

**TITLE 1**

**ADMINISTRATION AND PERSONNEL**

## TITLE 1

### ADMINISTRATION AND PERSONNEL

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## Chapter 1.02

### TOWN COUNCIL MEMBERS ELECTED AT LARGE

#### Sections:

#### 1.02.010 Town Council Elected at-Large

**1.02.010 Town Council elected at-large.** The Town Council of the Town of Milltown, Indiana, has determined that it is necessary to establish Ordinance No: 96002 in order to abolish the legislative body districts and provide that all members of the legislative body are elected at large.

The Town Council finds that it be resolved in the following manner effective upon the adoption of this Ordinance.

- (1) The Town of Milltown is an incorporated town having a population of less than three thousand five hundred (3,500);
- (2) The present legislative body districts, consisting of three (3) districts are now abolished;
- (3) All members of the legislative body shall be elected at large;
- (4) Said Ordinance is effective upon passage;
- (5) This Ordinance is considered and adopted pursuant and in accord with I.C. 36-5-2-4.1 (g). (Ord. 96-002, May 13, 1996)

## Chapter 1.09

### INVESTING CIVIL TOWN AND UTILITY FUNDS

#### Sections:

#### **1.09.010 Authority to invest funds**

**1.09.010 Authority to invest funds.** Be it resolved that the Milltown Town Board of Trustees, the governing body of the Town of Milltown, authorizes the purchase of investments from Civil town and utility funds by the Clerk-Treasurer during her term of office, consistent with the requirements of the Indiana Public Investments Law. (Resolution 1-1988, Jan. 4, 1988)

## Chapter 1.10

### CEDIT PLAN

#### Sections:

#### 1.10.010 Use of funds

**1.10.010 Use of funds.** We, the Town of Milltown, resolve to use the CEDIT money from the counties of Crawford and Harrison in the following manner;

- (1) Land Purchase
- (2) Equipment Purchase
- (3) Paving of Streets

(Resolution 2004-1, Mar. 15, 2004) (Resolution unnumbered, Sept. 13, 1999)

## Chapter 1.12

### ROAD TAX

#### Sections:

- 1.12.010**      **Tax due date**
- 1.12.020**      **Penalty for nonpayment**

**1.12.010 Tax due date.** All privilege money be paid into the town Treasurer on or before the 1<sup>st</sup> Monday in May of each year. (Ord. 19, S1, April 7, 1913)

**1.12.020 Penalty for non payment.** In case of failure to pay said amount when due, a penalty of 50 cents shall be added and the whole amount shall be collected according to Law. (Ord. 19, S2, April 7, 1913)

## Chapter 1.19

### PARK AND RECREATION DEPARTMENT

#### Sections:

1.19.010	Created under I.C. 36-10-3
1.19.020	Members
1.19.030	Terms
1.19.040	Election of Officers
1.19.050	Powers and duties
1.19.060	Submission of an annual budget

**1.19.010 Created under I.C. 36-10-3.** Under the provisions of I.C. 36-10-3 there is hereby created a municipal Department of Parks and Recreation. (Ord. 04-98, S1, Aug. 10, 1998)

**1.19.020 Members.** The Park and Recreation Board shall be composed of:

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

The library district and school boards shall fill any vacancies of their ex officio members. Ex officio board members have all the rights of regular members, including the right to vote.\* (Ord. 04-98, S2, Aug. 10, 1998)

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

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

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**\*The two ex officio members are optional for a municipal park and recreation board. Either or both the school or library boards may be represented, but if one or both are included the provision must be written in the ordinance.**

As a term expires, each new appointment shall be made by the mayor for a term of four years. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed. If an appointment for a new term is not made by the

executive by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the executive shall appoint a new member for the remainder of the unexpired term. (Ord. 04-98, S3, Aug. 10, 1998)

**1.19.040 Election of officers.** At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the board during the absence or disability of the president. The Board may select a secretary from within or without its own membership. (Ord. 4-98, S4, Aug. 10, 1998)

**1.19.050 Powers and duties.** The board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in I.C. 36-10-3 et seq. (Ord. 04-98, S5, Aug. 10, 1998)

**1.19.060 Submission of an annual budget.** The board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. 04-98, S6, Aug. 10, 1998)



## Chapter 1.20

### OPERATING FUND FOR THE MILLTOWN PARK AND RECREATION DEPARTMENT

#### Sections:

- 1.20.010**      **Established**
- 1.20.020**      **Park Department created when**
- 1.20.030**      **Fund to be administered in the operating budget of the Town**

**1.20.010 Established.** There is hereby established an ordinance establishing an operating fund for the Parks Board of the Incorporated Town of Milltown. (Ord. 2000-2, S1, Feb. 12, 2000)

**1.20.020 Park Department created when.** The Town Council of the Incorporated town of Milltown established a municipal Parks Board in and for the Incorporated Town of Milltown on the 10<sup>th</sup> day of August, 1998. . (Ord. 2000-2, S2, Feb. 12, 2000)

**1.20.030 Fund to be administered and accounted in the operating budget of the Town.** In order to properly administer and account for funds received and disbursed for, by and on behalf to the municipal Parks Board of the Incorporated Town of Milltown, and further to comply with any requirements of the Indiana State Board of Accounts a municipal Parks Board Fund is hereby established in the operating budget of the Incorporated Town of Milltown. . (Ord. 2000-2, S3, Feb. 12, 2000)

