the State Board of Tax Commissioners and be accompanied by a completed statement of benefits form prescribed by the State Board of Tax Commissioners and shall also contain supporting documentation relative to the matters set forth in Section 1.28.010(1) through 1.28.010(9), inclusive, hereof. (Res. Unnumbered, Section 2A, September 14, 1992)

(2) The application for tax abatement shall also contain all information as required by I.C. 6-1.1-12.1 and any other pertinent state statute(s). (Res. Unnumbered, Section 2B, September 14, 1992)

(3) The Spencer County Auditor, upon receipt of application, is directed to review each such application for completeness and accuracy, gather and request additional information needed by the Dale Town Council to make an appropriate, informed decision; analyze the application and supplemental material and submit such general comments on the acceptability or unacceptability of the request or Economic Revitalization Area designation as he/she deems appropriate. The application may be filed without a filing fee, however, the applicant shall be responsible for any of the Town's actual out-of-pocket costs incurred, including any attorney's fees. (Res. Unnumbered, Section 2C, September 14, 1992)

(4) Compliance with the statement of benefits filed by the applicant seeking tax abatement shall be shown as prescribed by I.C. 6-1.1-12.1. (Res. Unnumbered, Section 2D, September 14, 1992)

1.28.030 Effective date. This resolution shall be in full force and effect from and after its passage by the Dale Town Council, the signing of said resolution by said Dale Town Council and the attestation of said signatures by the Dale Town Clerk-Treasurer, which occurred September 14, 1992. (Res. Unnumbered, Section 3, September 14, 1992)

Chapter 1.30

ECONOMIC REVITALIZATION AREA

Sections:

1.30.005 Preamble
1.30.010 Thermwood justification
1.30.020 Territory description
1.30.030 Effective June 5, 2006 – June 5, 2016
1.30.040 Real Property deduction
1.30.050 Equipment deduction
1.30.060 Public ratification
1.30.070 Separability

1.30.005 Preamble.

(1) WHEREAS, the Town Council of the Town of Dale, Indiana, has been requested by the owner of record thereof to find that certain property located within the Town of Dale be designated as an economic revitalization and/or rehabilitation area pursuant to I.C. 6-1.1-12. 1-1 to qualify for real and personal property tax abatement;

(2) WHEREAS, said owner of property an applicant for the tax abatement program has filed with the Town Council of the Town of Dale, Indiana, an application and a statement of benefits to accrue as a result of the proposed rehabilitation and/or redevelopment on the form prescribed by the State Board of Tax Commissioners and in their application, which statement of benefits has been reviewed by the Town Council of the Town of Dale, Indiana;

(3) WHEREAS, the Town Council of the Town of Dale, Indiana, has reviewed the boundaries of the area proposed to be designated as an economic revitalization and/or rehabilitation area, and has duly and sufficiently investigated the nature, character, use and development of the property included within said area; and

(4) WHEREAS, the Town Council of the Town of Dale, Indiana, held a public hearing after due notice to hear all remonstrances and objections from interested persons. (Res. 2006-7, June 20, 2006) (Res. 2006-6, June 5, 2006)

1.30.010 Thermwood justification. The Town Council of the Town of Dale, Indiana, that upon due investigation and consideration of the application and of the statement of benefits to accrue as a result of the proposed redevelopment, rehabilitation and/or acquisition of new buildings and manufacturing equipment by Thermwood Corporation, the Town Council of the Town of Dale, Indiana, now finds:

(1) The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature and the cost of the new manufacturing equipment is reasonable for equipment of that type.

(2) The estimate of the number of individuals who will be employed, or whose employment will be retained, can be reasonably expected to result from the proposed-described redevelopment or rehabilitation and from the proposed installation of new manufacturing equipment.

(3) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed-described redevelopment or rehabilitation and from the proposed installation of new manufacturing equipment.

(4) All other benefits described by the application of Thermwood Corporation are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the proposed building additions and the installation of new manufacturing equipment.

(5) The totality of benefits is sufficient to justify the deduction. (Res. 2006-7, June 20, 2006)

1.30.020 Territory description. The territory within the Town of Dale, as described below, is hereby determined and designated to be an economic revitalization and/or rehabilitation area qualifying for real and personal property tax abatement in accordance with I.C. 6-1.1-12.1 in that said territory has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, age, obsolescence, or other factors which have impaired value or prevent normal development of the property.

A part of the Southeast Quarter of the Northwest Quarter of Section 20, Township 4 South, Range 5 West, Spencer County, Indiana, described as follows: Beginning at a corner stone at the Southwest corner of said quarter-quarter section; thence North 0 degrees 10 minutes East 659.0 feet to an iron pin; thence South 88 degrees 30 minutes East 677.7 feet along an existing fence line to an iron pin in the center of the Dale-Buffaloville Road; thence South 1 degree 30 minutes East 390.0 feet along the center of said road to an iron pin; thence South 16 degrees 35 minutes East 262.8 feet along the center of said road to an iron pin on the South line of said quarter-quarter section; thence North 90 degrees 00 minutes West 764.0 feet along the South line of said quarter-quarter section to the point of beginning and containing 10.45 Acres, more or less. (Res. 2006-7, June 20, 2006) (Res. 2006-6, June 5, 2006)

1.30.030 Effective June 5, 2006 - June 5, 2016. The designation of the territory described herein as an economic revitalization and/or rehabilitation area of the Town of Dale, shall be and remain effective for a period of ten (10) years, commencing June 5, 2006, and that there shall be allowed a deduction from assessed valuation for the redevelopment and/or rehabilitation of industrial property within said economic revitalization and/or rehabilitation area during said period in accordance with I.C. 6-1.1-12.1. (Res. 2006-7, June 20, 2006)

1.30.040 Real Property deduction. The owner of property which is located in the above economic revitalization area shall be entitled to the appropriate deduction from the increase in the assessed value of real property resulting from real property improvements for a period of ten (10) years, in accordance with the appropriate percentage schedule set forth in I.C. 6-1.1-12.1-4. (Res. 2006-7, June 20, 2006)

1.30.050 Equipment Deduction. Thermwood Corporation, which is proposing to acquire and install new manufacturing equipment in the above economic revitalization and/or rehabilitation area, shall be entitled to the appropriate deduction from the assessed valuation of new manufacturing equipment for a period of ten (10) years in accordance with the appropriate percentage schedule set, forth in I.C. 6-1.1-12.1-4.5. (Res. 2006-7, June 20, 2006)

1.30.060 Public ratification. The Town Council of the Town of Dale, Indiana, has received and heard all remonstrances and objections to the designation of the described area as an economic revitalization and/or rehabilitation area from interested persons at 7:00 o'clock p.m., on June 20, 2006, in the Dale Town Hall Council Room in Dale, Indiana, and Resolution No. 2006-6 is hereby ratified and confirmed in all respects. (Res. 2006-7, June 20, 2006)

1.30.070 Separability. If any part, parts, clause of portion of this Resolution shall be judged invalid or unconstitutional, such invalidity of unconstitutionality shall not affect the validity of constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution. (Res. 2006-7, June 20, 2006)

Chapter 1.31

ECONOMIC DEVELOPMENT PLAN AREA

Sections:

1.31.005 IC 36-7-14
1.31.010 Declaratory Resolution Conformance
1.31.020 Approval of Declaratory Resolution
1.31.030 Effective When
1.31.040 Economic Development Plan

1.31.005 IC 36-7-14.

(1) The Town of Dale Redevelopment Commission (the "Redevelopment Commission"), as the governing body for the Town of Dale Redevelopment Department (the "Department"), pursuant to Indiana Code 36-7-14, as amended (the "Act"), adopted a Declaratory Resolution of November 12, 2024 (the "Declaratory Resolution"), designation an area known as the Dale Economic Development Area (the "Economic Development Area") as an economic development area pursuant to Section 41 of the Act and designated a portion of such area as an allocation area pursuant to Section 39 of the Act; and

(2) The Declaratory Resolution approved an economic development plan for the Economic Development Area designated as the Dale Economic Development Plan (the "Plan"); and

(3) The Town of Dale Plan Commission, on November 21, 2024, approved and adopted a resolution (the "Plan Commission Order") determining that the Declaratory Resolution and the Plan conform to the plan of development for the Town of Dale and approving the Declaratory Resolution and the Plan. (Res. 2024-8, Preamble, Nov.21, 2024) (Res. 2018-11, Preamble, Nov. 14, 2018)

1.31.010 Declaratory Resolution Conformance. Pursuant to Section 16(a) and (b) of the Act, the Town Council of the Town (the "Council") determines that the Declaratory Resolution and the Plan for the Economic Development Area, in all respects, conform to the plan of development for the Town, and approves in all respects, the Declaratory Resolution, the Plan for the Economic Development Area and the Plan Commission Order. (Res. 2024-8, S1, Nov.21, 2024) (See Resolution 2018-1 for Economic Development Plan) (Res. 2018-11, S1, Nov. 14, 2018)

1.31.020 Approval of Declaratory Resolution. The Council hereby approves the determination that the Economic Development Area is an economic development area pursuant to Section 41 of the Act and that the portion thereof designated in the Declaratory Resolution is an allocation area pursuant to Section 39 of the Act. (Res. 2024-8, S2, Nov.21, 2024) (Res. 2018-11, S2, Nov. 14, 2018)

1.31.030 Effective When. This Resolution shall be in full force and effect from and after its passage by the Council. (Res. 2024-8, S3, Nov. 21, 2024) (Res. 2018-11, S3, Nov. 14, 2018)

1.31.040 Economic Development Plan. (Res. 2024-8, Nov. 21, 2024)

TOWN OF DALE
REDEVELOPMENT COMMISSION

ECONOMIC DEVELOPMENT PLAN FOR THE
DALE ECONOMIC DEVELOPMENT AREA

PURPOSE AND INTRODUCTION

The Town of Dale Redevelopment Commission (the "**Commission**"), the governing body of the Department of Redevelopment and the Redevelopment District (the "**District**") of Town of Dale, Indiana (the "**Town**"), proposes to designate and declare and economic development area within the Town to be known as the "Dale Economic Development Area" (the "**Area**"). This document is the plan for the Area (the "**Plan**"), provided that this Plan may be amended in the future as provided in Indiana Code 36-7-14, as amended from time to time (the "**Act**") and in this Plan.

