

1983

1983 ORDINANCES & RESOLUTIONS

ORDINANCE DATE

NUMBER PASSED DESCRIPTION

372	3/14/1983	SEWER SUPERINTENDENT SALARY
373	3/28/1983	SMOKE DETECTORS IN PUBLIC HOUSING
374	5/23/1983	ZONING ORDINANCE
375	7/27/1983	REZONING ORDINANCE
376	7/25/1983	AMENDMENT TO ORD# 107 GARBAGE CHARGE
377	7/11/1983	WATER RATE CHANGE
379	7/25/1983	ISSUE WASTEWATER BONDS
380	8/22/1983	FUND APPROPRIATIONS
381	12/7/1983	AMENDMENT TO WATERWORKS BONDS

RESOLUTION DATE

NUMBER PASSED DESCRIPTION

83-R-45	4/25/1983	AUTHORIZATION FINANCIAL AID FOR SEWER PLANT CONSTRUCTION
83-R-47	5/23/1983	AUTHORIZAION FOR TOS TO RECEIVE BONDS
83-R-48	7/6/1983	EXTENSION OF WATER/SEWER LINES FOR ZINA CORPORATION
83-R-49	7/11/1983	MANAGEMENT OF SUPERVISION FOR LINES FOR ZINA CORPORATION
83-R-50	7/19/1983	APPROVAL OF RENTING SPACE FOR HOUSING AUTHORITY
83-R-52	7/25/1983	APPROVAL FOR ZINA CORP TO LOCATE ON BEAN RD
83-R-53	9/21/1983	PROPERTY TAX LEVY
83-R-54	10/29/1983	AMENDMENT TO SECTION 8 LIMITS
83-R-55	11/10/1983	WATER RATE RAISE INCREASE HEARING
83-R-56	11/28/1983	PENSION FUND PROTECTION
83-R-57	12/30/1983	TRANSFER OF APPROPRIATIONS

AN ORDINANCE FIXING THE SALARY OF THE SEWAGE DEPARTMENT SUPERINTENDENT OF THE TOWN OF SELLERSBURG, INDIANA

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA:

Section 1. That on and after March 10, 1983, the salary of the Sewage Department Superintendent with a Wastewater Treatment Operator Certification of the Town of Sellersburg, Clark County, Indiana shall be as follows:

Sewage Department Superintendent \$ 433.13 per week

Passed and adopted at the regular meeting of the Board of Trustees of the Town of Sellersburg, Clark County, Indiana, on the 14th day of March, 1983.

TOWN BOARD OF TRUSTEES:

Carl E. Kamer
CARL E. KAMER, PRESIDENT

William R. Collier
WILLIAM R. COLLIER, MEMBER

Nancy Wilkerson
NANCY WILKERSON, MEMBER

ATTEST:

Anna L. Mc Cartney
ANNA L. MC CARTNEY
CLERK-TREASURER

AN ORDINANCE REQUIRING SMOKE
DETECTORS IN RENTAL HOUSING.

BE IT ORDAINED by the Board of Trustees of the Town of
Sellersburg, Indiana:

SECTION I

DEFINITIONS:

1. DWELLING UNITS, shall mean any group of rooms located within a building and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking or eating.
2. DWELLINGS, shall mean any building which contains one or more dwelling units or any rooming units, rooms or areas designated or used for sleeping purposed either as a primary use or use on casual occasions. Dwelling shall include cooming houses, hotels, motels, tourist homes, school dormitories, and apartment buildings.
3. OWNERS, shall mean any person, firm or corporation who alone, jointly or severally with others:
 - a. Shall have all or part of the legal title to any dwelling or dwelling units, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or
 - b. Shall have charge, care, or control of any dwelling or dwelling unit as owner, or as Executor, Administrator, Trustee, Guardian of the Estate, or duly authorized agent of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this section.
4. ROOMING UNIT, shall mean any room which is designed or used for sleeping purposes. A rooming unit may include a room in a rooming house, a hotel, a motel, a tourist home, a school dormitory, or an apartment building which may or may not have some additional facilities for eating or cooking contained therein.

SECTION II

SMOKE DETECTORS REQUIRED:

1. Subject to such exceptions and conditions for compliance as stated herein, six (6) months after the effective date of this ordinance, smoke detectors shall be required in all dwellings rented for occupancy.
2. Dwellings meeting the Uniform Building Code of the State of Indiana standards for smoke detectors shall not be required to install smoke detectors.

SECTION III

TYPE AND PLACEMENT OF SMOKE DETECTORS:

1. In order to comply with this ordinance, only ionization or photo electric type detectors shall be installed.
2. Smoke detectors shall be approved by a nationally recognized testing laboratory. (This means that the smoke detector itself shall be labeled and not just the cord).
3. Smoke detectors with power supplies other than a hard wire AC primary power source may be powered by self monitored batteries or operated from an electrical outlet which is fitted with a plug restraining device, provided that the outlet is not controlled by any switch other than the main power supply.
4. Smoke detectors shall be placed in accordance with applicable National Fire Prevention Association Standards. Detectors may be ceiling or wall mounted provided that if wall mounted, they shall be within twelve (12) inches, but not closed than six (6) inches of the ceiling.
5. In a dwelling unit which contains a well defined sleeping room separated from the other activity areas of the same unit, the detectors shall be located in the corridors within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area.
6. In a rooming unit, the smoke detector shall be centrally located on the ceiling.
7. In a dwelling containing two (2) or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit, detectors shall be placed in centrally located common areas so that smoke detectors will adequately service all sleeping areas.

SECTION IV

PROVIDING, INSTALLING AND MAINTAINING SMOKE DETECTORS:

1. The owner of the dwelling shall be responsible for supplying and installing in an operable condition the required detector (s) and for providing the manufacturer's testing instructions to a tenant when appropriate.
2. The owner of a dwelling shall be responsible for maintenance and testing of the detectors, in accordance with the manufacturer's instructions, which are located in common areas and/or detectors in dwelling units and/or rooming units where the occupancy of any one tenant is for less than one month.
3. The tenant in any occupancy of one month or more shall be responsible for maintaining and testing the detector (s) in accordance with the manufacturer's instructions, which are within his exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing by registered mail when detector (s) shall become inoperable, whereafter the owner has ten (10) days in which to repair or replace the detector (s). In the battery operated type of detector, replacement shall be the responsibility of the tenant.

4. At every change of tenancy, where the occupancy of any one tenant is of one month or more, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in operable condition, and, if not, the owner shall be responsible for placing them in operable condition.

SECTION V

ENFORCEMENT:

1. The Fire Department for the Town of Sellersburg shall be primarily responsible for the enforcement of this ordinance.
2. The Building Inspector of Clark County, Indiana, shall assist the Fire Department for the Town of Sellersburg by making referrals to the Department as part of its regular inspection and enforcement of all County building and safety codes.
3. Pursuant to IC 36-1-6-2, the Fire Department for the Town of Sellersburg may enter onto property and take appropriate action to bring the property into compliance with this ordinance. However, before any action to bring compliance is taken, all persons holding a substantial interest in the property must be given written notice of the noncompliance and must be given a reasonable opportunity to bring the property into compliance.

SECTION VI

PENALTIES:

1. Any person (s) who shall violate any of the provision of this ordinance or code as hereby adopted or fail to comply herewith, shall be punishable by a fine in the amount of \$50.00, which fine shall be remitted to the Town of Sellersburg, Indiana, and paid at the Office of the Town of Sellersburg, Indiana, located at 318 E. Utica Street, Sellersburg, Indiana, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 15 day (s) that prohibited conditions are maintained shall constitute a separate offense.
2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES:

1. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

SECTION VIII

SEVERABILITY, CONFLICT WITH OTHER ORDINANCES:

1. If any provisions of this ordinance or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or applications of this ordinance, which shall remain in full force and effect; and to this end,

the provisions of this ordinance are severable.

2. In any case where a provision of this ordinance is found to be in conflict with a provision of any fire or safety code of Clark County, Indiana, the provisions which establishes the higher standard for the promotion and protection of health and safety shall prevail.

SECTION IX

This Ordinance shall be in full force and effect after first being adopted by the Board of Trustees of the Town of Sellersburg, Indiana, and being duly published according to the laws of the State of Indiana.

APPROVED this 28th day of March, 1983.

TOWN BOARD OF TRUSTEES:



CARL E. KAMER, PRESIDENT

WILLIAM R. COLLIER, MEMBER



NANCY WILKERSON, MEMBER

ATTEST:



ANNA L. MCCARTNEY
CLERK-TREASURER

ORDINANCE NO. 374

AN ORDINANCE ADOPTING
PROPOSED AMENDMENT TO
THE TOWN OF SELLERSBURG
ZONING ORDINANCE.

WHEREAS, the Sellersburg Town Plan Commission, after presentation and discussion, recommended that the attached Amendments, marked Exhibit A, be adopted to further industrial, commercial, and residential development within the general boundaries of the Town of Sellersburg, and

WHEREAS, the Sellersburg Town Plan Commission believes that further residential, commercial, and industrial development of the Town of Sellersburg is necessary and vital to the community, and

WHEREAS, the Town Board of Sellersburg believes that further residential, commercial and industrial development of the Town of Sellersburg is necessary and vital to the community, and

WHEREAS, the Town Board of Sellersburg believes that these Amendments should be adopted, incorporated, and made a part of the Sellersburg Zoning Ordinance.

THEREFORE, be it hereby ordained that the Sellersburg Zoning Ordinance shall be amended to include the attached Amendments, marked as Exhibit A.

Effective Date. This Amendment to the Sellersburg Zoning Ordinance, pursuant to the laws of the State of Indiana, shall become effective May 23, 1983.

Passed and adopted at a special meeting of the Town Board of Trustees of the Town of Sellersburg, Clark County, Indiana, on the day of April, 1983.

TOWN BOARD OF TRUSTEES:

Carl E. Kamer
CARL E. KAMER, PRESIDENT

William R. Collier
WILLIAM R. COLLIER, MEMBER

Nancy Wikerson
NANCY WIKERSON, MEMBER

ATTEST:

Anna L. McCarty

AMENDMENTS TO THE MASTER PLAN OF
THE TOWN OF SELLERSBURG

ARTICLE I. IN GENERAL

SECTION 3. DEFINITIONS.

Delete "See Also Dwelling-Multiple" from end of definition of "APARTMENT" and add, to definition of "APARTMENT" "See also DWELLING, MULTI-FAMILY".

Add, APARTMENT TRACT: A parcel of land used or intended to be used for one (1) or more multi-family dwellings, including the open spaces required by this Ordinance, all necessary accessory buildings, and all streets or places constructed specifically to provide access to the building situated within the apartment tract. Such tract shall have access to an existing street or place.

Delete, DWELLING, DOUBLE (Entire definition).

Delete, DWELLING, DUPLEX (Entire definition).

Delete, DWELLING, MULTIPLE

Add, DWELLING, MULTI-FAMILY: A building designed for or occupied by three (3) or more families, exclusively for dwelling purposes, each family living independently.

Add, DWELLING UNIT: A dwelling or portion of a dwelling used by one family only, for cooking, living and sleeping purposes.

Delete "or otherwise" from end of definition of "PARKING LOT".

ARTICLE II. DISTRICTS AND ZONE MAPS.

SECTION 1. DISTRICTS.

The Town of Sellersburg is hereby divided into five (5) districts in order to carry out the purposes of this ordinance. The districts shall be known and designated as follows:

Single-Family Residential District	R1
2-and Multi-Family Residential District	R2
Local Business District	LB
General Commercial District	GC
Industrial District	I

ARTICLE III. GENERAL PROVISIONS AND SPECIFICATIONS

SECTION 4. LOTS AND APARTMENT TRACT.

Every building hereafter erected shall be located on a lot which fronts on a street, or in an apartment tract. In no case shall more than one building and its customary accessory buildings be erected on any lot, however, as many buildings, and their customary accessory buildings, may be erected on an Apartment Tract as Article IV, Section 4 of this Ordinance shall allow, provided that each such building, except accessory buildings shall be accessible by means of a street or place.

ARTICLE IV. RESIDENTIAL DISTRICTS (R1 and R2)

SECTION 1. THE RESIDENTIAL USES DEFINED BELOW ARE PERMITTED AND SPECIFIED IN THE RESIDENTIAL DISTRICTS:

A. In the R1 Residential District:

- (1) Single-Family Dwelling: A detached building designed for or occupied by one family exclusively.

B. In the R2 Residential District:

- (1) Single-Family Dwelling
- (2) Two-Family Dwelling: A detached building designed for or occupied by two families, living independently.
- (3) Multi-Family Dwelling: A building designed for or occupied by three (3) or more families, exclusively for dwelling purposes, each family living independently.

SECTION 3. HEIGHT SPECIFICATIONS

A. Single-Family Dwelling

- (1) In R1 District: Twenty-five (25) feet.
- (2) In all other allowed Districts: Twenty-five (25) feet.

B. Two-Family and Multi-Family Dwelling

- (1) In all allowed Districts: Twenty-five (25) feet.

SECTION 4. INTENSITY OF USE SPECIFICATIONS.

A. Single family dwelling and two (2) family dwelling in all permissible districts (R1, R2, LB, & GC).

- (1) Minimum lot area-8,000 square feet
- (2) Minimum lot width
 - a) In R1 District - Sixty-five (65) feet
 - b) In all other permissible districts - Fifty (50) feet.

B. Multi-Family Dwelling in all permissible districts (R2, LB, & GC).

- (1) Minimum apartment tract area
 - a) Eight Thousand (8,000) square feet for first four (4) dwelling units per building PLUS
 - b) One Thousand (1,000) square feet for each additional dwelling unit per building.
- (2) Minimum open space between buildings - Twenty-two (22) feet.

SECTION 5. SIZE OF BUILDING SPECIFICATIONS.

A. Minimum ground floor building size

- (1) Single-Family Dwelling
 - (a) In R1 District: Seven Hundred Seventy-Five (775) square feet.
 - (b) In all other permissible Districts: Six Hundred Seventy Two (672) square feet.
- (2) Two-Family Dwelling in all permissible Districts: Nine Hundred (900) square feet.

- (3) Multi-Family Dwelling in all permissible Districts: One Thousand One Hundred (1,100) square feet for first two (2) dwelling units per building plus Two Hundred (200) square feet for each additional dwelling unit per building.

SECTION 6. YARD SPECIFICATIONS.

A. Minimum front yard

- (1) For all single family dwellings and two (2) family dwellings in all permissible areas.
 - a) Twenty percent (20%) of depth of lot with maximum required set-back of forty (40) feet.
 - b) Where front yard or set-back line is established in a recorded subdivision plat, such lines establish the front yard for that recorded subdivision.
 - c) Accessory buildings shall be set back at least seventy-five (75) feet from the front lot line.
 - d) Front yard required on each street bordering a through lot.
 - e) Open, unroofed, unenclosed porch (not including a screened or glass-enclosed porch or sunparlor) may project into front yard a maximum of ten (10) feet.
 - f) Along the side street line of a corner lot, where no lots front on the side street in rear of the corner lot, ten percent (10%) of the depth of the lot measured perpendicularly to the side street.
 - g) Along the side street line of a corner lot, where there are lots facing the side street in rear of the corner lot: At rear of the lot same depth as the front yard of the lots facing the side street.

