

TITLE 1
ADMINISTRATION

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Chapter 1.01

ELECTION DISTRICTS

Sections:

- 1.01.010 Division of Wards**
- 1.01.020 Ward No. 1**
- 1.01.030 Ward No. 2**
- 1.01.040 Ward No. 3**

1.01.010 Division of Wards. The Town be divided into three (3) wards and that members of the Common Council of the Town of Orleans must reside in the ward which they represent, and are to be elected at large by the voters of the whole Town. (Ord. 2012-10, Aug. 16, 2012) (Ord. 2011-06, July 21, 2011) (Ord. 1982-4, December 2, 1982)

1.01.020 Ward 1. Ward 1 is all that part of the Town of Orleans lying north of a line demarked as follows: Beginning at the South boundary line of the Town thence running North to West Vincennes Street bounded by 6th Street to the West and the center line of Roosevelt Street to the East, thence from West Vincennes North along the center line of SR 37 to East Jackson Street. (Ord. 2012-10, Aug. 16, 2012) (Ord. 2011-06, July 21, 2011) (Ord. 1982-4, December 2, 1982)

1.01.030 Ward 2. Ward 2 is all that part of the Town of Orleans lying East of the center line of SR 37 from the North boundary line of the Town, thence running South along that center line to East Jackson Street thence East to the center line of Roosevelt Street to the South boundary of the Town, thence bounded on the East by the East boundary of the Town. (Ord. 2012-10, Aug. 16, 2012) (Ord. 2011-06, July 21, 2011) (Ord. 1982-4, December 2, 1982)

1.01.040 Ward 3. Ward 3 is all that part of the Town of Orleans lying to the West of a line beginning at the mid-point of SR 37 along the North boundary of the Town thence South to West Vincennes Street to 6th Street thence South on the West side of 6th Street to the South boundary of the Town thence West to the West boundary line of the Town. (Ord. 2012-10, Aug. 16, 2012) (Ord. 2011-06, July 21, 2011) (Ord. 1982-4, December 2, 1982)

Chapter 1.04

ADVISORY PLAN COMMISSION

Sections:

- 1.04.010 Established**
- 1.04.020 Definitions**
- 1.04.030 Membership**

1.04.010 Established. There is hereby established a Town Plan Commission under authority of IC 36-7-200 Series and all acts amendatory thereto. (Ord. 1993-1, Sec. 1, February 18, 1993)

1.04.020 Definitions. For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

- (1) BOARD - Any municipal board of the Town of Orleans, Indiana, such as the Park, Aviation, or Cemetery Board.
- (2) CITIZENS - Residents of the Town of Orleans, Indiana.
- (3) COMMISSION - The Advisory Plan Commission of the Town of Orleans, Indiana.
- (4) EMPLOYEES - People under the employ of the Town of Orleans, Indiana.
- (5) TOWN COUNCIL - The duly-elected Town Council of the Town of Orleans, Indiana consisting of one (1) president, two (2) members, and one (1) Clerk-Treasurer. (Ord. 1993-1, Sec. 2, February 18, 1993)

1.04.030 Membership. The membership of the Plan Commission shall be as provided by IC 36-7-207 and shall be composed of:

- (1) Three Official Members, and
- (2) Four Citizen Members

The three official members shall be appointed by the Town Council, and shall all be elected officials, appointed Board members, or an employee of the town government. Terms of these members shall coincide with their terms of office or appointment.

The four citizen members, none of whom shall be elected officials, appointed Board members, or an employee of the town government, shall be appointed by the President of the Town Council. Not more than two of the citizen members shall be of the same political party. Terms of these members shall be as follows:

Two for a term of three years.

Two for a term of four years.

Terms shall expire on the first Monday of January of the third and fourth years, respectively, following the appointments. Thereafter, as terms expire, each new appointment shall be for a term of four years. (Ord. 1993-1, Sec. 3, February 18, 1993)

Chapter 1.05

SECRETARIAL SERVICES FOR ADVISORY PLAN COMMISSION AND BOARD OF ZONING APPEALS

Sections:

- 1.05.010** Payment for secretarial services
- 1.05.020** Submission of claim
- 1.05.030** Independent contractor

1.05.010 Payment for secretarial services. The town council authorizes the payment of the sum of \$30.00 for secretarial services of the Secretary of the Advisory Planning Commission for the Town of Orleans; and of the Secretary for the Board of Zoning Appeals for the Town of Orleans, or their temporary replacements, for each meeting of said organizations. (Res. 1999-2, S1, March 18, 1999)

1.05.020 Submission of Claim. That the Clerk Treasurer of the Town of Orleans is authorized to pay said sums upon proper claims being submitted by said Secretaries for their services. (Res. 1999-2, S2, March 18, 1999)

1.05.030 Independent contractor. Said Secretaries shall be considered as independent contractors, and shall not be considered as an agent or an employee of the municipality for any purpose, nor be entitled to any employee benefits otherwise available to municipal employees. (Res. 1999-2, S3, March 18, 1999)

Chapter 1.06

DEPARTMENT OF REDEVELOPMENT

Sections:

1.06.010	Establishment
1.06.020	Governance
1.06.030	Commission Members
1.06.040	Qualifications
1.06.050	Non-voting Advisor
1.06.060	Management of Funds
1.06.070	Severability
1.06.080	Effective Date

1.06.010 Establishment. There is hereby created the Department of Redevelopment of the Town of Orleans, Indiana (the "Town"), which shall be entitled to exercise all the rights, powers, privileges and immunities accorded to such department by I.C. § 36-7-14, as amended (the "Redevelopment Act"). (Ord. 2011-4, S1, June 16, 2011)

1.06.020 Governance. Such Department of Redevelopment of the Town shall be under the control of a board of five (5) voting members to be known as the Orleans Redevelopment Commission. (Ord. 2011-4, S2, June 16, 2011)

1.06.030 Commission Members.

- (1) There is hereby created a board to be known as the Orleans Redevelopment Commission (the "Commission"). Three (3) of said members of the Commission shall be appointed by the President of the Town Council (the "Council President") and two (2) shall be appointed by the Town Council of the Town. Each Redevelopment Commissioner shall serve for one (1) year from the first day of January after his or her appointment and until his or her successor is appointed and has qualified, except that the original Commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner as the original Commissioner and the successor shall serve for the remainder of the vacated term.
- (2) Each Redevelopment Commissioner, before beginning his or her duties, shall take and subscribe an oath of office in the form prescribed by law, to be endorsed on the certificate of his or her appointment, which shall be promptly filed with the Clerk-Treasurer of the Town.
- (3) Each Redevelopment Commissioner, before taking his or her duties, shall execute a bond payable to the State of Indiana (the "State"), with surety to be approved by the Council President. The bond must be in a penal sum of

Fifteen Thousand Dollars (\$15,000.00) and must be conditioned on the faithful performance of the duties of his or her office and the accounting for all monies and property that may come into his or her hands or under his or her control. The cost of the bond shall be paid by the special taxing district. (Ord. 2011-4, S3, June 16, 2011)

1.06.040 Qualifications. Such Redevelopment Commissioners shall have the qualifications prescribed by the laws of the State as from time to time amended and shall qualify as therein provided; and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by Redevelopment Act, including, but not limited to, the following qualifications:

- (1) A Redevelopment Commissioner must be at least eighteen (18) years of age and must be a resident of the Town. If a Redevelopment Commissioner ceases to be qualified under this Section, he or she forfeits his or her office.
- (2) No Redevelopment Commissioner of the Town shall receive a salary; but such Redevelopment Commissioners are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.
- (3) A Redevelopment Commissioner may not have a pecuniary interest in any contract, employment, purchase or sale made under such provisions of this Ordinance and the underlying statutes. However, any property required for redevelopment purposes in which a Redevelopment Commissioner has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this Section of this Ordinance is void. (Ord. 2011-4, S4, June 16, 2011)

1.06.050 Non-voting Advisor. The Redevelopment Commission shall also have one (1) non-voting advisor who is appointed by the Council President (the "Advisor"). The Advisor must also be a member of the school board of a school corporation that includes all or part of the territory served by the Redevelopment Commission. The Advisor is not considered a member of the Redevelopment Commission, but is entitled to attend and participate in the proceedings of all meetings of the Redevelopment Commission. The Advisor is not entitled to a salary, per diem, or reimbursement of expenses. The Advisor shall serve for two (2) years from the first day of January after his or her appointment and until his or her successor is appointed and has qualified, except that the original Advisor shall serve from the date of his or her appointment until the first day of January in the second year after his or her appointment. (Ord. 2011-4, S5, June 16, 2011)

1.06.060 Management of Funds. The Clerk-Treasurer of the Town changed by law for the performance of duties in respect to the funds and accounts of the Town, shall perform the same duties with respect to the funds and accounts of the Department of Redevelopment, except as otherwise provided for in the Redevelopment Act. (Ord. 2011-4, S6, June 16, 2011)

1.06.070 Severability. If any part of this Ordinance shall be adjudged to be invalid by a Court of proper jurisdiction, it shall be conclusively presumed that the Town Council would

have passed the remainder of the Ordinance without such invalid part. (Ord. 2011-4, S7, June 16, 2011)

1.06.0080 Effective Date. This Ordinance shall be in full force and effect upon adoption and compliance with I.C. § 36-5-2-10. (Ord. 2011-4, S8, June 16, 2011)

Chapter 1.07

EXPENDITURES TO PROMOTE THE TOWN

Sections:

- 1.07.010 Authorization to pay expenses
- 1.07.020 Expenses allowed

1.07.010 Authorization to pay expenses. The Town Council of the Town of Orleans, Indiana, is authorized to budget and appropriate funds from the general fund of the Town to either pay or reimburse town officials for reasonable and necessary expenses incurred in promoting economic development and tourism of the municipality. (Ord. 1996-4, Sec. 1, May 2, 1996)

1.07.020 Expenses allowed. Such reasonable and necessary expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government and any other expenses of a civic or governmental nature deemed necessary by the town council to be in the best interest of the Town of Orleans, Indiana. (Ord. 1996-4, Sec. 2, May 2, 1996)

Chapter 1.08

DEPARTMENT OF ECONOMIC DEVELOPMENT

Sections:

1.08.010 Creation of the Department of Economic Development

1.08.020 Members, Powers and Duties

1.08.010 Creation of the Department of Economic Development. Pursuant to authority granted by said Municipal Economic Development Act of 1965, there is hereby created the Department of Economic Development, which shall be in addition to existing executive departments of this town. (Ord. 1972-2, Sec. 1, February 15, 1972)

1.08.020 Members, Powers and Duties. Said Department of Economic Development shall be under the control of a board of three (3) members, to be known as "Orleans Economic Development Commission." The members of said Commission shall be appointed and shall perform the duties and exercise the powers, all as set forth in said Municipal Economic Development Act of 1965. (Ord. 1972-2, Sec. 2, February 15, 1972)

Chapter 1.09

PROPERTY TAX ABATEMENT PROCEDURES

Sections:

- 1.09.005 Purpose and intent**
- 1.09.010 Definition of Terms**
- 1.09.020 Procedural requirement for tax abatement of new manufacturing equipment**
- 1.09.030 Application for consideration for designation for tax abatement purposes of new manufacturing equipment within an urban development area**

1.09.005 Purpose and intent. The Board of Trustees of the Town of Orleans recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits.

