

**TITLE 1**

**ADMINISTRATION AND PERSONNEL**

## TITLE 1

### ADMINISTRATION AND PERSONNEL

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## Chapter 1.02

### TOWN WARDS

#### Sections:

<b>1.02.010</b>	<b>Ward number 1</b>
<b>1.02.020</b>	<b>Ward number 2</b>
<b>1.02.030</b>	<b>Ward number 3</b>
<b>1.02.040</b>	<b>Street locations</b>

**1.02.010 Ward number 1.** All that territory north of South Main and Depot Streets and west of Cherry Street, extending to the North and West Corporation lines. (Ord. unnumbered, part, July 3, 1933)

**1.02.020 Ward number 2.** All that territory east of Cherry Street and North of South Main and Depot Streets, extending to the North and East Corporation lines. (Ord. unnumbered, part, July 3, 1933)

**1.02.030 Ward number 3.** All that territory south of South Main Street and Depot Streets, extending to the East and South Corporation lines. (Ord. unnumbered, part, July 3, 1933)

**1.02.040 Street locations.** For the benefit of all legal voters and all who may be concerned, the above mentioned streets are located as follows:

South Main and Depot Street intersects Main Street between Loan Williams and D.A. Sandage's property and continues east to the Corporation line.

Cherry Street crosses South Main and Depot Streets at the south-east corner of the American Legion Community Building. Said street runs due north to the North Corporation line. Cherry Street from South Main and Depot Street is the dividing line between Ward number one and Ward number two. (Ord. unnumbered, part, July 3, 1933)

## Chapter 1.05

### LENGTH OF TERM OF TOWN COUNCIL MEMBERS AND CLERK-TREASURER; MUNICIPAL ELECTIONS

#### Sections:

- 1.05.010 Council Members and Clerk-Treasurer Term**
- 1.05.020 Successors**
- 1.05.030 Municipal Election**

**1.05.010 Council Members and Clerk-Treasurer Term.** Pursuant to I.C. 3-107-2.7 c (1) the Winslow Town Council members and the Clerk-Treasurer of Winslow, who will be elected in the Municipal Election of 2015, shall serve a term of three (3) years commencing January 1, 2016. (Ord. 2015-01, S1, Oct. 12, 2015)

**1.05.020 Successors.** Pursuant to I.C. 3-107-2.7 c (2) the successors to the Town Council members and Clerk-Treasurer elected pursuant to Section 1.05.010, shall be chosen at the second General Election following the Municipal Election of 2015, which shall be in 2018, and shall thereafter serve a term of four (4) years. (Ord. 2015-01, S2, Oct. 12, 2015)

**1.05.030 Municipal Election.** Pursuant to I.C. 3-107-2.7 c (3) the Municipal Election for Town offices conducted after 2015 shall be held during a General Election year. (Ord. 2015-01, S3, Oct. 12, 2015)

## Chapter 1.07

### MUNICIPAL PURCHASING AGENCIES; AGENTS; AND PURCHASING RULES AND POLICIES

#### Sections:

- 1.07.010 Purchasing Agency
- 1.07.020 Powers
- 1.07.030 Agents
- 1.07.040 Purchasing Rules
- 1.07.050 Purchasing Policies of the Town of Winslow, Indiana
- 1.07.060 Effective Date

**1.07.010 Purchasing Agency.** The Town Council of the Town of Winslow is hereby established or acknowledged as the purchasing agency (the "Purchasing Agency") for the Town. (Ord. 1998-3, SA, Nov. 23, 1998)

**1.07.020 Powers.** The Purchasing Agency shall have all the powers and duties authorized under IC 5-22 as amended and as supplemented, and as may be supplemented from time to time by ordinances adopted by the Winslow Town Council and rules, regulations, and policies adopted by the Purchasing Agency. (Ord. 1998-3, SB, Nov. 23, 1998)

**1.07.030 Agents.** The President of the Winslow Town Council and the Clerk-Treasurer of the Town shall be the purchasing agents of the Purchasing Agency for purchases for their own departments or operations unless and until the Purchasing Agency files a writing terminating such status with the Fiscal Officer of the Town. The Purchasing Agency may also restrict the authority of the above purchasing agents by filing a writing with the Fiscal Officer of the Town.

In addition, the Purchasing Agency may designate any employee of the Town as one of its purchasing agents by filing a writing with the Fiscal Officer of the Town. The writing shall delineate the purchasing agent's limits of authority. The designation of one as a purchasing agent may be terminated or restricted at the discretion of the Purchasing Agency. (Ord. 1998-3, SC, Nov. 23, 1998)

**1.07.040 Purchasing Rules.** The following are the required purchasing rules for the Town:

- (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's Purchasing Agency determines that:
  - A. the supplies are not manufactured in reasonably available quantities;

- B. the prices of the supplies manufactured in the United States exceed 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. 1998-3, SD(1) a-d, Nov. 23, 1998)

(2) Protection of Offers; Status of Documents as Public Records.

- A. Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
- B. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
- C. Public Records Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.
- D. Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed. (Ord. 1998-3, SD(2)a-d, Nov. 23, 1998)

(3) Discussions With Offerors Responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award. (Ord. 1998-3, SD(3), Nov. 23, 1998)

(4) Delay of Opening of Offers.

When the Town Council makes a written determination that is in the Town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening. (Ord. 1998-3, SD(4), Nov. 23, 1998)

(5) Evidence of Financial Responsibility.

- A. Purchases less than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.00.
- B. Purchases between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
- C. Purchases over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
- D. Small business set-asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase. (Ord. 1998-3, SD(5)a-d, Nov. 23, 1998)

(6) Use of RFP for Purchases of Designated Types of Supplies

If the Town determines that:

- A. it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and
- B. receiving proposals is the preferred method for purchasing the following types of supplies:

The types of supplies shall be determined by the Town Council from time to time, by promulgation of additional rules. (Ord. 1998-3, SD(6)a,b, Nov. 23, 1998)

(7) Modification and Termination of Contracts.

Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

- A. Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

- B. Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;
  - C. Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;
  - D. Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or
  - E. In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body. (Ord. 1998-3, SD(7)a-e, Nov. 23, 1998)
- (8) Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract. (Ord. 1998-3, SD(8), Nov. 23, 1998)
- (9) Unilateral Rights of Town. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance. (Ord. 1998-3, SD(9), Nov. 23, 1998)
- (10) Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered. (Ord. 1998-3, SD(10), Nov. 23, 1998)
- (11) Purchase of Services. The Town determines that each Town agency and department may purchase services except for the services of attorneys in whatever manner the purchaser determines to be reasonable. Only the head of the department of law may purchase the services of attorneys.

