

TITLE 1

ADMINISTRATION AND PERSONNEL

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Chapter 1.02

RULES OF ORDER FOR THE GOVERNING OF THE BOARD

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- 1.02.090 Recording yeas and nays on votes
- 1.02.100 Governing by deliberative bodies when not expressed in rules or
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- 1.02.110 Order of Business

1.02.010 Adopting rules. Be it ordained by the Board of Trustees of the Town of Gentryville that the following rules shall be observed by the Board in conducting its business. (Ord. 1, S1, No date)

1.02.020 Convenient room. The Board shall have a convenient room in which to hold its meetings. (Ord. 1, S2, No date)

1.02.030 Specified time. The Board shall have a specified time to hold its meetings. (Ord. 1, S3, No date)

1.02.040 President/Quorum. The President takes the chair but in his absence, some other member may preside. The President may order the presence of any member or two members may order the presence of the President. Two members shall constitute a quorum and any business transacted by them shall be legal. (Ord. 1, S4, No date)

1.02.050 Order of questions. The President shall decide on all questions as to order. (Ord. 1, S5, No date)

1.02.060 Every trustee shall vote upon each question, unless conflict of interest. Every trustee present shall vote upon each question unless he is interested in same or is excused by the Board. (Ord. 1, S6, No date)

1.02.070 Motions. 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. The motion may be withdrawn by mover at any time before the result of the vote is announced by consent of the Board. (Ord. 1, S7, No date)

1.02.080 No member to leave meeting unless excused by the President. No members shall leave during meeting unless excused by the President. (Ord. 1, S8, No date)

1.02.090 Recording yeas and nays on votes. Every vote shall be taken by yeas and nays and at the request of any member the yeas and nays shall be recorded. (Ord. 1, S9, No date)

1.02.100 Governing by deliberative bodies when not expressed in rules or ordinances. 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, No date)

1.02.110 Order of business. Business of each meeting shall be considered in the following order:

- (1) Reading and correction of the record of previous meeting.
- (2) Reports of committees and action thereon.
- (3) Receiving and disposing of claims.
- (4) Unfinished business.
- (5) New business. (Ord. 1, S11, No date)

Chapter 1.03

LEGISLATIVE BODY ELECTED AT LARGE

Sections:

1.03.010 Town Council Elected at Large

1.03.010 Town Council Elected at Large. Pursuant to Indiana Code §36-5-2-4.1(h), the town legislative body districts are abolished and all members of the legislative body are to be elected at large. This Ordinance shall be effective upon its passage. Consistent with Indiana Code §36-5-2-5 the Town Council will remain a three member Council. (Ord. 2013-02, Mar. 6, 2013)

Chapter 1.05

BONDS OF TOWN OFFICIALS

Sections:

- 1.05.005** **Indiana Code 5-4-1-18 Purpose**
- 1.05.010** **Surety Bond**
- 1.05.020** **Blanket Bond, Surety Bond and/or Crime Insurance Policy**

1.05.005 Indiana Code 5-4-1-18 Purpose.

- (1) Under certain Indiana Statutes, including but not limited to IC 5-4-1-18, certain elected officials, public employees, council members or other persons acting on behalf of the Town of Gentryville, Indiana, are required to file and maintain individual surety bonds;
- (2) Indiana Code 5-4-1-18 required Clerk-Treasurers and other individuals who are employees of the Town of Gentryville, Indiana, whose official duties include receiving, processing, depositing, disbursing or otherwise having access to funds that belong to the federal government, the state, a political subdivision or any other governmental entity to file and maintain a surety bond in an amount set by the fiscal body which amount can be no less than Thirty Thousand Dollars (\$30,000.00) for each One Million Dollars (\$1,000,000.00) of receipts by the Clerk-Treasurer and not less than Five Thousand Dollars (\$5,000.00) for other individuals;
- (3) Indiana Code, including Indiana Code 5-4-1-18(b) and the State Board of Accounts, authorize the Town Council to pass an ordinance authorizing the purchase of a blanket bond, a schedule bond (by name or position) and/or crime insurance policy that are endorsed to cover faithful performance and include aggregate coverage sufficient to cover all officers, employees, council members, and persons acting on behalf of the local government unit required to be bonded, including the officers, employees and contractors described in Indiana Code 5-4-1-18; and
- (4) The purchase of blanket bonds, schedule bonds (by name or position) and/or crime insurance policies, in lieu of individual surety bonds, is administratively efficient and will result in cost savings to the Town of Gentryville, Indiana, while still providing sufficient coverage to cover faithful performance.

1.05.010 Surety Bond. That the amount of the surety bond for individuals who must file and maintain a surety bond pursuant to IC 5-4-1-18(a)(7) is set at Five Thousand dollars (\$5,000.00).

1.05.020 Blanket Bond, Surety Bond and/or Crime Insurance Policy. The purchase of a blanket bond, and schedule bond (by name or position) and/or a crime insurance policy that are endorsed to cover faithful performance and include aggregate coverage sufficient to cover the Clerk-Treasurer, all officers, employees, council members and persons acting on behalf of the Town of Gentryville, Indiana, required to be bonded, including the Clerk-Treasurer, the officers, employees and contractors described in Indiana Code 5-4-1-18, is hereby authorized and approved. (Ord. 2016-07, June 28, 2016)

Chapter 1.07

MILEAGE REIMBURSEMENT

Sections:

1.07.010 Rate

1.07.010 Rate. The mileage rate for the use of personal vehicles used for Town or Utility business shall be the same as the federal rate. (Ord. 2011-02, June 1, 2011) (Ord. 90-4, Mar. 21, 1990)

Chapter 1.08

MINIMUM WAGE

Sections:

1.08.020 Minimum wage

1.08.020 Minimum wage. Be it ordained by the Town Trustees of the Town of Gentryville that the minimum wage be increased to “Three Dollars Eighty Cents (\$3.80)” beginning April 1, 1990. In accordance with Federal Law. (Ord. 5-90, Apr. 4, 1990)

Chapter 1.09

OLD-AGE AND SURVIVORS INSURANCE

Sections:

- 1.09.005 Preamble
- 1.09.010 Election of coverage
- 1.09.020 Positions to be covered
- 1.09.030 Federal Social Security Act made a part of this resolution
- 1.09.040 Effective when

1.09.005 Preamble. Pursuant to action taken by this Governing Body* a preliminary survey was made by the State Agency of the O.A.S.I. which State Agency has reported that the estimated employer's cost of coverage in the OLD-AGE AND SURVIVORS' INSURANCE program will be 100% percent of TOTAL COVERED SALARY AND WAGES TO BE PAID FOR THE YEAR 1988 plus annual administrative costs. (Res. 2, Preamble, Sept. 6, 1989)

1.09.010 Election of coverage. The Governing Body of the Town of Gentryville, Gentryville Water Utility, Indiana, hereby elects coverage under the OLD-AGE AND SURVIVORS' INSURANCE as provided by Chapter 313, Acts of 1951, as amended, and as they may be implemented by regulations of the State Agency. (Res. 2, S1, Sept. 6, 1989)

1.09.020 Positions to be covered. The following positions are hereby designated as those which are to be covered. All positions except: Board Members.** (Res. 2, S2, Sept. 6, 1989)

*Governing Body means the Council, Board or Commission authorized to make appropriations and fix tax levies.