The Board further recognizes that incentives to locate in unutilized or bypassed land would be in the Town's best interest.

Indiana Law, I.C. 6-1.1-12.1-1 through 6-1.1-12.1-5.5 provides for tax abatement for rehabilitation or redevelopment of property in urban development areas, which now includes tax abatement for new manufacturing equipment, and it is advisable that a procedure be established for processing tax abatement petitions for new manufacturing equipment within the town. (Ord. 1982-4, Introduction, June 3, 1982)

1.09.010 Definition of Terms. "New Manufacturing Equipment" means any tangible personal property which:

- (1) Was installed during the period beginning January 1, 1982 and ending December 31, 1985, in an urban development area, and
- (2) Is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing or other tangible personal property. (Ord. 1982-4, Sec. I, June 3, 1982)

1.09.020 Procedural requirement for tax abatement of new manufacturing equipment. Any business or industry within the town shall petition the Board of Trustees for tax abatement consideration for new manufacturing equipment by preparing and filing with the Clerk-Treasurer a resolution requesting said tax abatement, together with a form provided by the Orleans Board of Trustees, a copy of which is attached hereto, marked Exhibit "A" and made a part of this ordinance. (Ord. 1982-4, Sec. II, June 3, 1982)

1.09.030 Application for consideration for designation for tax abatement purposes of new manufacturing equipment within an urban development area.

This application is to be completed and signed by the owner of new manufacturing equipment. The Board of Trustees of the Town of Orleans reviews this application for designation of new manufacturing equipment within an urban development area and discharge of its responsibility under Public Law 69, enacted by the General Assembly of the State of Indiana in 1977 and subsequently amended in 1979 and further amended in 1981. The Board of Trustees makes no representation as to the effect of a designation granted by the Board for the purpose of any further applications or approvals required under Public Law 69, and makes no representation to an applicant concerning the validity of any benefit conferred under Public Law 69.

1. Personal Property Owner: _____
2. Address of Owner: _____

3. Telephone Number: _____
4. Taxing District: _____
5. Description of New Manufacturing Equipment: _____

6. Estimated Cost: _____
7. Estimated Installation Date: _____

I/We hereby certify that the information and representations on this application are true and complete.

Signature(s) of Owner(s)

Date

NOTE: THIS FORM IS FOR ORLEANS BOARD OF TRUSTEES ACTION ONLY IF TAX ABATEMENT IS APPROVED BY THE ORLEANS BOARD OF TRUSTEES, UNDER STATUE I.C. 6-1.1-12-1.1 THROUGH 6-1.1-12,1-5.5. IN ORDER TO RECEIVE TAX ABATEMENT YOU MUST FILE PROPER FORMS IN THE COUNTY AUDITOR'S OFFICE IF APPROVED BY THE ORLEANS BOARD OF TRUSTEES. (Ord. 1982-4, Exhibit "A", June 3, 1982)

Chapter 1.15

PUBLIC HOUSING AUTHORITY

Sections:

- 1.15.010 Created**
- 1.15.020 Membership/Term limits**
- 1.15.030 Under the control of Town Board of Trustees**

1.15.010 Created. Of their own motion that there is now need for an authority to function in the Town of Orleans and upon notice and hearing as required by Burns 48-8104 there is now created for the Town of Orleans a Public Housing Authority under Public Law, 207 Acts of 1937, 274 Acts of 1971 and 188 of the Acts of 1973, Burns Indiana Statute 48-8101 to 8128 as amended by subsequent acts of the Legislature of Indiana, for which shall be delegated to the undertaking of any and all housing projects and the same shall be a public body of this Municipality and State and there shall be created therein a public housing board for the Town of Orleans consisting of five members for the purpose of aiding and cooperating in the planning, undertaking, construction and operation of housing projects located in the area of this municipality who shall have the authority to enter into agreements with the housing authority of Federal Government and to do all things necessary and convenient to aid and cooperate in the planning, undertaking, construction and operation of such housing projects. To do all acts and things as contemplated in said act authorizing the same but subject to the restrictions set out in the laws creating this authority and the limitations of expenditure and the approval by ordinance of this board before contracting any development. (Res. 1974-unnumbered, May 20, 1974)

1.15.020 Membership/Term limits. A board of five (5) members shall be appointed upon the taking effect of this Ordinance who shall be selected from citizens and legal voters of the Town of Orleans, one of which shall serve for one (1) year, one for two (2) years, one for three years (3), two for four (4) years and thereafter one shall be appointed each year for the retiring member and who shall serve for four (4) years. (Res. 1974-unnumbered, May 20, 1974)

1.15.030 Under the control of the Town Board of Trustees. Said board shall be under the control of the Board of Trustees of the town of Orleans board of accounts and the State Tax Board and whose members shall be elected immediately by the Board of Trustees of the Town of Orleans thereafter and shall serve until their successors are appointed and qualified. (Res. 1974-unnumbered, May 20, 1974)

Chapter 1.18

FLOOD PLAIN MANAGEMENT COMMISSION

Sections:

- 1.18.010 Established**
- 1.18.020 Powers and duties**
- 1.18.030 Members, Terms of Office, Appointment**

1.18.010 Established. There is hereby established the Orleans Flood Plain Commission for the Town of Orleans, Indiana, under the authority provided in I.C. 1971, 18-7-4.5. (Ord. 1975-1, Sec. 1, June 16, 1975)

1.18.020 Powers and duties. The Flood Plain Commission shall exercise those powers and duties as provided in said I.C. 1971, 18-7-4.5. (Ord. 1975-1, Sec. 2, June 16, 1975)

1.18.030 Members, Terms of Office, Appointment. The Flood Plain 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. 1975-1, Sec. 3, June 16, 1975)

Chapter 1.28

BOARD OF CEMETERY TRUSTEES

Sections:

- 1.28.010 Creation**
- 1.28.020 Terms**
- 1.28.030 Duties**
- 1.28.040 Election of Officers**

1.28.010 Creation. There is hereby created the Board of Cemetery Trustees of the Town of Orleans, Indiana. Such Board shall consist of seven members who shall each be lot owners in the cemeteries under the control and jurisdiction of the Board of Trustees of the Town of Orleans aforesaid. (Ord. 206, Sec. 1, May 21, 1947)

1.28.020 Terms. The first Board of Cemetery Trustees to be appointed by the Board of Trustees of the Town of Orleans, Indiana, and shall consist of five members, who shall be appointed for the terms as follows, to-wit:

- (1) One member to serve from the taken effect of this until January 1, 1948.
- (2) Two members who shall serve two years from the 1st day of January, 1947.
- (3) Two members who shall serve for three years from the 1st day of January, 1947.
- (4) Two members who shall serve for four years each from the 1st day of January, 1947.

That thereafter each of said members appointed shall serve for a period of four years from January 1st of the date of their appointment. (Ord. 206, Sec. 2, May 21, 1947)

1.28.030 Duties. Such Board shall have full control and custody of the cemeteries under the jurisdiction of the Town Board of the Town of Orleans, and the funds and affairs concerning said cemeteries, including the policing and preservation of order thereon, and said Board of Cemetery Trustees may adopt suitable rules, regulations and by-laws by suitable penalties. (Ord. 206, Sec. 3, May 21, 1947)

1.28.040 Election of Officers. Immediately upon the appointment of said Board of Cemetery Trustees, aforesaid, the same shall meet and organize by electing one of their members as President, one as Vice-President, and one as Secretary-Treasurer, of said Board of Cemetery Trustees, which officers shall, with the consent of said Board of Cemetery Trustees, conduct the affairs of said cemeteries in accordance with the provisions of this ordinance. (Ord. 206, Sec. 4, May 21, 1947)

Chapter 1.30

BOARD OF AVIATION COMMISSIONERS

Sections:

1.30.010	Definitions
1.30.020	Establishment
1.30.030	Terms of Office
1.30.040	Eligibility
1.30.050	Oath of Office
1.30.060	Monetary Compensation
1.30.070	Powers

1.30.010 Definitions.

- (1) "Aircraft" means a vehicle used or designed for navigation of or flight in the air. (Ord. 2000-3, S1A, Feb. 17, 2000)
- (2) "Airport" means a location on land or water or a building or other structure that is used for the landing and taking off of aircraft, and that also provides for the shelter, supply, or care of aircraft, or a place used for receiving or discharging passengers or cargo by air. (Ord. 2000-3, S1B, Feb. 17, 2000)
- (3) "Authority" means an airport authority established under this article or that was established under IC 19-6-3.5, IC 19-6-2, or IC 19-6-3 (before their repeal on April 1, 1980). (Ord. 2000-3, S1C, Feb. 17, 2000)
- (4) "Aviation related property or facilities" means those properties or facilities that are utilized by a lessee, or a lessee's assigns, who provides services or accommodations:
 - A. for scheduled or unscheduled air carriers and air taxis, and their passengers, air cargo operations, and related ground transportation facilities;
 - B. for fixed based operations;
 - C. for general aviation or military users; and
 - D. as aviation maintenance and repair facilities.
 - E. The term includes any property leased to the United States, or its agencies or instrumentalities, and any leased property identified as clear zones, aviation easements, safety and transition areas, as defined by the Federal Aviation Administration. (Ord. 2000-3, S1D, Feb. 17, 2000)

- (5) "Board" means a board of aviation commissioners. (Ord. 2000-3, S1E, Feb. 17, 2000)
- (6) "Eligible entity" means a town that may acquire, establish, construct, maintain, improve, and operate airports. (Ord. 2000-3, S1F, Feb. 17, 2000)
- (7) "Council" means town council of the town. (Ord. 2000-3, S1G, Feb. 17, 2000)
- (8) "Fiscal body" means town council of a town. (Ord. 2000-3, S1H, Feb. 17, 2000)
- (9) "Landing area" is that part of an airport or landing field designated and used for the landing or taking off of aircraft. (Ord. 2000-3, S1I, Feb. 17, 2000)
- (10) "Landing field" means a location on land or water or a building or other structure that is used for the landing and taking off of aircraft, but that provides no other facilities or services. (Ord. 2000-3, S1J, Feb. 17, 2000)
- (11) As used in this article, "loan contract" means a debt instrument other than a revenue or general obligation bond, such as a note. (Ord. 2000-3, S1K, Feb. 17, 2000)
- (12) "Ordinance" means a legislative enactment that has general application within the district subject to the jurisdiction of an airport authority. (Ord. 2000-3, S1L, Feb. 17, 2000)
- (13) "Person" means an individual, partnership, firm, company, limited liability company, corporation, association, trust, estate, or his or its legal representative or agent. (Ord. 2000-3, S1M, Feb. 17, 2000)

1.30.020 Establishment. Pursuant to IC § 8-22-2-1 et seq., there is hereby created the Board of Aviation Commissioners ("Board") for the Town. (Ord. 2000-3, S2, Feb. 17, 2000)

1.30.030 Terms of Office. The Board shall consist of four (4) members appointed by the Council and not more than two (2) of the members of the Board may be of the same political party. The first members of the Board hold office as follows: one (1) for the term of one (1) year; one (1) for the term of two (2) years; one (1) for the term of three (3) years; and one (1) for the term of four (4) years, from twelve o'clock noon on the first Monday in January of the year of their appointment. On the expiration of the respective terms, the Council shall appoint a commissioner or commissioners to fill the vacancies caused by the expiration, and the commissioner or commissioners so appointed hold office for a term of four (4) years, and until their successors are appointed and qualified, and if a vacancy occurs in the Board by resignation or otherwise, the Council shall appoint a commissioner for the remainder of the term. The Council may, at any time, remove a commissioner from office, but only upon filing in writing with the Town Clerk the reasons for the removal. (Ord. 2000-3, S3, Feb. 17, 2000)