The purchasing agent may not require any Town agency, department or office to purchase services in any particular manner. (Ord. 1998-3, SD(11), Nov. 23, 1998)



## 1.07.050 Purchasing Policies of the Town of Winslow, Indiana.

### (1) Invitations and requests.

- A. Invitation for Bids. All notices of invitation for bids shall be published in accordance with IC 5-3-1 in the Press-Dispatch newspaper.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

- B. Request for Proposals. All notices of request for proposals shall be published in accordance with IC 5-3-1 in the Press-Dispatch newspaper.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

- C. Request for Specifications. All notices of request for specifications shall be published in accordance with IC 5-3-1 in the Press-Dispatch newspaper.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

- D. Electronic Notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission is at least as efficient as mailing the information. (Ord. 1998-3, SE(1)a-d, Nov. 23, 1998)

### (2) Receiving Offers.

- A. Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

- B. **Electronic Receipt of Offers.** The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

An electronic offer may only receive an electronic offer if:

1. the solicitation includes the procedure for the electronic transmission of the offer; and,
2. the purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

- C. **Correction and Withdrawal of Bids.** An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

- D. **Cancellation of Solicitation.** When the purchasing agent makes a written determination that it is in the Town's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation. (Ord. 1998-3, SE(2)a-d, Nov. 23, 1998)

(3) Small Purchases.

The purchasing agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes. (Ord. 1998-3, SE(3), Nov. 23, 1998)

**1.07.060 Effective Date.** This chapter shall be effective November 23, 1998. (Ord. 1998-3, SF, Nov. 23, 1998)

## Chapter 1.08

### CREDIT CARD USE

#### Sections:

1.08.010	Repeal and Replace
1.08.020	Credit Card Use
1.08.030	Credit Card User Responsibility
1.08.040	Credit Card Authorization
1.08.050	Authorized Users

**1.08.010 Repeal and Replace.** Resolution 2012-01 is hereby repealed and replaced with the following. (Res. 2020-02, S1, Feb. 10, 2020) (Res. 2012-01, Mar. 18, 2012)

**1.08.020 Credit Card Use.** Credit card use is authorized for town business only. No personal expenses are authorized nor are any uses not specifically relating to town business. (Res. 2020-02, S2, Feb. 10, 2020) (Res. 2012-01, Mar. 18, 2012)

**1.08.030 Credit Card User Responsibility.** The credit card user must take measures to assure that sales tax is not added to any purchase or charged to the town's credit card other than those allowable by the State Board of Accounts. If sales tax is billed to the town on the credit card statement, the user will be required to pay such taxes.

The credit card user is responsible for turning in the receipts of all credit card purchases to the Clerk-Treasurer upon making the purchase. Any charges that appear on the credit card statement that do not have a corresponding receipt will be paid by the credit card user. Any late fees that might be assessed to the town credit card due to untimely payment for lack of a receipt will be the responsibility of the credit card user. In the event of a lost card, report the issue immediately to the Clerk-Treasurer. (Res. 2020-02, S3, Feb. 10, 2020) (Res. 2012-01, Mar. 18, 2012)

**1.08.040 Credit Card Authorization.** Credit card purchases must be approved by the Town Council. Credit cards issued in the name of the Town of Winslow, Indiana, shall be available for use by department heads and specified town employees for payment of the following:

- (1) On-line purchases
- (2) Amounts owed to businesses with which the town does not have an account for direct billing from the vendor.
- (3) Fees associated with attending schools, conferences, seminars and the like.
- (4) Gasoline, if using a city-owned vehicle.

- (5) Travel, hotel, and meal expenses:
  - A. Credit cards may be used for overnight accommodations for the town employee in a hotel and/or motel for the night previous to training and all other nights involved in training that has been recommended or required for the town employee, when training is held 50 or more miles from the town limits.
  - B. Credit cards may be used for the meals, including a 15% gratuity, of the town employee that occur while attending training that has been recommended or required for the town employee.
  - C. Said receipts must contain detailed lists of items being purchased for proper review to see that all expenses are allowed under the credit card policy.
  
- (6) The Town shall not pay for alcoholic beverages, tobacco, and/or cannabis products as any part of credit card expenditures. (Res. 2020-02, S4, Feb. 10, 2020) (Res. 2012-01, Mar. 18, 2012)

**1.08.050 Authorized Users.** All users shall sign an acknowledgment of this policy and be provide with a copy “Exhibit A”. The purchases shall be made by the authorized department head and/or approved town employee, under the supervision of said department head. Each department head must designate, by written memo “Exhibit B”, to the Clerk-Treasurer, the town employees authorized to sign the purchase receipts. The designated employee will be authorized to sign the purchase receipts until the department head or a council directive removes said employee from the list. (Res. 2020-02, S5, Feb. 10, 2020) (Res. 2012-01, Mar. 18, 2012)

**“Exhibit A”**

**Policy Acknowledgment**

I, \_\_\_\_\_, hereby acknowledge that I have received a Town of Winslow credit card. I have been provided with and read the **Authorizing Credit Card Use policy**, and I understand that I am responsible for complying with the policy rules. I understand that violation of such policy may result in consequences including cancellation of my card or my termination.

I further acknowledge that I understand that if I make any personal purchases in violation of this policy, the amount of such purchases is an advance of future wages payable to me, that the Town may deduct that amount from my next paycheck, and that if there is a balance remaining after such deduction, the Town must deduct the balance of the wage advance from my future paychecks until the amount is repaid in full. Such deductions may take my pay below minimum wage for the workweek(s) in question. I further agree that if I make any non-personal transactions in violation of the policy in question, I am financially responsible for any such expenses and agree to reimburse the Town via wage/compensation deductions until the unauthorized amounts are fully repaid. Such deductions are in the amount of the unauthorized purchase(s), but if such amount would take my pay below minimum wage for the workweek in question, the deductions will be in two or more increments that will not take my pay below minimum wage for any workweek.

Date \_\_\_\_\_  
(DD/MM/YYYY)

**“Exhibit B”**

**TOWN OF WINSLOW AUTHORIZED CARD USERS**

By signing this document, you are ensuring that you and your designee understand, and will obey the policy and have signed the policy acknowledgment form.