**Optional Exclusions are:

Part-time positions (normally requiring 1000 hours per year or less, or for employees of school corporation 600 hours or less).

Positions, the compensation for which is on a fee basis.

Elected legislative officials.

Elected executive officials.

Elected Judicial officials.

If any of the Optional Exclusions are desired, insert them WORD-FOR-WORD in Section 1.09.020.

If none of the optional exclusions are desired, insert "NO EXCLUSIONS" in Section 1.09.020.

1.09.030 Federal Social Security Act made a part of this resolution. For the purpose of carrying out the provisions of Title II, Section 218, of the Federal Social Security Act and amendments thereof, the agreement entered into between the State Agency with the approval of the Governor and the Social Security Administrator is made a part of this Resolution and shall constitute an integral part of the Federal agreement between this Political Subdivision and the State Agency, and shall become a part of the agreement or modification of the agreement between the State and the Social Security Administrator. The Governing Body hereby explicitly agrees that it will fully perform the obligation of a Political Subdivision under said (Federal-State) agreement and Chapter 313, Acts of 1951, as amended and as they may be amended, and as they may be implemented by regulations of the State Agency. (Res. 2, S3, Sept. 6, 1989)

1.09.040 Effective when. This Ordinance shall be in full force and effect upon passage and approval, for all intents and purposes, except that active coverage shall begin as of the 1st day of January, 1988. (Res. 2, S4, Sept. 6, 1989)

Chapter 1.10

DEPARTMENT OF WATER WORKS

Sections:

- 1.10.010** **Establishment/Directors**
- 1.10.020** **Terms**
- 1.10.030** **Bond**
- 1.10.040** **Adopting provisions of Indiana Code**

1.10.010 Establishment/Directors. The Board of Trustees of the Town of Gentryville hereby establishes a Department of Water Works to be controlled by a Board of Directors, which said Board shall consist of five (5) Directors, two (2) who shall be appointed by the Board of Trustees. Three (3) who shall be members of the Board of Trustees. Appointed Water Board Directors will be selected from interested individuals who reside in the Water District served by the Gentryville Water Utility. (Ord. 1996-1, July 3, 1996) (Ord. 1987-1, Dec. 29, 1987)

1.10.020 Terms. The terms of the Directors shall be four (4) years, but the initial term shall be as follows: for the three residents residing outside the Town of Gentryville:

- Director One from January 1, 1988, to December 31, 1988
- Director Two from January 1, 1988, to December 31, 1989
- Director Three from January 1, 1988, to December 31, 1990

Directors from the Town Board term's will be the same as their term of office.
(Ord. 1987-1, Dec. 29, 1987)

1.10.030 Bond. Each Director shall give a personal bond by the taking of an Oath of Office. (Ord. 1987-1, Dec. 29, 1987)

1.10.040 Adopting provisions of Indiana Code. By this Ordinance the Board of Trustees hereby adopts the provisions of Indiana Code 8-1.5-4-1 to 8-1.5-4-19 inclusive, and a copy of said statute is attached hereto and made a part hereof. (Ord. 1987-1, Dec. 29, 1987)

Chapter 1.12

DUTIES OF THE STREET COMMISSIONER

Sections:

1.12.010 Duties

1.12.010 Duties.

- (1) Submit a list of major work needed done at the beginning of each year in order of priority.
- (2) Estimated cost of equipment repair, or new equipment needed.
- (3) Monthly report on needed maintenance and repairs of the following:
 - A. Roads
 - B. Ditches
 - C. Ditches
 - D. Brush removal
- (4) List of names for weed cuts and brush removal notices by the June and August Town Board meetings.
 - A. Notify persons that you will be mowing, if it becomes necessary after the cut notices are sent. After mowing is completed notify the persons as to the amount due.
 - B. Turn in time and date mowing was completed.
 - C. Have claims completed and turned in prior to the monthly meetings.
(Res. 1983-3, Nov. 1, 1983)

Chapter 1.14

LOCAL ROAD AND BRIDGE MATCHING GRANT FUND – FUND 476

Sections:

- 1.14.010 Created**
- 1.14.020 Contributions**
- 1.14.030 Expenditures**
- 1.14.040 Perpetual Fund Until Terminated**

1.14.010 Created. There is hereby created a special fund to be known as the LOCAL ROAD AND BRIDGE MATCHING GRANT FUND – FUND 476. (Ord. 2017-05, S1, Oct. 3, 2017)

1.14.020 Contributions. Contributions to the fund shall be from Community Crossings Matching Grant Funds received by the Town of Gentryville from the Indiana Department of Transportation, and qualifying matching funds from the Town of Gentryville funds as approved by the Town Council for the purpose of meeting match requirement for such program; including, but not limited to, LOIT, MVH, LRS, CCI, CCD, and CEDIT. (Ord. 2017-05, S2, Oct. 3, 2017)

1.14.030 Expenditures. Expenditures may be made from the fund by appropriation by the Gentryville Town Council for the purpose of completing the projects for which the Local Road and Bridge Matching Grant Funds were received. (Ord. 2017-05, S3, Oct. 3, 2017)

1.14.040 Perpetual Fund Until Terminated. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination, or upon completion of all projects for which monies are transferred into such fund, shall be returned to the source of such funding as provided in the applicable Community Crossings Matching Grant Agreement. (Ord. 2017-05, S4, Oct. 3, 2017)

Chapter 1.15

VIOLATION ABATEMENT FEE

Sections:

1.15.010	Per hour fee charged
1.15.020	Rental of equipment
1.15.030	Billing hours
1.15.040	Fee charged by a private contractor
1.15.050	The Clerk-Treasurer as fiscal officer
1.15.060	Separability

1.15.010 Per hour fee charged. The Town of Gentryville shall charge a fee of (\$100.00) one hundred dollars per hour when the Town of Gentryville uses any of its equipment, machinery or employees to abate any violation of a town ordinance. This per hour fee will cover the labor of up to (2) two town employees and the use of any town owned equipment or machinery used in the process of abating an ordinance violation. (Ord. 2008-3, S1, Aug. 6, 2008) (Res. 1979-2, July 23, 1979) (Res. 1979-1, May 7, 1979) (Ord. 40, S1, Apr. 14, 1927)

1.15.020 Rental of equipment. The Town may at its discretion rent any equipment needed to abate a violation. The rental fee(s) will be billed to the violator of the ordinance that is being abated. (Ord. 2008-3, S2, Aug. 6, 2008)

1.15.030 Billing hours. A minimum of (1) one hour will be charged. The Town will bill to the next full hour only, there will be no billing of partial hours. The Town will begin billing at the time the town employee(s) leave the town garage and will continue billing until the next full hour after the town employee(s) return to the town garage after the abatement and disposal, if needed has been completed. (Ord. 2008-3, S3, Aug. 6, 2008)

1.15.040 Fee charged by a private contractor. The Town of Gentryville may, at its discretion hire a private contractor to abate an ordinance violation. When a private contractor is hired to abate an ordinance violation the fee charged by the private contractor will be passed on to the violator at the rate charged by the private contractor. (Ord. 2008-3, S4, Aug. 6, 2008)

1.15.050 The Clerk-Treasurer as fiscal officer. The Clerk Treasurer of the town shall determine the actual cost of abating an ordinance violation including administrative costs and shall bill the violator forthwith. If the violator fails to pay any bill issued pursuant to this article within (30) thirty days from the billing date, the Clerk Treasurer of the town shall certify to the county auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the town. (Ord. 2008-3, S5, Aug. 6, 2008)