1.30.040 Eligibility. To be eligible to be a member of the Board, a person must:

- (1) be at least eighteen (18) years of age;
- (2) be a resident of Orange County;
- (3) not be actively engaged or employed in commercial aeronautics. (Ord. 2000-3, S3, Feb. 17, 2000)

1.30.050 Oath of Office. Before beginning the duties of office, each Board member shall take and subscribe the usual oath of office, to be endorsed upon the certificate of appointment, and shall cause that to be filed with the clerk or other officer performing duties similar to that of clerk in the entity. Any person who does not file the oath with the clerk or other officer performing duties similar to that of the clerk within thirty (30) days after the beginning of the term for which he has been appointed, or at the date of his appointment, if appointed after the beginning of the term, is considered to have refused to serve and the office becomes vacant. (Ord. 2000-3, S4, Feb. 17, 2000)

1.30.060 Monetary Compensation. The Council may provide a per diem for the members of the Board in any amount not exceeding thirty-five dollars (\$35) for each whole or part day a member is engaged in board activities. The members of the Board shall also be paid their actual expenses, which may include the expenses of the members or employees of the board in attending meetings or conventions held to discuss aviation matters. (Ord. 2000-3, S5, Feb. 17, 2000)

1.30.070 Powers. The Board shall have those powers exclusively prescribed to them under IC 8-22-1-1 et seq., and acts amendatory and supplemental thereto, as follows:

- (1) To acquire, establish, construct, improve, equip, maintain, control, lease, and regulate municipal airports and landing fields and other air navigation facilities, for the use of airplanes and other aircraft, either inside or outside the corporate limits of the entity, subject to statutory limitations; to acquire by lease (with or without the option to purchase) airports, landing fields, air navigation facilities, and any other structures, equipment, and related improvements; and to erect, install, construct and maintain at those airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public; and the fiscal body of the entity may by ordinance provide that any land suitable for these purposes that is owned by the entity shall be put under the control of the board of aviation commissioners for aviation and public purposes. However, if at the time of the creation, appointment, and qualification of the board in an entity, the entity owns or controls an airport, landing field, or other air navigation facilities, then the exclusive control, management, and authority over the airport, landing field, or other air navigation facilities shall at once be transferred to the board without the adoption of an ordinance; and the department, board, officer, or officers of the entity, or other persons having possession or control, shall at once turn over and deliver to the board all personal property, records, books, plans, maps, and other papers and

documents relating to the aviation business of the entity. The unexpended balance of any fund or funds appropriated by the entity for aviation purposes becomes a part of the aviation fund of the department of aviation. Before land may be purchased by an entity for the establishment of an airport or landing field or an airport or landing field may be established by an entity the action or acquisition of land must be granted by the aeronautics commission of Indiana. (Ord. 2000-3, S6(a), Feb. 17, 2000)

- (2) To elect a secretary from its membership or to employ a secretary, and to employ superintendents, managers, engineers, surveyors, attorneys, clerks, guards, mechanics, laborers, and all employees the board considers expedient, and to prescribe and assign their respective duties and authorities and to fix and regulate their compensation, in accordance with the appropriations made by the fiscal body of the entity. All employees shall be selected irrespective of their political affiliations. (Ord. 2000-3, S6(b), Feb. 17, 2000)
- (3) To make rules and regulations, consistent with law, for the management and control of its airports, landing fields, air navigation facilities, and other property under its control. The board may require a special detail of police or hire guards to execute the orders and enforce the rules and regulations. (Ord. 2000-3, S6(c), Feb. 17, 2000)
- (4) To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field. However, a lease must be approved by ordinance or resolution of the fiscal body of the entity before it takes effect. (Ord. 2000-3, S6(d), Feb. 17, 2000)
- (5) To manage and operate all airports, landing fields, and other air navigation facilities acquired or maintained by the entity; and to lease all or part of an airport, landing field, or any buildings or other structures to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, through its own employees, or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding fifteen (15) years, and may be extended for similar terms of years, except that any parcels of the land of the airport may be leased for any use connected with the operation and convenience of the airport for an initial term not exceeding forty (40) years, and may be extended for a period not to exceed ten (10) years. If a person whose character, experience, and financial responsibility has been determined satisfactory by the board offers to erect a permanent structure that facilitates and is consistent with the operation, use,

and purpose of the airport, on land belonging to the airport. A lease may be entered into for a period not to exceed ninety-nine (99) years. However, the fiscal body must pass an ordinance authorizing the board to enter into such a lease. The board may not grant an exclusive right for the use of a landing area under its jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this chapter. All contracts and leases are subject to restrictions and conditions that the board prescribes. (Ord. 2000-3, S6(e), Feb. 17, 2000)

- (6) To sell machinery, equipment, or material under the control of the board belonging to the eligible entity that is not required for aviation purposes. The proceeds shall be deposited with the entity's treasurer or controller to the credit of the department of aviation. (Ord. 2000-3, S6(f), Feb. 17, 2000)
- (7) To negotiate and execute contracts of sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control. However, whenever the board determines to sell part or all of aviation lands or improvements owned by the eligible entity, the sale must be in accordance with section 8 of this chapter. (Ord. 2000-3, S6(g), Feb. 17, 2000)
- (8) To vacate all or parts of roads, highways, streets, or alleys in land under control of the board in the manner provided by statute. (Ord. 2000-3, 6(h), Feb. 17, 2000)
- (9) To approve, together with the fiscal body of the entity, any state, county, city, or other highway, road, street, or other public way, railroad, power line, or other right of way that may be laid out or opened across an airport or in such proximity as to affect the safe operation of the airport. (Ord. 2000-3, S6(i), Feb. 17, 2000)
- (10) To construct drainage and sanitary sewers with connections and outlets as are necessary for the proper drainage and maintenance of an airport or landing field acquired or maintained under this chapter, including the necessary buildings and improvements and for the public use of them, in the same manner that the eligible entity may construct sewers and drains. However, with respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the board shall proceed in the same manner as private owners of property and may institute proceedings and negotiate with the departments, bodies, and officers of the entity to secure the proper orders and approvals. (Ord. 2000-3, S6(j), Feb. 17, 2000)
- (11) To order a public utility or public service corporation or other person to remove or to install in underground conduits, wires, cables, and power lines passing through or over the airport or landing field or along the borders or within a reasonable distance that may be determined to be necessary for the safety of operations of the airport or landing field, upon payment to the

utility or other person due compensation for the expense of the removal or reinstallation. The board must consent to any franchise granted by state or local authorities for the construction or maintenance of any railway, telephone, telegraph, electric power, pipe, or conduit line upon, over, or through land under the control of the board or within a reasonable distance of land that is necessary for the safety of operation. The board must also consent to the installation of overhead electric power lines carrying a voltage of over forty-four hundred (4,400) volts and having poles, standards, or supports over thirty (30) feet in height within one-half (1/2) mile of a landing area acquired or maintained under this chapter. (Ord. 2000-3, S6(k), Feb. 17, 2000)

- (12) To contract with any other state agency or instrumentality or any political subdivision for the rendition of services, the rental or use of equipment or facilities, or the joint purchase and use of equipment or facilities that are necessary for the operation, maintenance, or construction of an airport operated under this chapter. (Ord. 2000-3, S6(l), Feb. 17, 2000)

Chapter 1.33

INSURANCE REQUIREMENTS FOR LEASES OF AIRPORT FACILITIES

Sections:

- 1.33.010 Liability insurance mandatory
- 1.33.020 Hold harmless clause
- 1.33.030 Amount of Insurance

1.33.010 Liability insurance mandatory. That the Board of Aviation Commissioners of the Town of Orleans, Indiana, is hereby directed to require all lessees of facilities at the Orleans Airport as a mandatory requirement of their lease agreement to obtain and maintain at all times during the term of their lease adequate property and liability insurance as hereinafter set forth. (Res. 1997-10, S1, Nov. 20, 1997)

1.33.020 Hold harmless clause. Each lessee shall agree to indemnify and hold the Town of Orleans harmless from and against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or recovered from the town by reason of or account of damage to the property of the town or the property of, injury to, or death of any person, arising from the lessee's use and occupancy of and operations at the leased facilities, including acts of its agents, contractors and subcontractors, except when caused by the town's sole negligence or by the joint negligence of town and any person other than lessee, its agents, contractors, and subcontractors; provided that the town shall give lessee prompt and timely notice of any claim made or suit instituted, which, in any way, affects the town or its insurer, and lessee or insurer shall have the right to compromise and defend the same to the extent of their own interests. (Res. 1997-10, S2, Nov. 20, 1997)

1.33.030 Amount of Insurance. Each lessee shall, at its own expense, keep in force insurance of the following types and in not less than the following amounts, issued by a company or companies of sound and adequate financial responsibility, insuring lessee and the Town of Orleans against all liabilities for accidents arising out of in connection with the lessee's use and occupancy of and operations at the Orleans Airport except when caused by town's negligence alone or jointly with any person other than lessee, its agents, contractors and subcontractors and shall furnish to the Town of Orleans certificates evidencing such insurance, naming the Town of Orleans as an additional assured thereunder, subject to the limitations set forth above in respect of the town's negligence, to-wit:

- (1) Comprehensive Public Liability Insurance:
 - A. \$ 500,000.00 Per Person
 - B. \$ 1,000,000.00 Per Accident
- (2) Comprehensive Property Damage Insurance:
 - A. \$ 250,000.00 Per Accident (Res. 1997-10, S3, Nov. 20, 1997)

Chapter 1.36

DEPUTY CLERK-TREASURER

Sections:

1.36.010 Appointment

1.36.020 Term

1.36.010 Appointment. That the appointment of a Deputy Clerk-Treasurer is approved under IND. CODE 36-5-6-7. (Ord. 2008-03, S1, Mar.20, 2008) (Ord. 2006-04, S1, Jan. 19, 2006)

1.36.020 Term. Said appointment shall be for a term of four years, commencing January 1, 2008, with all powers and duties under IND. CODE subsection 36-5-6-6 incident to the office as Clerk Treasurer under the Indiana Code, at a salary pursuant to the current town salary ordinance, payable in weekly installments, effective January 1, 2008, until her successor is duly appointed and qualified. (Ord. 2008-03, S2, Mar. 20, 2008) (Ord. 2006-04, S2, Jan. 19, 2006)

Chapter 1.38

PURCHASING RULES AND POLICIES

Sections:

- 1.38.010 Governmental Body
- 1.38.020 Purchasing Agency
- 1.38.030 Purchase Agents
- 1.38.040 Actual purchase by purchase agent
- 1.38.050 Exempted purchases
- 1.38.060 Purchasing Agent's powers and duties
- 1.38.065 Purchase of supplies manufactured in the United States
- 1.38.070 Low bidder
- 1.38.080 Emergency purchases
- 1.38.090 Real estate purchases, lease or gifts
- 1.38.100 Division of purchase to constitute a small purchase not allowed
- 1.38.110 Purchases less than \$50,000
- 1.38.120 Purchases between \$50,000 and \$150,000
- 1.38.130 Purchases over \$150,000
- 1.38.140 Purchasing of services
- 1.38.150 Good faith purchases