- (2) For all Multi-Family Dwellings in all permissible areas.
 - a) Each building (including accessory buildings) shall be set back twenty-five (25) feet from the street, or streets (in the case of a building situated on one corner of an intersection of two (2) streets, and in the case of a building situated between two approximately parallel streets and accessible from both parallel streets).
- B. Minimum side yards for all single-family dwellings and two-family dwellings in all permissible areas.
 - (1) Five (5) feet along each side lot line.
 - (2) Accessory buildings located in rear yards may be located within three (3) feet of side lot line.
- C. Minimum rear yard for all single-family dwellings and two-family dwellings in all permissible areas.
 - (1) Normally twenty-five percent (25%) of depth of lot with a maximum of twenty-five (25) feet required.
 - (2) Where an alley abuts rear of lot, the depth of the rear yard may be measured from the center line of the alley.
 - (3) Accessory buildings may be located within three (3) feet of the rear lot line.
 - (4) Accessory buildings detached from main buildings may occupy no more than thirty percent (30%) of the rear yard.

b.

ARTICLE X. OFFSTREET PARKING FOR MOTOR VEHICLES

SECTION 1. PARKING REQUIREMENTS.

In order to lessen or avoid congestion in the streets and to secure safety and promote general welfare, the following regulations are hereby established to require that each building hereafter erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any of the following uses, shall provide offstreet parking space, of not less than 180 square feet for each space, with dimensions of not less than 9' x 20', within the building, or on the premises surrounding the building, or on other premises when specified, as follows:

- A. Single-Family and Two-Family Dwellings: One vehicle parking space for each dwelling unit in each building.
- B. Multi-Family Dwellings: Two vehicle parking spaces for each dwelling unit in each building.
- C. Hotels and Motels: One vehicle parking space for each sleeping room plus one space per employee.
- D. Theatres, Sports Arenas, Mortuaries, and other places of congregation: One vehicle parking space for each six seats.
- E. Bowling Alleys, Skating Rinks, Lodge Halls, and Union Halls: One vehicle parking space for each 125 square feet of floor space devoted to such use.
- F. Super Markets, Retail Stores, Restaurants, Taverns, and Night Clubs, each having an area of 1,000 square feet or more: One vehicle parking space for each 125 square feet devoted to such use.
- G. Industrial, Manufacturing, Wholesale, and Office Uses: One vehicle parking space for each three employees or occupants. The maximum number of employees of a manufacturing, industrial or wholesale use or occupant of an office building shall be used as a basis for determining the number of parking spaces to be provided.
- H. Roadside Sales Stand: A minimum of six vehicle parking spaces, plus one additional space for each 125 square feet of the area of the stand.
- I. Contingent Uses and Special Exceptions Listed in Article VIII herein; a number of vehicle parking spaces to be determined and required as a part of the permit for such special use.

SECTION 3. GENERAL PROVISIONS

- B. Space for offstreet vehicle parking may be provided on the lot or apartment tract occupied by the building which it serves, or upon approval by the Board of Zoning Appeals, on adjacent areas within 300 feet of such building provided the property is zoned to permit such use.

ARTICLE XII. ADMINISTRATION

SECTION 2. PLATS.

Each application for a building permit shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot or apartment tract to be built upon, the size of the building or buildings to be erected, reconstructed or structurally altered, and such other information as shall be necessary to provide for the enforcement of this Ordinance. A careful record shall be kept of all such applications and plats in the office of the Town Clerk.

ARTICLE XIII. INTERIM PROVISIONS

Delete text of SECTION 1. RESIDENCE DISTRICT DEFINED.

Add SECTION 1. R1 and R2 RESIDENTIAL DISTRICTS DEFINED.

Any district zoned R on the 19th day of April, 1983, the date this Ordinance was amended to include both R1 and R2 residential districts, shall be considered to be zoned R1 for all purposes, e.g. an amendment to this zone map shall be required before the zoning classification of any district may be changed to R2.

ORDINANCE NO. 375

ORDINANCE GRANTING RE-ZONING OF A TRACT OF
LAND LOCATED WITHIN THE TOWN OF SELLERSBURG

WHEREAS, a petition seeking re-zoning a tract of land from R1 to R2 was filed by the Sellersburg Housing Authority;

WHEREAS, the Plan Commission of the Town of Sellersburg has acted upon the petition, voting 4 to 1 against recommending to the legislative body to grant the requested re-zoning;

WHEREAS, the petition to re-zone this tract of land filed by the Sellersburg Housing Authority is now before the Board of Trustees of the Town of Sellersburg;

WHEREAS, the Board of Trustees of the Town of Sellersburg believes that the re-zoning will not be injurious to public health, safety, development, and the community; that the re-zoning will not injure or diminish market values of the adjacent properties; that the uses or values of the adjacent properties will not be affected in a substantially adverse manner; that the need for re-zoning arises from conditions peculiar to the property involved; and that the re-zoning will not interfere substantially with the town's Zoning Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Trustees of the Town of Sellersburg that the Zoning Ordinance is amended to allow the re-zoning from R1 to R2 of this tract of land, which is more particularly described as follows:

A part of Survey No. 111 of the Illinois Grant in Silver Creek Township of Clark County, Indiana, being a part of the same land conveyed to Clifton Smith, deceased, at Deed Record 109, page 48 and bounded as follows:

Beginning at an iron pipe in the north-easterly line of Second Addition-Glen Helen Park (Plat Book 3, page 111) which marks the west corner of Lot No. 21 of Clifton Smith Heights Subdivision (Plat Book 6, page 206); thence the following courses of the boundary; north 35° 25' 15" west, 199.72 feet with the north-easterly line of said Glen Helen Park to a concrete monument in the southeast line of a 30 foot wide street; north 35° 25' 15" west, 170.06 feet continuing with said Glen Helen Park line to an iron pin; north 58° 00' 45" east, 831.33 feet, severing the land of the Grantor to an iron pin; south 35° 01' 00" east, 546.87 feet severing the land of the Grantor to an iron pin in the northerly line of North Fern Street; south 54° 59' 00" west, 410.00 feet with the north line of North Fern Street to an iron pin, the east corner of Lot No. 18 of said Clifton Smith Heights; north 34° 31' 00" west 228.0 feet with the easterly line of said Lot No. 18 to the north corner thereof;

south 54° 02' 00" west, 419.61 feet with the northerly lines of Lots Nos. 18, 19, 20, and 21 of said Clifton Smith Heights to the place of beginning and containing 8.659 acres.

Being, and intended to be, that same real estate conveyed from the Clark County State Bank, as trustee of the Residuary Trust under the Last Will and Testament of Clifton Smith, deceased, unto the Civil Town of Sellersburg, Indiana, Housing Authority, by Special Warranty Deed dated June 3, 1982, and recorded in the office of the Recorder of Clark County, at 8:36 a.m. on June 4, 1982, in Deed Drawer 14, Instrument No. 4539.

EFFECTIVE DATE. This Ordinance was introduced at the ~~regular~~^{speci} meeting of June 20, 1983, without having unanimous consent of all Board members. Pursuant to I.C. 36-5-2-9.8 it shall become effective at the next scheduled meeting of the Town Board on July 27, 1983.

Passed by the Board of Trustees of the Town of Sellersburg, Indiana, in regular session on this 20 day of June, 1983.

Carl Kamer
Carl Kamer, President

Nancy Wilberson
Nancy Wilberson, Member

William Collier, Member

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

AN ORDINANCE AMENDING ORDINANCE NO. 107; ESTABLISHING A SURCHARGE FOR SANITARY SEWER SERVICE FOR THE PURPOSE OF ELIMINATING THE INTRODUCTION OF PROHIBITED WATERS BY PERSONS INTO THE SELLERSBURG SANITARY SEWER SYSTEM; PROVIDING FOR PERIODIC INSPECTIONS AND/OR TESTS OF SEWER LINES OF BUILDINGS AND APPURTENANCES CONNECTED TO SAID SYSTEM; AND PROVIDING FOR MORATORIUM ON THE COLLECTION OF SAID SURCHARGE.

WHEREAS, the Town of Sellersburg, Indiana, has constructed, purchased or otherwise acquired sanitary sewer systems for the use and benefit of the residents of said Town and other areas connected thereto;

WHEREAS, the Town of Sellersburg, Indiana, received funds pursuant to certain Federal and State grant programs which funds made it possible for said system to be implemented for the protection of the general health, safety and welfare of the citizens of the Town and surrounding area;

WHEREAS, the Town of Sellersburg has enacted Ordinance No. 107 which, among other things, provided that:

It shall be unlawful for any owner, operator or lessee of any residence, factory, shop, garage, filling station, institution, business, buildings, or industries:

(D) To connect any rain leader, cistern overflow, or any other storm water drain to the sanitary sewage system or to any drain connected thereto. All such leaders or conductors now installed shall be removed, and the connection to the sanitary sewer closed in a permanent and satisfactory manner.

(E) To discharge water used only for cooling or refrigeration purposes into the sanitary or combined sewage system which is connected to a sewage treatment plant.

WHEREAS, the Town has experienced and is experiencing formal compliance action by the Indiana Stream Pollution Control Board in Cause No. B-853 and the United States Environmental Protection Agency for various and diverse alleged violations of the various pollution control laws administered and enforced by said agencies;

WHEREAS, the Board of Trustees has been instructed and ordered by the Indiana Stream Pollution Control Board to also eliminate and prohibit water to enter the Town's sanitary sewer system

from other sources. These sources include downspouts, clear water sump pumps, basement tiles, building sewer openings, surface drains, storm water drains, ^{cooling towers} ~~and swimming pools,~~

WHEREAS, Ordinance No. 107 must be amended to include prohibiting the connection of or discharge of water from these sources into the Town's sanitary sewer system;

WHEREAS the failure to comply with the Indiana Stream Pollution Control Board's order will result in substantial hardship to the Town of Sellersburg;

WHEREAS, the Board of Trustees is legally bound to enforce provisions of Ordinance No. 107, which ordinance was enacted in 1946, and this ordinance;

WHEREAS, the problem of discharging this water into the sanitary sewer system may create a direct hazard to the health, safety and welfare of the citizens of said Town and surrounding areas as well as cause the encumbrance of excessive costs of operation and maintenance of said system by the Town;

WHEREAS, it is practically impossible or financially prohibitive to isolate specific individual violations of Ordinance No. 107 and amendments thereto by means of indirect studies and analysis;

WHEREAS, the Board of Trustees intends to enforce the Ordinances of said Town in as efficient, effective and rational a manner as possible so as not to be offensive, oppressive or unfair to the persons using said sanitary sewer system;

WHEREAS, the Board of Trustees believes that in order to accomplish the aforesaid goals and ensure, as completely as possible, compliance with the Ordinances of said Town, a comprehensive, systematic compliance and enforcement procedure is necessary, proper and in the best interests of the health, safety and welfare of the citizens of Sellersburg and surrounding areas.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Sellersburg, Indiana;

That Ordinance No. 107 is amended to include prohibiting any owner, operator or lessee of any residence, factory, shop, garage,

filling station, institution, business, buildings, or industries:

(F) To connect any downspout, clear water sump pump, basement tile, building sewer opening, surface drain, storm water drain, ~~or swimming pool~~ to the sanitary sewage system or to any drain connected thereto.

SECTION ONE:

This ordinance shall be deemed supplemental to all other ordinances and provisions thereof for enforcement and compliance purposes only and shall not be deemed to be amendatory or re-cissionary with respect to same and further, any charges, fees, fines or penalties hereinafter imposed or levied shall be in addition to any charges, fees, fines or penalties heretofore in effect or which may hereafter be imposed.

SECTION TWO:

A surcharge of \$10.00 per month, per billing account, shall be imposed in addition to all other charges heretofore authorized and imposed beginning the month immediately following passage and adoption of this Ordinance by the Board of Trustees of the Town of Sellersburg.

SECTION THREE:

There shall be a moratorium upon the requirement for payment by any persons for a period of six (6) months from the time of imposition of said surcharge as set forth in Section Two above. Further, any person who has, pursuant to Section Four below, consented to the inspection of their respective premises within ninety (90) days of the date of adoption of this ordinance, shall not be liable for payment until such inspection has been accomplished and the person given the opportunity to bring said premises into compliance within the time frame set out in said Section Four.

SECTION FOUR:

A person may avoid liability for payment of the surcharge established in Section Two above upon a showing that he is in compliance with all provisions of Ordinance No. 107 and any amendments thereto of the Town of Sellersburg, Indiana, which showing shall consist of the following procedures and conditions as to

each building or appurtenance connected to the sanitary sewer:

- (A) Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the Town of Sellersburg, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the Town of Sellersburg to verify the compliance hereinbefore referred to;
- (B) The Grant of Permission set forth in Section 4(A) shall be deemed to include periodic inspections and/or tests as may be determined to be necessary by the Town of Sellersburg to maintain, ensure and monitor compliance with the provisions of Ordinance No. 107.
- (C) The term "Town of Sellersburg" as used herein, shall mean and include such employees, or designees of the Town of Sellersburg, Indiana, as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify the fact that they in fact represent said Town for said purposes.
- (D) The inspections shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charges for such inspections.
- (E) If, upon the initial inspection contemplated by Section 4(A) above to verify compliance, a person is in fact not found to be in compliance, said person shall be given fourteen (14) days from the date of said inspection to so comply.

SECTION FIVE:

In the event, a person is found to be in compliance as heretofore set forth and, upon subsequent inspection is found not to be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this Ordinance, multiplied by the monthly surcharge in effect during such periods as the case may be; provided that, such liability shall be reduced to

fifty percentum (50%) of said amount if said person complies within a period of ten (10) days after notice by the Town of Sellersburg of his non-compliance. In the event a person is found to be in a state of non-compliance a second or subsequent time, then said person shall be liable for a sum equal to One ^{Hundr.}~~Thousand~~ Dollars ^(100.00)~~(1,000.00)~~ plus an amount equal to the sum of the months since adoption of this Ordinance multiplied by the monthly surcharge in effect during such periods as the case may be.

SECTION SIX:

The Board of Trustees has determined that the measures heretofore set out are a reasonable means of ensuring compliance with Ordinance No. 107, are necessary to comply with the Stream Pollution Control Board of the State of Indiana, and are further necessary to protect and ensure the health, safety and welfare of the Citizens of Sellersburg, Indiana, and surrounding areas.

SECTION SEVEN:

The provisions of this Ordinance shall be severable and should any Section or part thereof be deemed invalid or unenforceable, by a Court of competent jurisdiction, such section, clause, sentence or provision shall be deemed stricken and said invalidity or unenforceability shall not affect the validity or enforceability of any other part or parts of this ordinance which can be given effect without such part or parts as may be so deemed invalid or unenforceable.

SECTION EIGHT:

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication in accordance with the laws of the State of Indiana.