1.15.060 Separability. If any section, subsection, clause, phrase or portion of this ordinance shall be for any reason be held invalid or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions there under. (Ord. 2008-3, S6, Aug. 6, 2008)

Chapter 1.16

DONATION FOR LOADS OF SOIL FROM TOWN

Sections:

- 1.16.010** **Donation**
- 1.16.020** **Use of donations**

1.16.010 Donation. All soil removed from the Town of Gentryville, Spencer County, Indiana properties shall require a donation of five (\$5.00) dollars per load to any persons wishing such soil. (Res. ___-90, Nov. 7, 1990)

1.16.020 Use of donations. All monies must be donated to the Jackson Township Fire Department to be used as needed. (Res. ___-90, Nov. 7, 1990)

Chapter 1.23

SALARY OF SCHOOL BOARD MEMBERS

Sections:

1.23.010 School Board Members

1.23.010 School Board Members. Each member of the School Board shall receive the sum of six dollars (\$6.00) per year. (Ord. 21, Sept. 5, 1903) (Ord. 11, Apr. 4, 1901)

Chapter 1.26

PARK AND RECREATION DEPARTMENT

Sections:

1.26.010 Created

1.26.010 Created. Pursuant to “the park and recreation law”, IC 1971, 19-7-4-3, there is hereby created as a part of the governmental organization of the Town of Gentryville a single department of parks and recreation and any and all prior Ordinances creating separate park and recreation authorities be and they hereby are repealed. (Ord. 1972 A2, May 2, 1972)

Chapter 1.27

RENT AND DEPOSIT FEES FOR TOWN PARK

Sections:

- 1.27.010 Rent and deposit fee
- 1.27.020 Deposit refund

1.27.010 Rent and deposit fee. The Town Board of Gentryville will raise the City Park rent to Twenty (\$20.00) Dollars and security deposit to Forty (\$40.00) Dollars.

1.27.020 Deposit refund. The security deposit amount will be refund in ratio to how much cleaning is necessary. If building is left clean full deposit will be returned upon inspection. (Ord. 3-95, Oct. 4, 1995)

Chapter 1.28

USE OF PUBLICLY OWNED PROPERTY

Sections:

- 1.28.010 Unlawful to be on property between 11:00 p.m. and 7:00 o'clock a.m.
- 1.28.020 Refuse to be disposed in container provided
- 1.28.030 Vandalism prohibited
- 1.28.040 Alcoholic beverages or controlled substances prohibited
- 1.28.045 Publicly owned property, defined
- 1.28.050 Penalty for violation

1.28.010 Unlawful to be on property between 11:00 p.m. and 7:00 o'clock a.m. It shall be unlawful for any person, whether acting individually or in concert with a group of persons, to enter upon, gather on, park on, stop on, or drive across any publicly owned property between the hours of 11:00 p.m. and 7:00 o'clock a. m. local or prevailing time, excepting however, this ordinance shall not apply to any persons entering upon publicly owned property for the purpose of going to or from residences situated adjacent to said publicly owned property. (Ord. 1980-3, SI, Nov. 4, 1980)

1.28.020 Refuse to be disposed in container provided. It shall be unlawful for any person to recklessly, knowingly or intentionally place or leave refuse on publicly owned property, except in a container provided for refuse. (Ord. 1980-3, SII, Nov. 4, 1980)

1.28.030 Vandalism prohibited. It shall be unlawful for any person to damage or deface any improvements contained in or erected upon any publicly owned property. (Ord. 1980-3, SIII, Nov. 4, 1980)

1.28.040 Alcoholic beverages or controlled substances prohibited. It shall be unlawful for any person to possess or consume any alcoholic or intoxicating beverages or controlled substances while upon publicly owned property. (Ord. 1980-3, pt. SIV, Nov. 4, 1980)

1.28.045 Publicly owned property, defined. For the purposes of this ordinance, "publicly owned property" shall be limited to the Garden of Memory Cemetery on Highway 162; the Gentryville Town Park on Boone Street; the Jackson Township Volunteer Fire Department and surrounding property on Boone Street; and the Gentryville Town Hall on Lincoln Street, all in the Town of Gentryville, Spencer County, Indiana. (Ord. 1980-3, pt. SIV, Nov. 4, 1980)

1.28.050 Penalty for violation. A person who violates the provisions of this ordinance commits a Class C infraction and shall be fined not more than Five Hundred Dollars (\$500.00). (Ord. 1980-3, SV, Nov. 4, 1980)

Chapter 1.29
FEE FOR VEHICLE INSPECTIONS

Sections:

1.29.010 Fee

1.29.010 Fee. Pursuant to I.C. 9-29-4-2, inspection under I.C. 9-17-2-12, the fee for an inspection under I.C. 9-17-2-12 is hereby established in the amount of \$5.00 for each inspection and said fee shall be deposited as provided by I.C. 9-29-4-2.

This Ordinance shall be in full effect after July 5, 2000. (Ord. 2000-2, July 5, 2000)

Chapter 1.30

TOWN MARSHAL

Sections:

- 1.30.010 Appointed by
- 1.30.020 Bond

1.30.010 Appointed by. The Gentryville Town Council, appoints the Town Marshal. (Res. unnumbered, Oct. 2, 1973)

1.30.020 Bond. The Town Marshal's bond is set at \$1,000.00. (Res. unnumbered, Oct. 2, 1973)

Chapter 1.31

DEPUTY MARSHAL

Sections:

1.31.010 Appointment/Powers/Bond/Term

1.31.010 Appointment/Powers/Bond/Term. The Marshal of Gentryville be and he is hereby authorized to appoint one Deputy Marshal, who, in executing the orders of the said board, shall possess the powers and be subject to the liabilities of said Marshal. Said deputy shall give bond to said Town with the surety in the penal sum of five hundred dollars: Shall serve one year from date of appointment and shall be subject to the orders of said Marshal who may discharge him at any time. (Ord. 37, S1, Nov. 19, 1923) (Ord. 33, Aug. 2, 1911)

Chapter 1.32

POLICE RESERVE OFFICERS

Sections:

1.32.010 Appointment

1.32.010 Appointment. Pursuant to I.C. 36-8-3-20, which provides that the Town may provide by Ordinance for any number of police reserve officers, the Town Council, by this Ordinance does hereby establish the number of police reserve officers at any number. A copy of I.C. 36-8-3-20 is attached hereto and made a part hereof below. (Ord. 2000-1, July 5, 2000)

I.C. 36-8-3-20

- Sec. 20. (a) This section applies to counties and towns as well as cities.
- (b) A unit may provide by ordinance for any number of police reserve officers.
 - (c) Police reserve officers shall be appointed by the same authority that appoints regular members of the department.
 - (d) Police reserve officers may be designated by another name specified by the ordinance.
 - (e) Police reserve officers may not be members of the regular police department but have all of the same police powers as regular members, except as limited by the rules of the department. Each department may adopt rules to limit the authority of police reserve officers.
 - (f) To the extent that money is appropriated for a purpose listed in this subsection, police reserve officers may receive the following:
 - (1) A uniform allowance,
 - (2) Compensation for time lost from other employment because of court appearances.
 - (3) Insurance for life, accident, and sickness coverage.
 - (4) In the case of county police reserve officers, compensation for lake patrol duties that the county sheriff assigns and approves for compensation.
 - (g) Police reserve officers are not eligible to participate in any pension program provided for regular members of the department.