1.38.010 Governmental Body. The Town's Governmental Body is the Town Council. (Ord. 1998-6, S1, June 18, 1998)

1.38.020 Purchasing Agency. The Town's "Purchasing Agency" is the Governmental Body, (or Town Council). (Ord. 1998-6, S2, June 18, 1998)

1.38.030 Purchase Agents. The Town's "Purchase Agents" are the following persons, (unless amended by the Town Council):

- (1) Clerk-Treasurer;
- (2) Town Superintendent;
- (3) Waste Water Treatment Plant Superintendent;
- (4) Town Marshall;
- (5) Volunteer Fire Department Chief and Assistant Chief;
- (6) Cemetery Board President and Vice President, (with their Board's approval);
and

- (7) Aviation Board President and Vice President (with their Board's approval). (Ord. 1998-6, S3, June 18, 1998)

1.38.040 Actual purchase by purchase agent. Purchase agents must do the purchasing themselves but can delegate another employee or assistant to go pick up the material or supplies. (Ord. 1998-6, S4, June 18, 1998)

1.38.050 Exempted purchases. These policies do not apply to public works contracts, Town owned Utilities, (except for the Town owned sewer plant), employee agreements or others exempted by law. (Ord. 1998-6, S5, June 18, 1998)

1.38.060 Purchasing Agent's powers and duties. Purchasing Agent's Powers and Duties are as follows:

- (1) Purchase agents are empowered by law to make purchase of materials, equipment, goods, supplies and property of whatever description. Each department's purchase agent shall requisition such materials, supplies, equipment or services from the Town of Orleans Fiscal Officer (Clerk-Treasurer), who shall then determine that appropriations are available for such purposes. If approved appropriations are available the requisitioned items may then be acquired in accordance with Public Purchase Law IC 5-22. All contracts of purchase shall be made in the name of the Town Department making the purchase and subject to the approval of the Town Council;
- (2) Each Purchase Agent shall establish such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the Town of Orleans;
- (3) Each Purchase Agent of any department shall sell or exchange any personal property ordered to be sold or exchanged by the Governmental Body, in accordance with procedures prescribed by law;
- (4) The Purchasing Agency (Governmental Body or Town Council) and/or the Town's Fiscal Officer shall prepare specifications and notice to bidders and see that the required notices are published, where bidding and publication of notices are required by law;
- (5) The Purchasing Agency and Purchase Agents shall cooperate and consult with the Town's Fiscal Officer (Clerk-Treasurer), for the purpose of ensuring that adequate funds are available prior to making necessary purchases and acquisitions to assure they are within the limits of the budget appropriations of the department in need of the material;
- (6) Department heads shall observe the following threshold amounts when making purchases of materials or service contracts before requisition to the Town's Fiscal Officer:

\$250.00 Town Superintendent and Waste Water Treatment Plant Superintendent and Town Marshall.

\$250.00 Volunteer Fire Department, Chief and Assistant Chief, Cemetery Board President and Vice President, and Aviation Board President and Vice President.

- (7) Any purchase made in violation of these purchasing procedures established by the Purchasing Agency, shall be null and void. (Ord. 1998-6, S6, June 18, 1998)

1.38.065 Purchase of supplies manufactured in the United States. The following are the required purchasing rules for the Town of Orleans, Indiana:

- (1) **Purchase of Supplies Manufactured in the United States.** Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:
- A. The supplies are not manufactured in the United States in reasonably available quantities;
 - B. The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
 - C. The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
 - D. The purchase of supplies manufactured in the United States is not in the public interest. (Ord. 1998-5, S1, June 18, 1997)

1.38.070 Low bidder. Whenever the Town, including any Town owned or operated Utility, makes any purchase, the contract for which purchase is not awarded to the lowest bidder, or is awarded to a single bidder, enters into any lease must be entered into with the prior approval or subsequent ratification by the Town Council of the Town of Orleans by Ordinance or Resolution duly passed by the Town Council of the Town. All such purchases and/or leases and such contracts entered into without such prior approval or subsequent ratification shall be null and void. (Ord. 1998-6, S7, June 18, 1998)

1.38.080 Emergency purchases. Upon declaration of an emergency, the Town's Purchasing Agency (Town Council) may purchase repairs and purchase or lease materials without giving notice or receiving bids so long as the procedures outlined in IC 5-22-10-4, are followed. (Ord. 1998-6, S8, June 18, 1998)

1.38.090 Real estate purchases, lease or gifts. Whenever the Town or any of its Utilities desires to purchase or lease (as Lessee) or acquires by gift any real estate, such purchase and/or lease or acquisition shall not be consummated and/or entered into without the prior

approval or subsequent ratification by Ordinance or Resolution duly passed by the Town Council of the Town of Orleans, Indiana. Any purchases and/or leases or acquisitions of Real Estate consummated without such prior approval or subsequent ratifications shall be null and void. (Ord. 1998-6, S9, June 18, 1998)

1.38.100 Division of purchases to constitute a small purchase not allowed. Applicable to a purchase expected by the Purchasing Agency and/or Agent to be less than \$75,000.00. Purchases may not be artificially divided so as to constitute a small purchase. However, in accordance with IC 5-22, purchase amounts are not accumulative. Purchase Agency may look at each purchase as an individual purchase. (Ord. 1998-6, S10, June 18, 1998)

1.38.110 Purchases less than \$50,000. The Purchasing Agency and/or Agents may purchase supplies with an estimated costs of less than \$50,000.00 on the open market without inviting or receiving quotes. (Ord. 2012-06, S11, June 21, 2012) (Ord. 1998-6, S11, June 18, 1998)

1.38.120 Purchases between \$50,000 and \$150,000. Purchases between \$50,000.00 and \$150,000.00 shall be conducted as in accordance with IC 5-22. (Ord. 2012-06, S12, June 21, 2012) (Ord. 1998-6, S12, June 18, 1998)

1.38.130 Purchases over \$150,000. Purchases over \$150,000.00 as required by IC 5-22; bidding procedures or requests for proposals. However, in accordance with IC 5-22, if there is only one source available for a needed supply, the bidding process may be waived. (Ord. 2012-06, S13, June 21, 2012) (Ord. 1998-6, S13, June 18, 1998)

1.38.140 Purchasing of services. The Orleans Town Council determines that the Government Body (Town Council) may purchase services, including the services of attorneys in whatever manner they determine to be reasonable and allowed by law. (Ord. 1998-6, S14, June 18, 1998)

1.38.150 Good faith purchases. All persons involved in the negotiation, performance or administration of contracts for purchases of supplies or services shall act in good faith. (Ord. 1998-6, S15, June 18, 1998)

Chapter 1.39

PREAPPROVED PAYMENT OF CERTAIN EXPENSES

Sections:

- 1.39.010 Filing of claim**
- 1.39.020 Payment of specified expenses allowed**
- 1.39.030 Fully itemized claim**
- 1.39.040 Review and allowance by the Board**

1.39.010 Filing of claim. No check shall be drawn by the town fiscal officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant, or some authorized person in the claimant's behalf, and filed and allowed as provided by law and submitted at least five (5) days before the meeting of the applicable approving body, as prescribed by Indiana Code 5-11-10, and Indiana Code 36-5-4-4(a)(2). (Ord. 1997-4, Sec. 1, April 17, 1997) (Ord. 1992-3, Sec. 1, June 4, 1992)

1.39.020 Payment of specified expenses allowed. Provided however, with the prior written approval of the board having jurisdiction over allowance of the claim, the town fiscal officer is hereby authorized to make claim payments in advance of the board or Council allowance for the following kinds of expenses:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
- (2) License or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
- (6) Grants of state funds authorized by statute;
- (7) Maintenance or service agreements;
- (8) Leases 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; and
- (13) Expenses with a due date before regular monthly Town Council meeting which would result in a penalty or late fee if not timely paid. (Ord. 1997-4, Sec. 2, April 17, 1997) (Ord. 1992-3, Sec. 2, June 4, 1992)

1.39.030 Fully itemized claim. Each payment of expenses under Section 1.39.020 of this chapter must be supported by a fully itemized claim. (Ord. 1997-4, Sec. 3, April 17, 1997) (Ord. 1992-3, Sec. 3, June 4, 1992)

1.39.040 Review and allowance by the Board. The town legislative body or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the body's or board's next regular or special meeting following the preapproved payment of the expense. (Ord. 1997-4, Sec. 4, April 17, 1997) (Ord. 1992-3, Sec. 4, June 4, 1992)

Chapter 1.40

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

- 1.40.010 Re-established**
- 1.40.020 Rate of levy**
- 1.40.030 Department of Local Government Finance Approval**
- 1.40.040 Re-establishment time period**

1.40.010 Re-established. That there is hereby re-established an Orleans Cumulative Capital Development Fund for the following purposes: For all uses set out in I.C. 36-9-15.5. (Ord. 2011-5, June 21, 2011) (Ord. 1995-8, Sec. 1, July 6, 1995) (Ord. 1992-6, Sec. 1, November 9, 1992) (Ord. 1986-1, Sec. 1, May 1, 1986)

1.40.020 Rate of levy. This board will adhere to the provisions of Indiana Code 36-9-15.5. The proposed fund will not exceed \$.05 on each \$100 of Assessed Valuation. Said tax rate will be levied beginning with taxes for 2011 payable 2012. (Ord. 2011-5, June 21, 2011) (Ord. 1995-8, Sec. 3, July 6, 1995) (Ord. 1992-6, Sec. 3, November 9, 1992) (Ord. 1986-1, Sec. 3, May 1, 1986)

1.40.030 Department of Local Government Finance Approval. Proofs of publication of the public hearing held on the 21st day of June, 2011, and a certified copy of this resolution will be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance. (Ord. 2011-5, June 21, 2011)

1.40.040 Re-establishment time period. That the Orleans Cumulative Capital Development Fund is re-established until such time as the fund is rescinded. (Ord. 1995-8, Sec. 4, July 6, 1995) (Ord. 1992-6, Sec. 4, November 9, 1992)

Chapter 1.42

CUMULATIVE CAPITAL IMPROVEMENT FUND

Sections:

1.42.010 Establishment

1.42.010 Establishment. That the Orleans Board of Trustees will create a Cumulative Capital Improvement Fund. That into this fund will be deposited distributions from the cigarette tax fund provided by the law for this fund only. That all deposits to the Cumulative Capital Improvement Fund shall be appropriated and used solely for capital improvements of the Town of Orleans. The term capital improvements is defined to mean 'the construction of improvement of any city-owned property, including but not limited to streets, thoroughfares and sewers, but shall not include salaries of any public officials or employees, except that directly chargeable to such improvements.