PASSED and ADOPTED by the Board of Trustees of the Town of Sellersburg, Indiana, this 25th day of July, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl E. Kamer
CARL E. KAMER, PRESIDENT

Nancy Wilkerson
NANCY WILKERSON, BOARD MEMBER

ATTEST:

Anna L. McCartney
ANNA L. MCCARTNEY, CLERK- TREASURER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

revenue bond in the amount of Two Million Thirty-five Thousand Dollars (\$2,035,000.00); and

WHEREAS, the Town has heretofore issued certain Waterworks Revenue Refunding and Improvement Bonds, dated December 1, 1947 (the "1947 Bonds"), pursuant to an ordinance adopted December 8, 1947, and amended on February 19, 1948, which bonds are now outstanding in the principal amount of \$20,000, bearing interest at the rate of 4% per annum, maturing annually on December 1 over a period ending December 1, 1986, and which 1947 Bonds constitute a first charge against the net revenues of the waterworks; and

WHEREAS, the Town has heretofore issued certain Waterworks Revenue Bonds of 1961, dated July 1, 1961 (the "1961 Bonds"), pursuant to Ordinance No. 217, adopted January 27, 1961, which bonds are now outstanding in the principal amount of \$345,000, bearing interest at the rate of 4-1/2% per annum, maturing annually on December 1 over a period ending December 1, 1996, and which 1961 Bonds are junior and subordinate to the 1947 Bonds; and

WHEREAS, the Town has also heretofore issued a certain Waterworks Revenue Bond of 1974, dated May 3, 1974 (the "1974 Bonds"), pursuant to Ordinance No. 285, adopted July 30, 1973, as amended by Ordinance No. 292, adopted February 12, 1974, which bond is now outstanding in the principal amount of \$384,000, bearing interest at the rate of 5% per annum, maturing annually on December 1 over a period ending December 1,

2012, and which 1974 Bonds are on a parity with the 1961 Bonds and junior and subordinate to the 1947 Bonds; and

WHEREAS, the terms and conditions of the 1947 Bonds do not permit the issuance of additional revenue bonds on a parity with the 1947 Bonds; and

WHEREAS, the terms and conditions of the 1961 Bonds and the 1974 Bonds provide that additional revenue bonds may be issued on a parity with the 1961 Bonds and the 1974 Bonds if certain tests are met, but the financial advisor to the Town advises that the tests cannot be met; and

WHEREAS, the revenue bonds to be issued hereunder must be junior and subordinate to the 1947 Bonds, 1961 Bonds and the 1974 Bonds; and

WHEREAS, the Board of Trustees now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of additional, junior bonds to provide the necessary funds to be applied on the cost of such additions, extensions and improvements have been complied with in accordance with the provisions of the governing ordinances and statutes; now, therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA:

Section 1. That the Town, being the owner of and engaged in operating a municipal waterworks furnishing the public water supply to said Town and its inhabitants, now provide for certain needed additions, extensions and improvements to such

waterworks and the financing thereof by the issuance of revenue bonds pursuant to and in the manner prescribed by Title 8, Article 1.5 of the Indiana Code, and acts amendatory thereof and supplemental thereto (sometimes hereinafter referred to as the "Act"), which revenue bonds shall be payable solely out of the net revenues (herein defined as gross revenues after deduction only for the reasonable expenses of operation and maintenance) of said waterworks, including all extensions thereof and additions and improvements thereto subsequently constructed or acquired.

Section 2. That said additions, extensions and improvements shall be constructed and installed in accordance with the plans and specifications heretofore prepared by Midwestern Engineers, of Columbus, Indiana, employed by said Town, which plans and specifications are hereby approved which plans are by reference made a part of this Ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk-Treasurer and are open for public inspection).

Section 3. For the purpose of providing funds with which to pay the cost of such additions, extensions and improvements, including incidental expenses, the Town of Sellersburg shall issue and sell its waterworks revenue bonds.

Section 4. The revenue bonds shall be designated "Junior Waterworks Revenue Bonds of 1983" (the "1983 Bonds") and shall be issued in the amount of Two Million Thirty-five Thousand

Dollars (\$2,035,000.00). Said 1983 Bonds shall be issued in fully registered form in the denominations of One Thousand Dollars (\$1,000) or integral multiples thereof, numbered consecutively from R-1 up, shall be dated as of the date of delivery of said 1983 Bonds, and shall bear interest at the rate of twelve and one-fourth percent (12-1/4%) per annum, payable annually on December 1 in each year, beginning on December 1, 1983. The 1983 Bonds shall mature serially in numerical order on December 1 in the years and amounts as follows:

<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>
1984	\$ 3,000	1997	\$13,000	2010	\$57,000
1985	3,000	1998	14,000	2011	64,000
1986	4,000	1999	16,000	2012	71,000
1987	4,000	2000	18,000	2013	80,000
1988	4,000	2001	20,000	2014	90,000
1989	5,000	2002	22,000	2015	101,000
1990	6,000	2003	25,000	2016	113,000
1991	6,000	2004	28,000	2017	127,000
1992	7,000	2005	32,000	2018	143,000
1993	8,000	2006	36,000	2019	160,000
1994	9,000	2007	40,000	2020	180,000
1995	10,000	2008	45,000	2021	202,000
1996	11,000	2009	50,000	2022	208,000

Section 5. The 1983 Bonds shall be registered in the name of the owner in a book maintained for that purpose by the Clerk-Treasurer of the Town, and such registration shall be noted thereon by the Clerk-Treasurer as bond registrar, after which no transfer shall be valid except by transfer duly acknowledged by the registered owner or his attorney, such transfer to be made in said book and similarly noted on the 1983 Bond. No charge shall be made for registration. Principal of said fully registered bonds, subject to prior prepayment as hereinafter provided, shall be payable on December 1, in the

ORDINANCE NO.

377
~~376~~

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE
OF THE SERVICES RENDERED BY THE WATERWORKS SYSTEM
OF THE TOWN OF SELLERSBURG, INDIANA, SUBJECT
TO THE APPROVAL OF THE PUBLIC SERVICE
COMMISSION OF INDIANA

WHEREAS, the Town of Sellersburg, Indiana, maintains and operates a municipal water treatment and distribution system (hereafter called the "waterworks"); and

WHEREAS, the Board of Trustees finds that the existing rates and charges for the use of and service rendered by the waterworks of the Town are too low to pay all the legal and other necessary expenses incident to the operation of the waterworks, including maintenane costs, operating charges, upkeep, repairs, depreciation, and interest charges on bonds or other obligations; to provide a sinking fund for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds for working capital; and to provide funds for payment of any taxes that may be assessed against the waterworks; and

WHEREAS, the Town's Utility Rate Consultant has made a study and has prepared an accounting report containing a proposed schedule of rates and charges; and

WHEREAS, the Board of Trustees now finds that such proposed schedule of rates and charges is nondiscriminatory, reasonable and just;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES for the Town of Sellersburg, Indiana, as follows:

Section 1. That there shall be, and there are hereby, established for the use of and the service rendered by the waterworks system of the Town of Sellersburg, Indiana, the rates and charges, based upon the use of water supplied by the said waterworks systems, as set forth in Exhibit "A" attached hereto.

Section 2. The Board of Trustees by adoption of the ordinance elects to request the Public Service Commission of Indiana to approve rates and charges which are sufficient to include a reasonable return on the waterworks plant pursuant to the provisions of Indiana Code 8-1.5-3-8 (formerly I.C. 8-1-2-96) and any and all succeeding authority thereto, such reasonable rate of return on the waterworks plant having been heretofore incorporated into the rates and charges established by this ordinance.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

Section 4. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana or until such time as said Commission shall direct.

This Ordinance passed and adopted by the Board of Trustees of the Town of Sellersburg, Indiana, on this the 11th day of July, 1983.

Carl Kamer
Carl Kamer, Trustee

Nancy Wilkerson
Nancy Wilkerson, Trustee

William Collier
William Collier, Trustee

ATTEST:

Anna McCartney
Anna McCartney, Clerk-Treasurer

SELLERSBURG (INDIANA) MUNICIPAL WATER UTILITY

SUMMARY OF PRESENT AND PROPOSED RATES AND CHARGES

<u>Metered Usage (Per Month)</u>	<u>Monthly Rate</u>	
	<u>Per 1,000 Gallons</u>	
	<u>Present</u>	<u>Proposed</u>
First 2,500 gallons	\$ 1.52	\$ 3.04
Next 500 gallons	1.25	2.50
Next 2,000 gallons	1.03	2.06
Next 15,000 gallons	.83	1.66
Next 30,000 gallons	.61	1.22
Over 50,000 gallons	.47	1.04

<u>Minimum Charge</u>	<u>Per Month</u>	
5/8 - 3/4 inch meter	\$ 3.09	\$ 6.18
1 inch meter	7.66	15.32
1 1/4 inch meter	13.78	27.56
1 1/2 inch meter	18.42	36.84
2 inch meter	29.47	58.94
3 inch meter	76.63	153.26
4 inch meter	117.89	235.78
6 inch meter	221.04	442.08

<u>Fire Protection</u>	<u>Per Annum</u>	
Municipal hydrants, each	\$206.30	\$412.60
Public hydrants, each	206.30	412.60
Automatic sprinklers:		
1 1/2 inch connection	\$ 12.90	\$ 25.80
2 inch connection	22.90	45.80
2 1/2 inch connection	35.80	71.60
3 inch connection	51.55	103.10
4 inch connection	91.70	183.40
6 inch connection	206.30	412.60
8 inch connection	366.75	733.50

	<u>Per Month</u>	
Outside town hydrant rental surcharge	\$ 1.15	\$ 2.30
Inside town hydrant rental surcharge		1.15

<u>Wholesale Rates (Per Month)</u>	<u>Per 1,000 Gallons</u>	
Silver Creek	\$.40	\$ 1.01
Clark County	.50	1.04

revenue bond in the amount of Two Million Thirty-five Thousand Dollars (\$2,035,000.00); and

WHEREAS, the Town has heretofore issued certain Waterworks Revenue Refunding and Improvement Bonds, dated December 1, 1947 (the "1947 Bonds"), pursuant to an ordinance adopted December 8, 1947, and amended on February 19, 1948, which bonds are now outstanding in the principal amount of \$20,000, bearing interest at the rate of 4% per annum, maturing annually on December 1 over a period ending December 1, 1986, and which 1947 Bonds constitute a first charge against the net revenues of the waterworks; and

WHEREAS, the Town has heretofore issued certain Waterworks Revenue Bonds of 1961, dated July 1, 1961 (the "1961 Bonds"), pursuant to Ordinance No. 217, adopted January 27, 1961, which bonds are now outstanding in the principal amount of \$345,000, bearing interest at the rate of 4-1/2% per annum, maturing annually on December 1 over a period ending December 1, 1996, and which 1961 Bonds are junior and subordinate to the 1947 Bonds; and

WHEREAS, the Town has also heretofore issued a certain Waterworks Revenue Bond of 1974, dated May 3, 1974 (the "1974 Bonds"), pursuant to Ordinance No. 285, adopted July 30, 1973, as amended by Ordinance No. 292, adopted February 12, 1974, which bond is now outstanding in the principal amount of \$384,000, bearing interest at the rate of 5% per annum, maturing annually on December 1 over a period ending December 1,

An Ordinance of the Town of Sellersburg authorizing the issuance of junior waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, repealing ordinances inconsistent herewith, and other matters connected therewith

WHEREAS, the Town of Sellersburg (the "Town") now owns and operates a municipal waterworks in said Town in accordance with the provisions of Title 8, Article 1.5 of the Indiana Code, and the acts amendatory thereof and supplemental thereto; and

WHEREAS, the Board of Trustees now finds that the waterworks of the Town is in need of certain additions, extensions and improvements, the estimated cost of which, based on bids received, and including incidental expenses necessary to be incurred in connection with the financing thereof, is in the amount of Two Million Thirty-five Thousand Dollars (\$2,035,000.00); and

WHEREAS, the Board of Trustees now finds that it does not have sufficient funds available to pay the balance of the cost of said additions, extensions and improvements, and that it will be necessary to obtain such funds by the issuance and sale of waterworks revenue bonds payable out of the revenues of said waterworks; and

WHEREAS, the Board of Trustees has been advised that the Farmers Home Administration, U.S. Department of Agriculture, will purchase, pursuant to a Loan Agreement, a waterworks

2012, and which 1974 Bonds are on a parity with the 1961 Bonds and junior and subordinate to the 1947 Bonds; and

WHEREAS, the terms and conditions of the 1947 Bonds do not permit the issuance of additional revenue bonds on a parity with the 1947 Bonds; and

WHEREAS, the terms and conditions of the 1961 Bonds and the 1974 Bonds provide that additional revenue bonds may be issued on a parity with the 1961 Bonds and the 1974 Bonds if certain tests are met, but the financial advisor to the Town advises that the tests cannot be met; and

WHEREAS, the revenue bonds to be issued hereunder must be junior and subordinate to the 1947 Bonds, 1961 Bonds and the 1974 Bonds; and

WHEREAS, the Board of Trustees now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of additional, junior bonds to provide the necessary funds to be applied on the cost of such additions, extensions and improvements have been complied with in accordance with the provisions of the governing ordinances and statutes; now, therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA:

Section 1. That the Town, being the owner of and engaged in operating a municipal waterworks furnishing the public water supply to said Town and its inhabitants, now provide for certain needed additions, extensions and improvements to such

waterworks and the financing thereof by the issuance of revenue bonds pursuant to and in the manner prescribed by Title 8, Article 1.5 of the Indiana Code, and acts amendatory thereof and supplemental thereto (sometimes hereinafter referred to as the "Act"), which revenue bonds shall be payable solely out of the net revenues (herein defined as gross revenues after deduction only for the reasonable expenses of operation and maintenance) of said waterworks, including all extensions thereof and additions and improvements thereto subsequently constructed or acquired.

Section 2. That said additions, extensions and improvements shall be constructed and installed in accordance with the plans and specifications heretofore prepared by Sieco, Inc., of Columbus, Indiana, employed by said Town, which plans and specifications are hereby approved which plans are by reference made a part of this Ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk-Treasurer and are open for public inspection).

Section 3. For the purpose of providing funds with which to pay the cost of such additions, extensions and improvements, including incidental expenses, the Town of Sellersburg shall issue and sell its waterworks revenue bonds.

Section 4. The revenue bonds shall be designated "Junior Waterworks Revenue Bonds of 1983" (the "1983 Bonds") and shall be issued in the amount of Two Million Thirty-five Thousand

Dollars (\$2,035,000.00). Said 1983 Bonds shall be issued in fully registered form in the denominations of One Thousand Dollars (\$1,000) or integral multiples thereof, numbered consecutively from R-1 up, shall be dated as of the date of delivery of said 1983 Bonds, and shall bear interest at the rate of twelve and one-fourth percent (12-1/4%) per annum, payable annually on December 1 in each year, beginning on December 1, 1983. The 1983 Bonds shall mature serially in numerical order on December 1 in the years and amounts as follows:

<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>
1984	\$ 3,000	1997	\$13,000	2010	\$57,000
1985	3,000	1998	14,000	2011	64,000
1986	4,000	1999	16,000	2012	71,000
1987	4,000	2000	18,000	2013	80,000
1988	4,000	2001	20,000	2014	90,000
1989	5,000	2002	22,000	2015	101,000
1990	6,000	2003	25,000	2016	113,000
1991	6,000	2004	28,000	2017	127,000
1992	7,000	2005	32,000	2018	143,000
1993	8,000	2006	36,000	2019	160,000
1994	9,000	2007	40,000	2020	180,000
1995	10,000	2008	45,000	2021	202,000
1996	11,000	2009	50,000	2022	208,000

Section 5. The 1983 Bonds shall be registered in the name of the owner in a book maintained for that purpose by the Clerk-Treasurer of the Town, and such registration shall be noted thereon by the Clerk-Treasurer as bond registrar, after which no transfer shall be valid except by transfer duly acknowledged by the registered owner or his attorney, such transfer to be made in said book and similarly noted on the 1983 Bond. No charge shall be made for registration. Principal of said fully registered bonds, subject to prior prepayment as hereinafter provided, shall be payable on December 1, in the

years and installments as correspond to the years and amounts set forth in Section 4 hereof. Both interest on and principal, except for the final payment of interest and principal on December 1, 2022, of the fully registered bonds are payable in lawful money of the United States of America by check or draft mailed or delivered to the registered owner at the address of said owner as it appears on the registration records of the Town. Upon such final payment, the 1983 Bonds shall be delivered to the Town and cancelled.