## Chapter 1.23

### HOUSING AUTHORITY

#### Sections:

- 1.23.010**      **Established**
- 1.23.020**      **Official name**
- 1.23.030**      **Commissioners of the Housing Authority**
- 1.23.040**      **Chairman**

**1.23.010 Established.** Pursuant to the Housing Authorities Act, as amended, the Board of Trustees of the Town of Milltown, Indiana, upon due notice having held a public hearing whereas an opportunity to be heard was granted to all residents and taxpayers of the town and to all other interested persons, having considered the testimony and evidence presented at said public hearing and their own personal knowledge of dwelling accommodations and need for a housing authority to function in the town, the Board of Trustees of the Town of Milltown, Indiana hereby finds, determines and declares, that:

- (1)      Unsanitary and unsafe inhabited dwelling accommodations exist in the Town of Milltown, Indiana; and
- (2)      There is a shortage of safe and sanitary dwelling accommodations in the Town of Milltown, Indiana, available to persons of low income at rentals they can afford; and
- (3)      There is need for a housing authority to function in the Town of Milltown, Indiana. (Res. No. 3, S1, May 1, 1972)

**1.23.020 Official name.** The name of said housing authority shall be “Housing Authority of the Town of Milltown”. (Res. No. 3, S2, May 1, 1972)

**1.23.030 Commissioners of the Housing Authority.** Pursuant to the provisions of the Housing Authorities Act, as amended, five persons are to serve as Commissioners of the Housing Authority of the Town of Milltown. They shall serve staggered terms for the number of years respectively.

- One member, One year;
- One member, Two year;
- One member, Three years;
- One member, Four years; and
- One member, Four years.  
(Res. No. 4, May 1, 1972)

**1.23.040 Chairman.** A Chairman of the Housing Authority shall be designated. (Res. No. 4, May 1, 1972)

## Chapter 1.24

### FAIR HOUSING ORDINANCE

#### Sections:

1.24.010	Policy statement
1.24.020	Definitions
1.24.030	Unlawful practice
1.24.040	Discrimination in the sale or rental of housing
1.24.050	Discrimination in residential real estate-related transactions
1.24.060	Discrimination in the provision of brokerage services
1.24.070	Interference, coercion, or intimidation
1.24.080	Prevention of intimidation in Fair Housing cases
1.24.090	Exemptions
1.24.100	Administrative enforcement of Ordinance
1.24.120	Separability of provisions

**1.24.010 Policy statement.** It shall be the policy of the Town of Milltown 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. 2008-1, S1.24.010, July 14, 2008)

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

- (1) “Dwelling” means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- (2) “Family” includes a single individual (I.C. 22-9.5-2-9), with the statue 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, corporation, partnership, association, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title II of the United States Code, receivers, and fiduciaries.
- (4) “To rent” (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

- (5) “Discriminatory Housing Practice” means an act that is unlawful under Sections 1.24.040, 1.24.050, 1.24.060, 1.24.070 or 1.24.080 of this Chapter or I.C. 22-9.5-5.
- (6) “Handicap” means, with respect to a person:
- A. A physical or mental impairment which substantially limits one or more of such person's major life activities,
  - B. A record of having such an impairment, or
  - C. Being regarded as having such an impairment,
  - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
  - E. Any other impairment defined under I.C. 22-9.5-2-10.

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

- (7) “Aggrieved person” includes any person who (I.C. 22-9.5-2-2):
- A. Claims to have been injured by a discriminatory housing practice; or
  - B. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. A parent or another person having legal custody of such individual or the written permission of such parent or other person.
- The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (9) “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- (10) “Complainant” (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 2008-1, S1.24.020, July 14, 2008)

**1.24.030 Unlawful practice.** Subject to the provisions of subsection (2) of this section, Section 1.24.090 of this Chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.24.040 of this Chapter shall apply to:

- (1) All dwelling except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in Section 1.24.040 shall apply to:
  - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or 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 this 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 1.24.040(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
  - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (3) For the purposes of Subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

- A. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- B. He has, within the preceding twelve months, participated as agent, other than in the sale of his own person 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. 2008-1, S1.24.030, July 14, 2008)

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

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, 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 to for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
  - 1. That buyer or renter;
  - 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

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

- (c) All premises within such dwellings contain the following features of adaptive design:
  - i An accessible route into and through the dwellings;
  - ii Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - iii Reinforcements in bathroom walls to allow later installation of grab bars; and
  - iv Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

D. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph C.3(c).

E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 2008-1, S1.24.040, July 14, 2008)

**1.24.050 Discrimination in residential real estate-related transactions.**

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

(2) As used in this section, the term “residential real estate-related transaction” means any of the following:

- A. The making or purchasing of loans or providing other financial assistance:
  - 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling, or
  - 2. Secured by residential real estate.



- B. The selling, brokering, or appraising of residential real property.