Said funds may also be used to retire any general obligation bonds of The Town of Orleans issued for the purpose of construction of improvements which would qualify for use of such funds. (Ord. 1965-1, Sec. 1, July 6, 1965)

Chapter 1.44

CUMULATIVE BUILDING AND SINKING FUND

Sections:

- 1.44.010 Created**
- 1.44.020 Levy**
- 1.44.030 Notice to taxpayers/Public Hearing**
- 1.44.040 Effective when**
- 1.44.050 Special fund**

1.44.010 Created. PURSUANT TO THE PROVISIONS OF CHAPTER 146 of the Acts of the General Assembly of the State of Indiana for the year 1967 as amended by Public Law 188 of the Acts of the General Assembly of the State of Indiana for the year 1975, there is hereby created for the Town of Orleans, Orange County, Indiana, a cumulative Building and Sinking Fund to provide funds for the planning, erection, remodeling and extension or/and repairing of sewage disposal plants and sewers to convey sanitary sewage to such plants or for the constructions of storm sewers and drains in aid of the sanitary system or storm sewers or for any or all of the above enumerated municipal undertakings, including the payment of that portion of any project which is allocable to the owners of property benefiting from those improvements, subject to the assessment by the Town of Orleans, Indiana of the owners of such property, pursuant to the procedures in I.C. 1971, 19-2-7, for the repayment to the cumulative Building and Sinking Fund. (Ord. 1976-4, Sec. 1, June 1, 1976)

1.44.020 Levy. That in order to carry out the provisions of Section 1.44.010 there is hereby levied annually for a period of five (5) years a tax on One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars of taxable property in the Town of Orleans, Orange County, Indiana, for the purpose of creating said Cumulative and Sinking Fund as provided in Section 1.44.010 of Ordinance 1976-4. (Ord. 1976-4, Sec. 2, June 1, 1976)

1.44.030 Notice to taxpayers/Public Hearing. The Clerk-Treasurer of the Town of Orleans, Orange County, Indiana, is hereby directed to give notice to taxpayers of the Town of Orleans, Orange County, Indiana, and to provide for a public hearing on Ordinance 1976-4, notice to such public hearing shall include the proposed tax rate and the years for which it shall be levied and its purpose, and such notice shall be placed in the Progress-Examiner, a newspaper of general circulation in the Town of Orleans, Orange County, Indiana, published in the English language, at least two (2) weeks prior to said hearing. (Ord. 1976-4, Sec. 3, June 1, 1976)

1.44.040 Effective when. Ordinance 1976-4 shall not be effective until the public hearing thereon shall have been held as provided in Section 1.44.030 hereof, and until said ordinance shall have been submitted to the State Board of Tax Commissioners as provided in Chapter 146, Section III of the Acts of the General Assembly of the State of Indiana for the year 1967. (Ord. 1976-4, Sec. 4, June 1, 1976)

1.44.050 Special fund. The taxes, when collected, under the terms and provisions of the ordinance, shall be held in a special fund of the Town of Orleans, Orange County, Indiana, in the Bank of Orleans, Orleans, Indiana, and designated as the "Sewage Treatment, Storm Sewer and Disposal Plant Fund," and monies of such fund shall not be expended for any purpose other than authorized by this ordinance and by the laws of the State of Indiana governing the same, nor shall withdrawals from said fund be made except only pursuant to appropriation in the manner provided by the Laws of the State of Indiana for making other appropriation by said Town of Orleans. (Ord, 1976-4, Sec. 5, June 1, 1976)

Chapter 1.45

NON-REVERTING AVIATION FUND

Sections:

1.45.010 Established/Use of funds

1.45.020 Non-reversion of funds

1.45.010 Established/Use of funds. That there is established a non-reverting aviation fund of the Town of Orleans, Indiana, for the purposes of receiving gifts, grants, and donations from private individuals or groups, including any transfers from the Town's General Fund deemed necessary, to be used for the general upkeep and maintenance of the municipal airport, including, but not limited to, the construction and maintenance of utility lines. (Ord. 1995-11, Sec. 1, November 2, 1995)

1.45.020 Non-reversion of funds. All funds received shall be designated for said purposes and utilized accordingly and shall not revert to the general fund unless the Council by subsequent resolution authorizes such reversion. (Ord. 1995-11, Sec. 2, November 2, 1995)

Chapter 1.46

DOWNTOWN REVITALIZATION PROJECT FUND

Sections:

1.46.010 Established

1.46.020 Non-Reversion of funds

1.46.010 Established. That there is established a separate Downtown Revitalization Project Fund, for the purposes of receiving gifts, grants, and donations from private individuals, groups, or organizations, to be utilized for public improvements incidental and integral to the Downtown Revitalization Project. (Res. 1998-01, S1, March 5, 1998)

1.46.020 Non-Reversion of funds. All funds received shall be designated for said purposes and utilized accordingly and shall not revert to the general fund. (Res. 1998-01, S2, March 5, 1998)

Chapter 1.49

DEFERRED COMPENSATION PLAN

Sections:

- 1.49.010 Established
- 1.49.020 Utilization of the Indiana Deferred Compensation Plan, Inc. as manager
- 1.49.030 Administrator of the Plan

1.49.010 Established. The Orleans Town Council, meeting in a regularly scheduled session, this Thursday, April 7, 1994, hereby establishes the Town of Orleans Deferred Compensation Plan for the voluntary participation of all eligible employees and elected officials. (Ord. 1994-6, April 7, 1994)

1.49.020 Utilization of the Indiana Deferred Compensation Plan, Inc. as manager. The Town will utilize the State's plan document and its investment options. The Town will contract with Indiana Deferred Compensation Plan, Inc. to be the exclusive Servicing Manager and Enroller. (Ord. 1994-6, April 7, 1994)

1.49.030 Administrator of the Plan. The Town Council hereby appoints the Clerk-Treasurer as the Administrator of the Plan, and authorizes him/her to make deductions from the pay of employees, who voluntarily participate, and to make such other arrangements as are necessary to implement the Plan. It is understood that, other than the incidental expense of collecting the employees' deferrals and other minor administrative matters, there is to be no cost to or contribution by the Town to this Plan. (Ord. 1994-6, April 7, 1994)

Chapter 1.52

CAPITALIZATION POLICY

Sections:

- 1.52.010 Definitions and Provisions
- 1.52.020 Recording and Accounting
- 1.52.030 Safeguarding Assets

1.52.010 Definitions and Provisions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Tangible Assets. Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.
- (2) "Fixed Asset". Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production and sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).
- (3) "Capital Outlays". Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvements of buildings, structures or other fixed assets; infrastructure, machinery and equipment having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.
- (4) "Land". The Town will capitalize all land purchases, regardless of cost. Original cost of land will include the full value given to the seller, relocation, legal services incidental to the purchase (including title work and opinion) appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and or Town workers [salary and benefits]), such as demolishing buildings, excavating, clean up and inspections.

A department will record donated land at fair market value on the date of transfer plus associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- (5) “Infrastructure”. Infrastructures are streets, curbs, water lines, and sewer lines. The Town will capitalize all streets, curbs and sidewalk. All water lines, and sewer lines will be capitalized. The known or estimated historical costs of infrastructures will be included. Depreciated value estimates for water and sewer utility infrastructures will be reported.

Infrastructures that are accepted from subdivision developers or acquired from other donations shall be included at the known or estimated cost at the time of receipt of the infrastructure.

- (6) “Buildings”. Buildings are structures designed to house personnel or equipment.

A department will capitalize buildings at full cost with no subcategories for tracking attachments such as roofs, heating, cooling, plumbing, lighting, sprinkling systems, or any part of the basic building. Each department will include the cost of items designed or purchased exclusively for the building.

A department's new building will be capitalized only if it meets both of the following conditions:

- A. the total cost exceeds \$5,000, in civil town and utilities other than water and
- B. the useful life is greater than two years

A department improving or renovating an existing building will capitalize the cost only if the results meet the following conditions:

- A. the total cost meets or exceeds \$5,000, and
- B. the useful life is extended two or more years

A department will record donated buildings at fair market value on the known or estimated date of transfer with any associated costs.

Building purchases made using Federal or State funding will follow the source funding policies and above procedures.

- (7) “Improvements Other Than Buildings”. The definition of this group of assets is improvements to land for better enjoyment, Assets that are attached or not easily removed, and with a life expectancy of more than two years.

Examples are walks, fencing, retaining walls, pools, outside fountains, planters, underground sprinkling systems and other related items.

The Town will capitalize new improvements other than buildings or renovations to existing improvements other than buildings if the results meets the following conditions:

- A. the total cost exceeds \$5,000 for civil town and utility assets other than water department, and
- B. the asset's useful life is extended two or more years.

- (8) “Machinery and Equipment”. The definition of machinery and equipment is: an apparatus, tool, or conglomerate of components to form a tool. The tool will stand alone and not become a part of a basic structure or building.

The Town will capitalize civil town and utility items other than water department with an individual value equal to or greater than \$5,000. For water the dollar threshold shall be the amount required by the IURC

Machinery combined with other machinery to form one unit with a total value equal to or greater than the above mentioned limits will be included as one unit.

Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or set up, (including contractors and/or Town workers [salary and benefits], which make such equipment operable for its intended purpose will be capitalized.

Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

- A. total cost is \$5,000 or more for civil town and utilities other than the water department,
- B. the useful life is extended by two or more years.

A department will record donated machinery and equipment at fair market value on the known or estimated date of transfer with any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- (9) “Construction in Progress”. Assets included under this item type are those buildings or improvements other than buildings that are not completed at the end of a fiscal year. These assets will be included with noted payments and dates, including change orders for all services and materials necessary for the preparation of the building or improvement other than building for its intended purpose.

The Town will capitalize construction in progress if the results meet the following conditions:

- A. the total cost exceeds \$5,000 for civil town and utilities other than water, and
 - B. the asset's useful life is extended two or more years.
- (10) "Historical Cost". The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, improvements other than buildings and construction in progress are common examples of assets recognized under the historical cost attribute. (Ord. 2008-09, S1, July 17, 2008)

1.52.020 Recording and Accounting. The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the City, Town and County's Accounting manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town and its Departments, the valuation of assets shall be based on historical cost or by estimation of such costs if historical cost is unknown. (Ord. 2008-09, S2, July 17, 2008)

1.52.030 Safeguarding Assets. Be it ordained that accounting controls be designed and implemented to provide reasonable assurance that:

- (1) Capital expenditures made by the Town, its various departments, and utilities be in accordance with management's authorization as documented in the minutes.
- (2) Transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles.
- (3) Adequate detail records be maintained to assure accountability for Town and utility owned assets.
- (4) Access to assets be permitted in accordance with management's authorization.
- (5) That recorded accountability for assets be compared with existing assets at least annually and appropriate action be taken regarding any differences. (Ord. 2008-09, S3, July 17, 2008)

Chapter 1.56

MEMBERSHIPS FOR TOWN DEPARTMENTS

Sections:

- 1.56.010** Authorized to budget to provide for memberships
- 1.56.020** Memberships
- 1.56.030** Payment of membership fees

1.56.010 Authorized to budget to provide for memberships. The Orleans Town Board is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the Town of Orleans and the elected and appointed officials and members of the municipality's board, council, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations; and

The Orleans Town Board is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs. (Ord. 1982-2, March 18, 1982)

1.56.020 Memberships. That the Town of Orleans shall maintain membership in the following organizations:

- (1) Indiana League of Municipal Clerks and Treasurers
- (2) Indiana Association of Cities and Towns (Ord. 1977-1, Sec. 1, September 13, 1977)

1.56.030 Payment of membership fees. That the Clerk-Treasurer of the Town of Orleans is authorized to pay such dues and membership fees as may be required by such organizations. (Ord. 1977-1, Sec. 2, September 13, 1977)

Chapter 1.59

FEES FOR COPYING ACCIDENT REPORTS

Sections:

- 1.59.010** Maintaining accident reports
- 1.59.020** Furnishing accident reports
- 1.59.030** Release of accident report to agent or attorney
- 1.59.040** Fee for accident report
- 1.59.050** Withholding release of accident report
- 1.59.060** Numerous accidents in one location

1.59.010 Maintaining accident reports. The Police Department shall maintain a suitable system of filing traffic accident reports. (Ord. 2001-15, SI, Apr. 19, 2001)

1.59.020 Furnishing accident reports. The Orleans Police Department shall promptly on demand therefor furnish to any person who has sustained any loss or damage, be reason of the injury or death of any person or damage to property caused by or resulting from the operation, maintenance or use of any vehicle upon any public street or highway of the state, the information contained in the accident report. (Ord. 2008-09, SII, July 17, 2008)

1.59.030 Release of accident report to agent or attorney. Any person so entitled to such information may obtain the same from the police department whether in person or through his duly authorized agent or attorney. The agent or attorney shall first file with the department a verified written authorization signed by the person so entitled to the information. (Ord. 2008-09, SIII, July 17, 2008)

1.59.040 Fee for accident report. When the accident report is furnished by means of a duplicating machine copy, the Orleans Police Department shall be paid a fee of Five Dollars (\$5.00) for each such report. Such fee shall be deposited in a separate account to be known as the "Local Law Enforcement Continuing Education Fund," and expended for purposes of continuing education of law enforcement officers of this municipality. (Ord. 2008-09, SIV, July 17, 2008)

1.59.050 Withholding release of accident report. If the prosecuting attorney of the county where such accident occurred shall advise the police department that in his opinion such information should not be released to any person, and shall assign as his reason therefor that criminal charges have been filed, or are in contemplation of being filed, against any person as a result of said accident, the police department shall thereupon withhold any such information until its release is approved by the prosecuting attorney. Otherwise, an accident report filed by law enforcement officer is not a confidential record and shall be made available for inspection and copying under I.C. 5-14-3. (Ord. 2008-09, SV, July 17, 2008)

1.59.060 Numerous accidents in one location. Whenever the accidents at any particular location become numerous, the Orleans Police Department shall cooperate with the street commissioner, and/or town council, as the case may be in conducting studies of such accidents and determining remedial measures. (Ord. 2008-09, SVI, July 17, 2008)

Chapter 1.60

FEEES FOR ACCIDENT PHOTOGRAPHS FURNISHED BY POLICE DEPARTMENT

Sections:

- 1.60.010 Fee
- 1.60.020 Deposit of funds
- 1.60.030 Disbursement of funds

1.60.010 Fee. A minimum fee of Three Dollars (\$3.00) per photograph shall be charged by the Orleans Police Department for providing photographs of accidents scenes whether the same are derived from a film negative or computer disc. In the event it is impractical to provide a single photograph from a single roll of film or computer disc, the Orleans Police Department is authorized to charge accordingly for the entire roll of film or computer disc containing multi-images. (Ord. 2000-4, S1, Apr. 20, 2000)

1.60.020 Deposit of funds. All funds received from the sale of accident photographs shall be deposited by the Orleans Police Department in a special Local Law Enforcement Continuing Education Fund of the Town of Orleans, Indiana, and used solely for continuing law enforcement education purposes by said department. (Ord. 2000-4, S2, Apr. 20, 2000)

1.60.030 Disbursement of funds. Disbursement of funds for continuing law enforcement education expenses under Section 1.60.020 of this ordinance must be supported by a fully itemized claim as required by Indiana law. (Ord. 2000-4, S3, Apr. 20, 2000)

Chapter 1.66

SURCHARGE FOR DISHONORED CHECK

Sections:

- 1.66.010 Application
- 1.66.020 Surcharge
- 1.66.030 Notice; Collection by Town; Referral Of Dishonored Checks to Prosecuting Attorney

1.66.010 Application. This ordinance shall apply to any person who tenders a check, draft, order or like instrument to any department or office of the Town of Orleans, Orange County, Indiana, including, but not limited to utilities, water, sewer, etc. (Ord. 2001-23, S1, Nov. 15, 2001)

1.66.020 Surcharge. If a check, draft, order or like instrument tendered to the Town of Orleans is dishonored or returned unpaid for any reason, the Town may charge and collect from the maker or drawer, or the person for whose benefit the instrument was given, an amount not to exceed TWENTY DOLLARS (\$20.00), plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument. The charge shall not be considered an interest charge, a finance charge, a time price differential, or any charge of a similar nature. (Ord. 2001-23, S2, Nov. 15, 2001)

1.66.030 Notice; Collection by Town; Referral Of Dishonored Checks to Prosecuting Attorney. When a surcharge is imposed under Section 1.66.020, the Town shall notify the maker or drawer, or the person for whose benefit the instrument was given, to inform them that the instrument was dishonored or returned unpaid and that the person has ten (10) days after the notice is mailed to pay the total amount due, including the surcharge, in either cash, by certified check, or other guaranteed payment.

If the person fails to make payment within the ten (10) day period, the Town may refer the matter to a collection agency for collection, or the Town may file a civil action in a court of competent jurisdiction for the amount due to the Town, including any surcharges, court costs and reasonable attorney fees.

In addition, if the Town is unable to obtain payment of a dishonored check, the town shall refer the matter to the prosecuting attorney for prosecution pursuant to Indiana Code 36-1-8-13. (Ord. 2001-23, S3, Nov. 15, 2001)

Chapter 1.69

PROCEDURES FOR COLLECTION OF MONEY OWED THE TOWN

Sections:

- 1.69.010 Definitions**
- 1.69.020 Duties of Municipal Attorney**
- 1.69.030 Costs of Collection**

1.69.010 Definitions. For the purpose of this ordinance, indebtedness owed the municipality in excess of ninety (90) days shall be subject to the provisions of this ordinance. (Ord. 2008-13, S1, Aug. 21, 2008)

1.69.020 Duties of Municipal Attorney. The town council designates the municipal attorney as the municipal official to:

- (1) Collect any money that is owed to the Town by filing suit in the Orange Circuit Court or Orange Superior Court
- (2) Compromise the amount of money owed to the Town upon approval by the Town Council; and.
- (3) The Municipal Attorney shall determine the costs of collecting money under this ordinance. (Ord. 2008-13, S2, Aug. 21, 2008)

1.69.030 Costs of Collection. The costs of collection, including interest and reasonable attorney's fees, shall be added to money that is owed and collected under this ordinance. (Ord. 2008-13, S3, Aug. 21, 2008)

Chapter 1.73

DALLAS TYLER TRUST BENEFITTING WIDOWS AND ORPHANS

Sections:

1.73.010 Criteria in awarding benefits

1.73.020 Application form

1.73.010 Criteria in awarding benefits. That the following criteria is hereby recognized as being factors to be considered, but not binding, in the awarding of benefits from said trust:

- (1) Permanent residence of the widow and/or orphan within the Town of Orleans, Indiana.
- (2) Permanent disability of the widow and/or orphans.
- (3) Household income below the government's official poverty level, adjusted each year to take account of inflation, by the United States Bureau of the Census.
- (4) Remarriage of the widow.
- (5) Dependent children.
- (6) Head of household status and/or other relatives or non-relatives living in the household.
- (7) Eligibility for Federal benefits, including, but not limited to, Supplemental Security Income (SSI) benefits, Civil Service, Railroad Retirement, Military Pension, Veterans Affairs Benefits Not Based on Need, and Social Security.
- (8) Miscellaneous income such as interest, rental income, dividends, child support from previous marriages.
- (9) Private benefits from employer or union pensions, insurance or annuity payments, or private needs based assistance.
- (10) State benefits for unemployment compensation, disability, or state pensions.
- (11) Personal indebtedness, including but not limited to, real estate mortgage and consumer indebtedness. (Ord. 1995-13, Sec. 1, December 7, 1995)

1.73.020 Application form. The Clerk-Treasurer is authorized to prepare application forms for benefits from the Dallas Tyler Trust based on full disclosure of assets and liabilities of the applicant, including any special circumstances of the applicant which the Town Council should be apprised in considering the application. (Ord. 1995-13, Sec. 2, December 7, 1995)

Chapter 1.74

JIMMY M. STALKER MEMORIAL FUND

Sections:

1.74.010 Creation of the “Jimmie M. Stalker Memorial Fund”

1.74.020 Authorized Use of the “Jimmie M. Stalker Memorial Fund”

1.74.010 Creation of the “Jimmie M. Stalker Memorial Fund”. A new fund account, to be referred to as the "Jimmie M. Stalker Memorial Fund", and which is to be given a number or letter designation by the Clerk as he deems appropriate, is created for use by the Town to honor the memory of the late Jimmie M. Stalker. (Ord. 2007-04, S1, Mar. 15, 2007)

1.74.020 Authorized Use of the “Jimmie M. Stalker Memorial Fund”. The Fund will segregate an account for contributions and disbursements made pursuant to the "Jimmie M. Stalker Memorial Fund". Accounts maintained in the Fund are to be segregated as needed for appropriate administration. The Fund is non-reverting, i.e., balances will not be transferred into other funds, and all monies deposited in the Fund may only be used for the purpose agreed upon by the Council. The receipts from the Fund shall be used, as the Council shall determine best, to promote the memory of the late Jimmie M. Stalker. The Council shall have the right to expend the whole or any part of the sums received in connection with some definite memorial project or purpose. (Ord. 2007-04, S2, Mar. 15, 2007)

Chapter 1.75

RAINY DAY FUND

Sections:

- 1.75.010 Established**
- 1.75.020 Use of Funds**
- 1.75.030 Transfer of Funds into Rainy Day Fund**
- 1.75.040 Authorization of Expenditure of Funds**

1.75.010 Established. The Clerk-Treasurer of the Town of Orleans shall establish a "Rainy Day Fund" to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the Town of Orleans whenever the purpose of such levy has been fulfilled and an unused and unencumbered balance remains. (Ord. 2008-08, S1, July 17, 2008)

1.75.020 Use of Funds. The funds on deposit in the Rainy Day Fund may be used for the operation of the Town of Orleans and its various departments, when the Town of Orleans does not have sufficient levies or funds to pay such costs, including, but not limited to, purchase of equipment, payment of operating expenses of any department or office of the civil town, or for any other purpose for which property taxes may be imposed. (Ord. 2008-08, S2, July 17, 2008)

1.75.030 Transfer of Funds into Rainy Day Fund. The Town shall determine the amount, if any, of any unused and unencumbered prior year funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than ten percent (10%) of the Town of Orleans's total budget for said fiscal year. (Ord. 2008-08, S3, July 17, 2008)

1.75.040 Authorization of Expenditure of Funds. The Town Council of the Town of Orleans may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund. (Ord. 2008-08, S4, July 17, 2008)

Chapter 1.80

**PRIVATE USE OF MOTOR VEHICLES
OWNED BY TOWN**

Sections:

- 1.80.010 Private use of motor vehicles owned by Town prohibited**
- 1.80.020 Penalty for violation**

1.80.010 Private use of motor vehicles owned by Town prohibited. That the private use of motor vehicles owned and operated by the Town of Orleans, Indiana, is prohibited. (Ord. 1985-3, Sec. 1, June 20, 1985)

1.80.020 Penalty for violation. Judgement up to Twenty Five Hundred Dollars may be entered for each violation of said section as provided by law. (Ord. 1985-3, Sec. 2, June 20, 1985)

Chapter 1.83

PROHIBITING SMOKING IN MUNICIPAL BUILDINGS AND VEHICLES

Sections:

- 1.83.010 Definitions
- 1.83.020 Application of Town-Owned Facilities
- 1.83.030 Prohibition of Smoking in Municipal Buildings
- 1.83.040 Policies Regarding Smoking in Places of Municipal Employment
- 1.83.050 Reasonable Distance
- 1.83.060 Posting of Signs
- 1.83.070 Enforcement
- 1.83.080 Public Education
- 1.83.090 Other Applicable Laws
- 1.83.100 Severability
- 1.83.110 Effective Date

1.83.010 Definitions. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (1) "Municipal Building" means every building to which the public is invited or in which the public is permitted, which is owned and operated by the Town of Orleans, or is under its jurisdiction.
- (2) "Municipal Vehicle" means every vehicle to which the public is invited or in which the public is permitted, which is owned and operated by the Town of Orleans, or is under its jurisdiction.
- (3) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, pipe, cigarette, weed, plant or other combustible substance in any manner or in any form. (Ord. 2007-08, S1, July 19, 2007)

1.83.020 Application of Town-Owned Facilities. All enclosed municipal buildings owned and operated by the Town of Orleans shall be subject to the provisions of this chapter including municipal vehicles. (Ord. 2007-08, S2, July 19, 2007)

1.83.030 Prohibition of Smoking in Municipal Buildings.

- (1) Smoking shall be prohibited in all municipal buildings and other public places similarly situated therein, including, but not limited to, the following areas:
 - A. Elevators
 - B. Restrooms, lobbies, reception areas, hallways and any other common-use areas.