Pursuant to Sections 15 and 16 of the Act, the Plan must be approved by the Commission, the Town Plan Commission or, if there is no Town Plan Commission, then to the body charged with the duty of developing a general plan for the Town, if any, and the Town Council of the Town. Upon such approvals, the Commission will hold a public hearing on the Plan as required under Section 17 of the Act, before confirming (or modifying and confirming) the designation of the Area and the approval of the Plan.

PROJECT OBJECTIVES

The purposes of the Plan are to benefit the public health, safety, morals and welfare of the citizens of the Town; increase the economic well-being of the Town and the State of Indiana; and serve to protect and increase property values in the Town and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the Town, retain and expand existing significant business enterprises in the Town, provide for local public improvements in the Area, retain permanent jobs, and increase the property tax base.

DESCRIPTION OF AREA

The Area consists of the entire Town, and the "Dale Economic Development Area Allocation Area" (the "**Allocation Area**") is bounded as indicated in the map attached to this Plan as Exhibit A hereto.

PROJECT DESCRIPTION

The Commission currently contemplates that to accomplish the Plan, it will carry out the development of the Area, including the acquisition, construction and installation of any or all of the projects set forth herein (collectively, the "**Project**").

ACQUISITION LIST

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire additional property in the future, it shall follow procedures set forth in Section 19 of the Act. The Commission may not exercise the power of eminent domain in an economic development area.

ESTIMATE OF THE COST OF ACQUISITION AND ECONOMIC DEVELOPMENT

Because the Commission does not intend to acquire property for the Project, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the Project. The estimated cost of the Project is not presently known with certainty but is expected to exceed $500,000.

DISPOSAL OF PROPERTY

The Redevelopment Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 22 of the Act.

STATUTORY FINDINGS

The Plan for the Area meets the following required findings under Section 41(b) of the Act:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the Town, attracts a major new business enterprise to the Town, retains or expands a significant business enterprise existing in the Town, or meets other purposes of Sections 2.5, 41, and 43 of the Act.

The improvements contemplated by the Plan will provide increased opportunities for gainful employment of the citizens of the Town and make the Area more attractive to potential developers, thereby fostering additional economic development in and serving the Area.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41, and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

Implementation of the plan is necessary because the Area otherwise has limited potential to attract potential development.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area

Implementing the Plan will put in place incentives to support future development and also increase job opportunities for the citizens of Dale, thereby improving quality of life and benefiting the public health and welfare of the citizens of the Town.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by public benefits similar to the attraction or retention of

permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.

The Project will be of public utility and benefit by promoting job creation, increasing the property tax base and will allow for further economic development and improved diversity of the economic base of the Town.

5. The Plan for the Area conforms to other development and redevelopment plans for the Town, if any.

The Plan conforms with the intended development of the Town.

PERMISSIBLE PROJECTS

Tax increment revenues from the Allocation Area or other sources of funds available to the Redevelopment Commission may be used to finance the cost of infrastructure improvements in or serving the Allocation Area, including without limitation, curbs, gutters, water lines, waste water lines, street paving and construction, storm sewer lines, and storm water basin improvement, as well as demolition, in, serving or benefiting the Allocation Area. Although the precise mature of infrastructure that may be necessary from time to time to attract and retain prospective or existing redevelopment and economic development opportunities in the Allocation Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Allocation Area.

Tax increment revenues from the Allocation Area or other sources of funds available to the Redevelopment Commission may also be used to offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the unit, or to pay principal or interest on economic development revenue bonds issued by the unit to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Area. The provision of incentives by the application of tax increment revenues to offset developer promissory notes that secure economic development revenue bonds issued by the unit to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Area, has become an established financing tool and an increasingly common form of incentive for attracting economic development and redevelopment.

The acquisition or construction of projects to enhance the cultural attractiveness of the entire unit, including Economic Development Area.

Acquisition or construction of projects to enhance the public safety of the entire unit, including the Economic Development Area.

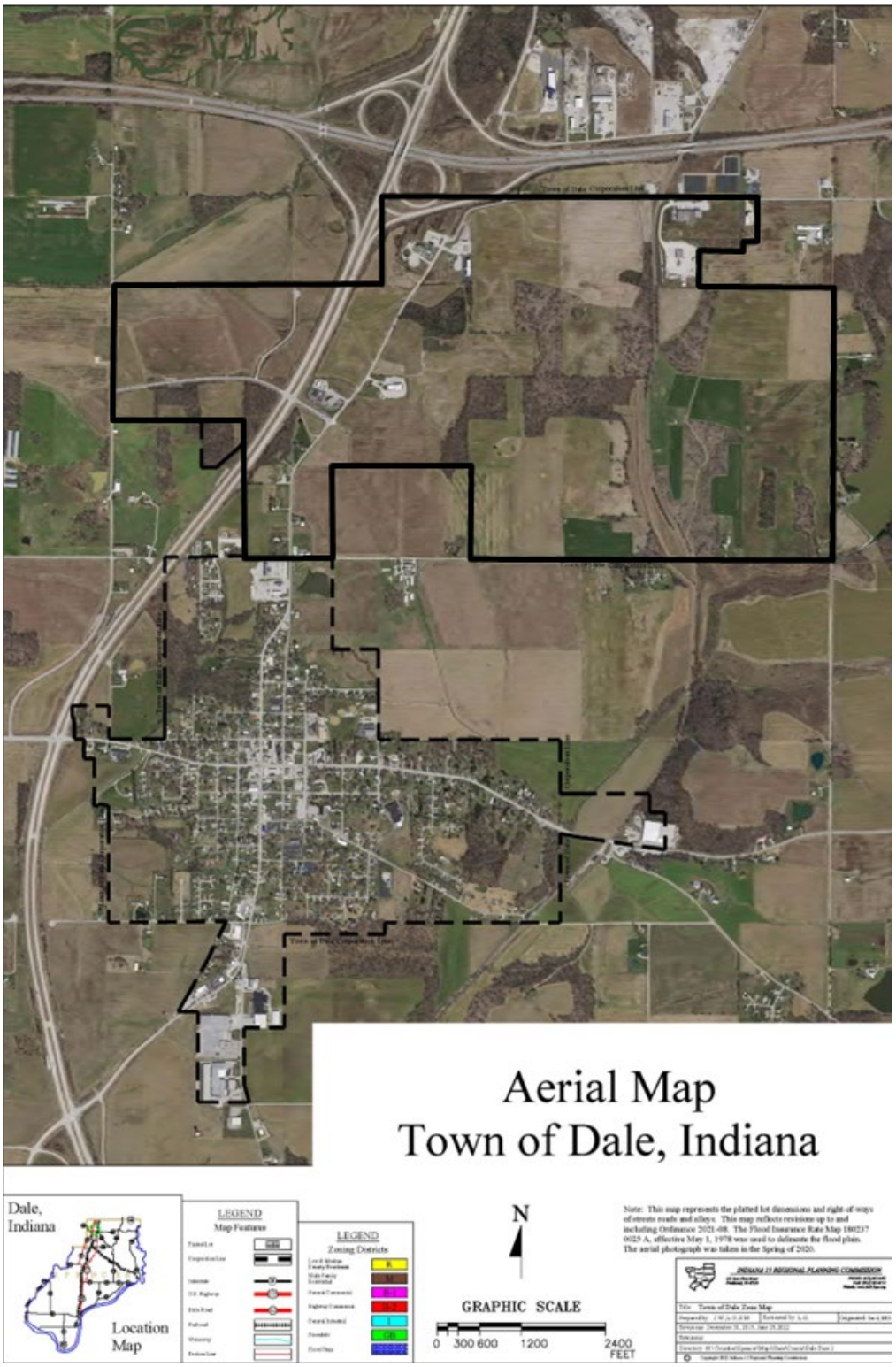
AMENDMENT OF THE PLAN

This Plan may be amended by following the procedures described in Section 17.5 of the Act.