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. 2008-1, S1.24.050, July 14, 2008)

**1.24.060 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. 2008-1, S1.24.060, July 14, 2008)

**1.24.070 Interference, coercion, or intimidation.** It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.24.030, 1.24.040, 1.24.050, or 1.24.060 of this chapter. (Ord. 2008-1, S1.24.070, July 14, 2008)

**1.24.080 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 according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 2008-1, S1.24.080, July 14, 2008)

#### **1.24.090 Exemptions.**

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance (Chapter) to include those activities or organizations set forth under subsections (2) and (3) of this section.
- (2) Nothing in this ordinance (chapter) 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 (chapter) 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 (chapter) regarding familial status shall apply with respect to housing or older persons.
  - B. As used in this section, “housing for older persons” means housing:
    1. Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
    2. Intended for, and solely occupied by, persons 62 years of age or older; or
    3. Intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 2008-1, S1.24.090, July 14, 2008)

#### **1.24.100 Administrative enforcement of Ordinance.**

- (1) The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the commission as set forth in subsection (2) hereof shall be vested in the Chief Elected Official of the Town of Milltown, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Milltown, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this ordinance, herein elects to refer all formal complaints of violation of the articles of this ordinance by complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Milltown, 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 Milltown, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
- (4) The Chief Elected Official of the Town of Milltown, Indiana, or the Chief Elected Official’s designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 2008-1, S1.24.100, July 14, 2008)

**1.24.120 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. 2008-1, S1.24.120, July 14, 2008)

## Chapter 1.27

### FLOOD PLAIN MANAGEMENT COMMISSION

#### Sections:

<b>1.27.005</b>	<b>Purpose</b>
<b>1.27.010</b>	<b>Established</b>
<b>1.27.020</b>	<b>Powers and duties</b>
<b>1.27.030</b>	<b>Members/Appointment</b>

**1.27.005 Purpose.** The Town of Milltown, Indiana recognizes the need to establish flood plain management regulations to:

- (1) Divert unwarranted and unwise development away from flood-prone areas;
- (2) Encourage flood damage abatement through public and private efforts;
- (3) Deter the unnecessary and improper use of public utilities and public facilities in flood prone areas.

Indiana Code 1971, 18-7-4.5 permits the establishment of flood plain commissions with single purpose zoning authority to promulgate minimum standards and regulations for the management of identified flood hazard areas, as presented in Chapter 10.20. (Ord. 7-1975, Whereas, July 7, 1975)

**1.27.010 Established.** There is hereby established the MILLTOWN FLOOD PLAIN MANAGEMENT COMMISSION for the Town of Milltown, Indiana, under the authority provided in I.C. 1971, 18-7-4.5. (Ord. 7-1975, S1, July 7, 1975)

**1.27.020 Powers and duties.** The Flood Plain Management Commission shall exercise those powers and duties as provided in said I.C 1971, 18-7-4.5. (Ord. 7-1975, S2, July 7, 1975)

**1.27.030 Members/Appointment.** The Flood Plain Management Commission shall consist of three members with qualifications, terms of office, and methods of appointment as provided in the said I.C. 1971, 18-7-4.5. (Ord. 7-1975, S3, July 7, 1975)

## Chapter 1.28

### FLOOD INSURANCE

#### Sections:

<b>1.28.005</b>	<b>Purpose</b>
<b>1.28.010</b>	<b>Enforcement of National Flood Insurance Program</b>
<b>1.28.020</b>	<b>Responsibility and Authority</b>
<b>1.28.030</b>	<b>Record of elevations/lowest floor</b>
<b>1.28.040</b>	<b>Continued action to carry out program regulations</b>

**1.28.005 Purpose.** Certain areas of Milltown, Indiana are subject to periodic flooding from Blue River 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 Board of Town Trustees of the Town of Milltown, Indiana to require the recognition and evaluation of flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards.

This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Indiana Public Law 192 Acts of 1975 an Act to amend IC 1971, 18-7. (Res. 3-1976, Whereas, Jan. 7, 1976)

**1.28.010 Enforcement of National Flood Insurance Program.** The Board of Town Trustees assures the Federal Insurance Administration that it has enacted as necessary, and will maintain in force for those areas having flood 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. (Res. 3-1976, S1, Jan. 7, 1976)

**1.28.020 Responsibility and Authority.** The Board of Town Trustees vests the Milltown Flood Plain Management 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 areas, and cooperate with neighboring communities with respect to management of adjoining flood plain 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 and measures. (Res. 3-1976, S2, Jan. 7, 1976)

**1.28.030 Record of elevations/lowest floor.** The Board of Town Trustees appoints the 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. (Res. 3-1976, S3, Jan. 7, 1976)

**1.28.040 Continued action to carry out program regulations.** Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Res. 3-1976, S4, Jan. 7, 1976)

## Chapter 1.32

### MILLTOWN-WHISKEY RUN TOWNSHIP FIRE DISTRICT

#### Sections:

1.32.001	Re-created
1.32.002	Official Name
1.32.003	Territory
1.32.004	Purpose
1.32.005	Revenue
1.32.006	Sound financial planning
1.32.007	Operating costs
1.32.008	Established
1.32.009	Trustees of the Fire District
1.32.010	Equipped for efficiency
1.32.020	Equipment housed in fire station
1.32.030	Number of Members
1.32.040	Officers
1.32.050	Chief – appointed by, tenure, removal
1.32.060	Chief – accountable to Town Board
1.32.070	Officers – appointed by, accountability, removal
1.32.080	Members – requirements
1.32.090	Discharge of members
1.32.100	Department rules and regulations
1.32.110	Drills/Training
1.32.120	Social Officers
1.32.130	Inspection of buildings for fire hazards
1.32.140	Order to abate fire hazard
1.32.150	Public to keep distance from fire vehicles, when responding to a fire
1.32.160	Driving over fire hoses
1.32.170	Personal vehicles of firemen, responding to fire, have right-of-way
1.32.180	Parking requirements near the fire station and fire hydrants
1.32.190	False fire alarm
1.32.200	Fire department vehicles and tools not for private use
1.32.210	Fine for violation
1.32.220	Enforcement
1.32.230	Police to respond to fire alarms to maintain public order