- (h) A police reserve officer may not be appointed until he has completed the training and probationary period specified by rules of the department.
- (i) A police reserve officer appointed by the department after June 30, 1993, may not:
 - (1) make an arrest;
 - (2) conduct a search or a seizure of a person or property; or
 - (3) carry a firearm; unless the police reserve officer successfully completes a pre-basic course under I.C. 5-2-1-9(f)
- (j) A police reserve officer may be covered by the medical treatment and burial expense provisions of the worker's compensation law (I.C. 22-3-2 through I.C. 22-3-6) and the worker's occupational diseases law (I.C. 22-3-7). If compensability of the injury is an issue, the administrative procedures of I.C. 22-3-2 through I.C. 22-3-6 and I.C. 22-3-7 shall be used to determine the issue.
- (k) A police reserve officer carrying out lake patrol duties under this chapter is immune from liability under I.C. 34-30-12, notwithstanding the payment of compensation to the officer.

As added by Acts 1981, P.L. 309, Sec. 52. Amended by P.L. 30-1992, Sec. 6; P.L. 72-1992, Sec. 3; P.L. 57-1995, Sec. 10; P.L. 1-1998, Sec. 212.

Chapter 1.33

TOWN COURT

Sections:

- 1.33.010 Created
- 1.33.020 Open and operational
- 1.33.030 Town Judge appointment
- 1.33.040 Town Court staff
- 1.33.050 Town Judge salary
- 1.33.060 Operated and conducted pursuant to laws of the State
- 1.33.070 Powers, duties and responsibilities
- 1.33.080 Effective when

1.33.010 Created. There is hereby created for the Town of Gentryville, Indiana, a Town Court and it shall be known as "Town Court of Gentryville, Indiana". (Ord. 1998-2, S1, No date)

1.33.020 Open and operational. The Town Court of Gentryville, Indiana shall be opened and operational as soon as practical after the _____ day of _____, 1999 at the discretion of the Town Council of the Town of Gentryville. (Ord. 1998-2, S2, No date)

1.33.030 Town Judge appointment. The Town Council of the Town of Gentryville, upon the effective date of this Ordinance, declares a vacancy exists for the office of the Town Judge of the Town Court of Gentryville, Indiana, and directs that said vacancy be filled in accordance with Indiana Code §3-13-9-2, said term of said Town Judge to continue until said office is placed on the ballot for the Municipal Election to be held November, 1999, unless said appointed Town Judge is removed before said election. (Ord. 1998-2, S3, No date)

1.33.040 Town Court staff. Said Town Judge may employ such persons to work for the Town court as are approved in advance by the Town Council of the Town of Gentryville, Indiana and funds appropriated to pay their salaries and any applicable benefits. (Ord. 1998-2, S4, No date)

1.33.050 Town Judge salary. The Town Judge, upon appointment as provided for herein, and any successor, shall receive an annual salary to be established by the Town Council, payable in twelve equal monthly payments. Said salary shall not commence until the Town Court of Gentryville, Indiana is functional and operating and may be changed by the Town Council at their discretion, but no more frequently than annually. (Ord. 1998-2, S5, No date)

1.33.060 Operated and conducted pursuant to laws of the State. The Town Court of the Town of Gentryville, Indiana shall be operated and conducted pursuant to and in accordance with the statutory powers and authority granted by the laws of the State of Indiana. (Ord. 1998-2, S6, No date)

1.33.070 Powers, duties and responsibilities. The Town Judge of the Town Court of Gentryville, Indiana shall be vested with the powers, duties and responsibilities provided by the laws of the State of Indiana to Judges of Town Courts and shall be bound by all applicable codes and Ethics of Judicial Conduct and Administration. (Ord. 1998-2, S7, No date)

1.33.080 Effective when. This Ordinance shall be in full force and effect from and after its adoption, approval by the Town Council of the Town of Gentryville and publication as required by law. (Ord. 1998-2, S8, No date)

Chapter 1.34

ALCOHOL AND DRUG FREE POLICY

Sections:

- 1.34.010 Includes Town and Wastewater Utility
- 1.34.020 Drug-free work environment
- 1.34.030 Making, possessing, using, distributing, purchasing prohibited
- 1.34.040 Working while impaired, prohibited
- 1.34.050 Prescription drugs or over the counter medications
- 1.34.060 Notification to supervisor of convictions
- 1.34.070 Condition of employment to comply with this policy
- 1.34.080 Employee found in violation of this policy
- 1.34.090 Professional treatment
- 1.34.100 Town will not condone misconduct or poor performance
resulting from a drug or alcohol problem
- 1.34.110 Drug-Free Work Place Act of 1988

1.34.010 Includes Town and Wastewater Utility. The Town Board of Gentryville are amending their alcohol and drug free policy to include the newly established Gentryville Wastewater Utility.

1.34.020 Drug-free work environment. The Town recognizes alcohol and drug as potential health, safety, and security problems. All employees are required to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. (Ord. 1-1998, SA, June 16, 1998)

1.34.030 Making, possessing, using, distributing, purchasing prohibited. Employees are prohibited from manufacture, possession, use, distribution, or purchase of non-prescription drugs and intoxicants on Town Premises and job-sites, from reporting to work or working with detectable levels of drugs or illegal substances in their systems (this includes illegal drugs and other mind-controlling substances, alcoholic beverages, “look-alike” substances, inhalants, etc.) or from possessing equipment paraphernalia and literature related to illegal drug or substance use. (Ord. 1-1998, SB, June 16, 1998)

1.34.040 Working while impaired, prohibited. Employees are required to report to their jobs in appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor’s prescription, he/she is expected to discuss it with his/her supervisor before commencing work that day. (Ord. 1-1998, SC, June 16, 1998)

1.34.050 Prescription drugs or over the counter medications. Employees may maintain on Town premises or job sites prescription drugs and over-the-counter medications provided:

- (1) The drugs have been prescribed by a doctor for the possession of the drug;

- (2) The drugs are kept in their original container; and
- (3) The over-the-counter or prescription drug dosages are not abused (Ord. 1-1998, SD, June 16, 1998)

1.34.060 Notification to supervisor of convictions. Employees convicted of any violation of any criminal drug statute (including misdemeanor for a violation occurring on Town property or job-site during working time) shall notify the supervisor or Town Manager within five (5) days of the date of conviction. A conviction includes any finding of guilty (including one agreed to by the employee) or plea of no contest and/or imposing of a fine, jail sentence, or other penalty. (Ord. 1-1998, SE, June 16, 1998)

1.34.070 Condition of employment to comply with this policy. Employees are solicited to voluntarily comply with this policy for his or her own safety, for the safety of co-workers, for the benefit of the public. Compliance with this substance abuse policy is made a condition of employment. Because of the importance of this Drug-Free Workplace Policy, the Town may, from time-to-time, take steps to ensure that the policy is being followed. These steps may include:

- (1) Pre-employment drug testing; or
- (2) For cause testing after an accident or when the employee is behaving strangely; or
- (3) On a random basis. (Ord. 1-1998, SF, June 16, 1998)

1.34.080 Employee found in violation of this policy. An employee found in violation of this policy will be removed from the Town premises and/or job site and will be subject to disciplinary action up to and including suspension without pay or discharge per disciplinary policy. (Ord. 1-1998, SG, June 16, 1998)