Card type	Card Number	Department	Employee Signature	Supervisor Signature
Credit Card		Clerk Treasurer		
Credit Card		Town Marshall		
Credit Card		Public Works		
Fuel Card		Police Department		
Fuel Card		Public Works		
Fuel Card		Fire Department		

Date Reviewed  
Clerk-Treasurer

\_\_\_\_\_  
(DD/MM/YYYY)

\_\_\_\_\_  
Signature

Town Council President

\_\_\_\_\_  
(DD/MM/YYYY)

\_\_\_\_\_  
Signature

## Chapter 1.09

### FIXED ASSET POLICY

#### Sections

#### 1.09.010 Policy

**1.09.010 Policy.** To be considered a fixed asset an item must have a cost of \$4,000 or greater and have a life of more than 1 year. Amounts below this will be capitalized at the direction of the Winslow public officials. (Ord. 2003-1, June 23, 2003)

## Chapter 1.10

### CLERK-TREASURER ADVANCE CLAIM PAYMENTS

#### Sections:

- 1.10.010 Authority for Advanced Claim Payments**
- 1.10.020 Documentation of Claims**
- 1.10.030 Council Review of Claims**

**1.10.010 Authority for Advanced Claim Payments.** The Clerk-Treasurer and/or his/her designee shall have the authority to make claim payments in advance of approval from the Town Council for the following types of expenses:

- (1) Property or services purchased or leased from:
  - A. The United States government; or
  - B. An agency or a political subdivision of the United States government.
- (2) License fees or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connections charges.
- (5) Federal grant programs if:
  - A. Advance funding is not prohibited; and
  - B. The contracting party provides sufficient security for the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance agreements or service agreements.
- (8) Lease agreements or rental agreements.
- (9) Principal and interest-payments on bonds.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.



- (13) Postage.
- (14) Investments.
- (15) Enrollment fees for trainings, seminars, conferences, etc.
- (16) Advance deposits required for travel and lodging.
- (17) Police Fund Distribution.
- (18) Volunteer Fire Fund Distribution.
- (19) Winslow Community Center Fund Distribution.
- (20) Winslow Park and Recreation Fund Distribution.
- (21) Rental & Water Meter deposit refunds
- (22) Refundable bid plan deposits.
- (23) Return of a fee for a cancelled or overbooked activity, class, or events.
- (24) Refund of and overpayment.
- (25) Retail Resale Items.
- (26) Credit card payments.
- (27) Line of credit payments.
- (28) Payments to vendors for routine parts and supplies.
- (29) Payments for clerical and administrative supplies.
- (30) Payments for Petty Cash and to renew Petty Cash funds.
- (31) Payments for gasoline and vehicle maintenance services and supplies.
- (32) Claims to the State of Indiana for the amount of any sales tax and excise tax due to the State of Indiana on the Town's gross retail income derived from furnishing, preparing, serving and selling food and beverages pursuant to I.C. 6-9-35.
- (33) Year End Advance Claim Payments. The Clerk-Treasurer is authorized and directed to disburse money from Town funds to pay claims in advance, by December 31 of each calendar year, for expenses of the type listed in I.C. 36-

5-4-12(b), which have been submitted to and received by the town, are supported by a fully itemized invoice or bill.

(Ord. 2020-04, S1, Feb. 10, 2020)

**1.10.020 Documentation of Claims.** The Clerk-Treasurer shall ensure that each payment of expenses paid in advance shall be supported by a fully itemized invoice or bill and certification by the Clerk-Treasurer. (Ord. 2020-04, S2, Feb. 10, 2020)

**1.10.030 Council Review of Claims.** The Town Council shall review and allow the claim at the Council's next regular or special meeting following the preapproved payment of the expense. (Ord. 2020-04, S3, Feb. 10, 2020)

## Chapter 1.12

### INTERNAL CONTROL STANDARDS

#### Sections:

1.12.010	Adoption
1.12.020	Annual Financial Report Filing
1.12.030	Compliance
1.12.040	Control Environment
1.12.050	Risk Assessment
1.12.060	Control Activities
1.12.070	Information and Communication
1.12.080	Monitoring Activities

**1.12.010 Adoption.** The Town of Winslow 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. 2020-03, S1, Mar. 9, 2020)

**1.12.020 Annual Financial Report Filing.** At the time the annual financial report is electronically filed, the Clerk-Treasurer as fiscal officer of the Town of Winslow 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. 2020-03, S2, Mar. 9, 2020)

**1.12.030 Compliance.** The Town of Winslow calls upon the Clerk-Treasurer, Town of Winslow officials, employees, and agents to enforce and comply with the policy on materiality and process for reporting material items and to report noteworthy items to the State Board of Accounts. (Ord. 2020-03, S3, Mar. 9, 2020)

#### **1.12.040 Control Environment.**

- (1) The oversight body and management demonstrate a commitment to integrity and ethical values.

The Town of Winslow strives to promote and improve quality of life, enhancing a sense of community, and preserving the integrity of our small-town identity and heritage. We are committed to fostering respect, decorum, and hospitality. Town government supports initiatives that create a welcoming and affordable environment for residents, businesses and visitors alike. We strive to provide excellence through a responsible and accessible Town government. We encourage public participation and collaboration from our citizens and businesses.

Supervisors, Department Leaders, and Board Members are expected to evaluate the internal control system for weaknesses on a regular basis, providing resolutions to any weaknesses and informing employees of changes in procedure.

The Town expects individuals – whether leadership or staff – to report suspected fraud and abuse of local policies to their immediate supervisor or, when applicable, the Towns Attorney. The town provides confidentiality to those making reports of abuse or fraud.

- (2) The oversight body oversees the entity’s internal control system.

The Town Council has adopted the town’s internal control policy; in recognition that internal controls are an evolving process, the Council may amend the internal control policy when deemed necessary.

Town departments may adopt their own internal control standards and procedures tailor-made for their own departmental needs. However, any additional control standards should augment, not replace, the Town standards.

- (3) Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the political subdivision’s objectives.

The Town Council are the legislative body of the Town government. The Town Council also has direct oversight authority, which includes personnel and budget decision making authority, over all departments that are not supervised by an elected official or not governed by an appointed board.

The Town Council is the fiscal body of Town of Winslow government. As such, the Council has budgetary control over all town departments, including the establishment of salaries and staffing levels.

Department heads, including elected officials who oversees town departments, are expected to follow all town ordinances, the town personnel manual, and other policies as established by the Town Board.

- (4) Management demonstrates a commitment to attract, develop and retain competent individuals.

The Town Council is responsible for reviewing, updating, and/or amending the Winslow Town Personnel Policy manual on an as-needed basis.

All Town departments are expected to adhere to the requirements in the Town Handbook Policy manual with respect to advertising for new or vacant positions.