- C. Every room, chamber, place of meeting or public assembly, under the control of the Town Council, including joint committees, or agencies of the Town or any political subdivision of the State during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the Town. (Ord. 2007-08, S3, July 19, 2007)

1.83.040 Policies Regarding Smoking in Places of Municipal Employment.

- (1) It shall be the responsibility of department heads to provide a smoke-free workplace for all employees, but are not required to incur any expense to make structural or other physical modifications.
- (2) Within 30 days of the adoption of this ordinance, each departmental head having an enclosed place of municipal employment shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, conference and meeting rooms, private offices, elevators, hallways, employee lounges, stairs, restrooms, municipal vehicles with more than one occupant, and all other enclosed facilities.

- (3) The smoking policy shall be communicated to all municipal employees within three (3) weeks of its adoption. (Ord. 2007-08, S4, July 19, 2007)

1.83.050 Reasonable Distance. Smoking shall occur at a reasonable distance outside any area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. It shall be a violation for smoke to be detected in any area where smoking is prohibited. (Ord. 2007-08, S5, July 19, 2007)

1.83.060 Posting of Signs.

- (1) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly sufficiently and conspicuously posted in every building or other area where smoking is prohibited by this ordinance.
- (2) Every municipal building where smoking is prohibited by this ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- (3) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this ordinance by the municipal employees other persons having control of such area. (Ord. 2007-08, S6, July 19, 2007)

1.83.070 Enforcement.

- (1) Any person who violates any provision of this chapter shall be subject to a fine of Twenty-Five Dollars (\$25) for each violation of this ordinance. However, it is a defense to a violation of this ordinance if violator is personally informed in a reasonable and timely manner by those persons present of the prohibition and he or she thereafter refrains from smoking.

If, after multiple violations by the same person, the Town Council has reason to believe that the fines will not be effective against a violator in enforcing this ordinance, then the Town Council shall be empowered to seek any other remedies provided by law. (Ord. 2007-08, S7, July 19, 2007)

1.83.080 Public Education. The Town may engage in programs to explain and clarify the purposes and requirements of this chapter to citizens affected by it. (Ord. 2007-08, S8, July 19, 2007)

1.83.090 Other Applicable Laws. This ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 2007-08, S9, July 19, 2007)

1.83.100 Severability. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable. (Ord. 2007-08, S10, July 19, 2007)

1.83.110 Effective Date. This ordinance shall be in effect from and after its passage by the Council and publication as provided by law. (Ord. 2007-08, S11, July 19, 2007)

Chapter 1.85

PROHIBITING SMOKING IN SPORT FACILITIES

Sections:

- 1.85.010 Definitions
- 1.85.020 Smoking Prohibited in Town Sports Facilities
- 1.85.030 Posting of Signs
- 1.85.040 Violations and Penalties
- 1.85.050 Severability
- 1.85.060 Effective Date

1.85.010 Definitions. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

- (1) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.
- (2) "Sports facilities" means ball parks, courts, and other similar public places owned and operated by the Town of Orleans, or subject to its jurisdiction, where members of the general public assemble either to engage in physical exercise, participate in athletic activities, sports competition or contests, recreational games, or witness sports events. (Ord. 2007-10, S1, Aug. 16, 2007)

1.85.020 Smoking Prohibited in Town Sports Facilities. Smoking shall be prohibited in all sports facilities owned and operated by the Town of Orleans or subject to its jurisdiction. (Ord. 2007-10, S2, Aug. 16, 2007)

1.85.030 Posting of Signs. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every area where smoking is prohibited by this ordinance by the Town of Orleans. (Ord. 2007-10, S3, Aug. 16, 2007)

1.85.040 Violations and Penalties.

- (1) Any person who violates any chapter of this ordinance shall be subject to a fine of Twenty-Five Dollars (\$25) for each violation of this ordinance.
- (2) It is a defense to this section, if the violator is personally informed in a reasonable and timely manner of the smoking prohibition and is requested that he or she refrain from smoking and thereafter refrains from smoking.

- (3) If, after multiple violations by the same person, the Town Council has reason to believe that the fines will not be effective against a violator in enforcing this ordinance, then the Town Council shall be empowered to seek any other remedies provided by law. (Ord. 2007-10, S4, Aug. 16, 2007)

1.85.050 Severability. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable. (Ord. 2007-10, S5, Aug. 16, 2007)

1.85.060 Effective Date. This ordinance shall be in effect from and after its passage by the Council and publication as provided by law. (Ord. 2007-10, S6, Aug. 16, 2007)

Chapter 1.88

SUMMER LEAGUE BOARD

Sections:

- 1.88.010 Establishment
- 1.88.020 Name
- 1.88.030 Objective
- 1.88.040 Members
- 1.88.050 Vacancies
- 1.88.060 Voting
- 1.88.070 Officers
- 1.88.080 Meetings
- 1.88.090 Quorum
- 1.88.100 Amendments

1.88.010 Establishment. This 17 day of June, 2010 the Orleans Town Council does now establish a Summer league advisory board for the Orleans Summer League Program. (Res. 2010-2, June 17, 2010)

1.88.020 Name. The Board shall be referred to as the "Orleans Summer League Board" hereinafter referred to as the "Board". (Res. 2010-2, Article I, June 17, 2010)

1.88.030 Objective. The Board shall advise and give direction as to all activities pertaining to the Orleans Summer League Program as well as advise and give direction to the Director of the Summer League Program. A Board representative shall provide status reports to the Town Council as requested. (Res. 2010-2, Article II, June 17, 2010)

1.88.040 Members. The Town Council shall appoint seven (7) members to the Board. The Director of the Summer League Program shall be one (1) member, a member of the Town Council shall be one (1) member, the remaining five (5) members shall be appointed by the Town Council in staggered three (3) year terms. Members three (3) and four (4) shall initially serve for a period of two (2) years. Members five (5) and six (6) shall initially serve for a period of three (3) years. Member seven (7) shall initially serve for a period of one (1) year. After each member serves their initial term, members shall be appointed to three (3) year terms. (Res. 2010-2, Article III, June 17, 2010)

1.88.050 Vacancies. Any vacancy on the Board shall be filled by the Town Council. This shall be done at the first available meeting following notification to the Town Council of the vacancy. The member appointed by the council to the vacancy shall serve out the remaining term of the vacated member. (Res. 2010-2, Article IV, June 17, 2010)

1.88.060 Voting. Each member of the Board shall have one (1) vote, and must vote in person. (Res. 2010-2, Article V, June 17, 2010)

1.88.070 Officers. The Board shall elect officers with their duties as follows:

- (1) President - Responsible for overseeing and conducting all board meetings and reporting to Town Council.
- (2) Vice President - Assumes responsibility of president if unavailable.
- (3) Secretary - Responsible for recording and distributing all pertinent information on the League and Board decisions.
- (4) Treasurer - Responsible for fiscal accountability of the Orleans Summer League. Treasurer shall account for Orleans Summer League funds and shall be responsible for payment of the League's obligations from said funds. (Res. 2010-2, Article VI, June 17, 2010)

1.88.080 Meetings. The Board shall conduct regularly scheduled monthly meetings. All meetings shall be conducted under the Roberts Rules of Order and times posted prior to said meetings. (Res. 2010-2, Article VII, June 17, 2010)

1.88.090 Quorum. The Board shall make all decisions by quorum. A quorum shall be one half (1/2) plus one member of the current sitting board members. (Res. 2010-2, Article VIII, June 17, 2010)

1.88.100 Amendments. The Town Council may amend this resolution at anytime and may terminate any board members appointment at any time. (Res. 2010-2, Article IX, June 17, 2010)

Chapter 1.92

FAIR HOUSING

Sections:

- 1.92.010 Policy Statement
- 1.92.020 Definitions
- 1.92.030 Unlawful Practice
- 1.92.040 Discrimination in the Sale or Rental of Housing
- 1.92.050 Discrimination in Residential Real Estate-Related Transactions
- 1.92.060 Discrimination in the Provision of Brokerage Service
- 1.92.070 Interference, Coercion, or Intimidation
- 1.92.080 Prevention of Intimidation in Fair Housing Cases
- 1.92.085 Equal Access to Housing in HUD Programs
- 1.92.090 Exemptions
- 1.92.100 Administrative Enforcement of Ordinance
- 1.92.110 Separability of Provisions

1.92.010 Policy Statement. It shall be the policy of the Town of Orleans 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. 2012-11, S1, Oct. 18, 2012) (Ord. 1994-11, October 20, 1994)

1.92.020 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 Section 1.92.080 and 1.92.085. (Ord. 2017-05, S2, Oct. 19, 2017)
- (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 rights to occupy the premises owned by the occupant.
- (5) Discriminatory Housing Practice means an act that is unlawful under Sections 1.92.040, 1.92.050, 1.92.060, 1.92.070 or 1.92.080 of this chapter or I.C. 22-9.5-5.
- (6) Handicap means, with respect to a person:
- A. a physical or mental impairment which substantially limits one or more of such person's major life activities.
 - B. a record of having such an impairment, or
 - C. being regarded as having such an impairment
 - D. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990,
 - E. Any other impairment defined under I.C. 22-9.5-2-10.

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

- (7) An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):
- A. claims to have been injured by a discriminatory housing practice; or
 - B. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.
- The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (9) Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.