Section 6. Said 1983 Bonds shall be issued in the name of the Town of Sellersburg, Indiana, and shall be executed by the President of the Board of Trustees, and attested by the Clerk-Treasurer who shall affix the seal of said Town. Said 1983 Bonds shall not be the general obligation of said Town, and said 1983 bonds shall state on their face that the Town shall not be obligated to pay the same or the interest thereon except from the special revenue fund provided from the net revenues of the waterworks. The bonds shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Section 7. The form and tenor of said fully registered 1983 Bonds and the transfer registry thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Fully Registered Bond)

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF CLARK

No. R-1

\$2,035,000

TOWN OF SELLERSBURG
JUNIOR WATERWORKS REVENUE BOND OF 1983

The Town of Sellersburg, in Clark County, State of Indiana, for value received, hereby promises to pay to the registered owner, solely out of the special revenue fund hereinafter referred to, the principal amount of

TWO MILLION THIRTY-FIVE THOUSAND DOLLARS

on December 1, in the years and installments as follows:

<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>
1984	\$ 3,000	1997	\$13,000	2010	\$57,000
1985	3,000	1998	14,000	2011	64,000
1986	4,000	1999	16,000	2012	71,000
1987	4,000	2000	18,000	2013	80,000
1988	4,000	2001	20,000	2014	90,000
1989	5,000	2002	22,000	2015	101,000
1990	6,000	2003	25,000	2016	113,000
1991	6,000	2004	28,000	2017	127,000
1992	7,000	2005	32,000	2018	143,000
1993	8,000	2006	36,000	2019	160,000
1994	9,000	2007	40,000	2020	180,000
1995	10,000	2008	45,000	2021	202,000
1996	11,000	2009	50,000	2022	208,000

(subject to any prepayments of principal as hereinafter provided) and to pay interest from the same source on the unpaid balance thereof from time to time remaining unpaid from the dates of payment from this bond, at the rate of twelve and one-fourth percent (12-1/4%) per annum, payable annually on December 1 of each year, beginning December 1, 1983.

Both principal and interest of this bond, except for the final payments of principal and interest, are payable in lawful money of the United States of America, by check or draft mailed or delivered to the registered owner at the address of said owner as it appears on the registration records of the Town. Upon such final payment at the office of the Clerk-Treasurer, this bond shall be delivered to the Town and cancelled.

This bond is the only one of an authorized issue of the Town, in the aggregate principal amount of Two Million Thirty-five Thousand Dollars (\$2,035,000.00), issued for the purpose of providing funds to apply on the cost of additions and extensions to its municipally owned waterworks, as authorized by an ordinance adopted by the Board of Trustees of the Town on July __, 1983, entitled "An Ordinance of the Town of Sellersburg authorizing the issuance of junior waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, repealing ordinances inconsistent herewith, and other matters connected therewith," and in strict compliance with the provisions of Title 8, Article 1.5 of the Indiana Code, and all acts amendatory thereof and supplemental thereto (hereinafter referred to as the "Act").

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond, and any bonds hereafter issued ranking on a parity therewith, are payable solely from a Waterworks Bond Fund to be provided from the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation and maintenance) of the waterworks of the Town, including the works constructed or acquired by the use of the proceeds of this bond, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town of Sellersburg within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest hereon except from said special fund provided from said net revenues.

The Town of Sellersburg irrevocably pledges the entire net revenues of said waterworks to the prompt payment of the principal and interest of this bond issued on account of the construction of additions and extensions to said waterworks, and any bonds ranking on a parity therewith, subject, however, to certain Waterworks Revenue Refunding and Improvement Bonds, dated December 1, 1947, which Bonds are now outstanding in the principal amount of \$20,000, bearing interest at the rate of 4% per annum, maturing annually on December 1 over a period ending December 1, 1986, also subject to certain Waterworks Revenue Bonds of 1961, dated July 1, 1961, which Bonds are now outstanding in the principal amount of \$345,000, bearing interest at the rate of 4-1/2% per annum, maturing annually on December 1 over a period ending December 1, 1996, and also to a certain Waterworks Revenue Bond of 1974, dated May 3, 1974, which Bond is now outstanding in the principal amount of \$384,000, bearing interest at the rate of 5% per annum, maturing annually on December 1 over a period ending December 1, 2012, to the extent

necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into its waterworks funds and accounts under the provisions of said ordinance and said Act.

The Town further covenants that it will set aside and pay into its Waterworks Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said waterworks, as such interest shall fall due, (b) the necessary fiscal agency charges for paying the bonds and interest, (c) the principal of this bond and all other bonds payable from the revenues of said waterworks, as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the ordinance authorizing the issuance of this bond. Such required payments shall constitute a charge upon all the net revenues of said works, subject only to the prior payment of certain Waterworks Revenue Refunding and Improvement Bonds, issued under date of December 1, 1947, outstanding in the amount of \$20,000, bearing interest at 4% per annum and maturing annually on December 1 over a period ending December 1, 1986; certain Waterworks Revenue Bonds of 1961, issued under date of July 1, 1961, outstanding in the amount of \$345,000, bearing interest at 4-1/2% per annum and maturing annually on December 1 over a period ending December 1, 1996; and a certain Waterworks Revenue Bond of 1974, issued under date of May 3, 1974, outstanding in the amount of \$384,000, bearing interest at 5% per annum and maturing annually on December 1 over a period ending December 1, 2012.

This bond may be transferred upon presentation of the bond and an executed assignment to the Clerk-Treasurer of the Town for notation of the same upon this bond and the registration record of the Town kept for that purpose or may be exchanged as provided in the ordinance authorizing the bonds.

Installments of principal of this fully registered bond maturing December 1, 1984, and thereafter, may, at the option of the Town, be prepaid in whole or in part on December 1, 1983, or on any interest payment date thereafter, in any multiples of One Thousand Dollars (\$1,000), upon thirty (30) days' notice to the registered owner at par and accrued interest to the date of prepayment, without any premium. Interest on the installments of principal so prepaid shall cease on such date of prepayment. This bond must be presented at the office of the Clerk-Treasurer for any such prepayments.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of Sellersburg, in Clark County, State of Indiana, has caused this bond to be executed in its corporate name by the President of its Board of Trustees and its corporate seal to be hereunto affixed and attested by its Clerk-Treasurer, as of _____, _____.

TOWN OF SELLERSBURG

By: _____
President, Board of Trustees

(SEAL)

Attest:

Clerk-Treasurer

(Form of Registration)

REGISTRATION ENDORSEMENT

This bond can be transferred and registered only at the office of the Clerk-Treasurer in the Town of Sellersburg, Indiana. No writing hereon except by the Clerk-Treasurer.

Date of Registration	In Whose Name Registered	Clerk-Treasurer
_____	_____	_____
_____	_____	_____
_____	_____	_____

RECORD OF PAYMENT FOR BOND

<u>Date of Payment</u>	<u>Amount</u>	<u>Acknowledgment of Receipt by Clerk-Treasurer</u>	<u>Guarantee of Clerk-Treasurer's Signature</u>

PREPAYMENT RECORD

Principal Installments on Which
Payments Have Been Made Prior to Maturity

<u>Principal Date</u>	<u>Amount</u>	<u>Principal Payment</u>	<u>Balance</u>	<u>Date Paid</u>	<u>Name of Authorized Official And Title</u>
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(NOTE: This should be a separate sheet.)

Section 8. Any one or more installments of principal of fully registered bonds, of this issue maturing on December 1, 1984, and thereafter, shall be redeemable or prepayable at the option of the Town from any funds regardless of source, in whole or in part, on December 1, 1984, or on any interest payment date thereafter, at the principal amount thereof with accrued interest to the date fixed for redemption or prepayment, without any premium. Prepayments of installments of fully registered bonds, shall be made in inverse chronological order of maturities outstanding at the time of prepayment, and in inverse numerical order for bonds if less than an entire maturity is called. Notice of prepayment of principal on a fully registered bond shall be given by registered mail, postmarked at least thirty (30) days prior to the date of prepayment, to the registered owner at his address as shown on the registration record of the Town. The notice of prepayment shall specify the date and place of prepayment, the serial numbers of the bonds subject to prepayment, and identification of installments of principal to be prepaid. The place of

prepayment of installments shall be the office of the Clerk-Treasurer of the Town who shall record the prepayments on the bonds. Interest on installments of principal to be prepaid, shall cease on the date fixed in the notice if sufficient funds are available at the place of prepayment to pay the price on the date so named, including interest to said date. If any fully registered bond called for prepayment, shall not be presented on the date and at the place designated in the notice, the Town shall hold in trust in the Town's depository bank, sufficient funds to effect such prepayment of installments as specified in the notice, and thereafter the owner of such bond shall be entitled to payment only from such trust funds, and the prepayment thereof shall be deemed to have been effected, and the bonds no longer outstanding.

Section 9. The bonds of this issue, and any bonds ranking on a parity therewith as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a charge upon all the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation and maintenance) of the waterworks of the Town, including the works herein authorized to be constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired; subject, however, to the prior payment of the outstanding 1947 Bonds, 1961 Bonds and 1974 Bonds. The Town shall not be obligated to pay said 1983 Bonds or the interest thereon except

from the net revenues of said works, and said 1983 Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 10. Said 1983 Bonds shall be signed in the name of the Town of Sellersburg by the President of the Board of Trustees and attested by the Clerk-Treasurer, who shall affix the seal of said Town to each of said bonds. One of such signatures may be a facsimile signature. Said officials, by the signing of a proper signature identification certificate and the 1983 Bonds, shall adopt as and for their own proper signatures, their facsimile signatures appearing on said 1983 Bonds. Subject to the provisions for registration said 1983 Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Section 11. Upon surrender of a fully registered 1983 Bond at the office of the Clerk-Treasurer of the Town, or at such other place as may be agreed upon by and between the Town and the registered owner, together with a request for exchange duly executed by the registered owner, or his attorney, in such form as shall be satisfactory to the Town, such 1983 Bond may, at the option of the registered owner thereof, and the expense of the Town, be exchanged for a new fully registered 1983 Bond or Bonds in an aggregate amount equal to the then unpaid principal amount outstanding and with maturities corresponding to the unpaid principal installments outstanding of the fully

registered 1983 Bond, in the denomination of One Thousand Dollars (\$1,000) each, bearing the same rate of interest payable annually on December 1. On the surrender of such fully registered 1983 Bond and the filing of a request for exchange, the Town shall execute and deliver such fully registered 1983 Bonds in accordance with the request for exchange and in the form substantially as set forth in Section 7 hereof. Said 1983 Bonds shall be issued within sixty (60) days from the date of the filing of the request for such exchange. Any fully registered 1983 Bond surrendered for exchange shall, upon delivery of the 1983 Bonds in exchange therefor, be forthwith cancelled by the Town.

Section 12. The Clerk-Treasurer is hereby authorized and directed to have said 1983 Bonds prepared, and the President of the Board of Trustees and the Clerk-Treasurer are hereby authorized and directed to execute said 1983 Bonds in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said 1983 Bonds to the purchaser thereof. The 1983 Bonds herein authorized, when fully paid for and delivered, shall be the binding special revenue obligations of the Town, payable out of the revenues of the waterworks to be set aside into the Waterworks Sinking Fund as herein provided, and the proceeds derived from the sale of said 1983 Bonds shall be and are hereby set aside for application on the cost of additions, extensions and improvements to said waterworks hereinbefore referred to, and the expenses necessarily incurred in connection therewith. The proper officers of the

Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Section 13. The proceeds from the sale of said bonds shall be deposited in _____, in Sellersburg, Indiana, in a special account or accounts, separate and apart from other bank accounts of the Town, to be designated as "Town of Sellersburg Waterworks Construction Account." All moneys deposited to the credit of said Waterworks Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly Title 5, Article 13, Chapter 1 of the Indiana Code, as amended and supplemented. Any income from such investment shall become a part of the Waterworks Construction Account. The funds in said special account shall be expended only for the purpose of paying the cost of the waterworks additions, extensions and improvements, including service connections, the incidental expenses incurred in connection with the construction or the issuance of the 1983 Bonds, including the necessary engineering and legal expenses, and to provide for necessary equipment and working capital. Any balance or balances remaining unexpended in such special account or accounts of the Waterworks Construction Account, after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall, within sixty (60) days after completion of the

project, be deposited in the Waterworks Sinking Fund, credited to the Debt Service Reserve Account thereof, and shall be used solely for the purposes of said Fund.

Section 14. All revenues derived from the operation of the waterworks and from the collection of water rates and charges shall be segregated and kept separate and apart from all other funds and bank accounts of the Town. Out of said revenues the proper and reasonable expenses of operation and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, and the cost of replacements, extensions, additions, and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the waterworks shall be transferred to the general fund of the Town or be used for any purpose not connected with the waterworks so long as any bonds payable from the revenues of the waterworks are outstanding.

Section 15. All of the net revenues of the Town's waterworks shall be and are hereby irrevocably pledged to the payment of the principal of and interest on the now outstanding bonds and the 1983 Bonds issued pursuant to the provisions of this ordinance, and all bonds on a parity therewith, to the extent necessary for that purpose. The term "net revenues" as used in this section shall be construed to mean the revenues remaining after the reasonable cost of operation and maintenance has been paid. Out of said net revenues there shall first be deposited in the fund known as the "Water Works System

Revenue Bond Account" created by the ordinance adopted December 8, 1947, as amended by the ordinance adopted February 19, 1948, for the payment of the principal and interest on the now outstanding 1947 Bonds, the fixed annual amounts specified in said ordinance, as amended, said amounts to be deposited in said account in equal monthly installments. Such monthly deposits into said Water Works System Revenue Bond Account shall continue until such time as said fund shall contain an amount sufficient to pay all of said bonds then outstanding, together with the interest thereon to the dates of maturity thereof. Said Water Works System Revenue Bond Account shall be applied to the payment of the principal of and interest on the 1947 Bonds issued pursuant to the provisions of said ordinance, as amended, in accordance with the terms of said 1947 Bonds, and to no other purpose whatsoever.

The special fund created by Ordinance No. 217 and continued by Ordinance No. 285 for the payment of the principal of and interest on the 1961 Bonds and the 1974 Bonds, respectively, and all bonds on a parity therewith designated is hereby designated as the special fund for the payment of the principal of and interest on the bonds authorized by this Ordinance as the "1961 Waterworks Bond Fund." Out of the net revenues remaining after meeting the monthly requirements of the hereinabove mentioned Water Works System Revenue Bond Account, there shall be deposited in the "1961 Waterworks Bond Fund" on or before the first day of each calendar month, a sufficient

amount of such remaining net revenues of the Town's waterworks to pay one-twelfth (1/12) of the interest on and principal of the outstanding 1961 Bonds, the 1974 Bonds, the 1983 Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, which will be payable during the period of the then next succeeding twelve (12) calendar months. Such monthly deposit shall continue until such time as said fund contains an amount sufficient to pay all of said bonds then outstanding, together with the interest thereon to the dates of maturity thereof, and to pay the principal of and interest on any bonds hereafter issued on a parity therewith. In addition to said monthly one-twelfth (1/12) debt service deposits, there shall be deposited monthly in said fund not less than the amount of Two Thousand One Hundred Five Dollars (\$2,105) until there has been accumulated from such additional deposits the sum of Fifty-seven Thousand Dollars (\$57,000) as a debt service reserve in said 1961 Waterworks Bond Fund. Thereafter said debt service reserve shall be maintained in said fund as a minimum balance over and above the monthly one-twelfth (1/12) debt service deposits so long as any of the bonds herein authorized are outstanding, the Board of Trustees finding and declaring that said debt service reserve is a reasonable and proper protection against default. Said 1961 Waterworks Bond Fund shall be applied to the payment of the principal of and interest on the 1961 Bonds, the 1974 Bonds and the bonds issued pursuant to the provisions of this

ordinance in accordance with the terms of said bonds, and to the payment of the principal of and interest on any bonds hereafter issued on a parity therewith, and to no other purpose whatsoever. Only moneys in said 1961 Waterworks Bond Fund in excess of said monthly one-twelfth (1/12) debt service deposits and said minimum balance debt service reserve may be used for the purpose of redeeming bonds prior to maturity unless all of the outstanding bonds payable from said fund can be retired by the application of moneys in said fund. Moneys in said 1961 Waterworks Bond Fund may be invested in accordance with the laws of the State of Indiana relating to the investment of public funds, including particularly Chapter 9 of the Acts of 1945, as amended and supplemented. No part of the net revenues of the Town's waterworks shall be transferred to the general fund or any other fund of the Town not related to the Town's waterworks so long as any of the bonds issued pursuant to this ordinance are outstanding.