EXHIBIT A

MAP OF ALLOCATION AREA

The Allocation Area is the portion of the town outlined in the map attached hereto:



Chapter 1.32

ECONOMIC DEVELOPMENT TARGET AREAS

Sections:

1.32.010 Travel Centers of America
1.32.020 Orchard Estates
1.32.030 Allison Rose Gardens

1.32.010 Travel Centers of America.

(1) Findings. The Town Council hereby finds that the Area has become undesirable or impossible for 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 that have impaired values or prevent a normal development of property or use of property in the Area. The Town Council further finds that the designation of the Area as an economic development target area will not cause the Town to exceed the fifteen percent (15%) limit on the geographic territory in the Town that may be so designated. (Ord. 2023-8, S1, Sept. 12, 2023)

(2) Designation. The Town Council hereby designates the Area as an "economic development target area" for purposes of IC 6-1.1-12.1-7, as amended. (Ord. 2023-8, S2, Sept. 12, 2023)

1.32.020 Orchard Estates.

(1) Findings. The Town Council hereby finds that the Area has become undesirable or impossible for 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 that have impaired values or prevent a normal development of property or use of property in the Area. The Town Council further finds that the designation of the Area as an economic development target area will not cause the Town to exceed the fifteen percent (15%) limit on the geographic territory in the Town that may be so designated. (Ord. 2023-16, S1, Nov. 21, 2023)

(2) Designation. The Town Council hereby designates the Area as an "economic development target area" for purposes of IC 6-1.1-12.1-7, as amended. (Ord. 2023-16, S2, Nov. 21, 2023)

1.32.030 Allison Rose Gardens.

(1) Findings. The Town Council hereby finds that the Area has become undesirable or impossible for 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 that have impaired values or prevent a normal development of property or use of property in the Area. The Town Council further finds that

the designation of the Area as an economic development target area will not cause the Town to exceed the fifteen percent (15%) limit on the geographic territory in the Town that may be so designated. (Ord. 2024-3B, S1, Aug. 13, 2024)

(2) Designation. The Town Council hereby designates the Area as an "economic development target area" for purposes of IC 6-1.1-12.1-7, as amended. (Ord. 2024-3B, S2, Aug. 13, 2024)

Travel Centers of America

Orchard Estates

Allison Rose Gardens

Chapter 1.35

DEPARTMENT OF PARKS AND RECREATION

Sections:

1.35.010 Re-established
1.35.020 Definitions
1.35.030 Members/Appointment
1.35.040 Terms
1.35.050 Election of Officers
1.35.060 Powers and duties
1.35.070 Transfer of prior records
1.35.080 Compensation for members of the Board
1.35.090 Removal of board member
1.35.100 Meetings
1.35.110 Department of Parks and Recreation
1.35.120 Repeal of conflicting ordinances

1.35.010 Re-established. Pursuant to the provisions of IC 36-10-3, there is hereby re-established a Dale Park and Recreation Board. (Ord. 1999-8, S1, December 6, 1999)

1.35.020 Definitions. Definitions as used in this ordinance:

(1) "Board" refers to the Dale Park and Recreation Board.

(2) "Department" refers to the Department of Parks and Recreation of the Town of Dale, Indiana.

(3) "District" means that area being within the jurisdiction of the department which is the territory lying within the corporate boundaries of the Town of Dale, Indiana as such boundaries may change from time to time. (Ord. 1999-8, S2, December 6, 1999)

1.35.030 Members/Appointment. The Town of Dale Park and Recreation Board is hereby re-established to be composed of four (4) members appointed by the President of the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party. (Ord. 1999-8, S3, December 6, 1999) (Ord. 1981-2, S1, June 1, 1981) (Ord. 1973-2, S1, February 5, 1973)

1.35.040 Terms. Upon re-establishment of the Board, the terms of the members initially appointed shall be:

(1) One (1) member for a term ending the first Monday in January, 2001.

(2) One (1) member for a term ending the first Monday in January, 2002.

(3) One (1) member for a term ending the first Monday in January, 2003.

(4) One (1) member for a term ending the first Monday in January, 2004.

As a term expires, each new appointment shall be made for a term of four (4) years. All members shall continue in office until a successor is appointed. If an appointment is not made by the first Monday in April, the incumbent is automatically appointed to serve another term. A new member shall be appointed to serve the remainder of any unexpired term due to a vacancy. All members of the Board shall be residents of the Town. Neither a municipal executive nor a member of the Town Council may serve on the Board. (Ord. 1999-8, S4, December 6, 1999)

1.35.050 Election of Officers. At its first 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. 1999-8, S5, December 6, 1999)

1.35.060 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. 1999-8, S6, December 6, 1999) (Ord. 1973-2, S3,4, and 5, February 5, 1973)

1.35.070 Transfer of prior records. The intent of this Ordinance is to comply with IC 36-10-3 and therefore no rights or duties of the present Park and Recreation Board shall be affected by adoption of this Ordinance and all books, papers, documents, rights, duties and other property of the former Board are transferred to and shall become the property, right or duty of the Board created herein. (Ord. 1999-8, S7, December 6, 1999)

1.35.080 Compensation for members of the Board. The compensation and per diem allowances for members of the Board shall not exceed those limits established by IC 36-10-3 and other applicable laws of the State of Indiana. (Ord. 1999-8, S8, December 6, 1999) (Ord. 1973-2, S2, February 5, 1973)

1.35.090 Removal of board member. A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the Town Council shall appoint a hearing officer. The persons to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Ord. 1999-8, S9, December 6, 1999)

1.35.100 Meetings. All meetings of the Board are open to the public. The Board shall fix the time and place of its regular meetings, but it shall meet a least quarterly.

Special meetings of the Board may be called by the President or by any two (2) members by written request to the Secretary. The Secretary shall send each member, at least two (2) days before special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting. (Ord. 1999-8, S10, December 6, 1999)

1.35.110 Department of Parks and Recreation. There is hereby created a Department of Parks and Recreation of the Town of Dale, Indiana, pursuant to the provisions of IC 36-10-3 to operate, control, and manage the town parks now owned by the Town of Dale and any and all similar parks hereafter established by and for the use of the town and its citizens, together with all of the recreation facilities situated therein, and to control and conduct such recreation programs and activities for the citizens of this community as its governing board may deem appropriate, all pursuant to the provisions of IC 36-10-3.

The Department shall consist of a Park and Recreation Board, a Director, and such other personnel that the Board may determine necessary for the proper operation and management of said Department. (Ord. 1999-8, S11, December 6, 1999)

1.35.120 Repeal of conflicting ordinances. All other ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinances is repealed, specifically Ordinances 1973-2 and 1981-2. (Ord. 1999-8, S12, December 6, 1999)

Chapter 1.36

NON-REVERTING OPERATING FUND FOR THE PARK AND RECREATION BOARD

Sections:

1.36.010 Established
1.36.020 Monies received shall be placed in fund
1.36.030 Disbursement of funds

1.36.010 Established. A Non-reverting Operating Fund for the Park and Recreation Board is hereby established. (Ord. 1977-10, 1977)

1.36.020 Monies received shall be placed in fund. Monies received by the Park and Recreation Board in the form of fees for use of recreation facilities shall be placed in said Non-reverting Operating Fund and may be expended by the Park and Recreation Board without appropriation.

1.36.030 Disbursement of funds. Monies from said Non-reverting Operating Fund shall be disbursed only on approval claims allowed and signed by he President and Secretary of the Park and Recreation Board.

Chapter 1.37

PARK AND RECREATION FEES

Sections:

1.37.010 Fees for uses of facilities

1.37.010 Fees for uses of facilities. The following fees are hereby adopted for uses of facilities managed by the Dale Park and Recreation Department:

(1) Daily Admission Fee for using the gymnasium or fitness area:

Children under the age of 14	$1.00
Teens 14 - 18	$1.50
Adults 19 - 54	$2.50
Senior Citizens 55 and up	$1.50

(2) Monthly Membership Fee for using the gymnasium or fitness area:

Children under the age of 14	$10.00
Teens 14 - 18	$13.00
Adults 19 - 54	$20.00
Senior Citizens 55 and up	$13.00
Family	$45.00

(3) Fee to reserve the batting cage for 1/2 hour $ 3.00

(4) Rental Fee for the Banquet room at the Community Center:

$20.00 per hour for first and second hours

$10.00 per hour for third and following hours

(5) Rental Fee of the large shelter house at Heichelbech Park $20.00 per day

(6) Fee for use of lights on ball fields $15.00 per hour

(Res. 2007-9, Aug. 6, 2007) (Res. 2005-15, Dec. 13, 2005)

Chapter 1.38

FISHING PERMIT FEES AT TOWN LAKE

Sections:

1.38.010 Annual Fees
1.38.020 Payable at Clerk-Treasurer's Office
1.38.030 Permit(s) shall be carried on the person while fishing
1.38.040 Penalty for violation

1.38.010 Annual Fees. The following annual fees are hereby applicable for fishing in any lake owned by the Town of Dale, Indiana:

(1)	Customer of the municipal water system of the Town of Dale, Indiana	$ 6.00
(2)	All other individuals	$12.00

(Ord. 2005-16, Dec. 13, 2005)

1.38.020 Payable at Clerk-Treasurer's Office. All fees shall be paid at the Clerk-Treasurer's Office in the Town of Dale, Indiana, or at such other places as designated and approved by the Dale Town Council. (Ord. 2005-16, Dec. 13, 2005)

1.38.030 Permit(s) shall be carried on the person while fishing. The Town of Dale fishing permit shall be carried on the person along with any other permits required by State or Federal laws for public fishing while fishing in any lake owned by the Town of Dale. (Ord. 2005-16, Dec. 13, 2005)

1.38.040 Penalty for violation. Any person violating this Ordinance shall be subject to a penalty of Twenty-five Dollars ($25.00) for the first offense, Fifty Dollars ($50.00) for the second offense, and One Hundred Dollars ($100.00) for the third or any subsequent offense. All penalties shall be payable to the Clerk-Treasurer of the Town of Dale, Indiana. (Ord. 2005-16, Dec. 13, 2005)

Chapter 1.39

SALE OF BEER AND WINE IN THE DALE TOWN PARK

Sections:

1.39.010 Temporary beer or wine permit

1.39.010 Temporary beer or wine permit. A resolution of the Town Council of the Town of Dale, Indiana to approve the sale of beer and wine in the Dale Town Park during the annual Dale Fall Festival.