- (10) Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6 (Ord. 2012-11, S2, Oct. 18, 2012)

1.92.030 Unlawful Practice. Subject to the provisions of subsection (2) of this Section, Section 1.92.090 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.92.040 of this Ordinance 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 provision of subsection (3) of this Section, nothing in Section 1.92.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:
 1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.92.040 (3) of this chapter, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

- A. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- B. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- C. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. 2012-11, S3, Oct. 18, 2012)

1.92.040 Discrimination in the Sale or Rental of Housing. As made applicable by Section 1.92.030 and except as exempted by Section 1.92.030(2) and 1.92.090, it shall be unlawful:

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

- A. that buyer or renter;
 - B. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - C. any person associated with that person.
- (7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
- A. that person; or
 - B. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - C. any person associated with that person.
- (8) For purposes of this subsection, discrimination includes:
- A. a refusal to permit, at the expense of the handicapped person, reasonable modification of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
 - B. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - C. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:
 - 1. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - 2. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

3. all premises within such dwellings contain the following features of adaptive design:
 - (a) an accessible route into and through the dwelling;
 - (b) light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (c) reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cites as “ANSI A117.1”) suffices to satisfy the requirements of paragraph 1.92.030(3)(c).

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 2012-11, S4, Oct. 18, 2012)

1.92.050 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. 2012-11, S5, Oct. 18, 2012)

1.92.060 Discrimination in the Provision of Brokerage Service. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 2012-11, S6, Oct. 18, 2012)

1.92.070 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 1.92.030, 1.92.040, 1.92.050, or 1.92.060 of this Chapter. (Ord. 2012-11, S7, Oct. 18, 2012)

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

- (1) any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) any person because he is or has been, or in order to intimate such person or any other person or any class of persons from:
 - A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1); or
 - B. affording another person or class of persons opportunity or protection so to participate; or
- (3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be 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. 2012-11, S8, Oct. 18, 2012)

1.92.085 Equal Access to Housing in HUD Programs. Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of “family” is revised to include families regardless of the accrual or perceived sexual orientation, gender identity, or marital status of its members. (Ord. 2017-05, S9, Oct. 19, 2017)

1.92.090 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 lodgings which is own or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- (3) Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, “housing for older persons’ means housing:
 - A. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
 - B. intended for, and solely occupied by, person 62 years of age or older; or
 - C. intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 2012-11, S9, Oct. 18, 2012)

1.92.100 Administrative Enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (2) hereof shall be vested in the Chief Elected Official of the Town of Orleans, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Orleans, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Orleans, 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 Orleans, 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 Orleans, Indiana or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 2012-11, S10, Oct. 18, 2012)

1.92.110 Separability of provisions. If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 2012-11, S11, Oct. 18, 2012)

Chapter 1.93

INTERNAL CONTROL STANDARDS

Sections:

- 1.93.005 Purpose
- 1.93.010 Adoption of Findings
- 1.93.020 Adoption of Internal Control Standards
- 1.93.030 Certification of Internal Control Standards
- 1.93.040 Internal Control Standards Policy

1.93.005 Purpose. I.C. § 5-11-1-27 requires each political subdivision to maintain a system of internal controls in order to promote accountability and transparency; and

- (1) In September 2015 pursuant to I.C. § 5-11-1-27(e) the Indiana State Board of Accounts developed and published the Uniform Internal Control Standards for Indiana Political Subdivisions in order to provide the basis of common understanding to assist public sector managers in complying with the internal control requirements; and
- (2) The Uniform Internal Control Standards for Indiana Political Subdivisions Manual is available on the government website at www.in.gov/sboa and contains the acceptable minimum level of internal control standards; and
- (3) I.C. § 5-11-1-27(g) after June 30th, 2016 all Indiana Political Subdivisions must develop local policies regarding internal controls and insure that personnel receive training on internal controls; and
- (4) The Orleans Town Council finds that the Town's policy regarding internal controls should be the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual; and
- (5) The fiscal officer of the Town of Orleans is the Clerk Treasurer and pursuant to the Uniform Internal Control Standards for Indiana Political Subdivisions, the fiscal officer shall certify in writing that the Uniform Internal Control Standards have been adopted; and

- (6) The Uniform Internal Control Standards require and mandate that the legislative body insure that personnel as defined in I.C. § 5-11-1-27 shall receive training concerning the Uniform Internal Control Standards for Indiana Political Subdivisions and that the Clerk Treasurer as the fiscal officer shall certify in writing that the personnel as defined by statute have received the required training. (Ord. 2016-04, Whereas, July 21, 2016)

1.93.010 Adoption of Findings. That the above recitations are adopted as findings by the Town Council. (Ord. 2016-04, S1, July 21, 2016)

1.93.020 Adoption of Internal Control Standards. It is further ordered and determined that the Town of Orleans hereby adopts as policy the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September, 2015, and as amended from time to time. (Ord. 2016-04, S2, July 21, 2016)

1.93.030 Certification of Internal Control Standards. It is further ordained that at the time the annual financial report is electronically filed, the Clerk Treasurer as fiscal officer of the Town of Orleans shall certify in writing that the Uniform Internal Control Standards for Indiana Political Subdivisions have been adopted and shall certify that the personnel have been trained as required by law. (Ord. 2016-04, S3, July 21, 2016)

1.93.040 Internal Control Standards Policy. It is further ordained that the Town Code shall be amended and it is hereby added to the Orleans Town Code a new section which shall read as follows:

“INTERNAL CONTROL STANDARDS

The Town of Orleans adopts as policy the Internal Control Standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September, 2015, and as amended from time to time. In order to implement these standards, the Clerk Treasurer shall certify in writing that personnel as defined in statute have received the required training. All officers, elected officials and employees are required to comply with the policy. Employees who fail to comply with this policy are subject to discipline, including but not limited to termination of their employment.” (Ord. 2016-04, S4, July 21, 2016)

Chapter 1.94

MATERIALITY POLICY AND THRESHOLD

Sections:

- 1.94.005 Purpose
- 1.94.010 Notice of Misappropriation
- 1.94.020 Materiality Threshold
- 1.94.030 Investigate all Losses

1.94.005 Purpose.

- (1) Indiana Code 5-11-1-27(j) states:

“All erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the State Board of Accounts. For all material variances, losses, shortages, or thefts, the State Board of Accounts shall:

- A. Determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;
- B. Determine the internal control weakness that contributed to or caused the conditions; and
- C. Make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing:
 - 1. The method of correcting the condition; and
 - 2. The necessary internal control policies and internal control procedures that must be modified to prevent a recurrence of the condition”;

- (2) The Indiana State Board of Accounts has ruled that in general, each political subdivision must develop its own policy on materiality because the causes of irregular variances, losses, shortages, and thefts are as broad and varied as the political subdivisions in which the incidents occur.

- (3) The Town of Orleans recognizes that variances, losses, shortages, and thefts may occur. If such an incident occurs, it is the Town’s policy for the Clerk-

Treasurer or such other elected officials and/or employees as becomes aware of the variance, loss, shortage or theft, to send written notice of the same to the Clerk-Treasurer of the Town of Orleans, to be placed on the agenda for resolution at the next Town Council meeting. (Ord. 2016-05, Whereas, Nov. 17, 2016)

1.94.010 Notice of Misappropriation. A public officer who has knowledge of or reasonable cause to believe that there has been a misappropriation of public funds or assets of the public office shall immediately send written notice of misappropriation to the Indiana State Board of Accounts and the Orange County Prosecuting Attorney. (Ord. 2016-05, S1, Nov. 17, 2016)

1.94.020 Materiality Threshold. The materiality threshold for the Town shall be Eight Hundred Dollars (\$800.00). If the erroneous or irregular variance, loss, shortage or theft is not cash or a cash-equivalent, the value of the item at the time of the variance, loss, shortage or theft shall be used to determine whether the materiality threshold has been met.

All erroneous or irregular variances, losses, shortages or thefts of Eight Hundred Dollars (\$800.00) or more shall be reported immediately to the State Board of Accounts. (Ord. 2016-05, S2, Nov. 17, 2016)

1.94.030 Investigate all Losses. The Town shall investigate all erroneous or irregular variances, losses, shortages or thefts, regardless of whether they meet the materiality threshold established by this policy. Upon conclusion of each such investigation, the Town shall:

- (1) Implement procedures designed to prevent the recurrence of such incidents; and
- (2) Take the appropriate disciplinary action against the employee responsible for the incident. (Ord. 2016-05, S3, Nov. 17, 2016)

Chapter 1.95

NEPOTISM AND CONTRACTING WITH A UNIT BY A RELATIVE

Sections:

- 1.95.010 Adoption
- 1.95.020 Indiana Code Compliance
- 1.95.030 Effective – Nepotism Policy
- 1.95.040 Effective – Contracting with a Unit by a Relative Policy
- 1.95.050 Unit can Adopt more Detailed Requirements
- 1.95.060 A Single Member of the Legislative Body Cannot Act for the Body
- 1.95.070 A Single Member of the Governing Bodies Cannot Act for the Body
- 1.95.080 Cooperation, Implementation and Compliance
- 1.95.090 Failure to Cooperate or Implement – Nepotism Policy
- 1.95.100 Failure to Cooperate or Implement – Contracting with a Unit by a Relative Policy
- 1.95.110 Actions for Implementation
- 1.95.120 Inclusion of Indiana Code
- 1.95.130 Public Inspection

1.95.010 Adoption. The Town of Orleans finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town and in contracting with the Town in order to continue to be able to provide local government services to its residents and to comply with the news laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively. (Res. 2012-3, S1, June 21, 2012)

1.95.020 Indiana Code Compliance. On July 1, 2012 the Town of Orleans 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. (Res. 2012-3, S2, June 21, 2012)

1.95.030 Effective – Nepotism Policy. The Town of Orleans Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provision 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. (Res. 2012-3, S3, June 21, 2012)

1.95.040 Effective – Contracting with a Unit by a Relative Policy. The Town of Orleans 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. (Res. 2012-3, S4, June 21, 2012)

1.95.050 Unit can Adopt more Detailed Requirements. The Town of Orleans find 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 details are necessary. (Ord. 2012-3, S5, June 21, 2012)

1.95.060 A Single Member of the Legislative Body Cannot Act for the Body. The Town of Orleans further finds that a single member of the legislative body cannot act for the body to make work assignments, compensations, 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. (Res. 2012-3, S6, June 21, 2012)

1.95.070 A Single Member of the Governing Bodies Cannot Act for the Body. The Town of Orleans finds that single member of governing bodies with authority over employees in the Town of Orleans 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. (Res. 2012-3, S7, June 21, 2012)

1.95.080 Cooperation, Implementation and Compliance. All elected and appropriate officials and employees of the Town of Orleans are hereby directed to cooperate fully in the implementation of the policies created by this Resolution/Ordinance and demonstrating compliance with these same policies. (Res. 2012-3, S8, June 21, 2012)

1.95.090 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, if 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. (Res. 2012-3, S9, June 21, 2012)

1.95.100 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 of Orleans 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. (Res. 2012-3, S10, June 21, 2012)

1.95.110 Actions for Implementation. The policies created by this Resolution/Ordinance are hereby directed to be implemented by any of the following actions; a) posting a copy of this Resolution/Ordinance in its entirety in at least one of the locations in the Town of Orleans where it posts employer posters or other notices to its employees; b) providing a copy of this Resolution/Ordinance to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Resolution/Ordinance; or d) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon the taking of any of these actions the policies are deemed implemented by the Town of Orleans. (Res. 2012-3, S11, June 21, 2012)

1.95.120 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. (Res. 2012-3, S12, June 21, 2012)

1.95.130 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 of Orleans for public inspection as maybe required by IC 36-1-5-4. (Res. 2012-3, S13, June 21, 2012)