Section 16. After providing for the reasonable operating and maintenance expenses and after setting aside the amounts hereinbefore required to be paid into the Water Works System Revenue Bond Account and the Waterworks Bond Fund, all or such portion of the remaining income and revenues of said system as shall be necessary shall be set aside into the Depreciation Account established by the ordinance adopted December 8, 1947, as amended by the ordinance adopted February 19, 1948, and may be expended in making good depreciation in the waterworks, or

in new construction, extensions, betterments, or additions to said waterworks; or funds in such account may be used for the call, prepayment or purchase of outstanding bonds for redemption prior to maturity, provided that no such redemption shall be made at a price in excess of the then applicable redemption price, or if the bonds are non-callable and are not prepayable at the time, then at a price in excess of the highest redemption price provided in the ordinance authorizing the issuance of such bonds. The funds in said Depreciation Account may be invested in accordance with the laws of the State of Indiana relating to the investment of public funds, including particularly Chapter 9 of the Acts of 1945 as amended and supplemented.

Section 17. The Waterworks System Revenue Bond Account established in 1947 and the 1961 Waterworks Bond Fund established in 1961 each shall be deposited in and maintained as a separate bank account or accounts apart from all other bank accounts of the Town. Any operation and maintenance fund or account and the Depreciation Fund may be maintained in a single bank account or accounts but such bank account or accounts shall likewise be maintained separate and apart from all other bank accounts of the Town and apart from the other waterworks accounts. All moneys deposited in said bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in accordance with the applicable laws, and in the event of such investment the income

therefrom shall become a part of the Funds invested and shall be used only as provided in this ordinance.

Section 18. The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said utility and all disbursements made on account of the utility, also all transactions relating to said utility. There shall be prepared and furnished to the original purchasers of the 1983 Bonds, not more than ninety (90) days after the close of each fiscal year, complete operating income and expense statements of the works, covering the preceding fiscal year and the balances in the several Funds and Accounts referred to in this Ordinance. The fiscal year of the waterworks shall be from January 1 to December 31, both inclusive. Copies of all such statements and reports, together with all audits of the waterworks made available to the Town by the Indiana State Board of Accounts or any successor body authorized by law to audit municipal accounts, shall be kept on file in the office of the Clerk-Treasurer. Any holder or holders of 1983 Bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, statements, audits, reports and data of the Town relating to the waterworks. Such inspections may be made by representatives duly authorized by written instrument.

Section 19. The Town shall by ordinance establish, maintain and collect just and equitable rates and charges for

facilities and services afforded and rendered by said water utility, which shall to the extent permitted by law produce sufficient revenues at all times to pay all the legal and other necessary expense incident to the operation of such utility, to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide the sinking fund for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds to be used as working capital, as well as funds for making extensions, additions, and replacement, and also, for the payment of any taxes that may be assessed against such utility, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service. So long as any of the 1983 Bonds herein authorized are outstanding, none of the facilities or services afforded or rendered by said system shall be furnished without a reasonable and just charge being made therefor. The Town shall pay like charges for any and all services rendered by said utility to the Town, and all such payments shall be deemed to be revenues of the utility. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation and maintenance, and said requirements of the Sinking Fund.

Section 20. The Town reserves the right to authorize and issue additional bonds, payable out of the revenues of its

waterworks ranking on a parity with the 1983 Bonds authorized by this ordinance to complete the planned project, according to the plans and specifications, upon certification of the engineer of the amount necessary, without any further conditions; or for the purpose of financing the cost of future additions, extensions, and improvements to the waterworks, or to refund obligations, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof and all credits required to be made to the waterworks sinking fund and the accounts thereof shall have been made to date.

(b) The net revenues of the waterworks in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall not be less than one hundred twenty percent (120%) of the maximum annual interest and principal requirements of the then outstanding bonds and the proposed additional parity bonds proposed to the final maturity of the then outstanding bonds. For the purposes of this subsection, the records of the waterworks shall be analyzed and all showings shall be prepared by a certified public accountant retained by the Town for that purpose.

(d) The interest on the additional parity bonds shall be payable annually on December 1, and the principal shall be payable annually on December 1 in the years in which principal and interest are payable.

Parity bonds may also be issued to refund less than all of the then outstanding bonds, or to prepay a part of the principal of a single bond, issued pursuant to this ordinance or ranking on a parity therewith, but any such refunding bonds shall be subject to the conditions in this section unless the bonds being refunded mature within three (3) months of the date of such refunding and no other funds are available to pay such maturing bonds. In computing the maximum annual interest and principal requirements pursuant to subsections (b), the interest on and principal of the refunding bonds shall be substituted for the interest on and principal of the bonds being refunded.

Section 21. For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of the extensions and additions to said waterworks shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred per cent (100%) of the amount of such contracts, to insure the completion of said contracts, in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) The works shall be constructed under the supervision and subject to the approval of Sieco, Inc., or such other competent engineer as shall be designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town prior to payment therefor.

(c) The Town shall at all times maintain its waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as the bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing the property destroyed or damaged; or if not used for that purpose shall be deposited in the Waterworks Sinking Fund and credited to the Debt Service Reserve Account.

(e) So long as the bonds herein authorized are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except equipment or property which may become worn out, obsolete or no longer suitable for use in the waterworks.

(f) Except as hereinbefore provided in Section 20, so long as the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said waterworks shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless the bonds herein authorized have been duly called for redemption and sufficient funds to effect the redemption and retirement have been deposited at the place of redemption on the date fixed for redemption in accordance with the terms and conditions of said bonds and this ordinance.

(g) The provisions of this ordinance shall constitute a contract by and between the Town and the holders of the waterworks revenue bonds herein authorized, and after the issuance of said bonds, and subject to the provisions of Section 20 and 23 hereof, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the Board of Trustees adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as said bonds or the interest thereon remain unpaid.

(h) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes herein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this

ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of net revenues herein directed to be set apart and paid into the 1961 Waterworks Bond Fund for the uses and purposes of said Fund as in this ordinance set forth. The holders of said bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to compel the collection of sufficient rates and charges to provide for the operation and maintenance of the water utility system and for the payment of the bonds and interest thereon; also, the right to have a receiver appointed to maintain and operate said water utility system, in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for said purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the bonds for a period of thirty (30) days after such payment shall be due.

Section 22. So long as the United States of America, acting through the Farmers Home Administration, is the holder of the bonds, the Town covenants that in addition to the other covenants, terms and conditions applicable to the bonds authorized by this ordinance, that:

(a) The Clerk-Treasurer shall maintain a fidelity bond in an amount specified by the Farmers Home Administration, which shall name the Farmers Home Administration as a co-obligee.

(b) All disbursements and payments from the Waterworks Construction Account established by Section 13 hereof shall be countersigned by such official as shall be designated in writing by the Farmers Home Administration.

(c) The Town, to the extent permitted by state law, shall make such periodic reports on the waterworks and its funds and accounts as shall be specified by the Farmers Home Administration.

(d) To the extent permitted by law, the Town shall comply with the terms and conditions of the Farmers Home Administration Loan Resolution.

Section 23. Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the waterworks ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance. If the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the Office of the Clerk-Treasurer of the Town, no holder of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all

respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the holders of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Section 24. If, when the bonds issued hereunder shall have become due and payable in accordance with their terms, and the whole amount of the principal and the interest so due and payable upon all of the bonds and coupons then outstanding shall be paid; or (1) sufficient moneys, or (2) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (3) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (2) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the bonds issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the revenues of the City's waterworks.

Section 25. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Sellersburg, on the 25th day of July, 1983.

BOARD OF TRUSTEES

Carl E. Kame

Nancy Wilkinson

ATTEST:

Anna McCarty
Clerk-Treasurer

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Ordinance # 385

Be it Ordained by the City, or Town, or County of Clark, Indiana. That for the expenses of the City, or Town, or County government and its institutions for the year ending December 31, 1984, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of city, or town, or county government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY:

COMMON COUNCIL OR TOWN BOARD

OR

COUNTY COUNCIL

This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor or Town Board.

Passed by the Common Council August 22, 1983

Approved by the Mayor _____, 19____

Mayor

Attest:

City Clerk or Clerk-Treasurer

Passed by the Board of Town Trustees August 22, 1983

Carl E. Kerner

Nancy Weston

Attest:

Anna L. McCartney
Town Clerk-Treasurer

Presented to the County Council of _____ County, Indiana, and read in full for the first time this _____ day of _____, 19____.

President County Council

Attest:

County Auditor and/or Clerk of County Council

Presented to the County Council of _____ County, Indiana, and read in full for the second time, and adopted, this _____ day of _____, 19____, by the following vote:

Nay

Yea

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Attest:

County Auditor and/or Clerk of County Council

ORDINANCE NO. 381

An Amended Ordinance of the Town of Sellersburg authorizing the issuance of junior waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, repealing ordinances inconsistent herewith, and other matters connected therewith

WHEREAS, the Town of Sellersburg (the "Town") now owns and operates a municipal waterworks in said Town in accordance with the provisions of Title 8, Article 1.5 of the Indiana Code, and the acts amendatory thereof and supplemental thereto; and

WHEREAS, the Board of Trustees now finds that the waterworks of the Town is in need of certain additions, extensions and improvements, the estimated cost of which, based on bids received, and including incidental expenses necessary to be incurred in connection with the financing thereof, is in the amount of Two Million Thirty-five Thousand Dollars (\$2,035,000.00); and

WHEREAS, the Board of Trustees now finds that it does not have sufficient funds available to pay the balance of the cost of said additions, extensions and improvements, and that it will be necessary to obtain such funds by the issuance and sale of waterworks revenue bonds payable out of the revenues of said waterworks; and

WHEREAS, the Board of Trustees has been advised that the Farmers Home Administration, U.S. Department of Agriculture, will purchase, pursuant to a Loan Agreement, a waterworks

RESOLUTION AUTHORIZING TENECH ENGINEERING
CONSULTANTS TO PROCEED WITH 201 FACILITIES
PLAN FOR SEWAGE TREATMENT FOR THE TOWN OF
SELLERSBURG

WHEREAS, the Indiana General Assembly and the Federal Water Pollution Control Act, Public Law 92-500, provide financial aid for the construction of sewage treatment works; and

WHEREAS, the Town of Sellersburg, Clark County, Indiana, herein called the "Municipality," has plans for a municipal water pollution control project, herein called the "Project," and the Municipality intends to proceed with the Project; and

WHEREAS, the Municipality intends to proceed with its own funds to complete a 201 Facilities Plan and to make an application for Step 4 Design and Construction grant funds from the United States Environmental Protection Agency pursuant to Public Law 92-500 and the rules and regulations as set forth in 40 CFR 35 of the Federal Register; and

WHEREAS, the Municipality desires to contract for engineering services required for the Project; and

WHEREAS, TenEch Environmental Engineers, Inc., herein called "TenEch," has expressed a willingness to furnish the engineering services required in connection with the Project:

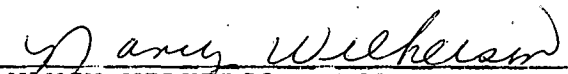
NOW, THEREFORE, BE IT RESOLVED by the Town of Sellersburg:

1. That the Municipality agrees that, if a Federal grant and State assistance for the Project are provided pursuant to the Federal Water Pollution Control Act and the Indiana General Assembly, the Town of Sellersburg will pay the remaining costs of the approved Project.
2. That TenEch be retained to initiate a 201 Facilities Plan Study on the existing and future needs of sewage treatment facilities for the Town of Sellersburg.
3. That the Municipality agrees to comply with the requirements of the Stream Pollution Control Board.
4. That the President of the Town Board, after conferring with other Board members, be authorized to make applications for State and Federal grants and provide the Stream Pollution Control Board such information, data, and documents pertaining to the application for the grants as may be required and otherwise act as the authorized representative of the Municipality in connection with said application.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana this 25th day of April, 1983.

TOWN OF SELLERSBURG, INDIANA,
BY ITS BOARD OF TRUSTEES:


CARL E. KAMER, PRESIDENT


NANCY WILKERSON, BOARD MEMBER

ATTEST:


ANNA L. MCCARTNEY, CLERK
TREASURER


WILLIAM R. COLLIER, BOARD MEMBER

DATED:

RESOLUTION AUTHORIZING TENECH ENGINEERING
CONSULTANTS TO PROCEED WITH 201 FACILITIES
PLAN FOR SEWAGE TREATMENT FOR THE TOWN OF
SELLERSBURG

WHEREAS, the Indiana General Assembly and the Federal Water Pollution Control Act, Public Law 92-500, provide financial aid for the construction of sewage treatment works; and

WHEREAS, the Town of Sellersburg, Clark County, Indiana, herein called the "Municipality," has plans for a municipal water pollution control project, herein called the "Project," and the Municipality intends to proceed with the Project; and

WHEREAS, the Municipality intends to proceed with its own funds to complete a 201 Facilities Plan and to make an application for Step 4 Design and Construction grant funds from the United States Environmental Protection Agency pursuant to Public Law 92-500 and the rules and regulations as set forth in 40 CFR 35 of the Federal Register; and

WHEREAS, the Municipality desires to contract for engineering services required for the Project; and

WHEREAS, TenEch Environmental Engineers, Inc., herein called "TenEch," has expressed a willingness to furnish the engineering services required in connection with the Project:


NOW, THEREFORE, BE IT RESOLVED by the Town of Sellersburg:

1. That the Municipality agrees that, if a Federal grant and State assistance for the Project are provided pursuant to the Federal Water Pollution Control Act and the Indiana General Assembly, the Town of Sellersburg will pay the remaining costs of the approved Project.
2. That TenEch be retained to initiate a 201 Facilities Plan Study on the existing and future needs of sewage treatment facilities for the Town of Sellersburg.
3. That the Municipality agrees to comply with the requirements of the Stream Pollution Control Board.
4. That the President of the Town Board, after conferring with other Board members, be authorized to make applications for State and Federal grants and provide the Stream Pollution Control Board such information, data, and documents pertaining to the application for the grants as may be required and otherwise act as the authorized representative of the Municipality in connection with said application.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana this 25th day of April, 1983.

TOWN OF SELLERSBURG, INDIANA,
BY ITS BOARD OF TRUSTEES:


CARL E. KAMER, PRESIDENT


NANCY WILKERSON, BOARD MEMBER

ATTEST:


ANNA L. MCCARTNEY, CLERK
TREASURER


WILLIAM R. COLLIER, BOARD MEMBER

DATED: 4-25-83

years and installments as correspond to the years and amounts set forth in Section 4 hereof. Both interest on and principal, except for the final payment of interest and principal on December 1, 2022, of the fully registered bonds are payable in lawful money of the United States of America by check or draft mailed or delivered to the registered owner at the address of said owner as it appears on the registration records of the Town. Upon such final payment, the 1983 Bonds shall be delivered to the Town and cancelled.