This resolution is in accordance with HEA 1080, P.L. 73-1996 which states that a public hearing and approval by the Town Council is required for a temporary beer or wine permit to sell beer or wine in a town park in a town having a population of less than 10,000. (Res. 1998-3, no date) (Res. 1997-4, no date) (Res. 1996-4, no date)

Chapter 1.40

PARK AND SPLASH PAD FUND

Sections:

1.40.010 Established

1.40.010 Established. The Town Council of the Town of Dale, Spencer County, Indiana, does hereby recognizes that a need now exists to establishment a special fund, the Park & Splash Pad Fund, #2302, to receive donations to be used toward the Park & Splash Pad expenses. The fund will continue until terminated by a subsequent ordinance. (Ord. 2023-3, Feb. 14, 2023)

Chapter 1.45

CONFLICT OF INTEREST AND NEPOTISM POLICY

Sections:

1.45.010 Policy of Conduct regarding Nepotism in employment and contracting
1.45.020 Indiana Code minimum requirements
1.45.030 Establishment of Nepotism Policy
1.45.040 Establishment of Contracting with a Unit by a Relative Policy
1.45.050 More Detailed requirements
1.45.060 Single member of Legislative Body cannot act for the Body
1.45.070 Single member of Governing Bodies cannot act for the Governing Body
1.45.080 Implementation of Policies Cooperation
1.45.090 Failure to abide with Nepotism Policy
1.45.100 Failure to abide with Contracting with a Unit by a Relative Policy
1.45.110 Posting of Ordinance
1.45.120 Provisions of Indiana Code annexed hereto
1.45.130 Inspection of Indiana Code

1.45.010 Policy of Conduct regarding Nepotism in employment and contracting. The town finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the town and in contracting with the town 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. (Ord. 2012-7, S1, June 19, 2012)

1.45.020 Indiana Code minimum requirements. On July 1, 2012 the town 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. (Ord. 2012-7, S2, June 19, 2012)

1.45.030 Establishment of Nepotism Policy. The town 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. (Ord. 2012-7, S3, June 19, 2012)

1.45.040 Establishment of Contracting with a Unit by a Relative Policy. The town 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. (Ord. 2012-7, S4, June 19, 2012)

1.45.050 More Detailed requirements. The town 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. (Ord. 2012-7, S5, June 19, 2012)

1.45.060 Single member of Legislative Body cannot act for the Body. The town 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]. (Ord. 2012-7, S6, June 19, 2012)

1.45.070 Single member of Governing Bodies cannot act for the Governing Body. The town finds that a single member of governing bodies with authority over employees in the town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of 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. (Ord. 2012-7, S7, June 19, 2012)

1.45.080 Implementation of Policies Cooperation. All elected and appointed officials and employees of the town are hereby directed to cooperate fully in the implementation of the policies created by this Ordinance and demonstrating compliance with these same policies. (Ord. 2012-7, S8, June 19, 2012)

1.45.090 Failure to abide with Nepotism Policy. 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 town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Nepotism Policy may be subject to action allowed by law. (Ord. 2012-7, S9, June 19, 2012)

1.45.100 Failure to abide with Contracting with a Unit by a Relative Policy. 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 town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Contracting with Unit by a Relative Policy may be subject to action allowed by law. (Ord. 2012-7, S10, June 19, 2012)

1.45.110 Posting of Ordinance. The polices created by this Ordinance are hereby directed to be implemented by any of the following actions:

(1) posting a copy of this Ordinance in its entirety in at least one of the locations in the town where it posts employer posters or other notices to its employees;

(2) providing a copy of this Ordinance to its employees and elected and appointed officials;

(3) providing or posting a notice of the adoption of this Ordinance; or

(4) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon the taking of any of these actions the policies are deemed implemented by the town. (Ord. 2012-7, S11, June 19, 2012)

1.45.120 Provisions of Indiana Code annexed hereto. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto. (Ord. 2012-7, S12, June 19, 2012)

1.45.130 Inspection of Indiana Code. 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 town for public inspection as maybe required by IC 36-1-5-4. (Ord. 2012-7, S13, June 19, 2012)

Chapter 1.47

INTERNAL CONTROL STANDARDS

Sections:

1.47.005 Purpose
1.47.010 Mission
1.47.020 Objectives
1.47.030 Minimum Level
1.47.040 Principles
1.47.050 Effective Internal Control Systems
1.47.060 Design, Implement, Operate, Modify, Reporting and Compliance Objectives and Standards
1.47.070 Periodic Review
1.47.080 Personnel Compliance
1.47.090 Personnel Training
1.47.100 Personnel Determination
1.47.110 Town Council Management
1.47.120 Implementation
1.47.130 Failure to Abide or cooperation by employee
1.47.140 Failure to Abide or cooperate by elected or appointed official
1.47.150 Implementation Actions

1.47.005 Purpose.

(1) In 2015 the Indiana Legislature passed, and the Governor signed, P.L.184-2015;

(2) After June 30, 2016 and thereafter, IC 5-11-1-27(g) requires the town council ensure that the acceptable minimum level of internal control standards and internal control procedures for internal control systems of political subdivisions, developed by the State Board of Accounts and approved by the Audit and Financial Reporting Subcommittee of the Legislative Council established by IC 2-5-1.1-6.3, is adopted and that the appropriate personnel under IC 5-11-1-27 (c) are trained upon such;

(3) The minimum level of internal control standards and procedures of the town must include the following: (1) Control Environment (2) Risk Assessment (3) Control Activities (4) Information and Communication and (5) Monitoring;

A. The (1) Control Environment refers to the demonstration of a commitment of the town to (a) integrity and ethical values, (b) oversight of the internal control system, (c) establishment of an organization structure that oversees operations, reporting and compliance of the objectives of the internal controls system, (d) attracting developing and retaining competent individuals and (e) evaluating performance and holding individuals responsible for internal control duties and responsibilities;

B. The (2) Risk Assessment refers to the process that identifies and assesses internal and external risks and establishes tolerances of the town sufficient to (a) enable the identification of risks and the amount of risks tolerated, (b) identify, analyze and respond to risks, (c) consider the potential for fraud in the risk assessment process and (d) identify, analyze and respond to significant changes impacting the internal control system;

C. The (3) Control Activities refers to the town actions and tools established through policies and procedures that go towards the detection, prevention or the reduction of identified risks of loss while still providing government operations by (a) designing control activities, (b) designing information systems and (c) implementing policies;

D. The (4) Information and Communication refers to the internal and external communication needed to support an internal controls system that is valued and used by (a) receiving quality information, (b) internally communicating quality information and (c) externally communicating quality information;

E. The (5) Monitoring Activities refers to the activities of the town officials to see that all of the components of the internal control system that meet or exceed the standards herein are functioning properly by (a) establishing and operating monitoring activities and then evaluating them on an ongoing or periodic basis and (b) the timely remediation of deficiencies;

(4) The municipal legislative body to ensure that these minimum standards and procedures are met or exceeded needs to adopt a policy that at least includes the requirements set forth in IC 5-11-1-27 and also the approved compliance guidelines of the State Board of Accounts dated September 2015 that is reasonable for the town of its size and the size of its government;

(5) The standards listed are considered in light of the operations objectives, the reporting objectives and the compliance objectives of the town in performing certainly its financial activities of governance but also the other governmental activities;

(6) Because governments vary in size and complexity, there is no single method or set of internal control policies and procedures that is applicable; and

(7) After thoughtful consideration and in order to comply with IC 5-11-1-27 and the guidelines, the town believes it is in the best interests of its citizens to adopt as its policy the minimum requirements of IC 5-11-1-27 and implement it in the manner stated below; (Ord. 2016-05, Whereas, June 13, 2016)

1.47.010 Mission. The town finds that its mission as related to an internal control system is as follows:

(1) Provision of a democratic governmental structure at the grassroots level;

(2) Provision of services as determined through the political process including but not limited to its park, police department and water and sewer utilities;

(3) Promotion of government efficiency, accountability, reliability and transparency; and

(4) Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors. (Ord. 2016-05, S1, June 13, 2016)

1.47.020 Objectives. The town finds that its interrelated and often overlapping objectives as related to an internal control system are as follows:

(1) Operations Objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.

(2) Reporting Objectives which involve the filing of financial and nonfinancial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.

(3) Compliance Objectives involve the adherence to law and regulations including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as IACT among others. (Ord. 2016-05, S2, June 13, 2016)

1.47.030 Minimum Level. The town adopts and directs the minimum level of internal control standards and internal control procedures for an internal control system that includes the following five standards to promote government accountability and transparency as described in the Uniform Internal Control Standards for Indiana Political Subdivisions guidance document from the State Board of Accounts dated September 2015 and as thereafter modified:

(1) Control Environment.

(2) Risk Assessment.

(3) Control Activities.

(4) Information and Communication.

(5) Monitoring.

(Ord. 2016-05, S3, June 13, 2016)

1.47.040 Principles. The town adopts and directs the following principles in explanation of the pertinent standards above be followed at all levels of the town government:

(1) Control Environment:

A. The oversight body and management demonstrate a commitment to integrity and ethical values.

B. The oversight body oversees the town's internal control system.

C. Management established an organizational structure, assigns responsibility and delegates authority to achieve the town's objectives.

D. Management demonstrates a commitment to attract, develop and retain competent individuals.

E. Management evaluates performance and holds individuals accountable for their internal control responsibilities.

(2) Risk Assessment:

A. Management defines objectives clearly to enable the identification of risks and defines risk tolerances.

B. Management identifies, analyzes and responds to risk related to achieving the defined objectives.

C. Management considers the potential for fraud when identifying, analyzing and responding to risks.

D. Management identifies, analyzes and responds to significant changes that could impact the internal control systems.

(3) Control Activities:

A. Management designs control activities to achieve objectives and respond to risks.

B. Management designs the town's information system and related control activities to achieve objectives and respond to risks.