The Winslow Town Council and Clerk-Treasurer are expected to coordinate efforts to achieve a Town salary structure that enables the Town to retain and recruit the most competent staff possible.

- (5) Management evaluates performance and holds individuals accountable for their internal control responsibilities.

Department heads are expected to develop a formal employee evaluation system and to communicate the results of their evaluations to employees.

Department heads and Board Presidents who maintain their own financial records and shall submit annually reports to the Clerk-Treasurer. They are expected to respond in a timely manner and provide additional information as requested by the Clerk-Treasurer as part of the annual financial report. (Ord. 2020-03, Principle 1, 2, 3, 4, 5, Mar. 9, 2020)

#### **1.12.050 Risk Assessment.**

- (1) Management defines objectives clearly to enable the identification of risks and defines risk tolerances.

All Town departments are expected to recognize the role they play in the reliability of the Town's financial statements. For example, Town departments submitting supplemental reports are held accountable for the data they report for inclusion for the Annual Financial Report.

Town departments are to follow established procedures in all financial transactions, such as monthly reports of collections (receipts) and accounts payable processes (expenditures). Procedures are established by state agencies, such as the State Board of Accounts. Town departments are expected to understand that there is a substantial risk of material misstatement in the AFR due to inaccurate or incomplete financial records they maintain.

- (2) Management identifies, analyzes, and responds to risk related to achieving the defined objectives.

The Town Council has adopted the Town's internal control standards and will amend and update the standards in response to identified risks.

- (3) Management considers the potential for fraud when identifying, analyzing, and responding to risks.

Management and staff are expected to follow I.C. 5-11-1-27(i), Report of Misappropriation of Funds to the State Board of Accounts and Prosecuting

Attorney, which requires individuals to report instances of fraud or misappropriation.

Management and staff are expected to follow the Town's materiality standard, which states that any "loss, shortage, or theft of cash or other asset belonging to Winslow Town in an amount over \$500 shall be deemed 'material' for the purposes of I.C. 5-11-1-27(j) and reported to the Indiana State Board of Accounts.

- (4) Management identifies, analyzes, and responds to significant changes that could impact the internal control system.

New employees receive training on internal controls and employee policies.

The Town Hall oversees and manages the flow of information regarding personnel policies for new employees. The Clerk-Treasurer oversees and manages any internal control training deemed necessary for new employees in custody of public monies. (Ord. 2020-03, Principle 6, 7, 8, 9, Mar. 9, 2020)

#### **1.12.060 Control Activities.**

- (1) Management designs control activities to achieve objectives and respond to risks.

Department heads design control activities tailor made for the needs of their individual offices. The Town recognizes that the nature of control activities may vary greatly from one department to the next.

Department heads are encouraged to review and follow, as appropriate, the extensive list of control activities found on pages 7-14 in Section 2 "Examples of Internal Control Procedures" of the SBOA's Uniform Internal Control Standards for Indiana Political Subdivisions. The Town adopts the following state-suggested procedures in the areas of payroll, receipting, disbursements, and credit card usage.

The responsibilities for hiring, terminating, and approving promotions are segregated from those preparing payroll transactions or inputting data.

Employees' time and attendance records are approved by their supervisors.

Changes in employment status ("status changes") are reported promptly and before the next payroll processing.

Invoices or other detailed receipts are attached to each claim to support the disbursement.

All expenditures paid out of the contractual account must be supported by a Town Council approval contract or other acceptable agreement on file at the Town Hall.

Receipts indicate the type of payment received, and this is reconciled to the make-up of the bank deposit. The billing process is completed by an individual other than the one who collects cash payments from customers.

Department heads follow the Town policy with respect to use of Town issued credit cards. Department heads acknowledge that their wages may be garnished to cover the credit card payment if they do not provide acceptable documentation to validate that the credit card transaction is proper and lawful.

- (2) Management designs the political subdivision's information system and related control activities to achieve objectives and respond to risks.

Department heads consider safeguards to prevent loss of data including limiting authority to access different components of the Town's IT system to employees with duties specifically related to that component; prohibiting user ID and password sharing between employees; restricting the authority to correct or adjust records on the system to key employees or management; adherence to all IT rules and protocols.

- (3) Management implements control activities through policies.

All new employees are given the Town's personnel handbook.

The Town's internal control policy, which includes the adopted ordinance and procedures, are posted on the Town's website and paper copies are provided to all departments. (Ord. 2020-03, Principle 10, 11, 12, Mar. 9, 2020)

#### **1.12.070 Information and Communication.**

- (1) Management uses quality information to achieve the political subdivision's objectives.

Department heads and employees utilize the most updated and comprehensive informational resources to carry out their objectives.

- (2) Management internally communicates the necessary quality information to achieve the political subdivision's objectives.

Departments are encouraged to maintain internal memos and reports to document communication internally.

- (3) Management externally communicates the necessary quality information to achieve the entity's objectives.

Departments are expected to consult with relevant state and federal authorities and others for carrying out their objectives.

Departments are encouraged to document communications with outside agencies through emails, mems, letters, and other written documentations.

Departments are expected to follow state and Town public record retention rules and procedures. (Ord. 2020-03, Principle 13, 14, 15, Mar. 9, 2020)

#### **1.12.080 Monitoring Activities.**

- (1) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

Department heads are expected to periodically review their controls to determine if controls are in place and working effectively and that actual activities are in compliance with established procedures.

- (2) Management remediates identified internal control deficiencies on a timely basis.

Department heads are expected to periodically review their controls to determine if controls are in place and working effectively and that actual activities are in compliance with established procedures. (Ord. 2020-03, Principle 16, 17, Mar. 9, 2020)



## Chapter 1.18

### ORDINANCE VIOLATIONS BUREAU

#### Sections:

<b>1.18.005</b>	<b>Purpose</b>
<b>1.18.010</b>	<b>Created</b>
<b>1.18.020</b>	<b>Administrator</b>
<b>1.18.030</b>	<b>Administration pursuant to IC 33-6-3</b>
<b>1.18.040</b>	<b>Certain Ordinances subject to the Winslow Ordinance Violations Bureau</b>
<b>1.18.050</b>	<b>Effective when</b>

**1.18.005 Purpose.** The Town Council of the Town of Winslow, has determined that the payment of fines for the violation of certain ordinances of the Town of Winslow, ought to be under the jurisdiction and control of the Town of Winslow, to the extent provided by the law of the State of Indiana; and,

Indiana Code 33-6-3 provides for the creation of an Ordinance Violations Bureau by the legislative body of a municipal corporation, which Bureau shall have jurisdiction as provided therein, including the power to receive payment of fines, designated as "Civil Penalties" of not more than \$50.00 in each ordinance violation case. (Ord. 1995-3, Whereas, Oct. 23, 1995)