1.34.090 Professional treatment. The Town recognizes alcoholism and drug abuse as a disease that is treatable and encourages employees who believe that they have a drinking or drug problem to seek professional treatment and assistance. No employee who seeks such treatment or assistance will have their job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. Employees needing time off to obtain alcohol and/or drug abuse treatment are directed to present their requests to his/her supervisor. (Ord. 1-1998, SH, June 16, 1998)

1.34.100 Town will not condone misconduct or poor performance resulting from a drug or alcohol problem. The Town will reasonably accommodate an employee's drug or alcohol dependency. However, it should also be understood that treatment pursuant to this policy will not result in any special regulations, privileges, or exemptions from standard administration procedures, practices, or policies including disciplinary action. Nothing in this policy shall be construed so as to condone or exonerate employees from their misconduct or

poor performance resulting from a drug or alcohol problem. (Ord. 1-1998, SI, June 16, 1998)

1.34.110 Drug-Free Work Place Act of 1988. Finally, to the extent that the Town is subject to the provision of the Drug-Free Work Place Act of 1988, policies, procedures, regulations, and directives shall be promulgated in order to ensure compliance with this Act. (Ord. 1-1998, SJ, June 16, 1998)

Chapter 1.35

OPERATION PULL OVER FUND

Sections:

- 1.35.010 Created**
- 1.35.020 Expenditures**
- 1.35.030 Grant Terms Compliance**

1.35.010 Created. There is hereby created a special fund to be known as the Operation Pull Over Grant Fund for the purpose of depositing and distributing funds received from the Operation Pull Over Grant and to keep an accounting of such accumulated funds. (Ord. 2014-04, S1, Feb. 5, 2014)

1.35.020 Expenditures. This fund shall be limited to expenditures provided for by the terms of the Operation Pull Over Grant. (Ord. 2014-04, S2, Feb. 5, 2014)

1.35.030 Grant Terms Compliance. The Town shall cooperate with and comply with the terms of the grant so long as such is offered and so long as the Town in consultation with the Town Marshal desires continued participation with such. (Ord. 2014-04, S3, Feb. 5, 2014)

Chapter 1.36

APPLYING FOR FLOOD INSURANCE

Sections:

1.36.005	Purpose
1.36.010	Enactment of land use and control measures
1.36.020	Gentryville Plan Commission's responsibility
1.36.030	Record of elevation maintained by Clerk-Treasurer
1.36.040	Other official actions to carry-out program

1.36.005 Purpose. Certain areas of Gentryville are subject to periodic flooding from streams causing serious damages to properties within these areas.

Relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968.

It is the intent of the Town Council to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain areas having special flood hazards.

The Town Council has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to "The Indiana Floods Control Act" Chapter 318, Acts of 1945. (Ord. 1975-4, Whereas, June 2, 1975)

1.36.010 Enactment of land use and control measures. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations. (Ord. 1975-4, S1, June 2, 1975)

1.36.020 Gentryville Plan Commission's responsibility. Vests Gentryville Plan Commission with the responsibility, authority, and means to:

- (1) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.
- (2) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.
- (3) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of

adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards.

- (4) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain management measures. (Ord. 1975-4, S2, June 2, 1975)

1.36.030 Record of elevation maintained by Clerk-Treasurer. Appoints Town Clerk-Treasurer to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded. (Ord. 1975-4, S3, June 2, 1975)

1.36.040 Other official actions to carry-out program. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Ord. 1975-4, S4, June 2, 1975)

Chapter 1.40

CEMETERY PLOTS AND PERPETUAL CARE

Sections:

1.40.010 Sale of cemetery plots

1.40.010 Sale of cemetery plots. Let it here be ordained by the Town Board of Gentryville, that there will be no sales of plots to speculators for resale with a limit of one plot (5 graves) per individual per year.

Let it hereby be ordained that the cost will be as follows for residents of:

PLOT

Gentryville	\$ 50.00	Perpetual Care	\$ 350.00	Total Cost	\$ 400.00
Jackson Township	\$ 100.00		\$ 500.00		\$ 600.00
Spencer County	\$ 100.00		\$ 700.00		\$ 800.00
Others	\$ 200.00		\$1000.00		\$ 1200.00

SINGLE GRAVE

Gentryville	\$ 25.00	Perpetual Care	\$ 125.00	Total Cost	\$ 150.00
Jackson Township	\$ 25.00		\$ 175.00		\$ 200.00
Spencer County	\$ 50.00		\$ 200.00		\$ 250.00
Others	\$ 50.00		\$ 250.00		\$ 300.00

(Ord. 2015-04, May 6, 2015) (Ord. 2005-02, Aug. 3, 2005) (Ord. 5-95, Oct. 4, 1995) (Ord. 3-90, Apr. 4, 1990) (Res. 1-1986, Feb. 5, 1986)

Chapter 1.41

BURIAL IN VAULTS

Sections:

1.41.010 Concrete or steel vaults required

1.41.010 Concrete or steel vaults required. From February 5, 1986 forward any person buried in the Garden of Memory Cemetery is required to be placed in a vault made of steel or concrete. (Ord. 2-1986, Feb. 5, 1986)

Chapter 1.42

USE OF GARDEN OF MEMORY CEMETERY

Sections:

- 1.42.010 **Locked/Unlocked**
- 1.42.020 **Glass containers**
- 1.42.030 **Live plants**

1.42.010 Locked/Unlocked. Garden of Memory Cemetery will be locked each evening at dark and will be unlocked each morning at 6:00 A.M. (Ord. 1984-2, SI, Aug. 6, 1984)

1.42.020 Glass containers. Glass containers will not be allowed on cemetery property. (Ord. 1984-2, SII, Aug. 6, 1984)

1.42.030 Live plants. Person planting live plants on graves are responsible for the upkeep of that area. Caretakers are not required to maintain those areas. (Ord. 1984-2, SIII, Aug. 6, 1984)

Chapter 1.43

ACCEPTING GIFTS, DONATIONS FOR THE CEMETERY

Sections:

1.43.010 Policy of accepting gifts for cemetery

1.43.010 Policy of accepting gifts for cemetery. The Board of Trustees shall have the power and is hereby authorized to accept gifts, donations, bequests, devises of money or property, real or personal, for the use of the cemetery owned and operated by the Town of Gentryville and such gifts, donations, bequests, or devises as may be accepted or received by such Town or any income or interest derived therefrom, shall be used by said Board of Trustees in the same manner as proceeds from the sale of lots or as may be directed by the donor of such gifts. (Res. unnumbered, June 30, 1964)

Chapter 1.44

DUTIES OF CEMETERY CARETAKERS

Sections:

- 1.44.010 Mowing equipment/Mowing expenses
- 1.44.020 Mowing dates
- 1.44.030 One Town Council Member to be in direct contact with contractor
- 1.44.040 Salary

1.44.010 Mowing equipment/Mowing expenses. The contractor will provide mowing equipment. The Cemetery Board is to provide for mowing expenses. (Sum set at time of receiving contract.) (Res. 1984-2, S1, Aug. 6, 1984)

1.44.020 Mowing dates.

- (1) 1 (one) week before Memorial Day and not before 10 (ten) days after.
- (2) 1 (one) week before the 4th of July.
- (3) All other mowing according to weather conditions. (Res. 1984-2, S2, Aug. 6, 1984)