**1.32.001 Re-created.** Pursuant to the provisions of Indiana Code 36-8-11 et seq, passed as the Acts of 1971, Public Law 389, Section 2 as amended and as added by Acts 1981, Public Law 309, Section 63, that it is declared the intention of the Board of Trustees of the Town of Milltown, Indiana, to allow the Town of Milltown to avail itself to the provisions of said chapter and to participate in the operation of a fire protection district encompassing all the

described area of the Town of Milltown and Whiskey Run Township. (Ord. 1999-1, S1, Feb. 8, 1999) (Ord. 34, Mar. 12, 1936)

**1.32.002 Official name.** That the name of the Fire District shall be known as "The Milltown-Whiskey Run Township Fire District". (Ord. 1999-1, S2.1, Feb. 8, 1999)

**1.32.003 Territory.** That the territory is to include all of that area of the Town of Milltown and Whiskey Run Township described as follows:

- (1) All areas within the limits of the Town of Milltown; and
- (2) All areas within the limits of Whiskey Run Township, Crawford County, Indiana. (Ord. 1999-1, S.2 pt Whereas, Feb. 8, 1999)

**1.32.004 Purpose.** That the purpose of this District is to insure the adequacy of the fire protection within the District. (Ord. 1999-1, S2.3, Feb. 8, 1999)

**1.32.005 Revenue.** That presently there exists sufficient need to establish such a district so as to maintain and expand revenues for the continuation of fire protection services and for the improvements of the service in the foreseeable future and to facilitate future planning for the delivery of services on a reasonable basis. (Ord. 1999-1, S2.4, Feb. 8, 1999)

**1.32.006 Sound financial planning.** That the public health, safety and welfare of the residents and property owners of the territory can be assured by the securing of sound financial planning for the delivery of fire protection services. (Ord. 1999-1, S2.5, Feb. 8, 1999)

**1.32.007 Operating costs.** That the operating costs for the protection will be subject to economies and revenues assured as same are not conditioned upon receipt of federal or state grants. (Ord. 1999-1, S2.6, Feb. 8, 1999)

**1.32.008 Established.** That the Milltown-Whiskey Run Township Fire District is hereby established as of February 8, 1999. (Ord. 1999-1, S3, Feb. 8, 1999)

**1.32.009 Trustees of the Fire District.** That the Trustees for said Fire District shall be appointed within thirty (30) days after the establishment herein. There shall be five (5) Trustees appointed. (Ord. 1999-1, S4, Feb. 8, 1999)

**1.32.010 Equipped for efficiency.** The Department shall be equipped with such apparatus and accessories as may be required from time to time to maintain its efficiency. (Ord. 34, S1, Mar. 12, 1936)

**1.32.020 Equipment housed in fire station.** All of the equipment of the Department shall be safely and conveniently housed in such station or stations as may be designated by the Town Board. (Ord. 34, S2, Mar. 12, 1936)



**1.32.030 Number of Members.** The Department shall be composed of not less than ten (10) active members, and as many in excess of ten (10) as may be deemed necessary for the adequate protection of the community. (Ord. 34, S3, Mar. 12, 1936)

**1.32.040 Officers.** The operation officers of the Department shall be a chief, an assistant chief, and such other company officers as the chief may deem necessary for the effective operation of the department. (Ord. 34, S4, Mar. 12, 1936)

**1.32.050 Chief - appointed by, tenure, removal.** The Chief shall be appointed by the Town Board for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency, and removed only for just cause and after a fair and impartial hearing before the Board of Trustees. (Ord. 34, S5, Mar. 12, 1936)

**1.32.060 Chief - accountable to Town Board.** The Chief of Department shall be held solely accountable to the Board of Trustees only.

All other department and company officers shall be held accountable to the Chief of Department only. (Ord. 34, S6, Mar. 12, 1936)

**1.32.070 Officers - appointed by, accountability, removal.** The Assistant Chief and all other operation officers shall be appointed by the Chief, accountable only to the Chief, and subject to removal by him at his discretion. (Ord. 34, S7, Mar. 12, 1936)

**1.32.080 Members - requirements.** The active membership of the Department shall consist of such persons as may be appointed by the Town Board with the approval of the Chief, and shall be able bodied male citizens residing within the city, who can read and write the English language understandingly, and who are of good moral character, preferably property owners whose business activities are chiefly within the confine of the city, and have telephones in their homes. (Ord. 34, S8, Mar. 12, 1936)

**1.32.090 Discharge of members.** Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the department. (Ord. 34, S9, Mar. 12, 1936)

**1.32.100 Department rules and regulations.** The Chief shall formulate a set of rules and regulations to govern the department, and shall be responsible to the Board for the personnel, morale and general efficiency of the department. (Ord. 34, S10, Mar. 12, 1936)