**1.18.010 Created.** There is hereby created an Ordinance Violations Bureau of the Town of Winslow, Indiana. (Ord. 1995-3, S1, Oct. 23, 1995)

**1.18.020 Administrator.** The Clerk-Treasurer of the Town of Winslow is hereby designated as the Violations Clerk, to be the administrator of the Winslow Ordinance Violations Bureau. (Ord. 1995-3, S2, Oct. 23, 1995)

**1.18.030 Administration pursuant to IC 33-6-3.** The Violations Clerk, as administrator of the Winslow Ordinance Violations Bureau, shall administer the Bureau pursuant to the provisions of IC 33-6-3, and as it may hereafter be amended. (Ord. 1995-3, S3, Oct. 23, 1995)

**1.18.040 Certain Ordinances subject to the Winslow Ordinance Violations Bureau.** The ordinances of the Town of Winslow, that are subject to admission of violation before the Violations Clerk of the Winslow Ordinance Violations Bureau and the amount of Civil Penalty to be assessed for such violations for persons who elect to admit a violation pursuant to this chapter, are as follows:

- (1) Violations of Ordinance No. 1995-2, being AN ORDINANCE DEFINING AND PROHIBITING NUISANCES, AND PROVIDING FOR ENFORCEMENT THEREOF (as amended by ordinance No. 1995-4) - \$50.00 per violation.

- (2) Violations of Ordinance No. 1998-4, PROHIBITING LOITERING - \$100.00 for first violation.
- (3) Violations of Ordinance No. 2000-4, ONE-WAY STREET - \$25.00 for each violation.
- (4) Such other ordinances as the Town Council of the Town of Winslow, from time to time hereafter, shall deem appropriate to be included in this schedule, by ordinance, adding to this schedule. (Ord. 2000-4, SIII, SIV, Aug. 28, 2000) (Ord. 1998-4, Nov. 23, 1998) (Ord. 1995-3, S4, Oct. 23, 1995)

**1.18.050 Effective when.** This chapter shall be in full force and effect, from and after its publication, as provided by law. Duly passed and adopted by the Town Council of the Town of Winslow, Indiana, on the 23<sup>rd</sup> day of October, 1995. (Ord. 1995-3, S5, Oct. 23, 1995)

## Chapter 1.34

### DEPARTMENT OF PARKS AND RECREATION

#### Sections:

1.34.010	Created
1.34.020	Members
1.34.030	Terms
1.34.040	Officers
1.34.050	Powers
1.34.060	Annual budget
1.34.070	Repeal of conflicting ordinances
1.34.080	Effective when

**1.34.010 Created.** Under the provisions of IC 36-10-3 there is hereby created a municipal Department of Parks and Recreation. (Ord. 1997-1, SI, Mar. 10, 1997) (Ord. unnumbered, part, Sept. 18, 1939)

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

- (1) Four members appointed by the executive on the basis of their interest in and knowledge of parks and recreation. No more than two members shall be of the same political party.
- (2) An ex officio member shall be:  
  
A member of the governing body of the Pike County School Corporation, to be selected by that body.
- (3) An ex officio member shall be a member of the governing body of the Library District, to be selected by that body. (Ord. 2000-2, SII, June 26, 2000) (Ord. 1997-1, SII, Mar. 10, 1997)

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

- (1) One member for a term of 1 year
- (2) One member for a term of 2 years
- (3) One member for a term of 3 years
- (4) One member for a term of 4 years
- (5) An ex officio member for a term determined by the School Corporation

- (6) An ex officio member for a term determined by the Pike County Library Board.

The following applies to the first four members, and not to the ex officio member. As a term expires, each new appointment shall be made by the Town Board President for a term of four years. All terms expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. If an appointment for a new term is not made by the executive by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the executive shall appoint a new member for the remainder of the unexpired term. (Ord. 2000-2, SIII, June 26, 2000) (Ord. 1997-1, SIII, Mar. 10, 1997)

**1.34.040 Officers.** At the first regular meeting in each year, the Board shall elect a President and Vice-President. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President. The Board may select a Secretary from within or without its own membership. (Ord. 1997-1, SIV, Mar. 10, 1997) (Ord. unnumbered, part, Sept. 18, 1939)

**1.34.050 Powers.** The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in IC 36-10-3 et seq. (Ord. 1997-1, SV, Mar. 10, 1997)

**1.34.060 Annual budget.** The Board shall prepare and submit an annual budget in the same manner as other departments of Town government as prescribed by the State Board of Accounts. The Board may accept gifts, donations and subsidies for park and recreation purposes. (Ord. 1997-1, SVI, Mar. 10, 1997)

**1.34.070 Repeal of conflicting ordinances.** All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this chapter are hereby repealed. (Ord. 1997-1, SVII, Mar. 10, 1997)

**1.34.080 Effective when.** This chapter shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana. (Ord. 1997-1, SVIII, Mar. 10, 1997)

## Chapter 1.45

### AMERICANS WITH DISABILITIES ACT (ADA)

#### Sections:

1.45.010	Purpose
1.45.020	Notice under the Americans with Disabilities Act (ADA)
1.45.030	Auxiliary Aid
1.45.040	Grievance Procedure
1.45.050	Appeal

**1.45.010 Purpose.** The Town of Winslow receives Federal funds for many uses and projects; and

The receipt of such funds requires compliance with Federal laws and policies; and

It is the wish of the U.S. Equal Employment Opportunity Commission that Municipal entities such as Town of Winslow formally enact and adopt policies and procedures demonstrating compliance with the Americans with Disabilities Act (ADA); and

The Town of Winslow, by its wishes to formally adopt and implement the following policy and procedure for the benefit of all Town of Winslow Citizens. (Res. 2018-05, Whereas, Sept. 24, 2018)

**1.45.020 Notice under the Americans with Disabilities Act (ADA).** The Town of Winslow adopts the 2010 Americans with Disabilities Act Standards for Accessible Design and the 2005 Guidelines for Accessible Public Rights. In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (“ADA”), the Town of Winslow, Indiana will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The Town of Winslow, Indiana does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** The Town of Winslow, Indiana will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Winslow’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Town of Winslow will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Winslow office, even where pets are generally prohibited. (Res. 2018-05, Sept. 24, 2018)

**1.45.030 Auxiliary Aid.** Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Winslow should contact Stacy Worthington at the office of Town of Winslow, 812-789-2207, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Winslow to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Winslow is not accessible to persons with disabilities should be directed to Stacy Worthington at the office of Town of Winslow, 812-789-2207. The Town of Winslow will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs. (Res. 2018-05, Sept. 24, 2018)

**1.45.040 Grievance Procedure.** This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Winslow. The Town of Winslow’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town of Winslow Human Relations-City Hall  
301 N Main Street/PO Box 69  
Winslow, IN 47598

Within 15 calendar days after receipt of the complaint, the Executive Director or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Executive Director or [his/her] designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Winslow and offer options for substantive resolution of the complaint. (Res. 2018-05, Sept. 24, 2018)

**1.45.050 Appeal.** If the response by the Executive Director or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the

decision within 15 calendar days after receipt of the response to Stacy Worthington, Council, or [his/her] designee.