C. Management implements control activities through policies.

(4) Information and communication:

A. Management uses quality information to achieve the Town's objectives.

B. Management internally communicates the necessary quality information to achieve the town's objectives.

C. Management externally communicates the necessary quality information to achieve the town's objectives.

(5) Monitoring:

A. Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

B. Management remediates identified internal control deficiencies on a timely basis.

(Ord. 2016-05, S4, June 13, 2016)

1.47.050 Effective Internal Control Systems. The town adopts the internal control standards above so as to establish an effective internal control system for the town through its design, implementation and operation. (Ord. 2016-05, S5, June 13, 2016)

1.47.060 Design, Implement, Operate, Modify, Reporting and Compliance Objectives and Standards. The town directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the town, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel (as defined below) for an effective and reasonable internal control system of the town. (Ord. 2016-05, S6, June 13, 2016)

1.47.070 Periodic Review. The town authorizes the Town Council to review the current internal control system of the town and adopt a policy for the future internal control system to be effective after June 30, 2016, and perform an annual review, or more if determined necessary for compliance with this ordinance. (Ord. 2016-05, S7, June 13, 2016)

1.47.080 Personnel Compliance. The personnel, whether an official or employee, of the town whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the town now and as modified in the future. (Ord. 2016-05, S8, June 13, 2016)

1.47.090 Personnel Training. The personnel of the town whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other standards and procedures determined necessary by the town and shall cooperate with the town fiscal officer or designee so that the fiscal officer can timely certify to the State Board of Accounts that the training was received annually by the personnel as provided by law. (Ord. 2016-05, S9, June 13, 2016)

1.47.100 Personnel Determination. The town authorizes the Town Council to determine the position and person who are the personnel referred to in sections 1.47.080 and 1.47.090 above and notify such personnel. (Ord. 2016-05, S10, June 13, 2016)

1.47.110 Town Council Management. The Town Council will perform all the internal controls system activities/duties. The Town Council constitutes "management". (Ord. 2016-05, S11, June 13, 2016)

1.47.120 Implementation. All elected and appointed officials and employees of the town are hereby directed to abide by and to cooperate fully in the implementation of the internal control system of the town. (Ord. 2016-05, S12, June 13, 2016)

1.47.130 Failure to Abide or cooperation by employee. An employee who fails to abide by or cooperate with the implementation, compliance and certifications connected with the Internal Control System commits a violation of and may result in the discipline, including termination, of the employee. (Ord. 2016-05, S13, June 13, 2016)

1.47.140 Failure to Abide or cooperate by elected or appointed official. An elected or appointed official of the town who fails to abide by or cooperate with the implementation and the mandated certifications of the Internal Control System may be subject to any action allowed by law. (Ord. 2016-05, S14, June 13, 2016)

1.47.150 Implementation Actions. This ordinance may be implemented by any and all of the following actions or such others as authorized by this Council: (a) positing a copy of this Ordinance in its entirety in at least one of the locations in the town 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 polices established by this Resolution to its employees and elected and appointed officials. (Ord. 2016-05, S15, June 13, 2016)

Chapter 1.48

MILEAGE REIMBURSEMENT

Sections:

1.48.010 Purpose
1.48.020 Mileage Rate
1.48.030 Mileage Request
1.48.040 Allowable Reimbursement

1.48.010 Purpose. The Town Council of Dale, Indiana desires to reimburse town officers and employees with reasonable compensation for use of personal vehicles when traveling on Town business. (Res. 2022-9, June 14, 2022)

1.48.020 Mileage Rate.

(1) The Town Council intends to reimburse appropriate mileage at the standard rate established by the Internal Revenue Service for business miles driven.

(2) Effective June 1, 2022, the mileage reimbursement for the Town of Dale officers and employees will be 58.5 cents per mile for business miles driven. This rate is in accordance with the Internal Revenue Regulation 2021-251. (Res. 2022-9, June 14, 2022)

1.48.030 Mileage Request. Reimbursements will be considered when the Dale officer or employee submits a completed mileage request using the Indiana State Board of Accounts prescribed form 101. (Res. 2022-9, June 14, 2022)

1.48.040 Allowable Reimbursement. Reimbursement mileage shall not include travel to and from the officer's or employee's home and the office. If two or more persons ride in the same motor vehicle, only one mileage reimbursement is allowable. (Res. 2022-9, June 14, 2022)

Chapter 1.49

CREDIT CARD USE

Sections:

1.49.010 Application
1.49.020 Maximum credit limit
1.49.030 Secured when not in use
1.49.040 User sign out and return procedure
1.49.050 Authorized and budgeted charges
1.49.060 Receipt
1.49.070 Private purchases prohibited and personal liability and discipline for lack of receipt
1.49.080 Use based on receipts, budget and claims procedures
1.49.090 Prompt payment of account
1.49.100 Cash advances prohibited
1.49.110 Late charges, interest, or other fees due to late submission of documentation or over-limit charges by employee shall be paid by employee

1.49.010 Application. The Clerk Treasurer of the Town is hereby authorized to make application for business credit, charge accounts and/or charge cards for use by Town Department Heads and other employees (hereinafter "accounts"), and no other employee of the Town shall make application for or otherwise obtain any credit card, charge account or charge card in the name of the Town. (Ord. 2016-11, S1, Dec. 13, 2016)

1.49.020 Maximum credit limit. Business credit cards issued to the Town shall have a maximum credit limit of not more than Two Thousand Five Hundred Dollars ($2,500.00). (Ord. 2016-11, S2, Dec. 13, 2016)

1.49.030 Secured when not in use. When not in use, credit cards not issued and maintained to a Department Head shall be secured by and in the Office of the Clerk Treasurer. (Ord. 2016-11, S3, Dec. 13, 2016)

1.49.040 User sign out and return procedure. Upon request by a Departments Head or employee authorized by a Department Head, the Clerk Treasurer shall issue an appropriate credit card to such Department Head or employee for use. They must be signed out by the Department Head or employee and signed in when returned. (Ord. 2016-11, S4, Dec. 13, 2016)

1.49.050 Authorized and budgeted charges. Charges made on any account shall be only for items which are authorized (and/or within the Department Head's *de minimus* spending limitation) and budgeted in the Town's then-current budget. (Ord. 2016-11, S5, Dec. 13, 2016)

1.49.060 Receipt. Within twenty-four (24) hours following any use of an account, the person using such account shall provide the original receipt to the Clerk Treasurer. (Ord. 2016-11, S6, Dec. 13, 2016)

1.49.070 Private purchases prohibited and personal liability and discipline for lack of receipt. No credit card or account issued in the name of the Town shall be used for private purchases. Any employee who fails to provide a receipt for a purchase shall be personally liable to the Town for the full amount of such charge and shall be subject to discipline by the Town Council. (Ord. 2016-11, S7, Dec. 13, 2016)

1.49.080 Use based on receipts, budget and claims procedures. Credit cards and accounts shall not be used to bypass or avoid the accounting system of the Town, and charges to the credit card and accounts shall be paid by the Clerk Treasurer only on the basis of original receipts and from appropriated budget funds, accounts and line items pursuant to the claims procedures of the Town. (Ord. 2016-11, S8, Dec. 13, 2016)

1.49.090 Prompt payment of account. The Clerk Treasurer shall pay the accounts promptly such that no interest carrying charges or penalties shall be incurred due to late payments. (Ord. 2016-11, S9, Dec. 13, 2016)

1.49.100 Cash advances prohibited. No credit card or account shall be used to obtain cash advances by an employee. (Ord. 2016-11, S10, Dec. 13, 2016)

1.49.110 Late charges, interest, or other fees due to late submission of documentation or over-limit charges by employee shall be paid by employee. Any and all interest or late charges incurred on any accounts by the Town due to late submission of documentation by an employee of the Town shall be paid by the employee failing to provide information as required by this section, and any and all over-limit or other fees caused by an employee's charges in excess of the available account limits shall be paid by the employee causing such fees or charges, upon demand by the Town. (Ord. 2016-11, S11, Dec. 13, 2016)

Chapter 1.50

PERSONNEL POLICY

Sections:

1.50.050 Paid Holidays
1.50.070 Paid Vacation

1.50.050 Paid Holidays. New Years Day, 4th of July, Memorial Day, Labor Day, Veterans Day (can be used as a floating holiday), Thanksgiving Day, Good Friday and Christmas Day. (Ord. 1990-2, March 5, 1990)

1.50.070 Paid Vacation. Each full time employee, after one (1) year of continuous service is allowed one (1) week of paid vacation.

