

### **TITLE III: ADMINISTRATION**

#### **Chapter**

- 30. TOWN COUNCIL**
- 31. TOWN OFFICIALS**
- 32. DEPARTMENTS, BOARDS, AND COMMISSIONS**
- 33. ELECTIONS**
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## **CHAPTER 30: TOWN COUNCIL**

### **Section**

#### ***General Provisions***

- 30.01 Establishment; President
- 30.02 Number of members; election procedure
- 30.03 Control of utilities

#### ***Meetings***

- 30.15 Regular meetings; when held
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#### ***Statutory Reference:***

*Town legislative body, see IC 36-5-2-1 et seq.*

## **GENERAL PROVISIONS**

### **§ 30.01 ESTABLISHMENT; PRESIDENT.**

The town shall be governed by a Town Council with the town executive being the President of the Town Council and shall have all duties and responsibilities pursuant to IC 36-5-2-1 et seq.

### **§ 30.02 NUMBER OF MEMBERS; ELECTION PROCEDURE.**

The members of the Town Council of the town shall be three in number and shall be elected by the voters at large. The Town Council will all be a candidate at large.

#### ***Statutory reference:***

*Election of members of Town Council, see IC 36-5-2-5*

### **§ 30.03 CONTROL OF UTILITIES.**

(A) All municipally owned utilities of the town, including but not limited to the water and sanitary sewage utilities, shall be controlled by the Town Council, pursuant to IC 8-1.5-3-3.

(B) The Council shall have the powers provided under IC 8-1.5-3-4 and shall proceed as provided by the provisions of IC 8-1.5-3 at all relevant times. The Council shall have the general supervisory

powers over all the utilities with the responsibility for the detailed supervision of each utility to be vested in its Superintendent.

(C) In the event the provisions of IC 8-1.5-3 are amended or repealed from time to time hereafter, the successor or amendatory provisions thereof shall be applicable to and govern the Council in the control and operation of the municipally owned utilities.

(Ord. 1986-11, passed 12-15-86)

***Cross-references:***

*Sewers, see Ch. 50*

*Water, see Ch. 51*

## ***MEETINGS***

### **§ 30.15 REGULAR MEETINGS; WHEN HELD.**

The Town Council shall meet monthly. The meetings shall be held on the second and fourth Wednesday of every month.

### **§ 30.16 SPECIAL MEETINGS.**

A special meeting shall be called pursuant to state statute and the State Open Door Law, IC 5-14-1.5-1 et seq.

### **§ 30.17 STATE OPEN DOOR LAW APPLICABLE.**

All meetings shall be conducted pursuant to the applicable state statutes, specifically the State Open Door Law, IC 5-14-1.5-1 et seq.

## **CHAPTER 31: TOWN OFFICIALS**

### **Section**

- 31.01 Clerk-Treasurer
- 31.02 Town Attorney
- 31.03 Town Marshal

### **§ 31.01 CLERK-TREASURER.**

The Clerk-Treasurer and the Clerk-Treasurer's office of the town shall be administered pursuant to IC 36-5-6-1 et seq. The Clerk-Treasurer shall have all powers and duties assigned and authorized pursuant to the state statutes above described and others that may apply due to financial responsibility of that officer.

### **§ 31.02 TOWN ATTORNEY.**

The town shall employ a Town Attorney. The Attorney shall exercise the power and perform the duties assigned to the Attorney by state law, by town ordinance, or by the Town Council.

### **§ 31.03 TOWN MARSHAL.**

(A) The town shall have as its chief police officer of the town, a Town Marshal pursuant to IC 36-5-7-1 et seq. and the Marshal shall have all the powers and authority delegated pursuant to IC 36-5-7-1 et seq.

(B) Deputy marshals and special deputies may be appointed pursuant to IC 36-5-7-6.



## **CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS**

### **Section**

- 32.01 Board of Zoning Appeals
- 32.02 Cemetery Board of Trustees
- 32.03 Department of Parks and Recreation
- 32.04 Planning Commission

### **§ 32.01 BOARD OF ZONING APPEALS.**

For provisions concerning the Board of Zoning Appeals, see the Appendix, §§ 10.53 through 10.56.

### **§ 32.02 CEMETERY BOARD OF TRUSTEES.**

For provisions concerning the Cemetery Board of Trustees see §§ 93.10 through 93.13.

### **§ 32.03 DEPARTMENT OF PARKS AND RECREATION.**

For provisions concerning the Department of Parks and Recreation see §§ 98.15 through 98.20.