Section 6. Said 1983 Bonds shall be issued in the name of the Town of Sellersburg, Indiana, and shall be executed by the President of the Board of Trustees, and attested by the Clerk-Treasurer who shall affix the seal of said Town. Said 1983 Bonds shall not be the general obligation of said Town, and said 1983 bonds shall state on their face that the Town shall not be obligated to pay the same or the interest thereon except from the special revenue fund provided from the net revenues of the waterworks. The bonds shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Section 7. The form and tenor of said fully registered 1983 Bonds and the transfer registry thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Fully Registered Bond)

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF CLARK

No. R-1

\$2,035,000

TOWN OF SELLERSBURG
JUNIOR WATERWORKS REVENUE BOND OF 1983

The Town of Sellersburg, in Clark County, State of Indiana, for value received, hereby promises to pay to the registered owner, solely out of the special revenue fund hereinafter referred to, the principal amount of

TWO MILLION THIRTY-FIVE THOUSAND DOLLARS

on December 1, in the years and installments as follows:

<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>
1984	\$ 3,000	1997	\$13,000	2010	\$57,000
1985	3,000	1998	14,000	2011	64,000
1986	4,000	1999	16,000	2012	71,000
1987	4,000	2000	18,000	2013	80,000
1988	4,000	2001	20,000	2014	90,000
1989	5,000	2002	22,000	2015	101,000
1990	6,000	2003	25,000	2016	113,000
1991	6,000	2004	28,000	2017	127,000
1992	7,000	2005	32,000	2018	143,000
1993	8,000	2006	36,000	2019	160,000
1994	9,000	2007	40,000	2020	180,000
1995	10,000	2008	45,000	2021	202,000
1996	11,000	2009	50,000	2022	208,000

(subject to any prepayments of principal as hereinafter provided) and to pay interest from the same source on the unpaid balance thereof from time to time remaining unpaid from the dates of payment from this bond, at the rate of twelve and one-fourth percent (12-1/4%) per annum, payable annually on December 1 of each year, beginning December 1, 1983.

Both principal and interest of this bond, except for the final payments of principal and interest, are payable in lawful money of the United States of America, by check or draft mailed or delivered to the registered owner at the address of said owner as it appears on the registration records of the Town. Upon such final payment at the office of the Clerk-Treasurer, this bond shall be delivered to the Town and cancelled.

This bond is the only one of an authorized issue of the Town, in the aggregate principal amount of Two Million Thirty-five Thousand Dollars (\$2,035,000.00), issued for the purpose of providing funds to apply on the cost of additions and extensions to its municipally owned waterworks, as authorized by an ordinance adopted by the Board of Trustees of the Town on July __, 1983, entitled "An Ordinance of the Town of Sellersburg authorizing the issuance of junior waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, repealing ordinances inconsistent herewith, and other matters connected therewith," and in strict compliance with the provisions of Title 8, Article 1.5 of the Indiana Code, and all acts amendatory thereof and supplemental thereto (hereinafter referred to as the "Act").

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond, and any bonds hereafter issued ranking on a parity therewith, are payable solely from a Waterworks Bond Fund to be provided from the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation and maintenance) of the waterworks of the Town, including the works constructed or acquired by the use of the proceeds of this bond, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town of Sellersburg within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest hereon except from said special fund provided from said net revenues.

The Town of Sellersburg irrevocably pledges the entire net revenues of said waterworks to the prompt payment of the principal and interest of this bond issued on account of the construction of additions and extensions to said waterworks, and any bonds ranking on a parity therewith, subject, however, to certain Waterworks Revenue Refunding and Improvement Bonds, dated December 1, 1947, which Bonds are now outstanding in the principal amount of \$20,000, bearing interest at the rate of 4% per annum, maturing annually on December 1 over a period ending December 1, 1986, also subject to certain Waterworks Revenue Bonds of 1961, dated July 1, 1961, which Bonds are now outstanding in the principal amount of \$345,000, bearing interest at the rate of 4-1/2% per annum, maturing annually on December 1 over a period ending December 1, 1996, and also to a certain Waterworks Revenue Bond of 1974, dated May 3, 1974, which Bond is now outstanding in the principal amount of \$384,000, bearing interest at the rate of 5% per annum, maturing annually on December 1 over a period ending December 1, 2012, to the extent

necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into its waterworks funds and accounts under the provisions of said ordinance and said Act.

The Town further covenants that it will set aside and pay into its Waterworks Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said waterworks, as such interest shall fall due, (b) the necessary fiscal agency charges for paying the bonds and interest, (c) the principal of this bond and all other bonds payable from the revenues of said waterworks, as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the ordinance authorizing the issuance of this bond. Such required payments shall constitute a charge upon all the net revenues of said works, subject only to the prior payment of certain Waterworks Revenue Refunding and Improvement Bonds, issued under date of December 1, 1947, outstanding in the amount of \$20,000, bearing interest at 4% per annum and maturing annually on December 1 over a period ending December 1, 1986; certain Waterworks Revenue Bonds of 1961, issued under date of July 1, 1961, outstanding in the amount of \$345,000, bearing interest at 4-1/2% per annum and maturing annually on December 1 over a period ending December 1, 1996; and a certain Waterworks Revenue Bond of 1974, issued under date of May 3, 1974, outstanding in the amount of \$384,000, bearing interest at 5% per annum and maturing annually on December 1 over a period ending December 1, 2012.

This bond may be transferred upon presentation of the bond and an executed assignment to the Clerk-Treasurer of the Town for notation of the same upon this bond and the registration record of the Town kept for that purpose or may be exchanged as provided in the ordinance authorizing the bonds.

Installments of principal of this fully registered bond maturing December 1, 1984, and thereafter, may, at the option of the Town, be prepaid in whole or in part on December 1, 1983, or on any interest payment date thereafter, in any multiples of One Thousand Dollars (\$1,000), upon thirty (30) days' notice to the registered owner at par and accrued interest to the date of prepayment, without any premium. Interest on the installments of principal so prepaid shall cease on such date of prepayment. This bond must be presented at the office of the Clerk-Treasurer for any such prepayments.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of Sellersburg, in Clark County, State of Indiana, has caused this bond to be executed in its corporate name by the President of its Board of Trustees and its corporate seal to be hereunto affixed and attested by its Clerk-Treasurer, as of _____, _____.

TOWN OF SELLERSBURG

By: _____
President, Board of Trustees

(SEAL)

Attest:

Clerk-Treasurer

(Form of Registration)

REGISTRATION ENDORSEMENT

This bond can be transferred and registered only at the office of the Clerk-Treasurer in the Town of Sellersburg, Indiana. No writing hereon except by the Clerk-Treasurer.

Date of Registration	In Whose Name Registered	Clerk-Treasurer
_____	_____	_____
_____	_____	_____
_____	_____	_____

RECORD OF PAYMENT FOR BOND

<u>Date of Payment</u>	<u>Amount</u>	<u>Acknowledgment of Receipt by Clerk-Treasurer</u>	<u>Guarantee of Clerk-Treasurer's Signature</u>

PREPAYMENT RECORD

Principal Installments on Which
Payments Have Been Made Prior to Maturity

<u>Principal Date</u>	<u>Amount</u>	<u>Principal Payment</u>	<u>Balance</u>	<u>Date Paid</u>	<u>Name of Authorized Official And Title</u>
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(NOTE: This should be a separate sheet.)

Section 8. Any one or more installments of principal of fully registered bonds, of this issue maturing on December 1, 1984, and thereafter, shall be redeemable or prepayable at the option of the Town from any funds regardless of source, in whole or in part, on December 1, 1984, or on any interest payment date thereafter, at the principal amount thereof with accrued interest to the date fixed for redemption or prepayment, without any premium. Prepayments of installments of fully registered bonds, shall be made in inverse chronological order of maturities outstanding at the time of prepayment, and in inverse numerical order for bonds if less than an entire maturity is called. Notice of prepayment of principal on a fully registered bond shall be given by registered mail, postmarked at least thirty (30) days prior to the date of prepayment, to the registered owner at his address as shown on the registration record of the Town. The notice of prepayment shall specify the date and place of prepayment, the serial numbers of the bonds subject to prepayment, and identification of installments of principal to be prepaid. The place of

prepayment of installments shall be the office of the Clerk-Treasurer of the Town who shall record the prepayments on the bonds. Interest on installments of principal to be prepaid, shall cease on the date fixed in the notice if sufficient funds are available at the place of prepayment to pay the price on the date so named, including interest to said date. If any fully registered bond called for prepayment, shall not be presented on the date and at the place designated in the notice, the Town shall hold in trust in the Town's depository bank, sufficient funds to effect such prepayment of installments as specified in the notice, and thereafter the owner of such bond shall be entitled to payment only from such trust funds, and the prepayment thereof shall be deemed to have been effected, and the bonds no longer outstanding.

Section 9. The bonds of this issue, and any bonds ranking on a parity therewith as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a charge upon all the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation and maintenance) of the waterworks of the Town, including the works herein authorized to be constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired; subject, however, to the prior payment of the outstanding 1947 Bonds, 1961 Bonds and 1974 Bonds. The Town shall not be obligated to pay said 1983 Bonds or the interest thereon except

from the net revenues of said works, and said 1983 Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 10. Said 1983 Bonds shall be signed in the name of the Town of Sellersburg by the President of the Board of Trustees and attested by the Clerk-Treasurer, who shall affix the seal of said Town to each of said bonds. One of such signatures may be a facsimile signature. Said officials, by the signing of a proper signature identification certificate and the 1983 Bonds, shall adopt as and for their own proper signatures, their facsimile signatures appearing on said 1983 Bonds. Subject to the provisions for registration said 1983 Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Section 11. Upon surrender of a fully registered 1983 Bond at the office of the Clerk-Treasurer of the Town, or at such other place as may be agreed upon by and between the Town and the registered owner, together with a request for exchange duly executed by the registered owner, or his attorney, in such form as shall be satisfactory to the Town, such 1983 Bond may, at the option of the registered owner thereof, and the expense of the Town, be exchanged for a new fully registered 1983 Bond or Bonds in an aggregate amount equal to the then unpaid principal amount outstanding and with maturities corresponding to the unpaid principal installments outstanding of the fully

registered 1983 Bond, in the denomination of One Thousand Dollars (\$1,000) each, bearing the same rate of interest payable annually on December 1. On the surrender of such fully registered 1983 Bond and the filing of a request for exchange, the Town shall execute and deliver such fully registered 1983 Bonds in accordance with the request for exchange and in the form substantially as set forth in Section 7 hereof. Said 1983 Bonds shall be issued within sixty (60) days from the date of the filing of the request for such exchange. Any fully registered 1983 Bond surrendered for exchange shall, upon delivery of the 1983 Bonds in exchange therefor, be forthwith cancelled by the Town.

Section 12. The Clerk-Treasurer is hereby authorized and directed to have said 1983 Bonds prepared, and the President of the Board of Trustees and the Clerk-Treasurer are hereby authorized and directed to execute said 1983 Bonds in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said 1983 Bonds to the purchaser thereof. The 1983 Bonds herein authorized, when fully paid for and delivered, shall be the binding special revenue obligations of the Town, payable out of the revenues of the waterworks to be set aside into the Waterworks Sinking Fund as herein provided, and the proceeds derived from the sale of said 1983 Bonds shall be and are hereby set aside for application on the cost of additions, extensions and improvements to said waterworks hereinbefore referred to, and the expenses necessarily incurred in connection therewith. The proper officers of the

Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Section 13. The proceeds from the sale of said bonds shall be deposited in _____, in Sellersburg, Indiana, in a special account or accounts, separate and apart from other bank accounts of the Town, to be designated as "Town of Sellersburg Waterworks Construction Account." All moneys deposited to the credit of said Waterworks Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly Title 5, Article 13, Chapter 1 of the Indiana Code, as amended and supplemented. Any income from such investment shall become a part of the Waterworks Construction Account. The funds in said special account shall be expended only for the purpose of paying the cost of the waterworks additions, extensions and improvements, including service connections, the incidental expenses incurred in connection with the construction or the issuance of the 1983 Bonds, including the necessary engineering and legal expenses, and to provide for necessary equipment and working capital. Any balance or balances remaining unexpended in such special account or accounts of the Waterworks Construction Account, after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall, within sixty (60) days after completion of the

project, be deposited in the Waterworks Sinking Fund, credited to the Debt Service Reserve Account thereof, and shall be used solely for the purposes of said Fund.

Section 14. All revenues derived from the operation of the waterworks and from the collection of water rates and charges shall be segregated and kept separate and apart from all other funds and bank accounts of the Town. Out of said revenues the proper and reasonable expenses of operation and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, and the cost of replacements, extensions, additions, and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the waterworks shall be transferred to the general fund of the Town or be used for any purpose not connected with the waterworks so long as any bonds payable from the revenues of the waterworks are outstanding.

Section 15. All of the net revenues of the Town's waterworks shall be and are hereby irrevocably pledged to the payment of the principal of and interest on the now outstanding bonds and the 1983 Bonds issued pursuant to the provisions of this ordinance, and all bonds on a parity therewith, to the extent necessary for that purpose. The term "net revenues" as used in this section shall be construed to mean the revenues remaining after the reasonable cost of operation and maintenance has been paid. Out of said net revenues there shall first be deposited in the fund known as the "Water Works System

Revenue Bond Account" created by the ordinance adopted December 8, 1947, as amended by the ordinance adopted February 19, 1948, for the payment of the principal and interest on the now outstanding 1947 Bonds, the fixed annual amounts specified in said ordinance, as amended, said amounts to be deposited in said account in equal monthly installments. Such monthly deposits into said Water Works System Revenue Bond Account shall continue until such time as said fund shall contain an amount sufficient to pay all of said bonds then outstanding, together with the interest thereon to the dates of maturity thereof. Said Water Works System Revenue Bond Account shall be applied to the payment of the principal of and interest on the 1947 Bonds issued pursuant to the provisions of said ordinance, as amended, in accordance with the terms of said 1947 Bonds, and to no other purpose whatsoever.

The special fund created by Ordinance No. 217 and continued by Ordinance No. 285 for the payment of the principal of and interest on the 1961 Bonds and the 1974 Bonds, respectively, and all bonds on a parity therewith designated is hereby designated as the special fund for the payment of the principal of and interest on the bonds authorized by this Ordinance as the "1961 Waterworks Bond Fund." Out of the net revenues remaining after meeting the monthly requirements of the hereinabove mentioned Water Works System Revenue Bond Account, there shall be deposited in the "1961 Waterworks Bond Fund" on or before the first day of each calendar month, a sufficient

amount of such remaining net revenues of the Town's waterworks to pay one-twelfth (1/12) of the interest on and principal of the outstanding 1961 Bonds, the 1974 Bonds, the 1983 Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, which will be payable during the period of the then next succeeding twelve (12) calendar months. Such monthly deposit shall continue until such time as said fund contains an amount sufficient to pay all of said bonds then outstanding, together with the interest thereon to the dates of maturity thereof, and to pay the principal of and interest on any bonds hereafter issued on a parity therewith. In addition to said monthly one-twelfth (1/12) debt service deposits, there shall be deposited monthly in said fund not less than the amount of Two Thousand Six Hundred Dollars (\$2,600) until there has been accumulated from such additional deposits the sum of Three Hundred Eleven Thousand Nine Hundred Eighty-five Dollars (\$311,985) as a debt service reserve in said 1961 Waterworks Bond Fund. Thereafter said debt service reserve shall be maintained in said fund as a minimum balance over and above the monthly one-twelfth (1/12) debt service deposits so long as any of the bonds herein authorized are outstanding, the Board of Trustees finding and declaring that said debt service reserve is a reasonable and proper protection against default. Said 1961 Waterworks Bond Fund shall be applied to the payment of the principal of and interest on the 1961 Bonds, the 1974 Bonds and the bonds issued pursuant to the provisions of this ordinance in accordance with

the terms of said bonds, and to the payment of the principal of and interest on any bonds hereafter issued on a parity therewith, and to no other purpose whatsoever. Only moneys in said 1961 Waterworks Bond Fund in excess of said monthly one-twelfth (1/12) debt service deposits and said minimum balance debt service reserve may be used for the purpose of redeeming bonds prior to maturity unless all of the outstanding bonds payable from said fund can be retired by the application of moneys in said fund. Moneys in said 1961 Waterworks Bond Fund may be invested in accordance with the laws of the State of Indiana relating to the investment of public funds, including particularly Chapter 9 of the Acts of 1945, as amended and supplemented. No part of the net revenues of the Town's waterworks shall be transferred to the general fund or any other fund of the Town not related to the Town's waterworks so long as any of the bonds issued pursuant to this ordinance are outstanding.