1.44.030 One Town Council Member to be in direct contact with contractor. One Town Board Member will be in direct contact with contractor. All complaints are to be channeled through this member. (Res. 1984-2, S3, Aug. 6, 1984)

1.44.040 Salary. The Cemetery Caretaker will be paid \$125.00 as of January 1, 1990 per month. (Res. 1-89, Aug. 2, 1989)

Chapter 1.46

CUMULATIVE CAPITAL IMPROVEMENT FUND

Sections:

- 1.46.010 Created/Use of funds
- 1.46.020 Capital Improvements defined

1.46.010 Created/Use of funds. In accordance with the requirements of Section 8 of Chapter 225, Acts 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of Gentryville, Indiana in to which the Cigarette taxes allotted to Gentryville, Ind., by reason of subsection C(I) (C) of Section 27 C and Section 27D of the Indiana Cigarette Tax Law being Chapter 222 of the Acts of 1947 as amended shall be a cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as here in after defined and none of such monies shall revert to the General Fund or be used for any purpose other than capital improvements. (Ord. unnumbered, S1, July 5, 1965)

1.46.020 Capital Improvements defined. The term "CAPITAL IMPROVEMENTS" means the construction or improvements of any property owned by the town of Gentryville, Indiana, including but not limited to streets and thoroughfares, and sewers and the retirement of general obligation bonds of Gentryville, Indiana, issued, and the proceeds used for the purchase of constructing capital improvements. The term capital improvements shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement. (Ord. unnumbered, S2, July 5, 1965)

Chapter 1.48

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.48.010	Established
1.48.020	Tax levy
1.48.030	Rate of levy
1.48.040	Established until rescinded
1.48.050	Use of funds
1.48.060	Emergency use of funds
1.48.070	Proofs of Publication

1.48.010 Established. That there is hereby established the Gentryville Cumulative Capital Development Fund, as set out in IC 36-9-15.5. (Ord. 2017-03, July, 5, 2017) (Ord. 1996-2, S1, July 3, 1996)

1.48.020 Tax levy. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Gentryville Capital Development Fund. (Ord. 1996-2, S2, July 3, 1996)

1.48.030 Rate of levy. That the maximum rate of levy under Section 1.48.020 will not exceed:

- (1) .0167 per \$100 Assessed Value of 2014
- (2) .0333 per \$100 Assessed Value of 2015
- (3) .05 per \$100 Assessed Value of 2016
- (4) .05 per \$100 Assessed Value of 2017 (Ord. 2017-03, July 5, 2017) (Ord. 2014-08, Aug. 6, 2014) (Ord. 2014-05, June 4, 2014) (Ord. 1996-2, S3, July 3, 1996)

1.48.040 Established until rescinded. That the Gentryville Cumulative Capital Development Fund is established until such time as the fund is rescinded. (Ord. 1996-2, S4, July 3, 1996)

1.48.050 Use of funds. That the funds accumulated in the Gentryville Cumulative Capital Development Fund will be used for all uses set out in IC 36-9-15.5-2. (Ord. 2014-08, Aug 6, 2014) (Ord. 2014-05, June 4, 2014) (Ord. 1996-2, S5, July 3, 1996)

1.48.060 Emergency use of funds. Notwithstanding Section 1.48.050, funds accumulated in the Gentryville Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.48.050, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under authority of this section only after the Town of Gentryville President issues a

declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund. (Ord. 1996-2, S6, July 3, 1996)

1.48.070 Proofs of Publication. Proofs of publication of the public hearing and a certified copy of the Resolution 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. 2017-03, July 5, 2017)

Chapter 1.49

COMMUNITY ECONOMIC DEVELOPMENT INCOME TAX (CEDIT) FUND

Sections:

1.49.010 Use of Fund

1.49.010 Use of Fund. Let it hereby be resolved, that the Board of Trustees of the Town of Gentryville here by propose to direct C.E.D.I.T. Fund monies to be used for local match of any grants awarded and be used for anything that improves the economic development of the Town of Gentryville. Priority will be given to any local match needed for grants. (Res. 2009-2, May 6, 2009) (Res. 2007-1, May 2, 2007) (Res. 2005-2, Apr. 6, 2005) (Res. 2002-02, Nov. 1, 2002)

Chapter 1.52

HOUSING AUTHORITY

Sections:

1.52.010	Establishment
1.52.020	Official name
1.52.030	Members
1.52.040	Chairman

1.52.010 Establishment. The Board of Trustees of the Town of Gentryville, Indiana, herewith, authorizes the establishment of a housing authority to carry out the powers and duties as permitted by IC 18-7-11-4. (Res. 1975-8, S1, Sept. 23, 1975)

1.52.020 Official name. The name of said housing authority shall be "Housing Authority of the Town of Gentryville, Indiana." (Res. 1975-8, S2, Sept. 23, 1975)

1.52.030 Members. Pursuant to the provisions of the Indiana State Housing Authorities Act of 1937, as amended, the Board of Trustees of the Town of Gentryville, Indiana, appoints five persons to serve as Commissioners of the Housing Authority of the Town of Gentryville, Indiana, and to serve for the number of years appearing after their names, respectively, from the 23rd day of September, 1975.

Donald Byers, One Year

Lorene Phillips, Two Years

Susie L. Cooper, Three Years

Glenn Ellis, Four Years

Dennis Frakes, Four Years (Certificate of Appointment, Sept. 23, 1975)

1.52.040 Chairman. The Board of Trustees of the Town of Gentryville, Indiana, designates Dennis Frakes to serve for one year as the first Chairman of the Housing Authority of Gentryville, Indiana. (Certificate of Appointment, Sept. 23, 1975)

Chapter 1.54

FAIR HOUSING

Sections:

1.54.010	Policy statement
1.54.020	Definitions
1.54.030	Unlawful practice
1.54.040	Discrimination in the sale or rental of housing
1.54.050	Discrimination in residential real estate-related transactions
1.54.060	Discrimination in the provision of brokerage services
1.54.070	Interference, coercion, or intimidation
1.54.080	Prevention of intimidation in fair housing cases
1.54.090	Exemptions
1.54.100	Administrative enforcement of ordinance
1.54.120	Separability of provisions

1.54.010 Policy statement. It shall be the policy of the Town of Gentryville 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. 2-1994, S1, Apr. 6, 1994)

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

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

(5) "Discriminatory Housing Practice" means an act that is unlawful under Sections 1.54.040, 1.54.050, 1.54.060, 1.54.070 or 1.54.080 of this Chapter or I.C. 22-9.5-5.

(6) "Handicap" means, with respect to a person:

- A. A physical or mental impairment which substantially limits one or more of such person's major life activities,
- B. A record of having such an impairment, or
- C. Being regarded as having such an impairment
- D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
- E. Any other impairment defined under I.C. 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term "handicap" include an individual solely because that individual is a transvestite [I.C. 22-9.5-2-10(c)].

(7) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):

- A. Claims to have been injured by a discriminatory housing practice; or
- B. Believes that such person will be injured by a discriminatory housing practice that is about to occur.

(8) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- A. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

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

(9) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.