Within 15 calendar days after receipt of the appeal, Stacy Worthington, Council, or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions.

Within 15 calendar days after the meeting, Stacy Worthington, Council, or [his/her] designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Executive Director or his/her designee, appeals to Stacy Worthington, Council, or [his/her] designee, and responses from these two offices will be retained by the Town of Winslow for at least three years. (Res. 2018-05, Sept. 24, 2018)

## Chapter 1.46

### FAIR HOUSING ORDINANCE

#### Sections:

1.46.010	Policy statement
1.46.020	Definitions
1.46.030	Unlawful practice
1.46.040	Discrimination in the sale or rental of housing
1.46.050	Discrimination in residential real estate-related transactions
1.46.060	Discrimination in the provision of brokerage services
1.46.070	Interference, coercion, or intimidation
1.46.080	Prevention of intimidation in Fair Housing cases
1.46.085	Equal Access to Housing in HUD Programs
1.46.090	Exemptions
1.46.100	Administrative enforcement of Ordinance
1.46.120	Separability of provisions

**1.46.010 Policy statement.** It shall be the policy of the Town of Winslow 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. 4-1993, S1, Oct. 18, 1993)

**1.46.020 Definitions.** The definitions set forth in this Section shall apply throughout this Chapter:

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



- (5) “Discriminatory Housing Practice” means an act that is unlawful under Sections 1.46.040, 1.46.050, 1.46.060, 1.46.070 or 1.46.080 of this Chapter or I.C. 22-9.5-5.
- (6) “Handicap” means, with respect to a person:
- A. A physical or mental impairment which substantially limits one or more of such person's major life activities,
  - B. A record of having such an impairment, or
  - C. Being regarded as having such an impairment,
  - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
  - E. Any other impairment defined under I.C. 22-9.5-2-10.

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

- (7) “Aggrieved person” includes any person who (I.C. 22-9.5-2-2):
- A. Claims to have been injured by a discriminatory housing practice; or
  - B. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

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

- (9) “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- (10) “Complainant” (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 4-1993, S2, Oct. 18, 1993)

**1.46.030 Unlawful practice.** Subject to the provisions of subsection (2) of this section, Section 1.46.090 of this Chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.46.040 of this Chapter shall apply to:

- (1) All dwelling except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in Section 1.46.040 shall apply to:
  - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
    1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
    2. Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.46.040(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
  - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (3) For the purposes of Subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

- A. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
- B. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- C. He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 4-1993, S3, Oct. 18, 1993)

**1.46.040 Discrimination in the sale or rental of housing.** As made applicable by Section 1.46.030 and except as exempted by Sections 1.46.030(2) and 1.46.090, it shall be unlawful:

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

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

(c) All premises within such dwellings contain the following features of adaptive design:

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

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

E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 4-1993, S4, Oct. 18, 1993)

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

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

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

A. The making or purchasing of loans or providing other financial assistance:

- 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling, or
- 2. Secured by residential real estate.

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

Nothing in this chapter 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. 4-1993, S5, Oct. 18, 1993)

**1.46.060 Discrimination in the provision of brokerage services.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 4-1993, S6, Oct. 18, 1993)

**1.46.070 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 1.46.030, 1.46.040, 1.46.050, or 1.46.060 of this chapter. (Ord. 4-1993, S7, Oct. 18, 1993)

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

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - A. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (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 penalized as provided by federal and Indiana Statutes. (Ord. 2002-07, May 13, 2002) (Ord. 02-03, S2, Feb. 11, 2002) (Ord. 4-1993, S8, Oct. 18, 1993)

**1.46.085 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 actual or perceived sexual orientation, gender identity, or marital status of its members. (Ord. 2016-04, S9, Sept. 12, 2016)

**1.46.090 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 Chapter to include those activities or organizations set forth under subsections (2) and (3) of this section.
- (2) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (3)
  - A. Nothing in this chapter regarding familial status shall apply with respect to housing or older persons.
  - B. As used in this section, “housing for older persons” means housing:
    1. Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
    2. Intended for, and solely occupied by, persons 62 years of age or older; or

3. Intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 4-1993, S9, Oct. 18, 1993)

**1.46.100 Administrative enforcement of Ordinance.**

- (1) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Chief Elected Official of the Town of Winslow, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Winslow, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Chapter, herein elects to refer all formal complaints of violation of the articles of this Chapter by complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Winslow, 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 Winslow, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Chapter and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
- (4) The Chief Elected Official of the Town of Winslow, Indiana, or the Chief Elected Official’s designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 4-1993, S10, Oct. 18, 1993)

**1.46.120 Separability of provisions.** If any provision of this Chapter 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. 4-1993, S12, Oct. 18, 1993)



## Chapter 1.47

### NEPOTISM POLICY

#### Sections:

1.47.010	<b>Purpose</b>
1.47.020	<b>Definitions and Regulations Established</b>
1.47.030	<b>Nepotism Policy</b>

**1.47.010 Purpose.** Pursuant to Indiana House Enrolled Act No. 1005, effective July 1, 2012, all units of local government must implement and adopt a nepotism policy consistent with the provisions of I.C.36-1-20.2, et seq. and I.C. 36-1-21, et seq.

The Indiana Department of Local Government Finance will not approve a local governmental unit's annual budget or any additional appropriations for the ensuing calendar year if such nepotism policy is not implemented by the local environmental unit and the Town Council President submits a statement verifying such policy implementation. (Ord. 2012-05, Whereas, June 25, 2012)

**1.47.020 Definitions and Regulations Established.** The following definitions and regulations are hereby established relative to the requirements to implement a Nepotism Policy. (Ord. 2012-05, S1, June 25, 2012)

#### **1.47.030 Nepotism Policy.**

- (1) Purpose. Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the Town of Winslow in a position in which a relative, as defined in this Section, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the Town of Winslow for goods, services and public works projects.
- (2) Definitions.
  - A. "Break in Employment." Termination, retirement, or resignation of an employee from the Town. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the City without loss of payroll time.