**1.32.0110 Drills/Training.** The Chief shall also call the entire department together at least twice each month for the purpose of conducting suitable drills in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, and all other matters generally accepted as having a bearing upon good firemanship. (Ord. 34, S11, Mar. 12, 1936)

**1.32.120 Social officers.** The department, if it so desires, may elect a President, Vice President, Secretary and Treasurer, to be known as Social Officers. Such Officers may be elected in any manner and for any term the membership may decide upon, and their duties

shall be to arrange for and manage any or all social functions sponsored by the department. However, the functions and duties of said Social Officers shall in no wise overlap or interfere with those of the Operation Officers, who are charged with responsibility for all fire service activities of the department. (Ord. 34, S12, Mar. 12, 1936)

**1.32.130 Inspection of buildings for fire hazards.** The Chief of the fire department is hereby required to cause inspections to be made of all buildings within the City of Milltown with the exception of those used exclusively for residential purposes, not less than twice each year, and to serve written notice upon the owner to abate, within a specified time, any and all fire hazards that may be found therein. (Ord. 34, S13, Mar. 12, 1936)

**1.32.140 Order to abate fire hazard.** Any citizen so served with an order to abate any fire hazard or hazards, shall comply with said order and promptly notify the Chief. (Ord. 34, S14, Mar. 12, 1936)

**1.32.150 Public to keep distance from fire vehicles, when responding to a fire.** No unauthorized person shall ride upon, race with, trail or follow within 600 feet, any apparatus belonging to the fire department when actively responding to a fire alarm. (Ord. 34, S15, Mar. 12, 1936)

**1.32.160 Driving over fire hoses.** No person shall drive any vehicle over a fire hose except upon specific orders from the Chief of Department, and then only with due caution. (Ord. 34, S16, Mar. 12, 1936)

**1.32.170 Personal vehicles of firemen, responding to fire, have right-of-way.** All personal cars of fire department members shall have right-of-way over all other traffic when responding to a fire alarm. Firemen's cars to be designated as such, if necessary. (Ord. 34, S17, Mar. 12, 1936)

**1.32.180 Parking requirements near the fire station and fire hydrants.** No person shall park any vehicle of any description or place any material or obstruction within twenty feet of the entrance to any fire station, or within fifteen feet of any fire hydrant or fire cistern nor park any vehicle within three hundred feet of a fire. (Ord. 34, S18, Mar. 12, 1936)

**1.32.190 False fire alarm.** No person shall maliciously sound a false fire alarm. (Ord. 34, S19, Mar. 12, 1936)

**1.32.200 Fire department vehicles and tools not for private use.** No person or persons shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the fire department. (Ord. 34, S20, Mar. 12, 1936)

**1.32.210 Fine for violation.** Any person violating the provisions of Sections 1.32.140, 1.32.150, 1.32.160, 1.32.170, 1.32.180, 1.32.190 or 1.32.200 shall, upon conviction in the Police Court of this city, or before a Justice of the Peace, pay a fine of not less than \$10.00 or more than \$100.00. (Ord. 34, S21, Mar. 12, 1936)

**1.32.220 Enforcement.** All regularly appointed members of the Fire Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this ordinance. (Ord. 34, S22, Mar. 12, 1936)

**1.32.230 Police to respond to fire alarms to maintain public order.** It is hereby made the special duty of the Chief of Police, Policemen, and such other peace officers as are on duty at the time, to respond to all fire alarms and assist the fire department in the protection of life and property of the citizens, and property of the fire department, and in controlling and regulating traffic and maintaining order, particularly in reference to violation of Sections 1.32.150, 1.32.160, 1.32.170, 1.32.180, 1.32.190 and 1.32.200 of this Chapter. (Ord. 34, S23, Mar. 12, 1936)

## Chapter 1.33

### FIRE FIGHTING FUND FOR INCORPORATED MILLTOWN IN HARRISON COUNTY

#### Sections:

- 1.33.005      **Determination of Fire District territory**
- 1.33.010      **Separate Fire Fighting Fund**

#### 1.30.005 Determination of Fire District territory.

- (1) On February 8, 1999, the Milltown Town Council passed Ordinance #1999-1, an ordinance adopting the provisions of Indiana Code, 36-8-11 et. seq., as amended by the Indiana General Assembly, Establishing a Fire Protection District for the Town of Milltown, Crawford County, Indiana, located in Whiskey Run Township, Crawford County, Indiana;
- (2) The Town of Milltown is physically located in the Indiana counties of Crawford and Harrison;
- (3) Indiana Code 36-8-11-4 provides that the territory of a district may consist of:
  - A. one (1) or more townships and parts of one (1) or more townships in the same county; or
  - B. all of the townships in the same county;
- (4) When Ordinance # 1999-1 was originally passed, the Milltown Town Council believed that the totality of the incorporated Town of Milltown would be included in the Milltown-Whiskey Run Township Fire District;
- (5) Upon review of the proposed Milltown-Whiskey Run Fire District by the Indiana State Board of Tax Commissioners, the Town of Milltown was instructed that the portion of the incorporated Town of Milltown which lies in the County of Harrison would not, under current state law, be eligible to be included in the proposed Milltown-Whiskey Run Township Fire District; and
- (6) In order to insure the continuation of the present delivery of fire protection services to that portion of the incorporated Town of Milltown by the proposed Milltown-Whiskey Run Township Fire District, the Milltown Town Council was instructed by the Indiana State Board of Tax Commissioners to establish a separate Fire Fighting Fund for the area of the incorporated Town of Milltown which is located in the County of Harrison. (Res. 1999-1, Aug. 30, 1999)