Section 16. After providing for the reasonable operating and maintenance expenses and after setting aside the amounts hereinbefore required to be paid into the Water Works System Revenue Bond Account and the Waterworks Bond Fund, all or such portion of the remaining income and revenues of said system as shall be necessary shall be set aside into the Depreciation Account established by the ordinance adopted December 8, 1947, as amended by the ordinance adopted February 19, 1948, and may be expended in making good depreciation in the waterworks, or

in new construction, extensions, betterments, or additions to said waterworks; or funds in such account may be used for the call, prepayment or purchase of outstanding bonds for redemption prior to maturity, provided that no such redemption shall be made at a price in excess of the then applicable redemption price, or if the bonds are non-callable and are not prepayable at the time, then at a price in excess of the highest redemption price provided in the ordinance authorizing the issuance of such bonds. The funds in said Depreciation Account may be invested in accordance with the laws of the State of Indiana relating to the investment of public funds, including particularly Chapter 9 of the Acts of 1945 as amended and supplemented.

Section 17. The Waterworks System Revenue Bond Account established in 1947 and the 1961 Waterworks Bond Fund established in 1961 each shall be deposited in and maintained as a separate bank account or accounts apart from all other bank accounts of the Town. Any operation and maintenance fund or account and the Depreciation Fund may be maintained in a single bank account or accounts but such bank account or accounts shall likewise be maintained separate and apart from all other bank accounts of the Town and apart from the other waterworks accounts. All moneys deposited in said bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in accordance with the applicable laws, and in the event of such investment the income

therefrom shall become a part of the Funds invested and shall be used only as provided in this ordinance.

Section 18. The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said utility and all disbursements made on account of the utility, also all transactions relating to said utility. There shall be prepared and furnished to the original purchasers of the 1983 Bonds, not more than ninety (90) days after the close of each fiscal year, complete operating income and expense statements of the works, covering the preceding fiscal year and the balances in the several Funds and Accounts referred to in this Ordinance. The fiscal year of the waterworks shall be from January 1 to December 31, both inclusive. Copies of all such statements and reports, together with all audits of the waterworks made available to the Town by the Indiana State Board of Accounts or any successor body authorized by law to audit municipal accounts, shall be kept on file in the office of the Clerk-Treasurer. Any holder or holders of 1983 Bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, statements, audits, reports and data of the Town relating to the waterworks. Such inspections may be made by representatives duly authorized by written instrument.

Section 19. The Town shall by ordinance establish, maintain and collect just and equitable rates and charges for

facilities and services afforded and rendered by said water utility, which shall to the extent permitted by law produce sufficient revenues at all times to pay all the legal and other necessary expense incident to the operation of such utility, to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide the sinking fund for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds to be used as working capital, as well as funds for making extensions, additions, and replacement, and also, for the payment of any taxes that may be assessed against such utility, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service. So long as any of the 1983 Bonds herein authorized are outstanding, none of the facilities or services afforded or rendered by said system shall be furnished without a reasonable and just charge being made therefor. The Town shall pay like charges for any and all services rendered by said utility to the Town, and all such payments shall be deemed to be revenues of the utility. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation and maintenance, and said requirements of the Sinking Fund.

Section 20. The Town reserves the right to authorize and issue additional bonds, payable out of the revenues of its

waterworks ranking on a parity with the 1983 Bonds authorized by this ordinance to complete the planned project, according to the plans and specifications, upon certification of the engineer of the amount necessary, without any further conditions; or for the purpose of financing the cost of future additions, extensions, and improvements to the waterworks, or to refund obligations, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof and all credits required to be made to the waterworks sinking fund and the accounts thereof shall have been made to date.

(b) The net revenues of the waterworks in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall not be less than one hundred twenty percent (120%) of the maximum annual interest and principal requirements of the then outstanding bonds and the proposed additional parity bonds proposed to the final maturity of the then outstanding bonds. For the purposes of this subsection, the records of the waterworks shall be analyzed and all showings shall be prepared by a certified public accountant retained by the Town for that purpose.

(d) The interest on the additional parity bonds shall be payable annually on December 1, and the principal shall be payable annually on December 1 in the years in which principal and interest are payable.

Parity bonds may also be issued to refund less than all of the then outstanding bonds, or to prepay a part of the principal of a single bond, issued pursuant to this ordinance or ranking on a parity therewith, but any such refunding bonds shall be subject to the conditions in this section unless the bonds being refunded mature within three (3) months of the date of such refunding and no other funds are available to pay such maturing bonds. In computing the maximum annual interest and principal requirements pursuant to subsections (b), the interest on and principal of the refunding bonds shall be substituted for the interest on and principal of the bonds being refunded.

Section 21. For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of the extensions and additions to said waterworks shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred per cent (100%) of the amount of such contracts, to insure the completion of said contracts, in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) The works shall be constructed under the supervision and subject to the approval of Midwestern Engineers, or such other competent engineer as shall be designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town prior to payment therefor.

(c) The Town shall at all times maintain its waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as the bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing the property destroyed or damaged; or if not used for that purpose shall be deposited in the Waterworks Sinking Fund and credited to the Debt Service Reserve Account.

(e) So long as the bonds herein authorized are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except equipment or property which may become worn out, obsolete or no longer suitable for use in the waterworks.

(f) Except as hereinbefore provided in Section 20, so long as the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said waterworks shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless the bonds herein authorized have been duly called for redemption and sufficient funds to effect the redemption and retirement have been deposited at the place of redemption on the date fixed for redemption in accordance with the terms and conditions of said bonds and this ordinance.

(g) The provisions of this ordinance shall constitute a contract by and between the Town and the holders of the waterworks revenue bonds herein authorized, and after the issuance of said bonds, and subject to the provisions of Section 20 and 23 hereof, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the Board of Trustees adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as said bonds or the interest thereon remain unpaid.

(h) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes herein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this

ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of net revenues herein directed to be set apart and paid into the 1961 Waterworks Bond Fund for the uses and purposes of said Fund as in this ordinance set forth. The holders of said bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to compel the collection of sufficient rates and charges to provide for the operation and maintenance of the water utility system and for the payment of the bonds and interest thereon; also, the right to have a receiver appointed to maintain and operate said water utility system, in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for said purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the bonds for a period of thirty (30) days after such payment shall be due.

Section 22. So long as the United States of America, acting through the Farmers Home Administration, is the holder of the bonds, the Town covenants that in addition to the other covenants, terms and conditions applicable to the bonds authorized by this ordinance, that:

(a) The Clerk-Treasurer shall maintain a fidelity bond in an amount specified by the Farmers Home Administration, which shall name the Farmers Home Administration as a co-obligee.

(b) All disbursements and payments from the Waterworks Construction Account established by Section 13 hereof shall be countersigned by such official as shall be designated in writing by the Farmers Home Administration.

(c) The Town, to the extent permitted by state law, shall make such periodic reports on the waterworks and its funds and accounts as shall be specified by the Farmers Home Administration.

(d) To the extent permitted by law, the Town shall comply with the terms and conditions of the Farmers Home Administration Loan Resolution.

Section 23. Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the waterworks ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance. If the holders of not less than seventy-five per cent (75%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the Office of the Clerk-Treasurer of the Town, no holder of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all

respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the holders of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Section 24. If, when the bonds issued hereunder shall have become due and payable in accordance with their terms, and the whole amount of the principal and the interest so due and payable upon all of the bonds and coupons then outstanding shall be paid; or (1) sufficient moneys, or (2) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (3) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (2) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the bonds issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the revenues of the City's waterworks.

Section 25. All ordinances and parts of ordinances, including Ordinance No. 379, in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be deemed in any way to repeal, amend, alter or modify the ordinances authorizing the bond issued in 1947, 1961 or 1974 nor be construed as adversely affecting the rights of the holders of the aforementioned outstanding bonds.

Section 26. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Sellersburg, on the 7th day of December 1983.

BOARD OF TRUSTEES

Carl E. Kasper

William P. Collier

Nancy Hinton

ATTEST:

Osma McCartney
Clerk-Treasurer

RESOLUTION AUTHORIZING SUPERINTENDENT OF SELLERSBURG WATER DEPARTMENT TO ADMINISTER AND PERFORM ALL FUNCTIONS NECESSARY CONCERNING THE TOWN OF SELLERSBURG'S INVITATION FOR BIDS AND PURCHASE AGREEMENT ENTERED INTO BY IT WITH OTHER WATERWORKS

WHEREAS, the Town of Sellersburg, Indiana, maintains and operates a municipal water treatment and distribution system, and

WHEREAS, Mr. David Popp is the Superintendent of the Sellersburg Water Department, and

WHEREAS, the Sellersburg Water Department of the Town of Sellersburg, will receive bids for water meters and meter test equipment, and

WHEREAS, other waterworks have expressed an interest in purchasing equipment in conjunction with the Town of Sellersburg in order to reduce the price, and

WHEREAS, someone must be responsible to the town to oversee these bids, and any resulting purchase contracts entered into between the town and other waterworks participating in the purchase of water meters or water meter test equipment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Town of Sellersburg, Indiana:

1. That the town authorizes Mr. David Popp, Sellersburg Water Department Superintendent, to oversee the receipt of bids for water meters, water meter test equipment, and any resulting purchase contracts entered between the Town of Sellersburg and other waterworks.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 23rd day of May, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl E. Kamer
CARL E. KAMER, PRESIDENT

Nancy Wilkerson
NANCY WILKERSON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna L. McCartney
ANNA L. MCCARTNEY, CLERK-TREASURER

RESOLUTION EMPLOYING ENGINEER TO PREPARE
SURVEYS FOR EXTENDING WATER AND SEWAGE
SERVICE TO ZENA CORPORATION.

WHEREAS, the Town Board of Sellersburg, Indiana, has allocated funds, including Federal funds, to extend sewage and water service to the Zena Corporation, which is located upon property adjacent to the Town of Sellersburg, and

WHEREAS, surveys are required to determine what easements are necessary for completion of this project, and

WHEREAS, an engineer must be employed to prepare these surveys.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Town of Sellersburg, Indiana:

That the Town Board employs Jacobi & Toombs Engineering Inc. to prepare and submit all necessary surveys and easements associated with the extension of water and sewage service to the Zena Corp.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, at a special meeting this 6th day of July, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl Kamer
CARL KAMER, PRESIDENT

Nancy Wilkerson
NANCY WILKERSON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney
ANNA McCARTNEY, CLERK-TREASURER

RESOLUTION EMPLOYING ENGINEER TO MANAGE AND SUPERVISE PROJECT INVOLVING EXTENDING WATER AND SEWAGE LINES TO ZENA CORPORATION.

WHEREAS, the Board of Trustees for the Town of Sellersburg, Indiana, encourages new industry to locate within the Town or adjacent to the Town to provide additional jobs for citizens of the Town, and

WHEREAS, the Zena Corporation is relocating its plant to an area adjacent to the Town, and

WHEREAS, the Zena Corporation has agreed to employ residents of the Town of Sellersburg upon achieving full scale production, and

WHEREAS, the Town Board has allocated funds to pay for extending water and sewage service to the Zena Corporation, including Federal funds also being allocated for this purpose, and

WHEREAS, the Town must employ an engineer to supervise, manage, and be responsible for this project, and

WHEREAS, the Town has asked for quotes and submissions of information by engineers believed to be interested in managing the project for the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Town of Sellersburg, Indiana:

That based upon the quotes and all other information submitted and considered by the Board concerning this project, the Board selects and employs Jacobi & Toombs, Inc. to manage and supervise the foregoing described project.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 11th day of July, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl Kamer
CARL KAMER, PRESIDENT

Nancy Wilkerson
NANCY WILKERSON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney
ANNA MCCARTNEY, CLERK-TREASURER

RESOLUTION

WHEREAS, the Town of Sellersburg is interested in pursuing and promoting economic development in its area; and

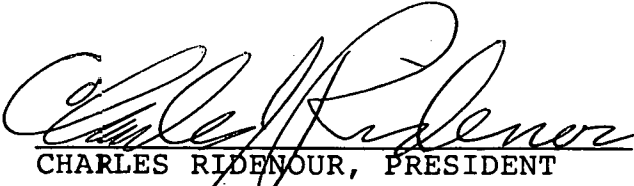
WHEREAS, the Servend Company has elected to locate in or near the Town of Sellersburg which will create new job opportunities and economic growth to the area; and

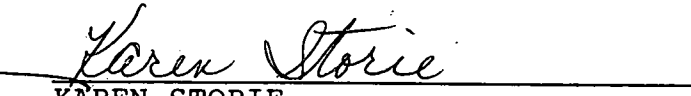
WHEREAS, in order to promote economic development and the location of Servend in or near the Town of Sellersburg;


BE IT RESOLVED that the Town of Sellersburg will submit an application for a grant to the Department of Commerce and the EDA in order to obtain funds for the purpose of building a water tower, water main, and appurtenances on or near the Servend property. The estimated project cost ^{of our money} is \$400,000.00. If Sellersburg cannot complete construction July, 1990, Sellersburg hereby grants Servend permission to temporarily hook onto Silver Creek Water Service until construction is completed.

cl
K.S.
MAR
R.S.
pr

SO RESOLVED THIS 10TH DAY OF JULY, 1989.


CHARLES RIDENOUR, PRESIDENT


KAREN STORIE


ROY EVERETT


MARY ANN DELLAROSA

VIRGIL CRAWFORD

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

RESOLUTION NO. 83-R- 50

RESOLUTION RENTING OFFICE SPACE TO
THE SELLERSBURG HOUSING AUTHORITY

WHEREAS, the Town of Sellersburg, Indiana, maintains, owns, and occupies a Town Office Building commonly known as the Town Hall, and

WHEREAS, the Sellersburg Water Dept. and Sewage Dept. pay rental to the Town for office space located within the Town Hall, and

WHEREAS, the Sellersburg Housing Authority is a separate and independent agency to which the Town of Sellersburg is not responsible for its liabilities or financial condition, and

WHEREAS, the Sellersburg Housing Authority has previously used office space in the Town Hall without being charged rent, and

WHEREAS, the Town Board now believes that the Housing Authority should pay rental for the use of office space within the Town Hall.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Town of Sellersburg, Indiana:

1. That effective August 1, 1983, the Sellersburg Housing Authority shall pay rental to the Town of Sellersburg for office space located within the Town Hall in the amount of \$125.00 per month which amount would include rental of the premises and limited utilities.
2. That the Board considers this to be a month-to-month lease and requires rent to be due by the 5th day of the month.
3. That the Sellersburg Housing Authority shall make its rental payments to the Clerk-Treasurer of the Town of Sellersburg.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this _____ day of July, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

CARL KAMER, PRESIDENT

Nancy Wilkerson

NANCY WILKERSON, BOARD MEMBER

William R. Collier

WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney

ANNA MCCARTNEY, CLERK-TREASURER

RESOLUTION NO. 83-R-52

Resolution authorizing the submission of an application to the Indiana Department of Commerce for Industrial Development Infrastructure Funds (IDIP).