- B. "Town." The Town of Winslow and its boards and departments.
- C. "Direct Line of Supervision." An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Council President or Town Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.
- D. "Elected Official." The Town Council President, Clerk-Treasurer, and members of the Town of Winslow Council.
- E. "Employed." An individual who works for or is appointed to any department or board of the Town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.
- F. "Member of the Fire Department." The fire chief (**if a paid, appointed position**) and any volunteer fireman **appointed** to the Town of Winslow Volunteer Fire Department.
- G. "Member of the Police Department." The police chief and any police officer appointed to the Town of Winslow.
- H. "Relative." For the purposes of this Section, the term includes any of the following:
  - 1. Spouse;
  - 2. Parent or step-parent;
  - 3. Child or step-child (includes an adopted child);
  - 4. Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
  - 5. Niece or nephew;
  - 6. Aunt or uncle;
  - 7. Daughter-in-law or son-in-law; and
  - 8. Sister-in-law or brother-in-law.

- (3) Employment Policy.
- A. Individuals who are relatives, as defined in subsection 2 above, of existing employees may not be employed by the Town in a position that results in one (1) relative being in the direct line of supervision of the other relative.
  - B. An individual who is employed by the Town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined herein, with the Town.
  - C. If an individual is employed by the Town and the individual's relative begins serving a term of elected office, the individual may continue his/her employment with the Town and retain his/her position of rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.
  - D. While an individual who is employed by the Town and the individual's relative begins serving a term of elected office may continue his/her employment with the Town, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.
- (4) Contracting Policy. The Town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:
- A. The elected official files with the Town a full disclosure which must be:
    - 1. In writing; and
    - 2. Describe the contract or purchase to be made by the Town; and
    - 3. Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services or public works projects.
  - B. The appropriate Town board or department:
    - 1. Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or
    - 2. Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.

- C. City satisfies all other requirements of Indiana's public purchasing (I.C. 5-22) or public works projects (I.C. 36-1-12) statutes.
  - D. The elected official complies with disclosure provisions of I.C. 35-44-1-3.
- (5) Submission of Compliance Statements. In addition to any other disclosures or certifications required by this Section, the following actions must be taken:
- A. The annual report filed by the Clerk-Treasurer with the State Board of Accounts under I.C. 5-11-13-1 must include a Town Council President's statement that the Town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.
  - B. Prior to December 31<sup>st</sup> of each year, each elected officer shall submit to the Town Council President a certification in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the Town's nepotism policy with regard to employment matters and the contracting for procurement of goods and services.

All existing employment policies, employee handbooks, and all ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed. (Ord. 2012-05, S1, June 25, 2012)

## Chapter 1.50

### SMOKE-FREE ENVIRONMENT

#### Sections:

<b>1.50.010</b>	<b>Smoking defined</b>
<b>1.50.020</b>	<b>Smoking prohibited where</b>
<b>1.50.030</b>	<b>Signs</b>
<b>1.50.040</b>	<b>Enforcement</b>
<b>1.50.050</b>	<b>Effective when</b>

**1.50.010 Smoking defined.** "Smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment. (Res. 1997-1, S1, Oct. 27, 1997)

**1.50.020 Smoking prohibited where.** Smoking is hereby prohibited in any area in the Winslow Town Hall, Winslow Community Center, and the Winslow Water Plant. (Res. 1997-1, S2, Oct. 27, 1997)

**1.50.030 Signs.** Signs shall be placed in conspicuous places in the Winslow Town Hall, Winslow Community Center, and the Winslow Water Plant, stating "Smoking is Prohibited by State Law and Town Ordinance in Any Area In This Building." (Res. 1997-1, S3, Oct. 27, 1997)

**1.50.040 Enforcement.** Pursuant to Indiana Code 16-41-37-6, the official in charge of the building shall request any person in violation of the smoking ban to refrain from smoking, and shall remove from the building any violator who does not refrain from smoking after being requested to do so. (Res. 1997-1, S4, Oct. 27, 1997)

**1.50.050 Effective when.** This ban on smoking is effective the date of this resolution. Duly passed and adopted by the Town Council of the Town of Winslow, Indiana, on the 27<sup>th</sup> day of October, 1997. (Res. 1997-1, S5, Oct. 27, 1997)

## Chapter 1.52

### ALCOHOL AND SUBSTANCE ABUSE POLICY

#### Sections:

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

**1.52.010 Coverage.** This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

**1.52.020 Policy.** All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

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

- (1) Amphetamine/Methamphetamine (e.g. Speed)
- (2) Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)
- (3) Barbiturates (e.g. Amobarbital, Butabarbital, Pentobarbital, Phenobarbital)
- (4) Cocaine
- (5) Methadone
- (6) Methaqualone (e.g. Quaalude)
- (7) Opiates (e.g. Codeine, Heroin, Morphine)
- (8) Phencyclidine (PCP)

- (9) TDC (Marijuana and other cannabanoids)
- (10) Alcohol
- (11) Lysergic Acid Diethylamide (LSD)

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

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

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

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

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

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

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

Given the importance of maintaining a work environment without the presence of alcohol and drugs and the opportunities that employees have to address substance dependencies through treatment and counseling programs offered through various treatment facilities

throughout the area of Pike County, Indiana and the area within 60 miles of the Town, substance abuse which adversely effects job performance will not be tolerated. This applies to on duty employees as well as employees who are on call. Employees whose on or off duty use of substances impacts job performance will be appropriately disciplined including but not limited to the sanction of termination from employment with the Town.

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

- (1) An employee must not report to work or be subject to duty while its ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;
- (2) An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- (3) An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on its breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- (4) An employee shall not directly or through a third-party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;
- (5) An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;
- (6) An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;
- (7) An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
- (8) An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statue for a violation occurring in the employee's work place, not later than five (5) days after such conviction. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)



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

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

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

Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's first line supervisor and/or department head. The employee to be tested shall sign a consent form to permit such screening and shall provide appropriate bodily fluids for such screening. The screening for substances will be made on a sample provided at the clinic. The procedures for such sample collection and testing will be made based upon the medically accepted procedure developed by the chosen medical facility and in order to ensure results of tests no less than a highly sensitive

methodology shall be utilized. Such testing shall be based on medically acceptable testing procedures and shall include by not necessarily be limited primarily to tests utilizing enzyme amino acid techniques followed up by more specific confirmation testing such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the Courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home. In addition, for alcoholic beverage testing, the facilities at the Pike County Police Department or the Indiana State Police and the use of that Department's breath test instrument shall be a sufficient determination for blood alcohol content provided statutorily approved procedures are followed.