**1.33.010 Separate Fire Fighting Fund.** The Milltown Town Council establishes a separate Fire Fighting Fund to insure the continuation of the present delivery of fire protection services as well as the future delivery of fire protection services to that portion of the incorporated Town of Milltown which is located in Harrison County, Indiana. Said Fire Protection Fund shall be funded by an assessed tax equal to the tax assessed against the real property of the residents of Whiskey-Run Township, Crawford County, Indiana. Said assessed tax being for the purpose of fire protection and related services. (Res. 1999-1, Aug. 30, 1999)

## Chapter 1.34

### FIRE FIGHTING DONATION FUND

#### Sections:

#### 1.34.010 Created

**1.34.010 Created.** The Town of Milltown, recognizes the need to establish a fund for the Volunteer Fire Department of the Town of Milltown. This shall be designated as a Donation Fund, no budget or appropriations. It shall be used as a tracking system for the Town of Milltown. This fund shall be used at the discretion of the Fire Department and shall upon the time it becomes a district and responsible for itself in its entirety have this fund abolished and all money in this fund shall be transferred to the Milltown, Blue River Fire District. (Res. 9-13-99-2, Sept. 13, 1999)

## Chapter 1.38

### RESERVE POLICE UNIT

#### Sections:

- 1.38.010**      **Authorization of Milltown Police Reserve Unit**
- 1.38.020**      **Duties**

**1.38.010 Authorization of Milltown Police Reserve Unit.** The Milltown Police Reserve Unit is hereby authorized pursuant to the provisions of I.C. 36-8-3-20. The number of the reserve unit shall not exceed more than five (5) persons. (Ord. 2009-1, Apr. 13, 2009) (Ord. 2004.P. 4, July 12, 2004)

**1.38.020 Duties.** Each member of the reserve unit shall comply with all federal, state, local laws and ordinances related to the duties of a reserve police officer. Each member shall additionally comply with all departmental policies and procedures at all times. The Chief Town Marshal shall be responsible for the operation of the Town Reserve Police Unit. (Ord. 2004.P.4, July 12, 2004)

## Chapter 1.42

### SOLID WASTE COLLECTION AND DISPOSAL FUND

#### Sections:

#### 1.42.010      **Established**

**1.42.010 Established.** In order to insure the delivery of solid waste collection and disposal to and for the Incorporated Town of Milltown, to properly administer and account for payment received and disbursed and to comply with any requirements of the Indiana State Board of Accounts, a Solid Waste Collection and Disposal Fund is hereby established in the operating budget of the Town of Milltown. See Also Chapter 6.16. (Ord. 2000-1, S5, Feb. 12, 2000)



## Chapter 1.44

### EMPLOYEE BENEFITS

#### Sections:

1.44.010	Personal and/or Sick Days
1.44.020	Vacation Days
1.44.030	Bereavement Pay
1.44.040	Insurance
1.44.050	Uniforms
1.44.060	Holidays
1.44.065	Unused vacation/personal time when leaving employment
1.44.070	Hours of Operation
1.44.080	Overtime Pay

#### 1.44.010 Personal and/or Sick Days:

- (1) All Town Employees shall receive 6 days per year beginning January 1;
- (2) These 6 days may be used as either sick or personal;
- (3) Notice of personal days to be taken should be approved by Town Manager;
- (4) An employee taking a sick day should call the Town Manager or the Town Hall between the hours of 7:30 a.m. and 9:30 a.m.;
- (5) Personal Days may roll over to sick days, with no more than twenty (20) sick days. (Salary Ordinance 2006, Sept. 20, 2005) (Salary Ordinance 2005, Sept. 13, 2004) (Salary Ordinance 2004, Sept. 18, 2003)

#### 1.44.020 Vacation Days:

1 through 2 years = 1 week  
3 through 5 years = 2 weeks  
AFTER 5 years = 3 weeks

- (1) Vacation days do not roll over to the next year; they are to be used in the prescribed time;
- (2) Vacation days will require a notice given to the immediate supervisor or the Town Manager. In the event of an emergency contact the Town Hall or the Town Manager. (Salary Ordinance 2006, Sept. 20, 2005) Salary Ordinance 2005, Sept. 13, 2004) (Salary Ordinance 2004, Sept. 18, 2003)

**1.44.030 Bereavement Pay:**

- (1) When death occurs in the immediate family (spouse, parent, stepparent, grandparent, child, stepchild, brother, or stepbrother, sister or stepsister) an employee will be excused for any (3) normally scheduled working days following the date of death provided he or she attends the funeral;
- (2) It is at the discretion of the immediate supervisor or Town Manager to give more days off if needed, using personal days or unpaid leave. (Salary Ordinance 2006, Sept. 20, 2005) (Salary Ordinance 2005, Sept. 13, 2004) (Salary Ordinance 2004, Sept. 18, 2003)

**1.44.040 Insurance:**

- (1) All full time employees are eligible for insurance after thirty (30) days;
- (2) The town shall supply the following:
  - A. 80% of Health Insurance for employees only;
  - B. 100% of Dental Insurance;
  - C. 100% of Life and Dependent Life Insurance;
  - D. 100% of Vision Insurance.