Each full time employee, after three (3) years of continuous service is allowed two (2) weeks vacation. All employees should clear vacation period with the Town Council. (Ord. 2000-8, July 18, 2000) (Ord. 2000-5, April 3, 2000) (Ord. 1999-9, Dec. 20, 1999) (Wage-Salary Ord. 1999, Dec. 7, 1998) (Wage-Salary Ord. 1998, Dec. 8, 1997) (Wage-Salary Ord. 1997, Feb. 3, 1997) (Wage-Salary Ord. 1997, Dec. 30, 1996) (Wage-Salary Ord. 1996, Aug. 7, 1995) (Wage-Salary Ord. 1995, Jan. 4, 1995) (Wage-Salary Ord. 1994, Feb. 7, 1994) (Ord. 1993-8, April 5, 1993) (Ord. 1990-2, March 5, 1990)

Chapter 1.51

DEFERRED COMPENSATION PLAN

Sections:

1.51.010 Establishment
1.51.020 Benefit to all employees/Changes to the Plan
1.51.030 Resolution Placement in Town Records

1.51.010 Establishment. The Dale Town Council meeting in regular session hereby adopts the AUL Deferred Compensation Plan and hereby establishes the Town of Dale Deferred Compensation Plan for the employees, elected officials and independent contractors. (Res. 2010-8, Sept. 21, 2010)

1.51.020 Benefit to all employees/Changes to the Plan. The Council further resolves that the plan is for the benefit of all employees. Changes in the deferral amounts once established may only be changed at the discression of the Office of the Clerk-Treasurer and/or the Town of Dale payroll administrative office. (Res. 2010-8, Sept. 21, 2010)

1.51.030 Resolution Placement in Town Records. It is hereby further ordered that a true copy of this Resolution be placed into the records of the Town of Dale's City Council minutes as of this date. (Res. 2010-8, Sept. 21, 2010)

Chapter 1.52

ALCOHOL AND SUBSTANCE ABUSE POLICY

Sections:

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

1.52.010 Coverage. This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Alcohol and Substance Abuse Policy, July 5, 1994)

1.52.020 Policy. All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Alcohol and Substance Abuse Policy, July 5, 1994)

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

(1) Amphetamine/Methamphetamine (e.g. Speed)

(2) Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)

(3) Barbiturates (e.g. Amobarbital, Butabarbital, Pentorbarbital, Phenobarbital)

(4) Cocaine

(5) Methadone

(6) Methaqualone (e.g. Quaalude)

(7) Opiates (e.g. Codeine, Heroin, Morphine)

(8) Phencyclidine (PCP)

(9) TDC (Marijuana and other cannabanoids)

(10) Alcohol

(11) Lysergic Acid Diethylamide (LSD)

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

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

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

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

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

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Alcohol and Substance Abuse Policy, July 5, 1994)

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

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

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

(1) An employee must not report to work or be subject to duty while its ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;

(2) An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;

(3) An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on its breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;

(4) An employee shall not directly or through a third-party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;

(5) An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;

(6) An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;

(7) An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.

(8) An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statue for a violation occurring in the employee's work place, not later than five (5) days after such conviction. (Alcohol and Substance Abuse Policy, July 5, 1994)

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

(1) Odor of alcoholic beverage upon the employee's breath

(2) Erratic behavior

(3) Violent mood swings

(4) Excessive absenteeism

(5) Repeated tardiness

(6) Inability to walk a straight line

(7) Open and obvious possession of alcohol and/or illegal controlled substances

(8) Slurred speech

(9) An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances

(10) Possession of drug paraphernalia or alcohol beverage containers

(11) A report of a reliable witness indicating use or possession of drugs or alcohol.

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

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

At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a

positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employees name.

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

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

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

(1) Impose a sanction on the employee, which may include employee termination; or

(2) Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town. (Alcohol and Substance Abuse Policy, July 5, 1994)

1.52.060 Consequences of sale, distribution or use of illegal substances. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Alcohol and Substance Abuse Policy, July 5, 1994)

1.52.070 Use of medication and prescription drugs. All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employ indicates that there is need to use the prescription drug for an extended period of time. (Alcohol and Substance Abuse Policy, July 5, 1994)

1.52.080 Confidentiality. The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at the issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure. (Alcohol and Substance Abuse Policy, July 5, 1994)

1.52.090 Severability. The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Alcohol and Substance Abuse Policy, July 5, 1994)

Chapter 1.56

DALE RIVERBOAT TAX REVENUE FUND

Sections:

1.56.010 Establishment
1.56.020 Contributions and Additions
1.56.030 Use of funds
1.56.040 Termination

1.56.010 Establishment. That there is hereby established a fund which shall be known as the **"Dale Riverboat Tax Revenue Fund."** (Ord. 2003-7, S1, Dec. 30, 2003)

1.56.020 Contributions and Additions. That contributions and additions to the fund shall be from revenues and receipts from the revenue sharing payments to the Town of Dale, Indiana for the Riverboat Gambling Wagering Taxes collected pursuant to I.C. 4-33-13-1, et seq., grants, loans, private and/or public contributions designated for such fund, and other sources. (Ord. 2003-7, S2, Dec. 30, 2003)

1.56.030 Use of funds. That expenditures may be made from the fund by appropriation for any governmental purpose. (Ord. 2003-7, S3, Dec. 30, 2003)

1.56.040 Termination. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at such time shall revert or be transferred to the general fund of the Town. (Ord. 2003-7, Dec. 30, 2003)

Chapter 1.57

LOCAL OPTION INCOME TAX (LOIT) SPECIAL DISTRIBUTION FUND

Sections:

1.57.010 Establishment
1.57.020 Sources of funding
1.57.030 Expenditures
1.57.040 Appropriation process

1.57.010 Establishment. The Town Council of the Town of Dale, Indiana resolves that the need now exists for the establishment of a LOIT SPECIAL DISTRIBUTION Fund. (Ord. 2016-6, June 13, 2016)

1.57.020 Sources of funding. The sources of funding for the newly established fund are a special distribution of Local Option Income Tax pursuant to Senate Enrolled Act 67 and any other funding source not specifically prohibited by law. (Ord. 2016-6, June 13, 2016)

1.57.030 Expenditures. Expenditures from this Fund are restricted to allowable purposes per I.C. 6-3.6-9-17(h)(1)(A) as follows:

Engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems.

The payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.

Any local costs required to undertake a recreational or reservoir road project under I.C. 8-23-5.

The purchase, rental or repair of highway equipment.

Providing a match for a grant from the local road and bridge matching grant fund under I.C. 8-23-30.

Capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under I.C. 8-22-2 or an airport authority established under I.C. 8-22-3-1. (Ord. 2016-6, June 13, 2016)

1.57.040 Appropriation process. The fund shall be subject to the same appropriation process as other municipal funds. (Ord. 2016-6, June 13, 2016)

Chapter 1.58

LOCAL ROAD AND BRIDGE MATCHING GRANT FUND

Sections:

1.58.010 Creation of the Community Crossings Matching Grant Fund
1.58.020 Construction of clause headings
1.58.030 Repeal of conflicting ordinances
1.58.040 Severability of Provisions

1.58.010 Creation of the Community Crossings Matching Grant Fund. A new non-reverting fund to be known as the Local Road and Bridge Matching Grant Fund ("Fund"), and which is to be given number 258, is now established. The Fund shall receive monies from the Local Road and Bridge Matching Grant Fund thru INDOT as well as local match funds transferred from the State of Indiana's LOIT Special Distribution Fund earmarked for local road improvements. (Ord. 2017-01, S1, Jan. 9, 2017)

1.58.020 Construction of Clause Headings. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain. (Ord. 2017-01, S2, Jan. 9, 2017)

1.58.030 Repeal of conflicting ordinances. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed. (Ord. 2017-01, S3, Jan. 9, 2017)

1.58.040 Severability of Provisions. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance. (Ord. 2017-01, S4, Jan. 9, 2017)

Chapter 1.60

EXPENDITURE PLAN FOR THE USE OF ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND (FUND 176)

Sections:

1.60.010 Need
1.60.020 Funding
1.60.030 Eligible Uses of Funds
1.60.040 Town of Dale Fund Use Plan
1.60.050 Internal Controls
1.60.060 Amendments

1.60.010 Need. The Town Council of the Town of Dale, Spencer County, Indiana, recognizes that a need now exists for the establishment of the ARP Coronavirus Local Fiscal Recovery Grant Fund (Fund #176) pursuant to Indiana Code 5-11. (Ord. 2021-4, S1, Apr. 13, 2021)

1.60.020 Funding. The source of funding includes monies allocated to the Town of Dale and received from the State of Indiana in the amount of three hundred thirty-six thousand, six hundred twenty-six dollars and eighty-five cents ($336,626.85). Funds will be received in two transactions:

(1) one to be received in FY 2021 of one hundred sixty-eight thousand, six hundred twenty-six dollars and forty-two cents ($168,313.42); and

(2) the second FY 2022 of one hundred sixty-eight thousand, six hundred twenty-six dollars and forty-three cents ($168,313.43). (Ord. 2021-7, S1, Aug. 10, 2021) (Ord. 2021-4, S2, Apr. 13, 2021)

1.60.030 Eligible Uses of Funds. The use of funds is specified in the Department of the Treasury, 31 CFR Part 35, Interim Final Rule for Non-entitlement units of government (NEU). Funds shall be used for incurred costs by December 31, 2024, and shall be used in such a manner consistent with the following:

(1) To respond to the public health emergency with respect to the COVID-19 Virus and its negative economic impacts, including assistance to households, small businesses, nonprofits, or aid impacted industries such as tourism, travel, and hospitality;

(2) To respond to workers performing essential work during the COVID-19 public health emergency providing premium pay to eligible workers or by providing grants to eligible employers that have eligible workers or who perform essential work;

(3) For provision of government services to extent of the reduction of the revenue of such NEU due to the Covid-19 health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; or

(4) Make necessary investments in water, sewer, or broadband infrastructure. Funds can be used to improve clean water, create green infrastructure construct, improve, or repair wastewater treatment and make investments in broadband infrastructure to provide adequate speed internet services to under privileged or underserved communities. (Ord. 2021-7, S2, Aug. 10, 2021)

1.60.040 Town of Dale Fund Use Plan. The Town of Dale identified needs to better serve its citizens by making necessary investments in the water and sewer infrastructure, providing necessary treatment and distribution system replacement, repairs, and improvements to existing water and sewer infrastructure.

(1) Rehab the existing Burress service lift station and pump - The replacement of pumps will help the sewage system to function more efficiently. The replacement of new pump will assist in allowing for future growth of the area and the expected additional growth capacity that will be needed and use less energy to service raw sewage for treatment.

(2) Build an additional lift station on the north side of Town - The additional lift station will provide better service to the north side of town. The additional lift station will ease the stress of the Burress lift station and allow for proposed new developments.

(3) Rehab and Extend wastewater service to the north side of town. The extension is needed to extend service to new development and provide service to existing customers. The additional customers will help provide lower costs to the current residents.