At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employees name.

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

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

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

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

- (2) Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

**1.52.060 Consequences of sale, distribution or use of illegal substances.** The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

**1.52.070 Use of medication and prescription drugs.** All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employee indicates that there is need to use the prescription drug for an extended period of time. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

**1.52.080 Confidentiality.** The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

**1.52.090 Severability.** The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Res. 10-28-96, Alcohol and Substance Abuse Policy, Oct. 28, 1996)

Chapter 1.55

ACCESS TO PUBLIC RECORDS

Sections:

1.55.010 Schedule of charges and fees

1.55.010 Schedule of charges and fees.

- (1) Photocopying charges.
  - A. 25 cents per page for black and white copies
  - B. 50 cents per page for color copies.
  - C. In the event the cost to the Town of producing a copy exceeds the amount set forth in (A) and (B), then the Town shall charge a fee equal to the Town's actual cost. As used in this section Town's actual cost shall be computed as the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. This cost shall be determined by the Clerk-Treasurer.
  
- (2) Facsimile Transmission charges.
  - A. Per page 8 1/2" x 11" local receiving number..... 25 cents
  - B. Per page 8 1/2" x 14" local receiving number..... 25 cents
  - C. Per page any size long distance..... \$1.00
  
- (3) Certifications or acknowledge of official records
  - A. For each public document..... \$1.00
  - B. For each document not official public business..... \$2.00
  
- (4) Planning booklets, standards and other documents not listed above shall be as determined by the Clerk-Treasurer consistent with the Indiana Code and town policy as defined in the subchapter. (Ord. 2016-01, S1, Jan. 25, 2016) (Ord. 2013-01, S1, Mar. 11, 2013)

## Chapter 1.60

### LOIT PUBLIC SAFETY FUND

#### Sections:

- 1.60.010**      **Established**
- 1.60.020**      **Appropriation Process**
- 1.60.030**      **Appropriations for public safety**

**1.60.010 Established.** The LOIT Public Safety Fund for the Town of Winslow, is hereby established under I.C. 6-3.5-1.1-25. (Ord. 2016-03, S1, Feb. 28, 2016)

**1.60.020 Appropriation Process.** The LOIT Public Safety Fund is subject to the same appropriation process as all other funds receiving tax money. (Ord. 2016-03, S2, Feb. 28, 2016)

**1.60.030 Appropriations for public safety.** The Common Council shall make appropriations in accordance with the intent of the fund for the purposes of public safety as defined in I.C. 6-3.5-1.1-25. (Ord. 2016-03, S3, Feb. 28, 2016)

## Chapter 1.62

### MOTOR VEHICLE HIGHWAY-RESTRICTED (201 & 203)

#### Sections:

- 1.62.010 “Motor Vehicle Highway Fund” unallocated (201) be renamed “Motor Vehicle Highway Fund” – (201)
- 1.62.020 Sub-fund “Motor Vehicle Highway Fund” – Restricted (203) created

#### 1.62.010 “Motor Vehicle Highway Fund” unallocated (201) be renamed “Motor Vehicle Highway Fund” – (201).

- (1) The fund will receive fifty percent (50%) of all State of Indiana Motor Vehicle Highway distributions received after January 1, 2019.
- (2) The fund will retain any cash balance, including investment and interest, as of January 1, 2019.
- (3) The fund will receive all miscellaneous revenues related to either Motor Vehicle Highway Restricted Fund.
- (4) The fund will be used for any legal expenditure of motor vehicle highway dollars.
- (5) The “Motor Vehicle Highway Fund” Balance as of December 31, 2018 fifty percent (50%) of all Balance shall Transfer to “Motor Vehicle Highway Fund” – (201). (Ord. 2019-001, S1, July 8, 2019)

#### 1.62.020 Sub-fund “Motor Vehicle Highway Fund” – Restricted (203) created.

- (1) The Restricted fund will receive fifty percent (50%) of all State of Indiana Motor Vehicle Highway distractions after January 1, 2019.
- (2) The Restricted fund will be used solely for construction, reconstruction, and preservation of highways as defined in I.C. 8-14-1-4(4), 8-14-1-1(5), and 8-14-1-1(7).
- (3) The “Motor Vehicle Highway Fund” Balance as of December 31, 2018 fifty percent (50%) of all Balance shall Transfer to “Motor Vehicle Highway Fund” – Restricted (203) (“Restricted”) (203). (Ord. 2019-001, S2, July 8, 2019)

## Chapter 1.70

### LABOR AND EQUIPMENT RATES

#### Sections:

- 1.70.010 Labor and Equipment**
- 1.70.020 Additional Charges**

**1.70.010 Labor and Equipment.** A minimum fee of \$300.00 for labor and equipment shall be charged for any work done by the Town to bring compliance with a violated ordinance.

A 3% administrative fee will be charged in addition to the hourly rate, for leased equipment necessary to abate the nuisance.

- (1) Labor Rates: \$ 35.00/per hour
- (2) Equipment Rates:
  - Chain saw \$ 20.00/per hour
  - Fire Truck \$ 100.00/per hour
  - Tractor \$ 40.00/per hour
  - Push mower/Trimmer (weed eater) \$ 20.00/per hour
  - Lawn mower (riding) \$ 30.00/per hour
  - Mower (bush hog) \$ 40.00/per hour
  - Back hoe \$ 75.00/per hour
  - Truck (pickup) \$ 30.00/per hour
  - Truck (1-ton flatbed dump bed) \$ 50.00/per hour
  - Truck (2-ton dump bed) \$ 75.00/per hour

(Res. 2018-01, S1, Sept. 10, 2018) (Res. 2005-02, missing)

#### **1.70.020 Additional Charges.**

- A. An Administrative Fee (for Certified Mailings, Publication costs, copies, title verification, etc.) of \$75.00 shall be charged for every ordinance violation correction.

- B. Landfill charges shall be levied at the same rate as the Town is charged for depositing the material in a landfill (Plus \$0.36 per miles used on Equipment and Equipment Rate fees and Labor Rates.)
- C. Any Town equipment which becomes broken or damaged through normal use during the abatement process will be charge to the project at the actual repair or replacement cost of the equipment.
- D. ANY Weed Killer used as a cost to \$25.00 per gallon

Hazardous material contractor fee will be forwarded. (Res. 2018-01, S1, Sept. 10, 2018) (Res. 2005-02, missing)