All employees must work a minimum of 32 hours to be eligible for benefits. (Salary Ordinance 2006, Sept. 20, 2005) Salary Ordinance 2005, Sept. 13, 2004) (Salary Ordinance 2004, Sept. 18, 2003)

**1.44.050 Uniforms.** The Town shall supply uniforms for the Town employees. (Salary Ordinance 2006, Sept. 20, 2005) (Salary Ordinance 2005, Sept. 13, 2004)

**1.44.060 Holidays.**

- (1) All full time employees shall be entitled to the following holidays:
  - A. New Years Eve;
  - B. New Years Day;
  - C. Good Friday;
  - D. Memorial Day;
  - E. Fourth of July;
  - F. Labor Day;

- G. Thanksgiving Day;
  - H. Day after Thanksgiving;
  - I. Christmas Eve;
  - J. Christmas Day.
- (2) When any of these holidays fall on Sunday the following Monday shall be the Legal Holiday, when a Holiday falls on a Saturday the Preceding Friday shall be the Legal Holiday.
- (3) The Marshal or the Deputy Marshal shall work the following Holidays:
- A. Memorial Day;
  - B. Independence Day;
  - C. Labor Day;
  - D. New Years Eve.

The Marshal or the Deputy Marshal shall receive one (1) day off for each of these Holidays worked, these days must be used in a timely manner. (Salary Ordinance 2006, Sept. 20, 2005) (Salary Ordinance 2005, Sept. 13, 2004) (Salary Ordinance 2004, Sept. 18, 2004)

**1.44.065 Unused vacation/personal and time when leaving employment.** When an employee retires or leaves employment the remaining hours of vacation and personal time shall be paid to the employee. (Salary Ordinance 2006, Sept. 20, 2005) (Ord. Ordinance 2005, Sept. 13, 2004)

**1.44.070 Hours of Operation.** All Town Workers shall work the following hours 8:00 am to 4:00 pm/4:30 pm. This will be at the discretion of the Town Manager. All Town Workers are required to take a half hour/one hour lunch break. (Salary Ordinance 2006, Sept. 20, 2005) (Salary Ordinance 2005, Sept. 13, 2003)

**1.44.080 Overtime pay.**

- (1) Hourly employee shall be paid overtime at the rate of time and half for any time worked over 40 hours.
- (2) When an hourly employee is called in to work after regular hours the amount of time spent on a job will be considered overtime payable at the rate of time and half. (Salary Ordinance 2006, Sept. 20, 2005)

## Chapter 1.45

### MILEAGE REIMBURSEMENT

#### Sections:

#### 1.45.010 Reimbursement

**1.45.010 Reimbursement.** The Milltown Town Council resolves that the mileage rate for reimbursement for use of a personal vehicle in the conduct of official town business is hereby fixed at 50 cents per mile during the period of January 1, 2010 through December 31, 2010. (Res. 2010-001, S1, Feb. 8, 2010) (Ord. unnumbered, April 4, 1988)

## Chapter 1.51

### EQUAL OPPORTUNITY EMPLOYER

#### Sections:

#### 1.51.010 Policy

**1.51.010 Policy.** The Town of Milltown, Indiana is an equal opportunity employer. There will be no discrimination against any-employee or applicant for employment on the basis of age, race, religion, sex, color or national origin. (Ord. 1992-02, Feb. 17, 1992)

## Chapter 1.52

### ALCOHOL AND SUBSTANCE ABUSE POLICY

#### Sections:

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

**1.52.010 Work environment.** It is the policy of the Town of Milltown, Indiana, to foster a work environment free from both the use and effects of illegal controlled substances and the use and effects of alcoholic beverages. (Res. 2002-3, Whereas, Sept. 9, 2002)

**1.52.020 Impairments from alcohol and substance abuse.** The use of drugs illegal controlled substances, and alcohol impair an employee's judgment which may result in increased safety risks, hazards to the public, employee injury, faulty decision making or decreased productivity. (Res. 2002-3, Whereas, Sept. 9, 2002)

**1.52.030 Coverage.** This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Res. 2002-3, Sept. 9, 2002)

**1.52.040 Policy.** All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Res. 2002-3, Sept. 9, 2002)

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

- (1) Amphetamine/Methamphetamine (e.g. Speed)
- (2) Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)
- (3) Barbiturates, (e.g. Amobarbital, Butabarbital, Pentobarbital, Phenobarbital)
- (4) Cocaine

- (5) Methadone
- (6) Methaqualone (e.g. Quaalude)
- (7) Opiates (e.g. Codeine, Heroin, Morphine)
- (8) Phencyclidine (PCP)
- (9) TDC (Marijuana and other cannabanoids)
- (10) Alcohol
- (11) Lysergic Acid Diethylamide (LSD)

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

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

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

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

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

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

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

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

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

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



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

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Res. 2002-3, Sept. 9, 2002)

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

Employee responsibilities include but are not necessarily limited to the following:

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

may interfere with the safe and effective performance of duties or operations of the Town equipment;

- (7) An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
- (8) An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statute for a violation occurring in the employee's work place, not later than five (5) days after such conviction. (Res. 2002-3, Sept. 9, 2002)