WHEREAS, the ZINA Corporation intends to locate on Bean Road;

WHEREAS, the ZINA Corporation requires sewer and water lines extensions;

WHEREAS, the ZINA Corporation needs road improvement for access to its property along Bean Road;

WHEREAS, the Clark County Board of Commissioners have granted approval to improve Bean Road;

WHEREAS, the Board of Aviation Commissioners have granted utility easements under certain conditions for sewer and water lines;

THEREFORE, LET IT BE RESOLVED, this 25th day of July, 1983 by the Sellersburg Town Board, that an application will be submitted to the Indiana Department of Commerce for Community Development Block Grant/Industrial Development Infrastructure Funds for the purpose of installing water and sewer extensions and improvements to Bean Road. The total amount of Industrial Development Infrastructure Program funds is \$90,000. Furthermore, the Sellersburg Town Board authorizes the President of the Board to execute all documents necessary for the submission of this application.

Anna L. McCartney
ATTEST

Carl E. Kerner

Nancy Welbeson

7/25/83
DATE

316 East Utica Street
P.O. Box 85

Town Of Sellersburg

Phone (812) 246-3821

Sellersburg, Indiana
47172

STATE OF INDIANA)
)
CLARK COUNTY)


BEFORE THE STATE BOARD OF TAX COMMISSIONERS

PETITION OF THE TOWN OF SELLERSBURG FOR RELIEF FROM PROPERTY TAX LEVY LIMITATIONS

The Petitioner, the Town of Sellersburg, pursuant to the procedures provided in IC 6-1.1-17-15 and IC 6-1.1-18.5-12, files this petition for relief from the limitations imposed by IC 6-1.1-18.5-12 and alleges:

1. This petition has been duly authorized by resolution of the Town Board of the Town of Sellersburg, a copy of which is attached.
2. The Town of Sellersburg anticipates that during calendar year 1984 the cost of providing fire protection through a volunteer fire program will increase by \$ 5,290.00 which is a 15% increase over the 1983 budgeted expenditures.
3. This increase results from the increased costs of utilities for the Fire station, increased costs of mandated insurance coverage, equipment replacement and acquisition, and fire hydrant rental.
4. The Town of Sellersburg anticipates much industrial development during the calendar year 1984. Through the Indiana Department of Commerce funding, this development can be greatly cultivated. Department of Commerce funding is based upon a 10% local matching.
5. Pursuant to I.C. 36-7-13-1, the Town of Sellersburg asks for a levy increase of \$.05 to establish an Industrial Development Fund.

The Petitioner asks the Board that the Town of Sellersburg be granted relief from the provisions of IC 6-1.1-18.5-12 and that pursuant to IC 6-a.a-18.5-12 and IC 36-7-13-1 it be allowed to impose an additional property tax levy sufficient to fund its 1984 fire protection increases and industrial development liability.



CARL E. KAMER, BOARD PRESIDENT

Dated September 9, 1983

RESOLUTION NO. 83-R-53

RESOLUTION AUTHORIZING APPEAL TO STATE BOARD
OF TAX COMMISSIONERS CONCERNING RELIEF FROM
PROPERTY TAX LEVY LIMITATIONS.

Be it resolved, by the Town of Sellersburg, Indiana, on the
21st day of September, 1983 that the Clerk-Treasurer
is hereby authorized to take whatever steps necessary to appeal
for the Town and seek relief from the property tax levy limita-
tions imposed upon the Town by the agents or the departments of
the State of Indiana.

RESOLVED this 21st day of September, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl Kamer
CARL KAMER, PRESIDENT

Nancy Hinton
NANCY HINTON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney
ANNA MCCARTNEY, CLERK-TREASURER

RESOLUTION NO. 83R54

A RESOLUTION APPROVING THE AMENDMENT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT REHABILITATION PROGRAM PERTAINING TO CURRENT SECTION 8 INCOME LIMITS FOR USE IN THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA

WHEREAS, the Department of Housing and Urban Development has approved an application for the use of Community Development Block Grant Funds in the Town of Sellersburg, Clark County, Indiana; and

WHEREAS, the Sellersburg Town Board is the designated authority to administer the Community Development Block Grant Program for the Town of Sellersburg; and,

WHEREAS, it is the desire and intent of the Board to provide residents of the approved Community Development Block Grant Target Area with a program to rehabilitate their homes including the correction of possible emergency situations; and

WHEREAS, as required by the Department of Housing and Urban Development, certain income eligibility guidelines must be included in the rehabilitation program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA, that this Board approves the attached documents entitled;

Current Section 8 Income limits for Clark County, Indiana

This document is approved for use in conjunction with the rehabilitation activities along with other Community Development activities for Sellersburg and the Board authorizes immediate implementation and use of current Section 8 income limits.

SO RESOLVED AT SELLERSBURG, CLARK COUNTY, INDIANA, THIS 27th DAY OF October, 1983.

SELLERSBURG TOWN BOARD
SELLERSBURG, INDIANA

Carl E. Kame

William R. Collier

Carol L. McCartney
ATTEST

H.U.D. SECTION 8 INCOME LIMITS
 80% of Median Income by Household Size
 3/1/83

<u>Location</u>	<u>1-Person</u>	<u>2-Person</u>	<u>3-Person</u>	<u>4-Person</u>	<u>5-Person</u>	<u>6-Person</u>	<u>7-Person</u>	<u>8-Person</u>
Bloomington	13,200	15,100	17,000	18,900	20,050	21,250	22,400	23,600
Cincinnati	15,500	17,750	19,950	22,150	23,550	24,950	26,300	27,700
Elkhart	14,400	16,450	18,500	20,550	21,850	23,100	24,400	25,700
Evansville	14,400	16,450	18,500	20,550	21,850	23,150	24,400	25,700
Fort Wayne	15,100	17,300	19,450	21,600	22,950	24,300	25,650	27,000
Gary-Hammond East Chicago	17,250	19,700	22,200	24,650	26,200	27,700	29,250	30,800
Indianapolis	15,450	17,650	19,850	22,100	23,450	24,850	26,200	27,600
Kokomo	15,050	17,200	19,350	21,500	22,850	24,200	25,550	26,900
Lafayette W. Lafayette	14,400	16,450	18,500	20,550	21,850	23,150	24,400	25,700
Louisville	14,150	16,200	18,200	20,250	21,500	22,750	24,050	25,300
Muncie	14,300	16,300	18,350	20,400	21,650	22,950	24,200	25,500
South Bend	14,500	16,600	18,650	20,700	22,000	23,300	24,600	25,900
Terre Haute	13,100	15,000	16,850	18,700	19,900	21,050	22,250	23,400
COUNTIES:								
Bartholomew	15,200	17,350	19,500	21,700	23,050	24,400	25,750	27,100
Benton	13,350	15,250	17,150	19,050	20,250	21,400	22,600	23,800
Blackford	13,000	14,850	16,700	18,550	19,700	20,900	22,050	23,200

RESOLUTION NO. 83-R-55

RESOLUTION EXPLAINING PURPOSE FOR REQUESTED RATE
OF RETURN ON PLANT IN RATE INCREASE HEARING FOR
SELLERSBURG'S MUNICIPALLY OWNED WATER UTILITY

Be it resolved by the Board of Trustees of the Town of Sellers-
burg:

1. That the Town has requested a 14.2% return in terms
of net operating income in ratio to the rate base for the return on
plant.

2. That the purpose of the return includes an addition
to the stated revenue requirements to retire the debt service re-
serve account and also includes a reasonable amount for inflation,
contingencies, and other unexpected events financially affecting
the Town's water utility.

3. And that the Town's financial situation is best pro-
tected by a 14.2% return on the plant and investment.

This Resolution is adopted and passed by the Board of Trustees
of the Town of Sellersburg, Indiana, this 10th day of November, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl Kamer
CARL KAMER, PRESIDENT

Nancy Wilkerson
NANCY WILKERSON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney
ANNA McCARTNEY, CLERK-TREASURER

RESOLUTION EXPLAINING PURPOSE FOR REQUESTED RATE
OF RETURN ON PLANT IN RATE INCREASE HEARING FOR
SELLERSBURG'S MUNICIPALLY OWNED WATER UTILITY

Be it resolved by the Board of Trustees of the Town of Sellersburg:

1. That the Town has requested a 14.2% return in terms of net operating income in ratio to the rate base for the return on plant.

2. That the purpose of the return includes an addition to the stated revenue requirements to retire the debt service reserve account and also includes a reasonable amount for inflation, contingencies, and other unexpected events financially affecting the Town's water utility.

3. And that the Town's financial situation is best protected by a 14.2% return on the plant and investment.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 10th day of November, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:


CARL KAMER, PRESIDENT


NANCY WILKERSON, BOARD MEMBER


WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:


ANNA MCCARTNEY, CLERK-TREASURER

RESOLUTION NO. 83-R-56

RESOLUTION AUTHORIZING AMERICAN UNITED LIFE
INSURANCE COMPANY TO ADMINISTER AND PROTECT
THE TOWN'S PENSION FUND FOR ITS EMPLOYEES OF
THE WATER AND SEWAGE DEPARTMENTS

BE IT RESOLVED by the Board of Trustees of the Town of Sellers-
burg:

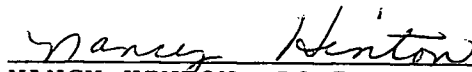
1. That the Town employs American United Life Insurance Company to administer and protect the pension fund of employees of the Town in the Water and Sewage Departments,
2. That a copy of the contract between the Town of Sellersburg and American United Life Insurance Company shall be attached to this Resolution and marked Exhibit A,
3. That the employees' payroll deduction to the pension fund shall be set at 3%,
4. That the Town of Sellersburg's contribution to the pension fund shall be 7.7%.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 28th day of November, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:



CARL KAMER, PRESIDENT



NANCY HINTON, BOARD MEMBER



WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:



ANNA MCCARTNEY, CLERK-TREASURER

RESOLUTION NO. 83-R-36

RESOLUTION AUTHORIZING AMERICAN UNITED LIFE INSURANCE COMPANY TO ADMINISTER AND PROTECT THE TOWN'S PENSION FUND FOR ITS EMPLOYEES OF THE WATER AND SEWAGE DEPARTMENTS

BE IT RESOLVED by the Board of Trustees of the Town of Sellersburg:

1. That the Town employs American United Life Insurance Company to administer and protect the pension fund of employees of the Town in the Water and Sewage Departments,
2. That a copy of the contract between the Town of Sellersburg and American United Life Insurance Company shall be attached to this Resolution and marked Exhibit A,
3. That the employees' payroll deduction to the pension fund shall be set at 3%,
4. That the Town of Sellersburg's contribution to the pension fund shall be 7.7%.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 28th day of November, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl Kamer
CARL KAMER, PRESIDENT

Nancy Hinton
NANCY HINTON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney
ANNA MCCARTNEY, CLERK-TREASURER

RESOLUTION NO. 83-R-56

RESOLUTION AUTHORIZING AMERICAN UNITED LIFE
INSURANCE COMPANY TO ADMINISTER AND PROTECT
THE TOWN'S PENSION FUND FOR ITS EMPLOYEES OF
THE WATER AND SEWAGE DEPARTMENTS

BE IT RESOLVED by the Board of Trustees of the Town of Sellers-
burg:

1. That the Town employs American United Life Insurance Company to administer and protect the pension fund of employees of the Town in the Water and Sewage Departments,
2. That a copy of the contract between the Town of Sellersburg and American United Life Insurance Company shall be attached to this Resolution and marked Exhibit A,
3. That the employees' payroll deduction to the pension fund shall be set at 3%,
4. That the Town of Sellersburg's contribution to the pension fund shall be 7.7%.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 28th day of November, 1983.

TOWN OF SELLERSBURG, INDIANA
BY ITS BOARD OF TRUSTEES:

Carl Kamer
CARL KAMER, PRESIDENT

Nancy Hinton
NANCY HINTON, BOARD MEMBER

William R. Collier
WILLIAM R. COLLIER, BOARD MEMBER

ATTEST:

Anna McCartney
ANNA MCCARTNEY, CLERK-TREASURER

TOWN OF SELLERSBURG

RESOLUTION NO. 83-R-57

A RESOLUTION FOR TRANSFER OF FUNDS

WHEREAS, it has been determined that it is now necessary to transfer funds from the Cumulative Capital Improvement Fund to the General Fund in order for the continuing operation of the Town.

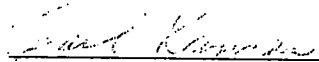
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Sellersburg, Indiana, that;

The sum of \$ 10,000100 is hereby transferred from the Cumulative Capital Improvement Fund to the General Fund of the Town of Sellersburg, Indiana.

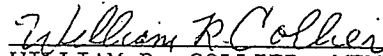
The effective date of this transferral is December 30, 1983.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 30th day of December, 1983.

TOWN OF SELLERSBURG




CARL KAMER, PRESIDENT



WILLIAM R. COLLIER, MEMBER

NANCY HINTON, MEMBER

ATTEST:



ANNA MC CARTNEY, CLERK-TREASURER

TOWN OF SELLERSBURG
RESOLUTION NO. 83-R-57

A RESOLUTION FOR TRANSFER OF FUNDS

WHEREAS, it has been determined that it is now necessary to transfer funds from the Cumulative Capital Improvement Fund to the General Fund in order for the continuing operation of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Sellersburg, Indiana, that;

The sum of \$ 10,000100 is hereby transferred from the Cumulative Capital Improvement Fund to the General Fund of the Town of Sellersburg, Indiana.

The effective date of this transferral is December 30, 1983.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 30th day of December, 1983.

TOWN OF SELLERSBURG

Carl Kamer
CARL KAMER, PRESIDENT

William R. Collier
WILLIAM R. COLLIER, MEMBER

NANCY HINTON, MEMBER

ATTEST:

Anna Mc Cartney
ANNA MC CARTNEY, CLERK-TREASURER

TOWN OF SELLERSBURG ,

RESOLUTION NO. 83-R-57

A RESOLUTION FOR TRANSFER OF FUNDS

WHEREAS, it has been determined that it is now necessary to transfer funds from the Cumulative Capital Improvement Fund to the General Fund in order for the continuing operation of the Town.

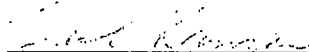
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Sellersburg, Indiana, that;

The sum of \$ 10,000100 is hereby transferred from the Cumulative Capital Improvement Fund to the General Fund of the Town of Sellersburg, Indiana.

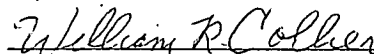
The effective date of this transferral is December 30, 1983.

This Resolution is adopted and passed by the Board of Trustees of the Town of Sellersburg, Indiana, this 30th day of December, 1983.

TOWN OF SELLERSBURG



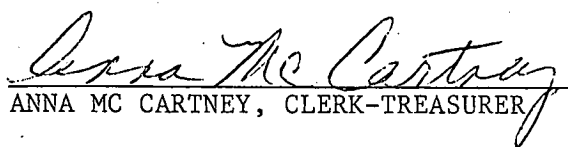
CARL KAMER, PRESIDENT



WILLIAM R. COLLIER, MEMBER

NANCY HINTON, MEMBER

ATTEST:



ANNA MC CARTNEY, CLERK-TREASURER