(4) Rehab and extend water lines to the north side of town. The extension is needed to extend service to new development and provide better service to existing customers. The additional customers will help provide lower costs to the current residents. (Ord. 2021-7, S3, Aug. 10, 2021)

1.60.050 Internal Controls. The Town of Dale Clerk Treasurer will use the following internal controls:

(1) A separate file will be maintained for the ARP FUND. Documents included in the file will be:

A. Ordinances

B. IFA Request for Payment

C. FY 2020 Form 4

D. Council President signed copy of the US Department of Treasury Terms and Conditions

E. Council President signed copy of the Assurance of Title VI of the Civil Right Act of 1964

F. Deposit receipts

G. Quotes

H. Additional Appropriation documents

I. Paid invoices with appropriate accounts payable vouchers

(2) Prior to the project being started the Clerk Treasurer or Utilities Superintendent will submit a quote to the Town Council at the next regular monthly meeting to be accepted and permission to proceed given. The meeting minutes shall reflect the acceptance, vote and Treasury's guideline pertaining to the project.

(3) All unused fund shall be returned to the US Department of Treasury after all finalized projects have been paid. The amount returned shall be recorded in the minutes of the regular monthly meeting. (Ord. 2021-7, S4, Aug. 10, 2021) (Ord. 2021-4, S3, Apr. 13, 2021)

1.60.060 Amendments. This chapter may be amended from time to time if additional guidance is received by federal or state agencies. (Ord. 2021-7, S5, Aug. 10, 2021)

Chapter 1.62

FEE FOR RETURNED CHECKS

Sections:

1.62.010 Fee for returned check
1.62.020 Refusal to accept personal checks
1.62.030 Refusal to accept third-party checks
1.62.040 Acceptable form of payment

1.62.010 Fee for returned check. The Town of Dale shall collect a fee of $20.00 for each check that is returned as uncollectable for any reason after being deposited in any Town bank account. (Res. 1990-10, Nov. 14, 1990) (Res. 1988-4, 1988)

1.62.020 Refusal to accept personal checks. The Clerk-Treasurer of the Town of Dale, Indiana, may at any time after receiving three checks from any individual, corporation, or other entity, which have been returned as uncollectible after being deposited, refuse to accept any personal checks from such individual, corporation, or other entity for payment of any sums owed the Town of Dale, Indiana, including, but not limited to, water or sewer bills. (Res. 1989-2, paragraph 1, Jan. 3, 1989)

1.62.030 Refusal to accept third-party checks. Further, the Clerk-Treasurer may refuse any third-party checks at any time. (Res. 1989-2, paragraph 2, Jan. 3, 1989)

1.62.040 Acceptable form of payment. In the event the Clerk-Treasurer refuses to accept any payments pursuant to the terms of this resolution, said obligation shall continue to the Town of Dale, Indiana, but payment shall be accepted only in the form of cash, a cashier's check, or a certified check, and only in the exact amount due. (Ord. 1989-2, paragraph 3, Jan. 3, 1989)

Chapter 1.84

FAIR HOUSING ORDINANCE

Sections:

1.84.010 Policy statement
1.84.020 Definitions
1.84.030 Unlawful practice
1.84.040 Discrimination in the sale or rental of housing
1.84.050 Discrimination in residential real estate-related transactions
1.84.060 Discrimination in the provision of brokerage service
1.84.070 Interference, coercion, or intimidation
1.84.080 Prevention of intimidation in fair housing cases
1.84.090 Equal Access to Housing in HUD Programs
1.84.100 Exemptions
1.84.110 Administrative enforcement of ordinance
1.84.120 Severability of provisions

1.84.010 Policy statement. It shall be the policy of the Town of Dale, Indiana, 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. 2014-1, S1, Apr. 7, 2014) (Ord. 1993-5, S1, March 15, 1993)

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

(1) "Dwelling" means any building, structure, of part of a building or structure that is occupied, as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8)

(2) "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this Section.

(3) "Person" (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United Sates Code, receivers, and fiduciaries.

(4) "To rent" (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.

(5) "Discriminatory Housing Practice" means an act that is unlawful under Sections 1.84.040, 1.84.050, 1.84.060, 1.84.070 or 1.84.080 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 in 910 IAC 2-3.

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 910 IAC 2-3-2(14); nor does the term "handicap" include an individual solely because that individual is a transvestite 910 IAC 2-3-2(14).

(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. 2014-1, S2, April 7, 2014) (Ord. 1993-5, S2, March 15, 1993)

1.84.030 Unlawful practice. Subject to the provisions of subsection (2) of this Section, Section 1.84.090 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 1.84.040 of this Chapter shall apply to:

(1) All dwellings except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code;

(2) Other than the provisions of subsection (3) of this Section, nothing in section 1.84.040 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. 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 1.84.040(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 (2), a person shall be deemed to be in the business of selling or renting dwellings if:

A. they have, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

B. they have, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

C. they have the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 2014-1, S3, April 7, 2014) (Ord. 1993-5, S3, March 15, 1993)

1.84.040 Discrimination in the sale or rental of housing. As made applicable by section 1.84.030 and except as exempted by sections 1.84.030(2) and 1.84.090, 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 induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(6) 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 modification, 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 requirements of the Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of Section 1.84.040(8)C.3.

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 2014-1, S4, April 7, 2014) (Ord. 1993-5, S4, March 15, 1993)

1.84.050 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. 2014-1, S5, April 7, 2014) (Ord. 1993-5, S5, March 15, 1993)

1.84.060 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. 2014-1, S6, April 7, 2014) (Ord. 1993-5, S6, March 15, 1993)

1.84.070 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 1.84.030, 1.84.040, 1.84.050 or 1.84.060 of this Chapter. (Ord. 2014-1, S7, April 7, 2014) (Ord. 1993-5, S7, March 15, 1993)

1.84.080 Prevention of intimidation in fair housing cases. Whoever, whether or not acting under code of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

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

(2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 1.84.080(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), 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 $10,000.00 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. 2014-1, S8, April 7, 2014) (Ord. 1993-5, S8, March 15, 1993)

1.84.090 Equal Access to Housing in HUD Programs. Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 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. (Ord. 2014-1, S9, April 7, 2014)

1.84.100 Exemptions.

(1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (2) and (3) of this section.

(2) Nothing in this Ordinance shall prohibit a religious organizations, 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 persons (as defined in the state or federal program); or

B. intended for, and solely occupied by, persons 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. 2014-1, S10, April 7, 2014) (Ord. 1993-5, S9, March 15, 1993)

1.84.110 Administrative enforcement of ordinance.

(1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Chief Executive Official of the Town of Dale, Indiana.

(2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Dale, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Dale, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

(3) All executive departments and agencies of the Town of Dale, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Executive Official and the Commission to further such purposes.

(4) The Chief Executive Official of the Town of Dale, Indiana, or the Chief Executive Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 2014-1, S11, Apr. 7, 2014) (Ord. 1993-5, S10, March 15, 1993)

1.84.120 Severability 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. 2014-1, S12, Apr. 7, 2014) (Ord. 1993-5, S12, March 15, 1993)

Chapter 1.88

OFFICIAL TOWN MAP

Sections:

1.88.010 Official Town Map
1.88.020 Recording of Map

1.88.010 Official Town Map. The Base Map, Town of Dale, Indiana, prepared by Indiana 15 Regional Planning Commission, dated January 4, 2001 is hereby approved and adopted as the official town map of Dale, Indiana. (Ord. 2001-2, S1, Feb. 5, 2001)

1.88.020 Recording of Map. The Council determines and declared that the map is to be recorded at the Spencer County Recorder's Office and prints to be delivered to the Auditor, Recorder, Clerk and Assessor of Spencer County, Indiana. (Ord. 2001-2, S2, Feb. 5, 2001)

Chapter 1.89

OFFICIAL ZONING MAP

Sections:

1.89.010 Official Zoning Map
1.89.020 Recording of Map

1.89.010 Official Zoning Map. The Town of Dale, Indiana, Zone Map, prepared by Indiana 15 Regional Planning Commission, dated January 4, 2001 is hereby approved and adopted as the official zoning map of the Town. (Ord. 2001-8, S1, June 4, 2001)

1.89.020 Recording of Map. The Council determines and declares that the map is to be recorded at the Spencer County Recorder's Office. (Ord. 2001-8, S2, June 4, 2001)

Chapter 1.90

RAINY DAY FUND

Sections:

1.90.010 Establishment of Rainy Day Fund
1.90.020 Purposes of the Fund
1.90.030 Transfers to the Fund
1.90.040 Appropriations

1.90.010 Establishment of Rainy Day Fund. There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered funds raised by general or special tax levy on taxable property within the Town. Whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains. (Ord. 2007-2, S1.90.010, Feb. 5, 2007)

1.90.020 Purposes of the Fund. The funds on deposit in the Rainy Day Fund may be used for the operation of the Town and its various departments, when the Town does not have sufficient levies or funds to pay such costs, including but not limited to, salaries, and wages, costs of services, supplies, equipment, capital improvements, repairs, and similar expenses. (Ord. 2007-2, S1.90.020, Feb. 5, 2007)

1.90.030 Transfers to the Fund. On or before December 31st of each year, the Town Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund. Any transfers made under IC 36-1-8-5 may not exceed more than ten percent (10%) of the Town's total budget for that fiscal year. (Ord. 2007-2, S1.90.030, Feb. 5, 2007)

1.90.040 Appropriations. The Town Council of the Town of Dale may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. (Ord. 2007-2, S1.90.040, Feb. 5, 2007)

Chapter 1.91

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.91.010 Established
1.91.020 Maximum Rate of Levy
1.91.030 Public Hearing – Approved by Department of Local Government Finance