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

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

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

- (1) Impose a sanction on the employee, which may include employee termination; or
- (2) Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program by the Town Council of the Town. (Res. 2002-3, Sept. 9, 2002)

**1.052.080 Consequences of sale, distribution or use of illegal substances.** The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Res. 2002-3, Sept. 9, 2002)

**1.52.090 Use of medication and prescription drugs.** All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employee indicates that there is need to use the prescription drug for an extended period of time. (Res. 2002-3, Sept. 9, 2002)

**1.52.100 Confidentiality.** The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when:

- (1) the information is compelled by law or by judicial or administrative process,
- (2) the information has been placed at the issue and there is a formal dispute between the employer and employee,
- (3) the information is to be used in administering any employee benefit plan and
- (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure. (Res. 2002-3, Sept. 9, 2002)

**1.52.110 Severability.** The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Res. 2002-3, Sept. 9, 2002)

## Chapter 1.53

### PRIVATE CONTRACTING

#### Sections:

#### 1.53.010 Private contracting

**1.53.010 Private contracting.** Due to close financial conditions, be it hereby resolved that town work can and will be handled contractually if funds can be saved. (Res. 2-1992, Mar. 9, 1992 unsigned)

## Chapter 1.58

### MILLTOWN CEMETERY

#### Sections:

- 1.58.010 Prohibited about Premises
- 1.58.020 Location of flowers
- 1.58.030 Obstructions disallowed
- 1.58.040 Securing flowers
- 1.58.050 Memorial Day decorations
- 1.58.060 Christmas decorations
- 1.58.070 Decorations improperly mounted
- 1.58.080 Containers for Flowers
- 1.58.090 Liable for damage
- 1.58.100 Authority for change Rules
- 1.58.120 Burial Plot Cost

**1.58.010 Prohibited about premises.** Children playing on or about monuments, mausoleums, walls or fences, persons loitering, horses, guns, sling shots or BB guns, fireworks or explosives are strictly prohibited from being in or about the premises. Only dogs that are attended and leashed are allowed on the cemetery grounds. (Res. 2007-2, S1, May 17, 2007)

**1.58.020 Location of flowers.** Except as set forth below, all flowers must be mounted on monuments or on shepherd hook hangers. Said shepherd hook hangers must be in line with the monument and within the monument area. (Res. 2007-2, S2, May 17, 2007) (Res. 1995-01, No date)

**1.58.030 Obstructions disallowed.** No fences, curbing, plantings, flowers or other obstructions may be erected within the cemetery. (Res. 2007-2, S3, May 17, 2007) (Res. 1995-01, No date)

**1.58.040 Securing flowers.** Artificial flowers must be secured in such a manner so that they will not scatter over or throughout the cemetery. (Res. 2007-2, S4, May 17, 2007) (Res. 1995-01, No date)

**1.58.050 Memorial Day decorations.** Memorial Day decorations may be placed on grave/s one (1) week before Memorial Day and must be removed or mounted one (1) week after Memorial Day. (Res. 2007-2, S5, May 17, 2007) (Res. 1995-01, No date)

**1.58.060 Christmas decorations.** Christmas decorations may be placed on grave/s and monuments no earlier than December 1<sup>st</sup> and may remain on grave/s and monuments until April 1<sup>st</sup> or mowing season whichever is earlier. (Res. 2007-2, S6, May 17, 2007)

**1.58.070 Decorations improperly mounted.** Any decorations improperly placed or mounted on gravesite/s or monuments will be disposed of by the Caretaker. (Res. 2007-2,

S7, May 17, 2007) (Res. 1995-01, No date)

**1.58.080 Containers for Flowers.** All containers for flowers either placed on the monument (or for the grave site during permitted times) shall be made of plastic or metal. GLASS AND OTHER BREAKABLE CONTAINERS are hazardous to the cemetery maintenance workers and if used will be promptly removed by the Caretaker. Please be advised that metal frames, other than aluminum, placed on monuments may cause permanent rust damage to the stone. (Res. 2007-2, S8, May 17, 2007)

**1.58.090 Liable for damage.** Any person causing damage to gravesites, plants, stones or markers, whether accidental or intentional shall be held liable for such damage. Under certain conditions, parents may be held liable for damage by minor children. Anyone found damaging or vandalizing any property in the Cemetery will be prosecuted to the full extent of the law. (Res. 2007-2, S9, May 17, 2007)

**1.58.100 Authority to change Rules.** It is generally not possible to create a set of Rules and Regulations to cover every conceivable circumstance that may arise. The Town Board reserves the right and authority to add, delete, change or amend these Rules and Regulations, when in their judgment such additions, deletions, amendments or changes are warranted. (Res. 2007-2, S10, May 17, 2007)

**1.58.120 Burial Plot Cost.** The Town believes that, in order to keep pace with the overall increased costs associated with maintaining and providing ongoing services to and for the cemetery, it necessary and prudent to increase the cost per burial as follows:

- (1) Five Hundred and 00/100 Dollars (\$500.00) per burial plot purchased by and for the interment of a Town of Milltown resident;
- 0
- (2) One Thousand and 00/100 Dollars (\$1,000.00) per burial plot purchased by and for the interment of an individual not a resident of the Town of Milltown. (Res. 2009-2, Whereas, Aug. 10, 2009)