(10) "Complainant" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 2-1994, S2, Apr. 6, 1994)

1.54.030 Unlawful practice. Subject to the provisions of Subsection (2) of this Section, Section 1.54.090 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 1.54.040 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 1.54.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.54.040 (3) of this Chapter, but nothing 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. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- B. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- C. He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 2-1994, S3, April 6, 1994)

1.54.040 Discrimination in the sale or rental of housing. As made applicable by section 1.54.030 and except as exempted by Sections 1.54.030 (2) and 1.54.090, it shall be unlawful:

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

3. any person associated with that person.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. that person; or
 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--
 - (a) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) all premises within such dwellings contain the following features of adaptive design:

- i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- D. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirement's of paragraph C.3.(c).
- E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 2-1994, S4, Apr. 6, 1994)

1.54.050 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. 2-1994, S5, Apr. 6, 1994)

1.54.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 2-1994, S6, Apr. 6, 1994)

1.54.070 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 1.54.030, 1.54.040, 1.54.050 or 1.54.060 of this Chapter. (Ord. 2-1994, S7, Apr. 6, 1994)

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

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in Subsection 15(a); 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 not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than

\$10,000, or imprisoned for 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. 2-1994, S8, Apr. 6, 1994)

1.54.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under Subsections (2) and (3) of this Section.
- (2) Nothing in this ordinance shall prohibit a religious organization association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (3) A. Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
B. As used in this section, "housing for older persons" means housing:
 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 2. intended for, and solely occupied by, persons 62 years of age or older; or
 3. intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 2-1994, S9, Apr. 6, 1994)

1.54.100 Administrative enforcement of ordinance.

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in Subsection (2) hereof shall be vested in the Chief Executive Officer of the Town of Gentryville, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Gentryville, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the Town of Gentryville, 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 Gentryville, 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 Officer and the Commission to further such purposes.
- (4) The Chief Executive Officer of the Town of Gentryville, Indiana, or the Chief Executive Officer's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 2-1994, S10, Apr. 6, 1994)

1.54.120 Separability of provisions. If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 2-1994, S12, Apr. 6, 1994)

Chapter 1.60

INTERNAL CONTROL STANDARDS

Sections:

- 1.60.005 Purpose
- 1.60.010 Mission
- 1.60.020 Objectives
- 1.60.030 Minimum Level
- 1.60.040 Principles
- 1.60.050 Effective Internal Control Systems
- 1.60.060 Compliance
- 1.60.070 Periodic Review
- 1.60.080 Personnel Compliance
- 1.60.090 Personnel Training
- 1.60.100 Personnel Determination
- 1.60.110 Town Council Management
- 1.60.120 Implementation
- 1.60.130 Failure to Abide or cooperation by employee
- 1.60.140 Failure to Abide or cooperation by elected or appointed official
- 1.60.150 Implementation Actions

1.60.005 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. 2016-06, Whereas, June 28, 2016)

1.60.010 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. 2016-06, S1, June 28, 2016)

1.60.020 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. 2016-06, S2, June 28, 2016)

1.60.030 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. 2016-06, S3, June 28, 2016)

1.60.040 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. 2016-06, S4, June 28, 2016)

1.60.050 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. 2016-06, S5, June 28, 2016)

1.60.060 Compliance. 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. 2016-06, S6, June 28, 2016)

1.60.070 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. 2016-06, S7, June 28, 2016)

1.60.080 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. 2016-06, S8, June 28, 2016)

1.60.090 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. 2016-06, S9, June 28, 2016)

1.60.100 Personnel Determination. The town authorizes the Town Council to determine the position and person who are the personnel referred to in sections 1.60.080 and 1.60.090 above and notify such personnel. (Ord. 2016-06, S10, June 28, 2016)

1.60.110 Town Council Management. The Town Council will perform all the internal controls system activities/duties. The Town Council constitutes “management”. (Ord. 2016-06, S11, June 28, 2016)

1.60.120 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. 2016-06, S12, June 28, 2016)

1.60.130 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. 2016-06, S13, June 28, 2016)

1.60.140 Failure to Abide or cooperation 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. 2016-06, S14, June 28, 2016)

1.60.150 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. 2016-06, S15, June 28, 2016)

Chapter 1.64

CLAIMS APPROVED FOR PAYMENT PRIOR TO BOARD ALLOWANCE

Sections:

1.64.010 Payment of specified expenses prior to allowance of claim by Board

1.64.010 Payment of specified expenses prior to allowance of claim by Board. Let it hereby be ordained by the Town of Gentryville that the following claims be approved for payment prior to Board allowance.

- (1) Property or Services purchased from the United States Government
- (2) License or Permit fees
- (3) Insurance Premiums
- (4) Utility Payments
- (5) General Grant Programs where advanced refunding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of State Funds
- (7) Maintenance or Service Agreements
- (8) Lease or rental agreements
- (9) Bond or Coupon Payments
- (10) Payroll
- (11) State Federal or County Taxes
- (12) Expenses that must be paid because of emergency circumstances.
(Ord. 2003-05, Feb. 5, 2003)

Chapter 1.65

SIGNATURES ON CHECKS

Sections:

1.65.010 Amount of \$25,000 or more

1.65.010 Amount of \$25,000 or more. When a check written is in the amount of \$25,000 or more that the check must have two signatures. The two signatures shall be the Clerk-Treasurer and the Deputy Clerk-Treasurer. (Ord. 2008-2, June 4, 2008)

Chapter 1.67

USE OF CREDIT CARDS

Sections:

- 1.67.010 Credit Card Issuance
- 1.67.020 Card and Account Use and Procedure

1.67.010 Credit Card Issuance.

- (1) The Clerk-Treasurer, Deputy Clerk and/or the Town Board President are hereby authorized to make application for business credit card account(s) for use by Town Department Heads. No other employee shall make application for or obtain any credit card in the name of the Town or Utilities.
- (2) Business Credit Cards issued shall have the following maximum credit limits:
 - A. Utility Department - \$5,500
 - B. Town Marshal - \$1,000 (Res. 2015-02, Nov. 4, 2015)

1.67.020 Card and Account Use and Procedure.

- (1) Department Heads shall maintain custody of their department's credit card.
- (2) Department Heads shall be allowed to open charge accounts at businesses that pertain to their department operations.
- (3) Charges on the account shall be only for items which are authorized by the department head, within the spending limitation.
- (4) Charges must be within the town's current budgeted amounts for the departments restricted by the town budget.
- (5) Original receipts must be turned in to the Clerk-Treasurer's office preferably within 72 hours but no later than the end of the month in which the purchase was made.
- (6) 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.
- (7) Credit cards and accounts shall not be used to bypass or avoid the accounting system of the Town, and charges to the credit cards and accounts

shall be paid by the Clerk-Treasurer only on the basis of original receipts and from appropriate budgeted funds, accounts and line items pursuant to the claims procedures of the Town.

- (8) The Clerk-Treasurer shall pay the accounts promptly such that no interest carrying charges or penalties shall be incurred due to late payments.
- (9) No credit card or account shall be used to obtain cash advances by an employee.
- (10) 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. (Res. 2015-02, Nov. 4, 2015)

Chapter 1.68

EMPLOYER-OWNED VEHICLE POLICY

Sections:

1.68.010 Establishing a safe harbor substantiation

1.68.010 Establishing a safe harbor substantiation.

- (1) Pursuant to Regulation #1.274-6T(a)(2) of the Internal Revenue Service, an employer must have a written policy prohibiting personal use of the employer-owned vehicles, unless de minimis, (i.e. . . . driving to lunch while away from establishment), and such employer believes the vehicles to not be used for any personal use.
- (2) Pursuant to the Conference Report to P.L. 99-44, Contemporaneous Recordkeeping Requirements Repeal, a resolution of a city council qualifies as a written policy statement for safe harbor provisions.
- (3) The Town Board of Gentryville, Spencer County, Indiana hereby establishes a safe harbor substantiation policy in the following manner:
 - A. Personal use to the Town of Gentryville's vehicles is prohibited other than commuting.
 - B. Such use of vehicles shall not be considered wages.
 - C. All employees shall be required to sign statements that vehicles will not be used for personal use other than commuting.