1.91.010 Established. The Town Council of the Town of Dale of Spencer County, Indiana that a need now exists for the establishment of a Cumulative Capital Development Fund for all uses as set out in IC 36-9-15.5. (Ord. 2018-5, Mar. 13, 2018) (Ord. 2018-3, Mar. 13, 2018)

1.91.020 Maximum Rate of Levy. The Council will adhere to the provisions of the Indiana Code 36-9-15.5. The proposed fund will not exceed:

$ .0167 per $100 of assessed valuation beginning with taxes payable in 2019,
$ .0333 per $100 of assessed valuation beginning with taxes payable in 2020, and
$ .0500 per $100 of assessed valuation beginning with taxes payable in 2021, and thereafter continuing until reduced or rescinded. (Ord. 2018-5, Mar. 13, 2018) (Ord. 2018-3, Mar. 13, 2018)

1.91.030 Public Hearing – Approved by Department of Local Government Finance. Proofs of publication of the public hearing held on the 13th day of March, 2018, and a certified copy of this ordinance shall 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. 2018-5, Mar. 13, 2018) (Ord. 2018-3, Mar. 13, 2018)

Chapter 1.92

DALE LAKE DAM IMPROVEMENT FUND

Sections:

1.92.010 Created
1.92.020 Use of Funds

1.92.010 Created. There is hereby created a special fund for the purpose of depositing the grant funds of $1,724,000.00 from the Indiana Office of Community & Rural Affairs and for the purpose of maintaining a proper accounting of the funds as required by the Grant Agreement. (Ord. 2012-04, S1, May 7, 2012)

1.92.020 Use of Funds. Dale shall use the grant funds solely in accordance with the Grant Agreement for Grant No.: DR2-09-182 between Dale and the Indiana Office of Community & Rural Affairs, which Agreement provides that the funds received by the GRANTEE (Dale) pursuant to the Grant Agreement shall be used only to implement the Project in conformance with the Budget for the Grant and for no other purpose. The Grant Agreement is attached hereto and made a part hereof as Exhibit "A". (Ord. 2012-04, S2, May 7, 2012)

Chapter 1.93

DALE WATER UTILITY PLAN FUND

Sections:

1.93.010 Created
1.93.020 Use of Funds

1.93.010 Created. There is hereby created a special fund for the purpose of depositing the grant funds of $27,000.00 from the Indiana Office of Community & Rural Affairs and for the purpose of maintaining a proper accounting of the funds as required by the Grant Agreement. (Ord. 2012-05, S1, May 7, 2012)

1.93.020 Use of Funds. Dale shall use the grant funds solely in accordance with the Grant Agreement for Grant No.: PL-07-012 between Dale and the Indiana Office of Community & Rural Affairs, which Agreement provides that the funds received by the GRANTEE (Dale) pursuant to the Grant Agreement shall be used only to implement the Project in conformance with the Budget for the Grant and for no other purpose. The Grant Agreement is attached hereto and made a part hereof as Exhibit "A". (Ord. 2012-05, S2, May 7, 2012)

Chapter 1.94

DALE PHASE I PEDESTRIAN ENHANCEMENT IMPROVEMENT FUND

Sections:

1.94.010 Created
1.94.020 Use of Funds

1.94.010 Created. There is hereby created a special fund for the purpose of depositing the grant funds of $402,107.00 from the Indiana Department of Transportation and for the purpose of maintaining a proper accounting of the funds as required by the Grant Agreement. (Ord. 2012-06, S1, May 7, 2012)

1.94.020 Use of Funds. Dale shall use the grant funds solely in accordance with the Grant Agreement for Grant No.: DES 0810397 between Dale and the Indiana Department of Transportation, which Agreement provides that the funds received by the GRANTEE (Dale) pursuant to the Grant Agreement shall be used only to implement the Project in conformance with the Budget for the Grant and for no other purpose. The Grant Agreement is attached hereto and made a part hereof as Exhibit "A". (Ord. 2012-06, S2, May 7, 2012)

Chapter 1.95

PROPOSED CARTER FIRE DISTRICT

Sections:

1.95.010 Service area

1.95.010 Service area. The Town of Dale, Indiana, hereby consents to being included in the proposed Carter Fire District, which is proposed to cover the entire area of Carter Township, Spencer County, Indiana. (Ord. 1998-1, March 2, 1998)

Chapter 1.96

APPROVING THE BROADBAND STUDY

Sections:

1.96.010 Need
1.96.020 Funds Received
1.96.030 Review of Study
1.96.040 Copies of Study
1.96.050 Approval of Draft Study
1.96.060 Approval by Town

1.96.010 Need.

(1) The Town of Dale had identified adequate reason to prepare a Broadband Study.

(2) The Town of Dale has engaged the firm Taylor Siefker Williams Design Group to define and describe the issues, advise us of our options, and make recommendations to address these issues in the near future. (Res. 2020-2, Preamble, Feb. 11, 2020)

1.96.020 Funds Received. The Town of Dale has received federal Community Development Block Grant dollars from the Indiana Office of Community and Rural Affairs to fund this study and has contributed $5,556 as local match for this project. (Res. 2020-2, Preamble, Feb. 11, 2020)

1.96.030 Review of Study. The Town of Dale has reviewed the process and completed study thoroughly and is satisfied with the services performed, information contained therein, and methodology applied. (Res. 2020-2, Preamble, Feb. 11, 2020)

1.96.040 Copies of Study. The Town of Dale has received copies of this document for our records and will keep them on file in the town offices for future reference. (Res. 2020-2, Preamble, Feb. 11, 2020)

1.96.050 Approval of Draft Study. The Town of Dale has followed all procedures and requirements set forth by the Indiana Office of Community and Rural Affairs, and upon review has subsequently received approval of the draft study by said agency. (Res. 2020-2, Preamble, Feb. 11, 2020)

1.96.060 Approval by Town. NOW, THEREFORE. BE IT RESOLVED by the Town of Dale that the final document is hereby approved. (Res. 2020-2, Preamble, Feb. 11, 2020)

Chapter 1.97

ESTABLISHING THE TOWN AS A BROADBAND READY COMMUNITY

Sections:

1.97.010 Definition
1.97.020 Project
1.97.030 Adopting Adequate Processes and Procedures

1.97.010 Definition.

(1) As used in this chapter, "permit" means any local permit, license, certificate, approval, registration or similar form of approvals required by policy, administrative rule, regulation, ordinance or resolution with respect to a project. (Ord. 2020-2, S1, Feb. 11, 2020)

(2) As used in this chapter, "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services (as defined in I.C. 8-1-32.5-3) in a unit. (Ord. 2020-2, S2, Feb. 11, 2020)

1.97.020 Project. The following shall apply to a project:

(1) The Town Council of the Town of Dale, Indiana, shall:

A. Appoint a single point of contact for all matters related to a project;

B. Establish procedures to allow all forms, applications and documentation related to a project to be filed or submitted and signed electronically;

C. Review, approve or reject all applications for a permit related to a project within ten (10) business days after an application is filed or submitted; and

D. Assure that after an application is approved, any inspections, including any additional necessary approvals, related to a project will occur in a timely and expeditious manner. (Ord. 2020-2, S3, Feb. 11, 2020)

1.97.030 Adopting Adequate Processes and Procedures. The Town Council of Dale, Indiana, shall adopt adequate processes and procedures to implement the provisions of Section 1.97.020. Processes and procedures established hereunder may not do the following:

(1) Require an applicant to designate a final contractor to complete a project;

(2) Impose a fee to review an application or issue a permit for a project;

(3) Impose a seasonal moratorium on the issuance of permits for a project;

(4) Discriminate among communications service providers or utilities with respect to any action described herein or otherwise related to a project, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, and any other physical assets owned or controlled by the Town of Dale, Indiana. (Ord. 2020-2, S4, Feb. 11, 2020)

Chapter 1.100

OPIOID FUND – UNRESTRICTED

Sections:

1.100.010 Established
1.100.020 Contributions
1.100.030 Use of Funds
1.100.040 Termination

1.100.010 Established. That there is hereby established a special fund known as Opioid Settlement Fund – Unrestricted (Fund 2256). (Ord. 2023-1-B, S1.98.010, Feb. 14, 2023)

1.100.020 Contributions. That contributions to the fund shall be the unrestricted portion of Opioid Settlement Funds received from the State of Indiana by the Town as a participating political subdivision from a national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health and McKesson. (Ord. 2023-1-B, S1.98.020, Feb. 14, 2023)

1.100.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Dale Town Council for any purpose approved by the Town Council. (Ord. 2023-1-B, S1.98.030, Feb. 14, 2023)

1.100.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be returned to general fund of the Town. (Ord. 2023-1-B, S1.98.040, Feb. 14, 2023)

Chapter 1.101

OPIOID FUND – RESTRICTED

Sections:

1.101.010 Established
1.101.020 Contributions
1.101.030 Use of Funds
1.101.040 Termination

1.101.010 Established. That there is hereby established a special fund known as Opioid Settlement Fund – Restricted (Fund 2257). (Ord. 2023-2, S1.98.010, Feb. 14, 2023)

1.101.020 Contributions. That contributions to the fund shall be the restricted portion of Opioid Settlement Funds received from the State of Indiana by the Town as a participating political subdivision from a national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health and McKesson. (Ord. 2023-2, S1.98.020, Feb. 14, 2023)

1.101.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Dale Town Council for any purpose approved by the Town Council from the List attached hereto as Exhibit A. (Ord. 2023-2, S1.98.030, Feb. 14, 2023)

1.101.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be returned to general fund of the Town. (Ord. 2023-2, S1.98.040, Feb. 14, 2023)