### **§ 32.04 PLANNING COMMISSION.**

For provisions concerning the Planning Commission see the Appendix, Chapter 11.





## **CHAPTER 33: ELECTIONS**

### **Section**

**33.01 Town elections to be conducted pursuant to state law**

### **§ 33.01 TOWN ELECTIONS TO BE CONDUCTED PURSUANT TO STATE LAW.**

**All town elections shall be conducted pursuant to IC 3-10-6-1 et seq.**



## **CHAPTER 34: EMPLOYMENT POLICIES**

### **Section**

#### ***General Provisions***

- 34.01 State law relating to labor relations

#### ***Old Age and Survivors' Insurance***

- 34.10 Election of coverage  
34.11 What positions are to be covered  
34.12 Agreement between state and federal government incorporated by reference

### **GENERAL PROVISIONS**

#### **§ 34.01 STATE LAW RELATING TO LABOR RELATIONS.**

All employees of the town shall be governed by applicable state statutes relating to labor relations and employees of municipal bodies including, if applicable, negotiated contracts with union representatives for town employees. In the event a contract is executed between the town and any union representative for and on behalf of union employees of the town, the contract is to be included and considered part of this town municipal code. The contract will designate compensation and all benefits and work rules relating to the employees of the Town Council unless the contract violates state law as designated by the legislature of the state. In that event, the conflict shall be resolved by state law controlling.

#### **OLD AGE AND SURVIVORS' INSURANCE**

#### **§ 34.10 ELECTION OF COVERAGE.**

The Town Council hereby elects coverage under the Old Age and Survivors' Insurance, as provided by IC 5-10-2-1 et seq.

***Editor's note:***

*IC 5-10-2-1 et seq. is repealed. For current state law provisions, see IC 5-10.1. The code user should consult town administrators to ascertain current applicable provisions in this subchapter.*

#### **§ 34.11 WHAT POSITIONS ARE TO BE COVERED.**

The following positions are designated as those which are to be covered by the insurance referred to in § 34.10: all positions not covered by an existing retirement or pension plan, except the elected legislative officials.

**§ 34.12 AGREEMENT BETWEEN STATE AND FEDERAL GOVERNMENT INCORPORATED BY REFERENCE.**

For the purpose of carrying out the provisions of Title II, Sec. 218 of the Federal Social Security Acts and amendments thereof, the agreement entered into between the state agency with the approval of the Governor and the Social Security Administrator is made a part of this subchapter and shall be termed an agreement between this political subdivision and the state agency. Further, it shall become a part of the agreement or modification of the agreement between the state and the Social Security Administrator.

## **CHAPTER 35: BUDGET; OTHER ADMINISTRATIVE POLICIES**

### **Section**

- 35.01 Budgets and administration
- 35.02 Membership of town in certain organizations
- 35.03 Use of town vehicles
- 35.04 Utilities making loans from cash reserve fund

### **§ 35.01 BUDGETS AND ADMINISTRATION.**

All budgets prepared and administration of business conducted by the town shall be conducted in accordance with IC 36-5-3-1 et seq. for budgets and IC 36-5-4-1 et seq. for administration.

### **§ 35.02 MEMBERSHIP OF TOWN IN CERTAIN ORGANIZATIONS.**

(A) The town may maintain membership in certain organizations, to be identified by subsequent amendments.

(B) The Clerk-Treasurer of the town is authorized to pay the dues and membership fees as may be required by those organizations.

### **§ 35.03 USE OF TOWN VEHICLES.**

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **POLICE VEHICLES.** All clearly marked police cars and unmarked cars used exclusively by police personnel.

(2) **TOWN UTILITY REPAIR VEHICLES.**

(B) The Town Marshal or the Marshal's designee shall assign the town's police cars to certain officers as take home vehicles.

(C) Police cars assigned as take home vehicles shall not be used by police officers for personal use (except as may occur incidentally in commuting to and from their place of employment).

(D) The town may assign the town's utility repair vehicles to town personnel as take home vehicles.

(E) Town utility repair vehicles assigned as take home vehicles shall be clearly marked and shall not be used by town personnel for personal use (except as may occur incidentally in commuting to and from their place of employment).

Penalty, see § 10.99

**§ 38.04 UTILITIES MAKING LOANS FROM CASH RESERVE FUND.**

Any utility owned by the town may make loans to any other utility upon the terms and conditions as the Town Council may determine at the time of the loan, consistent with IC 8-1.5-3-11 and any amendment or additions thereto.