This policy includes all vehicles including town, water and sewer. (Ord. 2005-03, Oct. 5, 2005)

Chapter 1.70

NEPOTISM AND CONTRACTING WITH A UNIT POLICY

Sections:

- 1.70.010 Adoption
- 1.70.020 Indiana Code Compliance
- 1.70.030 Effective - Nepotism Policy
- 1.70.040 Effective - Contracting with a Unit by a Relative Policy
- 1.70.050 Unit can adopt more detailed requirements
- 1.70.060 A single member of the legislative body cannot act for the body
- 1.70.070 A single member of the governing bodies cannot act for the body
- 1.70.080 Cooperation, Implementation and Compliance
- 1.70.090 Failure to cooperate or implement - Nepotism Policy
- 1.70.100 Failure to cooperate or implement - Contracting with a Unit by a Relative Policy
- 1.70.110 Actions for Implementation
- 1.70.120 Inclusion of Indiana Code
- 1.70.130 Public Inspection

1.70.010 Adoption. The Town finds that it is necessary and desirable 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. 2012-05, S1, July 11, 2012)

1.70.020 Indiana Code Compliance. 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. 2012-05, S2, July 11, 2012)

1.70.030 Effective - 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. 2012-05, S3, July 11, 2012)

1.70.040 Effective - 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. 2012-05, S4, July 11, 2012)

1.70.050 Unit can adopt 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. 2012-05, S5, July 11, 2012)

1.70.060 A single member of the 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 36-5 -2-9.4. (Ord. 2012-05, S6, July 11, 2012)

1.70.070 A single member of the governing bodies cannot act for the 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. See, (insert statute cite e.g. park board, plan commission etc.). (Ord. 2012-05, S7, July 11, 2012)

1.70.080 Cooperation, Implementation and Compliance. 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 Resolution and demonstrating compliance with these same policies. (Ord. 2012-05, S8, July 11, 2012)

1.70.090 Failure to cooperate or implement - 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. 2012-05, S9, July 11, 2012)

1.70.100 Failure to cooperate or implement - 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. 2012-05, S10, July 11, 2012)

1.70.110 Actions for Implementation. The polices created by this Resolution are hereby directed to be implemented by any of the following actions: a) posting a copy of this Resolution 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 Resolution to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Resolution; ord) any such other action or actions that would communicate the polices 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. 2012-05, S11, July 11, 2012)

1.70.120 Inclusion of Indiana Code. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto in Exhibit A. (Ord. 2012-05, S12, July 11, 2012)

1.70.130 Public Inspection. 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. 2012-05, S13, July 11, 2012)

Exhibit A

Chapter 20.2. Nepotism

Sec. 1. This chapter applies to all units.

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

- (1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
- (2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

Sec. 3. For purposes of this chapter, the performance of the duties of:

- (1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or
- (2) a volunteer firefighter;

is not considered employment by a unit.

Sec. 4. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.

(3) A child or stepchild.

(4) A brother, sister, stepbrother, or stepsister.

(5) A niece or nephew.

(6) An aunt or uncle.

(7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

(1) include requirements that are more stringent or detailed than any provision in this chapter;

And

(2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Sec. 11. (a) This section applies to an individual who:

(1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and

(2) is not exempt from the application of this chapter under section 2 of this chapter.

(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

- (1) be promoted to a position; or
- (2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate section 10 of this chapter.

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

- (1) an individual is a party to; and
- (2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

Sec. 14. Unless the policy adopted under section 9 of this chapter provides otherwise, an individual:

- (1) who served as coroner;
- (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
- (3) who, as coroner, received certification under IC 36-2-14-22.3; and
- (4) whose successor in the office of coroner is a relative of the individual;

may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the township trustee's office;
- (2) may be in the township trustee's direct line of supervision; and
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
- (2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.

Chapter 21. Contracting With a Unit

Sec. 1. This chapter applies only to a unit.

Sec. 2. As used in this chapter, "elected official" means:

- (1) the executive or a member of the executive body of the unit 13
- (2) a member of the legislative body of the unit; or
- (3) a member of the fiscal body of the unit.

Sec. 3. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit or restrict an individual from entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or¹⁴
- (2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

(b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

- (1) the elected official files with the unit a full disclosure, which must:
 - (A) be in writing;
 - (B) describe the contract or purchase to be made by the unit;
 - (C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 - (D) be affirmed under penalty of perjury;
 - (E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and
 - (F) be filed, not later than fifteen (15) days after final action on the contract or purchase,

with:

- (i) the state board of accounts; and
 - (ii) the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
- (2) the appropriate agency of the unit:
- (A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - (B) makes a certified statement of the reasons why the vendor or contractor was selected; and
- (3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.
- (c) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
- (d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

Sec. 6. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 7. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 8. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
- (2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit has adopted a policy under this chapter.

Chapter 1.80

FIRE PROTECTION AGREEMENT

Sections:

- 1.80.010 Agreement between Town and Fire Department**
- 1.80.020 Town provides fire station and utilities**
- 1.80.030 Clothing and vehicle allowance**
- 1.80.040 Allowance payment made when**
- 1.80.050 Prior agreements superseded and Termination Clause**

1.80.010 Agreement between Town and Fire Department. This agreement made and entered into duplicate by and between the Town of Gentryville, Indiana, acting by and through its duly authorized Town Council, hereinafter called “Town” and the Jackson Township Volunteer Fire Department, Incorporated through its duly authorized Fire Chief/President hereinafter called “Fire Department”. (Agreement, S1, Dec. 7, 2011) (Agreement, Dec. 5, 2006)

1.80.020 Town provides fire station and utilities. The undersigned Town provides the Fire Station and pays for all water, sewer, natural gas, electricity, phone and internet with the said facility. (Agreement, S2, Dec. 7, 2011) (Agreement, Dec. 5, 2006)

1.80.030 Clothing and vehicle allowance. The Town shall pay the Fire Department an allowance for clothing and use of personal vehicles for the protection of the Town in the sum of \$200 per active member. The payment under this contract is capped at a maximum active duty roster of thirty (30) members. The fire chief shall provide an active duty roster to the Town Clerk-Treasurer by November 1 of a given calendar year. The fire chief will certify that all members listed as “active” meet such standards of eligibility under the Jackson Township Fire Department Bylaws and Indiana Code. (Agreement, S3, Dec. 7, 2011) (Agreement, Dec. 5, 2006)

1.80.040 Allowance payment made when. The payment under 1.80.030 shall be made to the fire department on or before the 31st day of December of the given calendar year subject to fund availability. (Agreement, S4, Dec. 7, 2011) (Agreement, Dec. 5, 2006)

1.80.050 Prior agreements superseded and Termination Clause. All prior agreements are hereby superseded. This agreement will remain in force until terminated by either or both parties upon a notice of 60 days in writing. (Agreement, Dec. 7, 2011) (Agreement, Dec. 5, 2006)